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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION (2025)

PUBLIC PETITIONS COMMITTEE

REPORT ON

THE CONSIDERATION OF PUBLIC PETITION P/NO. 69 OF 2023 BY MR. JOEL SONGOL AND FIVE OTHERS ON BEHALF OF KOIBEM VILLAGE SQUATTERS REGARDING A DELAY IN THE RESETTLEMENT OF SQUATTERS IN KOIBEM VILLAGE, CHEPKUMIA LOCATION, NANDI COUNTY

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|  THE NATIONAL ASSEMBLY PAPERS LAID | |
| DATE: 11 NOV 2025 | |
| DAY: Tuesday | |
| TABLED BY: | Hon. Eric Katemba, CBS (Chairperson, Public Petitions Committee) |
| CLERK-AT-THE-TABLE: | Afaba Moch |

**The Directorate of Audit, Appropriations
& General Purpose Committees**

The National Assembly

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SPEAKER'S OFFICE
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November, 2025

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ACRONYMS

National Land Commission (NLC)

Kenya Forest Service (KFS)

CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 69 of 2023 by Mr. Joel Songol and five others regarding the delay in resettlement of Squatters in Koibem Village, Chepkumia Location, Nandi County. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the RT. Hon. (Dr.) Moses F.M. Wetangula, EGH, MP, Speaker of the National Assembly, on behalf Mr, Joel Songol and five others representing Koibem Village Squatters.

The Petitioners prayed that the National Assembly, through the Public Petitions Committee, ensures that—

- i. The Cabinet Secretary for the Ministry of Lands, Physical Planning, Urban Development and Public Works to proceed to gazette the intended excision area;
- ii. The Cabinet Secretary for Environment, Forestry and Climate Change, to secure Cabinet Approval for the intended de-gazettement and seeks Parliamentary approval under Section 34 of the Forest Management and Conservation Act of 2016;
- iii. The Cabinet Secretary for the Ministry of Lands, Physical Planning, Urban Development and Public Works, to facilitate the issuance of new title deeds in the new registration area;
- iv. The relevant government agencies to consider waiving the registration costs for the new titles, given the years of frustrations; and
- v. The relevant government agencies to consider reallocating alternative lands within the same area to the seven (7) individuals whose parcels are uninhabitable and the two (2) individuals who received less acreage by amending the initial excision survey.

In consideration of the petition, the Committee engaged with the Petitioners, the Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development, the Cabinet Secretary, Ministry of Environment, Climate Change, Chief Conservator, Kenya Forest Service, and County Executive Member for Lands, Physical Planning, Housing, Water, Natural Resources and Climate Change County Government of Nandi. The Committee also conducted a field visit to Chepkumia Village in Nandi County and held meetings with various stakeholders.

The Committee noted that the Chepkumia Land Exchange Programme was initiated by the government in 1996 to resettle families in what was then known as Koibem and Ngerek villages in Nandi North District. The areas where the two (2) communities were living were very rocky and hilly. Thus, the Chepkumia land exchange programme intended to resettle the two communities from the hilly Chepkumia area to South Nandi Forest. The land exchange was to comprise 910.60 hectares in the Kaimosi block of South Nandi Forest along the Yala River. The Koibem Community was allocated 266.86 hectares, the Ngerek Community 455.45 hectares, and 188.29 hectares was reserved for public utilities.

In addition, the Committee observed that while the Koibem Community was successfully relocated under the Chepkumia Land Exchange Programme, the Ngerek Community was not relocated after the land earmarked for their resettlement was illegally occupied. Further the forest land allocated to the Koibem community was not degazetted, hindering the titling process.

The Committee also observed that the National Land Commission made the following recommended that the Kenya Forest Service to facilitate the degazettement of the excised area from Nandi South Forest to enable the issuance of title deeds to Ngerek and Koibem Communities on a land-for-land basis.

The Committee further observed that the Court of Appeal held that the recommendations made by the National Land Commission vide Gazette Notices: NLC/HLI/435/2018 and NLC/HLI/256/2018, dated 1st March 2019, have the force of law and are otherwise enforceable by a court. Further, the findings of the National Land Commission remained unchallenged.

In response to the prayers made by the petitioners, the Committee noted that the Cabinet Secretary for Environment, Forestry and Climate Change has since submitted a petition seeking the degazettement of the land in question to the National Assembly. Therefore, the Committee considered the matter taking in to account the petition seeking the degazettement of South Nandi Forest at Chepkumia. In addition, the Committee recognized that the petitioners have settled in the land in question since 1996

The Committee recommends that pursuant to section 34 of the Forest Conservation and Management Act, 2016 the National Assembly **approves** the variation of the boundaries of South Nandi Forest at Chepkumia to exclude a total area of 455.15 hectares, as follows:

- (i) 266.88 hectares for the settlement of the Koibem Community; and
- (ii) 188.29 hectares for public utilities.

The Committee also recommends that, upon the degazettement of the 455.15 hectares in South Nandi Forest, the Cabinet Secretary, Ministry of Lands, Physical Planning, Urban Development and Public Works, facilitates the demarcation of the area, the conduct of the necessary survey and the issuance of title deeds in the new registration area.

The Committee further recommends that the Director of Survey, in collaboration with the Nandi County Government, allocates new parcels of land to the seven (7) individuals, whose parcels are uninhabitable and the two (2) individuals who received less acreage, by amending the initial excision survey within the 266.88 hectares earmarked for the Koibem Community.

The Committee further recommends that within six (6) months of the adoption of this report by the House, the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry, in collaboration with the County Government of Nandi, the National Land Commission and the Cabinet Secretary, Ministry of Interior and National Administration facilitates the resettlement of the Ngerek Community in the 455.45 hectares, earmarked for the resettlement of the Community within the Nandi South Forest as envisioned in the Chepkumia Land Exchange Programme.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support, without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

Sign.....Date.....

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

I PREFACE

I.1 Establishment and mandate of the Committee

The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:

- a) considering all public petitions tabled in the House;
- b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
- c) recommending whether the findings arising from consideration of a petition should be debated; and
- d) advising the House and reporting on all public petitions committed to it.

I.2 Committee Membership

The Public Petitions Committee was constituted in October 2022 and comprises the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.

Runyenjes Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.

Turbo Constituency

United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.

Mavoko Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Edith Vethi Nyenze, M.P.

Kitui West Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Maisori Marwa Kitayama, M.P.

Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.

Baringo Central Constituency

United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, M.P.

Dagoreti North Constituency

Orange Democratic Movement (ODM)

Hon Suzanne Ndunge Kiamba, MP

Makueni Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Ntwiga Patrick Munene, M.P.

Chuka Igambang'ombe Constituency

United Democratic Alliance (UDA)

Hon. Bernard Muriuki Nebart, M.P.

Mbeere South Constituency

Independent

Hon. Bidu Mohamed Tubi, M.P.

Isiolo South

Jubilee Party (JP)

Hon. Peter Irungu Kihungi, M.P.

Kangema Constituency

United Democratic Alliance (UDA)

Hon. John Bwire Okano, M.P.

Taveta Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Peter Mbogho Shake, M.P.

Mwatate Constituency

Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.

Sabatia Constituency

United Democratic Alliance (UDA)

I.3 COMMITTEE SECRETARIAT

The secretariat comprises the following:

Mr. Leonard Machira
Principal Clerk Assistant II

Mr. Benard Kipchumba

Clerk Assistant III

Ms. Nancy Akinyi

Research Officer III

Ms. Roselyn Njuki

Senior Sergeant at Arms

Ms. Felister Muiya

Public Communications Officer

Mr. Clinton Sindiga

Legal Counsel Officer II

Mr. Arkan Mumin

Research Officer III

Mr. Calvin Karungo

Media Relations Officer

Mr. Peter Mutethia

Audio Officer

PART TWO

2 BACKGROUND OF THE PETITION

2.1 Introduction

1. Public Petition No. 69 of 2023, regarding a delay in resettlement of squatters in Koibem village, Chepkumia location, Nandi County, presented to the House on 22nd November, 2023, by the Rt. Hon. (Dr.) Moses F.M. Wetangula, EGH, MP, Speaker of the National Assembly, on behalf of Mr. Joel Songol and five others representing Koibem Village Squatters.
2. The Petitioners raised concerns about the inordinate delay in issuing new title deeds to residents of Koibem Village. The residents were moved in 1996 following the excision of 1,170 hectares in the Yala Block of South Nandi Forest to allow the resettlement of 351 people who were to be evacuated from the hilly and rocky Koibem area measuring 989.7 hectares.
3. Until the late 1990s, South Nandi Forest surrounded the larger Chepkumia Location and the vast Kaimosi Tea Estates, leaving an entry road near the Yala River through thick and sometimes quite insecure forest with robbers running amok, spreading terror, killing people and raping women. Koibem Village was rocky and hilly and located right by the forest.
4. In 1996, the Government of Kenya undertook to relocate the people of Koibem Village from their original land to a block in South Nandi Forest along the Yala River west of Nandi County in exchange for converting and gazetting the original land vacated by the community into a forest.
5. The excision process began with the authority granted by the then Minister for Environment and Natural Resources to resettle the Koibem people on the excised forest land with equal acreage.

6. On 2nd October 2015, hearings on land formalisation and regularization were conducted by the National Land Commission and the County Government of Nandi. The exercise entailed accepting existing developments, securing public utilities, and verifying the ownership of land allottees. All persons claiming rights to any parcel presented documents as proof of ownership.

7. During the Historical Land Injustices Hearing No: NLC/HCLI/435/2018 undertaken on 25th June 2018, the National Land Commission determined that—
 - i. The Kenya Forest Service (KFS) authorized the excision of 910.6 hectares, including 186 ha for public utilities and 266.86 ha for the Koibem Community. The survey did not provide a map of the excised land, and thus, the de-gazettement was not completed.

 - ii. The Koibem Community's claim was valid, and that new title deeds be issued upon handing over the title documents held by the residents of Koibe.m

 - iii. KFS to facilitate the de-gazettement of the excised area from Nandi South Forest to enable issuance of title deeds to the Koibem community on a land-to-land basis;

 - iv. The Director of Survey, together with the Nandi County Government, to expedite the excising of the forest area that KFS excised from the Nandi South Forest and hand it over to Koibem Community.

8. The Petitioners aver that since the concerned residents were moved out of their land and homes 29 years ago, the land they left behind has a mature, dense forest cover. However, most of the original title owners have died due to natural attrition, with many survivors suffering from depression. The lack of title deeds has exacerbated poverty by limiting access to bank credit, hindering land sales, and creating uncertainty about ownership.

9. The Petitioners, therefore, pray that the National Assembly engages relevant State agencies to ensure that all the squatters are settled.

2.2 Petitioner's Prayers

10. The Petitioners prayed that the National Assembly, through the Public Petitions Committee, ensures that—

- vi. The Cabinet Secretary for the Ministry of Lands, Physical Planning, Urban Development and Public Works to proceed to gazette the intended excision area;
- vii. The Cabinet Secretary for Environment, Forestry and Climate Change, to secure Cabinet Approval for the intended de-gazettement and seeks Parliamentary approval under Section 34 of the Forest Management and Conservation Act of 2016;
- viii. The Cabinet Secretary for the Ministry of Lands, Physical Planning, Urban Development and Public Works, to facilitate the issuance of new title deeds in the new registration area;
- ix. The relevant government agencies to consider waiving the registration costs for the new titles, given the years of frustrations; and
- x. The relevant government agencies to consider reallocating alternative lands within the same area to the seven (7) individuals whose parcels are uninhabitable and the two (2) individuals who received less acreage by amending the initial excision survey.

PART THREE

3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 The Petitioners

The representatives of the petitioners, accompanied by Hon. Moses Lelmengit, M.P., on Wednesday, 12th June, 2024, appeared before the Committee and submitted as follows —

11. In 1996, a presidential directive was issued to relocate residents in a forested area to new locations closer to the main road. The excision process began with one of the excision surveys paid for, and the excision authority was in 1999 via a letter dated 22nd March 1999. The Koibem village is already on the new land.
12. The administration in 2002 delayed the process, and no meaningful progress was made until the passage of the 2010 Constitution, the land-related legislation, and the National Land Commission Act. The enactment of the Forest Conservation and Management Act of 2016 marked a change in the procedure leading up to the degazettment and titling of forest land.
13. The delay in issuing titles has caused challenges for the community, including losses and damage spanning two decades.
14. In 2016, the County Land Management Board (CLMB) conducted a validation process that was favourable to the occupants/beneficiaries. The Senate recommended the conclusion of the exchange program, and the National Land Commission offered the conclusive recommendation, which was gazetted on 1st March 2019.
15. Although all the interventions were noble and in the best interests of the community, they have not been implemented; hence, the request for the Committee to intervene with a view to delivering justice to the community.
16. Chepkumia land was surrounded by hilly, rocky forests and tea farms, making it difficult and dangerous for the community to access the main road. Therefore, the government decided to resettle the residents from the hilly, rocky forest to an area near the main road, which is safer and better suited for agricultural production.
17. For about 27 years, the process has never been finalized, and the community has never received titles for the exchanged lands they occupy after being resettled.

18. In the twenty-seven (27) years, most of the original landowners had passed away, leaving their dependents unable to inherit, subdivide, or sell the lands due to uncertainty and lack of collateral. Additionally, they have spent resources seeking justice by visiting various government offices.
19. The petitioners held title deeds registered in the names of Nandi/Chepkumia for approximately 108 people who were resettled in the lower ground.
20. They were resettled on forest land with an equivalent acreage to their original land, about 1040 hectares for the 108 people. The newly occupied area is still forest land, but not a forest and has not been degazetted to allow for settlement. However, the government has taken over the original land and designated it as a forest, even planting trees.
21. The Petitioners had engaged the National Lands Commission (NLC), which gazetted its recommendation on 1st March 2019 for formalizing the process. Additionally, the community had engaged the Ministries in charge of Lands and Forestry to seek the degazettement of the area they have occupied.
22. The matter was raised in the Senate in the previous Parliament by the area Senator, but there was no conclusive documentation of how it was dealt with.
23. Despite being given similar acreage, the seven (7) individuals' land was rockier and wetter, making it unsuitable for farming. The two (2) individuals with less acreage noticed this after clearing the bushes, hence the need for a re-survey.

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

The Cabinet Secretary, Ministry of Lands, Public Works, Housing and Urban Development, Hon. Alice Wahome, appeared before the Committee on Thursday, 12th September, 2024, and submitted as follows—

24. The land in question was currently classified as forest land and needed to be de-gazette before the Ministry could issue titles. The process required approval from both the Cabinet and Parliament.
25. Efforts were underway to identify all forest lands requiring de-gazettement, which would be addressed collectively in a single Gazette Notice.

3.3 Ministry of Environment, Climate Change and Forestry

The Cabinet Secretary, Ministry of Environment, Climate Change and Forestry Hon. Adan B. Duale, EGH appeared before the Committee on Thursday, 5th December, 2024 and submitted as follows—

26. The genesis of the Chepkumia Land Exchange program was initiated by the Chepkumia Locational Development Leaders Meeting, chaired by the KANU Chairman- Chepkumia Location - Mr. Joel K Kitur, who petitioned the District Commissioner then to prioritize the resettlement of the Koibem people in Kaimosi block - Chepkumia Forest Land, as the community lacked adequate land for the development and expansion of public amenities in the Koibem Village. Another request for land Exchange was made by the Residents of Singoro Village, Kaptel Location, Nandi District, for 600 ha.
27. The Chepkumia land exchange was meant to benefit the Koibem and the Ngerek Communities. They were to exchange the land they were living in for part of the Kaimosi block land in Chepkumia Location. It was to be carried out in two phases: Phase I — Koibem Village residents, and Phase 2 — Ngerek residents.
28. The Koibem residents moved from their original area (Koibem Hills). By 2000, the Koibem Hills had 148 households. The Koibem people were settled in 2001/2002 after surrendering their original land. During the process, seven people were not settled as the land they were allocated was swampy and rocky, and the matter was resolved in subsequent meetings.
29. The programme's implementation was coordinated by the District Commissioner and the District Surveyor under the guidance of the Provincial Commissioner for the Rift Valley. The allocation was being done on an acre basis. The new Koibem (Yala) area was surveyed, and the draft Boundary Plan, though developed, was not submitted to facilitate degazettment; they are still holding to their titles, as the process of finalizing with the then Forest Department was stalled by Court cases instituted by the Ngerek community.
30. The Chepkumia Land exchange, though targeted to benefit deserving communities, did not materialize and collapsed after tribal and political interests took over center stage and several court cases undermined meaningful progress. From the outset, there was no political goodwill to resolve the Ngereks' issues, and they have persisted to this day.

31. These complications stalled the exchange process. The allocations in the Kapkangani area faced multiple problems of double allocations, selling of allocated plots, non-settlement of the original beneficiaries to the land, eviction orders and hence sought guidance on the next course of action to streamline the settlement process.
32. The Kenya Forest Service tried to have these matters addressed by the relevant authorities, but none has provided a satisfactory response.
33. Ministry of Environment, Climate Change and Forestry together with Kenya Forest Service, have acted on the issues as required by law and with best intentions; However, as detailed above, the success of these efforts depends on other parties and crucially honest and open participation of the communities on the ground in conjunction with the local leadership; therefore means that there is need to engage other stakeholders as demonstrated in the recommendations by the NLC.
34. The Ministry of Environment stated that the Chepkumia Land Exchange programme had good intentions to settle deserving people, but was hijacked by political and tribal interests; therefore, there was need to engage broadly with other stakeholders to find a lasting solution to the disputed Chepkumia Land Exchange Programme with stakeholders from the County and National Government Agencies.
35. The Land Exchange involving the Koibem Community settlement was done without any conflicts, and the process of initiating the surrender of Title Deeds from the beneficiaries should be commenced with the Government of Kenya (Kenya Forest Service). The area they currently occupy should be surveyed and formalized as an exchange.
36. The Survey and development of the cadastral map for the area they vacated and for the area currently in occupation should also be undertaken, and the final process of gazettment and degazettment of the areas fast-tracked to completion. This will enable KFS to fully secure the Koibem Hills area, which is currently without proper jurisdiction and in limbo.
37. The Ngerek Community continues to occupy their original land, and there has never been any intention on the part of the Kenya Forest Service to dispossess or evict them. The land they were supposed to benefit from was taken over for political expediency, and the court ruled that it revert to the Government for forest conservation and afforestation by KFS.

38. The Government is assessing the matters raised by Ngerek to develop an amicable and lasting solution, with the conservation of the moist rain forest as a priority.

39. NLC and the Ministry of Interior and National Administration to address historical land injustice as manifested in this public petition.

3.4 Site Visit to Ngerek Community

The Committee engaged with the petitioners, Ministry of Lands, Public Works, Housing and Urban Planning, the County Government of Nandi and the National Land Commission on Wednesday, 21st May 2025, in Chepkumia Village, Nandi County.

3.4.1 Ngerek Community

The Chairperson of Ngerek Community, Mr. John Amusibwa and the Vice Chairperson, Mr. Henry Kibiwot Kemboi submitted as follows—

40. In 1996, the President approved the allocation of land for the resettlement of the Ngerek Community following a formal request made on their behalf by Councillor Reuben Chirchir.
41. The resettlement involved relocating the community from Ngerek Hill in South Nandi to a portion of the South Nandi Forest under the Chepkumia Land Exchange programme.
42. The initiative aimed to relocate the Ngerek Community from the ecologically sensitive Ngerek Hill to preserve it and transform it into a conservation area.
43. The resettlement was to occur on an acre-for-acre basis in two phases, whereby Ngerek was designated as Phase 1 and Koibem as Phase 2. This was later reversed, making Koibem phase 1 (Chepkumia) and Ngerek Phase 2 (Kapkangani), with the Yala River serving as the boundary between them.
44. The District Commissioner and the District Surveyor were tasked with implementing the resettlement, starting with Koibem, where relocation proceeded successfully. However, the relocation of the Ngerek community was abruptly halted, allegedly due to interference.

45. During the verification process in Yala to confirm Ngerek residents, tension escalated, resulting in arrests and leading to several deaths. These events marked the beginning of a prolonged period of suffering and displacement for the Ngerek People.
46. The Ngerek Community sought redress through the National Government, but their efforts were hindered by political interference. Despite holding an affidavit from the Kenya Forest Service (KFS) affirming their right to resettlement, the community remains displaced nearly three decades later. On the other hand, Koibem settlers have fully established themselves on the land allocated to them.
47. On 10th July 2018, the National Land Commission (NLC) ordered the Nandi County Government to settle Ngerek squatters within six months. However, no tangible action followed, and subsequent inquiry revealed the case had been prematurely closed without resolution.
48. Further complicating matters, the land initially set aside for Ngerek resettlement was occupied by illegal settlers, reportedly with support from local administrators and politicians. This unauthorised occupation has rendered the original relocation plan unfeasible, leaving the Ngerek Community landless and marginalized.
49. The community decried public utilities such as roads, electricity and schools, which have affected their socio-economic status.
50. The Ngerek community now calls for immediate government intervention to fulfil the commitments made under the Chepkumia Land Exchange Programme. They are seeking both resettlement and compensation for the 29 years of hardships and displacement they have endured.
51. The community urged the Government to investigate the illegal land occupation and restore public utilities in the area, to seek long-overdue justice for the Ngerek community, and to take decisive action to address this historical land injustice.

3.4.2 National Land Commission

Mr. Anthony Waweru, the Nandi County Coordinator of the National Land Commission, submitted as follows—

52. The National Land Commission (NLC) was aware of the issues raised by the petitioners and is following up on the agreed recommendation that the Ngerek community was to surrender land to Kenya Forest Service (KFS) and in turn, KFS was to allocate alternative land to the community as part of the land exchange programme.
53. The process was meant to be coordinated in consultation with the Ministry of Lands, Public Works and Physical Planning, through the Department of Survey, to ensure proper demarcation and documentation.

3.4.3 Kenya Forest Service

Mr. John Momanyi, the Conservator, Nandi County and Mr. Collins Juma, Forestation Manager, Kenya Forest Service, submitted as follows—

54. Kenya Forest Service (KFS) had authorized an excision of 910.6 hectares from the Nandi South Forest to facilitate the resettlement process. The 910.6 hectares included 186 hectares for public utilities, 266.86Ha for the Koibem Community, and 465.4 Ha for the Ngerek Community.
55. However, KFS noted that the surveyed area was illegally extended by 300 Ha, a matter currently under dispute. Furthermore, the survey failed to provide a perimeter map of the excised area, which has delayed the degazettement process.
56. As part of the planned relocation, the Ngerek community was to be moved from Nandi South Forest and resettled alongside the Koibem community in a designated section of forest land near Kapkangani.
57. Despite the efforts, the Ngerek community remains on the original land in the Ngerek hills, as they have not surrendered their title deeds to the KFS. They await finalization of the land exchange program by KFS and the Ministry of Lands, Public Works, Housing and Urban Development.
58. The KFS was expected to facilitate the formal degazettement of the excised area from the Nandi South Forest to enable the completion of the resettlement and land formalization process.

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

Mr. Kibet Isaac Kerich, the North Rift Coordinator, Ministry of Lands, Public Works, Housing and Urban Development, submitted as follows—

59. The resettlement of the Koibem community was undertaken in 1996 by the Office of the President in collaboration with the Directorate of Surveys and the Forest Department. It was an exchange program that involved relocating the community from their native titled lands to a portion of South Nandi Forest measuring approximately 266.8 Ha. The community's ancestral land was found to be hilly and prone to environmental degradation. The same land exchange program was to involve members of the Ngerek community.
60. In 1999, vide a letter Ref. **No. CON /ED/67/Vol. I/XVI/ 164**, the Chief Conservator of Forests authorized the excision of 1170 Ha from the Yala block of South Nandi Forest for the program. The beneficiaries were required to surrender their titles to their ancestral lands in exchange for the allocation of alternative land excised from the forest.
61. The Koibem community was resettled, but the Ngerek community remained on their land due to some outstanding issues on the ground.
62. The Ministry was not in a position to issue titles to members of the Koibem Community because the area they were resettled in is still a forest reserve and must be degazetted in accordance with the provisions of the Forest Conservation and Management Act, Cap 385, Laws of Kenya. Section 34 of the Act gives guidelines on the variation of boundaries or the revocation of public forests. KFS, in conjunction with the Ministry of Environment, ought to initiate the process of degazetment.

3.5 Site Visit to Koibem Community

The Committee met with the petitioners, officials of the Ministry of Lands, Public Works, Housing and Urban Planning, the County Government of Nandi and the National Land Commission on Wednesday, 21st May 2025, at St. Andrews Chepkoiya Primary School, Chepkumia Village, Nandi County.

3.5.1 Koibem Community

The Chairperson of Koibem Community, Mr James Yego submitted as follows—

63. The issues date back to 1985, when the President was en route to Vihiga and passed through the Chepkumia sub-location. Upon observing the settlement in what seemed like forest land, President Moi directed the Chief Forester to investigate.
64. In 1996, official resettlement began. The District Commissioner and the District Forester informed the community of the government's plan to relocate them from the forest area. The land was to be exchanged acre for acre under a government resettlement program.
65. In 1997, relocation efforts began under the supervision of the District Commissioner and the District Surveyor. The community was later instructed to return to the forest, stalling the relocation process.
66. In August 1998, discussions resumed at the Kenya Forest Service (KFS) headquarters in Karura. By the end of the year, KFS granted the necessary authority for the land transfer, and in 1999, a formal letter of authorization was issued.
67. The community, accompanied by the paramount chief and the KANU chairman, led the process, and the community was told to pay its share of the costs. On 26th to 29th August, 1999, the Ngerek community officially settled on the new land, marking the beginning of the Chepkumia Land Exchange programme along the Yala border, on an acre-for-acre basis until 2013.
68. In 2013, the community participated in a Historical land injustice hearing in Eldoret involving Nandi, Elgeyo Marakwet, Uasin Gishu and Trans Nzoia Counties. In 2014, the Nandi County Land Management Board held a meeting with the community, promising to resolve the land issues.
69. By 2015, the Board finalized the land formalization process, and the county land coordinator visited the village and confirmed the process. Officials from the National Land Commission and the Land Adjudication also came to oversee the land verification.
70. In 2018, the community was invited to Ardhi House for a historical land injustice inquiry conducted by the NLC under the chairmanship of Mr. Tororei. A ruling was issued in February 2019, and on 1st March, 2019, the decision was officially gazetted by the NLC.

71. In 2023, the community met with the Principal Secretary for Lands. However, due to a lack of political goodwill, progress stalled once again. In response, the community submitted a formal petition to the Parliament of Kenya through the Public Petition Committee seeking redress and implementation of the resettlement and land formalization commitments.

72. The available public utilities include the Church, Koibem Primary School, a dispensary, a vocational college, Holy Rosary Secondary School, River Yala Primary School, and St. Andrews Primary School.

3.5.2 National Land Commission

Mr. Anthony Waweru, the Nandi County Coordinator of the National Land Commission, submitted as follows—

73. The National Land Commission has finalized the process and officially gazetted the excision of the land from forest reserve status to public land for the people of Koibem. The next step lies with the Ministry of Lands to conduct the final survey and issue the title deeds.

74. The degazettment has been completed, officially changing the land status forest reserve to public land.

3.5.3 Kenya Forest Service

Mr. John Momanyi, the Conservator, Nandi County and Mr. Collins Juma, Forestation Manager, Kenya Forest Service, submitted as follows—

75. Kenya Forest Service (KFS) authorized an excision of 910.6 Ha, which included 186 Ha for public utilities and 266.86 Ha for the Koibem Community. However, the survey did not provide the map of the land excised, so the degazettelement had not been completed.

76. Koibem faced several challenges that hindered the full implementation of the land exchange program. Political interference prevented some individuals from participating in the exchange.

77. The Kenya Forest Service will seek approval of the degazettelement process from the Chief Conservator of Forests.

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

Mr. Kibet Isaac Kerich, the North Rift Coordinator, Ministry of Lands, Public Works, Housing and Urban Development, submitted as follows—

78. The Ministry of Lands was currently awaiting the Kenya Forest Service to complete the degazettement process. Once this is finalized, a government surveyor would demarcate the area, conduct the necessary survey and facilitate issuance of titles.

3.6 Kenya Forest Service

The Chief Conservator of Forests, Mr Alex Lemarkoko appeared before the Committee on 17th June, 2025 and submitted as follows—

79. The discussions on the Chepkumia village Land Exchange programme began during a Chepkumia Locational Development Leaders meeting, chaired by the KANU chairman- Chepkumia Location, Mr. Joel K. Kitur, who petitioned the then District Commissioner to prioritize the resettlement of Koibem in Kaimosi block- Chepkumia Forest Land, as the community lacked adequate land for the development and expansion of public amenities in the Koibem Village.
80. The Chepkumia Land Exchange Programme was initiated by the government in 1996 to resettle families in what was then known as Koibem and Ngerek villages in Nandi North District. The areas where the two (2) communities were living were very rocky and hilly. Thus, the Chepkumia land exchange was authorized by the President to resettle the two communities from the hilly Chepkumia area to South Nandi Forest, which is classified as a “moist forest”, which is good for agriculture.
81. The Koibem community inhabited the Koibem (hills) villages in Chepkumia Location. The exchange programme of Koibem Hills was completed in phase one (I). However, there were delays occasioned by—
 - i. Outstanding surrender of the land title from the resettled Koibem community. This surrender needed to be coordinated by the National Land Commission (NLC) and the Ministry of Interior and National Administration; and

ii. Commencement of the gazettment of Koibem hills and the de-gazettement of the forest area now under occupation by the Koibem Community.

82. The Chief Conservator of Forests submitted that the Ngerek Community have not been settled in the intended area of the gazetted forest because, at the time when resettlement was to be effected, it was found that other people had already been fraudulently and illegally settled in the proposed settlement area. This illegality was established by the determination of the National Land Commission vide Historical Land Injustice Committee Ref. No. NLC/HLI/435/2018; NLC/256/2017; Kisumu Civil Suit No. 76 of 2003; and the Ndungu report, with a recommendation that the land reverts to the Government.

83. Should the original intention of settling the Ngerek be realized, due process should and must be followed and an alternative plan to deal with the illegally settled individuals provided.

84. The Chief Conservator stated that the South Nandi Forest was first gazetted through Proclamation No. 76 of 1936 and later declared a Central Forest under Legal Notice No. 174 of 1964, covering an approximate area of 17,960.50 hectares.

85. In 1996, the Chepkumia Land exchange was authorized and was to resettle people from the hilly Chepkumia area of Ngerek and Koibem. The land exchange was to comprise 910.60 Ha in the Kaimosi block of South Nandi Forest along the Yala River. The Land Exchange Programme was initiated following a Presidential Pronouncement during a 1996 tour of the Nandi District.

86. The area was to be excised by setting aside land as follows—

| S/No | Specific Area Coverage | Area (Ha) |
|-------------|-------------------------------|------------------|
| 1 | Koibem Hill | 266.86 |
| 2 | Ngerek Hil | 455.45 |
| 3 | Public Utilities | 188.29 |
| | Total | 910.60 |

87. The Chief Conservator of Forests informed the Committee that the minority Ngerek Community, comprising approximately 244 families, reside in the South Nandi Forest at Ngerek Village, Chepkumia Location, Emgwen Constituency, Nandi County. The community, predominantly of Luhya origin, occupies the Ngerek Hills bordering the South Nandi Forest near the Kobujoi area, to the north of Nandi County along the boundary with Western Kenya.
88. The Koibem Community, predominantly of Kalenjin descent, originally inhabited the rocky and hilly Koibem area in Chepkumia Location, bordering the South Nandi Forest on the Kobujoi side. The area had been adjudicated, and 108 title holders were identified for relocation under Phase One of the Chepkumia Land Exchange Programme covering 268 hectares. The community subsequently moved west of the Yala River to the Koibem Settlement Scheme, comprising about 200 households on 107 land parcels totalling approximately 266.86 hectares. However, the residents have not surrendered their original title deeds as required.
89. In April 2009, the enlistment of all title holders in Koibem was conducted, and a total of one hundred and twenty-eight (128) owners were recorded. The final de-gazettement process is yet to be undertaken due to complications arising from the Kapkangani area of the exchange program.
90. The Chepkumia land exchange was meant to benefit the Koibem and Ngerek communities. They were to exchange the land they were living in for part of the Kaimosi block land in Chepkumia Location. It was to be carried out in two phases: Phase 1 — Koibem Village Residents, and Phase 2 — Ngerek Residents.
91. Koibem residents are of Kalenjin origin and moved from their initially occupied area (Koibem Hills). By 2000, the Koibem Hills had 148 households. The Koibem people were settled in 2001/2002 after surrendering their original land, in the South Nandi Forest. During the process, seven people were not settled as the land they were allocated was swampy and rocky, but the matter was resolved in subsequent meetings.

92. The implementation of the programme was coordinated by the District Commissioner and the District surveyor under the guidance of the Rift Valley Provincial Commissioner. The allocation was being done on an acre-to-acre basis. The new Koibem (Yala) area was surveyed, and a draft boundary plan, though developed, was not submitted to facilitate de-gazettement. The residents are still holding to their titles as the process of finalizing with the then Forest Department was stalled by court cases instituted by the Ngerek community.
93. The Chepkumia Land Exchange, though targeted to benefit deserving communities, did not materialize and collapsed after tribal and political interests took centre stage and several court cases undermined any meaningful progress. From the outset, there was no political goodwill to settle the Ngerek, and the theatrics have continued to date.
94. These complications stalled the exchange process. The allocation in the Kapkangani area faced multiple problems, including double allocations, the sale of allocated plots, the failure to settle the original beneficiaries to the land, and eviction orders. It hence sought guidance on the next course of action to streamline the settlement process.
95. The Chief Conservator of Forests informed the Committee that, as a way forward, the survey and de-gazettement of the land shall be carried out by the Kenya Forest Service through the Ministry of Environment, Climate Change and Forestry, alongside other proposed de-gazettements approved by the cabinet.
96. The Kenya Forest Service, whose mandate is to protect, conserve and manage forest areas, will work with other Government agencies to repossess the encroached forest areas.

3.7 The County Government of Nandi

The County Executive Committee Member (CECM) for Lands, Physical Planning, Housing, Water, Natural Resources and Climate Change, Nandi County, Hillary Serem, appeared before the Committee on 23rd September, 2025 and submitted as follows:

97. The County Government of Nandi recognized the Koibem land exchange program as a constitutional and legal obligation dating back to a 1996 presidential directive mandating relocation from South Nandi Forest to land near the Kapsabet–Kisumu Road.

98. An excision survey was authorized in 1999, and an initial relocation was undertaken. However, the 2002 transition of government disrupted continuity, leaving residents without title deeds nearly 30 years later.

99. Regarding subsequent developments, the CECM stated that:

- a. The promulgation of the Constitution of Kenya, 2010, together with the enactment of key land statutes – including the Land Act (2012), Land Registration Act (2012), and National Land Commission Act (2012) and the Forest Management and Conservation Act of 2016, revived the framework for lawful action, setting the stage for renewed progress on the land exchange.
- b. In 2016, the defunct County Land Management Board (CLMB) conducted a beneficiary validation exercise that confirmed the eligibility of Koibem residents for allocation under the land exchange program.
- c. In 2019, the National Land Commission (NLC) recommended the conclusion of the land exchange and issued a Gazette Notice approving the variation of the forest boundary.

Despite these efforts, residents continue to occupy gazetted forest land without titles, underscoring the urgent need for decisive action.

100. Regarding the position of the County Government of Nandi on the matter, the Committee was informed that the county government supported the petition and:

- a) Recognized the Koibem matter as a historical land injustice that requires urgent redress.
- b) Affirmed its role in planning, survey, and public participation to complete the relocation and titling.
- c) Committed to providing support in line with its mandate, working with this Committee and relevant agencies.

101. Regarding pending court matters involving the land in question, the CECM stated that the matter in court filed by the Ngerek did not involve the approximately 268 Ha of land the petitioners sought to have degazetted. He further noted that the Ngerek Community were not relocated and continues to reside on their original land. He added that the County Government would engage with the Ngerek community to seek their willingness to withdraw from the ongoing court case
102. The Committee was also requested to consider recommending the allocation of land for public utilities, such as education, health, and markets, and to earmark land for degazettement, while ensuring compliance with legal and environmental requirements.
103. The CECM emphasized that Koibem's case should be prioritized due to nearly 30 years of uncertainty due to the lack of title deeds, which had severely impacted their livelihoods and dignity. The lack of title deeds has prevented residents from accessing loans and government programs, such as the Agricultural Finance Corporation (AFC), disadvantaging them compared to neighbouring communities with title deeds.
104. He further informed the Committee that the County Government stated that it will implement a comprehensive public participation process to validate genuine beneficiaries, remove illegitimate claims, and ensure transparency. Engaging the community in this manner will help protect the rights of legitimate landowners and mitigate the risk of unauthorized claims.
105. The CECM also noted that the original acre-for-acre survey was preliminary and failed to account for riparian zones and rocky, uninhabitable land, resulting in inequitable allocations. He emphasized that a fresh survey was necessary to ensure environmental compliance, fairness, and the allocation of habitable land to all beneficiaries.
106. The CECM stated that the lack of de-gazettement of the forest land was a significant impediment to completing the Koibem relocation and titling process. He also noted that de-gazettement required both Cabinet and Parliamentary approval before affected communities could legally receive title deeds for the allocated land.

107. The Committee was also informed that the County Government would implement a comprehensive public participation process to validate genuine beneficiaries, remove illegitimate claims, and ensure transparency. The engagement would also protect the rights of legitimate landowners and mitigate the risk of unauthorized claims.
108. The CECM proposed the following recommendations to address the prayers sought by the petitioners:
- a. Parliament should approve the alteration of forest boundaries in line with Section 34 of the Forest Conservation and Management Act, 2016, as a necessary step to conclude the Koibem land exchange process. In addition, Parliament should designate clear timelines for implementation and reporting by all relevant state agencies to ensure accountability, timely execution, and effective oversight of the resolutions passed.
 - b. The Cabinet Secretary for Environment, Climate Change and Forestry should secure Cabinet and Parliamentary approval for the de-gazettement of the excision area. Once approval is obtained, the Cabinet Secretary should proceed to formally gazette the excised land, thereby providing the statutory and legal framework required to complete the relocation and titling process. This action must fully comply with Section 34 of the Forest Conservation and Management Act, 2016.
 - c. The Ministry of Lands, through the Department of Settlement and the National Titling Centre, should expedite the survey, demarcation, and issuance of title deeds to all verified Koibem beneficiaries. To provide equitable redress for the nearly three decades of administrative delays, the costs of registration and titling should be waived, with the ministry covering the field officers' expenses.
 - d. The initial excision plan should also be amended to cater for disadvantaged families who received inadequate or uninhabitable parcels, while securing riparian zones and allocating land for essential public utilities.

- e. Parliament, through the Committee, should formally designate Koibem as a Historical Land Injustice case under Article 67(2)(e) of the Constitution, thereby directing the National Land Commission to expedite the implementation of redress mechanisms for the affected community.
- f. All relevant national government agencies (including the Ministry of Lands, the Ministry of Environment, and the National Land Commission) are to work in close partnership with the County Government of Nandi in completing surveys, beneficiary validation, and community engagement, and to ensure that the outcomes of this process are integrated into the County's spatial and development plans for sustainable implementation.
- g. Upgrade existing community facilities, including Koibem Vocational Training Centre, Koibem Dispensary, ACK St. Andrews School, and Yala Market, alongside establishing land banks for future public investments and cultural shrines.

3.8 The Ministry of Environment, Climate Change and Forestry

The Cabinet Secretary for Environment, Climate Change and Forestry, Dr. Deborah M. Barasa, formally submitted a Petition to the National Assembly pursuant to Section 34 of the Forest Conservation and Management Act, vide a letter **Ref: MEG F/C5/222/2025/VOL. XVI** dated 6th October 2025 as follows;

- 109. The Ministry of Environment, Climate Change and Forestry established an interministerial committee to review several petitions received by the ministry and established that the claimed areas are currently occupied and the inhabitants are engaged in activities not related to forestry.
- 110. The Kenya Forest Board recommended that the regularization of the settlement should be effected; subsequent to this the recommendations, the Ministry prepared and presented a joint Cabinet Memorandum on determination of public forest land claims to Cabinet.
- 111. The Cabinet considered the Cabinet Memorandum and approved the variation of the said public forest boundaries to regularize the settlements by the petitioners.

112. Therefore, the Ministry presented its petition pursuant to Article 37,62 and 119 of the Constitution as well as section 34 of the Forest Conservation and Management Act Cap 385 Laws of Kenya. The Forest Conservation and Management Act 385 is giving effect to Article 69 of the Constitution with regard to forest resources. Section 34 of the Act empowers any person to submit a Petition to Parliament, to recommend a proposal to vary the boundary or revoke the registration of a public forest
113. The Ministry brings this petition and intends to execute the de-gazettement in phases prioritizing the case of South Nandi Forest (Chepkumia) for the regularization of settlement as follows;
- i. **South Nandi Forest** was declared via Proclamation No. 76 of 1936 as a Forest area and declared a Central Forest Vide Legal Notice No. 174 of 1964 with an area of 17,960.50 Ha approximately.
 - ii. **Justification:** Farmers on hilly terrain of Chepkumia exchanged their land with Forest Land. The area recommended for de-gazettement is approximately 989.17 Ha and the area is fully settled.
114. The Ministry humbly prays that Parliament to consider the Petition and issue appropriate orders.

PART FOUR

12 COMMITTEE OBSERVATIONS

13 Upon hearing from the Petitioner, with the various stakeholders, including the National Lands Commission, and Ministry of Lands, Public Works, Housing and Urban Development, Kenya Forest Service and County Government of Nandi the Committee made observations on various concerns raised by the petitioners as follows—

1. The Chepkumia Land Exchange Programme was initiated by the government in 1996 to resettle families in what was then known as Koibem and Ngerek villages in Nandi North District. The areas where the two (2) communities were living were very rocky and hilly. Thus, the Chepkumia land exchange programme intended to resettle the two communities from the hilly Chepkumia area to South Nandi Forest. The land exchange was to comprise 910.60 hectares in the Kaimosi block of South Nandi Forest along the Yala River. The Koibem Community was allocated 266.86 hectares, the Ngerek Community 455.45 hectares, and 188.29 hectares was reserved for public utilities.
2. The programme's implementation was coordinated by the District Commissioner and the District Surveyor under the guidance of the Provincial Commissioner for the Rift Valley. The allocation was done on an acre-for-acre basis.
3. The Chief Conservator of Forests, vide a letter Ref. **No. CON /ED/67/Vol. I/XVI/ 164**, authorized the excision of 1170 hectares from the Yala block of South Nandi Forest for the programme in 1999. The beneficiaries were required to surrender their titles to their ancestral lands in exchange for the allocation of alternative land excised from the forest.
4. While the Koibem Community was successfully relocated under the Chepkumia Land Exchange Programme, the Ngerek Community was not relocated to its original area after the land earmarked for its resettlement was illegally occupied.
5. Even though the Koibem community relocated to the allocated area in 1996 and surrendered their title deeds for the land they initially occupied, the forest land allocated to the Koibem community was not degazetted, hindering the titling process.

