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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026

PUBLIC PETITIONS COMMITTEE

REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO. 82 OF 2023 REGARDING
DEGAZETTEMET OF BONI-LUNGI FOREST AS FOREST AREAS UNDER THE
FOREST CONSERVATION AND MANAGEMENT ACT 2016 BY HON. OBO RUWEIDA
MOHAMED, M.P ON BEHALF OF THE RESIDENTS OF LAMU EAST
CONSTITUENCY



Directorate of Audit Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

THE NATIONAL ASSEMBLY
PAPERS LAID

DATE: 01 APR 2026 DAY: WED MARCH, 2026

TABLED BY:	Hon. Muchangi Karemba Chair, Public Petitions
CLERK-AT-TABLE:	Mado Miniam

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ACRONYMS

KFS	Kenya Forest Service
NLC	National Land Commission

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 this House with the Report of the Public Petitions Committee regarding Public Petition No. 82 of 2023 regarding the degazettement of Boni-Lungi Forest as state forest areas under the Forest Conservation and Management Act 2016. The Petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Hon. (Capt.) Obo Ruweida Mohamed, M.P., on behalf of the residents of Lamu East Constituency.

The Petitioner prayed that the Committee investigates the matter and compels the Ministry of Environment, Climate Change and Forestry to degazette Boni-Lungi as a State Forest and recommend that the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, in consultation with the County Government of Lamu, facilitate the registration of Boni-Lungi as community land pursuant to Article 63(5) of the Constitution and other applicable laws.

In consideration of the Petition, the Committee collected the views from the petitioners and relevant ministries and the NLC.

The Committee observed that the forest was procedurally gazetted and recommends that Cabinet Secretary for Lands, Public Works, Housing and Urban Development, in collaboration with the NLC and the County Government of Lamu, initiates within three months of adoption of this report, the process to survey, demarcate, and register the land on which the four *Aweer* villages sit.

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support offered during the consideration of the Petition. The Chairperson expresses gratitude to the Members of the Committee and the Secretariat 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 table the report before the House.

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

1. The Public Petitions Committee was 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.

1.2 Committee Membership

2. 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. Ntwiga Patrick Munene, M.P.
Chuka Igambang'ombe Constituency

United Democratic Alliance (UDA)

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.
Dagoretti North Constituency

Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency

Independent

Hon. Biego Paul Kibichy, M.P.
Chesumei

United Democratic Alliance (UDA)

Hon. Peter Irungu Kihungi, M.P.
Kangema Constituency

Maendeleo Chap Chap Party (MCCP)

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)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

1.3 Committee Secretariat

3. The Public Petitions Committee is facilitated by the following members of the secretariat:

Lead Clerk
Mr. Victor Weke
Principal Clerk Assistant II

Ms. Miriam Modo
First Clerk Assistant

Mr. Benard Toroitich
Third Clerk Assistant

Ms. Kafuyai Wamae
Third Clerk Assistant

Mr. Clinton Sindiga
Legal Counsel II

Ms. Nancy Akinyi
Research Officer III

Mr. Arkan Mumin
Research Officer III

Ms. Roselyne Njuki
Principal Serjeant-at-Arms

Mr. Paul Shana
Serjeant-at-Arms

Mr. Pascal Valerian
Hansard Officer III

Mr. Collins Mahamba
Audio Officer III

Ms. Felistus Muiya
Public Communication Officer

Mr. Calvin Karungo
Media Relations Officer III

PART TWO

2 BACKGROUND TO THE PETITION

2.3 Introduction

4. Public Petition No. 82 of 2023 regarding the degazettement of Boni-Lungi Forest in Lamu East Constituency was presented to the House on 30th April 2024 by the Member for Lamu East Constituency, Hon. (Capt.) Obo Ruweida Mohamed, M.P., on behalf of the residents of Lamu East constituency.
5. The petitioners stated that Boni-Lungi is an area of land between the Dodori and Boni National Reserves in Lamu East Constituency, measuring approximately 39,925.7 hectares, and is inhabited by over 480 households of the Aweer Community.
6. The petitioners also submitted that Article 56 of the Constitution obliges the government to put in place affirmative action programmes for minorities and marginalized groups. Further, the National Land Policy calls for the protection of land rights from unjust and illegal expropriation of both vulnerable and minority communities;
7. The petitioners averred that the Cabinet Secretary for Environment, Natural Resources and Regional Development Authorities, vide Gazette Notice No. 1447 of 2016, published on 4th March 2016, declared Boni-Lungi as a State Forest;
8. The petitioners alleged that the gazettement was done without consulting the people and the leaders of the affected region, contrary to Article 10(2)(a) of the Constitution, which provides for public participation in making, implementing public policy and applying the law. Further, the gazettement was in breach of the provisions of Article 69(1)(d) that requires the State to encourage public participation in environmental management;
9. They also stated that the land in question is actually community land that the local people have been farming, relying on resources to collect natural fruits, honey, plants for traditional medicine, and building materials.
10. They also averred that the Aweer Community is a minority group residing around the Boni Forest, comprising five villages within it. The community was surrounded by the Kenya Wildlife Service (KWS) national reserve, which was acquired in 1976.
11. The petitioners argued that the gazettement further threatened the *Aweer* Community, being one of the most marginalized indigenous cultures in the country, with losing their land, their livelihoods, their way of life, and perhaps their very lives.
12. They further stated that sustained efforts to resolve the issue and achieve a workable solution have been futile.
13. The Petitioners highlighted the difficulties of residing in an area marred by insecurity, including the prohibitive cost of travelling from one village to another and the requirement of a travel pass from the local administrative authorities. Other challenges included insufficient infrastructure and public amenities, such as schools.

2.4 Petitioners' Prayers

14. The Petitioners prayed that the National Assembly, through the Public Petitions Committee:

- i. Investigates the matter and compels the Ministry of Environment, Climate Change and Forestry to degazette Boni-Lungi as a State Forest;
- ii. Recommend that the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, in consultation with the County Government of Lamu, facilitate the registration of Boni-Lungi as community land pursuant to Article 63(5) of the Constitution and other applicable laws; and,
- iii. Makes any other order and/or direction that it deems fit in the circumstances of the matter.

PART THREE

3 STAKEHOLDERS' SUBMISSIONS

3.3 Petitioners

The Member for Lamu East Constituency, Hon. (Capt.) Obo Ruweida Mohamed, M.P. accompanied by members of the *Aweer* Community, appeared before the committee on Tuesday, 30th April 2024, and submitted as follows—

15. The Kenya Wildlife Service (KWS) failed to conduct adequate public participation before designating the land in question as a national reserve in both 1976 and 2016, even though it served as their sole means of livelihood. The area appropriated by KWS in 2016 amounted to 39,000 acres.
16. They further stated that although KWS pledged to assist the affected individuals with employment opportunities and compensation, the promises were not fulfilled.
17. Consequently, the community faced marginalization and other challenges such as poor infrastructure, inadequate access to education and healthcare, as well as representation. Moreover, residents were required to obtain a travel pass from law enforcement each time they moved from one location to another, a requirement perceived as discriminatory.
18. The petitioners further stated that research findings revealed that the land had previously been designated as trust land, necessitating its conversion to community land under the Constitution. The community found itself sandwiched between national reserves and repeatedly experienced land dispossession.
19. The petitioners also averred that both the Boni Lungi and Ijaara areas were gazetted as forests on the same day. However, a court subsequently rescinded the gazette of the Ijaara area, following the intervention of influential political figures. Similarly, Chepkitale Trust land in Mt Elgon had been gazetted as a forest in 2000, but the courts expunged the Gazette Notice almost 20 years later. In light of the high costs associated with legal proceedings, petitioners opted to appeal to the National Assembly to reclaim the Boni Lungi area.
20. While acknowledging the importance of forest conservation and wildlife preservation, the petitioners asserted that this should not come at the expense of their livelihoods, given their long-standing residence in the forest.
21. They also submitted that there were restrictions on accessing the forest as the Kenya Forest Service (KFS) was not stringent in monitoring the area. This lax oversight was attributed to the heightened risk posed as a potential hideout for the Al Shabaab terrorist group.
22. The Aweer community comprises approximately 5,000 individuals residing in five villages across Basuba and Kiunga Wards. Basuba Ward comprised five villages: Kiangwi, Milimani, Basuba, Mangai, and Mararani, all situated along the road.
23. As evidence of land ownership by the Aweer Community, the Petitioners cited historical records from the pre-independence era, demonstrating their presence in the area before 1976, when the Kenya Wildlife Service (KWS) initiated the establishment of the Dodori and Boni National Reserves. Some villages, like Kiunga, had existed for 400 years before being

annexed by KWS and designated as a marine reserve. Furthermore, the community historically lived in the forest, engaging in hunting and gathering.

24. The expansive forest encompassed migratory routes used by wildlife to move between forested areas. Consequently, wildlife often encroached upon their agricultural lands, posing significant challenges to farming activities in the region. However, despite the proximity to wildlife migration corridors, the petitioners emphasized their coexistence with and conservation of the forest over generations. Notably, while conservancies had been established in the area, the local community had not been granted benefits from the land.
25. The Petitioners highlighted threats to food security due to the impracticability of agriculture in the strip of land they inhabited, compounded by buffalo invasions on farms. Moreover, limited access to education and healthcare services was attributed to inadequate infrastructure. The Kenya Defence Forces primarily funded existing amenities such as boreholes and schools through corporate social responsibility (CSR) initiatives. Notably, the road connecting the area to the rest of the county had been impassable for the past three years, thereby exacerbating the community's isolation.
26. Regarding the area's designation as a forest before government acquisition, the Petitioner referenced the community's ancestral roots, as evidenced by ancestral graves dating back to pre-independence times. During the Shifta war in the 1960s, thousands of people were displaced and sought refuge in the forest, particularly affecting Lamu East. Subsequently, the government relocated residents closer to the road, leading to their current settlement. Therefore, the community lacked alternative land for resettlement.
27. The Petitioners disclosed that in 2021, they filed a Historical Land Injustice case with the National Land Commission. However, the matter remained pending before the Commission.

3.4 Ministry of Environment, Climate Change and Forestry

The Cabinet Secretary, Ministry of Environment, Climate Change & Forestry, Hon Aden Duale, EGH, appeared before the committee on Thursday, 5th December 2024, and submitted as follows—

28. The Ministry of Environment, Climate Change and Forestry took cognisance of the fact that the request for de-gazettement ran counter to the current government's aspiration to increase tree cover to 30% by 2032 to curb the three planetary crises of forest degradation, biodiversity loss, climate change, and pollution.
29. Boni Lungu Forest complex is a critical state resource for strategic national interests and territorial integrity. The gazettement guaranteed that the interests of forest dependants are safeguarded through multi-agency security teams and the Whole of Government Approach (WGA).
30. The outcome of the investigations has revealed that the area is disturbed and dangerous, and operations are being undertaken by multiagency security teams to ensure peace and stability within the forest and the transboundary region at large.
31. Following the gazettement of Boni–Lungu Forest as stipulated in the FCMA, 2016, the registration of the forest as community land, pursuant to Article 63(5) of the Constitution

and other applicable laws, would undermine the government's aspiration to achieve a 30% tree cover by 2032.

32. The National Security Council and the Ministry of Interior and National Administration are major stakeholders whose strategic national interests and territorial integrity must be taken into account to ensure the country's peace, security, and stability.
33. There are great opportunities for infrastructural development, including roads, the Lamu Port South Sudan Ethiopia Transport (LAPSSET) Corridor Project, and general development, which will be guaranteed through partnerships while upholding the gazettement of the Boni forest complex.
34. The Boni Forest Complex, which borders Somalia, is of both strategic National and cross-border interest. This necessitated the National Security Council's concern relating to incursions by the Al Shabaab militants, who are using the forest as a hideout for launching their attacks. The forest had suffered degradation due to inadequate capacity and capability under the former community forest management arrangement. In view of this, there was a need to manage this complex as a single forest ecosystem that spans the two counties (Lamu and Garissa). To ensure the better conservation and management of these forests, a legal instrument was needed to support this goal.
35. The Boni Forest complex comprises three blocks: Boni Lungi, Panda Nguo, and Boni Ijara blocks. The Boni complex straddles Lamu and Garissa Counties and extends into Somalia. The gazettement process was a community-driven initiative to preserve the forest from extinction, as it serves as the source of their livelihood. The community has, since time immemorial, depended on the forest reserve as its habitat and source of food.
36. The need for the gazettement of the complex was also informed by security, environmental, economic, and socio-cultural challenges experienced by the local community, the county, the country, and the world at large. According to the presentation at the Kenya Forest Service headquarters on the Boni-Lungi Forest, the community highlighted the specific reasons for the proposed gazettement of Lungi Forest, as clearly detailed in the referred document.
37. After concerted efforts by the community to address Al-Shabaab threats and fears that their ancestral land could be seized, the community, with the help of development partners, petitioned the Government to gazette the forest, ensuring that the complex is protected for sustainable use.
38. The process leading up to the gazettement of the Boni Complex (Boni-Lungi) is outlined in the table below;

Item	Date	Action	Remarks
1.	August 2003	District Development Committee (DCC) Meeting and proposed Gazette notification of the forest.	Approved minutes forwarded to KFS HQs for action
2.	May 2008	District Environmental Committee (DEC) meeting held at the Ijara Commissioners'	Minutes forwarded to KFS HQs for action.

Item	Date	Action	Remarks
		office.	
3	November 2010 - April 2011	Kenya Secure Projects held consultative meetings with stakeholders on the gazettement of Boni Complex.	Meetings held in Lamu and Mombasa - minutes forwarded to KFS for action on gazettement.
4.	March 2013	Stakeholders' forum for the development of a strategic roadmap towards sustainable conservation of Boni Forest.	Meeting held at AIA Inn Hotel - Masalani. A report forwarded to KFS HQs for action on gazettement.
5	December. 2014	Community representatives held a meeting with Director KFS where they presented a document on the proposed gazettement of Boni Forest.	Minutes - Meeting was at the Director's boardroom.
6	January 2014	Reconnaissance survey by the Kenya Forest Service in the company of community leaders	The three blocks were identified, and a general outline was agreed upon.
7	October - November 2014	Consultative meetings with communities within and around the Boni ecosystem on the gazettement.	Minutes and a sensitization report were forwarded to KFS for action.
8	June 2015	Survey of boundary conducted by KFS Surveyors in the company of Boundary officers from the Survey of Kenya and Community members.	The three blocks surveyed have a total area of approximately 532,672.38 Ha.
9	June 2015	Consultative/informative meetings with the County Governments of Garissa and Lamu on gazettement.	Minutes forwarded to KFS for action.
10	July 2015	Boundary Plans and Draft schedules were prepared by KFS and forwarded to the Director of Surveys for authentication.	Boundary Plan No. 175/437 Checked and Authenticated /Approved by Director of Surveys.

Item	Date	Action	Remarks
11	November 2017	Boni – Lungi, Boni - Ijara and Panda Nguo Forest blocks gazetted.	Legal Notice Nos. 261, 262 & 263 of 2017 published respectively.

39. Various stakeholders, including members of the local community, deliberated on the gazettelement of the forest as tabulated above. Following deliberations, it was decided to proceed with and conclude the gazettelement process for the Boni forest complex (Boni-Lungi).
40. The Cabinet Secretary requested that the Committee maintain the gazettelement of the forest complex to address and protect the interests of the local Aweer community. Significant improvements in the forest's functions in providing environmental services (water flow, grazing pastures, climate mitigation, resilience, and adaptation) have been noted.
41. The Cabinet Secretary requested that the Committee maintain the presence of multi-agency security teams within the gazetted forest to continue ensuring the region's security and to enhance forest conservation and management efforts through a Whole of Government and Society Approach.

3.5 The County Government of Lamu

The Chief Officer, Lands and Physical Planning, County Government of Lamu, Mr. Ahmed M. Ali vide a letter dated 12th August, 2025, submitted as follows;

42. The Boni-Lungi Forest is a land area of approximately 39,925.7 hectares, situated roughly thirty kilometers north of Lamu Town in Lamu County, within Kenya's coastal region.
43. Before the forest was gazetted, four Aweer (also known as Boni) villages that is Milimani, Basuba, Mangai, and Mararani, existed along the Hindi-Kiunga road, positioned between the Boni and Dodori National Reserves. These settlements were established following the gazettelement of the reserves in 1976.
44. At the time of gazettelement, approximately 480 households resided in the area. However, the land had never been formally registered as community land under Kenyan law.
45. The Aweer community continues to reside in the villages of Milimani, Basuba, Mangai, and Mararani. These villages were excised from the gazetted forest area and are now situated adjacent to the forest boundary, between the Boni-Lungi Forest and the Dodori National Reserve.
46. The Aweer community remains heavily dependent on the Boni-Lungi Forest for their livelihoods, utilizing its resources for wood, honey, medicinal plants, and wildlife. Academic research recognizes the ethnobiological knowledge of the Aweer as a valuable asset for conservation. However, there are no clearly established formal structures for co-managing the forest with the community, despite its central role in their survival.
47. The forest was officially gazetted in November 2017 under the Forest Conservation and Management Act, via Legal Notice No. 261 of 2017. Despite this legal procedure, significant concerns have been raised regarding the process. Local stakeholders, as

highlighted in Public Petition No. B2 of 2023, contend that the mandatory public consultations were not conducted, and that constitutional requirements for stakeholder engagement and public notices were disregarded.

48. The following critical questions emerge from the community's petition:

- i. Was the due process for gazettelement properly followed, given that the local communities claim to have been unaware of the proceedings?
- ii. Was the County Government of Lamu involved in the gazettelement process, considering its constitutional role as the custodian of public, community, and indigenous land within the county?
- iii. What was the specific role and involvement of the National Land Commission in the process that led to the gazettelement of the Boni-Lungi Forest?