6. There is a need to degazette the 266.86 hectares of forest land allocated to the Koibem community, as well as the 188.29 hectares reserved for public utilities, to facilitate the issuance of title deeds to the petitioners to promote their security of tenure.
7. The Committee noted that the National Land Commission found that both Koibem and Ngerek Communities have a valid claim because they were exchanging land for land with the Kenya Forest Service. The National Land Commission also found that although the Koibem have taken possession of the area given to them by the Kenya Forest Service, the
8. Ngerek Community did take possession because the land earmarked for their settlement is occupied.
9. The National Land Commission made the following recommendations vide Gazette Notices: NLC/HLI/435/2018 and NLC/HLI/256/2018 dated 1st March 2019:
 - (i) The Kenya Forest Service to facilitate the degazettement of the excised area from Nandi South Forest to enable the issuance of title deeds to Ngerek and Koibem Communities on a land-for-land basis.
 - (ii) The Director of Survey, together with the Nandi County Government, to expedite the excision of the forest area that the Kenya Forest Service excised from Nandi South Forest and hand it over to the Ngerek and Koibem Communities.
10. The Court of Appeal in *Lunyasi and 3 others (Suing for and on behalf of 244 Ngerek Community Families/Members) versus Kenya Forest Service & 5 others (Petition E001 of 2023)* held that the recommendations made by the National Land Commission vide Gazette Notices: NLC/HLI/435/2018 and NLC/HLI/256/2018, dated 1st March 2019, have the force of law and are otherwise enforceable by a court. The same is a binding pronouncement and creates rights and obligations, which are amenable to being actualized and can thus not be discarded, disregarded and or otherwise overlooked. Further, the findings of the National Land Commission hereinabove remain unchallenged.
11. The Cabinet Secretary, Ministry of Environment, Climate Change and Forestry has since submitted to the National Assembly a petition seeking the degazettement of 989.17 hectares. This includes the 455.45 hectares meant for the resettlement of the Ngerek Community as contemplated in the Chepkumia Land Exchange programme, despite the fact that the Ngerek Community has not been settled in the area .

PART FIVE

14 COMMITTEE RECOMMENDATIONS

Pursuant to the provisions of Standing Order 227, the Committee responds to the prayers as follows—

1. On the prayer that the Cabinet Secretary for Environment, Forestry and Climate Change to secure Cabinet Approval for the intended de-gazettement and seeks Parliamentary approval under Section 34 of the Forest Management and Conservation Act of 2016, The Committee notes that the Cabinet Secretary for Environment, Forestry and Climate Change has since submitted a petition seeking the degazettement of South Nandi Forest at Chepkumia area to the National Assembly. In addition, the Committee recognizes that the petitioners have settled in the land in question since 1996.

The Committee recommends that pursuant to section 34 of the Forest Conservation and Management Act, 2016 the National Assembly approves the variation of the boundaries of South Nandi Forest at Chepkumia to a total area of 910.62 hectares, as follows:

- a) **455.15 hectares for the settlement of the Ngerek Community;**
 - b) **266.88 hectares for the settlement of the Koibem Community;**
 - c) **188.29 hectares for public utilities.**
2. On the prayer that the Cabinet Secretary, Ministry of Lands, Physical Planning, Urban Development and Public Works, to facilitate the issuance of new title deeds in the new registration area and to waive the registration costs for the new titles, **The Committee recommends that, upon the de - gazettement of the 455.15 hectares in South Nandi Forest, the Cabinet Secretary, Ministry of Lands, Physical Planning, Urban Development and Public Works, facilitates the demarcation of the area, the conduct of the necessary survey and the issuance of title deeds in the new registration area.**


3. On the prayer that the relevant government agencies to consider reallocating alternative lands within the same area to the seven (7) individuals whose parcels are uninhabitable and the two (2) individuals who received less acreage by amending the initial excision survey, **The Committee recommends that the Director of Survey, in collaboration with the Nandi County Government, allocates new parcels of land to the seven (7) individuals, whose parcels are uninhabitable and the two (2) individuals who received less acreage, by amending the initial excision survey within the 266.88 hectares earmarked for the Koibem Community.**

4. The Committee notes that the Court of Appeal in Lunyasi and 3 others (Suing for and on behalf of 244 Ngerek Community Families/Members) versus Kenya Forest Service & 5 others (Petition E001 of 2023)(26th February 2025) judgement held that the recommendations made by the National Land Commission vide Gazette Notices: NLC/HLI/435/2018 and NLC/HLI/256/2018, dated 1st March 2019, have the force of law and **recommends that within six (6) months of the adoption of this report by the House, the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry, in collaboration with the County Government of Nandi, the National Land Commission and the Cabinet Secretary, Ministry of Interior and National Administration facilitates the resettlement of the Ngerek Community in the 455.45 hectares, earmarked for the resettlement of the Community within the Nandi South Forest as envisioned in the Chepkumia Land Exchange Programme.**

Signed:  _____

Date: 11/11/2025

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

| | |
|---|--|
|  THE NATIONAL ASSEMBLY PAPERS LAID | |
| DATE: 11 NOV 2025 | |
| DAY. Tuesday | |
| TABLED BY: | 28 Hon. Eric Karemba, CBS Chairperson, Public Petitions Committee |
| CLERK-AT THE-TABLE: | Afabo Medo |

ANNEXTURES

Annex 1: The Adoption List

Annex 2: Public Petition No.

Annex 3: Minutes of **40TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON WEDNESDAY, JUNE 12, 2024,**

Annex 4: Minutes of **MINUTES OF THE 52nd SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, SEPTEMBER 12, 2024,**

Annex 5: Minutes of **MINUTES OF THE 44th SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, NOVEMBER 7, 2025,**



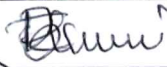


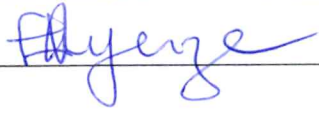
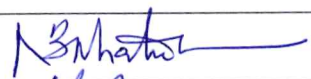


PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

(i) Consideration and adoption of the Report on Public Petition No. 69 of 2023 by Messrs. Joel Songol and five others representing Koibem Village Squatters, regarding Delay in Settlement of Squatters in Koibem village, Ngerek village, Chepkumia Location in Nandi County

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 6/11/2025

| | HON. MEMBER | SIGNATURE |
|-----|---|---|
| 1. | Hon. Muchangi Karemba, CBS, M.P. (Chairperson) |  |
| 2. | Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson) |  |
| 3. | Hon. Patrick Makau King'ola, M.P. | |
| 4. | Hon. Beatrice Kadeveresia Elachi, CBS, M.P. |  |
| 5. | Hon. Joshua Chepyegon Kandie, M.P. |  |
| 6. | Hon. Maisori Marwa Kitayama, M.P. |  |
| 7. | Hon. Edith Vethi Nyenze, M.P. |  |
| 8. | Hon. Patrick Ntwiga Munene, M.P. | |
| 9. | Hon. Bidu Mohamed Tubi, M.P. | |
| 10. | Hon. (Eng.) Bernard Muriuki Nebart, M.P. |  |
| 11. | Hon. Peter Mbogho Shake, M.P. |  |
| 12. | Hon. Suzanne Ndunge Kiamba, M.P. | |
| 13. | Hon. John Bwire Okano, M.P. | |
| 14. | Hon. Sloya Clement Logova, M.P. | |
| 15. | Hon. Peter Irungu Kihungi, M.P. |  |

Thirteenth Parliament
Fourth Session

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 44TH SITTING OF THE PUBLIC PETITIONS COMMITTEE
HELD ON THURSDAY, 6TH NOVEMBER, 2025 IN COMMITTEE ROOM 24 5TH
FLOOR BUNGE HOUSE, PARLIAMENT BUILDINGS

PRESENT

1. Hon. Eric Muchangi Karemba, M.P. Chairperson
2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. Vice-Chairperson
3. Hon. (Eng.) Bernard Nebart Muriuki, M.P.
4. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
5. Hon. Peter Irungu Kihungi, M.P.
6. Hon. Edith Vethi Nyenze, M.P.
7. Hon. Maisori Marwa Kitayama, M.P.
8. Hon. Joshua Chepyegon Kandie, M.P.
9. Hon. Peter Mbogho Shake, M.P.

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Peter Mbogho Shake, M.P.
3. Hon. Suzanne Ndunge Kiamba, M.P.
4. Hon. Bidu Mohamed Tubi, M.P.
5. Hon. Sloya Clement Logova, M.P.
6. Hon. John Bwire Okano, M.P.

IN ATTENDANCE

SECRETARIAT

- | | |
|--------------------------|------------------------------|
| 1. Mr. Leonard Machira | Principal Clerk Assistant II |
| 2. Mr. Bernard Toroitich | Clerk Assistant III |
| 3. Mr. Clinton Sindiga | Legal Counsel II |
| 4. Ms. Nancy Akinyi | Research Officer III |
| 5. Mr. Arkan Mumin | Research Officer III |
| 6. Mr. Calvin Karungo | Media Relations Officer III |
| 7. Mr. Peter Mutethia | Audio Officer |

MIN./PPC/2025/222:

PRELIMINARIES

The Chairperson called the meeting to order at 11:40 am. with the Prayer. A round of self-introductions was then conducted before proceeding with the business of the day.

MIN./PPC/2025/223:

ADOPTION OF AGENDA

The Committee then adopted the agenda as listed hereunder on the proposal of Hon. (Eng.) Bernard Nebart Muriuki, M.P, and seconded by Hon. Maisori Marwa Kitayama, M.P.

AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. **consideration and adoption of the following reports:**
 - (i) **Report on Public Petition No. 69 of 2023 by Messrs. Joel Songol and five others representing Koibem Village Squatters, regarding Delay in Settlement of Squatters in Koibem village, Ngerek village, Chepkumia Location in Nandi County; and**
 - (ii) **Report on Public Petition No. 11 of 2023 by Mr. Boniface Otieno Opere of Tim Kinda Self – Help Group, regarding Illegal acquisition of private land by the defunct Awendo Town Council**
6. Any Other Business
7. Adjournment

MIN./PPC/2025/224:
SITTINGS

CONFIRMATION OF MINUTES OF PREVIOUS

The Agenda was deferred.

MIN./PPC/2025/225:

CONSIDERATION OF A REPORT ON PUBLIC PETITION NO. 69 OF 2023 BY MESSRS. JOEL SONGOL AND FIVE OTHERS REPRESENTING KOIBEM VILLAGE SQUATTERS, REGARDING DELAY IN SETTLEMENT OF SQUATTERS IN KOIBEM VILLAGE, NGEREK VILLAGE, CHEPKUMIA LOCATION IN NANDI COUNTY

The Committee considered the draft report and noted as follows—

- (i) The Committee notes that the in Lunyasi and 3 others(Suing for and on behalf of 244 Ngerek Community Families/Members) versus Kenya Forest Service & 5 others (Petition E001 of 2023)(26th February 2025) judgement held that the recommendations made by the National Land Commission vide Gazette Notices: NLC/HLI/435/2018 and NLC/HLI/256/2018, dated 1st March
- (ii) The Committee also noted that since the judgement held that the recommendations made by the National Land Commission vide Gazette Notices: NLC/HLI/435/2018 and NLC/HLI/256/2018, dated 1st March and this should suffice and that this judgment should be included in recommendation
- (iii) The Committee, during its deliberations, sought clarity on the current occupants of the Ngerek land.

Committee Observations

The Committee observed as follows—

1. The Chepkumia Land Exchange Programme was initiated by the government in 1996 to resettle families in what was then known as Koibem and Ngerek villages in Nandi North District. The areas where the two (2) communities were living were very rocky and hilly. Thus, the Chepkumia land exchange programme intended to resettle the two communities from the hilly Chepkumia area to South Nandi Forest. The land exchange was to comprise 910.60 hectares in the Kaimosi block of South Nandi Forest along the Yala River. The Koibem Community was allocated 266.86 hectares, the Ngerek Community 455.45 hectares, and 188.29 hectares was reserved for public utilities.
2. The Chief Conservator of Forests, vide a letter Ref. **No. CON /ED/67/Vol. I/XVII/ 164**, authorized the excision of 1170 hectares from the Yala block of South Nandi Forest for the programme in 1999. The beneficiaries were required to surrender their titles to their ancestral lands in exchange for the allocation of alternative land excised from the forest.

3. While the Koibem Community was successfully relocated under the Chepkumia Land Exchange Programme, the Ngerek Community was not relocated to its original area after the land earmarked for its resettlement was illegally occupied.
4. Even though the Koibem community relocated to the allocated area in 1996 and surrendered their title deeds for the land they initially occupied, the forest land allocated to the Koibem community was not degazetted, hindering the titling process.
5. There is a need to degazette the 266.86 hectares of forest land allocated to the Koibem community, as well as the 188.29 hectares reserved for public utilities, to facilitate the issuance of title deeds to the petitioners to promote their security of tenure.
6. The Committee noted that the National Land Commission found that both Koibem and Ngerek Communities have a valid claim because they were exchanging land for land with the Kenya Forest Service. The National Land Commission also found that although the Koibem have taken possession of the area given to them by the Kenya Forest Service, the Ngerek Community cannot take possession because the land earmarked for their settlement is occupied.
7. The National Land Commission made the following recommendations vide Gazette Notices: NLC/HLI/435/2018 and NLC/HLI/256/2018 dated 1st March 2019:
 - (a) The Kenya Forest Service to facilitate the degazettement of the excised area from Nandi South Forest to enable the issuance of title deeds to Ngerek and Koibem Communities on a land-for-land basis.
 - (b) The Director of Survey, together with the Nandi County Government, to expedite the excision of the forest area that the Kenya Forest Service excised from Nandi South Forest and hand it over to the Ngerek and Koibem Communities.
8. The Court of Appeal held that the recommendations made by the National Land Commission vide Gazette Notices: NLC/HLI/435/2018 and NLC/HLI/256/2018, dated 1st March 2019, have the force of law and are otherwise enforceable by a court. The same is a binding pronouncement and creates rights and obligations, which are amenable to being actualized and can thus not be discarded, disregarded and or otherwise overlooked. Further, the findings of the National Land Commission hereinabove remain unchallenged.
9. The Cabinet Secretary, Ministry of Environment, Climate Change and Forestry has since submitted to the National Assembly a petition seeking the degazettement of 989.17 hectares. This includes the 455.45 hectares meant for the resettlement of the Ngerek Community as contemplated in the Chepkumia Land Exchange programme, despite the fact that the Ngerek Community has not been settled in the area .

Committee Recommendation

1. On the prayer that the Cabinet Secretary for Environment, Forestry and Climate Change to secure Cabinet Approval for the intended de-gazettement and seeks Parliamentary approval under Section 34 of the Forest Management and Conservation Act of 2016, The Committee that the Cabinet Secretary for Environment, Forestry and Climate Change has since submitted a petition seeking the degazettement of South Nandi Forest at Chepkumia area to the National Assembly. In addition, the Committee recognizes that the petitioners have settled in the land in question since 1996

The Committee recommends that pursuant to section 34 of the Forest Conservation and Management Act, 2016 the National Assembly approves the variation of the boundaries of South Nandi Forest at Chepkumia to exclude a total area of 455.15 hectares, as follows:

266.88 hectares for the settlement of the Koibem Community.

188.29 hectares for public utilities.

2. On the prayer that the Cabinet Secretary, Ministry of Lands, Physical Planning, Urban Development and Public Works, to facilitate the issuance of new title deeds in the new registration area and to waive the registration costs for the new titles. The Committee recommends that, upon the de - gazettement of the 266.88 hectares for the settlement of the Koibem Community and the 188.29 hectares for public utilities, the Cabinet Secretary, Ministry of Lands, Physical Planning, Urban Development and Public Works, in collaboration with the County Government of Nandi facilitates the demarcation of the area, then conducts the necessary survey and the issuance of title deeds in the new registration area.

3. On the prayer that the relevant government agencies to consider reallocating alternative lands within the same area to the seven (7) individuals whose parcels are uninhabitable and the two (2) individuals who received less acreage by amending the initial excision survey, The Committee recommends that the Director of Survey, in collaboration with the Nandi County Government, allocates new parcels of land to the seven (7) individuals, whose parcels are uninhabitable and the two (2) individuals who received less acreage, by amending the initial excision survey within the 266.88 hectares earmarked for the Koibem Community.

The Committee notes that the Court of Appeal in *Lunyasi and 3 others (Suing for and on behalf of 244 Ngerek Community Families/Members) versus Kenya Forest Service & 5 others (Petition E001 of 2023)* (26th February 2025) judgement held that the recommendations made by the National Land Commission vide Gazette Notices: NLC/HLI/435/2018 and NLC/HLI/256/2018, dated 1st March 2019, have the force of law and recommends that within six (6) months of the adoption of this report by the House, the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry, in collaboration with the County Government of Nandi, the National Land Commission and the Cabinet Secretary, Ministry of Interior and National Administration

facilitates the resettlement of the Ngerek Community in the 455.45 hectares, earmarked for the resettlement of the Community within the Nandi South Forest as envisioned in the Chepkumia Land Exchange Programme.

Adoption of the Report

The Committee unanimously adopted the report, having been proposed by Hon. Beatrice Elachi, CBS M.P, and seconded by Hon. Beatrice Elachi, M.P.

MIN./PPC/2025/226:

CONSIDERATION OF PUBLIC PETITION NO.11 OF 2023 BY MR. BONIFACE OTIENO OPERE OF TIM KINDA SELF – HELP GROUP, REGARDING ILLEGAL ACQUISITION OF PRIVATE LAND BY THE DEFUNCT AWENDO TOWN COUNCIL

Committee Observations

Arising from the engagement with the various stakeholders, including the Petitioners, National Lands Commission, and Ministry of Lands, the Committee made observations on various concerns raised by the petitioners as follows—

a) The main issue arising in the Petition is compensation of residents of North Sakwa/Kamasoga claiming twenty-eight (28) land parcels of the 68.28 Hectares, and South Sakwa/Wawere claim thirty-one (31) land parcels of the 76.31 Hectares.

b) The matter was considered by the ***High Court in Kisii Civil Case 133 of 2005***, which held that the unutilised parcels of land should revert to the petitioners, the original owners.

c) The matter was appealed at the Court of Appeal in ***Town Council of Awendo v Nelson Oduor Onyango & 13 Others (2015) eKLR*** because: the High Court's finding that the acquired property was not meant to benefit the appellant was contrary to the pertinent Gazette Notices of 1976, and was made in error; the Government had not been enjoined as a party to the suit, despite the adverse orders against it; and that the suit was time barred. The appeal was dismissed, and the High Court's decision was upheld.

d) The matter was further appealed at the Supreme Court in ***Town Council of Awendo v Nelson O Onyango & 13 others; Abdul Malik Mohamed & 178 others (Interested Parties) [2019] eKLR***. The Supreme Court determined that the Government compulsorily acquired the suit land in accordance with the provisions of Section 75 of the repealed Constitution and

Section 6(2) of the Land Acquisition Act, 1968 (*now repealed*). The Supreme Court determined that:

- (i) The 1st to the 13th Respondents were fully compensated in accordance with the applicable law. Finally, the Court determined that the parcels of land in question were acquired for a public purpose.
- (ii) The title acquired by the petitioners, save for the 7th Respondent, became extinguished upon the compulsory acquisition. Their estates in the said parcels ceased to exist and became fused with the States' superior title. These parcels became public land after being compulsorily acquired for public purposes in accordance with the Constitution and the law. The Petitioners were compensated for the loss of their land to the public interest.
- (iii) Through the Gazette Notices Nos. Sections 2996 and 3737 of 1976, all parcels of land whose land titles are listed therein, were compulsorily acquired for the South Nyanza Sugar Scheme and vested in the Government of Kenya. Migori County presently holds that land in trust for the residents, and as the implementing agency of the public purpose for which the land was compulsorily acquired.
- (iv) The 7th Respondent (*Obiero Omedo*) is to be fully compensated by the Government for the loss of his Land Title No. North Sakwa/Kamasonga/1193.
- (v) Except for the 7th Respondent (*Obiero Omedo*), it is evident from the Court ruling that the issue of compensation was not disputed. The main issue litigated was the reversionary interest of the unutilised land that was compulsorily acquired.

Committee Recommendation

On the prayer that the Committee engage the Ministry of Lands, Housing and Urban Development to ensure that the Petitioners are duly compensated for the lands they lost due to illegal allocation by the defunct Awendo Town Council, the Committee notes that the Supreme Court in Petition 37 of 2014 Town Council of Awendo V Onyango and 13 others determined that the original owners of the land in question, were compensated for compulsory acquisition, except for Mr. Obiero Omedo. The Committee recommends that the National Lands Commission, in collaboration with the Ministry of Lands, Public Works, Housing and Urban Development and the County Government Migori, compensate Mr Obiero Omedo for the loss of his land title No. North Sakwa/Kamasonga/1193 within ninety (90) days of the tabling of this report.

MIN./PPC/2025/227:

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 01:15 p.m. The date of the next meeting will be on Tuesday 11th November, 2025 at 11:30 a.m.

Sign: Date..... 11/11/25.....

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 40TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON
WEDNESDAY, JUNE 12, 2024, IN COMMITTEE ROOM 12, NEW WING, MAIN
PARLIAMENT BUILDINGS AT 12.00. P.M

PRESENT

1. Hon. Janet Jepkemboi Sitienei, M.P. - Vice Chairperson
2. Hon. Joshua Chepyegon Kandie, M.P.
3. Hon. Maisori Marwa Kitayama, MP
4. Hon. Edith Vethi Nyenze, M.P.
5. Hon. Bidu Mohamed Tubi, M.P.

APOLOGIES

1. Hon. Nimrod Mbithuka Mbai, M.P. - Chairperson
2. Hon. Ernest Ogesi Kivai, M.P.
3. Hon. Patrick Makau King'ola, M.P.
4. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
5. Hon. John Walter Owino, M.P.
6. Hon. Peter Mbogho Shake, M.P.
7. Hon. Sloya Clement Logova, M.P.
8. Hon. Suzanne Ndunge Kiamba, M.P.
9. Hon. Caleb Mutiso Mule, M.P.
10. Hon. John Bwire Okano, M.P.

SECRETARIAT

- | | |
|-------------------------|------------------------|
| 1. Mr. Ahmad Kadhi | Senior Clerk Assistant |
| 2. Ms. Anne Shibuko | Clerk Assistant I |
| 3. Mr. Willis Obiero | Clerk Assistant III |
| 4. Ms. Patricia Gichane | Legal Counsel II |
| 5. Ms. Nancy Akinyi | Research Officer III |
| 6. Mr. Derrick Cheboi | Audio Officer |
| 7. Mr. Alex Kiplagat | Audio Officer |

INATTENDANCE

PETITIONERS (KOIBEM COMMUNITY)

- | | | |
|------------------------------|---|-----------------------------|
| 1. Hon. Josses Lelmengit, MP | - | Member, Emgwen Constituency |
| 2. Mr. James Yego | - | Chairman |
| 3. Mr. Joel Songol | - | Vice Chairman |
| 4. Mr. Alfayo Mutai | - | Secretary |
| 5. Mr. David Kosgei | - | Treasurer |

PETITIONERS (WORKERS OF BOHEMIAN FLOWERS)

1. Mr. Wycliffe Araka
2. Ms. Mary Njambi
3. Mr. Justus Obiri
4. Mr. Philip Oyondi
5. Mr. Ibrahim Saitoti
6. Mr. Erick Kabuyefu

PETITIONERS (ABSA)

1. Hon. Moses Kirima, M.P. - Member, Central Imenti Constituency
2. Mr. Gerald Kiilu - Petitioner

MIN./PPETC/2024/252: PRELIMINARIES

The Chairperson called the meeting to order at 12:00 noon. and proceedings began with prayers by Hon. Ernest Kagesi, M.P.

MIN./PPETC/2024/253: ADOPTION OF AGENDA

AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. Consideration of P/No.69 of 2023 on Resettlement of Squatters in Koibem Village, Chepkumia Location, Nandi County.
 - Meeting with the Petitioner (Hon. Josses Lelmengit, MP and Mr. Joel Songol)
6. Consideration of Public Petition No.67 of 2023 Dismissal from Employment of Mr. Gerald Muli Kiilu by ABSA Bank (Formerly Barclays Bank) Prestige Centre
 - Meeting with the Petitioner (Hon. Moses Kirima, MP)
7. Consideration of P/No. 63 of 2023 regarding Former Workers of Bohemian Flowers Limited in Nakuru County
 - Meeting with Petitioner (Mr. Erick Kabuyefu)
8. Any Other Business
9. Adjournment

The Agenda was adopted to constitute business having been proposed by Hon. Joshua Kandie, M.P. and seconded by Hon. Edith Nyenze, M.P.

MIN./PPETC/2024/254:

CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Agenda was deferred.

Meeting with the Petitioner(s)

Upon invitation by the Chairperson, the Hon. Josses Lelmengit, MP on behalf of the petitioners, residents of Koibem Village presented the Petition as follows—

Background

- i. In 1996, a presidential directive was issued for the relocation of residents in a forested area to new locations closer to the main road. The excision process began with one of the excision surveys paid for and excision authority was in 1999 via letter dated 22nd March 1999. The Koibem village is already on the new land.
- ii. The administration in 2002 delayed the process, and no meaningful progress was made until the passage of the 2010 Constitution and the land related legislations and the National Land Commissions Act. The enactment of the Forest Conservation and Management Act of 2016 marked a change in the procedure leading up to the degazettment and titling of forest land.
- iii. The delay in issuance of titles has caused challenges for the community including suffering losses and damage spanning two decades.
- iv. In 2016, the County Land Management Board (CLMB) conducted a validation process, which was favourable for the occupants/beneficiaries. The Senate recommended the conclusion of the exchange program, and the National Land Commission offered the conclusive recommendation which was gazettement on 1st March 2019.
- v. Whereas all the interventions were noble and in the best interest of the community, they have not been implemented hence the request for the Committee to intervene with a view of delivering justice to the community.

Prayers

The Committee engages:

- i. The Cabinet Secretary for the Ministry of Lands, Physical Planning, Urban Development and Public Works to proceed to gazette the intended excision area;
- ii. The Cabinet Secretary for Environment, Forestry and Climate Change to secure Cabinet Approval for the intended de-gazettment and seeks Parliamentary approval under Section 34 of the Forest Management and Conservation Act of 2016;
- iii. The Cabinet Secretary for the Ministry of Lands, Physical Planning, Urban Development and Public Works to facilitate the issuance of new title deeds in the new registration area;

- iv. The relevant government agencies to consider waiving the registration costs for the new titles given the years of frustrations; and
- v. The relevant government agencies to consider reallocating alternative lands within the same area to the seven (7) individuals whose parcels are inhabitable and the two (2) individuals who received less acreage by amending the initial excision survey.

Upon invitation by the Chairperson, the Petitioners made clarifications as follows—

- i. Chepkumia land was surrounded by hilly, rocky forests and tea farms, making it difficult and dangerous for the community to access the main road. Therefore, the government decided to resettle the residents from the hilly and rocky forest to an area near the main road that is safer and more suitable for agricultural production.
- ii. For about 27 years, the process has never been finalized, and the community has never received titles for the exchanged lands they occupy after being resettled.

Committee Concerns

- i. Regarding the current title deeds and the number of settlers in the area, the Petitioners clarified that they possessed title deeds registered as Nandi/Chepkumia for approximately 108 people who were resettled in the lower ground.
- ii. Regarding interference from the Kenya Forest Service (KFS) in the occupied area, the Petitioners stated that the KFS had no issues with the community settled in the area. The only concern for the community was acquiring title deeds for the new area they have settled in for 27 years.
- iii. Regarding the status of the lands, the Petitioners stated that they were resettled on forest land with an equivalent acreage to their original land, about 1040 hectares for the 108 people. The newly occupied area is still forest land but not a forest and has not been degazetted to officially allow for settlement. However, the government has taken over the original land as a forest and has even planted trees.
- iv. Regarding any pending legal matters or efforts to address their concerns, the Petitioners clarified that there was no matter in court. However, they had engaged the National Lands Commission (NLC), which gazetted its recommendation on 1st March 2019 for formalizing the process. Additionally, the community had engaged the Ministries in charge of Lands and Forestry to seek the de-gazettement of the area they have occupied.
- v. Regarding the loss and damages the community has suffered over two decades, the Petitioners clarified that in the twenty-seven (27) years, most of the original landowners had passed away, leaving their dependents unable to inherit, subdivide, or sell the lands due to uncertainty and lack of collateral. Additionally, they have spent resources seeking justice by visiting various government offices.

- vi. Regarding the matter being handled by the Senate, the Petitioners clarified that the only time the matter was brought up in the Senate was in the previous Parliament by the area Senator, but there was no conclusive documentation on how it was dealt with.
- vii. Regarding the seven (7) individuals whose parcels are uninhabitable and the two (2) with less acreage, the Petitioners clarified that despite being given similar acreage, the seven individuals' land was more rocky and wet, making it unsuitable for farming. The two individuals with less acreage noticed this after clearing the bushes, hence the need for a re-survey.

**MIN./PPETC/2024/256: CONSIDERATION OF PUBLIC PETITION NO.67 OF 2023
DISMISSAL FROM EMPLOYMENT OF MR. GERALD MULI
KIILU BY ABSA BANK (FORMERLY BARCLAYS BANK)
PRESTIGE CENTRE**

Meeting with the Petitioner(s)

Upon invitation by the Chairperson, the Hon. Moses Kirima, MP. presented as follows on behalf of Mr. Gerald Kiilu, the petitioner—

Background

- i. The petitioner served Absa Bank for twelve (12) years. However, through a letter dated 31st January 2005, one Mr. Gerald Muli Kiilu was wrongly terminated by Absa Bank (formerly, the Barclays Bank of Kenya Ltd) after the bank claimed that in the course of duty, Mr. Gerald Muli Kiilu incurred a loss of Kshs. 149,000, money which was borrowed from him by the then Retail Manager who was his supervisor;
- ii. On the spot investigations done on 30th November 2004 by the Senior Retail Manager, revealed that Mr. Gerald Muli Kiilu had a shortage of only Kshs. 366.10;
- iii. Mr. Gerald Muli Kiilu lodged a trade dispute with the Ministry of Labour and Social Protection who recommended that he be reinstated without loss of benefits or break in years of service, be paid ten (10) months gross salary as compensation for wrongful and /or unfair termination; and, any other relief the management would deem fit in a judgement dated 7th February 2008;
- iv. The Petitioner is a victim of witch-hunting, discrimination, intimidation, nepotism and malice;
- v. The matter presented in the petition was not pending before any Court of law or any constitutional or legal body;
- vi. The petitioner had exhausted other means hence turning to the Committee for assistance.
- vii. The Committee recommends that what was awarded by the labour tribunal to be the basis of the calculation. Further, even if the petitioner is

reinstated, he may not get a fair ground to practice as a banker due to the bad relationship between the two parties. Therefore, the Petitioner seeks compensation according to the tribunal ruling.

Prayers

That the Committee—

- i. Inquiries into the dismissal of Mr. Gerald Muli Kiilu by Absa Bank (formerly, the Barclays Bank of Kenya Ltd);
- ii. Recommends that Absa Bank considers reinstating the Petitioner without loss or break in years of service; and,
- iii. Makes any other recommendation or action it deems fit in addressing the plight of the Petitioner.

Upon invitation by the Chairperson, Mr. Gerald Kiilu made clarifications as follows—

- i. That after the matter was resolved through the Ministry of Labour and Social Protection, the bank had not honoured the directives.
- ii. The evidence of investigation revealed a loss of Kshs366 through a process that appeared to target an individual. The report of investigation of other colleagues were found culpable of a larger amount of about Kshs 30,000 as a shortage but was not terminated from employment hence the discrimination.
- iii. That after frustrating a forgery of about Kshs700,000, the account was siphoned through Kshs3.6 million by the manager.

Committee Concerns

- i. The Committee inquired whether there was any internal conflict resolution procedures or disciplinary measures and whether the petitioner had engaged any union. The petitioner clarified that the matter was heard through internal mechanism of Absa Bank who are the ones who dismissed unsatisfactorily hence the petitioners appeal in the labour tribunal.
- ii. Regarding whether the court case was conclusive, the petitioner stated that there was no case or judgement directing the committee not to act on the case. Further, the petition was not an appeal of a court case but rather the court did not hear the case brought by the petitioner based on a preliminary objection. Therefore, the case in its merit was not heard hence fairness not accorded to the petitioner.
- iii. Regarding whether the petitioner had engaged institutions directed to implement the labour tribunal judgement, the Petitioner clarified that the

help he needed was to have justice and deserved compensation for the years he had served before dismissal.

- iv. Regarding the stakeholders the committee could engage, the petitioner stated that the Committee could invite the labour tribunal, Absa Bank management to clarify the circumstances for dismissing Mr. Kiilu and any other relevant agency or authority.
- v. Regarding the prayer for compensation vis-à-vis reinstatement by Absa Bank, it was clarified that the plight of the petitioner concerned the unconducive environment to work for the bank again. Therefore, the petitioner requested that despite the prayer for reinstatement as recommended by the tribunal, the Committee would consider up to date compensation for the period recommended by the tribunal. That the calculations they had made were about Kshs46 million.

MIN./PPETC/2024/257: CONSIDERATION OF P/NO. 63 OF 2023 REGARDING FORMER WORKERS OF BOHEMIAN FLOWERS LIMITED IN NAKURU COUNTY

Meeting with the Petitioner(s)

Upon invitation by the Chairperson, Mr. Erick Kabuyefu presented the petition as follows—

Background

- i. The petitioners were about 589 employees of Bohemian Flowers Limited in Olkaria Ward, Naivasha Sub County, Nakuru County.
- ii. Following unlawful dismissal from employment, the petitioners lodged a complaint on the matter at Naivasha Sub County labour office under section 71 of the Employment Act, 2007 vide a letter dated 19th April 2023. The labour officer responded through letters dated 4th May, 2023, 23rd May 2023 and 29th May 2023 to Bohemian Flowers Limited director.
- iii. The labour officer held a meeting dated 18th May 2023 at Naivasha Sub County labour office between Bohemian Flowers Limited senior management and the complainants (the petitioners).
- iv. The petitioners were dismissed as per a memo by Bohemian Flowers Limited management advertising positions for recruitment, immediately after their exit.
- v. It had become difficult for the employees to access their monthly deductions from the pension scheme which they were coerced to join.
- vi. The Petitioners were put on suspension on half pay contrary to the company policy.

Prayers

The Committee—

- i. Investigate whether due process contemplated in the law was followed referred in dismissing the employees as indicated in the petition;
- ii. Engages the Bohemian Flowers Limited management to provide the investigation report into the conduct of the employees referred to in the redundancy letters for justification.
- iii. Engages the Bohemian Flowers Limited management with a view of establishing whether their human resource officers were registered with the Institute of Human Resource Management (IHRM) following the alleged unprofessionalism;
- iv. Engages the Bohemian Flowers Limited management with a view of assessing their biometric machine's effectiveness.
- v. Recommends that the company honours the recommendations of the labour officer in Naivasha Sub County to pay any outstanding claims owned to the employees by the company.

Committee Concerns

- i. Regarding the employees affected and the terms of employment, the Petitioners clarified about the 589 employees were on different terms including permanent and pensionable contracts who had served for one years after probation of six (6) months.
- ii. Regarding the duration it took before the Company readvertised the positions, the Petitioners clarified the positions were fielded within one month without clearing the dismissed employees.
- iii. Regarding the pension contributions and the scheme, it was clarified that the deductions were made for retirement and medical purposes upon conclusion of the probation period, but no sensitization had been carried out on the pension scheme.
- iv. Regarding the cause of the labor relations disagreement, the petitioners clarified that the employees were previously employed by Oserian Development Company on permanent and pensionable terms before being acquired by Bohemian Flowers Limited in December 2021. Bohemian Flowers Ltd introduced a biometric system to manage workers without any backup, causing problems when the system was faulty. This resulted in some workers being registered for fewer hours than they actually worked, despite physically reporting to duty early. The company's directive to use the system in November 2022 was implemented without any civic education for the employees.

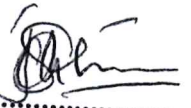
Occasionally, the system had multiple errors in recording the hours worked, leading to reduced payments for the employees. In response, the workers went on strike to demand that the injustice be addressed. The matter was investigated, and stakeholders agreed on a return-to-work formula. However, the management isolated several individuals they claimed were the perpetrators of the strike and suspended them. During the period of suspension, the petitioners received half their pay for six (6) months against the Company policy, after which they were issued redundancy letters.

Committee Resolution

After deliberations, the Committee resolved to invited the relevant stakeholders including Bohemian Flowers Limited and Labour Relations Office.

MIN./PPETC/2024/258: ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 03:10 p.m. The next meeting will be held on Thursday, 13th June 2024 at 12:00 p.m.

Sign: 

(CHAIRPERSON)

Date.....18-06-2024.....

1914

THE STATE OF TEXAS

COUNTY OF DALLAS

BEFORE ME, the undersigned authority, on this day personally appeared _____

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 1914.

Notary Public in and for the State of Texas

My commission expires _____



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 52ND SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, SEPTEMBER 12, 2024, IN CONFERENCE ROOM GARDEN SUITE 1&2, 6TH FLOOR, GARDEN INN HOTEL AT 2.00. P.M

PRESENT

1. Hon. Nimrod Mbithuka Mbai, M.P.
2. Hon. Janet Jepkemboi Sitienei, M.P.
3. Hon. Joshua Chepyegon Kandie, M.P.
4. Hon. John Walter Owino, M.P.
5. Hon. Ernest Ogesi Kivai, M.P.
6. Hon. Maisori Marwa Kitayama, MP
7. Hon. Bidu Mohamed Tubi, M.P.
8. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
9. Hon. Edith Vethi Nyenze, M.P.
10. Hon. Peter Mbogho Shake, M.P.
11. Hon. Suzanne Ndunge Kiamba, M.P.
12. Hon. Caleb Mutiso Mule, M.P.

Chairperson
Vice Chairperson

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Sloya Clement Logova, M.P.
3. Hon. John Bwire Okano, M.P.

IN ATTENDANCE

SECRETARIAT

- | | |
|-------------------------|-----------------------------------|
| 1. Ms. Miriam Modo | Clerk Assistant I |
| 2. Mr. Willis Obiero | Clerk Assistant III |
| 3. Ms. Patricia Gichane | Legal Counsel II |
| 4. Mr. Martin Sigei | Research Officer III |
| 5. Ms. Nancy Akinyi | Research Officer III |
| 6. Ms. Felistus Muiya | Public Communications Officer III |
| 7. Mr. Peter Mutethia | Audio Officer |
| 8. Mr. Calvin Karungo | Media Relations Officer III |
| 9. Mr. Paul Shana | Sergeant-at-Arms |

MINISTRY OF LANDS

- | | |
|-------------------------|---|
| 1. Hon. Alice Wahome | Cabinet Secretary |
| 2. Mr. Kennedy Njenga | Director, Land Adjudication |
| 3. Mr. Maritim Weldon | Director of Survey |
| 4. Mr. Nyandoro David | Chief Land Registrar |
| 5. Mr. Hilton Kamau | Assistant Director, Land Administration |
| 6. Mr. Harrison Matevwa | Parliamentary Liaison Officer |
| 7. Ms. Stella Murugi | Technical Assistant to CS |

MIN./PPETC/2024/325: PRELIMINARIES

The Chairperson called the meeting to order at 12:00 noon. and proceedings began with prayers by Hon. Edith Nyenze, M.P.

MIN./PPETC/2024/326: ADOPTION OF AGENDA
AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. Meeting with the Ministry of Lands in consideration of—
 - P/No. 45 of 2023 on Delayed Adjudication and Settlement of residents of Kidomaya/Miungoni Village in Vanga Ward in Lunga Lunga Constituency;
 - P/No. 10 of 2023 on Resettlement of residents of Muthanga Farm;
 - P/ No. 59/2023 on Settlement of Ontulili Mount Kenya Forest Squatters;
 - P/No.69 of 2023 on Resettlement of Squatters in Koibem Village, Chepkumia Location, Nandi County; and
 - P/No. 5/2024 on Illegal acquisition of parcels of land registered as Kapkakaran farm LR. No. 5423/2 and LR. No. 6053 in Nandi Hills Sub-County, Nandi County
6. Any Other Business
7. Adjournment

The Agenda was adopted to constitute business having been proposed by Hon. Joshua Kandie, M.P. and seconded by Hon. Edith Nyenze, M.P.

MIN./PPETC/2024/327:

CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The agenda was deferred.

MIN./PPETC/2024/328:

MEETING WITH THE MINISTRY OF LANDS

The CS, Hon. Alice Wahome appeared before the Committee and responded to the petitions as follows:

P/No. 45 of 2023 on Delayed Adjudication and Settlement of residents of Kidomaya/Miungoni Village in Vanga Ward in Lunga Lunga Constituency

1. According to the records, L.R. No. 12224 situated in Kwale was allocated to Mr. Velji Parbat vide a letter of allotment Ref. LND/3/1 /4/22/1 22 dated December 24, 1973 for agricultural purposes. The lease term was 33 years with effect from December 1, 1973.
2. Upon survey, the land measured 609.9 Hectares. A title was registered in favour of Velji Parbat on May 12, 1977 as evidenced by a copy of the Memorandum of Registration of Transfer of Lands (MRT).

3. Mr. Velji Parbat applied for change of user from agricultural to ranching purposes vide a letter dated October 16, 1979. The request was granted by the then County Council of Kwale subject to excision of 100 acres for purposes of settling squatters in a letter Ref. CC/KWL/LND.16/18/81 dated October 25, 1979. Mr. Velji Parbat accepted the condition as per his letter dated January 9, 1980.
4. The County Council of Kwale however noted that the number of squatters on the land was 47 and not 13 as alleged by the registered owner and recommended surrender of 420 acres vide a letter Ref. CC/KWL/LND.16/18/97 dated January 24, 1980.
5. At this point, Mr. Velji Parbat had taken the squatters to court and the case was ongoing. After the change of user, a new title was issued with an enhanced rent and the remainder of the term of 27.5 years with effect from June 1, 1980 as per the then Commissioner of Lands vide letter Ref. 8888 1 /1 14 dated April 23, 1986.
6. Pursuant to Civil Suit No. 630 of 1979 at the High Court in Mombasa, orders were issued that 185 Acres of land be subdivided equally in portions of 5 acres among 37 squatter families, while the remaining portion of land be given in vacant possession to Mr. Velji.
7. An application for extension of lease to secure a loan to expand the farming business by Mr. Velji was made to the Commissioner of Lands on May 5, 1992. The Commissioner of Lands vide a letter Ref. 88881/118 dated June 24, 1992 circulated the proposal to the relevant offices.
8. The County Council of Kwale approved the extension of lease subject to the land being reduced to exclude a total of 300 Acres; 185 Acres for settlement of squatters and 115 acres for the Council's future plans. The lease was extended for 50 years with effect from December 1, 1995.
9. Mr. Velji Parbat passed on leaving Karsan V. Velani and Manji V. Velani as the administrators of the estate. The advocate for the estate in a letter Ref. KKK/KCCMVV/4132/CNK dated June 6, 2008 marked annexure 11 confirmed subdivision of the land to enable the required surrenders. The County Council of Kwale in its letter Ref. CC/KWL/LND.16/18/ (140) dated September 4, 2008 confirmed compliance.
10. L.R. No. 12224 was initially subdivided into L.R. No.12224/1 and L.R. No. 12224/2. LR. No. 12224/2 was further subdivided into two portions, L.R. No. 12224/5 and L.R. No. 12224/6. This resulted into the following scenario:
 - i. LR. No. 12224/1 measuring 75.14 Hectares set aside for squatter settlement;
 - ii. LR. No. 12224/5 measuring 65.83 Hectares for public use by the County Council of Kwale;
 - iii. LR. No. 12224/6 measuring 468.9 Hectares to be retained by the estate of Mr. Velji Parbat for farming activities
11. The lease for L.R. 12224 expired in 2007 before the new lease in favour of the Estate of Velji Parbat was prepared.

12. In a judicial review application MISC. CIVIL APPL. NO. 327 of 2010 in the High Court of Kenya at Mombasa by James M. Katinga & Others as trustees of Mungano Farmers Self Help Group, it was ordered that titles for L.R. No's 12224/1 & 5 be issued in favour of the group. It was also ordered that the title for L.R. No. 12224/6 be issued in favour of Velji Parbat.
13. In compliance with the court order, the Ministry prepared leases for the parcels as ordered and therefore the said parcels of land are private as ordered. The process of further subdivision can only be initiated by the registered owner(s).