49. Based on the findings, the following recommendations are proposed;

- i. It should be confirmed that the four Aweer villages themselves were not included in the gazetted forest area. Consequently, the land comprising these villages, along with the Boni-Lungi Forest, should be registered as community land for the Aweer people, who currently lack sufficient land for farming and development.
- ii. Given that the Aweer community inhabited the area long before the forest's gazettelement, the forest should be degazetted from a state forest and converted to community land. This would address a historical land injustice in Lamu County.
- iii. In all future instances of land registration or gazettelement for national purposes (such as forests or reserves), both the County Government and the affected local communities must be meaningfully engaged, in full compliance with the Constitution.

3.6 The National Land Commission

The CEO, National Land Commission, Ms. Kabale Tache Arero vide a letter Ref No NA/DAA&GPC/PPC/2025/075 dated 12th November 2025, submitted as follows;

50. Forests rank highly as one of Kenya's important natural resources for economic, environmental, social, and cultural values, especially in the face of climatic changes. They play a vital role in natural systems, as well as in economic development. As outlined in the vision 2030, the Government is committed to increasing the current forest cover to attain the minimum acceptable international standard of at least 10% , which is equally very fitting within Article 69 of the Kenya Constitution.
51. In addition, the current government administration has put in place measures to increase tree cover to 30% by 2032, through the 15 billion trees growing, landscape and ecosystem restoration programme.
52. These aspirations and goals can only be achieved by putting deliberate measures to better conserve and manage forests not only within the existing forests but also expanding these ventures into private and community lands in order to ensure ecologically sound

development Article 69(2) of the Constitution and achievement of environmental rights under Article 42. Otherwise, they will remain a mirage.

53. However, Kenya's forests continue to face immense challenges, especially those that relate to governance such as land tenure and conflicts, competing land needs, and general lack of appreciation of the contribution of these natural assets to the economy. These poor attitudes need to be debunked to safeguard our resources for posterity.
54. In terms of tenure, while the petitioner alludes to the forest land being community land, it is important to clarify that prior to its gazettement, Boni- Lungi was un-alienated government land, and it was therefore lawful to alienate it for forest conservation under the custody of the then Forest Department. Its gazettement aimed to entrench sustainability and posterity and ameliorate significant threats that were occasioning its loss and degradation.
55. The Commission has noted with a lot of concern, the continued urge to degazette public forests. It is critical that the committee appreciates the role of our forests, especially in the face of climatic changes, and that a balanced life on land that takes care of natural resources for people's survival and well- being is considered.
56. Our forests are at the verge of collapsing, nearing tipping points, due to encroachment and unsustainable land use practices, which significantly erode their resilience and the benefits they provide to people. Parliament has a duty under Article 68 of the Constitution not only to regulate the manner in which any land may be converted from one category to another but also to protect, conserve and provide access to all public land.

PART FOUR

4 COMMITTEE OBSERVATIONS

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

57. The Cabinet Secretary for the Ministry of Environment, Climate Change and Forestry justified the gazettement of the Boni-Lungi Forest Complex by describing it as a critical state resource essential for strategic national interests and territorial integrity. According to the Ministry, the gazettement ensured that the rights and interests of forest-dependent communities were safeguarded through the deployment of multi-agency security teams and the adoption of a Whole of Government Approach (WGA) to manage the area.
58. Investigations into the matter revealed that the Boni-Lungi area remains disturbed and potentially dangerous. Security operations by multi-agency teams are ongoing to restore and maintain peace and stability, not only within the forest but also across the broader transboundary region.
59. The Committee further notes that the gazettement of the forest was, in part, a response to concerns raised by the community itself. Faced with threats from Al-Shabaab and fears that their ancestral land might be seized, the community with support from development partners petitioned the government to gazette the forest. Their aim was to ensure the forest complex was legally protected for sustainable use by future generations.
60. Evidence presented by the Ministry of Environment indicate various stakeholders, including members of the local community. Following these deliberations a consensus was reached to proceed with and finalize the gazettement process for the Boni forest complex (Boni-Lungi).
61. The National Land Commission provided clarification on the land's legal status, stating that prior to its gazettement, Boni- Lungi was un- alienated government land, and it was therefore lawful to alienate it for forest conservation under the custody of the then Forest Department. Its gazettement aimed to entrench sustainability and posterity and ameliorate significant threats that were occasioning its loss and degradation.
62. The foregoing notwithstanding, the Aweer community deserved the right to their livelihoods in the forest. The Lamu County Government confirmed that the four villages (Milimani, Basuba, Mangai, and Mararani) they inhabited were not part of the gazetted forest but were adjacent.

PART FIVE

5 COMMITTEE RECOMMENDATIONS

63. Pursuant to the provisions of Standing Order 227, the Committee recommends that-

- i) **Prayer 1:** Investigates the matter and compels the Ministry of Environment, Climate Change and Forestry to degazette Boni-Lungi as a State Forest; **The Committee finds that the gazettment process was procedurally undertaken by the Ministry of Environment, Climate Change & Forestry, having been initiated at the request of the local community and subjected to extensive stakeholder consultations over a period spanning from 2003 to 2017.**

- ii) **Prayer 2:** Recommend that the Cabinet Secretary for Lands, Public Works, Housing and Urban Development in consultation with the County Government of Lamu to facilitate the registration of Boni-Lungi as community land pursuant to Article 63(5) of the Constitution and other applicable laws;
The Cabinet Secretaries for Ministries of Lands and Physical Planning, and Public Works, Housing and Urban Development, in collaboration with the National Land Commission (NLC) and the County Government of Lamu, should, within ninety (90) days of tabling of this report, initiate the process to survey, demarcate, and register the land on which the four Aweer villages (Milimani, Basuba, Mangai, and Mararani) are situated, as community land under Article 63 of the Constitution.

Signed: _____



Date: _____

01/04/2026

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

ANNEXURES

Annex 1: Adoption List

Annex 2: Public Petition No. 82 Of 2023 regarding degazettement of Boni-Lungi Forest as Forest areas under the Forest Conservation and Management Act 2016

Annex 3: Minutes of proceedings

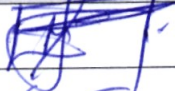
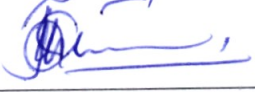
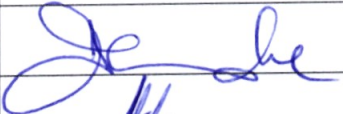


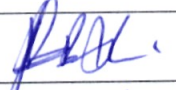
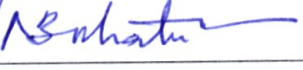
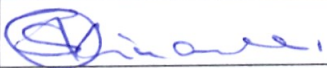
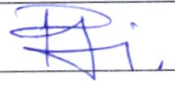
PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

- (i) **Consideration and adoption of the Report on Public Petition No. 82 of 2023 by Hon. (Capt) Ruweida Obo, MP, regarding the degazettement of Boni-Lungi forest in Lamu County**

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

DATE: 18/3/2026.

	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. Paul Biego Kibichy, 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.	



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (SECOND SESSION)

PUBLIC PETITION

(No. 82 of 2023)

REGARDING DEGAZETEMENT OF BONI-LUNGI FOREST IN LAMU
EAST CONSTITUENCY

I, the **UNDERSIGNED**, on behalf of the residents of Lamu East Constituency;
DRAW the attention of the House to the following:-

1. **THAT**, *Boni-Lungi* is an area of land between *Dodori* and *Boni National Reserves* in *Lamu East Constituency* measuring approximately 39,925.7 hectares and is inhabited by over 480 households of the *Aweer Community*;
2. **THAT**, Article 56 of the Constitution obliges the government to put in place affirmative action programmes for minorities and marginalized groups. Further, the National Land Policy calls for the protection of land rights from unjust and illegal dispossession of both vulnerable and minority communities;
3. **THAT**, *vide* Gazette Notice No. 1447 of 2016 published on 4th March 2016, the Cabinet Secretary for Environment, Natural Resource and Regional Development Authorities declared *Boni-Lungi* as a State Forest;
4. **THAT**, the gazettelement was done without consulting the people and the leaders of the affected region, contrary to Article 10(2)(a) of the Constitution, that provides for public participation in making, implementing public policy and in applying the law. Further, the gazettelement was in breach of the provisions of Article 69(1)(d) that requires the State to encourage public participation in environmental management;
5. **THAT**, the land in question is actually community land that the local people have been farming, depend on resources for collecting natural fruits, honey, plants for traditional medicine and building materials;

Approved
SNA
29/11/23

**REGARDING DEGAZETEMENT OF BUNI-LUNGI FOREST IN LAMU
EAST CONSTITUENCY**

6. **THAT**, being one of the most marginalized indigenous cultures in the country, the gazettement further threatened the *Aweer* Community with losing their land, their livelihoods, their way of life, and perhaps their very lives;
7. **THAT**, the sustained efforts to solve the issue and attain a workable solution to this concern have been futile; and,
8. **THAT**, the matter presented in this petition is not pending before any Court of law, constitutional or legal body.

THEREFORE, your humble Petitioners pray that the National Assembly through the Public Petitions Committee -

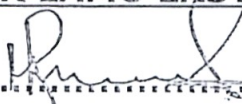
- i. Investigates the matter and compels the Ministry of Environment, Climate Change and Forestry to degazette Boni-Lungi as a State Forest;
- ii. Recommend that the Cabinet Secretary for Lands, Public Works, Housing and Urban Development in consultation with the County Government of Lamu to facilitate the registration of Boni-Lungi as community land pursuant to Article 63(5) of the Constitution and other applicable laws; and
- iii. Makes any other order and/or direction that it deems fit in the circumstances of the matter.

And your **PETITIONERS** will ever pray.

PRESENTED BY:



**THE HON. (CAPT.) OBO RUWEIDA MOHAMED, MP
MEMBER FOR LAMU EAST CONSTITUENCY**

Date  29/11/2023

**PUBLIC PETITION
REGARDING DEGAZETEMENT OF BONI-LUNGI FOREST**

S/No	NAME OF PETITIONER	ID NUMBER	CONTACT	SIGNATURE
1.	OMAR SHONGWE	0656910	0704076887	Omar
2.	ABALA WARE	2239036	0792657914	Abala
3.	WARE SORUNA	2239230	0706695048	Soruna
4.	OMAR MOHAMED	5355412	-	Omar
5.	ABALA LAFA	11626180	-	Abala
6.	JIBA HAMZA	9352015	071602476	Jiba
7.	MWANAMINA ISSA	26567959	0714008016	Issa
8.	TIMA KASSIM	22322882	0796401620	Tima
9.	ZEINAB ALI	7352695	-	Zeinab
10.	MOHAMED ALALE	8525891	0700687214	Alale
11.	ALI FUMO	2239069	0702123888	Ali F.
12.	MWANAISHA OMAR	22384500	-	Mwanaisha
13.	AHMED ALI	8520036	-	Ahmed
14.	ALI SULO	24657419	0708475234	Ali Sulo
15.	HALIMA MOHAMED	11625844	0720496663	Halima
16.	NURI KALE	11626184	-	Nuri
17.	IJUY TUSUF ABALA	22775690	0796669314	Ijuy
18.	ALI BOCHOLO GUYO	2239261	0717396931	Bocholo
19.	MOHAMED KIKIO AHMED	2239356	-	Kikio
20.	ALIO AHMED	2239200	0722401620	Ahmed

1. The Petition is brought before the House by Hon. (Capt.) Obo Ruweida Mohamed, Member of Parliament for Lamu East Constituency on behalf of residents of Lamu East Constituency.
2. The Petitioner claims that vide a gazette notice No.1447 of 2016 published on 4th March 2016, the Cabinet Secretary Environment and Natural Resources declared Boni-Lungi as a state forest.
3. The petitioner further claims that the gazettment was done without public participation contrary to the Constitution, with respect to environmental management. He claims that the local community, the Aweer, were farming and depending on the resources in the forest
4. The petitioner claims the community is one of the most marginalized indigenous cultures in the country and suffered loss of their livelihoods, land and way of life.
5. The petitioner seeks the intervention of the House to—
 - (a) Investigate the matter and compel the Ministry of Environment, Climate Change and Forestry to degazette Boni-Lungi as a state forest;
 - (b) Recommend the Cabinet Secretary Ministry of Lands Public Works Housing and Urban Development in consultation with the County Government of Lamu to facilitate the registration of Boni-Lungi Forest as community land pursuant to Article 63 (5) of the Constitution and other applicable laws;
 - (c) Make any other order/direction that it deems fit.

ANALYSIS

The main issue in the petition is the declaration of the Boni-Lungi Public Forest in Lamu County.

The Constitution

6. *Article 69(1) (d) (h) of the Constitution provides for the obligations of the state with respect to the environment. In particular, it provides that, the State should also encourage public participation in the management and conservation of the environment and utilize the environment and natural resources for the benefit the people of Kenya.*
7. *Article 67(2)(d) of the Constitution provides for the National Land Commission's role to conduct research related to land and the use of natural resources and make recommendations to appropriate authorities.*

**MINUTES OF THE 17TH SITTING OF THE PUBLIC PETITIONS COMMITTEE
HELD ON WEDNESDAY, 18TH MARCH, 2026 IN FRANGAPINI CONFERENCE
ROOM, SERENA HOTEL, MOMBASA COUNTY AT 10.00 A.M.**

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 4. Hon. Maisori Marwa Kitayama, M.P. | | |
| 5. Hon. Edith Vethi Nyenze, M.P. | | |
| 6. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 7. Peter Mbogho Shake, M.P. | | |
| 8. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 9. Hon. Paul Biego Kibichiy, M.P. | | |
| 10. Hon. Peter Irungu Kihungi, M.P. | | |
| 11. Hon. Sloya Clement Logova, M.P. | | |

APOLOGIES

1. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
2. Hon. Patrick Makau King'ola, M.P.
3. Hon. Patrick Ntwiga Munene, CBS, M.P.
4. Hon. John Bwire Okano, M.P.

IN-ATTENDANCE

SECRETARIAT

- | | | |
|--------------------------|---|-------------------------------|
| 1. Mr. Victor Weke | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Mr. Bernard Toroitich | - | Clerk Assistant III |
| 4. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 5. Mr. Clinton Sindiga | - | Legal Counsel II |
| 6. Ms. Nancy Akinyi | - | Research Officer III |
| 7. Mr. Arkan Mumin | - | Research Officer III |
| 8. Mr. Collins Mahamba | - | Audio Officer |
| 9. Mr. Calvin Karungo | - | Media Relations Officer III |
| 10. Ms. Felistas Muiya | - | Public Communications Officer |
| 11. Mr. Paul Shana | - | Serjeant at Arm |

MIN./PPC/2026/089:

PRELIMINARIES

The Chairperson called the meeting to order at 10:00 am and said a word of prayer.

MIN./PPC/2026/090:

ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Hon. Suzanne Ndunge Kiamba, M.P and seconded by, Hon. Maisori Marwa Kitayama, M.P

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of previous Minutes

4. Matters Arising
5. **Consideration and adoption of the following public petition reports:**
 - i. **P/No.82/2023 regarding the degazettement of Boni-Lungi Forest in Lamu County by Hon. (Capt.) Ruweida Obo, M.P;**
 - ii. **P/No.1/2025 regarding the recognition of the Pare people as a tribe in Kenya by Hon. John Bwire, M.P; and**
 - iii. **P/No.5/2024 regarding illegal acquisition of parcels of land registered as Kapkakaran farm in Nandi County by Hon. Bernard Kitur, M.P**
6. Any Other Business
7. Adjournment.

MIN./PPC/2026/091: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/092: CONSIDERATION AND ADOPTION OF PUBLIC PETITIONS

- i. **P/No.82/2023 regarding the degazettement of Boni-Lungi Forest in Lamu County by Hon. (Capt.) Ruweida Obo, M.P**
 The Committee considered the draft report and it recommended that the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, in collaboration with the National Land Commission (NLC) and the County Government of Lamu, initiates within three months of adoption of this report, the process to survey, demarcate, and register the land on which the four Aweer villages (Milimani, Basuba, Mangai, and Mararani) are situated as community land under Article 63 of the Constitution.
- ii. **P/No.1/2025 regarding the recognition of the Pare people as a tribe in Kenya by Hon. John Bwire, M.P**
 The committee considered the draft report and recommended that pursuant to Standing Order 208A (2) (c) the petition be debated by the house.
- iii. **P/No.5/2024 regarding illegal acquisition of parcels of land registered as Kapkakaran farm in Nandi County by Hon. Bernard Kitur, M.P**
 The Committee considered the draft report and it was not satisfied with the recommendations that it had earlier given. It stepped down the report for it to have further deliberations on all the submissions that it has from the various stakeholders.

Adoption

The Committee unanimously adopted the following reports having been proposed by Hon. Maisori Marwa Kitayama, M.P and seconded by Hon. Edith Vethi Nyenze, M.P:

- i. P/No.82/2023 regarding the degazettement of Boni-Lungi Forest in Lamu County by Hon. (Capt.) Ruweida Obo, M.P; and
- ii. P/No.1/2025 regarding the recognition of the Pare people as a tribe in Kenya by Hon. John Bwire, M.P.

The Committee did not adopt the P/No.5/2024 regarding illegal acquisition of parcels of land registered as Kapkaron farm in Nandi County by Hon. Bernard Kitur, M.P.

MIN./PPC/2026/093: ADJOURNMENT

There being no other business, the meeting was adjourned at 1:00 p.m.

Sign: 

Date 1/04/2026

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



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 65TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, DECEMBER 05, 2024, IN COMMITTEE ROOM 20 ON 3RD FLOOR, BUNGE TOWER AT 11.00. A.M

PRESENT

1. Hon. Nimrod Mbithuka Mbai, M.P. - Chairperson
2. Hon. Joshua Chepyegon Kandie, M.P.
3. Hon. Maisori Marwa Kitayama, MP
4. Hon. John Walter Owino, M.P.
5. Hon. Edith Vethi Nyenze, M.P.
6. Hon. John Bwire Okano, M.P.
7. Hon. Suzanne Ndunge Kiamba, M.P.