Committee Concerns

14. **Regarding the delay in the adjudication process**, the CS clarified that the claimants who were sorted was the Muungano Farmers Group and not Haki Development Group. The total acreage land was 1,506 acres which was subdivided into six parcels, and it was possible that the petitioners' claim was before and were part of the people in court who were not satisfied with the court ruling. It was important to establish whether the petitioners were the claimants who went to court or a new list after the court had made a ruling. However, pre-emptive rights existed but there could be new terms and conditions such as availing land for settlement and that is how the squatters could get the land sometimes if the land was not used for terms, it was originally allotted. They may be people who were not satisfied or not included in the Muungano claimants at the court ruling as sometimes its not possible to include everybody.
15. **Regarding the status of the lease**, the Ministry submitted that the issue of the land had been determined by court and during subdivision, there would be automatic renewal of the lease as ordered and the parcels were on the names of private entities listed. The new titles were issued pursuant to the court order and the two parcels came with a new term on the new lease. The fact that the lease was expiring was not automatic availability of the land as one can apply for extension. The Ministry to provide copies of the leases that may have emanated from the subdivision pursuant to the court order to establish whether the claimants have a place to be accommodated. However, ordinarily, squatters have their own list which has gone through several process. The Ministry to establish the list of Muungano claimants to address any pending issues.

Committee Resolution

After deliberations, the Committee resolved that the Cabinet Secretary provides additional information regarding; when the lease was renewed, sizes of the different parcels, number of tittles out of the subdivision and the court order accompanying the subdivisions within fourteen days.

P/No. 10 of 2023 on Resettlement of residents of Muthanga Farm

1. Muthanga farm was purchased by a teacher's cooperative society comprising of 54 members from Gatundu area of Kiambu County from the Land settlement fund in 1988.
2. During this period, the Settlement Fund Trustee (SFT) could sell land to private cooperatives. The members subdivided the land amongst themselves, and title

- deeds were issued to the beneficiaries. Most of the members could not take possession of their parcels of land since a portion of the land had been occupied by squatters whose interests were not taken into consideration when the land was purchased by the teachers' cooperative.
3. The beneficiaries filed several court cases to evict the squatters, and the squatters also filed counter cases claiming adverse possession.
 4. Finally, the Environment and Land Court at Nairobi in ELC SUIT NO. 1159 of 2000 issued the following orders against the squatters in a judgement delivered on June 12, 2020.
 - i. The defendants shall vacate and handover to the plaintiffs all those parcels of land known as Makuyu/Kambiti/ Block I/ 17,44, 6, 27, 48, 83, 20, 15, 32 and 43 respectively within ninety (90) days from the date hereof in default of which the plaintiffs shall be at liberty to apply for their forceful eviction from the said properties.
 - ii. A permanent injunction is issued restraining the defendants by themselves or through their agents, servants or representatives from re-entering Makuyu/Kambiti/Block/17, 44, 6, 27, 48, 83, 20, 15, 32 and 43 once they vacate or are evicted therefrom.
 - iii. The defendants' counterclaim is dismissed.
 - iv. The plaintiffs shall have the costs of the Suit and the counterclaim.
 5. The Cabinet Secretary, Ministry of Interior and National Administration formed a committee comprising of officers from National government, National Land Commission, National Intelligence Service and Murang'a County Government with Maragua Member of Parliament being a co-opted member.
 6. The committee is chaired by the Regional Commissioner, Central Region assisted by the County Commissioner, Murang'a County. The technical team is led by Murang'a South Sub County Deputy County Commissioner and the secretariat is the State Department for Lands and Physical Planning.
 7. The committee has held meetings with the representatives of the Muthanga Farm owners and the squatters and has laid down terms of engagement. The committee recommended that the Government buys the land at market rate then subdivide to settle the squatters.
 8. The committee has since presented the report to the Cabinet Secretary, Ministry of Interior and National Administration. A data capturing exercise by a technical committee made up of surveyors, cartographers, land settlement officers, and National Government Administration Officers was undertaken, culminating in identification of 388 households (constituting a population of over 2,000 occupants).
 9. The team is currently valuing the land for purposes of purchasing from the title holders and subsequent allocation to the squatters as land loan according to a valuation report from the State Department for Lands and Physical Planning.

10. A ten-day valuation exercise was completed on 12th June 2024. A report is being prepared for adoption by the Multiagency Committee before embarking on the next activity, which is re-planning of the land.
11. There was a proposal that the government purchases the land, but the costs were too high hence the solution requires engaging the people who bought the land from SFT for a practical solution.

Committee Resolution

After deliberations, the Committee resolved to allow the Ministry additional two weeks to prepare a comprehensive response to the petition.

P/ No. 59/2023 on Settlement of Ontulili Mount Kenya Forest Squatters

1. The Ministry was aware of the long-standing matter which ultimately went before the National Land Commission. The NLC in determining the case of historical land injustice NLC/HLI/025/20 17 after being ordered by the court in JR MISC CIVIL APPLICATION NO. 5 OF 2019 to hear the petition afresh gave the following recommendations:
 - i. The Ministry of Interior and Coordination of National Government to identify and profile genuine squatters from the claimants.
 - ii. The Ministry of Lands, Public Works, Housing and Urban Development to confirm the names of those from the profiled squatters who have not benefitted from any settlement programmes.
 - iii. The identified and confirmed claimants shall thereafter be referred to the Land Settlement Fund Board of Trustees who shall identify and acquire appropriate land to resettle the claimants.
 - iv. The 1st respondent (Estate of Jackson H. Angaine) shall contribute 25% of the costs of resettlement of the identified claimants.
2. The Ministry of Lands was yet to receive names of the profiled squatters from the Ministry of Interior and National Administration to enable flagging out those who have benefitted from other settlement programmes.

Committee Concerns

1. **Regarding the Land Settlement Fund**, the Cabinet Secretary (CS) mentioned that there is a Directorate responsible for land adjudication and settlement, known as the Land Settlement Fund Board. This board is chaired by the CS, with trustees including the Cabinet Secretaries for Lands, National Treasury, Interior and National Administration, Agriculture and Forestry, and representatives from the National Land Commission (NLC). The board's primary role is to identify public or government land available for settlement. It can also purchase privately owned land, particularly where squatting is an issue, and make it available for the settlement of landless Kenyans.
2. **On the involvement of the Ministry of Interior and National Administration in identifying squatters**, the CS clarified that a request for the list of squatters had been made. However, no list can be accepted without thorough

ground verification, a process that requires collaboration with the Ministry of Interior and National Administration. The CS added that the NLC routinely shares its rulings with relevant ministries, even without a formal request.

3. **As to why the squatters have not yet been settled**, the CS explained that there was a revision of the NLC initial ruling. Consequently, the Ministry of Lands needed a verified list of legitimate claimants. The NLC had sought assistance from the Ministry of Interior and National Administration to confirm that these claimants have not previously benefited from similar settlements. Once funds become available, the Ministry will move forward with the settlement of verified claimants. This process involves vetting the list, followed by the Ministry of Lands submitting a funding proposal to the National Treasury, after approval by the Land Settlement Fund Board. Settlements can take place anywhere in the country, provided the necessary funds are available.

P/No.69 of 2023 on Resettlement of Squatters in Koibem Village, Chepkumia Location, Nandi County

The Cabinet Secretary requested for more time to allow engagement with Kenya Forest Service (KFS) and the County Government of Nandi on the issues raised in the petition.

Committee Concern

Regarding the status of the land, the Cabinet Secretary explained that the land in question is currently classified as forest land, and it must be degazetted before the Ministry of Lands can issue titles. This process requires approval from both the Cabinet and Parliament. Additionally, efforts are underway to identify all forest lands requiring degazettement, which will be addressed collectively in a single Gazette Notice.

P/No. 5/2024 on Illegal acquisition of parcels of land registered as Kapkaron farm LR. No. 5423/2 and LR. No. 6053 in Nandi Hills Sub-County, Nandi County

The Cabinet Secretary requested for more time to provide a comprehensive response.


Committee Resolution

After deliberations, the Committee resolved that the Cabinet Secretary, Ministry of Lands, Public Works, Housing, and Urban Development appears before the Committee after two weeks to provide additional responses to the Petitions not addressed.

MIN./PPETC/2024/329:

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 4:30 p.m. The next meeting will be by notice.

Sign: 

for
(CHAIRPERSON)

Date..... 19-11-2024

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is crucial for ensuring the integrity of the financial data and for facilitating audits.

2. The second part of the document outlines the various methods used to collect and analyze data. It includes a detailed description of the sampling techniques employed and the statistical tests used to evaluate the results.

3. The third part of the document presents the results of the study. It includes a table showing the distribution of the data and a series of graphs illustrating the trends over time. The findings indicate that there is a significant correlation between the variables studied.

4. The fourth part of the document discusses the implications of the study. It suggests that the results could be used to inform policy decisions and to guide future research in this area.

5. The fifth part of the document concludes the study. It summarizes the key findings and reiterates the importance of the research. It also includes a list of references and a list of authors.

6. The sixth part of the document provides a detailed description of the methodology used in the study. It includes a list of the equipment and materials used and a description of the procedures followed.

7. The seventh part of the document discusses the limitations of the study. It acknowledges that there are several factors that could have influenced the results and that further research is needed to address these limitations.

8. The eighth part of the document provides a list of the authors and their affiliations. It also includes a list of the institutions that supported the research.

9. The ninth part of the document includes a list of the references cited in the study. These references include books, articles, and other sources of information that were used to inform the research.

10. The tenth part of the document provides a list of the authors' contact information. This includes their names, addresses, and phone numbers, so that they can be reached if needed.



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT - (FOURTH SESSION)

THE NATIONAL ASSEMBLY

NOTIFICATION FROM THE SPEAKER

_____ (No. 009 of 2025) _____

**ON
PETITIONS FOR THE DE-GAZETTEMET OF SPECIFIED PUBLIC
FOREST LAND**

(Section 34 of the Forest Conservation and Management Act, Cap. 385)

RECALLING THAT, the House by a resolution passed on 13th February 2025, ordered that, should any Paper be submitted during the Short or Long Recesses of the Fourth Session, the Speaker shall, upon determination that the Paper is of priority, forthwith refer such Paper to the relevant Committee for consideration and cause such Paper to be tabled in the House upon its next Sitting;

FURTHER WHEREAS, I have received a Petition from the Cabinet Secretary for Environment, Climate Change and Forestry seeking de-gazettement of sections of four forests, namely; **South Nandi Forest at Chepkumia Area, Turbo Forest at Manzini Area, Mount Elgon Forest at Chepkyuk Area and Kakamega Forest at Shiru/Shaviringa Area**, and for determination of the various public forest land claims;

NOTING THAT, the Petition, which has been approved by the Cabinet, has been forwarded to the National Assembly pursuant to the provisions of section 34 of the Forest Conservation and Management Act, Cap. 385, on the variation of boundaries or the revocation of public forests;


NOW THEREFORE, in keeping with the Resolution of the House of 13th February 2025, it is hereby **NOTIFIED** to all Members of the National Assembly and the general public –

(1) THAT, the Petitions on de-gazettement of specified public forest land with respect to various public forest land claims relating to Turbo Forest at *Manzini* Area, Mount Elgon Forest at *Chepkyuk* Area and Kakamega Forest at *Shiru/Shaviringa* area stand referred to the **Departmental Committee on Environment, Forestry and Mining** for consideration and submission of a report to the House as per the provisions of the Petitions to Parliament (Procedure) Act, Cap. 7E;

(2) THAT, since the Petition concerning the **South Nandi Forest at Chepkumia Area** is already under consideration in the National Assembly, the relevant Committee ought to fast-track and conclude its deliberations on this matter; and,

(3) THAT, the Clerk is hereby required to transmit this Notification to all Members of the National Assembly and prepare the Petition for formal conveyance to the House upon its resumption.

I thank you.


THE RT. HON. (DR.) MOSES F.M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY
Monday, 27th October, 2025

② Head-PRJ
Please process
Application
Eto



REPUBLIC OF KENYA

ODLPS
Please deal.
SD.
08/10/25

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY
Office of the Cabinet Secretary

Telephone: 254-20-2730808
Email : cs@environment.go.ke
Website : www.environment.go.ke

N.H.I.F. Building
Ragati Road
P. O. BOX 30126-00100
NAIROBI

Ref: ME& F/CS/222/2025/VOL. XVI

Date: 6th October, 2025

Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
National Assembly
Parliament Buildings
NAIROBI

Dear *Sam,*

RE: PETITION ON DETERMINATION OF PUBLIC FOREST LAND CLAIMS

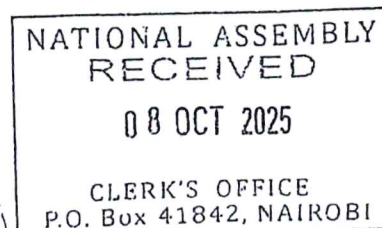
The above subject matter refers.

The Ministry of Environment, Climate Change and Forestry has received various claims on determination of public forest land. The Ministry analyzed the claims and came up with recommendations. Thereafter, the Ministry submitted its recommendation to cabinet which gave its concurrence to proceed with the determination.

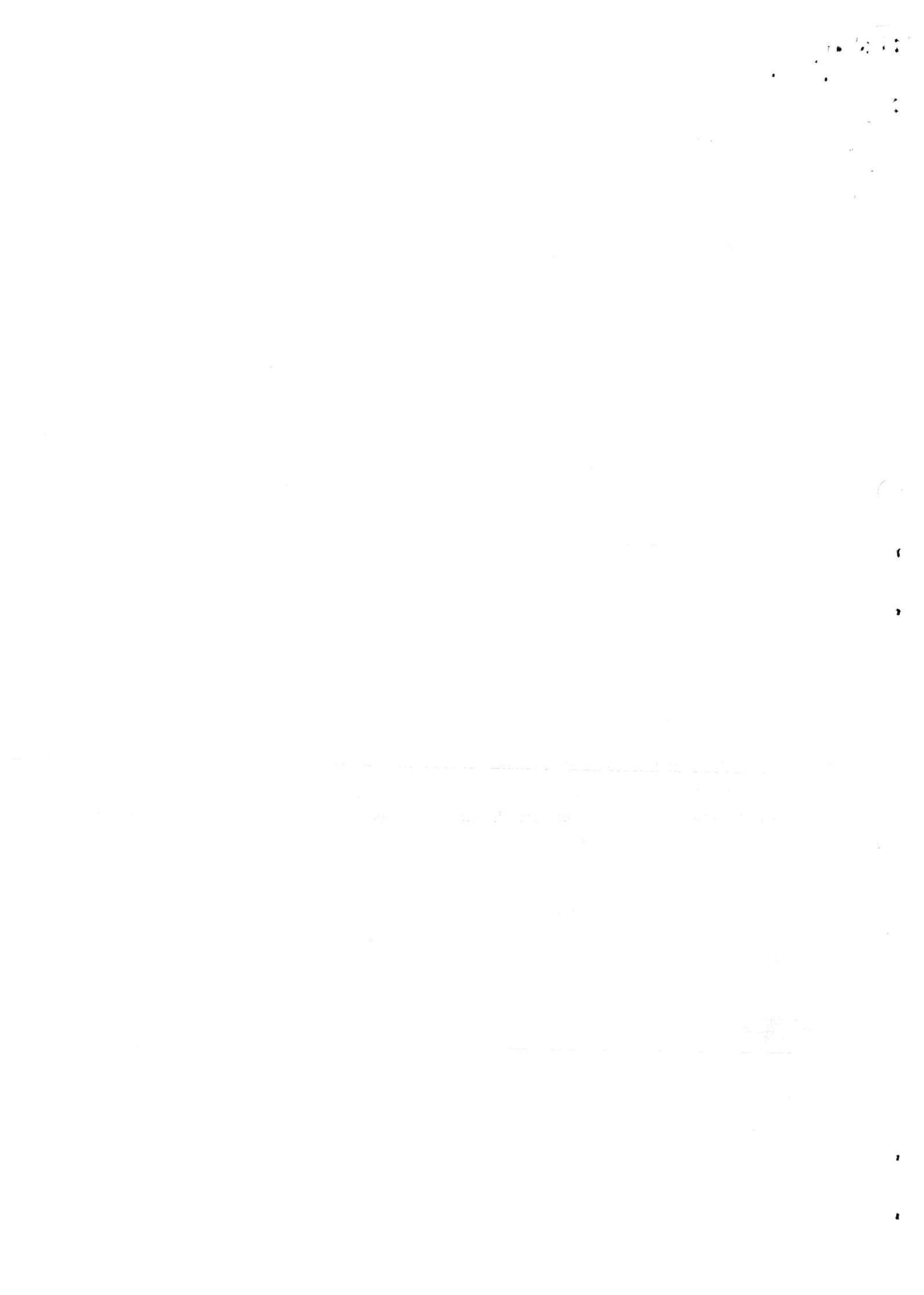
We hereby forward a Petition on determination of public forest land claims in compliance with section 34 of the Forest Conservation and Management Act Cap 385 Laws of Kenya.

Yours Sincerely,

DR. DEBORAH M. BARASA
CABINET SECRETARY



Encl.





**MINISTRY OF ENVIRONMENT, CLIMATE CHANGE
AND
FORESTRY**

**PETITION TO THE NATIONAL ASSEMBLY ON
DETERMINATION OF VARIOUS PUBLIC FOREST
LAND CLAIMS**

OCTOBER 2025

Clerk of the National Assembly
National Assembly
Parliament Buildings
NAIROBI

**RE: PETITION ON REGULARIZATION OF VARIOUS PUBLIC FOREST
LAND CLAIMS**

The Ministry of Environment, Climate and Forestry was established vide Executive Order No.1 of 2023 on the Organization of Government of Kenya.

The Ministry is among other things mandated to undertake Climate Change/Action policy; promotion of low carbon technologies to reduce emissions; restoration and protection of strategic water towers; protection and conservation of the natural environment; pollution control; conservation and protection of wetlands; forestry management; and development of forests, re-forestation and agro-forestry.

The Ministry of Environment, Climate Change and Forestry has received petitions from various members of the public claiming to have been settled in various public forest land. Consequently, the Ministry established an inter-ministerial committee which reviewed the petitions and established that the claimed areas are currently occupied, and the inhabitants are engaged in activities not related to forestry.

The report of the Committee was presented to Kenya Forest Service Board which recommended that the regularization of the settlements should be effected.

Subsequent to these recommendations, the Ministry prepared and presented a joint Cabinet Memorandum on determination of public forest land claims to Cabinet.

The Cabinet considered the Cabinet Memorandum and approved the variation of the said public forest boundaries to regularize the settlements by the petitioners.

Therefore, the Ministry presents this Petition pursuant to Articles 37, 62 and 119 of the Constitution as well as section 34 of the Forest Conservation and Management Act Cap 385 Laws of Kenya. The Forest Conservation and Management Act Cap. 385 is the subsisting Act giving effect to Article 69 of the Constitution with regard to forest resources. Section 34 of the Act empowers any person to submit a Petition to Parliament, to recommend a proposal to vary the boundary or revoke registration of a public forest.

The Ministry brings this Petition and intends to execute the de-gazettement in phases, prioritizing the following cases:

i) South Nandi Forest:

South Nandi Forest was declared via **Proclamation No. 76 of 1936** as a forest area and declared a Central Forest vide **Legal Notice No. 174 of 1964** with an area of 17,960.50Ha approximately.

JUSTIFICATION: Farmers on hilly terrain of Chepkumia exchanged their land with forest land. The area recommended for de-gazettement is approximately 989.17 Ha and the area is fully settled.

ii) Turbo-Forest:

Turbo Forest Block was declared via **Legal Notice No. 145 of 14th June 1968**. It originally covered an area of **19,038 Acres (7,404 Ha)** Approximately.

JUSTIFICATION: It was intended to settle the landless squatters in Manzini forest block in Uasin Gishu in 1995. The spatial spread for the area to be degazetted is approximately **1,241.50 Ha** which is settled on.

iii) Mt. Elgon Forest:

Mt. Elgon Forest covering 91,997.16 hectares approximately was declared as a Forest Reserve vide Proclamation No. 44 of 1932 and later declared a Central Forest vide Legal Notice No. 174 of 1964.

JUSTIFICATION: In 1974, Chepyuk Settlement Scheme was established to settle the Elgony Dorobo who were residing deep within the moorland of Mt. Elgon Forest Reserve.

The initial Phase I with a spatial spread of 3,568Ha approximately was then excised from the forest reserve by de-gazettement through Legal Notice No. 51 of 1974.

In the year 2016, the then Cabinet approved de-gazettement of 4,647 Ha approximately of Mt. Elgon Forest Reserve on its 8th Cabinet meeting held on 22nd November, 2016 comprising Chepyuk Phase II and Phase III – which are now fully settled.

iv) Shiru/Shaviringa:

Kakamega Forest which was declared as a Forest Reserve in 1933 via Proclamation No. 14 of 1933 and declared a central forest via Legal Notice No. 174 of 1964 with an area of 23,777.30 Ha approximately.

JUSTIFICATION: The Shiru/Shaviringa Settlement Scheme was established in 1988 as compensation and in exchange for land which was acquired to pave the way for the establishment of Vihiga District Headquarters, Mbale Hospital, Vokoli Secondary and other public institutions.

The area is fully settled. The area recommended for de-gazettement is approximately 94.99 Ha at Shiru and 36 Ha at Shaviringa respectively, and is fully settled. The schemes form part of Kakamega Forest which was declared as a Forest Reserve in 1933 via Proclamation No. 14 of 1933 and declared a central forest via Legal Notice No. 174 of 1964 with an area of 23,777.30 Ha approximately.

The Ministry avers that the issues in respect of which this petition is made are not pending before any court of law, constitutional or legal body.

THEREFORE, your humble petitioner prays that:

- a) Parliament approves to vary the boundaries of the public forests comprised of
 - i. South Nandi (Chepkumia) of approximately 989.17 Ha, Turbo (Manzini) approximately 1,241.50 Ha,
 - ii. Mt. Elgon (Chepyuk) 4,647 Ha Approximately and
 - iii. Kakamega Forest 94.99 Ha at Shiru and 36 Ha at Shaviringa respectively.
- b) Parliament to consider the Petition and issue appropriate orders.



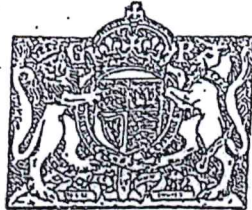
DR. DEBORAH M. BARASA
CABINET SECRETARY

Encl.



PROCLAMATION NO. 44

COLONY AND PROTECTORATE OF KENYA.



THE FOREST ORDINANCE.

PROCLAMATION.

J. A. BYRNE.

L. S.

BY His Excellency Sir Joseph Aloysius Byrne, Knight, Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, having the honorary rank of Brigadier-General in His Majesty's Army, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, in Executive Council.

IN EXERCISE of the powers conferred upon me by section 3 of the Forest Ordinance (Chapter 149 of the Revised Edition), I hereby declare the areas described in the First Schedule hereto to be Forest Areas for the purpose of the aforementioned Ordinance.

The Rules and Proclamations mentioned in the Second Schedule hereto are hereby cancelled.

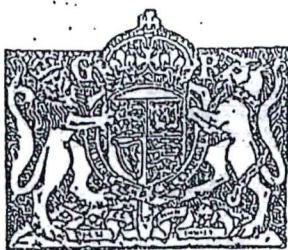
GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Nairobi this 30th day of April, 1932.

W. M. LOGAN,
for Colonial Secretary.

PROCLAMATION NO. 11

COLONY AND PROTECTORATE OF KENYA.



THE FOREST ORDINANCE.

PROCLAMATION.

J. A. BYRNE.

L. S.

BY His Excellency Sir Joseph Aloysius Byrne, Knight, Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, having the honorary rank of Brigadier-General in His Majesty's Army, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, in Executive Council.

IN EXERCISE of the powers conferred upon me by section 3 of the Forest Ordinance (Chapter 149 of the Revised Edition), I hereby declare the areas described in the First Schedule hereto to be Forest Areas for the purpose of the aforementioned Ordinance.

The Rules and Proclamations mentioned in the Second Schedule hereto are hereby cancelled.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Nairobi this 30th day of April, 1932.

W. M. LOGAN,
for Colonial Secretary.

FIRST SCHEDULE.

BOUNDARIES OF THE MARSABIT FOREST RESERVE.

Commencing at the trigonometrical beacon " Marsabit II " (Mt. H), thence north-easterly bounded by the straight line between that beacon and the trigonometrical beacon Mt. I to its intersection with the south-western boundary of Marsabit Township;

thence south-easterly by that boundary to the south-eastern corner of the township;

thence northerly by part of the eastern boundary of the township to its intersection with the southern edge of the Lug Jaldessa road;

thence easterly by that road to its intersection with the straight line between the trigonometrical beacons Mt. I and Mt. D;

thence southerly by that straight line to the latter beacon;

thence west-north-westerly by a straight line to the trigonometrical beacon Mt. C;

thence north-westerly by a straight line to the trigonometrical beacon Mt. E;

thence north-easterly by a straight line to the trigonometrical beacon Mt. G;

thence south-easterly by a straight line to the point of commencement.

BP 75/14
BP 17528

BOUNDARIES OF THE MOUNT ELGON FOREST RESERVE.

Commencing at the summit of Mount Elgon on the Kenya-Uganda boundary;

thence following that boundary north-easterly to the Suam River.

thence bounded by that river down-stream to a point about 6,700 ft. west of the north-western corner of L.R. No. 6106;

thence by a straight line south-easterly to a point on the western boundary of L.R. No. 6,106 about 5,400 ft. from its north-west corner;

~~thence southerly by part of the western boundary of L.R. No. 6106 and by those of L.R. Nos. 6105/IV (6493) and 6492 to the southern corner of the last portion;~~

thence by the western boundaries of L.R. Nos. 6891, 6890, 6654, and 6471 to the southern corner of the last;

thence by the south-western boundaries of L.R. Nos. 6414, 6416, 6415, 6139, 6136 and part of the southern boundary of L.R. No. 5712 to the north-west corner of L.R. No. 1950;

thence by the western boundary of L.R. No. 1950 and part of that of L.R. No. 1951 to the intersection of the latter with the Kabewyan River which forms the northern boundary of L.R. No. 2066;

thence by that river up-stream to the north-west corner of that portion;

† thence by the western boundaries of L.R. Nos. 2066, 6440 and L.R. No. 6439 to the south-west corner of the last;

thence by a cut and beacons line in a generally south-westerly direction to the Laba River (a small tributary of the Musindet River);

thence by the Laba River down-stream for about 9,500 feet to its intersection with a cut and beacons line on its right bank;

thence in a generally westerly direction by that cut line for about twelve miles to a beacon on Chongewa Ridge;

thence north-westerly by a cut line to a beacon on Kapronga Ridge;

thence westerly by a straight line to the forest edge on Koisetta Ridge;

thence in a generally north-westerly direction by the top of the escarpment to the Lwagaga (Lwakaka) River, which forms the Kenya-Uganda boundary;

thence northerly by that boundary to the point of commencement.

BOUNDARIES OF THE MARAKWET AND NORTH ELGEYO NATIVE FOREST RESERVES.

These native forest reserves consist of one forest area, the portions north and south of the Elgeyo-Marakwet District boundary forming the Marakwet and North Elgeyo Forest Reserves respectively; the boundary of the whole area being as follows:—

Commencing at the south-east corner of L.R. No. 4592; thence bounded by the eastern boundary of that portion to its north-east corner;

DECLARATION
OF
CENTRAL FORESTS

LEGAL NOTICE No 174

20TH MAY 1964

SUPERSEDES ALL PREVIOUS GAZETTE NOTICES

Kenya Gazette Supplement No 77 of 15/6/64

LEGAL NOTICE No. 174

THE KENYA INDEPENDENCE ORDER 1963
~~THE FORESTS ACT 1962~~
(Cap. 385) (L.N. 113 of 1962)

DECLARATION OF CENTRAL FORESTS

IN EXERCISE of the powers conferred by paragraph 22 (2) of Schedule 2 of the Constitution, the Minister for Natural Resources, after consultation with the National Forest Authority, hereby declares all forests situated in the districts specified in the first column of the Schedule to this notice and described in the second column of the said Schedule to be Central Forests.

*See also by
L.N. 113
of 1962*

2. This notice shall be deemed to have come into operation on 1st June 1963.

SCHEDULE

| District | Description |
|--------------------------------------|--|
| Nyandarua, Fort Hall and Nyeri | <p><input checked="" type="checkbox"/> ABERDARE FOREST</p> <p>That piece of land of approximately 302,583 acres, situated approximately 27-62 miles north of Nairobi municipality, which was declared to be a forest area by Proclamation No. 48 of 1943 and as amended by—</p> <p>Proclamation No. 29 of 1947. Proclamation No. 22 of 1950. Proclamation No. 36 of 1950. Proclamation No. 47 of 1952. Proclamation No. 18 of 1955. Proclamation No. 34 of 1955. Legal Notice No. 113 of 1957. Legal Notice No. 352 of 1958.</p> |
| Kilifi | <p><input checked="" type="checkbox"/> ARABUKO-SOKOKE FOREST</p> <p>That piece of land of approximately 96,590 acres, situated approximately 50 miles north-east of Mombasa municipality, which was declared to be a forest area by Proclamation No. 48 of 1943.</p> |
| Nakuru | <p><input checked="" type="checkbox"/> BAHATI FOREST</p> <p>That piece of land of approximately 25,022 acres, situated approximately 10 miles north-east of Nakuru municipality, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by—</p> <p>Proclamation No. 122 of 1934. Proclamation No. 36 of 1950. Legal Notice No. 113 of 1957.</p> |

*Schedule 2
of Constitution
deleted or amended
14/12/64
Act 28/64*

SCHEDULE—(Contd.)

| District | Description |
|------------------------------|---|
| Kwale | <p>⊗ MKONGANI NORTH FOREST</p> <p>That piece of land of approximately 2,751 acres, situated approximately 13 miles south-west of Kwale township, which was declared to be a forest area by Proclamation No. 406 of 1956.</p> |
| Kwale | <p>⊗ MKONGANI WEST FOREST</p> <p>That piece of land of approximately 3,375 acres, situated approximately 16 miles south-west of Kwale township, which was declared to be a forest area by Proclamation No. 406 of 1956.</p> |
| Nakuru | <p>⊗ MOLO EAST FOREST</p> <p>That piece of land of approximately 2,228 acres, situated approximately one mile south of Molo township, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by Proclamation No. 15 of 1951.</p> |
| Nakuru | <p>⊗ MOLO WEST FOREST</p> <p>That piece of land of approximately 680 acres, situated approximately one mile west of Molo township, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by Proclamation No. 15 of 1951.</p> |
| Machakos | <p>⊗ MOMANDU FOREST</p> <p>That piece of land of approximately 344 acres, situated approximately 11 miles south of Machakos township, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by Proclamation No. 7 of 1955.</p> |
| Baringo | <p>⊗ MISOGBM FOREST <i>2.11.1964</i></p> <p>That piece of land of approximately 505 acres, situated approximately six miles north-east of Kabarnet township, which was declared to be a forest area by Proclamation No. 15 of 1949.</p> |
| West Pokot and Bungoma | <p>⊗ MOUNT ELGON FOREST</p> <p>That piece of land of approximately 227,325 acres, situated approximately 50 miles west of Kitale township, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by—</p> <p>Proclamation No. 14 of 1933. Proclamation No. 15 of 1951. Proclamation No. 36 of 1952. Proclamation No. 9 of 1953. Proclamation No. 27 of 1953. Legal Notice No. 24 of 1962.</p> |



15/3/74

THE FORESTS ACT
(Cap. 385)

MOUNT ELGON 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 Mount Elgon Forest shall be altered so as to exclude the area described in the Schedule hereto.

An area of land of approximately 3,686 hectares lying within and adjoining the southern boundary of Mount Elgon Forest, situated approximately 26.6 kilometres north of Bungoma Town, in the Bungoma District, Western Province, the boundaries of which are more particularly delineated, edged red on Boundary Plan No. 175/165 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 Divisional Forest Officer, Forest Department, Kitale.

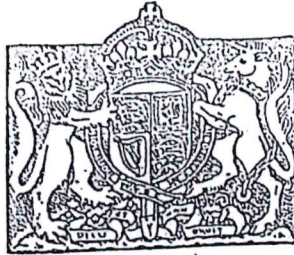
Dated this 22nd day of January, 1974.

W. O. OMAMO,
Minister for Natural Resources.



PROCLAMATION No. 76

COLONY AND PROTECTORATE OF KENYA.



THE FOREST ORDINANCE

(Chapter 149 of the Revised Edition).

PROCLAMATION.

J. BYRNE.

L. S.

BY His Excellency Sir Joseph Aloysius Byrne, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, having the honorary rank of Brigadier-General in His Majesty's Army, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by section 3 of the Forest Ordinance (Chapter 149 of the Revised Edition), I do hereby with the consent of the Native Lands Trust Board declare the areas described in the Schedule hereto to be forest areas for the purposes of the aforesaid Ordinance.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Nairobi this twenty-ninth day of October, 1936.

SCHEDULE.

BOUNDARIES OF THE NANDI FOREST RESERVES.

These Forest Reserves consist of five areas, known as North Nandi, South Nandi, Taressia, Kaptaroi, Ururu, all situated within and forming part of the Nandi Native Reserve.

1.—North Nandi.

An area comprising about 29,270 acres.

Commencing at a point situated on the eastern boundary of L.R. No. 1904 and at a distance of about 1,750 feet from its south-eastern corner;

thence northerly by part of the eastern boundary of that portion and the whole of the eastern boundary of L.R. No. 1905 to the north-eastern corner of the latter portion;

thence generally northerly by a series of cut and beacons lines to a beacon situated at a distance of about 1,850 feet west of the trigonometrical beacon Goyban;

thence easterly by two cut and beacons lines to a beacon situated north-east of that trigonometrical beacon;

thence generally south-easterly, south-westerly and southerly by a series of cut and beacons lines to a beacon situated on a bearing of approximately 130° and at a distance of about 4,800 feet from the trigonometrical beacon Tobolwa;

thence easterly and generally northerly and again easterly by a series of cut and beacons lines to a beacon situated on a bearing of approximately 72° and at a distance of about 9,900 feet from the trigonometrical beacon Tobolwa;

thence southerly, westerly, south-westerly, south-easterly, south-westerly, southerly, south-easterly and south-westerly by a series of cut and beacons lines to a beacon situated approximately due east of and at a distance of about 6,000 feet from the trigonometrical beacon Tsongoro;

thence southerly, south-westerly and easterly by a series of cut and beacons lines to the intersection of the last with an unnamed stream;

thence down-stream to its junction with another unnamed stream;

thence up-stream for a distance of about 2,500 feet to its intersection with a cut and beacons line;

thence in a generally south-westerly direction by a series of cut and beacons lines to the point of commencement.

2.—South Nandi.

An area comprising about 49,880 acres.

Commencing at a beacon situated on the north-eastern boundary of, and at a distance of about 1,950 feet from, the easternmost corner of L.R. No. 1895;

thence north-westerly by part of the north-eastern boundary of that portion and the whole of the north-eastern boundary of L.R. No. 1894 to its intersection with the Birun or Mchomekik River and onwards to a beacon on the south-eastern boundary of L.R. No. 1763;

thence north-easterly by the south-eastern boundary of that portion for a distance of about 4,450 feet to a beacon;

thence generally easterly, south-westerly and again generally easterly by a series of cut and beacons lines to the intersection of the last with the Gigonja River;

thence by that river down-stream to its junction with the Kigiri River;

thence by that river up-stream to its junction with the Kipnyanchi River;

thence by that river up-stream for a distance of about 3,900 feet to its intersection with a cut and beacons line;

thence north-easterly, north-westerly and south-westerly by a series of cut and beacons lines to the intersection of the last with the Kigiri River;

thence by that river up-stream to its intersection with the northern boundary of the Kakamega-Kapsabet road;

thence south-westerly and north-westerly by the generally northern boundary of that road reserve for a distance of about 6,350 feet to a beacon;

thence northerly, north-easterly, south-easterly, southerly, south-easterly and southerly by a series of cut and beacons lines to the intersection of the last with the northern boundary of the Kakamega-Kapsabet road:

thence generally easterly by the northern boundary of that road for a distance of about 4,900 feet to a beacon;

thence north-westerly and north-easterly by two cut and beacons lines to the intersection of the latter with the Kimbnde River;

thence by that river up-stream to its junction with the Hamai River;

thence by that river up-stream for about 8,000 feet to a beacon;

thence south-easterly, easterly, north-easterly and easterly by a series of cut and beacons lines to the intersection of the last with the Hatherigu River;

thence by that river up-stream to its intersection with a cut and beacons line;

thence westerly and southerly by two cut and beaconed lines to the intersection of the latter with the northern boundary of the Kakamega-Kapsabet road;

thence generally westerly by the northern boundary of that road reserve for a distance of about 2,400 feet to its intersection with a cut and beaconed line;

thence in a generally southerly, south-easterly and south-westerly direction by a series of cut and beaconed lines to the intersection of the last with northern boundary of the Kisumu-Kaptumu road in the vicinity of Chebasus old mission site;

thence westerly by the northern boundary of that road for a distance of about 9,100 feet to its intersection with a cut and beaconed line;

thence north-westerly, westerly and south-westerly by a series of cut and beaconed lines to its intersection with the northern boundary of that road;

thence north-westerly by the northern boundary of that road for a distance of about 5,100 feet to its intersection with a cut and beaconed line;

thence northerly, north-westerly, south-westerly and south-easterly by a series of cut and beaconed lines to its intersection with the northern boundary of that road;

thence generally westerly by the northern boundary of that road for a distance of about 7,500 feet to its intersection with a cut and beaconed line;

thence north-easterly, north-westerly and generally south-westerly by a series of cut and beaconed lines to its intersection with the northern boundary of that road;

thence southerly, south-westerly, and north-westerly by the northern boundary of that road for a distance of about 2,150 feet to its intersection with a cut and beaconed line;

thence generally north-westerly and south-westerly by a series of cut and beaconed lines to its intersection with the northern boundary of that road;

thence north-westerly by the northern boundary of that road for a distance of about 1,000 feet to its intersection with a cut and beaconed line;

thence generally northerly, north-westerly, northerly and easterly by a series of cut and beaconed lines to a beacon situated on a bearing of approximately 240° and at a distance of about 2,570 feet from the south-eastern corner of T.R. No. 1697;

thence generally south-easterly, north-easterly and north-westerly by a series of cut and beacons lines to the point of commencement.

3.—*Taressia.*

An area comprising about 950 acres.

Commencing at a beacon situated on a bearing of approximately 349° and at a distance of about 2,550 feet from the trigonometrical beacon Goyban;

thence north-westerly, northerly, north-easterly, south-easterly and generally southerly by a series of cut and beacons lines back to the point of commencement.

4.—*Kaptaroi.*

An area comprising about 810 acres.

Commencing at a beacon situated on a bearing of approximately 105° and at a distance of about 16,100 feet from the trigonometrical beacon Chakiakak;

thence north-easterly, south-easterly, south-westerly, southerly, westerly, northerly, north-easterly, generally westerly and north-westerly by a series of cut and beacons lines back to the point of commencement.

5.—*Ururu.*

An area comprising about 1,390 acres.

Commencing at a beacon situated on a bearing of approximately 183° and at a distance of about 6,000 feet from the trigonometrical beacon Kapsabet;

thence southerly and south-easterly by two cut and beacons lines to the intersection of the latter with the Kapumu-Kapsabet telegraph line;

thence south-westerly by that telegraph line for a distance of about 8,200 feet to its intersection with a cut and beacons line;

thence north-westerly, south-westerly and generally northerly, thence westerly, generally northerly and easterly by a series of cut and beacons lines back to the point of commencement.

The foregoing boundaries are delineated, edged green, on Boundary Plan No. 75 deposited at the Survey Records Office, Nairobi, a copy of which plan is on record at the office of the Forest Department, Nairobi.

DECLARATION
OF
CENTRAL FORESTS

LEGAL NOTICE No 174
20TH. MAY 1964

SUPERCEDES ALL PREVIOUS GAZETTE NOTICES

5

LEGAL NOTICE No. 174

THE NEW INDEPENDENCE ORDER 11 1963

—THE FORESTS ACT 1963

(Cap. 385) (L.N. 118 of 1963)

DECLARATION OF CENTRAL FORESTS

IN EXERCISE of the powers conferred by paragraph 22 (2) of Schedule 2 of the Constitution, the Minister for Natural Resources, after consultation with the National Forest Authority, hereby declares all forests situated in the districts specified in the first column of the Schedule to this notice and described in the second column of the said Schedule to be Central Forests.

2. This notice shall be deemed to have come into operation on 1st June 1963.

SCHEDULE

| District | Description |
|--------------------------------------|--|
| Nyandarua, Fort Hall and Nyeri | <p><input checked="" type="checkbox"/> ABERDARE FOREST</p> <p>That piece of land of approximately 302,583 acres, situated approximately 27.62 miles north of Nairobi municipality, which was declared to be a forest area by Proclamation No. 48 of 1943 and as amended by—</p> <p>Proclamation No. 29 of 1947. Proclamation No. 22 of 1950. Proclamation No. 36 of 1950. Proclamation No. 47 of 1952. Proclamation No. 18 of 1955. Proclamation No. 34 of 1955. Legal Notice No. 113 of 1957. Legal Notice No. 352 of 1958.</p> |
| Kilifi | <p><input checked="" type="checkbox"/> ARABUKO-SOKOKE FOREST</p> <p>That piece of land of approximately 96,590 acres, situated approximately 50 miles north-east of Mombasa municipality, which was declared to be a forest area by Proclamation No. 48 of 1943.</p> |
| Nakuru | <p><input checked="" type="checkbox"/> BAHATI FOREST</p> <p>That piece of land of approximately 25,022 acres, situated approximately 10 miles north-east of Nakuru municipality, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by—</p> <p>Proclamation No. 122 of 1934. Proclamation No. 36 of 1950. Legal Notice No. 443 of 1956. Legal Notice No. 351 of 1958.</p> |

Schedule of Constituents Deleted on 14/12/64 Act 21

SCHEDULE (Contd.)

| District | Description |
|-------------|---|
| | MUTULA FOREST |
| Machakos | That piece of land of approximately 1,400 acres, situated approximately 23 miles south-east of Machakos township, which was declared to be a forest area by Legal Notice No. 532 of 1960. |
| | MWACHI FOREST |
| Kwale | That piece of land of approximately 1,031 acres, situated approximately four miles north-west of Mombasa municipality, which was declared to be a forest area by Proclamation No. 104 of 1938. |
| | NABKOI FOREST |
| Uasin Gishu | That piece of land of approximately 7,449 acres, situated approximately 30 miles south-east of Eldoret municipality, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by— Proclamation No. 36 of 1950. Proclamation No. 5 of 1955. Legal Notice No. 263 of 1956. |
| | NAIROBI ARBORETUM FOREST |
| Nairobi | That piece of land of approximately 75 acres, situated within Nairobi municipality, which was declared to be a forest area by Proclamation No. 44 of 1932. |
| | NAKURU LAKE FOREST |
| Nakuru | That piece of land of approximately 27,700 acres, situated approximately 12 miles south-west of Nakuru township, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by Proclamation No. 36 of 1950. |
| | NANDI NORTH FOREST |
| Nandi | That piece of land of approximately 29,270 acres, situated approximately 7 miles west to 22 miles north-west of Kapsabet township, which was declared to be a forest area by Proclamation No. 76 of 1936. |
| | NANDI SOUTH FOREST |
| Nandi | That piece of land of approximately 48,880 acres, situated approximately 3 miles west to 17 miles south-west of Kapsabet township, which was declared to be a forest area by Proclamation No. 76 of 1936. |

49
7/5/68

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

An area of land of approximately 19,038 acres comprising portions originally known as L.R. Nos. 5560, 4128/4, 8693/3, 3779, 3780, 3781, 3782, 7088, 796/16, 4479/1, 8696, 10807 and 6174 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. 175/132, 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.