APOLOGIES

1. Hon. Janet Jepkemboi Sitienei, M.P. - Vice Chairperson
2. Hon. Patrick Makau King'ola, M.P.
3. Hon. Ernest Ogesi Kivai, M.P.
4. Hon. Bidu Mohamed Tubi, M.P.
5. Hon. Caleb Mutiso Mule, M.P.
6. Hon. Peter Mbogho Shake, M.P.
7. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
8. Hon. Sloya Clement Logova, M.P.

SECRETARIAT

- | | |
|-----------------------|------------------------------|
| 1. Mr. Ahmad Kadhi | Principal Clerk Assistant II |
| 2. Ms. Anne Shibuko | Clerk Assistant I |
| 3. Ms. Lenny Muchangi | Legal Counsel II |
| 4. Ms. Nancy Akinyi | Research Officer III |
| 5. Mr. Calvin Karungo | Media Relations Officer III |
| 6. Mr. Peter Mutethia | Audio Officer |
| 7. Ms. Wahu Mwirikia | Audio Officer Intern |

IN ATTENDANCE

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

- | | |
|-----------------------------|--|
| 1. Hon. Aden Duale, EGH | Cabinet Secretary |
| 2. Mr. Mugambi Gitonga, EBS | Director, Legal Services |
| 3. Mr. Mamo B. Mamo | Director General NEMA |
| 4. Mr. Alex Lemakoko | Chief Conservator, Kenya Forest Service |
| 5. Mr. George Tarus | Ass. Secretary, State Department of Forestry |
| 6. Mr. Benjamin Kiringili | Ag. Manager, FS&IM |
| 7. Mr. Omara Komora | Head of Operations, KFS |

8. Ms. Jeptoo Ruth
9. Mr. Rodney Omari

Parliamentary Liason Officer
Parliamentary Liason Officer

MIN./PPETC/2024/412: PRELIMINARIES

The Chairperson called the meeting to order at 11:00 a.m. and proceedings began with prayers by Hon. Suzanne Kiamba, M.P.

MIN./PPETC/2024/413: 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 Environment, Climate Change & Forestry regarding—
 - *P/ No. 4 of 2023 on Delayed adjudication and Settlement of Squatters after the expiry of Lease of Macalder Mines Ltd Land;*
 - *P/No. 15 of 2023 regarding Declaration of Mukutani Forest as a Public Forest;*
 - *P/No. 52 of 2023 on Ban of the Use Asbestos as a Roofing Material;*
 - *P/No. 59 of 2023 regarding Settlement of Ontulili Mount Kenya Forest Squatters*
 - *P/ No. 69 of 2023 regarding Resettlement of Squatters in Koibem Village, Chepkumia Location, Nandi County.*
 - *P/No. 82 of 2023 on Degazettement of Boni-Lungi Forest in Lamu East Constituency;*
 - *P/No. 81 of 2023 on Gazettement of Kaya Forest as Forest areas under the Forest Conservation and Management;*
 -
6. Meeting with the Ministry of National Treasury and Economic Planning regarding—
 - *P/No. 46 of 2023 regarding Payment of retirement Dues and Pension for retired Teachers; and*
 - *P/No. 80 of 2023 regarding release of the Free Day Secondary Education Capitation Deficit for the Academic Year 2019 and Financial Years 2020/2021/ to 2022/2023 by the National Treasury.*
7. Any Other Business
8. Adjournment

MIN./PPETC/2024/414: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The agenda was deferred.

MIN./PPETC/2024/415: MEETING WITH THE MINISTRY OF ENVIRONMENT, CLIMATE CHANGE & FORESTRY

The Cabinet Secretary, Ministry of Environment, Climate Change & Forestry, Hon. Aden Duale, EGH appeared before the Committee and submitted as follows:

A. P/ No. 4 of 2023 on Delayed adjudication and Settlement of Squatters after the expiry of Lease of Macalder Mines Ltd Land

1. The case is under consideration before the Environment and Land Court in ELC Petition No. 1 of 2023 (Migori County Government V. Attorney General & 3 others), consolidated with ELC Petition No. 4 of 2023. The County Government of Migori along with other petitioners, is asserting ownership of 2,500 hectares of Macalder Forest.
2. The matter remains active in court and is pending judgment. The Cabinet Secretary was not at liberty to proceed with the petition until the matter is determined and concluded by the court.

B. P/No. 15 of 2023 regarding Declaration of Mukutani Forest as a Public Forest

1. The gazettelement referred to was undertaken openly, transparently and in accordance with the provisions of the Constitution of Kenya 2010 and the FCMA 2016.
2. The gazettelement process was a community driven initiative to reserve community land as a forest reserve.
3. The community approached the Forest Station Manager, Marigat Forest Station in the year 2013 asking for advice on reservation of the area for conservation. They cited destruction of the water catchment area as the main concern and security challenges.
4. The need for gazettelement of two hills was informed by environmental, economic, socio-cultural and security challenges experienced by the communities.
5. In March 2015, during the International Colloquium held in Eldoret, stakeholders convened to share knowledge and lessons on engaging forest-dependent communities in forest management and addressing related land use and land rights issues. The community, in their presentation, emphasized the need for gazettelement of the hills as a forest, highlighting specific reasons tied to forest management and the protection of their rights to forest resources, as documented in the event's concept note and detailed in the Colloquium Report.
6. The community initiated and sufficiently participated in the entire process. The National Land Commission gave its approval, the County Government of Baringo and Kenya Forest Service among other stakeholders were engaged in rigorous consultations that led to the gazettelement according to the Forest Conservation and Management Act (FCMA), 2016. The community elders made adequate attempts to sensitize members on the need to gazette Mukutani forest. The National Land Commission (NLC), other stakeholders and County Government were equally fully involved in the entire process and in accordance with FCMA 2016.

7. The following documents confirm that the necessary consultations and procedures were done before gazettement of the forest block. They include;
 - a) Minutes of the community meeting on gazettement dated 27th December, 2013, where the agenda was to discuss the hills to be gazetted as forest reserves as well as understanding the meaning of gazettement of hills and the implication to livelihood of the community. The resolution reached was that portions of Mukutani and Lemaitai (Karau) hills be set aside for forestry development under the then, Forest Act 2005.
 - b) Letter Ref. No. 10/1/1/140 dated 17th June 2014 from the Ecosystem Conservator (EC), Baringo County to the County Executive Committee; Ministry of Environment and Natural Resources, Energy and Mining informing the County Government of Baringo on the creation and reservation of new forests; Lemaitai and Mukutani Hills.
 - c) Letter from the Ilchamus Community to the National Land Commission dated 16th January 2015 where the Community sought assistance in the gazettement of Mukutani Forest for conservation of forest resources.
 - d) Letter Ref. NLC/CHAIRMAN/VOL.IX/145 dated 31st March, 2015 from the National Land Commission to Kenya Forest Service where the Commission consents to gazettement of the forest and requests KFS to undertake the gazettement process.
 - e) Copy of Legal Notice No. 265 of 27th October, 2017 which declared Mukutani Forest a Public Forest.
 - f) Copy of Boundary Plan No. 175/435 which shows the boundaries of Mukutani Forest.
8. The Gazettement of Mukutani forest guaranteed Peace, stability and security within the forest and region at large as the area is disturbed, dangerous and operation under multiagency security teams; and any action would require consultation with Nation Security Council Committee *to recall the decision of the then Cabinet Secretary of Environment, Natural Resources contained in the Legal Notice No. 265 dated 27/10/2017, interrogate the same and order that fresh exercise towards declaration of the alleged forest named Mukutani Forest be undertaken by the Cabinet Secretary, the Board of Kenya Forest Service, the National Land Commission and all the relevant stakeholders.*
9. The Gazettement of Mukutani Forest was done in line with the provisions of the Constitution of Kenya 2010 and FCMA 2016. The National Land Commission, the County Government of Baringo, the Mukutani Community, and all relevant stakeholders were consulted during the Gazettement process.
10. The requested reversal will:

- a) Adversely affect the value of the forest eco-system as a water catchment area and prejudice biodiversity conservation, cultural site protection of the forest and its sustainable use for educational, recreational, health and research purposes;
- b) Endanger rare and threatened species within Mukutani Gazetted Forest;
- c) Interfere with the wildlife migratory corridor connecting Laikipia and Lake Baringo thus jeopardize community livelihood opportunities; and
- d) Negate the Presidential directive on acceleration, achievement and maintaining 30% tree cover by 2032, the 15 Billion Tree Growing; National Landscape and Ecosystem Restoration Programme.
- e) Mukutani forest is a critical state resource for strategic national interests. The gazettelement guaranteed and ensured that the interests of forest dependants are safeguarded through multiagency security teams and the Whole of Government Approach (WGA).

Committee concerns

The Committee observed that there was a gap in the level of public participation across the 3 communities in Mukutani.

Regarding the fate of the schools already established in Mukutani, the Cabinet Secretary said that the schools will be relocated.

Committee decision

The Committee resolved to schedule a site visit to Mukutani.

C. P/No. 52 of 2023 on Ban of the Use Asbestos as a Roofing Material

1. The National Environment Management Authority (NEMA) is the principal instrument of government established under Section 7 of the Environmental Management and Co-ordination Act (EMCA), 1999 to exercise general supervision and coordination over all matters relating to the environment and became operational in the year 2002.
2. Asbestos is a group of six fibrous minerals that occur naturally in metamorphic deposits located around the world. It's a chemically inert mineral that is fire resistant and does not conduct heat or electricity thus making it a commonly used insulator. It has high tensile strength, is insoluble and odourless. Due to these properties, it has been used in a wide range of manufactured goods including roofing materials, ceiling and floor tiles, friction products such as automobile clutch and brakes. In the 1960s and 1970s, asbestos was a material of choice in the construction industry. A number of industries including food manufacturing industries as well as residential homes used asbestos roofing materials due to its durability and fire resistance characteristics.
3. When left intact and undisturbed, asbestos materials do not pose a health risk. It becomes a problem when due to damage, disturbance or

deterioration over time as the material releases fibres into the air, causing air pollution. Exposure to air containing the fibres increases the risk of inhaling the fibres and developing the associated diseases (asbestosis, lung cancer and mesothelioma). The roofing materials used in the 1960s and 1970s have deteriorated overtime requiring their replacement with more environmentally safe methods necessitating their removal and disposal.

4. Over time, there has been increased removal and disposal of asbestos roofing materials due to global awareness of its negative health effects, deterioration of asbestos sheets overtime and increased drive towards roof water harvesting. This promoted the National Environment Management Authority (NEMA) as the environmental regulator to develop guidelines to aid in the safe removal and disposal of asbestos.
5. Over time, the Ministry through NEMA has undertaken the following actions to mitigate against asbestos pollution:
 - a) Communicated to the public on the environmental and health risks associated with use of Asbestos.
 - b) Communicated to a number of ministries on the concern of the presence of asbestos roofing, and advised them to take the lead in replacing any existing asbestos roofing with modern roofing materials.
 - c) Licensed asbestos disposal sites as per the Environmental Management and Coordination (Waste Management Regulations 2006)
 - d) Licensed the vehicles to transport asbestos/ hazardous waste.

In response to the prayer to recommend to relevant Ministries to survey and identify all public buildings with Asbestos roofs, including the International Development Association (IDA) funded primary schools in Wajir North Constituency and other ASALs regions of Northern Kenya that were roofed using asbestos with a view to removing asbestos and replacing it with galvanized iron sheets in order to mitigate asbestos-related negative effects and cancer.

6. The Ministry, through NEMA, will place a public notice to advise the public on the environmental and health risks associated with asbestos roofs. Further, NEMA will continue to write to public institutions to advise them to replace the asbestos roofing materials with environmentally-friendly roofing materials.

In response to the prayer to recommend the relevant Ministries to develop and implement a safe disposal plan for all the asbestos materials that will be removed from buildings to avoid seepage of the carcinogen into the environment.

7. NEMA will guide the concerned Ministries and other entities on the safe handling, transportation, and disposal of asbestos. This will be in accordance with national guidelines on the safe management and disposal of asbestos, and Environmental Management and Coordination (Waste Management) Regulations, 2006.

In response recommend for a medical survey to be carried out in all the regions with asbestos roofs to ascertain the extent of cancerous effect of

prolonged exposure to asbestos and provide necessary health interventions to those who might have been affected

8. NEMA will advise the Ministry of Health and County Governments to carry out medical surveys and screening to ascertain the extent of impacts of exposure to asbestos and provide appropriate health interventions.

Committee concerns

Regarding why the process of removal of asbestos was slow despite awareness of its risks and frequent communication among relevant Government agencies, the Cabinet Secretary explained that the Ministry had a list of buildings managed by the Kenya Railways Corporation, Kenya Ports of Authority, Ministry of Defence and Ministry of Interior, which still has Asbestos roofing with their GPS Mapping and would continue engaging these agencies.

Regarding whether there was no budgetary allocation for removal and disposal of asbestos, the Cabinet Secretary explained that the Ministry was liaising with the National Treasury to secure funds for removal of asbestos.

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

1. Ontulili Forest is part of the Mount Kenya Forest Ecosystem that consists of Mount Kenya Forest Reserve and Mount Kenya National Park.
2. The Ontulili Forest was gazetted as a public forest vide **Proclamation No. 48 of 1943** under the then Forest Department (FD) and declared a Central Forest vide **Legal Notice No. 174 of 20th May 1964**. The forest is composed of Natural Forest, Plantations, Bushland, Bamboo and other areas under infrastructure and institutions. Currently the area measures approximately 33,227.15 ha thus making it the largest forest ecosystem in Meru County.
3. The Ontulili squatters' resettlement was initiated by the late Hon. Harvester Angaine in 1975 with a view to resettle families of former Forest Department (FD) employees who were working within Mount Kenya forest in Ontulili Forest Station during the colonial period. Land was set aside from Mount Kenya forest through two legal amendments for this cause but later after excisions had been effected, the two parcels (L.R. No. 13269 and L.R. No. 12234) were registered in favour of an individual as opposed to favouring the intended beneficiaries.
4. The excisions comprised of two portions of land in total **930.3 ha** excised in 1975 and 1977 which were authorized by the then Minister for Natural Resources, Hon. S. S. Oloitipitip, to resettle the squatters in Mount Kenya forest. The Legal Notices are as indicated here below;
 - a) Legal Notice No. 68 of April 1975 excising an area of 384.1ha within Ontulili forest station
 - b) Legal Notice No. 107 of April 1977 excising an area of 546.2ha within Ontulili forest station

5. The Ontulili squatters lived in Mount Kenya, Ontulili Forest Station as employees of the then Forest Department (FD) during the colonial era. In 1986, the late Hon. Angaine and the Provincial Administration allocated land to **668** squatters in Ontulili in an area known as Ngusishi (**Karuri, Kienini and Kiriti**) where each individual was to be allocated **2.5** acres approximately.
6. Of the **668** individuals, none of them was issued with ownership documents with respect to the allocated land. The blocks were located in ecologically sensitive areas which are also sources of rivers. Their stay in the forest caused a lot of deforestation and encroachment into the natural forest leading to the decrease in water levels and siltation downstream, it also became difficult to control grazing in the forest.
7. As time went by the population increased and the demand for land also increased. This led to encroachment deeper into the fragile water catchment area and inhabitable forest adversely affecting the environment through forest clearance hence affecting biodiversity in general and forest water function. This area had not officially been excised from Mount Kenya forest.
8. The presence of squatters in the forest also posed the challenge of forest fires occasioned by honey-hunting activities and deliberate burning for the grass to regenerate for their livestock. Additionally, there was increased illegal logging targeting the endangered *Juniperus procera* (Cedar).
9. In the year 2001, **796.04 Ha** of forest land was excised within Sirimon block of Mount Kenya forest vide **Legal Notice No. 29 of 2001**. Each family that formerly occupied Karuri, Kienini and Kiriti areas was allocated 1.4 acres as opposed to 2.5 acres, a deficit of 1.1 acres. This did not go down well with the people since they felt short changed. On this ground some people chose to remain in Ngusishi prompting some to heading to the Law courts to seek redress.
10. An Environmental Audit Team was constituted to investigate the legal status of the land under dispute, Investigate and document the negative impacts of human settlement in Ngusishi and recommend suitable remedies to mitigate the problem.
11. The Environmental Audit Team visited the ground and conducted an environmental audit of the area that had been settled in Ngusishi and a report was drawn with the following recommendations: -
 - a) Degazette Sirimon area and issue titles to the current occupants;
 - b) Those who had sued the government were considered double dealers since they laid claim to both Sirimon and Ngusishi areas, therefore, the case to be dismissed with cost from their end; and

c) Charge the officials from the Provincial Administration and the Ministry of Lands for irregularly and illegally allocating land to squatters in Ngusishi areas.

12. The Ontulili squatters were dissatisfied since they were not allowed to settle in the area intended as per the Legal Notice Nos. 68 of April 1975 (384.1 ha) and 107 of April 1977 (546.2 ha) in Ontulili forest block.
13. The late Hon. J. Harvester Angaine's family are the current occupants of the said land registered as **L.R. No. 13269 (384.2 Ha)** and **L.R. No. 12234 (546.2 Ha)** amounting to **930.3Ha** approximately.
14. The Ndung'u report on irregular/illegal acquisition of public land recommended for revocation of the two Titles since they benefited an individual as opposed to Ontulili squatters.
15. The procedure involved in the degazettement of a public forest is provided in Section 34 of the Forest Conservation and Management Act 2016.
16. Kenya Forest Service then Forest Department (FD) had played a key role towards resettling Ontulili forest squatters from inception. The squatter's aspiration and wish were not met as the late Hon. Angaine and some officials from the Ministry of Lands and the then Provincial Administration changed the squatter's intended land by relocating the squatters elsewhere and re allocated the subject land to themselves.
17. The Ontulili excisions were meant to resettle the squatters but were hijacked by the late Hon. Harvester Angaine and processed the Titles in his favour.
18. The squatters felt that the late Hon. Angaine used his office as the Minister of Lands to allocate himself land that was meant to resettle them, some of them even went to court as this amounted to impunity and abuse of office.
19. However, Messrs. Patrick Muriuki and Robert Wanjau, mentioned in the Public Petition No. 59 of 2023, are not being honest in consideration of the fact that they were allocated land elsewhere (Sirimon) and settled.
20. The Petitioner refers to a recommendation made by the National Land Commission (NLC), in Historical Injustice Case No. NLC/HLI/025/2017. Consequently, the Petitioner raises concerns regarding information and/or implementation of the NLC's decisions. As a constitutional body, the NLC is the appropriate entity to address the matter, having already received and processed the Petitioner's complaint, conducted public hearings and consultations to verify the nature of the claim, and issued relevant recommendations.
21. The Survey of Kenya to be directed to start development of a Boundary Plan in favour of Kenya Forest Service (KFS) to assist in recovery of the **930.3 Ha**

illegally and irregularly acquired by the late Hon. Angaine and now currently occupied by his family in Ontulili forest block, to revert to KFS as per Ndungu Report for forest conservation and reforestation to increase forest and tree cover under the 15 Billion Tree Growing for National Ecosystem and Restoration Programme.