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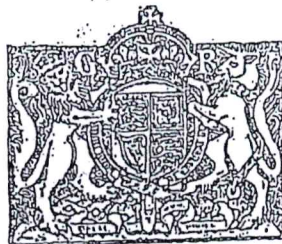
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PROCLAMATION NO. 44

COLONY AND PROTECTORATE OF KENYA.



THE FOREST ORDINANCE.

PROCLAMATION.

J. BYRNE.

L. S.

BY His Excellency Sir Joseph Aloysius Byrne, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, having the honorary rank of Brigadier-General in His Majesty's Army, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya, in Executive Council.

IN EXERCISE of the powers conferred upon me by section 3 of the Forest Ordinance (Chapter 149 of the Revised Edition), I hereby declare the areas described in the First Schedule hereto to be Forest Areas for the purpose of the aforementioned Ordinance.

I further declare that the descriptions contained in Proclamation No. 44 of the 30th day of April, 1932, of the Forest Reserves mentioned in the Second Schedule hereto shall be amended as described in that Schedule.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Nairobi this 13th day of February, 1933.

H. M. M. MOORE,
Colonial Secretary.

FIRST SCHEDULE.

BOUNDARIES OF THE KAKAMEGA FOREST RESERVE.

This Forest Reserve consists of three areas, known as Kakamega, Malaba and Kisere, and situated within and forming part of the North Kavirondo Native Reserve.

(1) KAKAMEGA.

Commencing at a trigonometrical beacon, Kipsogur, situated at the north-west corner of L.R. No. 1906;

thence bounded by the north-western boundary of that portion to its most southern corner;

thence by the northern boundary of L.R. No. 1900 to its north-west corner;

thence in a generally westerly, southerly and easterly direction by a beaconsed line to a beacon at the north-west corner of L.R. No. 1762;

thence south-westerly by the north-western boundary of that portion to its south-west corner on the Siria or Mchomekeki River;

thence by that river up-stream to its intersection with the western boundary of a road reserve;

thence by the western boundary of that road reserve southerly for a distance of about 1,000 feet to a beacon;

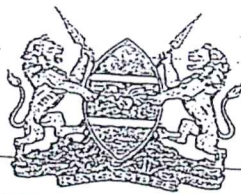
thence in a generally south-westerly, north-westerly and northerly direction by a beaconsed line for a distance of about 94,000 feet to a beacon on the right bank of the Mregi River and onwards to that river;

thence by that river down-stream for a distance of about 300 feet to its junction with the Luguzidz River;

thence by that river up-stream for a distance of about 3,300 feet to a point due south of a beacon on its right bank;

thence in a generally northerly, westerly and north-easterly direction by a beaconsed line for a distance of about 112,500 feet to a beacon at the most northerly point of that beaconsed line;

thence in a generally easterly, south-easterly, westerly, southerly, and again south-easterly direction by a beaconsed line for a distance of about 85,000 feet to the point of commencement.



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (SECOND SESSION)

CONVEYANCE OF PUBLIC PETITION
(No. 69 of 2023)

DELAY IN RESETTLEMENT OF SQUATTERS IN KOIBEM VILLAGE,
CHEPKUMIA LOCATION, NANDI COUNTY

1. Honourable Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.
2. In this regard, I wish to report to the House that my Office has received a Petition from *Messrs. Joel Songol, ID No. 5277747, and five others, of Koibem Village, Chepkumia Location, Nandi County*, representing Koibem Village Squatters.
3. Honourable Members, the Petitioners are raising concerns regarding inordinate delay in the issuance of new Title Deeds to residents of Koibem Village. The residents were moved in 1996 following excision of 1170 hectares in Yala Block of South Nandi Forest to allow resettlement of 351 people who were to be evacuated from the hilly and rocky Koibem area measuring 989.7ha.
4. The Petitioners state that until late 1990s the larger Chepkumia Location was surrounded by South Nandi Forest and the vast Kaimosi Tea Estates, leaving an entry road near the Yala River through thick and sometimes quite insecure forest with robbers running amok, spreading terror, killing people and raping women. Koibem village was rocky and hilly and located right by the forest.
5. The Petitioners claim that in 1996, the Government of Kenya undertook to relocate the people of Koibem village from their original land to a Block in South Nandi Forest along the Yala River west of Nandi County in exchange and to convert and gazette the original land vacated by the community into a forest.

6. **Honourable Members**, the Petitioners aver that the excision process began with the authority granted by then Minister for Environment and Natural Resources to resettle Koibem people on excised forest land with equal acreage.

7. On 2nd October, 2015 hearings on land formalization and regularization were conducted by the National Land Commission and County Government of Nandi. The exercise entailed acceptance of existing developments, securing public utilities and verifying ownership of land allottees. All persons claiming rights to any parcel presented documents as proof of ownership.

8. During the Historical Land Injustices hearing No: NLC/HCLI/435/2018 undertaken on 25th June, 2018, the National Land Commission determined that

(i) KFS had authorized an excision of 910.6ha which include 186ha for public utilities 266.86ha for the Koibem Community. The survey had not provided the map for the perimeter of the land excised and that's why the degazettement had not been completed.

(ii) Koibem Community's claim was valid and that new Title Deeds be issued upon handing over of the title documents held by the residents of Koibem

(iii) KFS to facilitates the de-gazettement of the excised area from Nandi South Forest to enable issuance of Title Deeds to Koibem community on land to land basis.

(iv) The director of survey together with Nandi County Government to expedite the excising of the forest area that KFS excised from Nandi South Forest and hand over to Koibem community.

9. The Petitioners aver that since the concerned residents were moved out of their land and homes 29 years ago, the land they left behind now has a mature dense forest cover. However, most of the original title owners have died due to natural attrition, with many survivors suffering from depression. The lack of titles has exacerbated poverty due to lack of access to credit facilities from banks, inability to sell land and uncertainty associated with doubtful ownership.

10. The Petitioners, therefore, pray that the National Assembly engages relevant state agencies to ensure that all the squatters are settled.

11. **Honourable Members**, having established that the matter raised in the Petition is well within the authority of this House; and further, that the matters raised in this Petition are not pending before any court of law, constitutional or legal body, I hereby commit the Petition to the Public Standing Order 208A.

The Clerk of the National Assembly,

Parliament Buildings

P.O. Box 41842 - 00100

NAIROBI

Email: clerk@parliament.go.ke

RE: PETITION TO THE NATIONAL ASSEMBLY CONCERNING
EXCHANGE OF LAND FOR KOIBEM VILLAGE

We, the undersigned, citizens of the Republic of Kenya, and residents of KOIBEM VILLAGE draw the attention of the National Assembly to the following:

FACTUAL BACKGROUND:

In 1996, a presidential directive was issued for the relocation of residents in a forested area to new locations closer to the main road.

The excision process began with one of the excision surveys paid for and excision authority was in 1999 via letter dated 22/03/1999

The Koibem village is already on the new land.

The in administration in 2002 delayed the process, and no meaningful progress was made until the passage of the 2010 conand the Land related legislations and the National Land Commissions Act

With the enactment of the forest conservation and management act of 2016 this marked a change in the procedure leading up to the degazettment and titling of forest land.

This delay which has snowballed into new problems for the community has always been as result of governments tortuous in-action or malicious actions

The community has suffered loss and damage spanning two decades.

In 2016, the County Land Management Board (CLMB) ~~conducted~~ a validation process, which was favorable for the occupants/beneficiaries.

The Senate Recommendation was the conclusion of the exchange program, and the National Land Commission offered the condusive recommendation, which was gazetted on 1st March 2019..

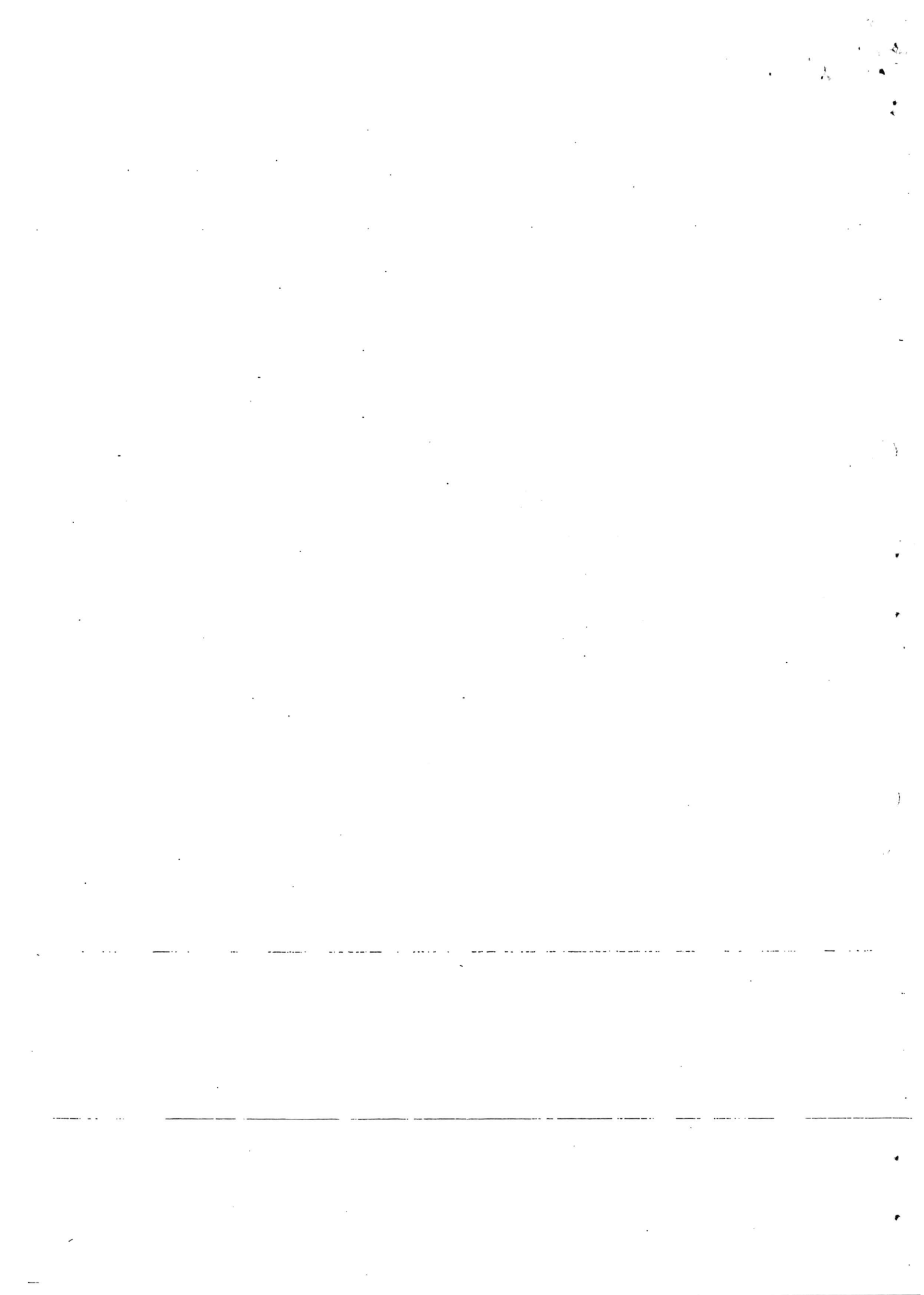
All these interventions whereas noble true and in the best interest of the community they have failed short of the procedural test which we invite you to intervene and correct so as to deliver justice at last.

REQUEST AND RECOMMENDATION:

KOIBEM VILLAGE


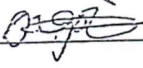

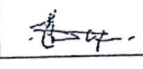
The residents of Koibem Village occupying the new area request the Following: THAT-

- a) The Cabinet Secretary Lands to proceed to gazette the intended excision area.
- b) The Cabinet Secretary Environment to secure Cabinet Approval for the intended degazettment
- c) Upon Cabinet Approval, the Cabinet Secretary Environment to seek parliamentary approval under Section 34 of the Forest Management and Conservation Act of 2016-
- d) The Government through the department of Settlement to facilitate the issuance of new Titles in the new registration area and/or the National Titling Centre to intervene.
- e) Given the years of frustration the government to consider waiving the registration costs for the new titles-
- f) The 7 individuals whose parcels are inhabitable and 2 individuals who received less acreage be allocated alternative land within the same area through an amended initial excision survey.



This is our humble petition to parliament. We the under-signed sign in support for and on behalf of the community

Dated at Kapsabet this day of...11TH OCT..... 2023

| | NAME | ADDRESS | ID | SIGN |
|---------------|------------------|------------|----------|---|
| KOIBEM | | | | |
| 1. | JAMES K. YECO | 0714164046 | 0960477 |  |
| 2. | JOEL K. SONGOL | 0721566819 | 5277747 |  |
| 3. | ANDREW K. ROTICH | 0723108742 | 10444106 |  |
| 4. | KIPROTO R. LAGAT | 0713543636 | 5609021 |  |

Counter Signed by:

1. Hon....., Member of parliament for.....
Constituency.

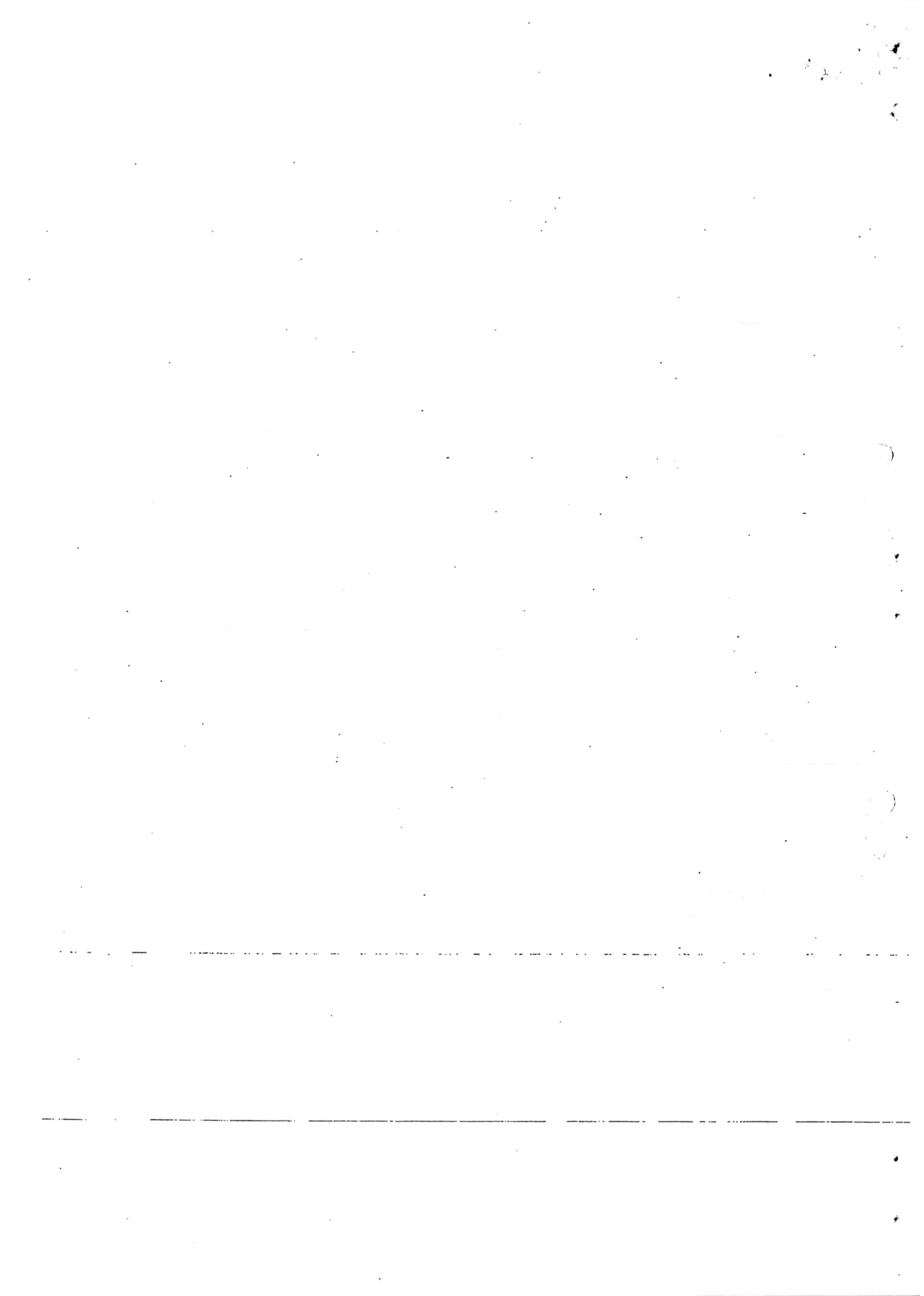
Sign.....

2. Hon....., Member of parliament for.....
Constituency.

Sign.....

3. Hon....., Member of parliament for.....
Constituency.

Sign.....



1 NO. 69 of 2023

Ms. June Egan
pls lead
[Signature]
2/1/20

NATIONAL ASSEMBLY
DIRECTORATE OF LEGAL SERVICES
MEMO

TO : THE DIRECTOR, LEGISLATIVE AND PROCEDURAL SERVICES-NA
Head, PRJ
truly get involved with the
relationship and inform accordingly

THRO' : THE DIRECTOR, LEGAL SERVICES-NA
Forwarded, I agree with the
opinion of legal counsel that the
petition does not meet the requirements
the Standing Order.

THRO' : THE DEPUTY DIRECTOR, LEGAL SERVICES-NA
JMN
27/10/2

THRO' : PRINCIPAL LEGAL COUNSEL II
Forwarded. The petition does not fully
satisfy the requirements of the Act and the
Standing Order and may not therefore be
tabled for consideration by
the House

FROM : LEGAL COUNSEL II
25/10/23

DATE : 24th OCTOBER, 2023

RE: PETITION TO PARLIAMENT CONCERNING THE EXCHANGE OF LAND FOR KOIBEM AND NGEREK VILLAGES

The above matter and your instructions to the Directorate of Legal Services to peruse and establish whether the petition by the members of the Koibem and Ngerok village complies with the Constitution, the Petitions to Parliament (Procedure) Act, 2012 and the National Assembly Standing Orders refers.

NATIONAL ASSEMBLY
PETITIONS DESK
20 OCT 2023
SERIAL
RECEIVED

Background

1. The petition is based on the grounds that in 1996, a Presidential directive was issued for the relocation of residents in forested areas to new locations closer to the main road. When the excision process began, the Koibem village was moved to a new area as part of phase one while the Ngerek village was to be part of phase two. However, due to change of government in 2002, the process stalled up until after the passing of the 2010 Constitution and the Land related laws that it regained progress. The Forest Conservation and Management Act, 2016 introduced a change in the procedure of the excision process leading to degazettement and titling of forest land. This delay in undertaking the Presidential directive which is as a result of government's tortuous in-action and malicious actions has had a negative effect on the community which has suffered loss and damage.
2. The County Land Management Board conducted a validation process in 2016 which was in favour of the occupants and the Senate recommended that the exchange program be concluded. Thereafter, the National Land Commission offered the conclusive recommendation which was gazetted on 1st March 2019.
3. However, whereas these interventions were in the best interest of the community, they have fallen short of the procedural test.

Prayers

To this end, the Petitioners make the following prayers to the National Assembly—

(1) Koibem Village

- (a) that the Cabinet Secretary for Lands to gazette the intended excision area;
- (b) that the Cabinet Secretary for Environment to secure a Cabinet approval for the intended degazettement and obtain parliamentary approval under section 34 of the Forest Management and Conservation Act, 2016;
- (c) that the government through the department of settlement to facilitate the issuance of new titles in the new registration area;
- (d) that the government waves the registration cost of the new titles;

- (e) that the seven individuals who were allocated parcels of land that are inhabitable and the other two individuals who received less acreage be allocated alternative land within the same area through an amended initial excision survey; and

(2) Ngerek Village

- (a) that the Cabinet secretary for land to send a team from Kenya Surveys to develop the excision map pursuant to the Presidential directive;
- (b) that pursuant to the excision map, the process leading to receipt of titles for the land be followed to the latter; and
- (c) that immediately after the excision survey, the residents be allowed to assume occupation;

Analysis of the Petition

We have examined the petition against the provisions of the Constitution, the Petitions to Parliament (Procedure) Act, 2012 hereinafter referred to as "the Act" and the National Assembly Standing Orders and we wish to advise as follows—

- (a) Article 119 of the Constitution as read together with Standing Order 219 provides for the right of any person to petition Parliament to consider any matter within its authority including to enact, amend or repeal any legislation. Further, the role of the National Assembly under Article 95(2) of the Constitution is to deliberate on and resolve issues of concern to the people. Consideration of the Petition is therefore within the mandate of the House;
- (b) The petition is contrary to section 3(e) and Standing Order 223(e) as the petitioners have not indicated the subject matter on every sheet;
- (c) the petition is contrary to section 3(g) and Standing order 223 (1) (g), as the petitioners have not indicated whether the issues raised are pending before any court of law or other constitutional or legal body.
- (d) pursuant to Article 95, the prayers by Koibem and Ngerek villages in the petition do not fall within the mandate of the National Assembly. These may be executed by the Executive through the Ministry of Lands and the National Land Commission in accordance with Part III of the Land Act ,2012 and Article 67 of the Constitution respectively.

Recommendation

In view of the above, we find that the Petition as presented does not fully satisfy the requirements of the Constitution, the Petitions to Parliament (Procedure) Act, 2012 and the National Assembly Standing Orders and may therefore not be forwarded to the Hon. Speaker for tabling in the House.

Submitted for directions.



ANGELA MUSAU
NATIONAL ASSEMBLY

n

NATIONAL ASSEMBLY
DIRECTORATE OF LEGISLATIVE &
PROCEDURAL SERVICES

INTERNAL MEMO

TO : DIRECTOR LEGAL SERVICES
THRO' : DIRECTOR LEGISLATIVE AND PROCEDURAL SERVICES
FROM : PRINCIPAL CLERK ASSISTANT/ HEAD, PROCEDURAL
RESEARCH AND JOURNALS OFFICE DEPARTMENT
DATE : AUGUST 16TH, 2023
SUBJECT : LEGAL OPINION REGARDING A PETITION ON EXCHANGE
OF LAND FOR KOIBEM AND NGEREK VILLAGES

The above subject refers.

The Office of the Clerk of the National Assembly has received a Petition regarding the exchange of land for Koibem and Ngerak Villages for processing.

This is therefore to request for your considered opinion on the legal aspects of the petitions and provide a legal brief to guide the processing of the said Petition.

Herewith, please find the Petition and supporting documents for your deliberation.

NOAH TOO

(Encls)
Copy to: Clerk of the National Assembly
Deputy Clerks

NATIONAL ASSEMBLY
DIRECTORATE OF LEGAL SERVICES
RECEIVED
22 AUG 2023
P. O. Box 41842 - 00100,
NAIROBI

Ms. Angela Musau, +

Kindly study and brief
the CNA.

Hann 22/08/23

Ms. Michere Kome - DOLS
Please assign and supervise
22/08/2023



0725436244
Cosmas Rep
(P.A)

NATIONAL ASSEMBLY
PETITIONS DESK
23 JUN 2023
SERIAL No.....
RECEIVED

REPUBLIC OF KENYA

PARLIAMENT

THE NATIONAL ASSEMBLY

PETITION

IN THE MATTER OF ARTICLES 1,2,6,10,22,28,35,40,47,60,61,62,65,66,67

OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF SECTION 12 OF THE LAND ACT, 2012

AND

IN THE MATTER OF SECTIONS 3, 4.5.6 AND 7 OF THE FAIR

ADMINSTRATIVE ACTION ACT, 2015

AND

IN THE MATTER OF SECTIONS 3,6,14 AND 15 OF THE NATIONAL LAND

COMMISSION ACT, 2012

IN THE MATTER OF SECTIONS 34 OF THE FOREST MANAGEMENT AND

CONSERVATION ACT 2016

KOIBEM NGEREK VILLAGES

SQUATTERS.....PETITIONER



The Clerk of the National Assembly,

Parliament Buildings

P.O. Box 41842 – 00100

NAIROBI

Email: clerk@parliament.go.ke

**RE: PETITION TO THE NATIONAL ASSEMBLY CONCERNING
EXCHANGE OF LAND FOR KOIBEM AND NGEREK VILLAGES**

We, the undersigned, citizens of the Republic of Kenya, and residents of **KOIBEM AND NGEREK VILLAGES** draw the attention of the National Assembly to the following:

FACTUAL BACKGROUND:

In 1996, a presidential directive was issued for the relocation of residents in a forested area to new locations closer to the main road.

The excision process began with one of the excision surveys paid for, and excision authority was issued in 1999 via letter dated 22/03/1999.

The Koibem village moved onto the new areas as part of phase one, while the Ngerek village was to be part of phase two.

The change in administration in 2002 delayed the process, and no meaningful progress was made until the passage of the 2010 constitution and the Land related legislations and the National Land Commissions Act.

With the enactment of the forest conservation and management act of 2016 this marked a change in the procedure leading up to the degazettment and titling of forest land.



This delay which has snowballed into new problems for the community has always been as result of governments tortuous in-action or malicious actions.

The community has suffered loss and damage spanning two decades.

In 2016, the County Land Management Board (CLMB) conducted a validation process, which was favourable for the occupants/beneficiaries.

The Senate Recommendation was the conclusion of the exchange program, and the National Land Commission offered the conclusive recommendation, which was gazetted on 1st March 2019.

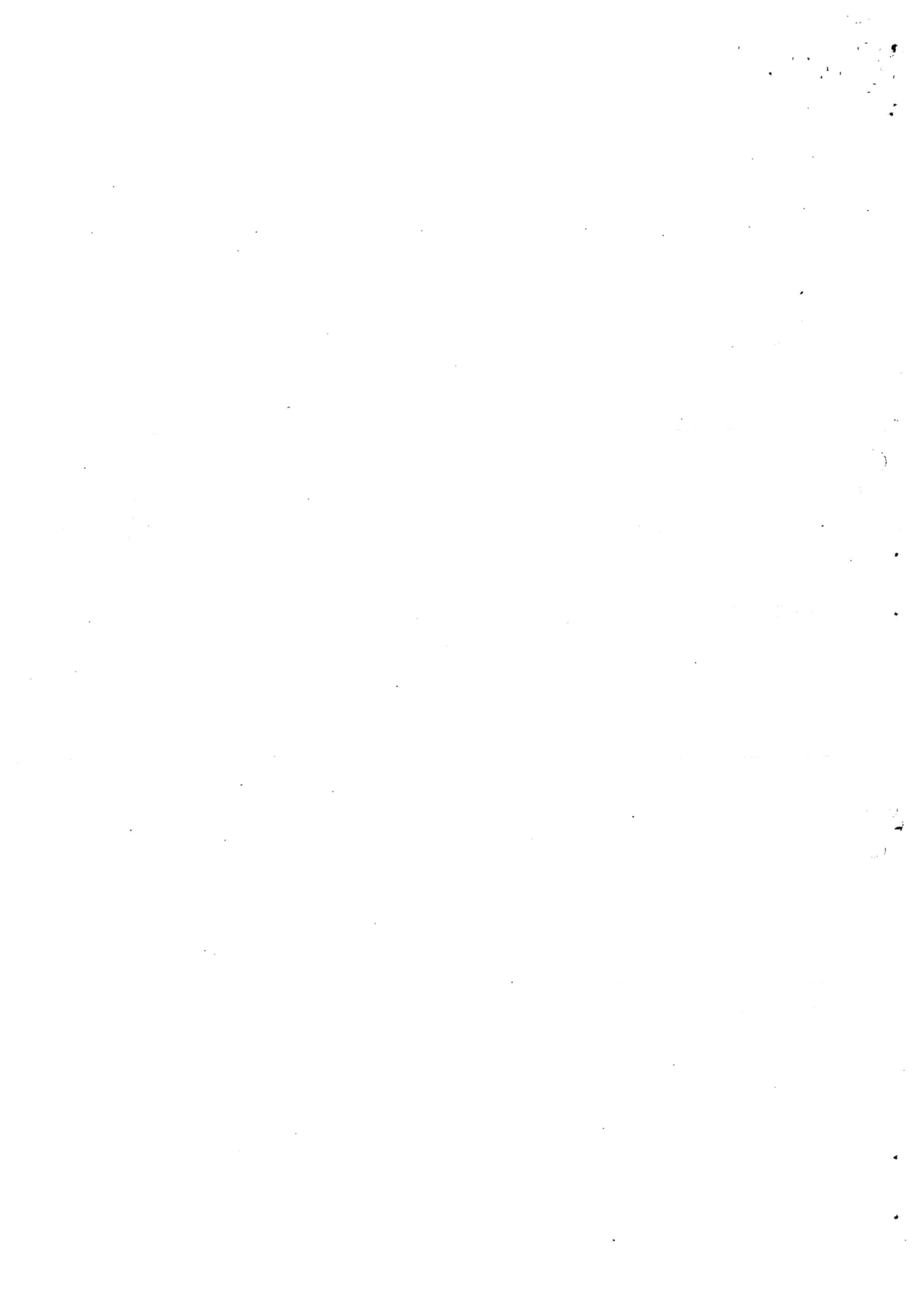
All these interventions whereas noble, true and in the best interest of the community they have failed short of the procedural test which we invite you to intervene and correct so as to deliver justice at last.

REQUEST AND RECOMMENDATION:

KOIBEM VILLAGE

The residents of Koibem Village occupying the new area request the following: THAT-

- a) The Cabinet Secretary Lands to proceed to gazette the intended excision area.
- b) The Cabinet Secretary Environment to secure Cabinet Approval for the intended degazettment.
- c) Upon Cabinet Approval, the Cabinet Secretary Environment to seek parliamentary approval under Section 34 of the Forest Management and Conservation Act of 2016.
- d) The Government through the department of Settlement to facilitate the issuance of new Titles in the new registration area and/or the National Titling Centre to intervene.



- e) Given the years of frustration, the government to consider waiving the registration costs for the new titles.
- f) The 7 individuals whose parcels are inhabitable and 2 individuals who received less acreage be allocated alternative land within the same area through an amended initial excision survey.

NGERЕК VILLAGE

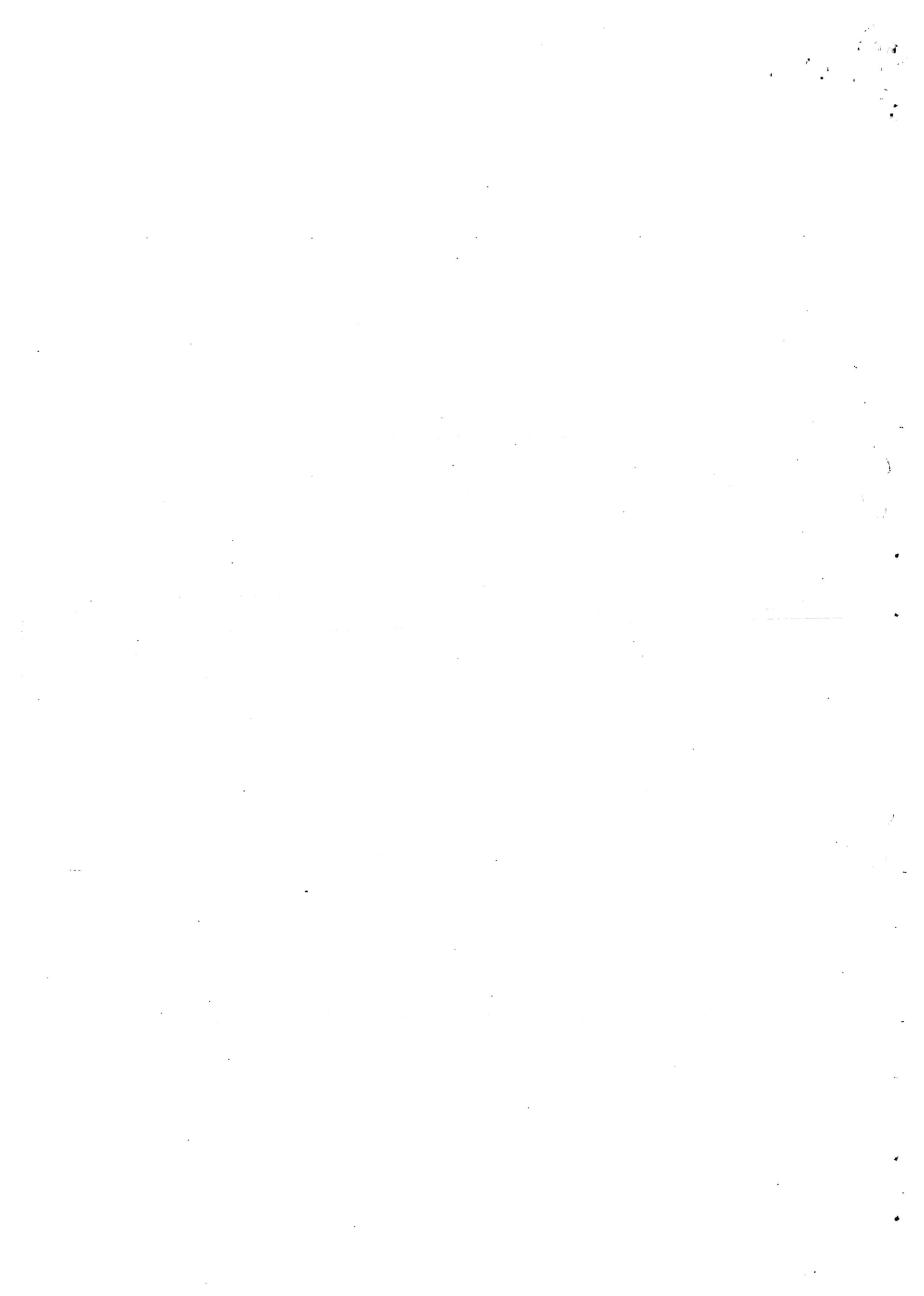
Ngerek village is still in occupation of their original parcel of land awaiting exchange and requests the following: THAT-

- a) The Cabinet Secretary Lands to send a team from Kenya Surveys to develop the excision Map pursuant to the presidential directive and excision authority.
- b) Pursuant to the excision map, the process leading up to title as indicated in the case of Koibem Village to be followed to the latter as it represents the prescribed law.
- c) Immediately after the excision survey, the residents be allowed to assume occupation and begin in the now Ngerek Village.


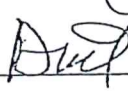
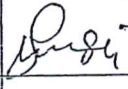
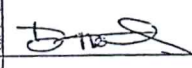






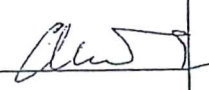


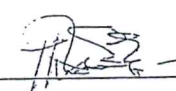
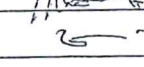
We have attached all relevant documents for your perusal and consideration.

This is our humble petition to parliament

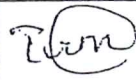
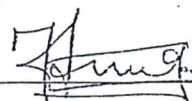
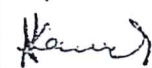








We the under-signed sign in support for and on behalf of the community



Dated at Kapsabet this 26TH day of APRIL 2023

| | NAME | ADDRESS | ID | SIGN |
|-----------------------|----------------------------|----------------|---------------------------------|---|
| KOIBEM VILLAGE | | | | |
| 1. | JAMES YEBO - Chairman | 572 - KAPSABET | 0960477 |  |
| 2. | Andrew Rotich member | " | 10444106 10444106 |  |
| 3. | David Kosgei - Treasurer | " | 3271436 |  |
| 4. | Daniel Matindony | " | 5608889 |  |
| 5. | JOEL M. SOMCOL - SECRETARY | " | 5277747 |  |
| 6. | KIPROMO LAGAT | " | 5609021 |  |
| 7. | SAMSON MEYI | " | 5573972 |  |
| 8. | DAUDI YEBO | " | 3273041 | DAUDI |
| 9. | LUCAS BETI | " | 30572634 |  |
| 10. | RICHARD BETI | " | 7444687 |  |
| 11. | RICHARD RUGUT | " | 22249284 |  |
| 12. | DAVID RUTO | " | 11024327 |  |
| 13. | ALLAN RUTO | " | 6864803 |  |
| 14. | JEREMIA JEPSOL | " | 0772464 |  |
| 15. | THOMAS METTO | " | 3271481 |  |
| 16. | DAVID KERICH | " | 12468331 |  |



| NGERЕК VILLAGE | | | |
|----------------|------------------------------|----------|---|
| 1. | PAUL KIPROP Tum | 3275547 |  |
| 2. | KIMELI SANG | 5579231 | (KIM M F) |
| 3. | HARUN KIMOSONG MCH | 11025641 |  |
| 4. | DAVID DUGUT | 5578182 |  |
| 5. | ELIJAH KIPKOSGET KGETICH | 9991069 |  |
| 6. | JONA KIPTAANU BIAMA | 9602904 |  |
| 7. | WILLIAM KURGAT | 5573154 | Olee |
| 8. | ESTHER TEPKEMBOI SITIGETI | 5578434 | ESTER |
| 9. | MEJA ALMASI | 5609573 |  |
| 10. | LOHENTI MAROBA | 11025804 |  |
| 11. | WILLIAM MUDALI NGERI | 3285880 | Mudali |
| 12. | REJINA MIBONGI SAAC | 10065413 |  |
| 13. | ZELKA MIBONGI KAJILWA | 4185408 |  |
| 14. | NANCY KADOGO ODANGA | 9868076 |  |
| 15. | JOSHUA KANTAI | 3272279 |  |

Counter signed by

1. Hon....., Member of Parliament
for,.....Constituency



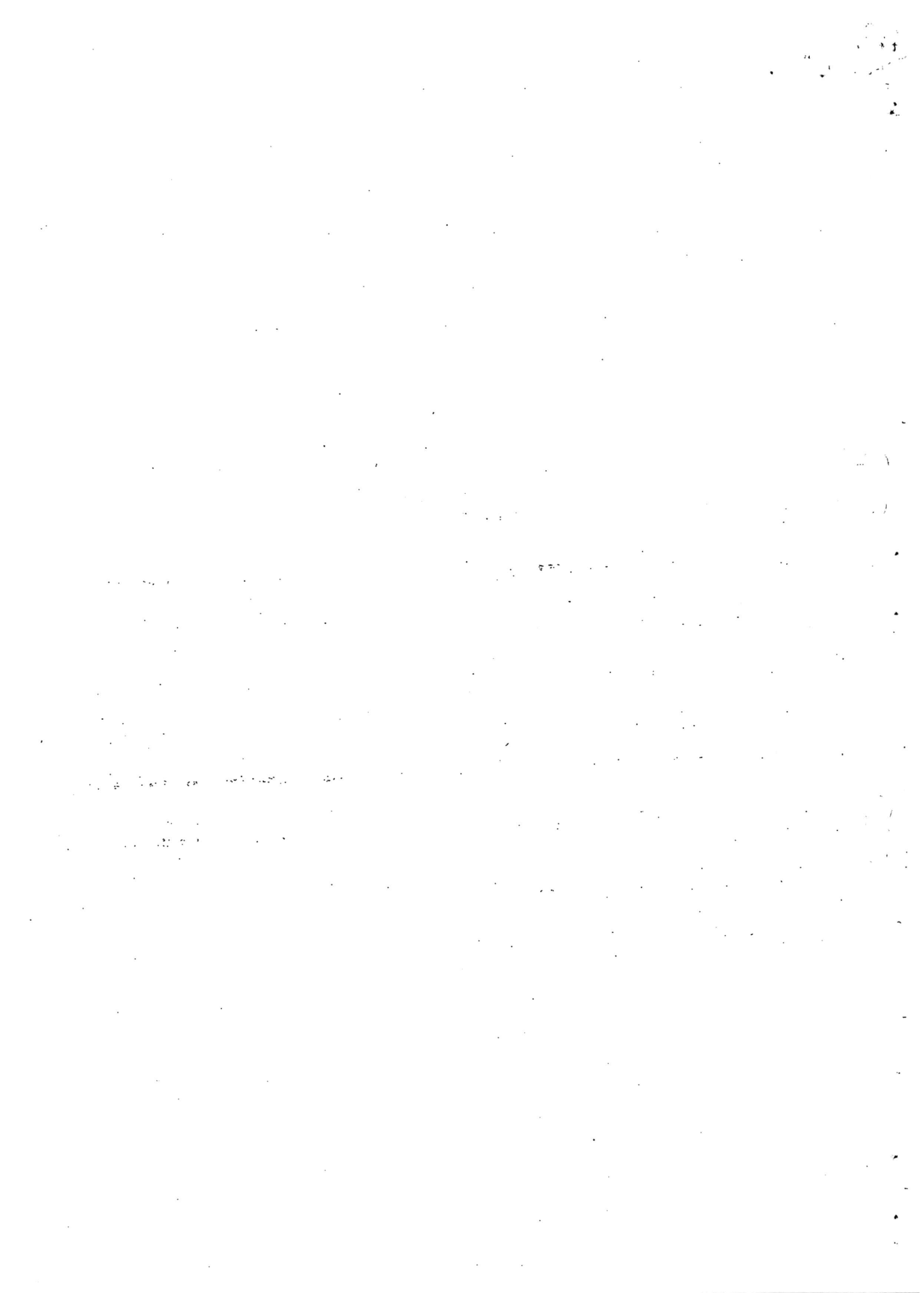
Sign

2. Hon....., Member of Parliament
for,.....Constituency

Sign

3. Hon....., Member of Parliament
for,.....Constituency

Sign



District survey office,
P.O. Box 359,
KAPSABET.

22nd. August, 1996.

RE: CM/NDI/Vol. II/15.

The Permanent Secretary,
Ministry of Environment and Natural Resources,
P.O. Box 30126,
NAIROBI.

Thro'

The District Commissioner,
P.O. Box 30,
KAPSABET.

Forwarded and recommended

*DISTRICT COMMISSIONER
NAIROBI*

RE: SURVEY FEE FOR THE EXCISION OF APPROXIMATELY 200HA FROM SOUTH
LANDS ACRES FOR SETTLEMENT OF CHEPKUMIA PEOPLE.

I refer our discussion with Hon. Sambo, the District Commissioner and the District Forester on the 15th of August, 1996 in Nairobi concerning the settlement of Chepkumia people on equal area excised from their current land they are occupying in the forest.