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

Introduction of Chepkumia Land Exchange Programme

1. The Ngerek Community has 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, other people had already been fraudulently and illegally settled in the proposed settlement area. This illegality is alleged to have been occasioned by the political class in the existing regime, 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.
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.
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.

Gazettement of South Nandi Forest

5. South Nandi Forest was gazetted vide **Proclamation No. 76 of 1936** and declared a Central Forest vide **Legal Notice No. 174 of 1964** measuring approximately 17,960.50Ha. The South Nandi Forest is classified as a 'moist forest' under the Forest and Agricultural Organisation (**FAO**) of the United Nations.
6. In 1996, the Chepkumia land exchange was authorized 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

Genesis of Chepkumia Land Exchange

7. 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 600 ha land exchange was done by residents of Singoro Village-Kaptel Location, Nandi District.

Persons who have been settled so far under the Chepkumia Land Exchange in South Nandi Forest

8. 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

9. Koibem residents are of Kalenjin origin and moved from their originally occupied area (Koibem Hills). By the year 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.
10. The implementation of the program was 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. 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.

Collapse of the proposed Chepkumia Exchange Program

11. The Chepkumia Land exchange, though targeted to benefit deserving communities, did not materialize and collapsed after tribal and political interests took 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.
12. These complications stalled the process of exchange. The allocations in Kapkangani area were faced with multiple incidences 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.
13. It is evident that the Kenya Forest Service has made efforts to have these matters addressed by the relevant authorities, all of which have failed to give a satisfactory response.
14. The 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.
15. 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.
16. This therefore means that there is need to engage other stakeholders as demonstrated in the recommendations by the National Lands Commission.

Recommendations

17. 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.
18. 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 occupied should be surveyed and formalized as an exchange.
19. 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.
20. 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.

21. 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.
22. NLC and Ministry of Interior and National Administration to address historical land injustice as manifested in this public petition.

F. P/No. 82 of 2023 on Degazettement of Boni-Lungi Forest in Lamu East Constituency

In response to the prayer that the National Assembly investigates the matter and compels the Ministry of Environment, Climate Change and Forestry to degazette Boni - Lungi as a State Forest;

1. The Ministry of Environment, Climate Change and Forestry takes cognizance of the fact that the recommendation for de-gazettement goes against the current government aspiration of increasing tree cover to 30% by 2032 to curb the three planetary crisis of forest degradation, biodiversity loss, climate change and pollution.
2. Boni Lungi Forest complex is a critical state resource for strategic national interests and territorial integrity. The gazettement guaranteed and ensured that the interests of forest dependants are safeguarded through multiagency security teams and the Whole of Government Approach (WGA).
3. The outcome of the investigations has revealed that the area is disturbed, dangerous and operations are being undertaken by multiagency security teams for peace and stability within the forest and transboundary region at large.

In response to the prayer that the Cabinet Secretary for Lands, Public Works, Housing and Urban Development in consultation with the County Government of Lamu to facilitate the registration of Boni-Lungi as community land pursuant to Article 63(5) of the Constitution and other applicable laws;

4. Following gazettement of Boni - Lungi Forest as stipulated in the FCMA, 2016, the registration of the forest as community land pursuant to Article 63(5) of the Constitution and other applicable laws would negate the government aspiration of achieving 30% tree cover by 2032.
5. The National Security Council and Ministry of Interior and National Administration are major stakeholders whose strategic national interest and territorial integrity are to be taken on board to guarantee peace, security and stability of the country.

In response to the prayer on other order and/or direction that it deems fit in the circumstances of the matter;

6. There are great opportunities for infrastructural development, roads, Lamu Port South Sudan Ethiopia Transport (LAPSSET) Corridor Project and general development which will be guaranteed through partnerships; while upholding the gazettelement of the Boni forest complex.
7. The Boni Forest Complex which borders Somalia is of both strategic National and cross border interest. This is necessitated the National Security Council concern relating to incursions by the Al Shabaab militants who are using the forest as a hide out for launching their attacks. The forest had suffered a state of degradation due to lack of adequate capacity and capability under the former community forest management arrangement. In view of this, there was need to manage this complex that cuts across the two counties (Lamu and Garissa) as one forest ecosystem. In order to ensure better conservation and management of these forests, there was need to put in place a legal instrument, which assisted towards achieving this goal.
8. Boni Forest complex comprises three blocks thus Boni Lungi, Panda Nguo and Boni Ijara blocks. The Boni complex strides between Lamu and Garissa Counties extending into Somali. The gazettelement process was a community driven initiative to reserve the forest from extinction as it serves as the source of their livelihood. The community since time immemorial have been depending on the forest reserve as their habitat and source of food.
9. The need for gazettelement of the complex was also informed by security, environmental, economic and socio-cultural challenges experienced by the local community, county, country and the world at large. According to the presentation at the Kenya Forest Service headquarters on the *Boni - Lungi Forest - the proposed gazettelement of Lungi Forest*, the community highlighted the specific reasons for gazettelement of the forest as clearly detailed in the referred document.
10. After concerted efforts by the community, the Al-Shabaab threats and fear by community that their ancestral land could be grabbed, the community through the help of development partners petitioned the Government to gazette the forest to ensure that the complex is protected for sustainable use.
11. The table below shows the process followed up to gazettelement of Boni Complex (Boni - Lungi).

Item	Date	Action	Remarks
1.	August 2003	District Development Committee (DCC) Meeting	Approved minutes forwarded to KFS

Item	Date	Action	Remarks
		and proposed Gazettement of the forest.	HQs for action
2.	May 2008	District Environmental Committee (DEC) meeting held at Ijara Commissioners' office.	Minutes forwarded to KFS HQs for action.
3	November 2010 - April 2011	Kenya Secure Projects held consultative meetings with stakeholders on gazettelement of Boni Complex.	Meetings held in Lamu and Mombasa - minutes forwarded to KFS for action on gazettelement.
4.	March 2013	Stake holders forum for development of a strategic road map towards sustainable conservation of Boni Forest.	Meeting held at ALA inn hotel - Masalani. A report forwarded to KFS HQs for action on gazettelement.
5	December. 2014	Community representatives held a meeting with Director KFS where they presented a document on proposed gazettelement of Boni Forest.	Minutes - Meeting was at Director's board room.
6	January 2014	Reconnaissance survey by Kenya Forest Service in the company of community leaders	The three blocks identified and general outline agreed upon.
7	October - November 2014	Consultative meetings with communities within and around Boni ecosystem on gazettelement.	Minutes and a sensitization report forwarded to KFS for action.
8	June 2015	Survey of boundary conducted by KFS Surveyors in the company of Boundary officers from Survey of Kenya and Community members.	The three blocks surveyed with a total area of 532,672.38 Ha Approximately.
9	June 2015	Consultative/informative meetings with County Governments of Garissa and Lamu on gazettelement.	Minutes forwarded to KFS for action.
10	July 2015	Boundary Plans and Draft schedules prepared by KFS	Boundary Plan No. 175/437 Checked and

Item	Date	Action	Remarks
		and forwarded to Director of Surveys for authentication.	Authenticated /Approved by Director of Surveys.
11	November 2017	Boni - Lungi, Boni - Ijara and Panda Nguo Forest blocks gazetted.	Legal Notice No.261, 262 & 263 of 2017 published respectively.

Conclusion and recommendation

12. Various stakeholders including members of the local community deliberated on the gazettement of the forest as tabulated above. Following the deliberations, it was decided that the gazettement process of the Boni forest complex (Boni - lungi) be undertaken and concluded.
13. The Cabinet Secretary beseeched the Committee to maintain the gazettement of the forest complex so as to address and protect the interests of the local Aweer community. Significant improvements of the forest functions in provision of environmental services (water flow, grazing pastures, climate mitigation, resilience and adaptation) have been noted.
14. The Cabinet Secretary requested the Committee to uphold the presence of multi-agency security teams within the gazetted forest that will continue to maintain the security of the region at large and enhance forest conservation and management efforts through Whole of Government and Society Approach.

G. P/No. 81 of 2023 on Gazettement of Kaya Forest as Forest areas under the Forest Conservation and Management

Creation and Management of Public Forests

1. The legal framework under Forest Conservation and Management Act 2016 Part IV–
Section 31(2): -
 - (1) *All public forests in Kenya are vested in the Service, subject to any rights of user in respect thereof, which by or under this Act or other written law, have been or are granted to any other person.*
 - (2) *The Cabinet Secretary may, on the recommendation of the Board and after consultation with the National Land Commission declare through a gazette Notice any un-alienated public land or any land purchased or otherwise acquired by the Service to be a public forest.*

Response to the Petition

In response to the prayer that the relevant Ministry or State Government Department to identify Kaya forests areas along the coastal counties of Kwale, Mombasa and Kilifi;

2. The Cabinet Secretary commended the Member of Parliament for Kilifi North Constituency (Hon. Owen Yaa Baya CBS, M.P.) for the noble public petition and called for action by other Members of Parliament to emulate and gazette more hilltops, degraded landscapes and biodiversity hotspots.
3. The Ministry of Environment, Climate Change and Forestry takes cognizance of the fact that the recommendation for gazette of the Kayas is a welcome idea. This will enhance conservation efforts being carried out by the government while contributing to overall forest and tree cover. Currently, there are few Kaya Forests that have already been gazetted and are under the management of the Kenya Forest Service, namely Kaya Chonyi, Kaya Jibana, Kaya Ribe and Kaya Kambe. Some of the Kayas are gazetted under National Museums and Heritage Act of 2006 as heritage sites and are managed by communities and the National Museums of Kenya (NMK).
4. The Ministry through KFS is undertaking the task of identifying, surveying and mapping, and gazette of all Kaya forests along the coastal counties of Kilifi, Mombasa and Kwale with involvement of local communities, Kaya Elders and other stakeholders.

In response to the prayer that Kaya forests be gazetted as forest areas under the Forest Conservation and Management Act, 2016;

5. The Ministry of Environment, Climate Change and Forestry will initiate the gazette process of the Kaya forests as guided by FCMA, 2016.
6. KFS Board of Directors has resolved and approve gazette of Kaya forests areas under FCMA, 2016.

In response to the prayer that that during gazette, management respects the needs of individual Kayas and to integrate the conservation of natural and cultural resources and traditional and non-traditional management practices;

7. Part V (Section 48 to 52) of the FCMA, 2016 recognizes community participation in sustainable forest management. In this regard, the needs of individual Kayas and integration of conservation of natural, cultural resources, traditional and non-traditional management practices will be taken care of and enhanced.
8. Upon gazette, the following management activities will be undertaken;
 - a. Preparation of Participatory Forest Management Plans for the Kaya forests;

- b. Establishment of forest protection camps and outposts (Forest Ranger camps);
- c. Establishment of applicable nature-based enterprises (NBEs) and Income Generating Activities (IGAs);
- d. Secure the boundaries of all the gazetted Kaya forests;
- e. Establishment of tree nurseries for seedlings production to address 15 billion National tree growing ecosystem and landscape restoration; and
- f. Rehabilitation and restoration of the degraded gazetted Kaya forests.

General concern on petitions relating to Degazettement of Forests

The Committee observed that most people in the villages are squatters with no place to call home nor any succession plan. Regarding what plans the Cabinet Secretary has in place to ensure by the end of his term, settlement is achieved, the Cabinet Secretary explained that a study, public participation and consultation had been done and revealed that people don't have relevant docs and title deeds. The Cabinet Secretary undertook to give title to communities living next to forests so that they become part of Communities Forest Association.

MIN./PPETC/2024/416:

MEETING WITH THE MINISTRY OF NATIONAL TREASURY AND ECONOMIC PLANNING

The Agenda was deferred.

MIN./PPETC/2024/417:

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 02:00 p.m. The date of the next meeting will be communicated by notice.

Sign: 

Fv (CHAIRPERSON)

Date..... *05-12-2024*

Thirteenth Parliament

Third Session



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 30TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON TUESDAY, APRIL 30, 2024, IN COMMITTEE ROOM 12, MAIN PARLIAMENT BUILDINGS AT 10.00. A.M

PRESENT

1. Hon. (Eng.) Bernard Muriuki Nebart, M.P. (Chairing)
2. Hon. Maisori Marwa Kitayama, MP
3. Hon. Joshua Chepyegon Kandie, M.P
4. Hon. John Walter Owino, M.P.
5. Hon. Suzanne Ndunge Kiamba, M.P.
6. Hon. Edith Vethi Nyenze, M.P.
7. Hon. Peter Mbogho Shake, M.P.

APOLOGIES

- | | | |
|--|---|------------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 3. Hon. Patrick Makau King'ola, M.P. | | |
| 4. Hon. Ernest Ogesi Kivai, M.P. | | |
| 5. Hon. Bidu Mohamed Tubi, M.P. | | |
| 6. Hon. Sloya Clement Logova, M.P. | | |
| 7. Hon. Caleb Mutiso Mule, M.P. | | |
| 8. Hon. John Bwire Okano, M.P. | | |

SECRETARIAT

- | | | |
|-------------------------|---|---------------------------------|
| 1. Mr. Ahmad Kadhi | - | Senior Clerk Assistant |
| 2. Ms. Anne Shibuko | - | Clerk Assistant I |
| 3. MS. Roselyn Njuki | - | Serjeant at Arms I |
| 4. Ms. Patricia Gichane | - | Legal Counsel II |
| 5. Mr. Willis Obiero | - | Clerk Assistant III |
| 6. Mr. Martin Sigei | - | Research Officer III |
| 7. Mr. Peter Mutethia | - | Audio Officer |
| 8. Ms. Betty Momanyi | - | Intern, Media Relations Officer |

IN ATTENDANCE
PETITIONERS

1. Hon. (Capt.) Ruweida Obbo, MP
2. Hon. Owen Baya, CBS, MP

AWEER COMMUNITY

- | | |
|-------------------------|-------------------------|
| 1. Mohammed Kitete | 9. Mr. Mohammed Yusuf |
| 2. Mr. Bwana Salaleshe | 10. Mr. Tora Ware |
| 3. Mr. Martin Simotwo | 11. Mr. Abale Yusuf |
| 4. Mr Daud Silakau | 12. Ms. Chausi Rove |
| 5. Ms. Aisha Mahmoud | 13. Mr. Mohamed Shakuwe |
| 6. Mr. Peter Kitelo | 14. Ms. Mumina Shora |
| 7. Ms. Hadija Guruba | 15. Mr. John Parkusa |
| 8. Mr. Kenendy Laikong' | 16. Mr. Rufi Ali |

MIN./PPETC/2024/ 191: PRELIMINARIES

The Chairperson called the meeting to order at 10:00 a.m. and proceedings began with prayers by Hon. Joshua Kandie, M.P.

MIN./PPETC/2024/192: ADOPTION OF AGENDA

AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. Consideration of Public Petition No. 82 of 2023 on Degazettement of Boni-Lungi Forest in Lamu East Constituency
 - *Meeting with the Petitioner, Hon. (Capt.) Ruweida Obo, MP*
6. Consideration of Public Petition No. 81 of 2023 on Gazettement of Kaya Forest as Forest areas under the Forest Conservation and Management
 - *Meeting the Petitioner, Hon. Owen Yaa Baya CBS, MP*
7. Any Other Business
8. Adjournment

The Agenda was adopted to constitute business having been proposed by Hon. Maisori Marwa, M.P. and seconded by Hon. Peter Shake, M.P.

MIN./PPETC/2024/193: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Agenda was deferred.

MIN./PPETC/2024/194: CONSIDERATION OF PUBLIC PETITION NO. 82 OF 2023 REGARDING DEGAZETTEMET OF BONI-LUNGI FOREST IN LAMU EAST CONSTITUENCY

Meeting with the Petitioner, Hon. (Capt.) Ruweida Obbo, MP

Upon invitation by the Committee, the Petitioner, Hon. (Capt.) Ruweida Obbo, MP appeared before the Committee and submitted as follows—

Background

1. Boni-Lungi is an area of land between Dodori and Boni National Reserves in Lamu East Constituency measuring approximately 39,925.7 hectares is inhabited by over 480 households of the Aweer Community;
2. Article 56 of the Constitution obliges the government to put in place affirmative action programmes for minorities and marginalized groups. Further, the National Land Policy calls for the protection of land rights from unjust and illegal expropriation of both vulnerable and minority communities;
3. Vide Gazette Notice No. 1447 of 2016 published on 4th March 2016, the Cabinet Secretary for Environment, Natural Resource and Regional Development Authorities declared Boni-Lungi as a State Forest;
4. The gazettelement was done without consulting the people and the leaders of the affected region, contrary to Article 10(2)(a) of the Constitution, that provides for public participation in making, implementing public policy and in applying the law. Further, the gazettelement was in breach of the provisions of Article 69(1)(d) that requires the State to encourage public participation in environmental management;
5. The land in question is actually community land that the local people have been farming, depend on resources for collecting natural fruits, honey, plants for traditional medicine and building materials;
6. Being one of the most marginalized indigenous cultures in the country, the gazettelement further threatened the *Aweer* Community with losing their land, their livelihoods, their way of life, and perhaps their very lives;
7. Sustained efforts to solve the issue and attain a workable solution to this concern have been futile;
8. The Petitioners highlighted the difficulty occasioned by residing in the area marred by insecurity, including the prohibitive cost of travelling from one village to another and requirement of travel pass by the local administrative authorities. Other challenges included insufficient infrastructure and public amenities such as schools.
9. The Aweer Community is a minority that lives around the Boni Forest consisting of five villages in Boni Forest. The community was surrounded by Kenya Wildlife Service (KWS) national reserves which were acquired in 1976 and 2016.

Prayers

10. The Petitioners pray that the Committee—

- i. Investigates the matter and compels the Ministry of Environment, Climate Change and Forestry to degazette Boni-Lungi as a State Forest.
- ii. Recommend that the Cabinet Secretary for Lands, Public Works, Housing and Urban Development in consultation with the County Government of Lamu to facilitate the registration of Boni-Lungi as community land pursuant to Article 63(5) of the Constitution and other applicable laws.

Submissions by the community members

11. The community members who appeared before the Committee submitted as follows—

- i. The Kenya Wildlife Service (KWS) failed to conduct adequate public participation prior to designating their land as a national reserve in both 1976 and 2016, despite the fact that this land served as their sole means of livelihood. The area appropriated by KWS in 2016 amounted to 39,000 acres. Although KWS pledged to assist the affected individuals in finding employment and offered compensation, these promises were not fulfilled.
- ii. Consequently, the community faced marginalization and grappled with a multitude of challenges, spanning infrastructure, education, healthcare, and representation, among others. Moreover, residents were subjected to the requirement of obtaining a travel pass from law enforcement agencies each time they moved from one location to another, an act perceived as discriminatory.
- iii. Research findings revealed that the land had previously been designated as trust land, necessitating its conversion to community land under the Constitution. The community found itself sandwiched between national reserves and experienced repeated instances of land dispossession.
- iv. Both the Boni Lungi and Ijaara areas were gazetted as forests on the same day. However, a court decision subsequently rescinded the gazettement of the Ijaara area, following the intervention of influential political figures. Similarly in Mt. Elgon, Chepkitale Trust land had been gazetted in the year 2000, but the courts expunged the Gazette Notice almost twenty years later. In light of the high costs associated with legal proceedings, petitioners opted to appeal to the National Assembly to reclaim the Boni Lungi area.
- v. While acknowledging the importance of forest conservation and wildlife preservation, the community asserts that these objectives should not come at the expense of their livelihoods, considering their long-standing residence in the forest.

Committee Concerns

- i. The Committee inquired about the **accessibility of the forest and its resources to residents of the Boni-Lungi area**. The Petitioner clarified that there were no significant restrictions, as the Kenya Forest Service (KFS), responsible for forest conservation, was not stringent in monitoring the area. This lax oversight was attributed to the heightened risk posed as a potential hideout for the Al Shabaab terrorist group.
- ii. Regarding the **population and representation of the community** residing in the area, the Petitioner noted that the Aweer community consisted of approximately 5,000 individuals residing in five villages spread across Basuba and Kiunga Wards. Basuba Ward comprised five villages, namely Kiangwi, Milimani, Basuba, Mangai, and Mararani, all situated adjacent to the road. The Petitioner emphasized the lack of adequate representation for the community within administrative structures, aside from a ward administrator, prison officers, and chiefs. Additionally, the community lacked higher education, with no individual possessing a degree. However, efforts were underway to provide education opportunities to members in order to enhance the community's development.
- iii. In response to the Committee's inquiry regarding **evidence of land ownership by the Aweer Community**, the Petitioners cited historical records dating back to the pre-independence era, demonstrating their presence in the area as early as 1976 when the Kenya Wildlife Service (KWS) initiated the establishment of the Dodori and Boni National Reserves. Some villages, like Kiunga, had existed for 400 years before being annexed by KWS and designated as a marine reserve. Furthermore, the community historically resided in the forest, engaging in hunting and gathering activities.
- iv. When asked about the **presence of the Aweer people on a wildlife migration route**, the Petitioners elucidated that the expansive forest encompassed migratory routes used by wildlife to traverse from one forested area to another. Consequently, wildlife often encroached upon their agricultural lands, posing significant challenges to farming activities in the region. However, despite the proximity to wildlife migration corridors, the community emphasized their coexistence with and conservation of the forest over generations. Notably, while conservancies had been established in the area, the local community had not been granted benefits from the land.
- v. In response to the Committee's inquiry regarding the **challenges stemming from the gazettelement of the area**, the Petitioners highlighted threats to food security due to the impracticability of agriculture in the strip of land they inhabited, compounded by buffalo invasions on farms. Moreover, limited access to education and healthcare services was attributed to inadequate infrastructure. Existing amenities such as boreholes and schools were primarily funded by the Kenya Defence Forces through corporate social responsibility (CSR) initiatives. Notably, the road connecting the area to the rest of the

county had been impassable for the past three years, exacerbating the isolation of the community.

- vi. When questioned about the **area's designation as a forest before government acquisition**, the Petitioner referenced the ancestral roots of the community, evidenced by ancestral graves dating back to pre-independence times. During the Shifta war in the 1960s, thousands of people were displaced and sought refuge in the forest, particularly affecting Lamu East. Subsequently, the government relocated residents closer to the road, leading to their current settlement. Therefore, the community lacked alternative land for resettlement.
- vii. Regarding **efforts to address the issue**, the Petitioners disclosed that in 2021, they filed a case with the National Land Commission under the umbrella of Historical Land Injustices. However, the resolution of the matter remained pending before the Commission.
- viii. In response to queries about the **de-gazettement process of the Ijaara forest** and the availability of related reports, the Petitioner committed to providing detailed information through written submissions.

MIN./PPETC/2024/195:

CONSIDERATION OF PUBLIC PETITION NO. 81 OF 2023 REGARDING GAZETTEMENT OF KAYA FOREST AS FOREST AREAS UNDER THE FOREST CONSERVATION AND MANAGEMENT ACT

Meeting with the Petitioner, Hon. Owen Baya, MP

Upon invitation by the Committee, the Petitioner, Hon. Owen Baya, MP appeared before the Committee and submitted as follows—

Background

1. The Mijikenda Community occupy separate forest sites spread over 200km mostly on low hills, ranging in size from 30 to 300ha along the coastal counties of Kwale, Mombasa and Kilifi containing the remains of more than thirty fortified villages *known as Kayas*.
2. *Kayas* were created during the 16th century but abandoned in 1940s and are now regarded as abodes of ancestors which are respected as sacred sites maintained by council of elders; inscribed as bearing unique testimony to a cultural tradition and for its direct link to a living tradition.
3. The forest around the *Kayas* have been nurtured by the Mijikenda community to protect the sacred graves and groves and are now almost the only remains of the once extensive coastal lowland forest.

4. The *Kayas* provide focal points for Mijikenda religious beliefs and practices and are regarded as their ancestral homes. As such, they have metonymic significance to the Mijikenda and are a fundamental source of their sense of 'being-in-the world' and of place within the cultural landscape of contemporary Kenya; seen as a defining characteristic of Mijikenda identity.
5. Since their abandonment as preferred places of settlement, *Kayas* have been transferred from the domestic aspect of the Mijikenda landscape to its spiritual sphere. As part of this process, certain restrictions were placed on access and the utilization of natural forest resources;
6. As a direct consequence of the above, the biodiversity of the *Kayas* and forests surrounding them had been sustained. However; *the Kayas* are under threat both externally and from within Mijikenda society through the decline of traditional knowledge and respect for practices. The integrity of *the Kayas* relates to the intactness of their forest surroundings which currently has been compromised.
7. Most *Kayas* have been under gazettelement of the National Museums of Kenya which emphasizes on conservation and protection of the Heritage and Cultural values but not conservation of the forest. This therefore explains the increase in degradation of the forest resources and biodiversity.
8. The community initially settled in and cultivated the forests, transforming them into traditional worship centers. However, as time passed, the Giriama people relocated to other areas, leaving behind only the traditional elders in the *Kayas*. Regrettably, the forests have suffered deforestation due to destruction and exploitation by individuals who do not adhere to *Kaya* traditions.
9. Consequently, the community has urged for the forests to be gazetted, enabling the Kenya Forest Service (KFS) to intervene and safeguard these sacred sites. Despite the KFS's willingness to protect the *Kaya* Forests, they lack the necessary legal authority to do so, resulting in ongoing depletion of the forests.

Prayers

10. The Petitioner prayed that the Committee recommends that—
 - (a) The relevant Ministry or State Department identifies *Kaya* Forest areas along the coastal counties of Kwale, Mombasa and Kilifi;
 - (b) *Kaya* Forests be gazetted as forest areas under the Forest Conservation and Management Act, 2016;
 - (c) During gazettelement, management respects the needs of individual *Kayas* and to interrogate the conservation of natural and cultural resources and traditional and non-traditional management practices.

Committee Concerns

11. Regarding concerns about whether **gazetting the Kaya Forest areas as forests would restrict indigenous access to the historical sites**, the Petitioner emphasized the sacred significance of the Kayas. As some individuals relocated and abandoned these sites, the forests were designated as world heritage sites. Efforts to restore artifacts, facilitated by UNESCO and the Ministry, were undertaken in the Kayas, but the absence of protection prompted intervention from the National Museums. Previously, the Kaya elders themselves safeguarded the forests from those who did not share their beliefs and would harm the forests. Consequently, the elders collectively decided to enlist assistance to protect the Kaya Forest, recognizing the urgent need to preserve their traditions against rapid erosion.
12. Regarding the **medicinal properties of trees within the Kayas**, the Petitioner acknowledged that certain trees held sacred status, yet they faced threats from individuals who disregarded their significance.
13. In response to inquiries about the **influence of Christianity on traditional beliefs surrounding the Kaya Forests**, the Petitioner clarified that Christianity and Catholicism generally respected Kaya traditions and refrained from forest destruction or interference with elder graves. However, the degradation of the forests has eroded the cultural and heritage significance of the Kayas, despite the persistence of traditional practices alongside Christianity.

MIN./PPETC/2024/196:

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 12:00 p.m. The next meeting will be held on Tuesday, 30th April 2024 at 1:00 p.m.

Sign: 

(CHAIRPERSON)

Date: 05-06-2024

**REPUBLIC OF KENYA****MINISTRY OF LANDS, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT****MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON VARIOUS PETITIONS****Honorable Chair,**

Pursuant to a letter Ref. NA/DAA&GPC/PPC/2025/037 dated 21st October, 2025, the Committee invited the Cabinet Secretary Ministry of Lands, Public Works, Housing and Urban Development to a meeting to provide information to facilitate consideration of the following petitions:

- i. P/No. 68 of 2023 regarding irregular and double allocation of parcels of land in Chepchoina, (Phase I and II) settlement schemes in Trans Nzoia County;
- ii. P/No. 82 of 2023 regarding the degazettement of Boni-Lungi Forest in Lamu East Constituency;
- iii. P/No. 5 of 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;
- iv. P/No. 8 of 2024 regarding ownership dispute of land parcel L.R No. 209/11970 - Dandora/Mowlem, Area Kangundo Road, Nairobi in Embakasi West Constituency;
- v. P/No. 19 of 2024 regarding settlement of residents of Oljorai Community in Oljorai, Farm in Nakuru County; and
- vi. P/No. 6 of 2025 regarding persistent harassment and unlawful eviction of people living on L.R No. 176/111/MN in Mwendo wa Panya Village, Mtepeni Ward, Kilifi South Constituency.

RESPONSES

1. Public Petition No. 68 of 2023 regarding Irregular and double allocation of parcels of land in Chepchoina, (Phase I and II) settlement Schemes in Trans Nzoia County;

PETITION

The petitioners who are residents of Chepchoina Settlement Schemes in Trans Nzoia County state that they are experiencing inter-personal conflicts occasioned by irregular, illegal, fraudulent, discriminative and double allocation of settlement land allegedly by the Land Officers in Kitale. They claim that they have resided on the land for the last 29 years having been identified as landless and settled by the Government in 1994.

They aver that hundreds of genuine residents who do not have means to defend themselves are evicted from their farms, subjected to physical, emotional and psychological suffering. However, those with illegal, irregular and fraudulent title deeds seek police assistance and protection to evict land owners/families and demolish their homes. They further allege that settlement officers in Kitale, through briberies and fraud have continued to discharge and transfer parcels already developed and settled by genuine land owners. They claim that the officers demand bribes for up to 500,000 from those that request for their parcels to be reverted back.

The petitioners, therefore, pray that the National Assembly through the Public Petitions Committee to:

- i. Recommend for investigations into alleged irregular, illegal and double allocation of settlement land in Chepchoina Phase I and II and fraudulent issuance of title deeds and incessant corruption characterized by demands for huge bribes for government services;
- ii. Recommend that squatters who have settled for more than 29 years in Chepchoina Phase III be given priority during settlement of residents in the area;
- iii. Recommend for investigations into conduct of settlement officers for failing to adhere to the Land Act, Leadership and Integrity Act in the course of their duties while settling residents; and, that appropriate disciplinary action be taken; and
- iv. Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

RESPONSE

Background

Honourable Chair, Chepchoina Settlement Scheme in Endebess Sub-County was acquired by the Settlement Fund Trustees (SFT) from the Agricultural Development Corporation (ADC) in the year 1998/1999 for resettlement of squatters and other landless Kenyans. Implementation of the scheme was done in 3 phases for ease of management.

Chepchoina Phase I – Scheme No. 608

This phase covers approximately 4400 Acres with a total of 665 plots. The plots measured approximately five (5) Acres each. It was originally established in 1994 by the then Provincial Administration who issued letters of offer to beneficiaries. Planning, surveying and demarcation was later done by the Department of Land Adjudication and Settlement, regularizing the previous allottees and issuing letters of offer in 2008/2009.

Chepchoina Phase II Scheme No. 618

The phase was established in 2010. It covers an area of approximately 7300 Acres. After planning and surveying, letters of offer were issued to beneficiaries in 2012. Phases I and II are registered with fully-paid plots being discharged and transferred.

Chepchoina Phase III – Scheme No. 632

This phase was established in 2012 and covers an area of approximately 3000 Acres. The demarcation was completed in 2013. However, due to insecurity in the area, activities in the scheme were suspended since the scheme was invaded by people from outside Trans Nzoia County. The intruders filed Petition No. 2 of 2014 at the Environment and Land Court in Kitale that was determined in favour of Settlement Fund Trustee (SFT) and other defendants in 2020.

Survey work resumed in 2021 and a total of 970 plots measuring between 2.5 to 5 Acres realized. Letters of offer were issued to the beneficiaries. Loan repayment is ongoing with plots being discharged.

Honourable Chair, in response to Question (i), the Ministry is not aware of any irregular, illegal and double allocation of settlement land in Chepchoina Phase I and II or fraudulent issuance of title deeds. All Phases of the scheme were completed successfully and due process followed. The plots were allocated to the beneficiaries through the Sub-County selection committee. The Ministry's Sub County office has no mandate to allocate land in the scheme.

Honourable Chair, in response to Question (ii), Chepchoina Phase III Settlement Scheme was finalized in 2013 when all the squatters were captured during identification and verification of beneficiaries. The county being cosmopolitan, beneficiaries comprised of members from different communities. The claim of excluding people who have settled in the scheme for 29 years is therefore not accurate. However, it is true there have been sporadic inter-community skirmishes in the Scheme mainly caused by invaders from the neighboring county. The Ministry is not aware of any evictions as incidences of evictions are handled by the Ministry of Interior and National Administration.

During the time of insecurity, some allottees fled and left their farms, but with improved security they returned. On return, some allottees found intruders in their farms necessitating intervention by security agencies.

Some of the allottees who benefited from Phase II sold off their plots before accepting the offer or occupying their plots. This was in breach of conditions of allocation. Due to the breach of conditions of allocation, the plots were reallocated to other beneficiaries. The allottees failed to inform the buyers of the non-acceptance of the offer and usually cite double allocation when confronted on the same by the buyers.

Honourable Chair, in response to Question (iii), the Ministry has enhanced collaboration with investigative agencies to ensure prompt responses to any allegations of misconduct of our officers with a view of taking appropriate disciplinary action if need be.

Claims of irregular, illegal and double allocation were filed in court through civil case NO. E/004 of 2024 in the Environment and Land Court at Kitale. The case did not proceed for lack of evidence to confirm the allegations of ownership of land in the scheme. The issue of double allocation does not arise since the plots are only re-allocated when the original allottee fails to accept the offer and take possession of the plot.

Honourable Chair, the Ministry will cooperate with investigative agencies (The Ethics and Anti-Corruption Commission and the Directorate of Criminal Investigations) once they open investigations into the process of land allocation in Chepchoina.

Following complaints received on inability to pay for the land so offered, the Land Settlement Fund Board of Trustees requested the Cabinet to grant a waiver on interest accruing that is in excess of Kshs 5.6 billion in all Settlement Schemes

which was granted and is awaiting Gazettement by the Cabinet Secretary, National Treasury.

2. Public Petition Number 82 of 2023 regarding the degazettement of Boni-Lungi Forest in Lamu East Constituency.

PETITION

The petitioners who are residents of Lamu East Constituency claim that they have inhabited Boni Lungi area, an area measuring approximately 39, 925. 7 hectares. They claim that they are over 480 households of the Aweer Community. They aver that vide a Gazette Notice No. 1447 of 2016 published on 4th March 2016, the Cabinet Secretary for Environment and Natural Resources and Regional Development Authorities declared Boni-Lunga as a State Forest. The petitioners claim the gazettement was done without public participation and was in breach of the provisions of Article 69 (1)(d) of the Constitution.

They further claim that the land in question is actually Community land and that they have been farming and depending on resources such as natural fruits, honey, plants for traditional medicine and building materials. They added that efforts to solve the issue and attain a workable solution to this concern have proven futile.