This was necessitated by a presidential directive that some people who seemed to be deeper into the forest be moved outwards and surrender the same land as forest land. A breakdown of surveying expenses to be incurred is as follows:

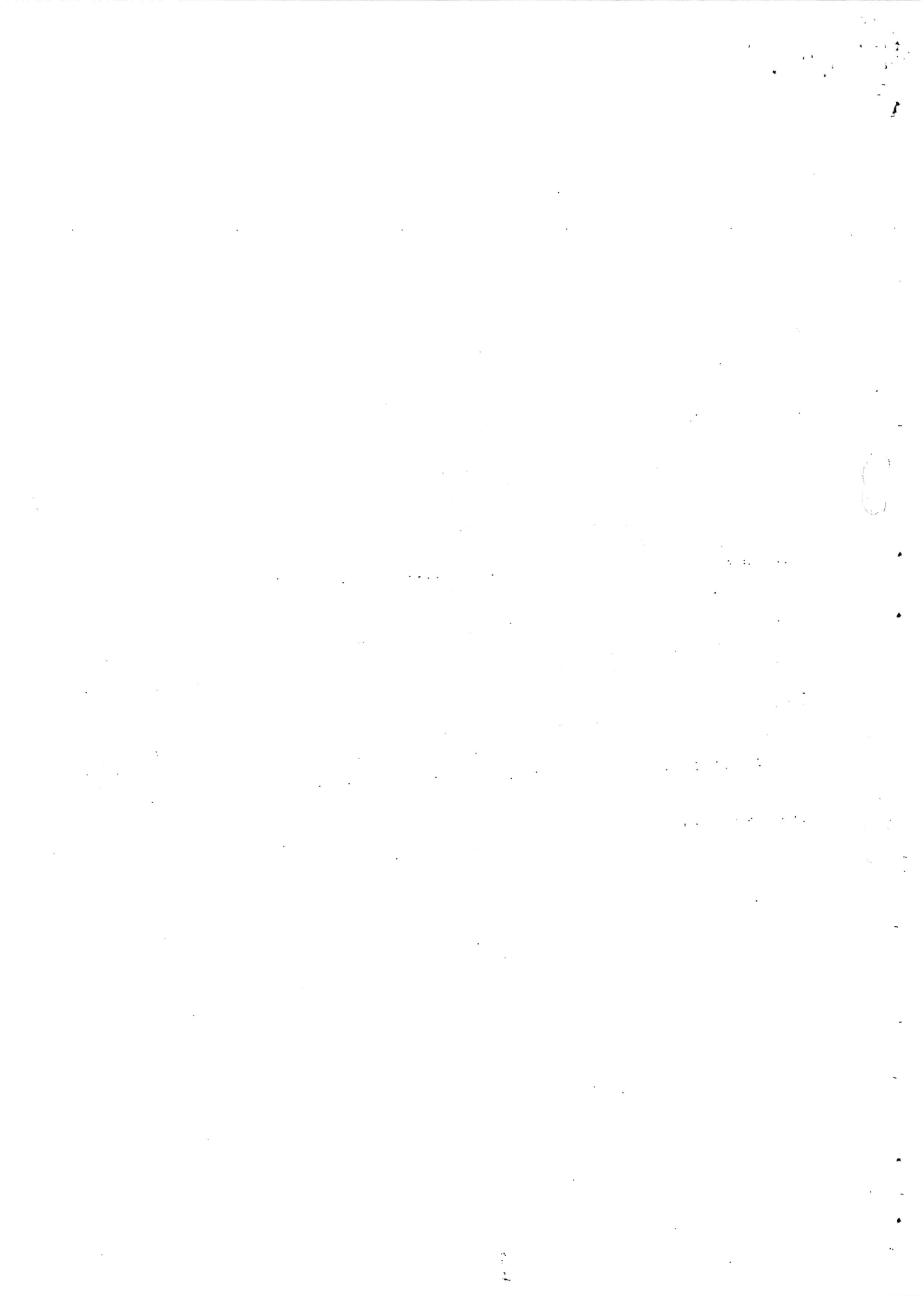
The work will be executed in two phases. First the excision of the whole amount of land for purposes of registration and degazettement. Secondly the internal sub-division for settlement of affected people.

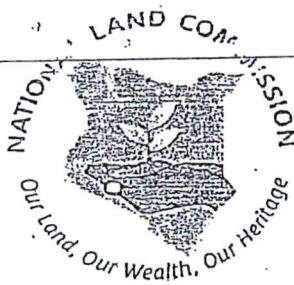
The excision will take one month and the internal sub-division two months.

1. Nightout for two surveyors @200/= per night for 3 months - Ksh. 36,000/=.
 2. Nightout for 8 subordinate staffs @100/= per night for 3 months - Ksh. 72,000/=.
 3. Cement for 45 traverse stations i.e 40 bags @ Ksh. 500/= per bag = Ksh. 20,000/=.
 4. 20 round iron bars @ 380/= per 20ft. = Ksh. 7,600/=.
 5. 10 angle iron bars @ 980/= per 20ft. = Ksh. 9,800/=.
 6. Transport expenses @ 20 litres per day for 90 days @ 34.39/= per litre = Ksh. 61,902/=.
 7. Vehicle operation expenses: This vehicle needs total overhaul of the suspension system, new tyres, shock absorbers just to mention but three. You recall the A.I.E. of 6,960/= the government has advanced to me cannot even buy one tyre for a pajero. The estimate is about Ksh. 60,000/=.
 8. One Roll of Durafilm drawing material = Ksh. 9,500/=.
- Total expenses = Ksh. 276,802/=.

SH
(SIMON H.O. WANJEYA),
DISTRICT SURVEYOR, NAIRBI.

✓ cc. The Director of surveys,
P.O. Box 30046, NAIROBI.





OFFICE OF THE CHAIRMAN

Tel. 0208000242/0111042891
Email: chair@landcommission.go.ke
Website: www.landcommission.go.ke
When replying please quote

316 UPPER HILL CHAMBERS
2nd NGONG AVENUE
P.O BOX 44417-00100
NAIROBI

Ref. No: NLC/HLI/435/2018 & NLC/HLI/256/2017

8th March, 2023

Hon. Zachariah M. Njeru
Cabinet Secretary
Ministry of Lands and Physical Planning,
Public Works, Housing and Urban Development
NAIROBI

H.E. Hon. Stephen Arap Sang
Governor
County Government of Nandi
P.O BOX 802 - 30300
KAPSABET

Dear

C.S. Zachariah Njeru,

**HISTORICAL LAND INJUSTICE CLAIMS FOR NGEREK, KOIBEM AND
KIPTUYA COMMUNITIES IN NANDI COUNTY**

The above matter refers.

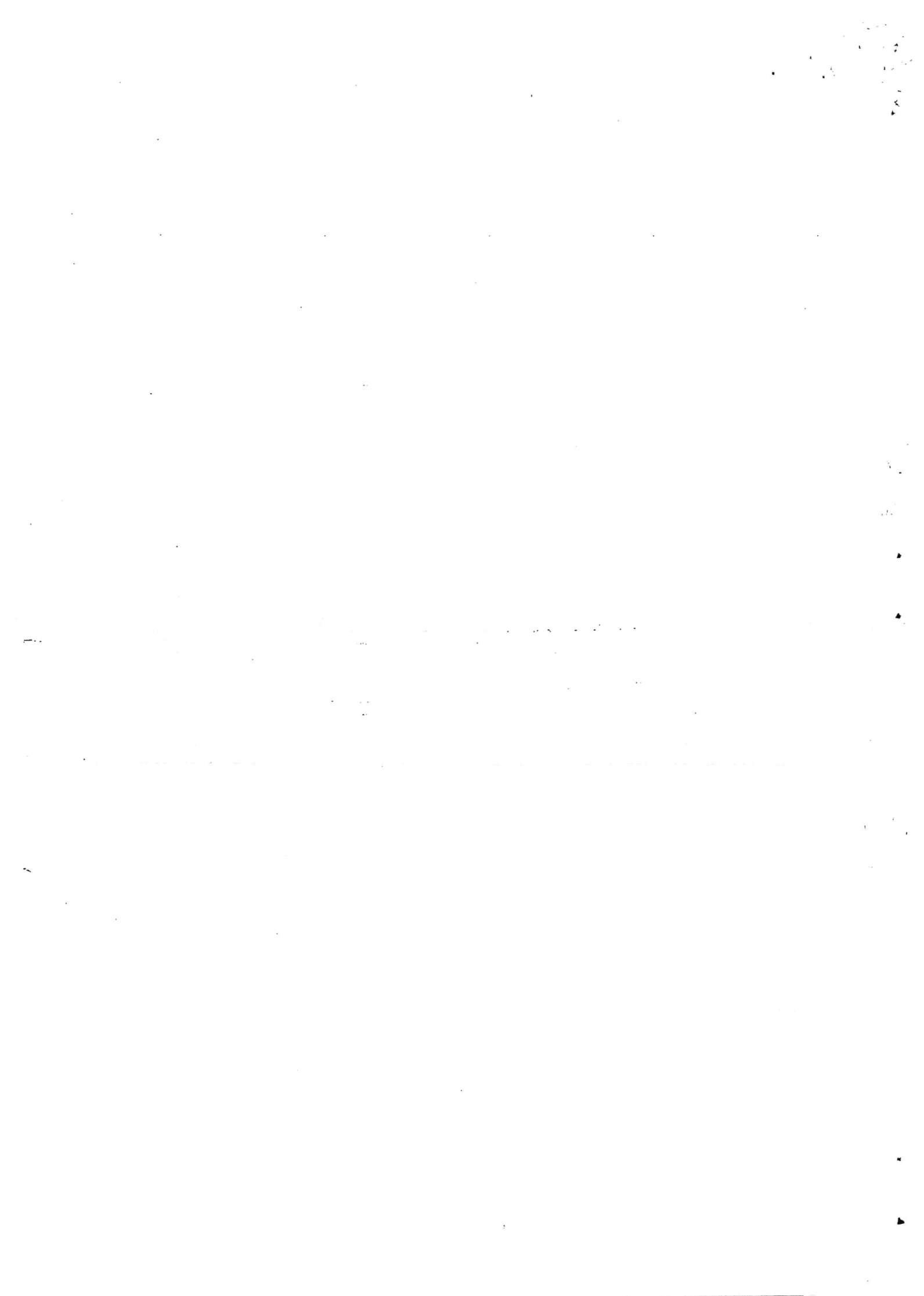
The long pending historical claim of Ngerek, Koibem and Kiptuya communities in Nandi County was the subject of a historical land injustice determination (copy attached) by the National Land Commission (NLC) in February, 2019.

The NLC recommendations were as follows:

1. Kenya Forest Service (KFS) to facilitate the degazettement of excised area from Nandi South Forest to enable issuance of the title deeds to Ngerek and Koibem communities on land for land basis; and
2. The Director of Survey together with Nandi County Government to expedite the excision of the forest area that KFS excised from Nandi South Forest and hand over to the Ngerek and Koibem communities.

Since then there have been efforts of follow up by the affected communities, including a Petition to Senate and meetings on the ground by National and County leaders and the NLC seeking a way forward.

It is appreciated that there may be challenges in implementing the recommendations as framed by the NLC.



The purpose of this letter is to seek your assistance in recurring the engagements on the matter with all the stakeholders with a view to a solution, whether within the parameters of the NLC recommendations or otherwise.

Yours *Sincerely,*

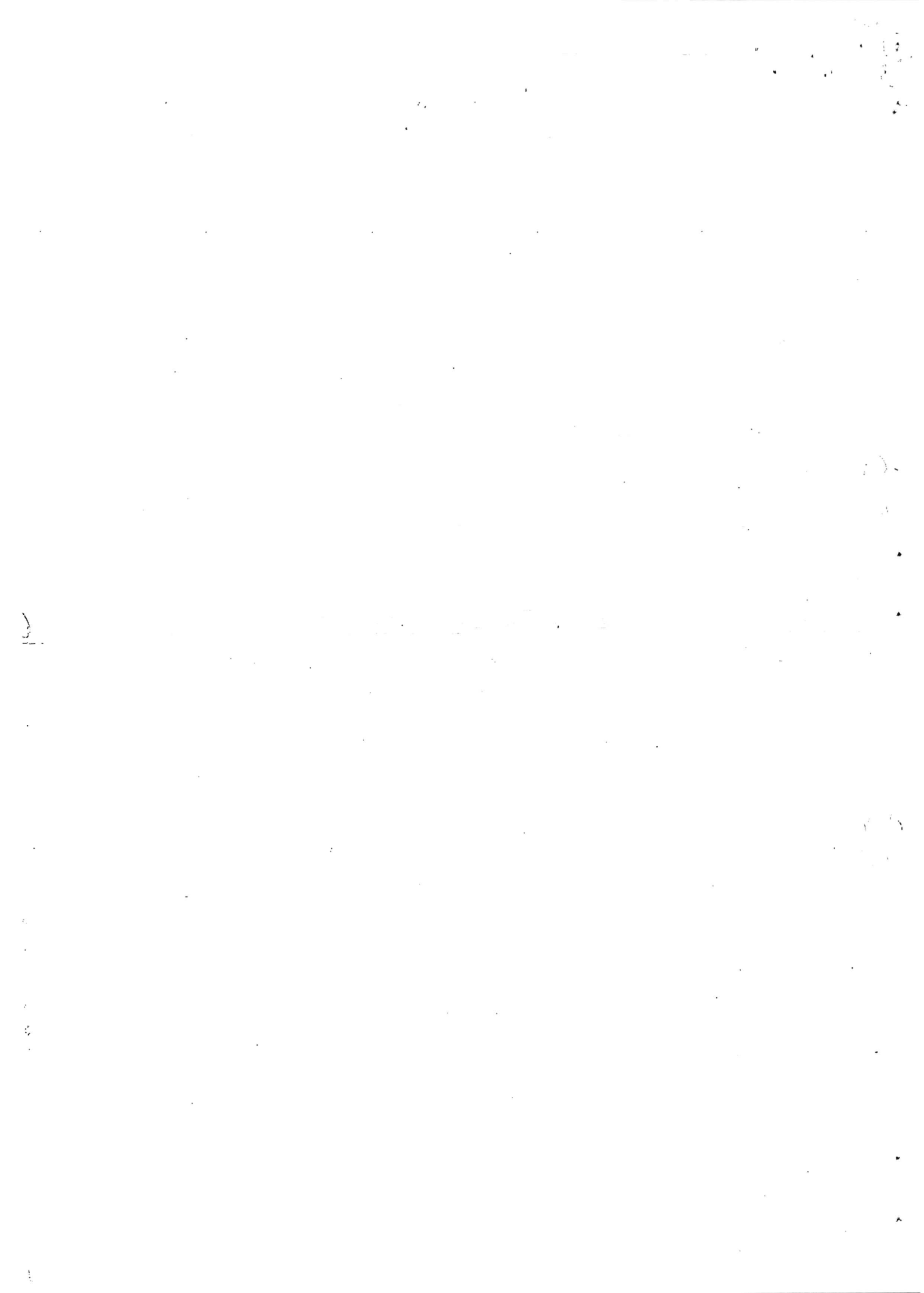
Gershom Otachi Bw'Omanwa

Gershom Otachi Bw'Omanwa
CHAIRMAN

Copy to: Hon. Generali Korir Nixon
Principal Secretary
State Department for Lands and Physical Planning
Ardhi House
NAIROBI

Mr. Ephantus K. Kimani
Principal Secretary
State Department for Forestry
NHIF Building
NAIROBI

Mr. Julius Kamau, EBS
Chief Conservator of Forest
Kenya Forest Service
P.O. Box 30513-00100
Karura Forest, Off Kiambu road
NAIROBI



MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES

Serial: "Forestry", Natural
Date: Nairobi 7/21/95/6/1
replies to these queries

CONF/D.267 VOL.XVII/164

FOREST DEPARTMENT HEADQUARTERS
P.O. Box 30513
NAIROBI
22 March 1999.



The District Forest officer,
Nandi District
P.O. Box 235
KAPSABET

RE: FOREST EXCHANGE - CHEPKUMIA AREA/SOUTH NANDI FOREST

Reference is made to your letter Ref. No. MISC/CONF/11/Vol.11/23 dated 3rd September, 1996. This is to let you know that authority has been given to excise an area of 1170 hectares in Yala Block of South Nandi Forest for settlement of 1000 people to be evacuated from the hilly Chepkumia area (approximate area of 1170 hectares).

You should move with speed to recover remaining forest material in the affected excision and take possession of Chepkumia area by requesting the affected people to surrender their title deeds to you before you settle them in the forest.

Please let me have the surrendered titles and cadastral survey plans of the Yala Block and Chepkumia areas for processing of the exchange.

[Signature]
DR. K.W. KIPKORE
CHIEF CONSERVATOR OF FORESTS

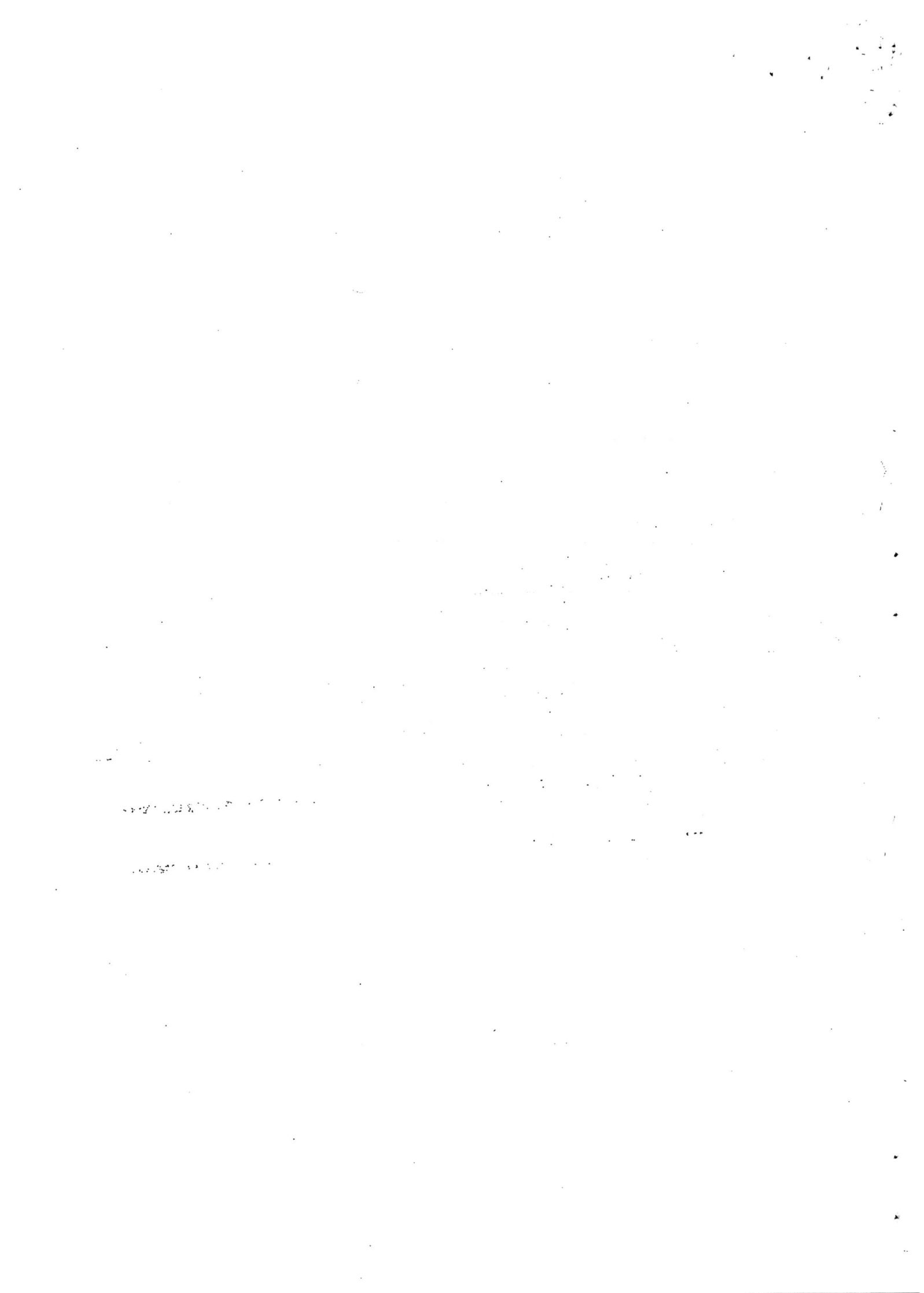
C.C.

The permanent Secretary,
Ministry of Natural Resources,
P.O. Box 30126,
NAIROBI

Your letter Ref. No. Z.85 Vol.v(11/8)
dated 8/3/99 refers.

The District Surveyor
NANDI

*The above letter is copied to you for necessary action
Note that the authorized area is to settle 6000 Kikuyu (10% people)
- letter No. Conf/Gen/06/vol.11/199 of 17/3/98*



PUBLIC NOTICE
LAND ACQUISITION AND REVENUE
MANDEL CLINE

The National Land Commission in collaboration with The County Government of Nandi is undertaking a exercise of formalizing land allocation of all parcels of land in the public exchange programme. The exercise will entail acceptance of existing developments, securing public purpose plots and verifying ownership of land by all owners.

All persons claiming rights to any parcel in the exchange programme is required to present all documents in their possessions as proof of ownership.

The following documents are required:

1. A certified true copy of National Identity card
 2. A copy of allotment letter
 3. Approved part development plan (where applicable)
 4. In cases of transferred parcels, copies of sale agreements, transfer documents etc. showing validity of these transactions.
 5. A copy of KRA pin certificate
 6. Letter from Kenya Forest Service confirming surrender of land to the Government and a copy of any instruments and title deed
 7. An application for validation of ownership should be addressed to the Secretary, Nandi County Land Management Board and copied to CEC, Lands, Environment and Natural Resources
 8. A declaration in writing that the subject parcel was not a public purpose plot or any other purpose
 9. Any other relevant document
- The Secretary, County Land Management Board of Nandi will be receiving the presentation for 21 days from the date of this notice between 9:00 and 5:00 pm every day except weekend and public holidays.
- NB: No presentations shall be acceptable outside those hours and after the expiry of the deadline.
- Kindly address all letters and documents to:

The Secretary
 County Land Management Board
 FOR NATIONAL LAND COMMISSION
 P.O. BOX 30730300, KAPSABET

And copied to
 The County Executive Committee Member
 Lands, Environment and Natural Resources,
 P.O. BOX 80230300, KAPSABET

PUBLIC NOTICE
LAND ACQUISITION AND REVENUE
MANDEL CLINE

The County Land Management Board and The County Government of Nandi is undertaking a validation of land ownership in Kapsabet Municipality and Nandi hills town. The main aim of the exercise is to ensure security of land and verify ownership of land by all owners.

All persons claiming rights to any parcel in Kapsabet Municipality and Nandi hills town is required to present all documents in their possession as proof of ownership.

The following documents are required:

1. A certified true copy of National Identity card for individuals or a certificate of incorporation for companies etc.
 2. A copy of allotment letter
 3. Approved part development plan
 4. In cases of transferred parcels, copies of sale agreements, transfer documents etc. showing validity of these transactions.
 5. A copy of KRA pin certificate
 6. Copies of receipts for payments made to the district municipal council of Kapsabet, Nandi hills town, Ministry of Lands, Environment and Natural Resources
 7. An application for validation of ownership, should be addressed to the Secretary, Nandi County Land Management Board and copied to CEC, Lands, Environment and Natural Resources
 8. A declaration in writing that the subject parcel was not a public purpose plot or any other purpose
 9. Any other relevant document
- The Secretary, Nandi County Land Management Board will be receiving the presentation for 21 days from the date of this notice between 9:00 and 5:00 pm every day except weekend and public holidays.
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- All letters and documents to:

The Secretary
 Nandi County Land Management Board
 FOR NATIONAL LAND COMMISSION
 P.O. BOX 30730300, KAPSABET

And copied to
 The County Executive Committee Member
 Lands, Environment and Natural Resources,
 P.O. BOX 80230300, KAPSABET

N

Faint, illegible handwritten text

GAZETTE NOTICE No. 1994

THE LAND ACT

(No. 6 of 2012)

DUALLING OF SOBEA-SALGAA-MAU SUMIT ROAD
PROJECT (A104)

INQUIRY

IN PURSUANCE of sections 162 (2) of Land Act, 2012, the National Land Commission on behalf of Kenya National Highways Authority (KeNHA) gives notice that inquiries for hearing of claims to compensation for interested parties in land to be acquired for Emergency Road Safety Enhancement along Kabaraka Junction to Kibunja (A8) Road Construction of a Lorry Park at Kibunja Area shall be held on the dates and places as shown in the schedule here below:

SCHEDULE

Chiefs Office at 9:30 am, on the 14th March, 2019

| Registration Section | Registered Land Owner | Area Acquired (Ha.) |
|--|---|---------------------|
| G.L.-Londiani Mountain Forest (L.O. 504) | G.L.-Londiani Mountain Forest (L. O. 504) | 10.8062 |

Every person interested in the affected land is required to deliver the National Land Commission on or before the day of inquiry written claim to compensation, copy of identity card (ID), Personal Identification No. (PIN), land ownership documents and bank account details. Commission Offices are in Ardhi House, 3rd Floor Room 3C

Dated the 18th February, 2019.

MR/5816131

ABIGAELE MBAGAYA-MUKOLWE,
Ag. Chairperson, National Land Commission

GAZETTE NOTICE No. 1995

NATIONAL LAND COMMISSION

INVESTIGATIVE HEARING FOR COMPLAINTS RELATING TO HISTORICAL LAND INJUSTICES

IN EXERCISE of the powers conferred by Article 67 (2) (e) of the Constitution of Kenya 2010 and sections 6 and 15 of the National Land Commission Act, 2012, the Chairman, National Land Commission, informs the general public that the Commission upon receipt of Historical Land Injustice claims from the National Government, County Governments and members of the public admitted and investigated the complaints to ascertain the appropriate redress. The Commission invited all the complainants, respondents and the interested parties to appear before it, inspect documents and make written representations and submissions after which the Commission undertook further investigations. Consequently, the Commission has made recommendation in respect of the following claims.

The Commission calls upon the mandated authority(s) to effect the recommendations herein.

TABLE 1 KERICHO, NANDI, BOMET AND NAKURU COUNTIES

| S/No. | Case No. and County | Parties | Recommendation |
|-------|--|---|---|
| 1. | NLC/HLI/194/2018 Kericho County | Simon Towett Maritim (Claimant) and Jotham Muluri Kibaru (Respondent) | The claim is dismissed. The claimant misled the Commission and could not link himself to the claimed land. The decision of the Nakuru Civil Appeal No. 292 of 2005 is affirmed. |
| 2. | NLC/HLI/522/2018 Nakuru County | The Families/Clans of Kipboson arap Selemu And Kipkilach arap Leitich (Claimants) -vs- The Estate of Morrison Waweru Njenga, Njenga Mathu and George Mathu (Waweru Farm) and The Attorney General (Respondents) | The claim is allowed. L.R. No 8652, I.R. 14002 and LR No. 8653 I.R. 13230 to be allocated to Kipkilach Arap Leitich and Kipboson Arap Selemu families/clans for settlement. The Ministry of lands and physical planning (Department of Land Adjudication and Settlement) shall facilitate the settlement of the claimants. |
| 3. | NLC/HLI/518/2018 Kericho County | Kabuneh Squatters (Claimants) -Vs- County Government of Kericho (Respondent) | The claimants are referred to the NLC County Coordination office Kericho to fast-track the remaining process of resettling the squatters. |
| 4. | NLC/HLI/481/2018 Kericho County | Mzee Samson Chepkwony (Claimant) and A.I.C Mission Hospital-Litein (Respondents) | The claim is dismissed. The family members actually sold the claimed land to the hospital |
| 5. | NLC/HLI/435/2018 NLC/HLI/256/2018 Nandi County | Ngerek Community, Koibem community (claimants) and Kenya Forest Service (Respondents) | The claim is allowed. The Kenya Forest Service to complete the degazettement of the area promised (Nandi South Forest) to the claimants and settle both communities (Koibem and Ngerek) on land for land basis as initially intended. The Director of Survey together with the Nandi County Government to expedite the process and hand over the land to the Ngerek and Koibem Communities. |
| 6. | NLC/HLI/001/2017/NLC/HLI/020/2017/NLC/HLI/390/2018 Nandi County | Titan Squatters (392 members), Timur Nandi community (claimants) and Nandi Kaburwo council of elders, British Government (Respondent) and County Government of Nandi (Interested party) | The claim is allowed. The claim is referred to the Privatization Commission to consider setting aside land to settle the claimants (Titan Squatters, Timur Nandi community and Nandi Kaburwo council of elders) and other squatters from both Nandi and Kisumu counties including Tanzanian returnees. The Ministry of lands and physical planning to facilitate the process. |
| 7. | NLC/HLI/246/2018 Nandi County | Pemja Community (claimant) -v- Kenya Forest Service (Respondent) | The claim is allowed. Kenya Forest services (KFS) to complete the degazettement and survey of Nandi South Forest to excise the area they had undertaken to settle Pemja community. |



NATIONAL ASSEMBLY
PETITIONS DESK

17 NOV 2023

SERIAL No.
RECEIVED



P. 20127
D LPS
Please review and advise.
[Signature]
12/10/23

REPUBLIC OF KENYA

PARLIAMENT

THE NATIONAL ASSEMBLY

PETITION

IN THE MATTER OF ARTICLES OF THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF SECTION 12 OF THE LAND ACT 2012

AND

IN THE MATTER OF SECTIONS 3,4,5,6 AND 7 OF THE FAIR ADMINISTRATIVE ACTION ACT 2015

AND

IN THE MATTER OF SECTIONS 3,6,14 AND 15 OF THE NATIONAL

LAND COMMISSION ACT 2012

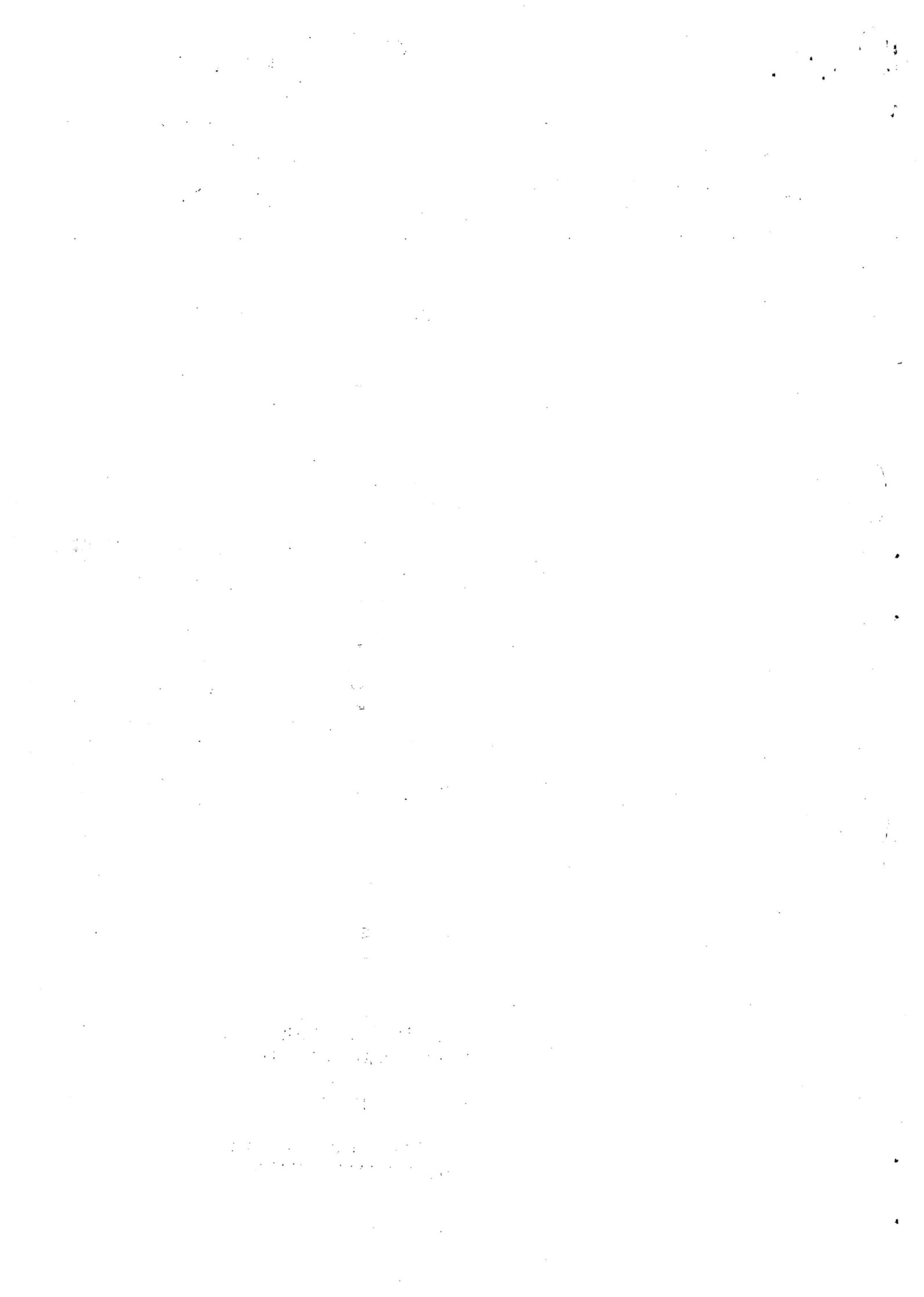
IN THE MATTER OF SECTIONS 34 OF THE FOREST MANAGEMENT AND CONSERVATION ACT 2016

NATIONAL ASSEMBLY
12 OCT 2023
DEPUTY CLERK S. KIOKO
P. O. Box 41842 - 00100, NAIROBI

SQUATTERS.... KOIBEM COMMUNITY.... PETITIONER

NATIONAL ASSEMBLY
RECEIVED
12 OCT 2023
CLERK'S OFFICE
P O Box 41842, NAIROBI

NATIONAL ASSEMBLY
MAIN RECORDS UNIT
12 OCT 2023
RECEIVED (3)
NAIROBI - KENYA



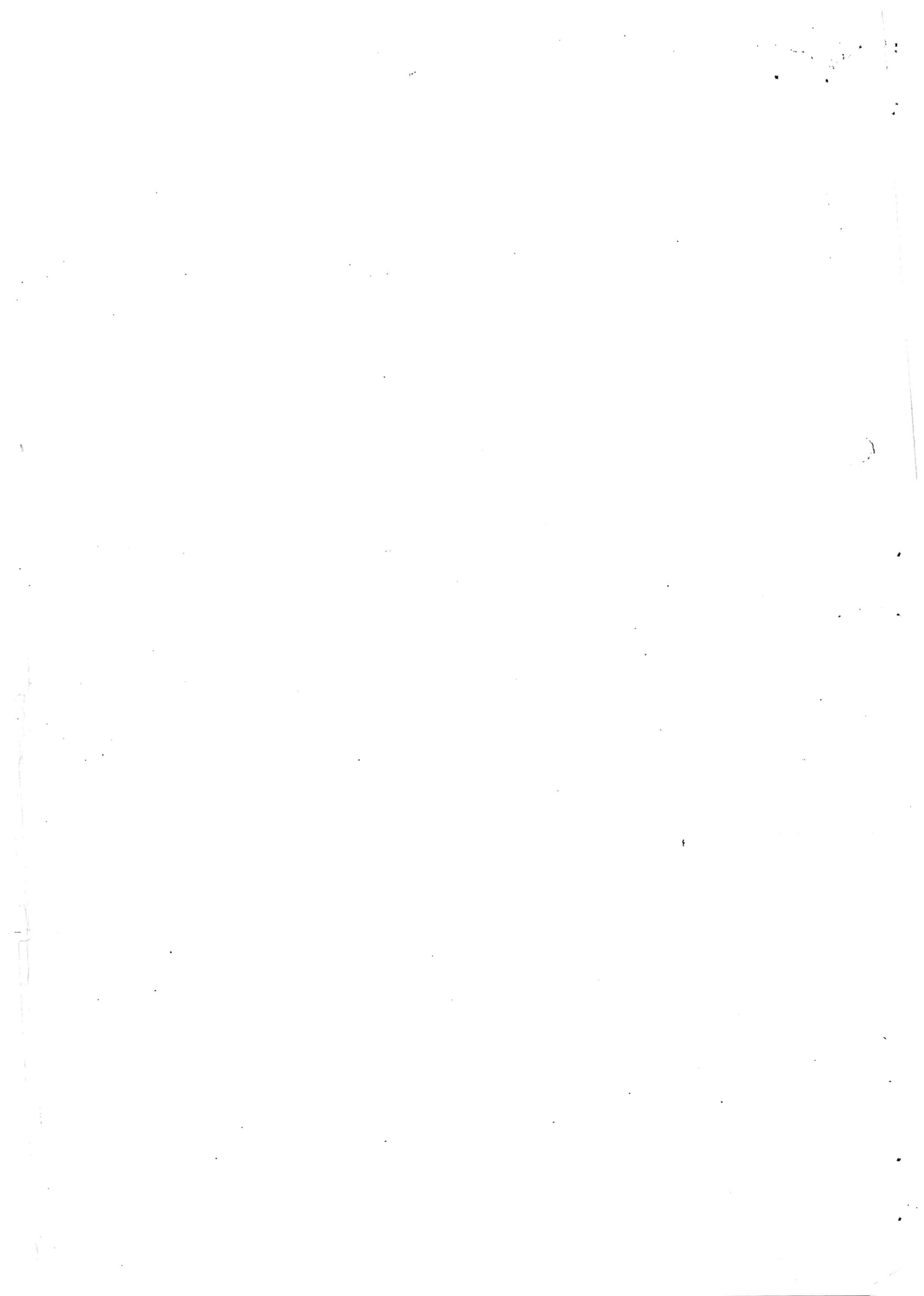
12. The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

I thank you.

Wetangula

THE RT. HON. (DR.) MOSES F. M. WETANGULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Date.....



The Clerk of the National Assembly,

Parliament Buildings

P.O. Box 41842 - 00100

NAIROBI

Email: clerk@parliament.go.ke

RE: PETITION TO THE NATIONAL ASSEMBLY CONCERNING
EXCHANGE OF LAND FOR KOIBEM VILLAGE

We, the undersigned, citizens of the Republic of Kenya, and residents of KOIBEM VILLAGE draw the attention of the National Assembly to the following:

FACTUAL BACKGROUND:

In 1996, a presidential directive was issued for the relocation of residents in a forested area to new locations closer to the main road.

The excision process began with one of the excision surveys paid for and excision authority was in 1999 via letter dated 22/03/1999

The Koibem village is already on the new land.

The in administration in 2002 delayed the process, and no meaningful progress was made until the passage of the 2010 ~~comand~~ and the Land related legislations and the National Land Commissions Act

With the enactment of the forest conservation and management act of 2016 this marked a change in the procedure leading up to the degazettment and titling of forest land.

This delay which has snowballed into new problems for the community has always been as result of governments tortuous in-action or malicious actions

The community has suffered loss and damage spanning two decades.

In 2016, the County Land Management Board (CLMB) ~~conducted~~ a validation process, which was favorable for the occupants/beneficiaries.

The Senate Recommendation was the conclusion of the exchange program, and the National Land Commission offered the condusive recommendation, which was gazetted on 1st March 2019.

All these interventions whereas noble true and in the best interest of the community they have failed short of the procedural test which we invite you to intervene and correct so as to deliver justice at last.

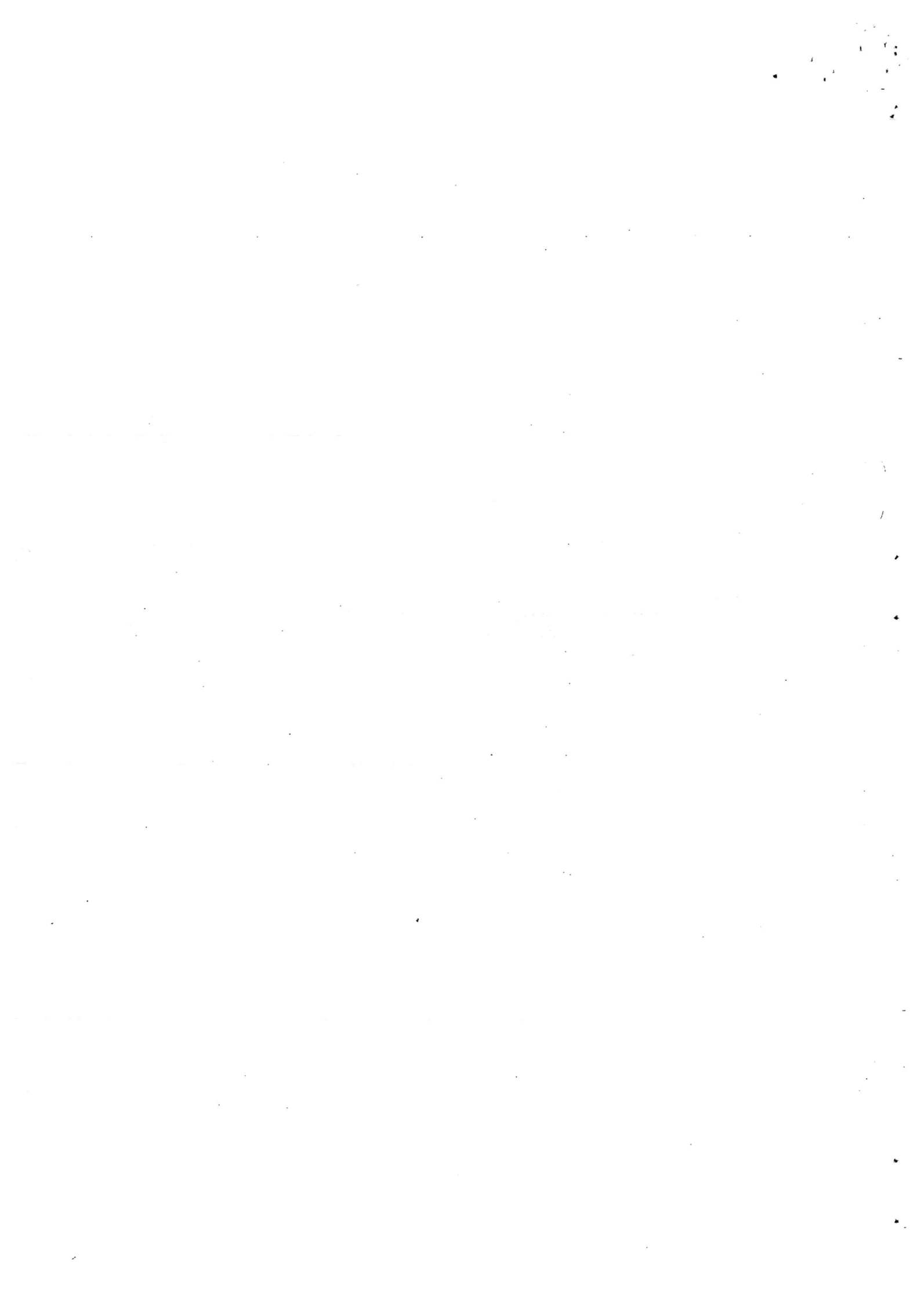


REQUEST AND RECOMMENDATION:

KOIBEM VILLAGE





The residents of Koibem Village occupying the new area request the Following: THAT-

- a) The Cabinet Secretary Lands to proceed to gazette the intended excision area.
- b) The Cabinet Secretary Environment to secure Cabinet Approval for the intended degazettment
- c) Upon Cabinet Approval, the Cabinet Secretary Environment to seek parliamentary approval under Section 34 of the Forest Management and Conservation Act of 2016-
- d) The Government through the department of Settlement to facilitate the issuance of new Titles in the new registration area and/or the National Titling Centre to intervene.
- e) Given the years of frustration the government to consider waiving the registration costs for the new titles-
- f) The 7 individuals whose parcels are inhabitable and 2 individuals who received less acreage be allocated alternative land within the same area through an amended initial excision survey.



This is our humble petition to parliament. We the under-signed sign in support for and on behalf of the community

Dated at Kapsabet this day of...11TH OCT..... 2023

| | NAME | ADDRESS | ID | SIGN |
|---------------|------------------|------------|----------|---|
| KOIBEM | | | | |
| 1. | JAMES K. YEGO | 0714164046 | 960477 |  |
| 2. | JOEL K. SONGOL | 0721566919 | 5277747 |  |
| 3. | ANDREW K. MOTICH | 0723108742 | 10444106 |  |
| 4. | KIPROTC K. LAGAT | 0713543636 | 5609021 |  |

Counter Signed by:

1. Hon....., Member of parliament for.....
Constituency.

Sign.....

2. Hon....., Member of parliament for.....
Constituency.

Sign.....

3. Hon....., Member of parliament for.....
Constituency.

Sign.....



District survey office,
P.O. Box 359,
KAPSABET.

22nd. August, 1996.

RE: CM/NDI/Vol.II/15.