The petitioners therefore pray that the National Assembly through the public petitions Committee:

- i. Investigates the matter and compels the Ministry of Environment, Climate Change and Forestry to degazette Boni Lungi as a state forest.
- ii. Recommend that the Cabinet Secretary for Lands, Public Works, Housing and Urban Development in consultation with the County Government of Lamu to facilitate the registration of Boni Lungi as a Community land pursuant to Article 63(5) of the Constitution and other applicable laws; and;
- iii. Makes any other order and/or direction that it deems fit in the circumstances of the matter.

RESPONSE

Honourable Chair, Boni-Lungi Forest was gazetted as a forest by the Ministry of Environment, Climate Change and Forestry vide legal notice number 261 dated 3rd November 2016 and a boundary plan number 175/433 was prepared by Director of Surveys declaring it as a public forest. It is only the Ministry of Environment which can advise if the de-gazettement can be done to enable the process of conversion of the forest to community land for purposes of settlement of the people residing in it. **Annexure 1** is a copy of legal notice no. 261 and boundary plan no. 175/433.

3. Public Petition Number. 5 of 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.

PETITION

The petitioners claim that Kapkakaran Farm LR. No 5423/2 and LR. 6053 located in Nandi County was part of parcels of land expropriated by the White Colonial Settlers in the early 1940s. Following negotiations with the community and the local leadership, Kakuzi Limited, who were the last owners of the farms, willingly, gave back parts of Blocks of the land to the community for establishment of public institutions and settlement of squatters.

They state that, among the Blocks of land donated by Kakuzi Ltd, to the community was Septon, Title No. 5423/2 measuring 433.02 Hectares. In particular, 242 Acres (96.44 Ha.) was to be used for the establishment of Kapkakaran Technical (Secondary) School and Block (Septon Syndicate) of Title No. 6053 measuring 440 Acres earmarked for the settlement of squatters;

They further claim that between April to August 1985, Hime & Zimmerline Licensed Surveyors began the initial discussion on how the matter of expunging the land Title No. 5423/2 from the bigger Block. On January 26, 1993, Kaplan and Stratton law firm did a letter that enclosed the schedule of shareholders of both Siret Tea Co. Ltd and Kakuzi Ltd as the transfer was first to move both lands (LR. 5423/2 and LR. 6053) from Siret Tea Co Ltd to the parent holding company, Kakuzi Ltd and consequently to the squatters legally registered firm.

The petitioners state that on March 24, 1993, Kakuzi Ltd did a letter to the community through the Chairman of Kapkakaran Farmers' Co-operative Society Ltd, in response to a letter the community had done on March 5, 1993 and confirming that the company was still committed to donating LR No.6053 in addition to LR No. 5423/2 to the community for construction of the said Technical Secondary School.

They aver that on 2nd June, 1993, Mr. P. N Mogire on behalf of the Commissioner of Lands gave a final sub-divisional approval of LR No.5423/2 (433.02 Ha.) and excised 96.88 Hectares placing the new title number of the block for the community as LR No. 5423/4. On 2nd July, 1993, a Gazette Legal Notice No. 173 was published where Siret Tea Company Ltd transferred LR No.5423/2,1070 Acres and LR No. 6053 of 440 Acres among others.

On 24th June, 1994, Block LR No. 5423/2 was transferred from Siret Tea Company Ltd to Kakuzi Ltd, and the same day the same parcel of land was allegedly transferred illegally from Kakuzi Ltd to a private developer by the name Tinderet Development Trust Company. They claim that Tinderet Development Trust Company Ltd is a non-existent company as per the response letter from the Registrar of Companies dated 6th August, 2015 which then makes the transfer of the community land to a fantom company null and void.

They add that Kakuzi Ltd is yet to declare the status of LR No. 6053 which they had expressly intended as a company to unequivocally transfer to the community vide letter dated 24th March, 1993.

The Petitioners lands, public works and urban development and the National Land Commission (NLC) pray that the National Assembly through the Public Petitions Committee should:

- i. Engage the Ministry of Lands, Public Works, Housing and Urban Development and other relevant authorities with a view to Investigating into the alleged irregular and illegal acquisition of Kapkaron Farm LR.No. 5423/2 and LR. 6053 by Tinderet Development Trust Company;
- ii. Propose that the matter of resettlement of squatters who have occupied the Kapkaron Farm LR. No 5423/2 and LR. 6053 land for the last 50 years be given priority during settlement of residents in the area;
- iii. Recommend investigations into the conduct of officers responsible for the settlement of the squatters for failing to adhere to land laws in the course of their duties while settling residents; and, that appropriate disciplinary action be taken; and,
- iv. Make any other recommendation or action it deems fit in addressing the plight of the Petitioners.

RESPONSE

Honourable Chair, Certificate of title LR. NO. 6053 (IR. NO. 2507) was initially registered in favour of Walter Scott Wilson and Vicomte Jacques De Sibour as tenants in common in equal shares on 17th October, 1928. The land is situated in South East of Kapsabet Nandi District of the then Nyanza province. It measures approximately 440 Acres with the dimensions abuttals and boundaries thereof delineated on survey plan number 26317 for an annual rent of Kshs. 88/= (revisable).

A number of transactions have been registered against the title since as indicated in the copy of title attached herein. **Annexure 2** is a copy of the title. The land was

charged to Land and Agriculture Bank of Kenya on 18th March, 1932 and a further charge in favour of the same financial institution was registered on 15th August, 1933. The property was however, discharged on 12th March, 1943. On May 29, 1941 a short-term lease for five years was registered in favour of Seplon Syndicate Limited and it was consequently surrendered on 8th July, 1942.

Honourable Chair, the land was transferred to George Edward Cunynghame Robertson and Struan James Conynghame Robertson for a consideration of Kshs. 52,800/=. **Annexure 3** is a copy of the transfer document. A charge in favour of the new proprietor was registered on the same day. On 8th June, 1948 the property was transferred to Siret Tea Company Limited for a consideration of Kshs. 246,000/=. **Annexure 4** is a copy of the transfer instrument. Consequently, the property was charged severally in favour of different financial institutions and on 23rd June, 1994 the property was discharged and was freed from all encumbrances. On the same date it was transferred to Kakuzi Limited for a consideration of Kshs. 4,050,390/= (together with other lands). **Annexure 5** is a copy of the search.

Honourable Chair, LR. NO. 5423 (Original No. 1375/1) was initially registered in favour of Thomas Arthur Kershaw Turton for an annual rent of Kshs 286/10. The land measures approximately 1420.5 Acres and is situated in S.E of Kapsabet in Nandi District. On 24th February, 1948 this parcel was subdivided and transferred to Siret Tea Company Limited LR. NO. 5423/2 measuring approximately 1070 Acres for an annual rent of Kshs. 241/=. Lr. No. 5423/2 was thereafter transferred to Kakuzi Limited for a consideration of Kshs. 4,050,390/= on 24th June, 1994. **Annexure 6** is a copy of the search.

Honourable Chair, on 15th December, 1995 Kakuzi limited excised approximately 239.29 Acres from LR NO. 5423/2 and transferred the same to Tinderet Development Trust Company Limited as LR. NO. 5423/4 (IR. NO. 68679) for an annual rent of Kshs. 59,330/= (revisable).

Honourable Chair, according to our records both parcels are still private land registered in favour of Kakuzi limited and are therefore not available for adjudication and settlement programmes until they are surrendered to the Government.

- 4. Public petition No. 08 of 2024 regarding ownership dispute of land parcel L.R No. 209/11970 - Dandora/ Mowlem, Area Kangundo Road, Nairobi in Embakasi West Constituency;**

PETITION

The petitioners state that their families have been residing in Dandora/Mowlem, Area, Kangundo Road, Nairobi in Embakasi West Constituency in Land Parcel L.R. No. 209/11970 since the year 2000. They state that initial survey details had indications that the same was designated as Public Land hence lacking a title till one was allegedly processed and issued on 15th October, 2010. The members who initially were 74 are now a large and enterprising Community of over 260 residents. The Members have constructed permanent houses and shopping centers on the land parcel including social amenities, including schools, with electricity and water connectivity.

They state that the subject land is now being claimed by a Mr. Charles Munene Gatimu and a Ms. Catherine Karegi Kamanja who proceeded to secure a Grant on 15th October, 2010. They aver that the Department of Lands in Nairobi issued out two Letters of Allotment: one to Charles Arap Sigei, Charles Menene Gatimu, and Catherine Kamanja and another to Amani self-help Group.

The petitioners state that on 4th February, 2009 Mr. Charles Munene Gatimu swore an Affidavit accompanied with a letter to the Director of Surveys claiming that he had lost the Deed Plan No. 176452 for land Parcel L.R.No.209/11970. In response to the said letter, a Licensed Surveyor Mrs. Rukuku Omalla requested the Director of Surveys to issue a certified copy of the said Deed Plan and release the same to Arch Surveys vide a letter dated 12th January, 2009. Efforts by Amani Self-Help Group to access the Correspondence File (CF) from either the Chief Land Registrar or the Director Land Administration has been futile.

They claim that the initial land parcels surrounding the subject Grant L.R. No.209/9611 have registration numbers with Four digits while L.R. No.209/11970 has Five Digits a confirmation that the said title/Grant could have been superimposed in the area to secure a title which has got no records.

The petitioners state that it is incumbent upon the Lands Ministry Officials to table clarification as to whether due process was followed in the processing of the Grant for L.R. No. 209/11970. The Cabinet Secretary to make available the letter of application for allocation of the land by Charles Arap Sigei, Charles Munene Gatimu, and Catherine Kamanja, the respective approvals and any premium payment made. They further claim that efforts to resolve the matter with the Ministry and other relevant agencies have been futile and the issues in respect of which this Petition is made are not pending before any Court of Law, Constitutional or Statutory body.

The petitioners, therefore, pray that the National Assembly through the Public Petitions Committee;

- i. Intervenes to have the Government through the Ministry of Lands and Physical Planning to avail or table all legal documents since the invaders/

private developers Mr. Charles Munene Gatimu and Ms. Catherine C. Kamanja want to evict them from the said land parcel and yet they are not the rightful owners of the subject land.

- ii. Makes any other order or direction that it deems fit in the circumstances of this matter.
- iii. That the purported title for LR. No. 209/11970 held by the private developers issued under Lands Office, Nairobi, Grant No. 132396 be cancelled forthwith.

RESPONSE

Honourable Chair, L.R. NO. 209/11970 measuring approximately 0.5235 Hectares situated in Dandora/ Mowlem area in Nairobi City County was allocated as Un-surveyed Industrial Plot 'B' to Charles Arap Sigei, Charles Munene Gatimu and Karegi Catherine Kamanja vide a letter of allotment Ref. 98486/ XII dated 20th July, 1993. The allocation was on a 99-year lease term with effect from August 1, 1993. A copy of the letter of allotment is marked **annexure 7**.

The offer was accepted and payment of the statutory fees was done in 1996. On 26th January, 1998, Charles Arap Sigei on behalf of the others applied for consent to transfer the plot citing lack of sufficient funds to develop it. The plot was transferred to John Mark Omollo Ageng on 4th August, 1998. A copy of the informal form of transfer is marked **annexure 8**. Charles Arap Sigei later requested for cancellation of this transfer vide a letter dated 16th March, 2000 citing non-payment by John Mark Omollo Ageng. **Annexure 9** is a copy of the said letter and other documents relating to the cancellation. John Mark Omollo Ageng also acknowledged the cancellation vide an affidavit dated 26th April, 2001 marked **annexure 10**. On 24th March, 2000, Charles Arap Sigei transferred his interest in the plot to Charles Munene Gatimu. A copy of the informal form of transfer is marked **annexure 11**.

John Mark Omollo Ageng later contested the cancellation of the transfer and moved to the High Court at Nairobi in Civil Suit No. 1269 of 2001. The suit at the High Court was dismissed as per the copy of the decree marked **annexure 12**.

A title document was prepared in favour of Charles Munene Gatimu (2/3 share) and Karegi Catherine Kamanja (1/3 share) and registered as IR No. 132396 on 24th August, 2011 as evidenced by a copy of the Memorandum of Registration of Transfer of Lands marked **annexure 13**.

The property is currently the subject of an ownership dispute between Charles Munene Gatimu & Catherine Kamanja (Plaintiffs) and Ernest Omwenga and others (Defendants) in ELC Case No. 288 of 2013. It is also the subject of Petition No. 9 of 2024 at the National Land Commission.

Honourable Chair, the Ministry is awaiting the outcome of the Court case and determination of the matter by the NLC.

5. Public Petition Number 19 of 2024 regarding Settlement of residents of Oljorai Community in Oljorai Farm in Nakuru County.

PETITION

The Petitioners stated that Oljorai Farm, previously an Agricultural Development Corporation (ADC) farm, is located in Nakuru County, Gilgil Sub- County, and spans 28,000 Acres, divided equally in 1990 into Phase I and Phase II, with Phase I allocated to the Maasai and other minority communities. Their families have resided on the Oljorai land for nearly 40 years, during which time they have established permanent and semi-permanent structures, schools, markets, and other social amenities, contributing to the development of the area;

They further state that in 1997, the ADC allegedly sold 8,000 Acres of the 14,000 Acres (Phase I) to Solai Ruyobei Farm Limited, creating tension and protests among the residents, who had been promised settlement and title deeds by the government. Several high-level meetings have been held since 2014 involving the Office of the President, the National Land Commission (NLC), the Ministry of Lands, the Nakuru County Government, and community representatives to resolve the dispute, but no resolution has been implemented to date

They state that in 2016, the Government Directed the NLC to finalize the settlement and issuance of title deeds to the Oljorai Farm residents within two months, yet no action has been taken. The failure to resolve the dispute has left the residents vulnerable to potential displacement, exacerbating historical land injustices and undermining the residents' social and economic stability; and the matter presented in this petition is not pending before any tribunal, court of law, or any constitutional or legal body.

The Petitioners, therefore, pray that the National Assembly through the Public Petitions Committee-

- i. Engages the Ministry of Lands and Physical Planning, Public Works, Housing, and Urban Development; and, other relevant authorities with a view to investigating and ensuring that agreements reached in prior meetings between the Government and the residents is adhered to;
- ii. Ensure that the residents of Oljorai Farm in Nakuru County are issued with title deeds and permanently settled on the land they have resided in for the last 33 years; and,
- iii. Make any other necessary recommendation the Committee deems fit to address the issues raised in this Petition

RESPONSE

Honourable Chair, Agricultural Development Corporation (ADC) farm owned a total of 14,000 Acres in Nakuru. In 1994, through a presidential directive, 6000 Acres were awarded to the Land Settlement Fund Board (LSF) to settle residents of Oljorai Community. The remaining 8,000 Acres were sold to Solai Ruyobei Farm Limited in 1997.

The Ministry through the Land Adjudication & Settlement department created two settlement schemes (Oljorai Settlement Scheme Phase I & II) totaling 6,000 acres. The schemes were registered and title deeds issued to the beneficiaries of the schemes.

Honourable Chair, Solai Ruyobei Farm Limited is a private farm that our department has no authority to enter and carry out any allocation. The Ministry's role in this farm was to only register all the squatters living therein. The Ministry registered total of 1460 families as squatters in this farm of whom only 540 benefited from being allocated land in the vacant plots in the settlement schemes (Oljorai Settlement Scheme Phase I & II). The remaining 920 families remained in the Solai Ruyobei Farm Limited, a private owned farm, as squatters.

Honourable Chair, the Ministry is recommending that with additional funding alternative land can be purchased to settle the genuine squatters on the Solai Ruyobei Farm.

6. Public Petition Number 6 Of 2025 regarding persistent harassment and unlawful eviction of people living on L.R No. 176/111/MN in Mwendo wa Panya village, Mtepeni ward, Kilifi South Constituency.

PETITION

Mwendo wa Panya village is a pre-colonial village established on or about 1908 by one Athman Suleiman and developed to an acclaimed safe haven where many locals who escaped from slave merchants would get safely. The land measures approximately 23.75 Acres and registered as LR. NO 176/111/MN with a population of over 1000 people. The residents have been leaving in the village for over 100 years and have a community cemetery where they have been burying their departed ancestors. In addition to that the village has a wide range of public

facilities such as hospitals, schools and shopping centres and even farmlands on which residents practice subsistence farming as well as commercial cash crop farming of coconuts, cashew nuts and oranges. For many years efforts by residents to regularize ownership of the land for them to have security of tenure and realise full economic potential of their land have been unsuccessful.

On 19th November, 2018 three persons namely, Mark Mwaura Mwangi, Charles K. Wanguhu and John Waweru went to the plot with hired people, harassed the residents and demolished structures on the land leaving the residents homeless. In 2021 the land was registered in the names of the three aforementioned persons. Efforts by residents to seek assistance from the relevant government agencies including the Ministry of lands, public works and urban development and the National Land Commission (NLC) to address the matter has been unsuccessful.

The petitioners pray that the National Assembly through the Public Petitions Committee.

- i. Inquires into the circumstances that led to the registration of parcel of land LR. NO. 176/111/MN in the name of the three persons without consent by the residents
- ii. Recommend that the Ministry lands, public works and urban development and the National Land Commission (NLC) and other relevant government agencies settle the residents by facilitating the sub-division of LR.NO. 176/111/MN and issuance of certificate of title to residents of Mwendo wa Panya
- iii. Make any other recommendation(s) it deems fit to secure the petitioners rights.

RESPONSE

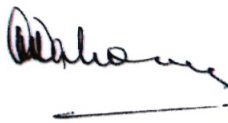
Honourable Chair, according to our records, LR. NO. 176/III/MN measuring approximately 23.75 Hectares is registered as CR. 4178/16 in favour of Charles K. Wanguhu and Peter J. Mwangi having purchased it from Yusufali Adamali Dar, Alibhai Adamali Dar and Himatlal Nanchand Shavadia in 1977. The property is held on freehold basis. **Annexure 14** is a copy of the Memorandum of Registration of Transfer of Lands.