The Permanent Secretary,
Ministry of Environment and Natural Resources,
P.O. Box 30126,
NAIROBI.

Thro'

The District Commissioner,
P.O. Box 30,
KAPSABET.

Forwarded and recommended
15/8/96
DISTRICT COMMISSIONER
KAPSABET

RE: SURVEY FEE FOR THE EXCISION OF APPROXIMATELY 200HA FROM SOUTH
NANDI FOREST FOR SETTLEMENT OF CHEPKUMIA PEOPLE.

I refer our discussion with Hon. Sambu, the District Commissioner Nandi and the District Forester - Nandi on the 15th. of August, 1996 in Nairobi concerning the settlement of Chepkumia people for equal area exchange from their current land they are occupying to the forest.

All this was necessitated by a presidential directive that some people who seemed to be deeper into the forest be moved outwards and surrender the said land as forest land. A breakdown of surveying expenses to be incurred is as below:

The job will be executed in two phases. First the excision of the whole chunk of land for purposes of registration and degazettement. Secondly the internal sub-division for settlement of affected people.

The excision will take one month and the internal sub-division two months.

1. Nightout for two surveyors @200/= per night for 3 months - Ksh.36,000/=.
2. Nightout for 8 subordinate staffs @100/= per night for 3 months - Ksh.72,000
3. Cement for 45 traverse stations i.e 40 bags @ Ksh.500/= per bag =Ksh.20,000
4. 20 round iron bars @ 380/= per 20ft.=Ksh.7,600/=.
5. 10 Ingle Irob bars @ 980/= per 20ft.=Kshs.9,800/=.
6. Transport expenses @ 20 litres per day for 90 days @ 34.39/= per litre =Ksh.61,902.
7. Vehicle operation expenses: This vehicle needs total overhaul of the suspension system, new tyres, shock absorbers just to mention but three. You recall the A.I.E. of 6,960/= the government has advanced to me cannot even buy one tyre for a pajero. The estimate is about Ksh.60,000/=.
8. One Roll of Durafilm drawing material=Ksh.9,500/=.

Total expenses = Ksh.276,802/=.

S.H.
(SIMON H.O. NANJEYA),
DISTRICT SURVEYOR, NANDI.

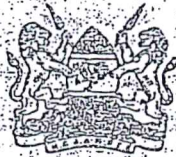
✓ cc. The Director of surveys,
P.O. Box 30046, NAIROBI.



MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES

Telegrams: "FORESTRY", Nairobi
Telephone: Nairobi 762195/6/7
When replying please quote

Ref. No. FOR 71/1780



FOREST DEPARTMENT HEADQUARTERS
P.O. Box 30513
NAIROBI

..... 19.....
3 July, 1998.

Mr. James Yego,
Koiben Village,
Chepkumia Location,
Nandi District,
P.O. Box 891,
KAPSABET

Dear Sir,

REF. EXCHANGE CHEPKUMIA & KOIBEN AREAS FOR A PORTION
OF SOUTH NANDI FOREST

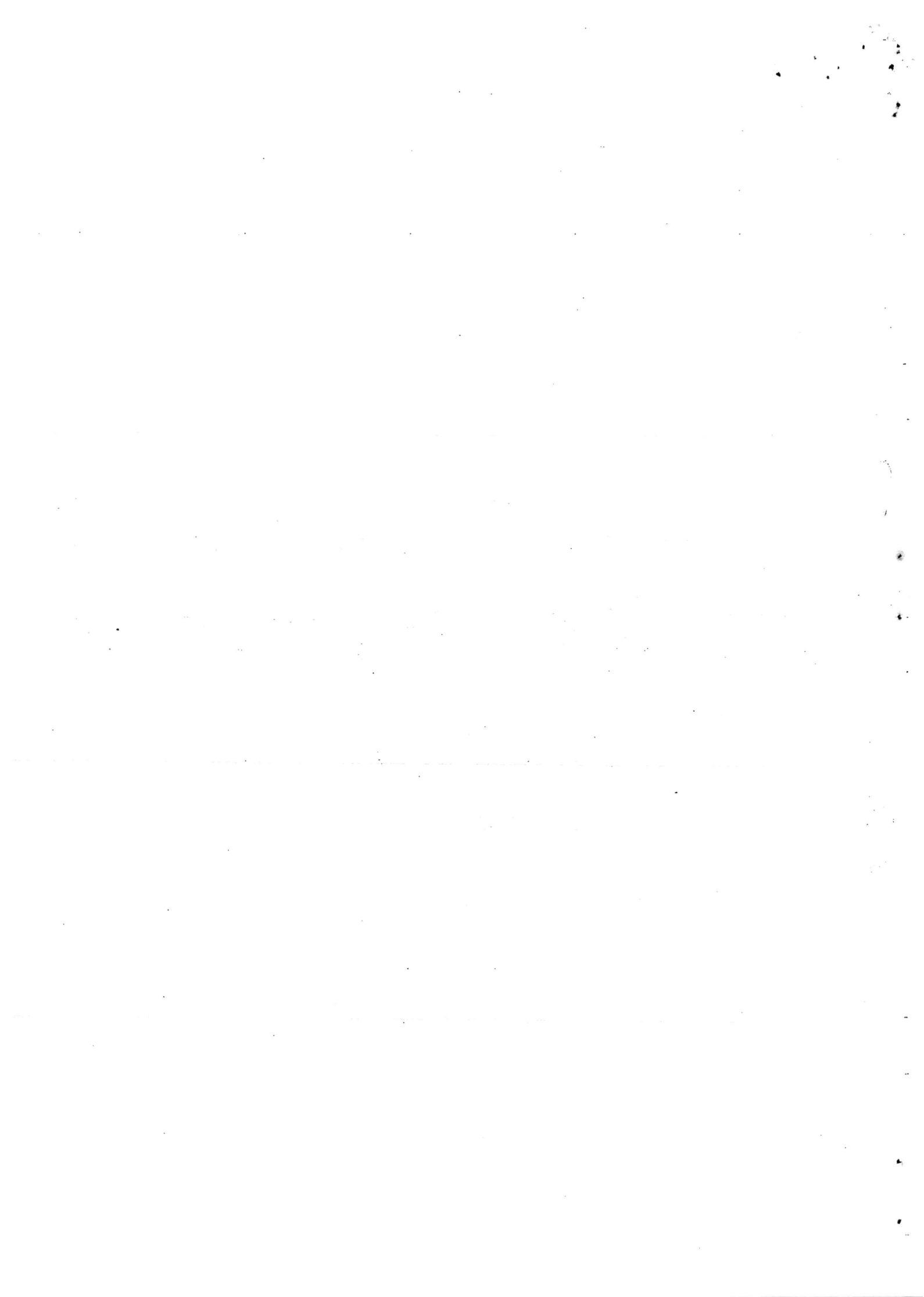
Thank you for your letter dated 25th June, 1998.

This is to let you know that the government has a lot of concern for your problem. That is why proposal to exchange Chepkumia and Koiben areas with a portion of South Nandi Forest at Kamosi area was accepted by the government.

The exchange is being dealt with at the highest level. Bear with us this time. As soon as authority to exchange the land is given we shall communicate with you.

Yours faithfully,

DR. KAW KIPKORE
CHIEF CONSERVATOR OF FORESTS



MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES

FOREST DEPARTMENT HEADQUARTERS

P.O. Box 30513

NAIROBI

22 March 1999.

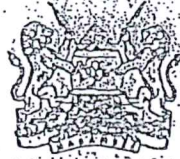
19.....

Telegram: "FORESTRY", Nairobi

Address: Nairobi 762195/6/7

In replying please quote

CONF/D.Z67 VOL.XVI/164



No.
and date

The District Forest officer,
Nandi District
P.O. Box 235
KAPSABET

RE: FOREST EXCHANGE - CHEPKUMIA AREA/SOUTH NANDI FOREST.

Reference is made to your letter Ref. No. MISC/CONF/1/1/Vol.111/23 dated 3rd September 1996. This is to let you know that authority has been given to exercise an area of 1170 hectares in Yala Block of South Nandi Forest for settlement of 351 of people to be evacuated from the hilly Chepkumia area measuring about 989.17 hectares.

You should move with speed to recover remaining forest material in the affected excision and take possession of Chepkumia area by requesting the affected people to surrender their title deeds to you before you settle them in the forest.

Please let me have the surrendered titles and cadastral survey plans of the excision and Chepkumia areas for processing of the exchange.


DR. K.W. KIPKORE,
CHIEF CONSERVATOR OF FORESTS.

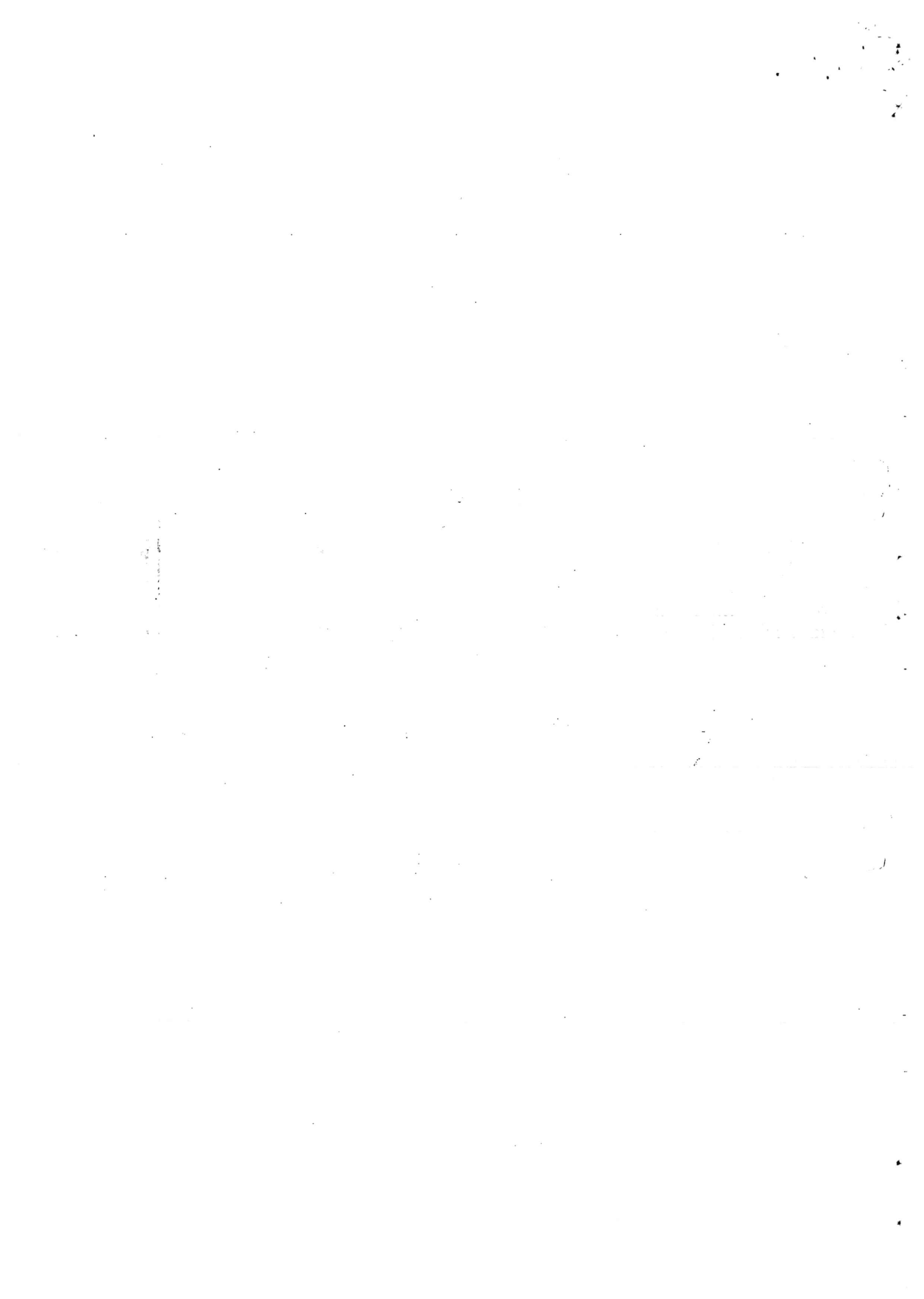
C.C.

The permanent Secretary,
Ministry of Natural Resources,
P.O. Box 30126,
NAIROBI

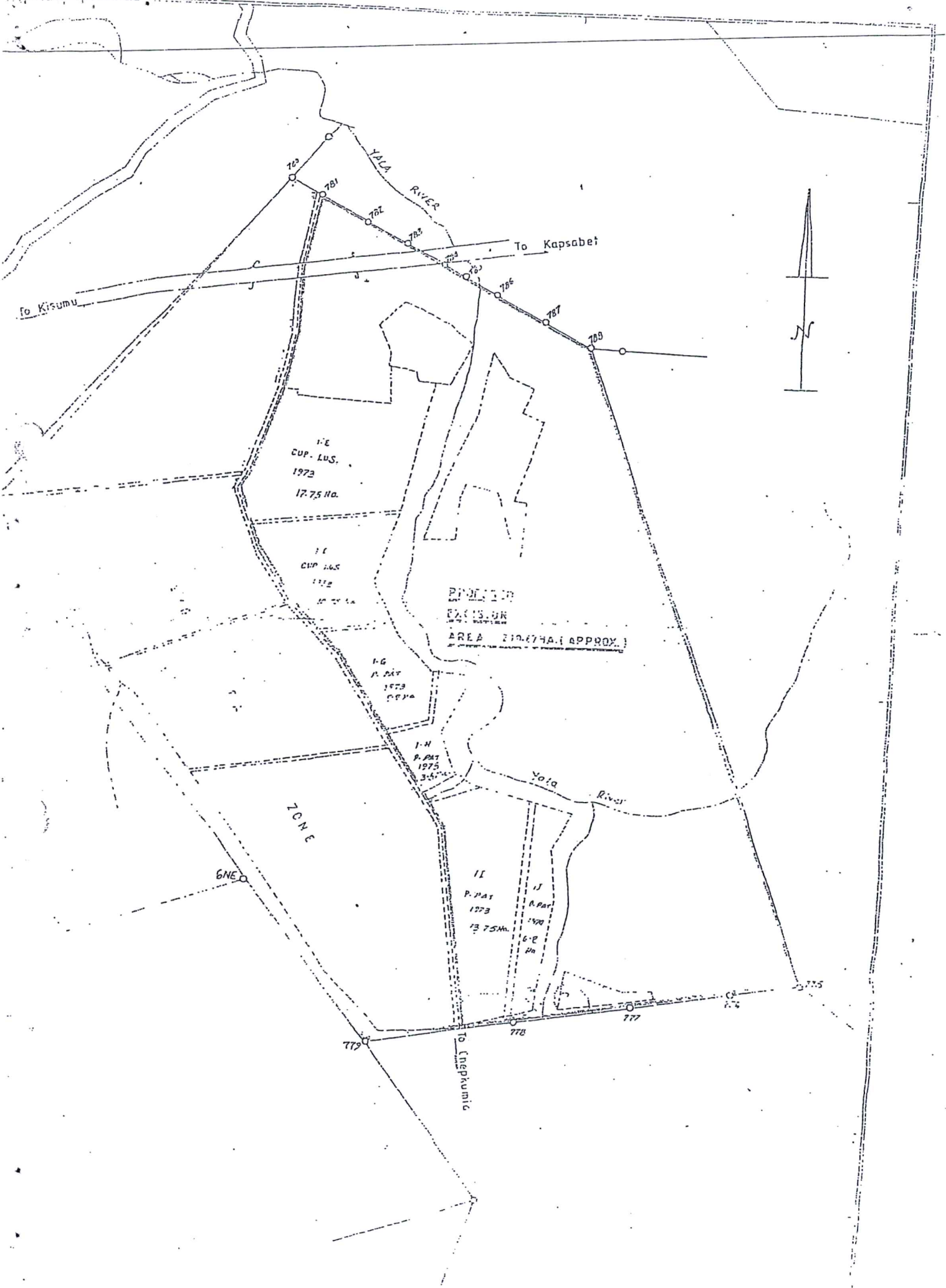
Your letter Ref. No. Z.85 Vol.vi 111/(8)
dated 8/3/99 refers.

The District Surveyor,
NANDI

The above letter is copied to you for necessary action
Note that the authorized area is to settle both Keibem (107 people) and
Ngetek (244 people) as per your letter No. CONF/GEN/NDI/WI.11/144 of 17/3/98
District Forest Officer



SCALE 1:10000



ZONE

6NE

I-E
CUP. LUS.
1973
17.75 Ha.

I-F
CUP. LUS.
1973
17.75 Ha.

I-G
P. PAT
1973
34.75 Ha.

I-H
P. PAT
1973
34.75 Ha.

PREFERRED
EXCLUSION
AREA 210.67 HA. (APPROX.)

I-I
P. PAT
1973
13.75 Ha.

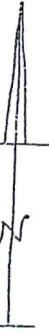
I-J
P. PAT
1970
6.2 Ha.

779

To Urapkumic

778

777



To Kisumu

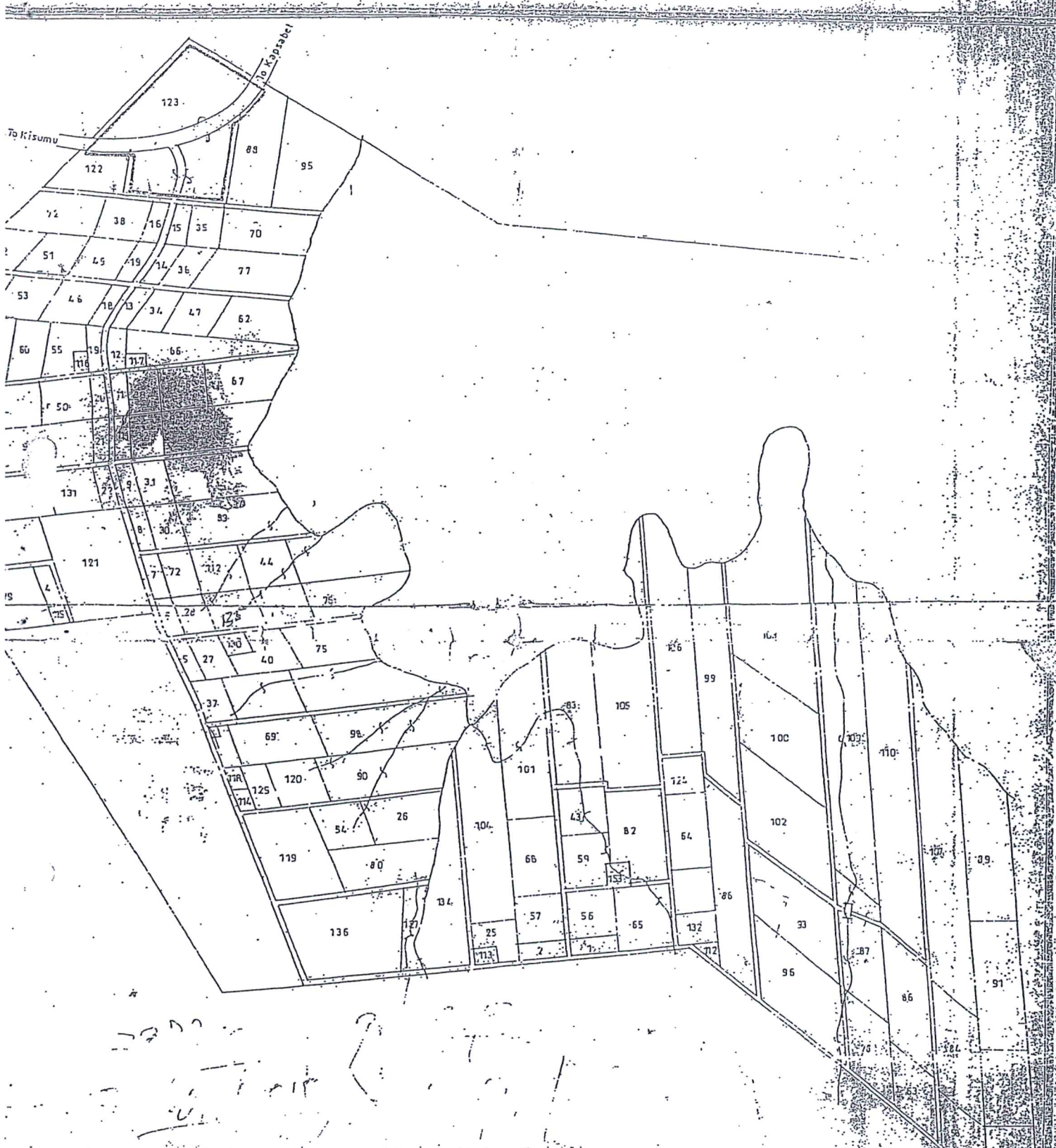
To Kapsabet

YALA RIVER

Yala River

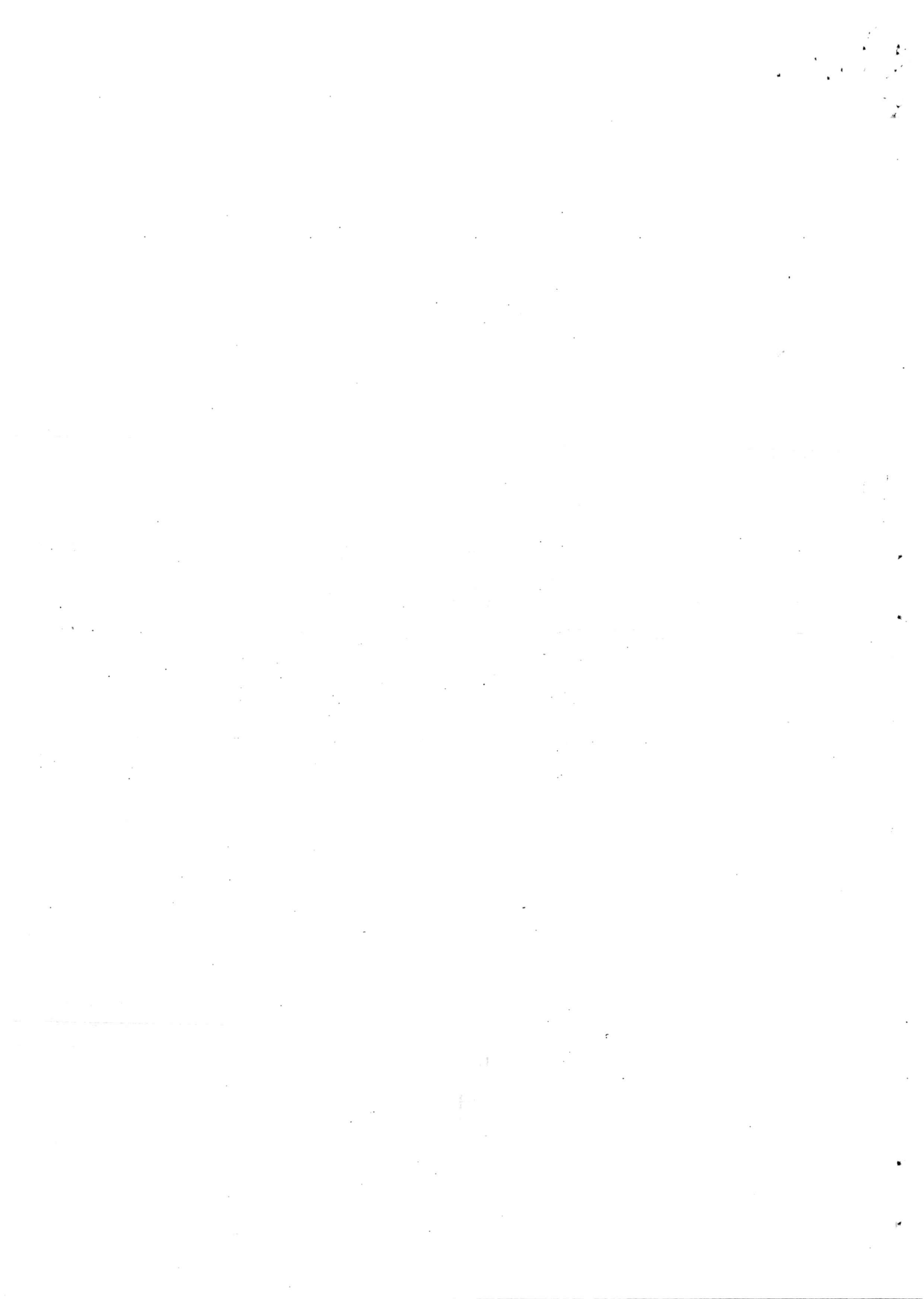
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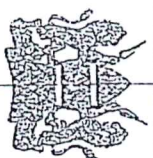




INSET SCALE 1:10,000 CHERKUMIA FARM North Nandi District







COUNTY GOVERNMENT
OF NANDI

NANDI CLERK

PUBLIC NOTICE LAND FORMALISATION, CHEPLUMIA EXCHANGE PROGRAMME

The National Land Commission in collaboration with The County Government of Nandi is undertaking a Programme of Formalizing land allocation of all parcels of land in Cheplumia Exchange programme. The exercise will entail acceptance of existing developments, securing public purpose plots, and verifying ownership of land by allottees.

All persons claiming rights to any parcel in the exchange programme is required to present all documents in their possessions as proof of ownership.

The following documents are required:

1. A certified true copy of National Identity card.
 2. A copy of allotment letter.
 3. Approved part development plan (where applicable)
 4. In cases of transferred parcels, copies of sale agreements, transfer documents etc. showing validity of those transactions.
 5. A copy of KRA pin certificate.
 6. Letter from Kenya Forestry Services confirming surrender of Land to the Government and a copy of the Surrendered title deed.
 7. An application for validation of ownership should be addressed to the Secretary, Nandi County Land Management Board and copied to CEC Lands, Environment and Natural Resources.
 8. A declaration in writing that the subject parcel was not a public purpose plot or any thereof.
 9. Any other relevant document.
- The Secretary, County Land Management Board of Nandi will be receiving the presentation for 21 days from the date of this notice between 9:00 and 5:00 pm every day except weekend and Public Holidays.
- NB: No presentations shall be acceptable outside those hours and after the expiry of the deadline.
- Kindly address all letters and documents to:

The Secretary
County Land Management Board - Nandi
FOR NATIONAL LAND COMMISSION
P.O BOX 307-30300, KAPSABET

And copied to
The County Executive Committee Member
Lands Environment and Natural Resources,
P.O BOX 802-30300, KAPSABET.

REPUBLIC OF KENYA



COUNTY GOVERNMENT
OF NANDI

NANDI CLERK

PUBLIC NOTICE VALIDATION OF LAND OWNERSHIP

The County Land Management Board and The County Government of Nandi is undertaking a validation of land ownership in Kapsabet Municipality and Nandi Hills town. The main aim of the exercise is to ensure security of tenure of the land owners. The exercise entails acceptance of existing developments, securing public purpose plots, and verifying ownership of land by allottees.

All persons claiming rights to any parcel in Kapsabet municipality and Nandi hills town is required to present all documents in their possessions as proof of ownership.

The following documents are required:

1. A certified true copy of national Identity card for individuals or a certified true copy of a certificate of incorporation for companies etc.
 2. A copy of allotment letter.
 3. Approved part development plan.
 4. In cases of transferred parcels, copies of sale agreements, transfer documents etc. showing validity of those transactions.
 5. A copy of KRA pin certificate.
 6. Copies of receipts for payments made to the defunct municipal council of Kapsabet, Nandi hills town, Ministry of Lands Environment and Natural Resources
 7. An application for validation of ownership should be addressed to the Secretary, Nandi County Land Management Board and copied to CEC Lands Environment and Natural Resources.
 8. A declaration in writing that the subject parcel was not a public purpose plot or any thereof.
 9. Any other relevant document.
- The Secretary Nandi County Land Management Board will be receiving the presentation for 21 days from the date of this notice between 9:00 and 5:00 pm every day except weekend and public holidays.
- NB: No presentations shall be acceptable outside those hours and after the expiry of the deadline.
- All kindly address all letters and documents to

The Secretary
Nandi County Land Management Board
FOR NATIONAL LAND COMMISSION
P.O BOX 307-30300, KAPSABET

And copied
The County Executive Committee Member
Lands, Environment and Natural Resources,
P.O BOX 802-30300, KAPSABET.





NATIONAL LAND COMMISSION

Website: www.landcommission.go.ke
Telephone: Nairobi 2718050
Email :Info@landcommission.go.ke

ARDHI HOUSE
NGONG ROAD
P.O. Box 44417
NAIROBI

File Ref: NLC/HLI/435/2018

Date: 25th June, 2018

✓ The Chairman
Chepkumia Exchange Programme
Settlement Scheme
P. O. Box 140
KAPSABET

The Chief Conservator
Kenya Forest Service
NAIROBI

NLC Coordinator
Nandi County

**RE: INVESTIGATIVE HEARING FOR COMPLAINT RELATING TO HISTORICAL
LAND INJUSTICE CLAIM NO. NLC/HLI/435/2018 BY CHEPKUMIA
EXCHANGE PROGRAMME/SETTLEMENT SCHEME**

The above claim has been received in our offices dated 5th April, 2018

The Settlers claim that they have lived in this settlement scheme for over 18 years and during that time they have invested and made several developments and improvements. The government has also injected resources into some areas e.g schools, dispensaries, roads have been constructed and electrification carried out.

They therefore request the government to issue them with Title Deeds as the rightful owners.





NATIONAL LAND COMMISSION

HISTORICAL LAND INJUSTICE COMMITTEE
IN THE MATTER OF ARTICLE 67 (2) (E) OF THE CONSTITUTION OF KENYA
IN THE MATTER OF SECTION 15 OF THE NATIONAL LAND COMMISSION

ACT

IN THE MATTER OF HISTORICAL LAND INJUSTICE REFERENCE

NLC/HLI/435/2018 and NLC/HLI/256/2017

DETERMINATION

Ngerek Community.....Claimants
Koibem community.....claimants
Kenya Forest ServiceRespondents

Hearing: 10th July, 2018

Panel: Commissioner Dr. Samuel Tororei -Chairman
Commissioner- Emma Njogu -Member
Commissioner Dr. Rose Musyoka -Member
Commissioner Dr. Clement Lenachuru Member



Appearances: Sangak Advocate Ngerek Community

James K. Yego
Joel Kenduyo

..... Koibem Community

Abdi Keter Kiptuya Community

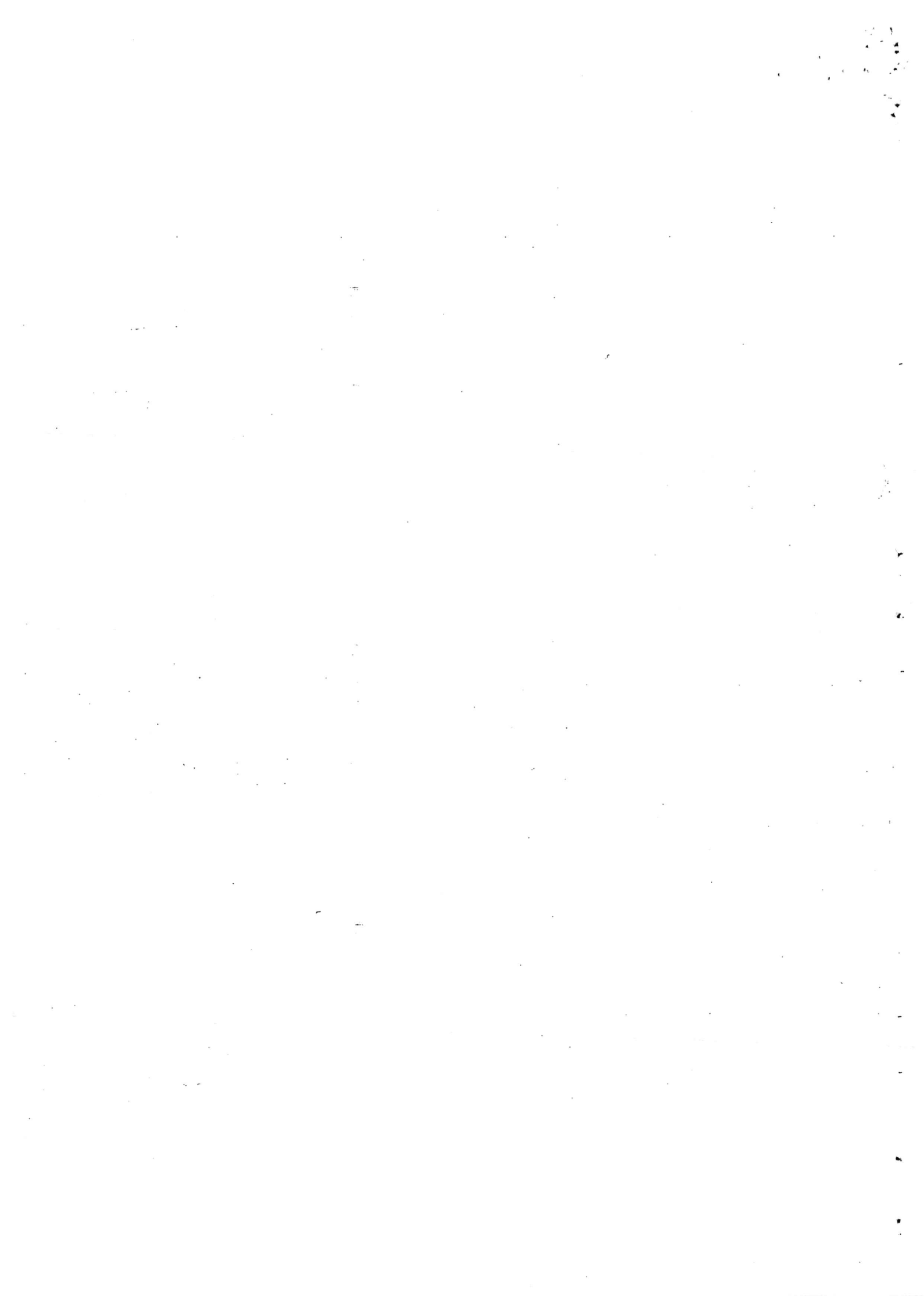
Kenya Forest Service Respondents

Background and the Claimant's Case

1. They were to be moved from Nandi South forest to be resettled together with Koibem Community in part of forest land around Kapkangani. The intended area meant for resettlement was excised by KFS after they paid the requisite survey fees but their claim is that the same area was given to another community by Provincial Administration and Politicians hence, they were not settled on the excised land as planned. KFS through Mr. Kegode confirmed the claim to be true.

Respondents

2. Mr. Kegode said that the Ngerek Community were 244 people who were to be resettled but this was not done because another community from Kiptuya was settled on the land instead. Ngerek were to be given 450 hectares and Koibem 260 Hectares from Nandi south forest.
3. Kiptuya Community through Abdi Keter filed a case in high Court challenging the Ngerek Community over the same piece of land but the case was dismissed.
4. Abdi Keter claimed that they were allocated that land by District Commissioner. However KFS did not recognise the second group of claimants by Abdi Keter.
5. The County Government of Nandi were enjoined in this matter and pledged to request KFS to extend the area of boundary



~~excised so as to accommodate the three communities i.e Koibem, Ngerek and Kiptuya.~~

Findings

6. From the evidence adduced both Koibem and Ngerek Communities have a valid claim because they were exchanging land for land with KFS.

7. They contributed money to facilitate survey of the individual land parcels. Whereas the Koibem have taken possession of the area given to them by KFS, the Ngerek Community cannot take possession because their places is occupied by the Kiptuya Community who are not part of the exchange programme but a product of political and Provincial Administration intervention.

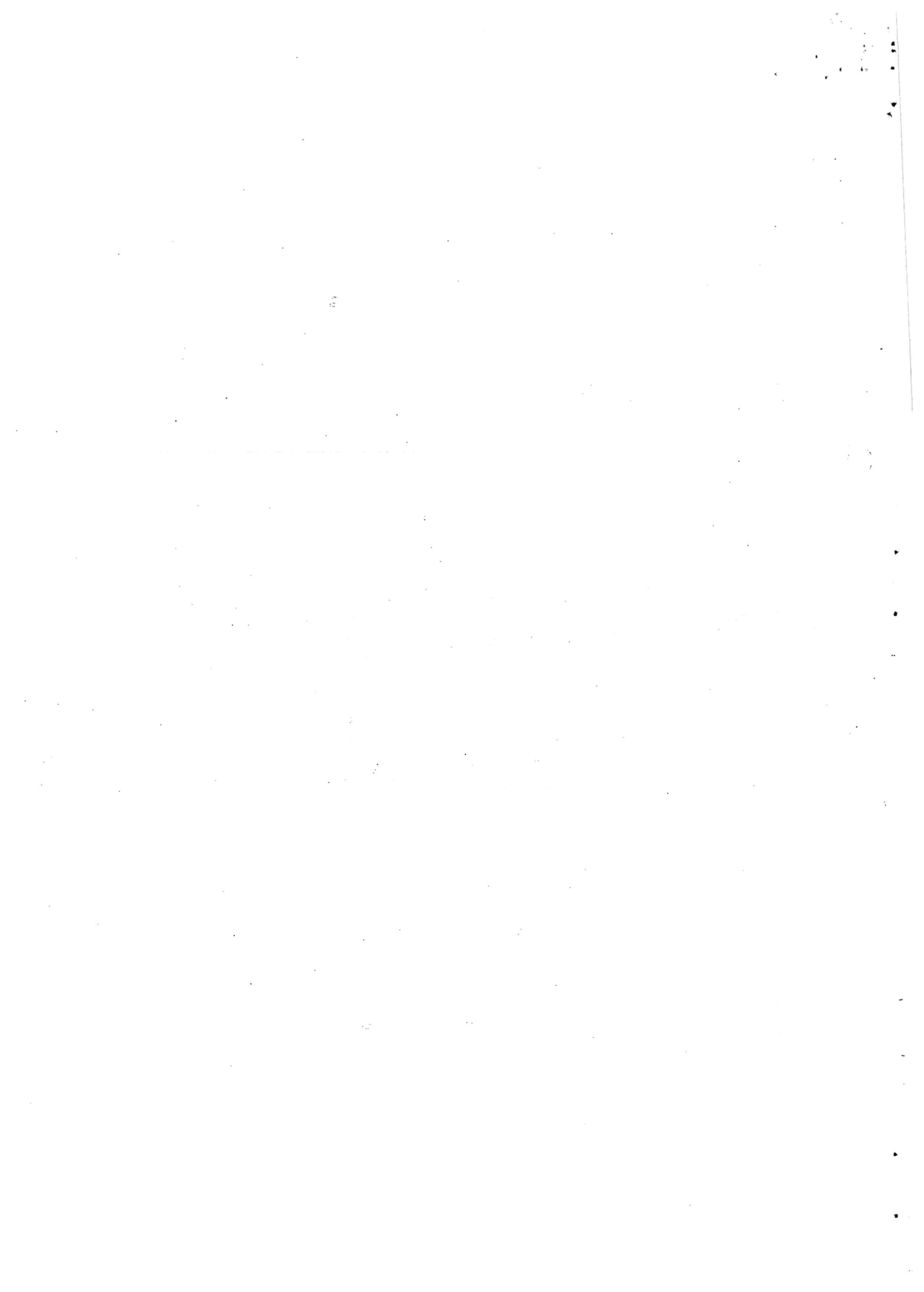
8. KFS had authorised an excision of 910.6 hectares which include 186 hectares for public utilities 266.86Ha for the Koibem Community and 465.45 Ha for the Ngerek Community. However the survey was extended illegally by 300Ha which KFS was contesting and that the Survey had not provided the map for the perimeter of the land excised and that is why the degazettement had not been completed.

9. The Abd group of 510 people who claimed to have been leaving in Kapkangani should be treated as speculators who did not have the titles and did not fit in the exchange programme of land for land.

10. Both Ngerek and Koibem Communities still hold their titles awaiting conclusion of the exchange programme by KFS and the Ministry of Lands and Physical Planning.

Conclusion

11. Koibem and Ngerek Community claims are valid and therefore they deserve to be given titles for area they



exchanged with KFS as they hand over the titles they hold for the land at Chepkumia.

Recommendations

In the circumstances, the Commission makes the following recommendations pursuant to Article 67 (2) (e) of the Constitution and section 15 of the National Land Commission Act:

- a) KFS to facilitate the degazettement of excised area from Nandi South Forest to enable issuance of title deeds to Ngerek and Koibem communities on land for land basis.
- b) The Director of Survey together with Nandi County Government to expedite the excision of the forest area that KFS excised from Nandi South Forest and hand over to the Ngerek and Koibem Communities.

Dated and delivered at Nairobi this 7th day of February, 2019.

Signed:

Commissioner Dr. Samuel Torore

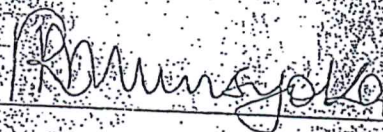


Chairman,

Historical Land Injustice Committee, National Land Commission

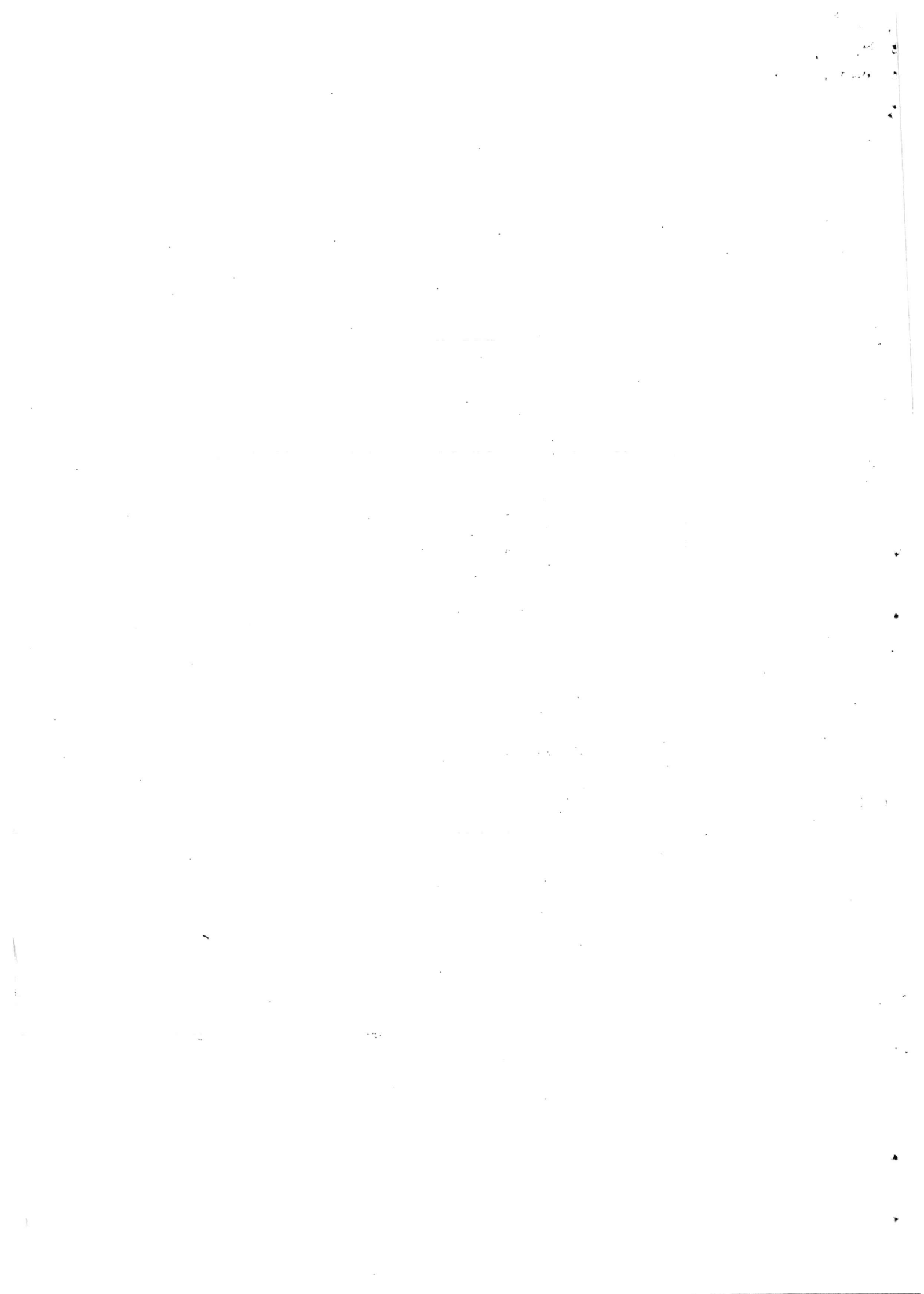
Signed:

Commissioner Dr. Rose Musyoka



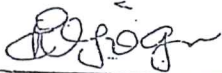
Member,

Historical Land Injustice Committee, National Land Commission



Signed:

Commissioner Emma Njogu



Member,
Historical Land Injustice Committee, National Land Commission

Signed:

Commissioner Dr. Clement Lenachuru



Member

Historical Land Injustice Committee, National Land Commission



GAZETTE NOTICE NO. 1994

THE LAND ACT

(No. 6 of 2012)

DUALING OF SOBEA-SALGAA-MAU SUMIT ROAD
PROJECT (A104)

INQUIRY

IN PURSUANCE of sections 162 (2) of Land Act, 2012, the National Land Commission on behalf of Kenya National Highways Authority (KeNHA) gives notice that inquiries for hearing of claims to compensation for interested parties in land to be acquired for Emergency Road Safety Enhancement along Kabaraka Junction to Kibunja (A8) Road Construction of a Lorry Park at Kibunja Area shall be held on the dates and places as shown in the schedule here below:

SCHEDULE

Chiefs Office at 930 am, on the 14th March, 2019

| Registration Section | Registered Land Owner | Arsa Acquired (Ha.) |
|--|--|---------------------|
| G.L.-Londiani Mountain Forest (L.O. 504) | G.L.-Londiani Moutain Forest (L. O. 504) | 10.8362 |

Every person interested in the affected land is required to deliver to the National Land Commission on or before the day of inquiry a written claim to compensation, copy of identity card (ID), Personal Identification No. (PIN), land ownership documents and bank account details. Commission Offices are in Ardhi House, 3rd Floor Room 305.

Dated the 18th February, 2019.

MR/5816131

ABIGAEI MBAGAYA-MUKOLWE,
Ag. Chairperson, National Land Commission.

GAZETTE NOTICE NO. 1995

NATIONAL LAND COMMISSION

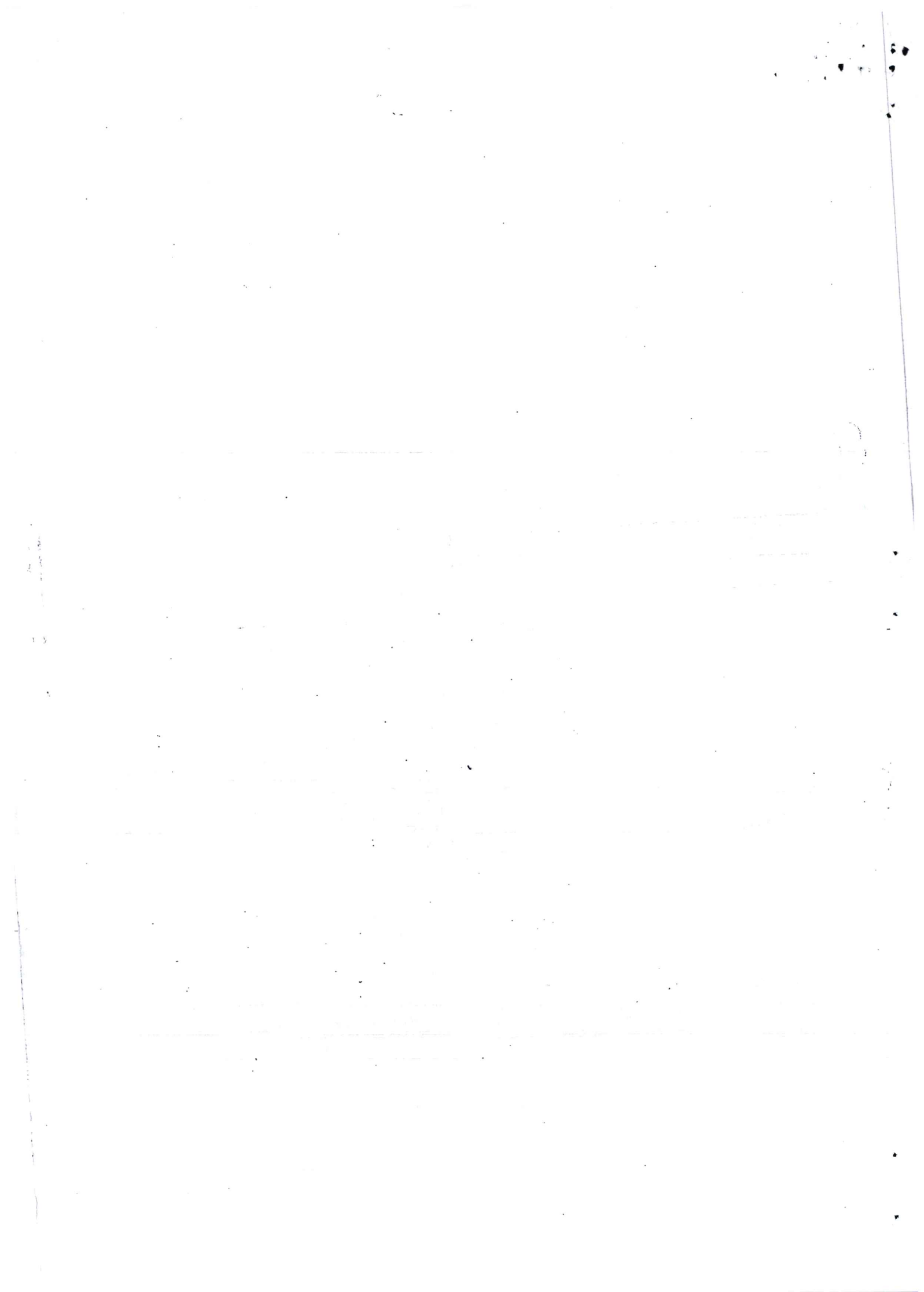
INVESTIGATIVE HEARING FOR COMPLAINTS RELATING TO HISTORICAL LAND INJUSTICES

IN EXERCISE of the powers conferred by Article 67 (2) (e) of the Constitution of Kenya 2010 and sections 6 and 15 of the National Land Commission Act, 2012, the Chairman, National Land Commission, informs the general public that the Commission upon receipt of Historical Land Injustice claims from the National Government, County Governments and members of the public admitted and investigated the complaints to ascertain the appropriate redress. The Commission invited all the complainants, respondents and the interested parties to appear before it, inspect documents and make written representations and submissions after which the Commission undertook further investigations. Consequently, the Commission has made recommendation in respect of the following claims.

The Commission calls upon the mandated authority(s) to effect the recommendations herein.

TABLE 1 KERICHO, NANDI, BOMET AND NAKURU COUNTIES

| S/No. | Case No. and County | Parties | Recommendation |
|-------|--|--|---|
| 1. | NLC/HLI/194/2018 Kericho County | Simon Towett Maritim (Claimant) and Jonathan Muiuri Kibaru (Respondent) | The claim is dismissed. The claimant misled the Commission and could not link himself to the claimed land. The decision of the Nakuru Civil Appeal No. 292 of 2005 is affirmed. |
| 2. | NLC/HLI/522/2018 Nakuru County | The Families/Clans of Kipboson arap Selembu And Kipkilach arap Leitch (Claimants) -vs-The Estate of Morrison Waweru Njenga, Njenga Mathu and George Mathu (Waweru Farm) and The Attorney General (Respondents) | The claim is allowed. L.R. No 8652 I.R. 14002 and LR No. 8653 I.R. 13230 to be allocated to Kipkilach Arap Leitch and Kipboson Arap Selembu families/clans for settlement. The Ministry of lands and physical planning (Department of Land Adjudication and Settlement) shall facilitate the settlement of the claimants. |
| 3. | NLC/HLI/518/2018 Kericho County | Kabuneh Squatters (Claimants) -Vs- County Government of Kericho (Respondent) | The claimants are referred to the NLC County Coordination office Kericho to fast-track the remaining process of resettling the squatters. |
| 4. | NLC/HLI/481/2018 Kericho County | Mzee Samson Chepkwony (Claimant) and A.I.C Mission Hospital-Litein (Respondents) | The claim is dismissed. The family members actually sold the claimed land to the hospital |
| 5. | NLC/HLI/435/2018 NLC/HLI/256/2018 Nandi County | Ngerek Community, Koibem community (claimants) and Kenya Forest Service (Respondents) | The claim is allowed. The Kenya Forest Service to complete the degazettement of the area promised (Nandi South Forest) to the claimants and settle both communities (Koibem and Ngerek) on land for land basis as initially intended. The Director of Survey together with the Nandi County Government to expedite the process and hand over the land to the Ngerek and Koibem Communities. |
| 6. | NLC/HLI/001/2017/NLC/ HLI/020/2017/NLC/HLI/ 390/2018 Nandi County | Titan Squatters (392 members), Timur Nandi community (claimants) and Nandi Kaburwo council of elders, British Government (Respondent) and County Government of Nandi (Interested party) | The claim is allowed. The claim is referred to the Privatization Commission to consider setting aside land to settle the claimants (Titan Squatters, Timur Nandi community and Nandi Kaburwo council of elders) and other squatters from both Nandi and Kisumu counties including Tanzanian returnees. The Ministry of lands and physical planning to facilitate the process. |
| 7. | NLC/HLI/246/2018 Nandi County | Pemja Community (claimant) -v- Kenya Forest Service (Respondent) | The claim is allowed. Kenya Forest services (KFS) to complete the degazettement and survey of Nandi South Forest to excise the area they had undertaken to settle Pemja community. |





REPUBLIC OF KENYA

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE & FORESTRY

RESPONSE BY THE CABINET SECRETARY TO PUBLIC PETITION NO. 69 OF 2023
REGARDING RESETTLEMENT OF SQUATTERS IN KOIBEM VILLAGE, CHEPKUMIA
LOCATION, NANDI COUNTY

5TH DECEMBER, 2024

MINISTERIAL RESPONSE BY THE CABINET ON PUBLIC PETITION NO. 69
OF 2023 REGARDING RESETTLEMENT OF SQUATTERS IN KOIBEM
VILLAGE, CHEPKUMIA LOCATION, NANDI COUNTY

Hon. Chair and Hon. Members,

let me begin with an introduction to the petition;

A. INTRODUCTION OF CHEPKUMIA LAND EXCHANGE PROGRAMME

1. **Ngerek-** the Ngerek Community has at to date never been settled in the intended area of the gazetted forest for the reason that at the time for which resettlement was to be effected, it was found out that other people had already been fraudulently and illegally settled in the proposed settlement area. This illegality is alleged to have been occasioned by political class in those days, a position established by the determination of the National Land Commission vide Historical Land Injustice Committee Ref. No. NLC/HLI/435/2018; NLC/HLI/256/2017, Kisumu Civil Suit No. 76 of 2003 and the Ndungú Report with a recommendation to the effect that the land reverts back to the Government.
2. Should the original intention of settling the Ngerek be realised, due process should and must be followed and a way out found for the illegally settled individuals.

Enabling Legal Framework

Hon. Chair and Hon. Members,

3. In undertaking the de-gazettement and gazettement processes involved in the execution of the underlined land exchange, the provisions in the Forest Management and Conservation Act, 2016 shall apply.

Exchange of Public Forest with a private land

4. The legal procedures involved in the exchange of gazetted public forest area with a private land is contained in the Forest Management and Conservation Act, 2016.

Hon. Chair and Hon. Members,

RESPONSE TO THE PUBLIC PETITION

B. GAZETTEMET OF SOUTH NANDI FOREST.

1. South Nandi Forest was gazetted vide Proclamation No. 76 of 1936 (*Annex 1*) and declared a Central Forest vide Legal Notice No. 174 of 1964 (*Annex 2*) measuring 17,960.50Ha approximately.
2. The South Nandi Forest is classified as a 'moist forest' under the Forest and Agricultural Organisation (FAO) of the United Nations.

Hon. Chair and Hon. Members,

3. In 1996, the Chepkumia land exchange was authorized and was to resettle people from the hilly Chepkumia areas of Ngerek and Koibem, i.e **Ngerek and Koibem Communities**. The Land exchange was to constitute **910.60Ha** in Kaimosi Block of South Nandi Forest along the Yala River. The Land Exchange Programme was initiated as a result of a Presidential Pronouncement during a tour of the Nandi District in 1996.

The area to be excised was to set aside land as follows; -

| S/No | Specific Area Coverage | Area (ha) |
|------|------------------------|---------------|
| 1 | Koibem Hill | 266.86 |
| 2 | Ngerek Hill | 455.45 |
| 3 | Public Utilities | 188.29 |
| | Total | 910.60 |

C. GENESIS OF CHEPKUMIA LAND EXCHANGE

4. Hon. Chair and Hon. Members,

The genesis of Chepkumia Land Exchange program was initiated by the Chepkumia Locational Development Leaders Meeting chaired by the KANU Chairman- Chepkumia Location – Mr. Joel K Kitur who petitioned the District Commissioner then to prioritize the resettlement of the Koibem people in Kaimosi block – Chepkumia Forest Land as the community lacked adequate land for the development and expansion of public amenities in the Koibem Village. Another request for land Exchange was done by the Residents of Singoro Village-Kaptel Location, Nandi District for 600 ha.

D. WHO HAVE BEEN SETTLED SO FAR UNDER THE CHEPKUMIA LAND EXCHANGE IN SOUTH NANDI FOREST?

5. The Chepkumia land exchange was meant to benefit the Koibem and the Ngerek Communities. They were to exchange the land they were living in with part of Kaimosi block land in Chepkumia Location. It was to be carried out in two phases, **Phase 1- Koibem Village Residents** and **Phase 2- Ngerek Residents**

Phase 1 – Koibem Village

6. The Koibem residents are of Kalenjin origin and moved from their originally occupied area (Koibem Hills). By 2000, the Koibem Hills had **148** households. The settling of Koibem people was done in 2001/2002 after surrendering their original land and was settled in South Nandi Forest. During the process, seven people were not settled as the land they were allocated was swampy and rocky, and the matter was resolved in subsequent meetings.

Hon. Chair and Hon. Members,

7. The implementation of the program was being coordinated by the District Commissioner and the District Surveyor under the guidance of the Provincial Commissioner/Rift Valley. The allocation was being done on the principle of an acre to an acre basis. The new Koibem (Yala) area was surveyed and the draft Boundary Plan, though developed, was not submitted to facilitate degazettment, they are still holding to their titles as the process of finalizing with the then Forest Department was stalled by Court cases instituted by the Ngerek community.

E. COLLAPSE OF THE PROPOSED CHEPKUMIA EXCHANGE PROGRAM

8. The Chepkumia Land exchange, though targeted to benefit deserving communities, did not materialize and collapsed after tribal and political interests took over center stage and several court cases undermined any meaningful progress. From the onset there was no political goodwill to settle the Ngereks and the issues have continued to this present day.
9. These complications stalled the process of exchange. The allocations in Kapkangani area were faced with multiple problems of double allocations, selling of allocated plots, non - settlement of the original beneficiaries to the land, eviction orders and hence sought to be guided on the next course of action in streamlining the process of settlement.

F. OBSERVATIONS

Hon. Chair and Hon. Members,

10. It is evident that the Kenya Forest Service has made the best efforts to have these matters addressed by the relevant authorities, all of which have failed to give a satisfactory response;

11. Ministry of Environment, Climate Change and Forestry together with Kenya Forest Service, have acted on the issues as required by law and with best intentions;
12. However, as detailed above, the success of these efforts depends on other parties and crucially honest and open participation of the communities on the ground in conjunction with the local leadership;
13. This therefore means that there is need to engage other stakeholders as demonstrated in the recommendations by the NLC.

G. RECOMMENDATIONS

Hon. Chair and Hon. Members,

14. The Chepkumia Land Exchange programme had good intentions to settle deserving people **BUT** was hijacked by political and tribal interests, there is need to engage broadly with other stakeholders to find a lasting solution to the disputed Chepkumia Land Exchange Programme with stakeholders from the County and National Government Agencies.
15. The Land Exchange involving the Koibem Community settlement was done without any conflicts, and the process of initiating surrender of Title Deeds from the beneficiaries should be commenced to the Government of Kenya (Kenya Forest service). The area they currently occupy should be surveyed and formalized as an **exchange**.
16. The Survey and development of cadastral map for the area they vacated and that in occupation currently should also be developed and the final process of gazettment and degazettment of the areas fast tracked to completion. This will enable KFS secure fully the Koibem Hills area which currently is without proper jurisdiction and lying in limbo.

Hon. Chair and Hon. Members,

17. The Ngerek Community continues to occupy their original land and there has never been any intention by the Kenya Forest Service to dispossess or evict them. The land they were supposed to benefit from was taken over for political expediency and the court ruling was for it to revert back to the Government for forest conservation and afforestation by KFS.

18. The Government is assessing the matters raised by Ngerek to come up with an amicable and lasting solution with conservation of the moist rain forest being a priority.

19. NLC and Ministry of Interior and National Administration to address historical land injustice as manifested in this public petition.

Thank you, Hon. Chair and Hon. Members,

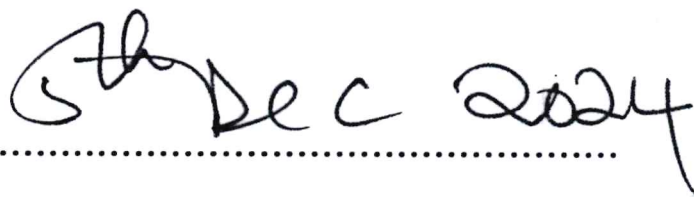


HON. ADEN BARE DUALE, EGH

CABINET SECRETARY

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

DATE



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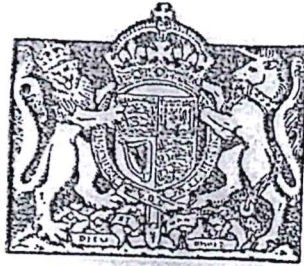
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PROCLAMATION No. 76

COLONY AND PROTECTORATE OF KENYA.



THE FOREST ORDINANCE
(Chapter 149 of the Revised Edition).

PROCLAMATION.

J. BYRNE.

L. S.

BY His Excellency Sir Joseph Aloysius Byrne, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, having the honorary rank of Brigadier-General in His Majesty's Army, Governor and Commander-in-Chief of the Colony and Protectorate of Kenya.

IN EXERCISE of the powers conferred upon me by section 3 of the Forest Ordinance (Chapter 149 of the Revised Edition), I do hereby with the consent of the Native Lands Trust Board declare the areas described in the Schedule hereto to be forest areas for the purposes of the aforesaid Ordinance.

GOD SAVE THE KING.

Given under my hand and the Public Seal of the Colony at Nairobi this twenty-ninth day of October, 1936.

SCHEDULE.

BOUNDARIES OF THE NANDI FOREST RESERVES.

These Forest Reserves consist of five areas, known as North Nandi, South Nandi, Taressia, Kaptaroi, Ururu, all situated within and forming part of the Nandi Native Reserve.

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1.—North Nandi.

An area comprising about 29,270 acres.

Commencing at a point situated on the eastern boundary of L.R. No. 1904 and at a distance of about 1,750 feet from its south-eastern corner ;

thence northerly by part of the eastern boundary of that portion and the whole of the eastern boundary of L.R. No. 1905 to the north-eastern corner of the latter portion ;

thence generally northerly by a series of cut and beacons lines to a beacon situated at a distance of about 1,850 feet west of the trigonometrical beacon Goyban ;

thence easterly by two cut and beacons lines to a beacon situated north-east of that trigonometrical beacon ;

thence generally south-easterly, south-westerly and southerly by a series of cut and beacons lines to a beacon situated on a bearing of approximately 130° and at a distance of about 4,800 feet from the trigonometrical beacon Tobolwa ;

thence easterly and generally northerly and again easterly by a series of cut and beacons lines to a beacon situated on a bearing of approximately 72° and at a distance of about 9,900 feet from the trigonometrical beacon Tobolwa ;

thence southerly, westerly, south-westerly, south-easterly, south-westerly, southerly, south-easterly and south-westerly by a series of cut and beacons lines to a beacon situated approximately due east of and at a distance of about 6,000 feet from the trigonometrical beacon Tsongoro ;

thence southerly, south-westerly and easterly by a series of cut and beacons lines to the intersection of the last with an unnamed stream ;

thence down-stream to its junction with another unnamed stream ;

thence up-stream for a distance of about 2,500 feet to its intersection with a cut and beacons line ;

thence in a generally south-westerly direction by a series of cut and beacons lines to the point of commencement.

2.—South Nandi.

An area comprising about 49,880 acres.

Commencing at a beacon situated on the north-eastern boundary of, and at a distance of about 1,950 feet from, the easternmost corner of L.R. No. 1895 ;

thence north-westerly by part of the north-eastern boundary of that portion and the whole of the north-eastern boundary of L.R. No. 1394 to its intersection with the Sirua or Mchomekik River and onwards to a beacon on the south-eastern boundary of L.R. No. 1763;

thence north-easterly by the south-eastern boundary of that portion for a distance of about 4,450 feet to a beacon;

thence generally easterly, south-westerly and again generally easterly by a series of cut and beacons to the intersection of the last with the Gigonja River;

thence by that river down-stream to its junction with the Kigiri River;

thence by that river up-stream to its junction with the Kipnyanchi River;

thence by that river up-stream for a distance of about 3,900 feet to its intersection with a cut and beacons line;

thence north-easterly, north-westerly and south-westerly by a series of cut and beacons lines to the intersection of the last with the Kigiri River;

thence by that river up-stream to its intersection with the northern boundary of the Kakamega-Kapsabet road;

thence south-westerly and north-westerly by the generally northern boundary of that road reserve for a distance of about 6,350 feet to a beacon;

thence northerly, north-easterly, south-easterly, southerly, south-easterly and southerly by a series of cut and beacons lines to the intersection of the last with the northern boundary of the Kakamega-Kapsabet road;

thence generally easterly by the northern boundary of that road for a distance of about 4,900 feet to a beacon;

thence north-westerly and north-easterly by two cut and beacons lines to the intersection of the latter with the Kimonde River;

thence by that river up-stream to its junction with the Hamai River;

thence by that river up-stream for about 8,000 feet to a beacon;

thence south-easterly, easterly, north-easterly and easterly by a series of cut and beacons lines to the intersection of the last with the Hathirigu River;

thence by that river up-stream to its intersection with a cut and beacons line;

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Kenya Proclamations, Rules and Regulations, 1936

thence westerly and southerly by two cut and beacons lines to the intersection of the latter with the northern boundary of the Kakamega-Kapsabet road;

thence generally westerly by the northern boundary of that road reserve for a distance of about 2,400 feet to its intersection with a cut and beacons line;

thence in a generally southerly, south-easterly and south-westerly direction by a series of cut and beacons lines to the intersection of the last with northern boundary of the Kisumu-Kaptumu road in the vicinity of Chebasus old mission site;

thence westerly by the northern boundary of that road for a distance of about 9,100 feet to its intersection with a cut and beacons line;

thence north-westerly, westerly and south-westerly by a series of cut and beacons lines to its intersection with the northern boundary of that road;

thence north-westerly by the northern boundary of that road for a distance of about 5,100 feet to its intersection with a cut and beacons line;

thence northerly, north-westerly, south-westerly and south-easterly by a series of cut and beacons lines to its intersection with the northern boundary of that road;

thence generally westerly by the northern boundary of that road for a distance of about 7,500 feet to its intersection with a cut and beacons line;

thence north-easterly, north-westerly and generally south-westerly by a series of cut and beacons lines to its intersection with the northern boundary of that road;

thence southerly, south-westerly, and north-westerly by the northern boundary of that road for a distance of about 2,150 feet to its intersection with a cut and beacons line;

thence generally north-westerly and south-westerly by a series of cut and beacons lines to its intersection with the northern boundary of that road;

thence north-westerly by the northern boundary of that road for a distance of about 1,000 feet to its intersection with a cut and beacons line;

thence generally northerly, north-westerly, northerly and easterly by a series of cut and beacons lines to a beacon situated on a bearing of approximately 240° and at a distance of about 2,570 feet from the south-eastern corner of L.R. No. 1897;

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thence generally south-easterly, north-easterly and north-westerly by a series of cut and beacons lines to the point of commencement.

3.—*Taressia.*

An area comprising about 950 acres.

Commencing at a beacon situated on a bearing of approximately 349° and at a distance of about 2,550 feet from the trigonometrical beacon Goyban;

thence north-westerly, northerly, north-easterly, south-easterly and generally southerly by a series of cut and beacons lines back to the point of commencement.

4.—*Kaptaroi.*

An area comprising about 810 acres.

Commencing at a beacon situated on a bearing of approximately 105° and at a distance of about 16,100 feet from the trigonometrical beacon Chakiakak;

thence north-easterly, south-easterly, south-westerly, southerly, westerly, northerly, north-easterly, generally westerly and north-westerly by a series of cut and beacons lines back to the point of commencement.

5.—*Ururu.*

An area comprising about 1,390 acres.

Commencing at a beacon situated on a bearing of approximately 183° and at a distance of about 6,000 feet from the trigonometrical beacon Kapsabet;

thence southerly and south-easterly by two cut and beacons lines to the intersection of the latter with the Kap-tumu-Kapsabet telegraph line;

thence south-westerly by that telegraph line for a distance of about 8,200 feet to its intersection with a cut and beacons line;

thence north-westerly, south-westerly and generally northerly, thence westerly, generally northerly and easterly by a series of cut and beacons lines back to the point of commencement.

The foregoing boundaries are delineated, edged green, on Boundary Plan No. 75 deposited at the Survey Records Office, Nairobi, a copy of which plan is on record at the office of the Forest Department, Nairobi.

DECLARATION
OF
CENTRAL FORESTS

LEGAL NOTICE No 174
20TH MAY 1964

SUPERCEDES ALL PREVIOUS GAZETTE NOTICES

LEGAL NOTICE No. 174

the Kenya Independence Order in Council

~~THE FORESTS ACT~~ 1963

(Cap. 385) *(L.N. 118 of 1963)*

DECLARATION OF CENTRAL FORESTS

IN EXERCISE of the powers conferred by paragraph 22 (2) of Schedule 2 of the Constitution, the Minister for Natural Resources, after consultation with the National Forest Authority, hereby declares all forests situated in the districts specified in the first column of the Schedule to this notice and described in the second column of the said Schedule to be Central Forests.

*Revised by
L.N. in
Supplement No
of 2/12/64*

2. This notice shall be deemed to have come into operation on 1st June 1963.

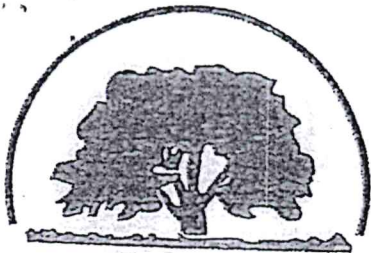
SCHEDULE

| District | Description |
|--------------------------------------|---|
| Nyandarua, Fort Hall and Nyeri | <p><input checked="" type="checkbox"/> ABERDARE FOREST</p> <p>That piece of land of approximately 302,583 acres, situated approximately 27.62 miles north of Nairobi municipality, which was declared to be a forest area by Proclamation No. 48 of 1943 and as amended by—</p> <ul style="list-style-type: none"> Proclamation No. 29 of 1947. Proclamation No. 22 of 1950. Proclamation No. 36 of 1950. Proclamation No. 47 of 1952. Proclamation No. 18 of 1955. Proclamation No. 34 of 1955. Legal Notice No. 113 of 1957. Legal Notice No. 352 of 1958. |
| Kilifi | <p><input checked="" type="checkbox"/> MARABUZO-SOKOKE FOREST</p> <p>That piece of land of approximately 96,590 acres, situated approximately 50 miles north-east of Mombasa municipality, which was declared to be a forest area by Proclamation No. 48 of 1943.</p> |
| Nakuru | <p><input checked="" type="checkbox"/> BAHATI FOREST</p> <p>That piece of land of approximately 25,022 acres, situated approximately 10 miles north-east of Nakuru municipality, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by—</p> <ul style="list-style-type: none"> Proclamation No. 122 of 1934. Proclamation No. 36 of 1950. Legal Notice No. 443 of 1956. Legal Notice No. 351 of 1958. |

*Schedule 2
of Constitution
deleted or amended
12/12/64
Act 28/64*

SCHEDULE—(Contd.)

| District | Description |
|-------------|---|
| Machakos | <p data-bbox="855 501 1086 546">MUTULA FOREST</p> <p data-bbox="687 551 1294 663">That piece of land of approximately 1,400 acres, situated approximately 23 miles south-east of Machakos township, which was declared to be a forest area by Legal Notice No. 532 of 1960.</p> |
| Kwale | <p data-bbox="863 674 1094 719">MWACHI FOREST</p> <p data-bbox="692 723 1299 835">That piece of land of approximately 1,031 acres, situated approximately four miles north-west of Mombasa municipality, which was declared to be a forest area by Proclamation No. 104 of 1938.</p> |
| Uasin Gishu | <p data-bbox="879 846 1094 891">NABKOI FOREST</p> <p data-bbox="697 891 1303 1037">That piece of land of approximately 7,449 acres, situated approximately 30 miles south-east of Eldoret municipality, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by—</p> <p data-bbox="778 1037 1121 1070">Proclamation No. 36 of 1950.</p> <p data-bbox="778 1070 1110 1104">Proclamation No. 5 of 1955.</p> <p data-bbox="778 1104 1134 1137">Legal Notice No. 263 of 1956.</p> |
| Nairobi | <p data-bbox="799 1144 1166 1189">NAIROBI ARBORETUM FOREST</p> <p data-bbox="702 1189 1308 1305">That piece of land of approximately 75 acres, situated within Nairobi municipality, which was declared to be a forest area by Proclamation No. 44 of 1932.</p> |
| Nakuru | <p data-bbox="831 1319 1134 1364">NAKURU LAKE FOREST</p> <p data-bbox="707 1364 1313 1503">That piece of land of approximately 27,700 acres, situated approximately 12 miles south-west of Nakuru township, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by Proclamation No. 36 of 1950.</p> |
| Nandi | <p data-bbox="839 1520 1142 1565">NANDI NORTH FOREST</p> <p data-bbox="711 1565 1318 1704">That piece of land of approximately 29,270 acres, situated approximately 7 miles west to 22 miles north-west of Kapsabet township, which was declared to be a forest area by Proclamation No. 76 of 1936.</p> |
| Nandi | <p data-bbox="855 1722 1142 1767">NANDI SOUTH FOREST</p> <p data-bbox="716 1767 1366 1906">That piece of land of approximately 48,880 acres, situated approximately 3 miles west to 17 miles south-west of Kapsabet township, which was declared to be a forest area by Proclamation No. 76 of 1936. and as amended by Proclamation No. 36 of 1950.</p> |



KENYA

Forest Service

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

Ref: No. **CONF/PAL/1/KFS VOL.VII/20**

Date: **2nd October, 2024**

Mr. Gitonga Mugambi, EBS
Principal Secretary,
State Department for Forestry,
Ministry of Environment Climate Change and Forestry,
NHIF Building, 12th Floor,
Ragati Road, Upper Hill,
P.O. Box 30126 - 00100,
NAIROBI, KENYA.

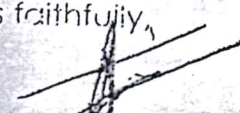
Dear Sir,

RE: RESPONSE BY THE CHIEF CONSERVATOR OF FORESTS ON MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON VARIOUS PETITIONS: PUBLIC PETITION NO. 69 OF 2023 REGARDING RESETTLEMENT OF SQUATTERS IN KOIBEM VILLAGE, CHEPKUMIA LOCATION, NANDI COUNTY.

Reference is made to the Clerk of the National Assembly letter Ref. No. KNA/DLPS/PPETC/CORR/2024/173 dated 23rd September, 2024 on the above-named subject matters on Public Petition No. 69 of 2023 regarding Resettlement of Squatters in Koibem Village, Chepkumia Location, Nandi County.

Attached herewith, please find, the response to the matters from the National Assembly on Public Petition No. 69 of 2023 regarding the Resettlement of Squatters in Koibem Village, Chepkumia Location, Nandi County with a brief as requested for your perusal and further processing.

Yours faithfully,


A.L. Lemari Koko, EBS, 'ndc' (K)
CHIEF CONSERVATOR OF FORESTS

Encl.:

- The response "on Public Petition No. 69 of 2023 regarding Resettlement of Squatters in Koibem Village, Chepkumia Location, Nandi County".

BK/jk

Trees for better lives

Tel: (254)020-3754904/5/6, (254)020-2014663, (254)020-2020285, Fax: (254)020-2385374

Email: info@kenyaforests.org. Web: www.kenyaforests.org

RE: RESPONSE BY THE CHIEF CONSERVATOR OF FORESTS ON MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON VARIOUS PETITIONS: PUBLIC PETITION NO. 69 OF 2023 REGARDING RESETTLEMENT OF SQUATTERS IN KOIBEM VILLAGE, CHEPKUMIA LOCATION, NANDI COUNTY.

1. The National Assembly Public Petition No. 69 of 2023 regarding Resettlement of Squatters in Koibem Village, Chepkumia Location, Nandi County by the Clerk of the National Assembly letter Ref. No. KNA/DLPS/PPETC/CORR/2024/173 dated 23rd September, 2024 has been received.

A. INTRODUCTION OF CHEPKUMIA LAND EXCHANGE PROGRAMME

2. The Chepkumia land Exchange Programme was initiated by the government in 1996 with a view to resettle families in what was then known as Koibem and Ngerek villages in Nandi North District. The areas where the two (2) communities were living in was very rocky and hilly. Thus, the Chepkumia land exchange was authorized by the then President to resettle the two communities from the hilly Chepkumia area to South Nandi Forest which is classified as a "moist forest" which is good for agriculture.
3. Subsequently; **Koibem** - the Koibem Community inhabited the Koibem hills (village) of Chepkumia Location. The exchange program of Koibem hills was successfully done in phase one (1) of the Chepkumia land exchange programme save two pending processes i.e.:
 - Surrender of Titles from the resettled Koibem Community;(NLC & Ministry of Interior).
 - Excision and Degazettement of the forest Area;(MECCF, KFS, NLC, NEMA & PARLIAMENT).
 - Survey, Map and Gazette the Koibem Hills through a Legal Notice. (MECCF, MINISTRY OF LANDS, KFS, NLC, CGN, CABINET & PARLIAMENT).
4. **Ngerek**- the Ngerek Community has at to date never been settled in the intended area of the gazetted forest for the reason that at the time for which resettlement was to be effected, it was found out that other people had already been fraudulently and illegally settled in the proposed

settlement area. This illegality is alleged to have been occasioned by political class in those days, a position established by the determination of the National Land Commission vide Historical Land Injustice Committee Ref. No. NLC/HLI/435/2018; NLC/HLI/256/2017, Kisumu Civil Suit No. 76 of 2003 and the Ndungú Report with a recommendation to the effect that the land reverts back to the Government.

5. Should the original intention of settling the Ngerek be realised, due process should and must be followed and a way out found for the illegally settled individuals.

Enabling Legal Framework

6. In undertaking the de-gazettement and gazettement processes involved in the execution of the underlined land exchange, the following provisions of the law shall apply; -

Exchange of Public Forest with a private land

7. The legal procedures involved in the exchange of gazetted public forest area with a private land is contained in the Forest Management and Conservation Act, 2016 as follows: -

(1) Sec 36(1), provides that the Service may, in consultation with the relevant government agencies and stakeholders, and with approval of the Cabinet Secretary, exchange part of a forest area with private land with the consent of the owner of such land. This acquisition is subject to Public participation and an Independent EIA.

(2) Public Participation under section 36(3) of the transaction shall be carried out as per the second schedule of the FCMA as follows:

- (a) Publish a notice about the proposal in the Kenya Gazette, two dailies and one radio station that broadcasts in that locality.

- (b) Provide for space and place from which details of the proposal may be inspected, invite written comments on or objections to the proposal may be submitted
- (c) Provide specification on the dates for receiving such comments are required to be received
- (d) Prescribe a deadline that should be at least **sixty days from the date of the first publication of the notice.**
- (e) Arrange for the public to obtain copies, at a reasonable cost, of documents relating to the proposal.
- (f) Consider any written comments or objections received on or before the deadline date whether in writing or not, received at any public meeting held about the proposal at which KFS was represented, or under any other invitation.
- (g) Publish the notice regarding the final decision about the proposal.
- (h) Conduct a public meeting in which the comments of the public shall be considered.

(3) **In addition**, the following legal processes are also required:

- (a) Consultation with the relevant key Government agencies among them the National Land Commission, and the County Government;
- (b) An independent Environmental Impact Assessment (EIA) Report;
- (c) An independent valuation of the land to ensure that the exchange is equitable both to the service and the landowner; and
- (d) Confirmation that the forest area to be exchanged is not a water catchment area, a spring source, or does not contain any rare or endangered species.

Variation of boundaries or revocation of Public forests

8. The procedure involved in the de-gazettement of a public forest is provided in Section 34 of the Forest Management and Conservation Act 2016 which provides that: -

- (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 such 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 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.

RESPONSE TO THE PUBLIC PETITION

Response:

B. GAZETTEMET OF SOUTH NANDI FOREST.

1. South Nandi forest was gazetted vide **Proclamation No. 76 of 1936 (Annex 1)** and declared a Central Forest vide **Legal Notice No. 174 of 1964 (Annex 2)** measuring 17,960.50Ha approximately.
2. The South Nandi Forest is classified as a 'moist forest' under the Forest and Agricultural Organisation (**FAO**) of the United Nations.
3. In 1996, the Chepkumia land exchange was authorized and was to resettle people from the hilly Chepkumia areas of Ngerek and Koibem, i.e **Ngerek and Koibem Communities**. The Land exchange was to constitute **910.60Ha** in Kaimosi Block of South Nandi forest along the Yala River. The Land Exchange Programme was initiated as a result of a Presidential Pronouncement during a tour of the Nandi District in 1996.

The area to be excised was to set aside land as follows; -

| S/No | Specific Area Coverage | Area (ha) |
|------|------------------------|-----------|
| 1 | Koibem Hill | 266.86 |
| 2 | Ngerek Hill | 455.45 |

| | | |
|---|------------------|---------------|
| 3 | Public Utilities | 188.29 |
| | Total | 910.60 |

C. THE NGEREK COMMUNITY

4. The minority Ngerak Community, comprising about 244 families, has resided in the South Nandi Forest, at Ngerak Village, Chepkumia Location, Emgwen Constituency in Nandi County, since before independence.
5. The Ngerak Community is predominantly Luhya by origin and lives on Ngerak Hills bordering South Nandi forest close to Kobujoi area to the North of Nandi County bordering Western Kenya.

D. THE KOIBEM COMMUNITY

6. The Koibem Community is predominantly of Kalenjin descent by origin and inhabited the Koibem hills (village) of Chepkumia Location. The area was very rocky and hilly, and curved into the boundary of South Nandi forest on the Kobujoi side to the south.
7. The Koibem Hills area had already been adjudicated with titled land parcels issued. The exchange program was to affect one hundred and eight (108) title holders from Koibem Village. The exchange of Koibem Hills was successfully done in phase (1) one of Chepkumia land exchange programme which covered 268 ha and an additional 85 ha for river catchment and public utilities amounting to 333 Ha.
8. The Koibem Community relocated from the Koibem Hills and occupied the area allocated to the West of Yala River in Chepkumia Land Exchange commonly known as the Koibem settlement scheme. The households currently occupying the Koibem settlement are two hundred (200) households with one hundred and seven (107) parcels of land totaling to 266.86 Ha. The residents have not surrendered their title deeds to date as required. In April 2009, enlistment of all title holders in Koibem was conducted and a total of one hundred and twenty eight (128) owners were recorded. The final process for degazettment is yet to be undertaken due to complications arising from Kapkangani area of the exchange program.

E. GENESIS OF CHEPKUMIA LAND EXCHANGE

9. The genesis of Chepkumia Land Exchange program was initiated by the Chepkumia Locational Development Leaders Meeting chaired by the KANU Chairman- Chepkumia Location - **Mr Joel K Kitur** who petitioned the District Commissioner then to prioritize the resettlement of the Koibem people in Kaimosi block – Chepkumia Forest Land as the community lacked adequate land for the development and expansion of public amenities in the Koibem Village. Another request for land Exchange was done by the Residents of Singoro Village-Kaptel Location, Nandi District for 600 ha.

F. WHO HAVE BEEN SETTLED SO FAR UNDER THE CHEPKUMIA LAND EXCHANGE IN SOUTH NANDI FOREST?

10. The Chepkumia land exchange was meant to benefit the Koibem and the Ngerek Communities. They were to exchange the land they were living in with part of Kaimosi block land in Chepkumia Location. It was to be carried out in two phases, **Phase 1- Koibem Village Residents** and **Phase 2- Ngerek Residents**

Phase 1 – Koibem Village

11. The Koibem residents are of Kalenjin origin and moved from their originally occupied area (Koibem Hills). By 2000, the Koibem Hills had 148 households. The settling of Koibem people was done in 2001/2002 after surrendering their original land and was settled in South Nandi Forest. During the process, seven people were not settled as the land they were allocated was swampy and rocky, and the matter was resolved in subsequent meetings.
12. The implementation of the program was being coordinated by the District Commissioner and the District Surveyor under the guidance of the Provincial Commissioner/Rift Valley. The allocation was being done on the principle of an acre to an acre basis. The new Koibem (Yala) area was surveyed and the draft Boundary Plan, though developed, was not submitted to facilitate degazettment, they are still holding to their titles as the process of finalizing with the then Forest Department was stalled by Court cases instituted by the Ngerek community.

G. COLLAPSE OF THE PROPOSED CHEPKUMIA EXCHANGE PROGRAM

13. The Chepkumia Land exchange, though targeted to benefit deserving communities, did not materialize and collapsed after tribal and political

interests took over center stage and several court cases undermined any meaningful progress. From the onset there was no political goodwill to settle the Ngereks and the theatrics have continued to this present day.

14. These complications stalled the process of exchange. The allocations in Kapkangani area were faced with multiple problems of double allocations, selling of allocated plots, non - settlement of the original beneficiaries to the land, eviction orders and hence sought to be guided on the next course of action in streamlining the process of settlement.

H. OBSERVATIONS

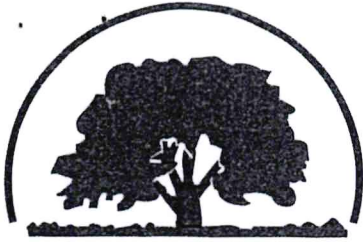
15. It is evident that the Kenya Forest Service has made the best efforts to have these matters addressed by the relevant authorities, all of which have failed to give a satisfactory response;
16. Ministry of Environment, Climate Change and Forestry together with Kenya Forest Service, have acted on the issues as required by law and with best intentions;
17. However, as detailed above, the success of these efforts depends on other parties and crucially honest and open participation of the communities on the ground in conjunction with the local leadership;
18. This therefore means that there is need to engage other stakeholders as demonstrated in the recommendations by the NLC.