The then Kenya Tourist Development Foundation had requested for valuation of the property with an intention to purchase vide a letter Ref. TDC/2/3/3/Vol. II dated 3rd October, 1972 marked **annexure 15**. Valuation was done by the then Commissioner of Lands at Kshs. 248,000. **Annexure 16** is a copy of the letter Ref. 78824 dated 18th January 1973 by the Commissioner of Lands communicating the value. The matter, however, did not proceed further.

Honourable Chair, in response to question (i), LR. NO. 176/III/MN was transferred from Yusufali Adamali Dar, Alibhai Adamali Dar and Himatlal Nanchand Shavadia to Charles K. Wanguhu and Peter J. Mwangi after purchasing it for a consideration of Kshs. 165,000 in 1977.

In response to questions (ii) and (iii) the property is private land held on freehold basis and therefore the way forward is to acquire the same through the Land Settlement Fund Board of Trustees and regularize the settlement. The matter will be tabled for consideration subject to availability of funds.

Honourable Chair, I submit.



Hon. Alice Wahome, EGH
CABINET SECRETARY

10th November, 2025

PANDANZUO

ANNEXURE 3(7)

SPECIAL ISSUE

2291

Kenya Gazette Supplement No. 166

3rd November, 2017

(Legislative Supplement No. 80)

LEGAL NOTICE No. 261

THE FOREST CONSERVATION AND MANAGEMENT ACT

(No. 34 of 2016)

DECLARATION OF PUBLIC FOREST

BONI-LUNGI FOREST

IN EXERCISE of the powers conferred by section 31(2) of the Forest Conservation and Management Act, the Cabinet Secretary for Environment and Natural Resources declares the area described in the Schedule hereto to be a public forest.

SCHEDULE

An area of land approximately 39,925.7 hectares, situated approximately thirty kilometres north of Lamu Township, Lamu County, Coast Province, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/433, which is signed and sealed with a seal of Survey of Kenya, and deposited at the Survey Records Office, Survey of Kenya, Nairobi and a copy of which may be inspected at the office of the Ecosystem Conservator Lamu and Kenya Forest Service Headquarters, Nairobi.

Dated the 27th October, 2017.

JUDI W. WAKHUNGU,

Cabinet Secretary for

Environment and Natural Resources.

LEGAL NOTICE No. 262

THE FOREST CONSERVATION AND MANAGEMENT ACT

(No. 34 of 2016)

DECLARATION OF PUBLIC FOREST

BONI-IJARA FOREST

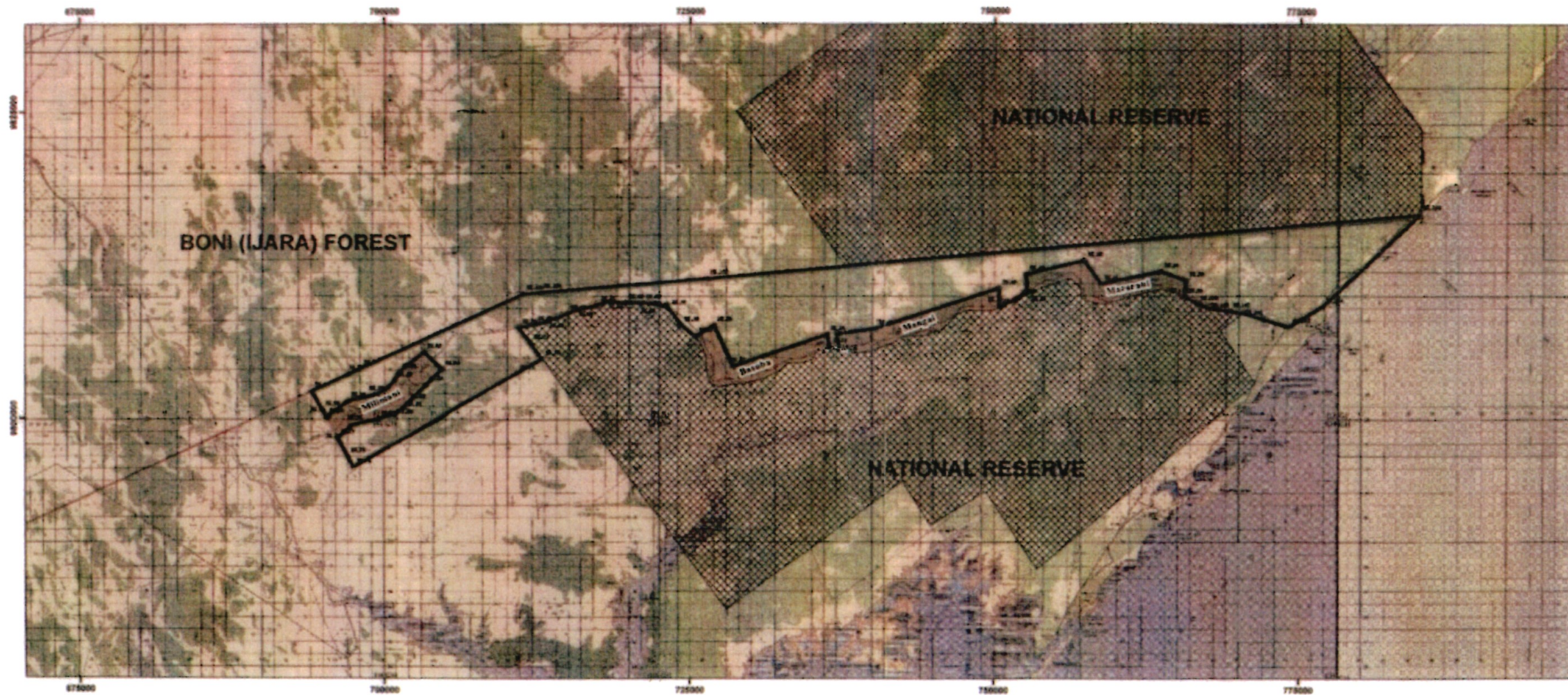
IN EXERCISE of the powers conferred by section 31(2) of the Forest Conservation and Management Act, the Cabinet Secretary for Environment and Natural Resources declares the area described in the Schedule hereto to be a public forest.

SCHEDULE

An area of land approximately 451,430.7 hectares, situated approximately thirty-five kilometres north of Lamu Township, Garissa County, Coast Province, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/434, which is

BONI - LUNGI FOREST

SCALE 1:250,000
 AREA = 39,925.7 Ha. (Approx)



NOTE: Grid Value in UTM

NAME BONI / LUNGI FOREST

B.P NO 175/433

Topo / RIM 169, 170, 170A

FILE FOR/7/139/2

LOCALITY NORTH OF LAMU TOWN

DISTRICT IJARA

B.P PREPARED BY EVANS KEGODE (KFS) Date 04-11-2014

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

B.P CHARTED BY _____ Date _____



Sign <u>[Signature]</u> Date <u>04-11-2014</u>	OFFICER AND OFFICE
For Director, Kenya Forest Service	REQUESTING B.P
Sign <u>[Signature]</u>	FOR DIRECTOR OF SURVEYS
Date <u>17-11-2014</u>	

BOUNDARY PLAN NO. 175/ 433

ANNEX ⑦

ANNEXURE 2



20/

Stamp Duty _____
 Registration Fees _____ *20/*
 _____ *20/*

COLONY OF KENYA.
 REGISTRY OF TITLES.

NAIROBI (NIAIAND DISTRICT)

Certificate of Title.

Title No. *LR 257*
 Annual Rent Shs. *58/-*.
 Survey Fees Shs. *96/00*.

WALTER SCOTT WILSON of _____ in the
 Colony of Kenya pursuant to a transfer dated the _____
 day of _____ One thousand nine hundred and twenty-eight _____
 registered at the Registry of Titles at Nairobi at Number L.R. *857/1* _____
 as tenants in common in equal shares _____
 the proprietors as lessors to the Crown for the term expiring on the _____
 day of _____ Two thousand nine hundred and eighteen _____
 of All That piece of land containing by
 admeasurement four hundred and forty _____
 _____ Reference
 (Original Number 3404/1) _____
 _____ being portion of the premises comprised in a Grant dated the
 Third _____ day of July 1924 _____ and registered
 as Title Number L.R. 857 in favour of Douglas Claude Venning _____
 and situate to S.E. of Kapsabet _____ in the Nandi _____
 District of the _____ Province of the said Colony which
 said piece of land with the dimensions abutments and boundaries thereof is delineated on
 the plan annexed to the said transfer and more particularly on Plan Number 26317 _____
 deposited in the Land Surveys Office at Nairobi subject to the provisions of the
 Crown Lands Ordinance Chapter 149 of the Revised Edition of the Laws of Kenya and
 subject to such special conditions as are contained in the said Grant and to such

37
37
37

encumbrances as are notified by memorandum written hereon and subject also to the payment of the annual rent of Shillings ~~Eighty-eight~~ -----

----- and to the payment of Shs. Ninety-six and -
Cents ~~Eighty-eight~~ ----- being the proportionate amount of the Survey fee due on the original survey of the said land.

In Witness whereof I have hereunto signed my name and affixed my seal this ~~Fifteenth~~ ----- day of October ----- One thousand nine hundred and ~~twenty-eight~~.

MEMORANDUM OF ENCUMBRANCES.

N I L.

~~_____~~
~~_____~~
~~_____~~
~~_____~~

G. Robbins
Registrar of Titles.

Registered at the Registry of Titles at Nairobi this *Seventeenth*
day of *October* 1928. Time *10.25 A. m.*
No. *IR 257/1*
Presentation No. *1252/28*

G. Robbins
Registrar of Titles.

10/2504/207

£53
R.K.I
21
600



TRANSFER.

REGISTER OF TITLES NO. I.R. 2507.

13/11/10
12/11/10
11/10
2507/1

WALTER SCOTT MACLELLAN WILSON of Songhor in the Colony of Kenya Settler at present on active service with His Majesty's Forces in East Africa and VICOMTE JACQUES DE SIBOUR formerly residing at Songhor aforesaid but now on active service with His Majesty's Forces being registered as the proprietors (Subject however to such charges and encumbrances as are notified by memorandum written hereon and to the annual rent of Shillings Eighty-eight revisable as provided by the undermentioned Grant) of ALL THAT piece of land containing Four hundred and forty acres or thereabouts situate south east of Kapsabet in the Nandi District of the said Colony known as Land Reference Number 6053 (original Number 5424/1) held for a term of Nine hundred and ninety-nine years from the First day of October One thousand nine hundred and nineteen under a Certificate of Title dated the Fifteenth day of October One thousand nine hundred and twenty-eight (registered as Title No. I.R. 2507) issued pursuant to a Transfer registered at the Registry of Titles as No. 857/6 being portion of the premises comprised in a Grant dated the Third day of July One thousand nine hundred and twenty-four registered as Title Number I.R. 857 and which said piece of land is more particularly delineated and described on plan Number 26317 deposited in the Land Surveys Office at Nairobi. IN CONSIDERATION of the sum of Shillings Fifty-two thousand eight hundred to the Vendors now paid by GEORGE EDWARD CUNYNGHAME ROBERTSON and STRUAN JAMES CONYNGHAME ROBERTSON both of Kisumu in the said Colony (the receipt of which sum is hereby acknowledged) DO HEREBY TRANSFER to the said GEORGE EDWARD CUNYNGHAME ROBERTSON and STRUAN JAMES CONYNGHAME ROBERTSON ALL the right title and interest of them the said Walter Scott MacLellan Wilson and Vicomte Jacques de Sibour and each of them of and in the said piece of land IN WITNESS whereof the said Walter Scott MacLellan Wilson and Vicomte Jacques de Sibour have hereunto set their hands this Twenty seventh day of February One thousand nine hundred and forty-three.

SIGNED by the said Walter Scott MacLellan Wilson in the presence of:-

W. S. MacLellan Wilson
at Nairobi



10/2504/21

SIGNED by the said Viconte Jacques de Sibour by his Attorney Walter Scott MacLellan Wilson in the presence of:-

W. Scott MacLellan Wilson

Jacques de Sibour
By his Attorneys
Walter Scott MacLellan Wilson
W. Scott MacLellan Wilson

MEMORANDUM OF CHARGES.

N I L.



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LAND TITLES REGISTRY — COLONY OF KENYA

REGISTERED NO. L.R. 2507/2

Plotted 12-9-1943

Time 11:10 a.m.

[Signature]
REGISTRAR OF TITLES

Stamp Duty ... Shs. 1060/-

Its. Counterpart Shs. -

Penalty Copy Shs. 2/-

Registration Fee ... Shs. 20/-

Shs. 1082/-

10/2507/22L

P 2507



2533

C.B. III
N

COLONY OF KENYA
REGISTRY OF TITLES
(INLAND DISTRICT)
TITLE NO. I.R. 2507
Annual Rent Shillings 88

LAND CONTROL ORDINANCE, 1941
Consent is hereby given to this transaction.
Date: 16.10.58
Chairman,
Land Control Board

CROWN LANDS ORDINANCE (Cap. 140)
Sec. 70A.
Under powers delegated to me from the Governor, consent is hereby given to this transaction.
Date: 16.10.58
Commissioner of Lands

WE, GEORGE EDWARD CUNYNGHAME ROBERTSON and SIRHAN JAMES CUNYNGHAME ROBERTSON both of Nandi in the Colony of Kenya Farmers being registered as proprietors as lessees from the Crown for the term expiring on the first day of October two thousand nine hundred and eighteen (subject to such charges leases and encumbrances as are notified by Memorandum written hereon and to the annual rent of Shillings eighty eight) of ALL THAT piece of land containing by admeasurement four hundred and forty acres more or less situate to South East of Kapsabet in the Nandi District of the Nyanza Province of the Colony of Kenya known as Land Office Reference Number 6053 (Original Number 5424/1) being the premises comprised in a Certificate of Title dated the fifteenth day of October One thousand nine hundred and twenty eight (registered in the Registry of Titles at Nairobi as Number I.R. 2507/1) which said piece of land with the dimensions abutments and boundaries thereof is delineated on the plan annexed to a Transfer dated the third day of September One thousand nine hundred and twenty eight (registered in the Registry of Titles at Nairobi as Number I.R. 857/6) and more particularly on Plan Number 26317 deposited in the Land Surveys Office at Nairobi IN CONSIDERATION of the sum of Shillings two hundred and forty six thousand paid to us by SIRET TEA COMPANY LIMITED a Limited Liability Company having its registered office at Nairobi in the said Colony (the receipt whereof we and each of us do hereby acknowledge) DO HEREBY TRANSFER unto the said Siret Tea Company Limited ALL our right title and interest in and to the said piece of land and in and to the buildings and improvements erected and being thereon. IN WITNESS whereof we have hereunto set our hands the



Fourth day of June

One thousand nine hundred and forty

eight.

SIGNED by the said George
Edward Cunynghame Robertson in
the presence of :-

G. E. Robertson

G. J. Maitai
Mafihaki

SIGNED by the said Struan
James Cunynghame Robertson in
the presence of :-

J. K. Robertson

B. J. Maitai
Advocate Nausa

MEMORANDUM OF CHARGES LEASES & ENCUMBRANCES

N I L



LAND TITLES REGISTRY—COLONY OF KENYA
INLAND DISTRICT, NAIROBI—REGISTERED No. L.R. 2507/15

Presented 8/6/1948

Time 4:00 p.m.

[Signature]
Registrar of Titles

12/2507/382

Stamp Duty	Sh. <u>4920/-</u>
do. Counterpart	Sh. _____
Penalty	Sh. _____
Registration Fee	Sh. <u>20/-</u>
Copying Fees	Sh. <u>2/-</u>
	Sb. <u>4942/-</u>

Search



Stamp Duty	
Registration Fees	20
	<u>20</u>

COLONY OF KENYA.
 REGISTRY OF TITLES.

DI. 50/202 (Mombasa District)

Certificate of Title.

Title No. IR 2507

Annual Rent Shs. 86/-.

Survey Fees Shs. 86/83.

97
97
97

WALTER SCOTT WILSON of S. 10, Ng'ara Road in the Colony of Kenya pursuant to a transfer dated the Third day of September One thousand nine hundred and twenty-eight registered at the Registry of Titles at Nairobi at Number I.R. 2507/6 are as tenants in common in equal shares the proprietors as lessees from the Crown for the term expiring on the First day of October Two thousand nine hundred and eighteen of All That piece of land containing by admeasurement Four hundred and forty acres more or less known as Land Office Number (Original Number 2424/1) being portion of the premises comprised in a Grant dated the Third day of July 1924 and registered as Title Number I.R. 857 in favour of Douglas Claude Venning and situate to S.E. of Kapsohet in the Mandi District of the Nyanza Province of the said Colony which said piece of land with the dimensions abutals and boundaries thereof is delineated on the plan annexed to the said transfer and more particularly on Plan Number 26317 deposited in the Land Surveys Office at Nairobi subject to the provisions of the Crown Lands Ordinance Chapter 130 of the Revised Edition of the Laws of Kenya and subject to such special conditions as are contained in the said Grant and to such

encumbrances as are notified by memorandum written hereon and subject also to the payment of the annual rent of Shillings **Eighty-eight** -----

----- and to the payment of Shs. Ninety-six and Cents Eighty-eight ----- being the proportionate amount of the Survey fees due on the original survey of the said land.

In Witness whereof I have hereunto signed my name and affixed my seal this Fifteenth ----- day of October ----- One thousand nine hundred and twenty-eight.

MEMORANDUM OF ENCUMBRANCES.

N I L.