I. RECOMMENDATIONS

19. The Chepkumia Land Exchange programme had good intentions to settle deserving people **BUT** was hijacked by political and tribal interests, there is need to engage broadly with other stakeholders to find a lasting solution to the disputed Chepkumia Land Exchange Programme with stakeholders from the County and National Government Agencies.
20. The Land Exchange involving the Koibem Community settlement was done without any conflicts, and the process of initiating surrender of Title Deeds from the beneficiaries should be commenced to the Government of Kenya (**Kenya Forest service**). The area they currently occupy should be surveyed and formalized as an **exchange**.
21. The Survey and development of cadastral map for the area they vacated and that in occupation currently should also be developed and the final

process of gazettment and degazettment of the areas fast tracked to completion. This will enable KFS secure fully the Koibem Hills area which currently is without proper jurisdiction and lying in limbo.

22. The Ngerek Community continues to occupy their original land and there has never been any intention by the Kenya Forest Service to dispossess or evict them. The land they were supposed to benefit from was taken over for political expediency. The land stalemate won't end in the near future and hence should be reverted back to Kenya Forest Service for afforestation.



KENYA

Forest Service

CONF/PAL/1/KFS/VOL.VIII/8

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

16TH JUNE, 2025

Ref: No.....

Date:.....

The Clerk
The National Assembly
P.O Box 41842-00100
NAIROBI

RE: MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON A PUBLIC PETITION NO. 69 OF 2023 REGARDING DELAY IN SETTLEMENT OF SQUATTERS IN KOIBEM VILLAGE, NGEREK VILLAGE, CHEPKUMIA LOCATION IN NANDI COUNTY.

Reference is made to your letter Ref. KNA/DLPS/PPETC/CPRR/2025/050 dated 29th May, 2025 on the above subject matter.

Attached herewith please find response from the Kenya Forest Service.

A.L. LEMARKOKO, EBS, 'ndc' (K)
CHIEF CONSERVATOR OF FORESTS

Encls.

Trees for better lives

Tel: (254)020-3754904/5/6, (254)020-2014663, (254)020-2020285, Fax: (254)020-2385374

Email: info@kenyaforests-service.org Web: www.kenyaforests-service.org



RE: RESPONSE BY THE CHIEF CONSERVATOR OF FORESTS ON MEETING WITH THE PETITION NO. 69 OF 2023 REGARDING DELAY In SETTLEMENT OF SQUATTERS IN KOIBEM VILLAGE, NGEREK VILLAGE, CHEPKUMIA LOCATION IN NANDI COUNTY.

1. The National Assembly Public Petition No. 69 of 2023 regarding Resettlement of Squatters in Koibem Village, Chepkumia Location, Nandi County by the Clerk of the National Assembly letter Ref. No. KNA/DLPS/PPETC/CORR/2025/050 dated 29th May, 2025 has been received.

Enabling Legal Framework for gazettment and degazettement of forestland.

2. In undertaking the de-gazettement and gazettement processes involved in the execution of the underlined land exchange, the following provisions of the law shall apply; -

Exchange of Public Forest with a private land

3. The legal procedures involved in the exchange of gazetted public forest area with a private land is contained in the Forest Management and Conservation Act, 2016 as follows: -

(1) Sec 36(1), provides that the Service may, in consultation with the relevant government agencies and stakeholders, and with approval of the Cabinet Secretary, exchange part of a forest area with private land with the consent of the owner of such land. This acquisition is subject to Public participation and an Independent EIA.

(2) Public Participation under section 36(3) of the shall be carried out as per the second schedule of the FCMA as follows:

- (a) Publish a notice about the proposal in the Kenya Gazette, two dailies and one radio station that broadcasts in that locality.
- (b) provide for space and place from which details of proposal may be inspected, invite written comments on or objections to the proposal may be submitted
- (c) Provide specification on the dates for receiving such comments are required to be received
- (d) Prescribe deadline that should be at least sixty days from the date of the first publication of the notice.

- (e) Arrange for the public to obtain copies, at a reasonable cost, of documents relating to the proposal.
- (f) Consider any written comments or objections received on or before the deadline date whether in writing or not, received at any public meeting held about the proposal at which KFS was represented, or under any other invitation.
- (g) Publish the notice regarding the final decision about the proposal.
- (h) Conduct a public meeting in which the comments of the public shall be considered.

(3) In addition, the following legal processes are also required:

- (a) Consultation with the relevant Government agencies key among them the National Land Commission, and the County Government;
- (b) An independent Environmental Impact Assessment (EIA) Report;
- (c) An independent valuation of the land to ensure that the exchange is equitable both to service and the landowner; and
- (d) Confirmation that the forest area to be exchanged is not a water catchment area, a spring source, or does not contain any rare or endangered species.

Variation of boundaries or revocation of Public forests

4. The procedure involved in the de-gazettement of a public forest is provided in Section 34 of the Forest Management and Conservation Act 2016 which provides that: -

- (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 such 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 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.

RESPONSE TO THE PUBLIC PETITION NO. 69 OF 2023 REGARDING RESETTLEMENT OF SQUATTERS IN KOIBEM VILLAGE, NGEREK VILLAGE CHEPKUMIA LOCATION, NANDI COUNTY.

Prayer- 1: Inordinate delay in the issuance of new Title Deeds to residents of Koibem Village
Response:

A. Introduction of Chepkumia land exchange programme

1. The Chepkumia land Exchange Programme was initiated by government in 1996 with a View to resettle families in what was then known as_Koibem and Ngerek villages in Nandi North District. The areas where the two (2) communities were living in was very rocky and hilly. Thus, the Chepkumia land exchange was authorized by the then President to resettle the two communities from the hilly Chepkumia area to South Nandi Forest which is classified as a “moist forest” which is good for agriculture.
2. Subsequently; **Koibem** - the Koibem Community inhabited the Koibem hills (village) of Chepkumia Location. The exchange program of Koibem hills was successfully completed in phase one (1) of the Chepkumia land exchange programme. However there has been delays occasioned by;
 - i. Outstanding surrender of the land title from the resettled Koibem Community. This surrender needs to be coordinated by the National Land Commission (NLC) and the Ministry of Interior and National Administration.
 - ii. Commencement of Gazettement of Koibem Hills and degazettement of the forest area now under occupation by Koibem community ;(MECCF, KFS, NLC, NEMA & PARLIAMENT).
3. **Ngerek Community**- the Ngereks has at to date never been settled in the intended area of the gazetted forest for the reason that at the time for which resettlement was to be effected, it was found out that other people had already been fraudulently and illegally settled in the proposed settlement area. This illegality is alleged to have been occasioned by political class in those days, a position established by the determination of the National Land Commission vide Historical Land Injustice Committee Ref. No. NLC/HLI/435/2018; NLC/HLI/256/2017, Kisumu Civil Suit No. 76 of 2003 and the Ndungú Report with a recommendation to the effect that the land reverts back to the Government.

4. Should the original intention of settling the Ngerek be realised, due process should and must be followed and an alternative plan to deal with the illegally settled individuals provided.

B. GAZETTEMET OF SOUTH NANDI FOREST.

5. South Nandi forest was gazetted vide Proclamation No. 76 of 1936 (*Annex 1*) and declared a Central Forest vide Legal Notice No. 174 of 1964 (*Annex 2*) measuring 17,960.50Ha approximately.
6. The South Nandi Forest is classified as a 'moist forest' under the Forest and Agricultural Organisation (FAO) of the United Nations.
7. In 1996, the Chepkumia land exchange was authorized and was to resettle people from the hilly Chepkumia areas of Ngerek and Koibem, i.e Ngerek and Koibem Communities. The Land exchange was to constitute 910.60Ha in Kaimosi Block of South Nandi forest along the Yala River. The Land Exchange Programme was initiated as a result of a Presidential Pronouncement during a tour of the Nandi District in 1996.

The area to be excised was to set aside land as follows; -

| S/No | Specific Area Coverage | Area (ha) |
|------|------------------------|---------------|
| 1 | Koibem Hill | 266.86 |
| 2 | Ngerek Hill | 455.45 |
| 3 | Public Utilities | 188.29 |
| | Total | 910.60 |

C. THE NGEREK COMMUNITY

8. The minority Ngerok Community, comprising about 244 families, has resided in the South Nandi Forest, at Ngerok Village, Chepkumia Location, Emgwen Constituency in Nandi County, since before independence.
9. The Ngerok Community is predominantly Luhya by origin and lives on Ngerok Hills bordering South Nandi forest close to Kobujoi area to the north of Nandi County bordering western Kenya.

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11. The Koibem Hills area had already been adjudicated with titled land parcels issued. The exchange program was to affect one hundred and eight (108) title holders from Koibem Village. The exchange of Koibem Hills was successfully done in phase (1) one of Chepkumia land exchange programme which covered 268 Ha. Approximately.
12. The Koibem Community relocated from the Koibem Hills and occupied the area allocated to the west of Yala River in Chepkumia Land Exchange commonly known as the Koibem settlement scheme. The households currently occupying the Koibem settlement are two hundred (200) households with one hundred and seven (107) parcels of land totalling to 266.86 Ha. The residents have not surrendered their titles deeds to date as required. In April 2009, enlistment of all title holders in Koibem was conducted and a total of one hundred and twenty eight (128) owners were recorded. The final process for degazettment is yet to be undertaken due to complications arising from Kapkangani area of the exchange program.

E. GENESIS OF CHEPKUMIA LAND EXCHANGE

13. The genesis of Chepkumia Land Exchange program was initiated by the Chepkumia Locational Development Leaders Meeting chaired by the KANU Chairman- Chepkumia Location - Mr Joel K Kitur who petitioned the District Commissioner then to prioritize the resettlement of the Koibem people in Kaimosi block – Chepkumia Forest Land as the community lacked adequate land for the development and expansion of public amenities in the Koibem Village.

WHO HAVE BEEN SETTLED SO FAR UNDER THE CHEPKUMIA LAND EXCHANGE IN SOUTH NANDI FOREST

14. The Chepkumia land exchange was meant to benefit the Koibem and the Ngerek Communities. They were to exchange the land they were living in for with part of Kaimosi block land in Chepkumia Location. It was to be carried out in two phases, Phase 1- Koibem Village Residents and Phase 2- Ngerek Residents

Phase 1 – Koibem Village

15. The Koibem residents are of Kalenjin origin and moved from their originally occupied area (Koibem Hills). By 2000, the Koibem Hills had 148 households. The settling of Koibem people was done in 2001/2002 after surrendering their original land and was settled in South Nandi Forest. During the process seven people were not settled as the land they were allocated was swampy and rocky, and the matter was resolved in subsequent meetings.
16. The implementation of the program was being coordinated by the District Commissioner and the District Surveyor under the guidance of the Provincial Commissioner/Rift Valley. The allocation was being done on the principle of an acre to an acre basis. The new Koibem (Yala) area was surveyed and the draft Boundary Plan though developed was not submitted to facilitate degazettment, they are still holding to their Titles as the process of finalizing with the then Forest Department was stalled by Court cases instituted by the Ngerek community.

COLLAPSE OF THE PROPOSED CHEPKUMIA EXCHANGE PROGRAM

17. The Chepkumia Land exchange though targeted to benefit deserving communities did not materialize and collapsed after tribal and political interests took over centre stage and several court cases undermined any meaningful progress. From the onset there was no political goodwill to settle the Ngereks and the theatrics have continued to this present day.
18. These complications stalled the process of exchange. The allocations in Kapkangani area were faced with multiple problems of double allocations, selling of allocated plots, non - settlement of the original beneficiaries to the land, eviction orders and hence sought to be guided on the next course of action in streamlining the process of settlement.

WAY FORWARD

Communication provided through the letter Ref: CONF/1/1/VOL.11/56 dated 22nd May 2025(copy attached), the following was agreed:

- I. The exchange between Kenya Forest Service and Koiben /Ngerek Community was supposed to be land for land basis as explained above, however this was not realized because the beneficiaries did not relinquish their titles to the land they owned.
- II. The survey and degazettment of the land shall be done by Kenya Forest Service through the Ministry of Environment Climate Change and Forestry alongside other proposed degazettments approved by the Cabinet.
- III. The Kenya Forest Service whose mandate is to protect, conserve and manage forest areas will work with other Government agencies to repose the encroached forest areas.

DECLARATION
OF
CENTRAL FORESTS

LEGAL NOTICE No 174

20TH. MAY 1964

SUPERCEDES ALL PREVIOUS GAZETTE NOTICES

Kenya Gazette Supplement No 77 of 1964

LEGAL NOTICE No. 174

~~THE KENYA INDEPENDENCE ORDER IN COUNCIL~~

~~THE FORESTS ACT 1963~~

(Cap. 385) (L.O. 718 of 1963)

DECLARATION OF CENTRAL FORESTS

IN EXERCISE of the powers conferred by paragraph 22 (2) of Schedule 2 of the Constitution, the Minister for Natural Resources, after consultation with the National Forest Authority, hereby declares all forests situated in the districts specified in the first column of the Schedule to this notice and described in the second column of the said Schedule to be Central Forests.

2. This notice shall be deemed to have come into operation on 1st June 1963.

*Amended by
L.O. 128
of 1964*

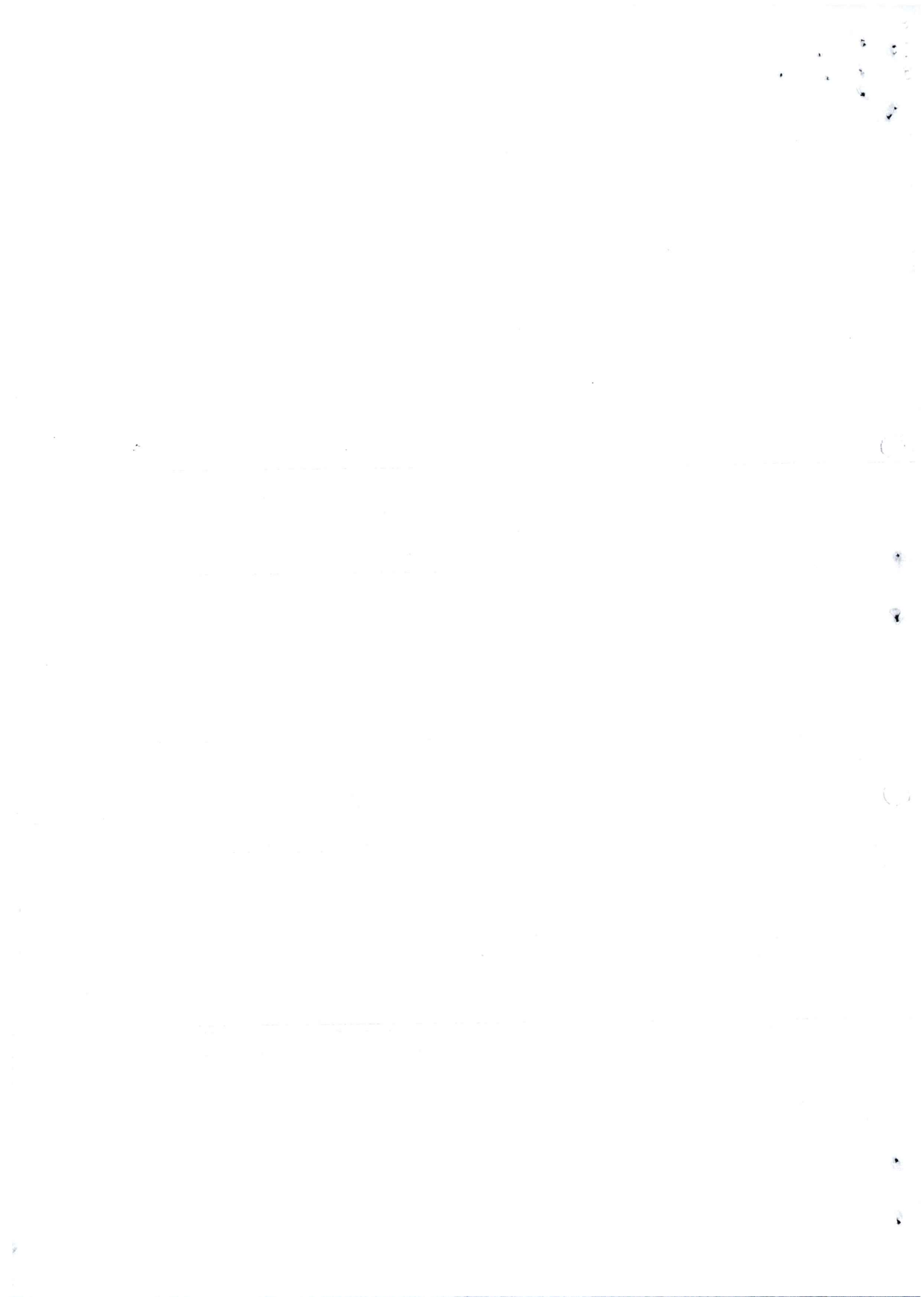
SCHEDULE

| District | Description |
|--------------------------------------|---|
| Nyandarua, Fort Hall and Nyeri | <p data-bbox="790 784 1053 851">⊗ ABERDARE FOREST</p> <p data-bbox="638 840 1244 985">That piece of land of approximately 302,583 acres, situated approximately 27-62 miles north of Nairobi municipality, which was declared to be a forest area by Proclamation No. 48 of 1943 and as amended by—</p> <ul style="list-style-type: none"> <li data-bbox="710 985 1069 1019">Proclamation No. 29 of 1947. <li data-bbox="710 1019 1069 1052">Proclamation No. 22 of 1950. <li data-bbox="710 1052 1069 1086">Proclamation No. 36 of 1950. <li data-bbox="710 1086 1069 1120">Proclamation No. 47 of 1952. <li data-bbox="710 1120 1069 1153">Proclamation No. 18 of 1955. <li data-bbox="710 1153 1069 1187">Proclamation No. 34 of 1955. <li data-bbox="710 1187 1069 1220">Legal Notice No. 113 of 1957. <li data-bbox="710 1220 1069 1254">Legal Notice No. 352 of 1958. |
| Kilifi | <p data-bbox="750 1265 1085 1321">⊗ ARABUKO-SOKOKE FOREST</p> <p data-bbox="630 1310 1236 1433">That piece of land of approximately 96,590 acres, situated approximately 50 miles north-east of Mombasa municipality, which was declared to be a forest area by Proclamation No. 48 of 1943.</p> |
| Nakuru | <p data-bbox="805 1433 1029 1489">⊗ BAHATI FOREST</p> <p data-bbox="630 1478 1236 1624">That piece of land of approximately 25,022 acres, situated approximately 10 miles north-east of Nakuru municipality, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by—</p> <ul style="list-style-type: none"> <li data-bbox="702 1624 1069 1657">Proclamation No. 122 of 1934. <li data-bbox="702 1657 1069 1691">Proclamation No. 36 of 1950. <li data-bbox="702 1691 1069 1724">Legal Notice No. 443 of 1956. <li data-bbox="702 1724 1069 1758">Legal Notice No. 351 of 1958. |

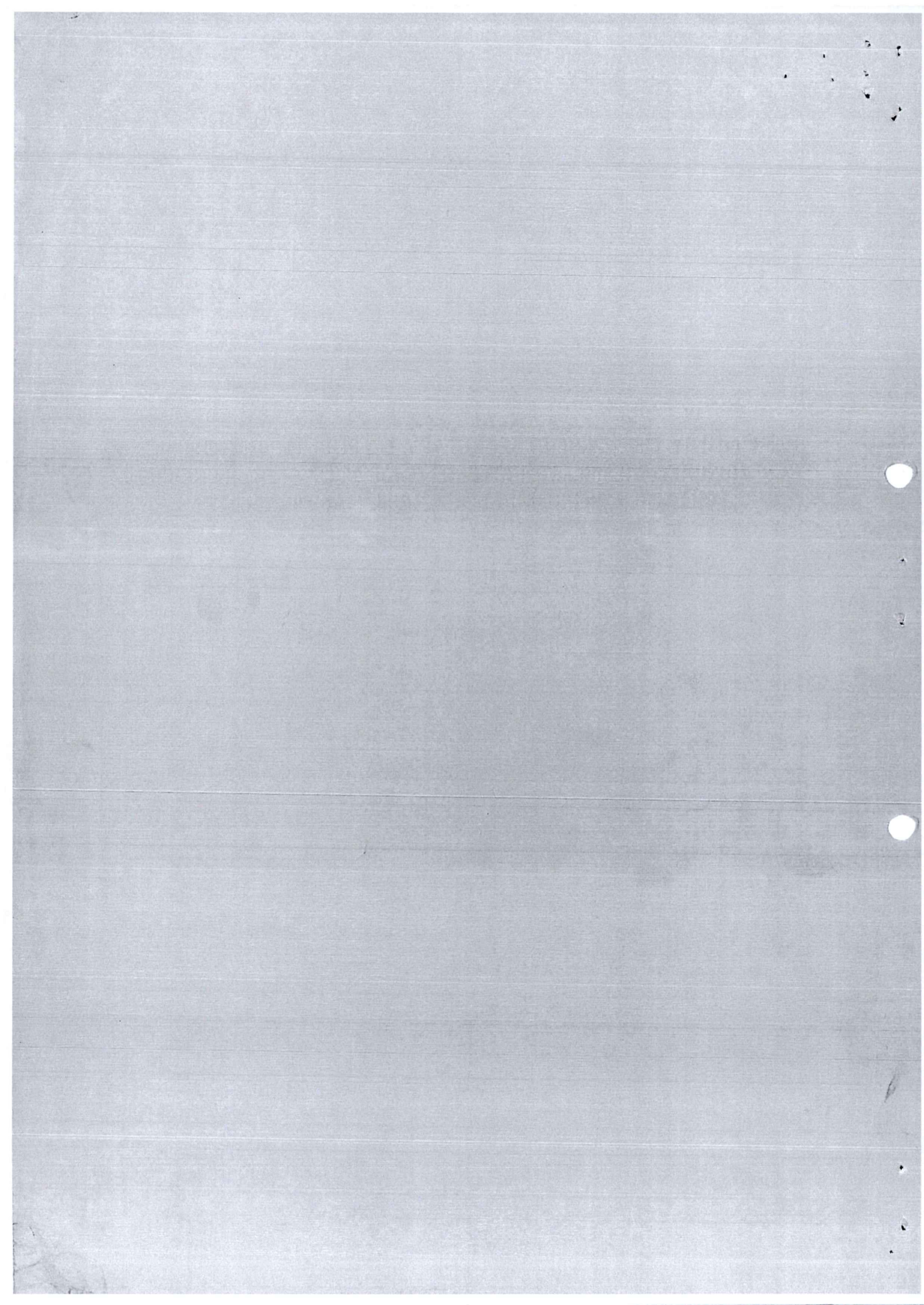
*Schedule 2
of Constitution
deleted or replaced
12/12/64
Act 28/64*

SCHEDULE—(Contd.)

| District | Description |
|-------------|---|
| Machakos | <p data-bbox="836 501 1066 551">MUTULA FOREST</p> <p data-bbox="671 555 1270 663">That piece of land of approximately 1,400 acres, situated approximately 23 miles south-east of Machakos township, which was declared to be a forest area by Legal Notice No. 532 of 1960.</p> |
| Kwale | <p data-bbox="836 669 1066 719">MWACHI FOREST</p> <p data-bbox="671 723 1270 831">That piece of land of approximately 1,031 acres, situated approximately four miles north-west of Mombasa municipality, which was declared to be a forest area by Proclamation No. 104 of 1938.</p> |
| Uasin Gishu | <p data-bbox="836 837 1066 887">NABKOI FOREST</p> <p data-bbox="671 891 1270 1025">That piece of land of approximately 7,449 acres, situated approximately 30 miles south-east of Eldoret municipality, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by—</p> <p data-bbox="746 1032 1091 1061">Proclamation No. 36 of 1950.</p> <p data-bbox="746 1066 1078 1095">Proclamation No. 5 of 1955.</p> <p data-bbox="746 1099 1102 1128">Legal Notice No. 263 of 1956.</p> |
| Nairobi | <p data-bbox="762 1128 1134 1178">NAIROBI ARBORETUM FOREST</p> <p data-bbox="671 1182 1270 1290">That piece of land of approximately 75 acres, situated within Nairobi municipality, which was declared to be a forest area by Proclamation No. 44 of 1932.</p> |
| Nakuru | <p data-bbox="788 1296 1098 1346">NAKURU LAKE FOREST</p> <p data-bbox="671 1350 1270 1487">That piece of land of approximately 27,700 acres, situated approximately 12 miles south-west of Nakuru township, which was declared to be a forest area by Proclamation No. 44 of 1932 and as amended by Proclamation No. 36 of 1950.</p> |
| Nandi | <p data-bbox="788 1494 1098 1543">NANDI NORTH FOREST</p> <p data-bbox="671 1547 1270 1684">That piece of land of approximately 29,270 acres, situated approximately 7 miles west to 22 miles north-west of Kapsabet township, which was declared to be a forest area by Proclamation No. 76 of 1936.</p> |
| Nandi | <p data-bbox="804 1691 1098 1740">NANDI SOUTH FOREST</p> <p data-bbox="671 1744 1303 1910">That piece of land of approximately 48,880 acres, situated approximately 3 miles west to 17 miles south-west of Kapsabet township, which was declared to be a forest area by Proclamation No. 76 of 1936. and as amended by Proclamation No. 36 of 1950.</p> |



RESPONSE BY THE CABINET SECRETARY TO PUBLIC PETITION NO. 69
OF 2023 REGARDING RESETTLEMENT OF SQUATTERS IN KOIBEM
VILLAGE, CHEPKUMIA LOCATION, NANDI COUNTY





REPUBLIC OF KENYA

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE & FORESTRY

RESPONSE BY THE CABINET SECRETARY TO PUBLIC PETITION NO. 69 OF 2023
REGARDING RESETTLEMENT OF SQUATTERS IN KOIBEM VILLAGE, CHEPKUMIA
LOCATION, NANDI COUNTY

5TH DECEMBER, 2024

MINISTERIAL RESPONSE BY THE CABINET ON PUBLIC PETITION NO. 69
OF 2023 REGARDING RESETTLEMENT OF SQUATTERS IN KOIBEM
VILLAGE, CHEPKUMIA LOCATION, NANDI COUNTY

Hon. Chair and Hon. Members,

let me begin with an introduction to the petition;

A. INTRODUCTION OF CHEPKUMIA LAND EXCHANGE PROGRAMME

1. **Ngerek-** the Ngerek Community has at to date never been settled in the intended area of the gazetted forest for the reason that at the time for which resettlement was to be effected, it was found out that other people had already been fraudulently and illegally settled in the proposed settlement area. This illegality is alleged to have been occasioned by political class in those days, a position established by the determination of the National Land Commission vide Historical Land Injustice Committee Ref. No. NLC/HLI/435/2018; NLC/HLI/256/2017, Kisumu Civil Suit No. 76 of 2003 and the Ndungú Report with a recommendation to the effect that the land reverts back to the Government.
2. Should the original intention of settling the Ngerek be realised, due process should and must be followed and a way out found for the illegally settled individuals.

Enabling Legal Framework

Hon. Chair and Hon. Members,

3. In undertaking the de-gazettement and gazettement processes involved in the execution of the underlined land exchange, the provisions in the Forest Management and Conservation Act, 2016 shall apply.

Exchange of Public Forest with a private land

4. The legal procedures involved in the exchange of gazetted public forest area with a private land is contained in the Forest Management and Conservation Act, 2016.

Hon. Chair and Hon. Members,

RESPONSE TO THE PUBLIC PETITION

B. GAZETTEMET OF SOUTH NANDI FOREST.

1. South Nandi Forest was gazetted vide Proclamation No. 76 of 1936 (*Annex 1*) and declared a Central Forest vide Legal Notice No. 174 of 1964 (*Annex 2*) measuring 17,960.50Ha approximately.
2. The South Nandi Forest is classified as a 'moist forest' under the Forest and Agricultural Organisation (FAO) of the United Nations.

Hon. Chair and Hon. Members,

3. In 1996, the Chepkumia land exchange was authorized and was to resettle people from the hilly Chepkumia areas of Ngerek and Koibem, i.e **Ngerek and Koibem Communities**. The Land exchange was to constitute **910.60Ha** in Kaimosi Block of South Nandi Forest along the Yala River. The Land Exchange Programme was initiated as a result of a Presidential Pronouncement during a tour of the Nandi District in 1996.

The area to be excised was to set aside land as follows; -

| S/No | Specific Area Coverage | Area (ha) |
|------|------------------------|---------------|
| 1 | Koibem Hill | 266.86 |
| 2 | Ngerek Hill | 455.45 |
| 3 | Public Utilities | 188.29 |
| | Total | 910.60 |

C. GENESIS OF CHEPKUMIA LAND EXCHANGE

4. Hon. Chair and Hon. Members,

The genesis of Chepkumia Land Exchange program was initiated by the Chepkumia Locational Development Leaders Meeting chaired by the KANU Chairman- Chepkumia Location – Mr. Joel K Kitur who petitioned the District Commissioner then to prioritize the resettlement of the Koibem people in Kaimosi block – Chepkumia Forest Land as the community lacked adequate land for the development and expansion of public amenities in the Koibem Village. Another request for land Exchange was done by the Residents of Singoro Village-Kaptel Location, Nandi District for 600 ha.

D. WHO HAVE BEEN SETTLED SO FAR UNDER THE CHEPKUMIA LAND EXCHANGE IN SOUTH NANDI FOREST?

5. The Chepkumia land exchange was meant to benefit the Koibem and the Ngerek Communities. They were to exchange the land they were living in with part of Kaimosi block land in Chepkumia Location. It was to be carried out in two phases, Phase 1- Koibem Village Residents and Phase 2- Ngerek Residents

Phase 1 – Koibem Village

6. The Koibem residents are of Kalenjin origin and moved from their originally occupied area (Koibem Hills). By 2000, the Koibem Hills had 148 households. The settling of Koibem people was done in 2001/2002 after surrendering their original land and was settled in South Nandi Forest. During the process, seven people were not settled as the land they were allocated was swampy and rocky, and the matter was resolved in subsequent meetings.

Hon. Chair and Hon. Members,

7. The implementation of the program was being coordinated by the District Commissioner and the District Surveyor under the guidance of the Provincial Commissioner/Rift Valley. The allocation was being done on the principle of an acre to an acre basis. The new Koibem (Yala) area was surveyed and the draft Boundary Plan, though developed, was not submitted to facilitate degazettment, they are still holding to their titles as the process of finalizing with the then Forest Department was stalled by Court cases instituted by the Ngerek community.

E. COLLAPSE OF THE PROPOSED CHEPKUMIA EXCHANGE PROGRAM

8. The Chepkumia Land exchange, though targeted to benefit deserving communities, did not materialize and collapsed after tribal and political interests took over center stage and several court cases undermined any meaningful progress. From the onset there was no political goodwill to settle the Ngereks and the issues have continued to this present day.
9. These complications stalled the process of exchange. The allocations in Kapkangani area were faced with multiple problems of double allocations, selling of allocated plots, non - settlement of the original beneficiaries to the land, eviction orders and hence sought to be guided on the next course of action in streamlining the process of settlement.

F. OBSERVATIONS

Hon. Chair and Hon. Members,

10. It is evident that the Kenya Forest Service has made the best efforts to have these matters addressed by the relevant authorities, all of which have failed to give a satisfactory response;

11. Ministry of Environment, Climate Change and Forestry together with Kenya Forest Service, have acted on the issues as required by law and with best intentions;
12. However, as detailed above, the success of these efforts depends on other parties and crucially honest and open participation of the communities on the ground in conjunction with the local leadership;
13. This therefore means that there is need to engage other stakeholders as demonstrated in the recommendations by the NLC.

G. RECOMMENDATIONS

Hon. Chair and Hon. Members,

14. The Chepkumia Land Exchange programme had good intentions to settle deserving people BUT was hijacked by political and tribal interests, there is need to engage broadly with other stakeholders to find a lasting solution to the disputed Chepkumia Land Exchange Programme with stakeholders from the County and National Government Agencies.
15. The Land Exchange involving the Koibem Community settlement was done without any conflicts, and the process of initiating surrender of Title Deeds from the beneficiaries should be commenced to the Government of Kenya (Kenya Forest service). The area they currently occupy should be surveyed and formalized as an **exchange**.
16. The Survey and development of cadastral map for the area they vacated and that in occupation currently should also be developed and the final process of gazettment and degazettment of the areas fast tracked to completion. This will enable KFS secure fully the Koibem Hills area which currently is without proper jurisdiction and lying in limbo.

Hon. Chair and Hon. Members,

17. The Ngerek Community continues to occupy their original land and there has never been any intention by the Kenya Forest Service to dispossess or evict them. The land they were supposed to benefit from was taken over for political expediency and the court ruling was for it to revert back to the Government for forest conservation and afforestation by KFS.

18. The Government is assessing the matters raised by Ngerek to come up with an amicable and lasting solution with conservation of the moist rain forest being a priority.

19. NLC and Ministry of Interior and National Administration to address historical land injustice as manifested in this public petition.

Thank you, Hon. Chair and Hon. Members,



HON. ADEN BARE DUALE, EGH

CABINET SECRETARY

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

DATE

5th Dec 2024

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COUNTY GOVERNMENT OF NANDI

TELEPHONE: 0535252355
Email: infory@nandi.go.ke



P.O. BOX 802-30300
KAPSABET.

DEPARTMENT OF LANDS, PHYSICAL PLANNING, HOUSING WATER NATURAL RESOURCES & CLIMATE CHANGE

22nd September 2025

The Clerk of the National Assembly

Parliament Buildings

P.O. Box 41842 – 00100

Nairobi, Kenya

Email: clerk@parliament.go.ke

Petition Number 69 of 2024

SUBMISSIONS BY THE COUNTY GOVERNMENT OF NANDI

IN SUPPORT OF THE PETITION BY KOIBEM VILLAGE ON THE CONCLUSION OF THE KOIBEM LAND EXCHANGE

A. INTRODUCTION

Honourable Chairperson and Members of the Committee,

1. I am grateful for the opportunity to appear before you today on behalf of the County Government of Nandi to present these submissions in support of the petition by the residents of Koibem village, Nandi County.
2. This petition reflects the unresolved commitment made by the State in **1996 through a presidential directive** mandating the relocation of residents from a deep within the South Nandi Forest to a new sites nearer the main road for accessibility, easier conservation efforts and sustainable land use.
3. Nearly 30 years later, the process remains incomplete, leaving the petitioners in limbo and prolonged uncertainty.
4. The County Government submits these remarks pursuant to **Article 119** of the Constitution of Kenya, **Section 15** of the County Governments Act, and the devolved land administration role conferred upon counties under the **Fourth Schedule** of the Constitution.



B. FACTUAL BACKGROUND

5. Via a Presidential Directive in 1996 the residents of Koibem village were identified for relocation; from forest land to excised parcels along the main road.
6. 1999 Excision Authority: An excision survey was funded and authority issued (**letter dated 22 March 1999**). Acting on this authority a survey was conducted with the intention of relocating the Residents of old Koibem to new Koibem adjacent to the Kapsabet - Kisumu Road.
7. Accordingly the residents of Koibem Village were indeed relocated to the new excised area on the edge of the South Nandi Forest.

C. Subsequent Developments:

8. The transition of government in 2002 disrupted continuity in implementing the presidential directive, causing the excision process to stall and leaving the Koibem community in uncertainty.
9. The promulgation of the Constitution of Kenya, 2010, together with the enactment of key land statutes — including the Land Act (2012), Land Registration Act (2012), and National Land Commission Act (2012) and the Forest Management and Conservation Act of 2016; revived the framework for lawful action, setting the stage for renewed progress on the land exchange.
10. In 2016, the now defunct County Land Management Board (CLMB) undertook a beneficiary validation exercise, which confirmed the eligibility of Koibem residents for allocation under the land exchange program.
11. In 2019, the **National Land Commission** (NLC) formally recommended the conclusion of the exchange program subsequently issued a Gazette Notice on 1st March 2019 supporting alteration of forest Boundary (*generally understood as degazetment*) to enable planning, survey and titling of the area after and extensive investigative hearings in mid-2018
12. Despite these significant interventions, Koibem residents remain without title deeds, and continue to occupy gazetted forest land, underscoring the urgent need for final legal and administrative action to conclude the process.

D. LEGAL AND POLICY BASIS

13. Constitutional Foundations

This Petition is firmly anchored in the Constitution of Kenya, 2010:

- a) **Article 40** guarantees every person the right to property, including secure land tenure, and protection from arbitrary deprivation. The failure to complete the excision, survey, and titling processes has denied the residents of Koibem and Ngerek villages the enjoyment of this right.

- b) **Article 60** sets out the principles of land policy, notably equity, transparency, and the resolution of historical injustices. The Petitioners' situation falls squarely within these principles.
- c) **Article 67(2)(e)** mandates the National Land Commission (NLC) to investigate and recommend redress for historical land injustices. The long delay in implementing the 1996 Presidential directive constitutes such an injustice.
- d) **Article 69** obliges the State to ensure sustainable forest management, including through lawful processes of gazettment and degazettment. This provides the constitutional framework for the completion of the excision process.
- e) **Article 119** grants every person the right to petition Parliament on matters within its authority, which the Petitioners herein are exercising.

14. **Statutory and Legislative Framework**

The Petition is further supported by key statutes:

- a) The **National Land Commission Act, 2012** empowers the NLC to manage public land and advise the national and county governments on appropriate excision or allocation.
- b) The **Forest Conservation and Management Act, 2016**, under Section 34, prescribes the due process for altering forest boundaries, requiring Cabinet approval, Parliamentary approval, and stakeholder consultation.
- c) The **Land Act, 2012** and the **Land Registration Act, 2012** provide for the allocation, adjudication, registration, and issuance of titles—mechanisms necessary to actualize the Petitioners' secure tenure.
- d) The **County Governments Act, 2012**, at Section 15, expressly empowers counties to petition Parliament, while Section 20 mandates public participation, thus validating the Petitioners' engagement in this process.

15. **National Policy Commitments**

Finally, the Petition aligns with national policy directives:

- a) The **National Land Policy (Sessional Paper No. 3 of 2009, reviewed in 2017)** explicitly calls for the resolution of historical land injustices and equitable settlement of affected communities.
- b) This policy commitment obliges state organs to conclude long-outstanding excision and settlement processes, such as the Koibem directive of 1996.

16. **Call to Parliamentary Action**

In light of the foregoing constitutional provisions, statutory mandates, and national policy commitments, it is evident that the excision and settlement of Koibem residents is not merely an administrative obligation but a constitutional and legal imperative. Parliament, as the custodian of public interest and the approving authority for forest boundary variations, is thus called upon to exercise its oversight and legislative mandate to ensure that the 1996 Presidential directive is fully implemented, the excised land is lawfully gazetted and surveyed, and titles are issued to the deserving residents.

E. COUNTY GOVERNMENT'S POSITION

17. The County Government of Nandi fully supports the petition and:
- a) Recognizes the Koibem matter as a historical land injustice that requires urgent redress.
 - b) Affirms its role in planning, survey, and public participation to complete the relocation and titling.
 - c) Commits to providing support in line with its mandate working with this Committee and relevant agencies.

F. SUBMISSIONS AND RECOMMENDATIONS

18. The County Government of Nandi proposes the following as a proper path way to titles as a final redress for Koibem community
- a) **THAT** this Honourable House **approves the alteration of forest boundaries** necessary to conclude the Koibem land exchange process, in line with Section 34 of the Forest Conservation and Management Act, 2016.
 - b) **THAT** the **Cabinet Secretary for Environment & Forestry** shall **secure Cabinet approval** for the degazettement and **table the proposal before Parliament** for statutory approval, ensuring full compliance with Section 34 of the Forest Conservation and Management Act 2016.
 - c) **THAT** the **Cabinet Secretary for Environment & Forestry** be directed to **gazette the excision area** as pleaded in the petition before the committee thereby formalizing the legal framework for settlement and titling.
 - d) **THAT** the **Ministry of Lands**, through the **Department of Settlement** and the **National Titling Centre**, expedites the **survey, demarcation, and issuance of title deeds** to all verified Koibem beneficiaries on where is as is basis to aid the process as many of the original title deed holders have since passed and on the ground are their beneficiaries.
 - e) **THAT** the Government considers **waiving registration and titling costs; directs the ministry of lands through the national titling center to expedite the process and to meet the costs of field officers** for the benefit of the affected residents, as an equitable measure of redress for the nearly three decades of administrative delay.
 - f) **THAT** the **initial excision survey be amended** to provide **alternative land allocations** for the seven families whose parcels were deemed uninhabitable and the two families who received less acreage,

thereby ensuring fairness and equity and provision be made to secure the riparian section along river Yala for wetland conservation purposes.

- g) **THAT** in light of the changes to planning frameworks particularly with respect to lands for public utilities, roads of access and land banks for government use, that the same be considered in the excision process; and more specifically in the following terms
- i. Koibem Vocational Training Center VTC** which sits on 2.5 acres be upgraded to a National Technical Training Institute National with the allocation of more land
 - ii. Koibem Dispensary** which sits on 2.5 acres also be upgraded to a Health Center
 - iii. ACK. St Adrews** comprehensive school be upgraded to a senior school
 - iv. Yala Market** (*which was established during the relocation and not part of the acre for acre exchange*) be expanded to create space for :-
 - 1. Administration Offices,
 - 2. Animal Sale Yard, (auction)
 - 3. Waste Disposal Site
 - 4. Sewrage Treatment Site
 - 5. ICT Hub And Social Hall
 - 6. Open Market and Market Stalls
 - v. Land bank** for future investments in stadiums, affordable housing and public utilities
 - vi. Sites** for cultural shrines for the local communities most of which were left in old Koibem.

(The forgoing will largely go to aid the planning function without major disruption of the current status quo)

G. GENERAL RECOMMENDATIONS

19. **THAT** this Honourable House designates **clear timelines for action and reporting by all state departments and agencies** so as to **oversee and monitor the implementation** of the House resolutions, ensuring timely execution, accountability, and adherence to statutory and constitutional requirements.
20. **THAT** this Honourable House **concurs with the findings and recommendations of the National Land Commission (NLC) and formally designates the Koibem matter as a Historical Land Injustice priority case** under **Article 67(2)(e) of the Constitution**, thereby directing the NLC to expedite redress mechanisms for the affected community.
21. **THAT** all excision, degazettement, and settlement activities be carried out **in alignment with Kenya's constitutional and statutory environmental obligations**, including **Article 69 of the Constitution**, the **Forest Conservation and Management Act, 2016**, and Kenya's **international commitments** under frameworks such as the **UNFCCC** and the **Convention on Biological Diversity (CBD)**, ensuring that forest cover targets and sustainable land-use principles are upheld.
22. **THAT** the process of excision, degazettement, and titling be anchored in **robust public participation**, as required by **Article 10 of the Constitution** and **Section 20 of the County Governments Act, 2012**, guaranteeing **transparent, inclusive, and accountable consultation** with all affected stakeholders, including the local communities.
23. **THAT** this Honourable House **directs all relevant national government agencies** (including the Ministry of Lands, the Ministry of Environment, and the National Land Commission) to **work in close partnership with the County Government of Nandi** in completing **surveys, beneficiary validation, and community engagement**, and to ensure that the outcomes of this process are **integrated into the County's spatial and development plans** for sustainable implementation.

H. CONCLUSION

Honourable Members,

24. The residents of Koibem have lived in uncertainty for nearly 30 years.
25. The County Government of Nandi submits that this petition presents an opportunity for the National Assembly to deliver long-overdue justice — by completing excision, finalizing degazettement, issuing titles, and restoring dignity to the affected families.

26. The County Government stands ready to provide technical, logistical, and administrative support to ensure these recommendations are implemented swiftly and lawfully.

DATED this 22nd **day of September 2025**



Hillary K. Serem

County Executive Committee Member

Lands, Physical Planning, Housing, Water, Natural Resources & Climate Change

COUNTY GOVERNMENT OF NANDI