~~REPLACED WITH ORIGINAL~~
~~copy~~
~~of~~

G. Robbins
Registrar of Titles.

Registered at the Registry of Titles at Nairobi this *Seventeenth*
day of *October* 19*28*. Time *10.25 A. m.*
No. *IR 257/1*
Presentation No. *1252/28.*

G. Robbins
Registrar of Titles.

1R/507/3

2

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

No 1 R/507/2 17th March 1932
Charge to Land & Agricultural Bank of Kenya

DATE OF REGISTRATION 15th March 1932
THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

No 1 R/507/3 Date of Registration 16th March 1932
Charge to Land & Agricultural Bank of Kenya subject to Charge No. 1 R/507/2

Nairobi, 15th Day of March 1932
REGISTRAR OF TITLES

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
Lease to Septon Syndicate Limited
Term 5 years from 1st May 1940

Annual rent sh. 2,000 per annum for the first year and sh. 2,500 per annum for the second year and thereafter to be fixed by the Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
Assignment of Lease No. 1 R/507/2

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
Discharge of Charge No. 1 R/507/2

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
Discharge of Charge No. 1 R/507/2

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
Discharge of Charge No. 1 R/507/2

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
*transfers to George Edward Cunningham Robertson
and Ethuan James Cunningham Robertson*

Registration No. *670* Date of Registration *2. 3. 43* REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
Charge in favour of
Bank of Kenya

Registration No. *671* Date of Registration *2. 3. 43* REGISTRAR OF TITLES

Form L. O. No. *5305.*
District *Nandi.*
Province *Kenya.*
Term Expiring *1. 10. 2918.*

CERTIFICATE OF TITLE.
TO
WALTER SCOTT WILSON
VICOMTE CAJUBS DE SIJOUR.

DATED THE *5th* DAY OF *October* 19 *48.*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
*Transfers of charge with *W. Macdonald*
Wilson and Leonard de la Cour
*subject to *reg above.***

Registration No. *677* Date of Registration *15. 3. 43* REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
*None of discharge
of No. 10 above.*

Registration No. *1578* Date of Registration *20. 4. 44* REGISTRAR OF TITLES

12

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Notice of Intention, as well
in the Land and Agricultural Bank
Registration No. 1103/11 Date of Registration 11/11/58

13

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Constitution of Mortgage No. 12 above
Registration No. 4331 Date of Registration 8/1/58 Registrar of Titles

14

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Discharge of Charge No. 9 above
Registration No. 2032 Date of Registration 8/1/58 Registrar of Titles

15

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Transfer to said New Company Limited
Registration No. 4332 Date of Registration 1/1/58 Registrar of Titles

16

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Charge to the National Bank of India Finance
and Development Corporation Limited
Land above
Registration No. 374 Date of Registration 17/1/58 Registrar of Titles

17

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Discharge of No. 16 above
(with other lands)
Registration No. 616 Date of Registration 19.7.61 Registrar of Titles

18

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Discharge of No. 16 above
(with other lands)
Registration No. 1103 Date of Registration 11/11/58
Registrar of Titles

Memorandum of Charge with Kenya Commercial Bank Limited

20

Registration No. 609... Date of Registration 8-7-1972 Registrar of Titles

Memorandum of discharge of charge No. 20 above

878

28-6-1979

Charge to Kenya Commercial Bank Limited for Kshs. 400,000/- Subject to no. 19 above

882

28-6-1979

Transfer of Charge of No. 22 above to Commercial Bank of Africa Limited

Registration No. 750 Date of Registration 22-7-82

Further Charge to Commercial Bank of Africa Limited for Kshs. 4,624/- Subject to No. 19 above

Registration No. 751 Date of Registration 22-9-82

Discharge of charge No. 22, 23 and 24 above

Registration No. 1224 Date of Registration 23-6-94

Transfer to Rakuzi Limited for Kshs. 4,050,390/-

1225

23-6-94

I hereby certify this to be a true copy of the Original

Stamp duty shs.

Copying A/c. shs.

Date 10-11-2025

REGISTRAR OF TITLES S.M. Maghanga 416

ATTACHURE 4

1
34

DEPARTMENT OF LANDS
DOCUMENT 5-11-70

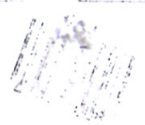
COLONY OF KENYA.
REGISTRY OF TITLES.

15 NOV 2012

(INLAND DISTRICT)
Certificate of Title.

Title No. 111/2
Annual Rent Shs. ...
Survey Fees Shs. ...

... of ... in the
Colony of Kenya pursuant to a transfer dated the ...
day of ... One thousand nine hundred and twenty-
five registered at the Registry of Titles at Nairobi as Number I.R. ...
is now the proprietor as lessee from the Crown for the term expiring on the
day of ...
of **All That** piece of land containing by
measurement ...
acres more or less known as Land Office Number ...
being portion of the premises comprised in a Grant dated the
day of ... and registered as Title Number ...
in favour of ...
and situate ... in the
District of the ... Province of the said Colony which
said piece of land with the dimensions abutments and boundaries thereof is
delimited on the plan annexed to the said transfer and more particularly on
Plan Number ... deposited in the Land Surveys Office at Nairobi subject
to the provisions of the Crown Lands Ordinance One thousand nine hundred
and fifteen and subject to such special conditions as are contained in the said
Grant and to such encumbrances as are notified by memorandum written hereon and



102/102

Two hundred and eighty-

subject also to the payment of the annual rent of Shillings

and to the payment of Shs. Four hundred and

six cents ten -----

being the proportionate amount of the Survey fees

due on the original survey of the said land.

In Witness whereof I have hereunto signed my name and affixed my seal

One thousand nine

day of May

this fifth

hundred and twenty-five.

MEMORANDUM OF ENCUMBRANCES.

COMPARED WITH ORIGINAL
R. W. H. H. H. H. H.
P. H. H. H. H. H.

Over S. S. H.

M/102/3

2

The following document has been registered against the title No. 1102/2 Date of registration 15th July 1925. Lien in favour of National Bank of South Africa Ltd. NAIROBI, The 15th day of July 1925 Registrar of Titles.

3

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:- No. I.R. 1102/3 Date of Registration 6th April 1926 Discharge of Lien no 2 NAIROBI, THE 6th DAY OF April 1926 REGISTRAR OF TITLES.

4

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:- No. I.R. 1102/4 Date of Registration 6th April 1926 Lien in favour of Barclays Bank (Dominion Colonial & Overseas) NAIROBI, THE 6th DAY OF April 1926 REGISTRAR OF TITLES.

5

THE FOLLOWING DOCUMENT WAS BEEN REGISTERED AGAINST THIS TITLE:- No. I.R. 1102/5 Date of Registration 3rd Sep. 1928 Discharge of Lien (No. 4). NAIROBI, THE 3rd DAY OF Sep 1928 REGISTRAR OF TITLES.

6

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:- No. I.R. 1102/6 Date of Registration 9th November 1928 Transferred to Eric George MAYERS of 300 acres less 10 ac. M. No. 10 No. 6065 (cont. No. 5423/1) + Cert. of Title No. 28 2525 has issued. NAIROBI, THE 9th DAY OF November 1928 REGISTRAR OF TITLES.

7

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:- No. I.R. 1102/7 Date of Registration 27th November 1928 Lien in favour of BARCLAY BANK (Dominion Colonial & Overseas) NAIROBI, THE 27th DAY OF November 1928 REGISTRAR OF TITLES.

8

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:- Memo of Discharge of No. 7 above NAIROBI, THE 19th DAY OF Nov 1928 REGISTRAR OF TITLES.



14/112/9

9

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE -
Transfer to Sirel Sea Company Limited.
1070 acres, L.R. No. 5423/2.
Annual Rent \$40,244/

Presentation No. 772 Date of Registration 19/1/59 REGISTRAR OF TITLES
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Charge to the National Bank of India Finance and
Development Corporation Limited
(with other lands)

Mann
REGISTRAR OF TITLES

10. (LR 2318)

Presentation No. 394 Date of Registration 17/1/59
REGISTRAR OF TITLES

[Signature]
REGISTRAR OF TITLES

Plaza L. O. No. 5423.
District: Nairobi
Province: Kenya
Term Expiring 1.10.2013.

CERTIFICATE OF TITLE.

REGISTRAR OF TITLES
Nairobi

ORDER FILED THIS DAY OF MAY 1959.

Registry of Titles,
Nairobi

11

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Caveat by the East African Power
and Lighting Company Limited

Presentation No. 2905 Date of Registration 4.4.59 REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Caveat by the East African Power
and Lighting Company Limited

Presentation No. 3009 Date of Registration 8.4.59 REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:
Declaration by the Crown dated 18th July 1961
declaring the annual rent payable for the land comprised in this title
Certificate of Title to be \$ Four thousand Six Hundred and Twenty-four

with effect from 1st January, 1961.
Presentation No. 645 Date of Registration 19.7.61 REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Discharge of No 10 above (with other lands)

Presentation No. 1181 Date of Registration 21.10.61 REGISTRAR OF TITLES

14
(LR 2308)

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Caveat of The East African Power & Light Co. Ltd.
Chang'ani - ground & basement

15

Registration No. 182 Date of Registration 7-12-72 Registrar of Titles *Richard*

612
7/72

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Notice of Charge with Kenya Commercial Bank Limited

16

Registration No. 612 Date of Registration 15-7-1972 Registrar of Titles *Mumukshu*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Memorandum of Discharge of charge
no. 16 above (partial discharge)

17

Registration No. 880 Date of Registration 28-6-1979 Registrar of Titles *Richard*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Charge to Kenya Commercial Bank Limited
for shs. 2,400,000/-
Subject to nos. 11, 12 and 15 above
(with other lands)

18
12-2-1983

Registration No. 882 Date of Registration 28-6-1979 Registrar of Titles *Richard*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer of Charge Number 18 above
to Commercial Bank of Africa Limited

19

Registration No. 851 Date of Registration 29-9-83 Registrar of Titles *Richard*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Further Charge to Commercial Bank of Africa Limited
for Kshs 4,200,000/- Subject to nos. 11, 12, 15, 18 and 19 above

166
1/53
20

Registration No. 166 Date of Registration 4-11-1983 Registrar of Titles *Richard*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Discharge of Charge No. 18, 19, 20 above

21

Registration No. 1224 Date of Registration 24-6-94 Registrar of Titles *Richard*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer to Kakuzi Limited
for Kshs. 4,052,390/-

I hereby certify this to be a true copy of the original
Stamp duty shs. _____
Copying A/c. shs. _____
Date 10-11-2025

Registration No. 1225 Date of Registration 24-6-94 Registrar of Titles *Richard*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
Transfer (Gift) to Tindiret Development Trust Company Limited
66 of Hs. L.L. 5423/4 (Orig 5423/24) Term Expiring 17 Oct. 2-15 Annual Rent 59,320/-
shs. 15-1-95

ANNEX 18

ANNEXURE 7

NEW FILE
15785

3
3
X

Catherine
Karegi Catherine Kamau

REPUBLIC OF KENYA

Telegrams: "Lands", Nairobi

DEPARTMENT OF LANDS

Telephone: Nairobi 718050/9
CHARLES ARAP SIGEI
GATIMU AND KAREGI
P.O. BOX 74229
NAIROBI

MUNENE

P.O. Box 30089
NAIROBI

3

...20th July....., 19.093..

Ref. No. 98486/XII.....

REGISTERED

SIR(S) MADAM,



RE: UNS. INDUSTRIAL PLOT 'B' - DANDORA

LETTER OF ALLOTMENT

I have the honour to inform you that the Government hereby offers you a grant of
...the above plot..... shown edged red on the attached plan
No. 98486/XI/67A..... subject to your formal written acceptance of the following
conditions and to the payment of the charges as prescribed hereunder:—

AREA: 0.5..... hectares or acres (approximately)

TERM: 99..... years from the 1.8.93.....

STAND PREMIUM: Sh. 121,000.....

ANNUAL RENT: Sh. 24,200..... } Subject to adjustment on survey.

GENERAL: This Letter of Allotment is subject to, and the grant will be made under the provisions of the Government Lands Act, (Cap.280 of the Revised Edition the Laws of Kenya) and title will be issued under the Registration of Titles Act, (Cap. 281).

SPECIAL CONDITIONS: See attached.

2. I should be glad to receive your acceptance of the attached conditions together with your cheque for the amount as set out below:—

	Sh.
Stand Premium	121,000
Rent from 1.8.93 to 31.12.93	10,084
Conveyancing Fees	500
Registration Fees	100
Rates, proportion of (provisional) .. on demand	7,760
Stamp Duty	2,290.00
Survey Fees	160
Road and Road Drains .. on demand
Sewers .. on demand
Receipt No. Less Deposit

Noted
22/7/9
151785

If acceptance and payment respectively are not received within 30 days from the date hereof the offer herein contained will be considered to have lapsed.

If the above plot is still unsurveyed at the time you commence building you should exercise the greatest care to ensure that any building or other works are contained within the boundaries of the plot for should you inadvertently overstep the aforesaid boundaries the cost of removal and reconstruction must be borne by you.

The issue of the Government Grant will be undertaken as soon as circumstances permit.

Your full name(s) in BLOCK LETTERS should be given for the purpose of the draft grant which will be ~~submitted later for your acceptance~~ sent to you after registration.

Authority to allocate
Govt. File 102749/31/GA/III/
15'A'

I have the honour to be,
Sir(s)/Madam,
Your obedient servant,

S. M. Kagwi
S. M. KAGWI

.....
for Commissioner of Lands

ENCL.

COPY TO:- Permanent Secretary, Min of Lands & Settlement, Nairobi
The Director of Surveys, Nairobi.

The Town Clerk, Nairobi City Council

~~The Clerk to the Council, County Council of~~

~~The District Commissioner,~~

~~The Town Planning Adviser, Nairobi.~~

Director of Physical Planning, NBI

~~The City Valuation Officer, City of Nairobi.~~

O/C Land Rents.)

Rates Assistant.)

The Accountant.)

O/C Records.)

Senior Plan Record Officer.)

Plot File.)

Noted MK 18/8/2011

noted 21/5/95
ALL TO NOTE

Koskey frank 28/9/98

ANNEX 19

ANNEXURE 8



FORM OF TRANSFER

13

6

F 58 K 140

I, **CHARLES** arap **SIGEI** holder of National identity card number 6008265/69
 of P.O.BOX 45519, NAIROBI
 in consideration of sum of Ksh. SEVEN HUNDRED THOUSAND (KSH's 700,000.00)
 paid to me by **JOHN MARK OMOLLO AGENG** holder of passport number A 452142
 of P.O.BOX 58457, NAIROBI
 do hereby transfer to **JOHN MARK OMOLLO AGENG**

All my right, Tilte and interest in the piece of land described in the schedule hereto and
DO HEREBY AGREE that the Grant/Lease in respect thereof shall be issued direct to
JOHN MARK OMOLLO AGENG

dated this **4th** day of **AUGUST 1998**

Signed by the vendor

[Handwritten signature]

[Handwritten ID No. 6008265/69]



in the presence of

JOSEPH N. NJOKA
ADVOCATE
P. O. Box 50895
NAIROBI

[Handwritten signature]

Signed by the purchaser

[Handwritten signature]

[Handwritten passport no 452142]

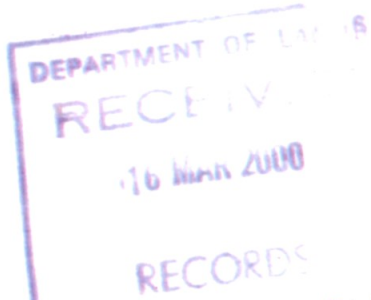
in the presence of

NEZRON RICHARD OBIKO-ODIYI
ADVOCATE
P. O. Box 44441
NAIROBI

[Handwritten signature]

586151

APPENDIX 7



Charles Arap Sigei

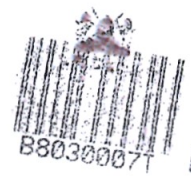
(X) p 1 Bot 3454 (14)

NBSI.
16/3/2000

(18)

The Commission Lands
Office Bot 30088
NBSI.

Dear Sir



Ref No. LWS. PLO 1.
No. LL 209/11970 NBSI.

I Charles Arap Sigei have not
received any money from John
Mark Ages Omolo.
I have withdrawn the sale
forthwith. I have decided my
~~the~~ share to be transferred
to Mr. Charles Muremu Gitimu

Yours faithfully

Charles Arap Sigei

Cashier
Accepted 4000/-
Amount paid
16/3/2000
26/3/2000

~~Charles Arap Sigei~~

16/3/2000

~~6008265/68~~ @ 6.
6008265/68

151785

SLOC NBSI

Take necessary
action.

26/3/2000

ANNEX (21)

REPUBLIC OF KENYA

ANNEXURE 10

IN THE MATTER OF THE OATHS AND STATUTORY DECLARATIONS ACT
CAP 15 OF THE LAWS OF KENYA

33

37

AFFIDAVIT

I, JOHN MARK OMOLLO AGENG Kenyan Passport Number 452142 of Post Office Box Number 58457 Nairobi in the Republic of Kenya hereby make oath and state as follows:-

38

1. THAT I am an adult male of sound mind.
2. THAT on the 4th day of August 1998 I bought from one Charles Arap Sigei Land Reference Number 209/11970 in Nairobi.
3. THAT prior to that transaction the said Charles Arap Sigei had not informed me that the said property was jointly owned by himself and other allottees.
4. THAT since I do not wish to own the said Property with other persons the said I now wish to withdraw the said transaction.
5. THAT I now confirm, aver and declare that I have renounced my right, title and interest in the said property and also confirm that my interest may be transferred to any other interested party.
6. THAT all what I have stated above is true to the best of my knowledge, information and belief.

SWORN at NAIROBI
this 26th day April 2001



COMMISSIONER OF OATHS



[Handwritten signature]

DRAWN BY
MBUGUA & CO
ADVOCATES
P.O. BOX 62367
NAIROBI



582151

ANNEX (22)

ANNEXURE II



FORM OF TRANSFER

Handwritten notes: 20, 22, AF, sb/foi, etc.

We ~~XXX~~ CHARLES ARAP SIGEI ID NO. 6008265/68 & CHARLES MUNENE ID NO: 3439370/66 of P.O. Box 74229 NAIROBI

in consideration of a sum of Kshs Two Hundred Thousand (Kshs 200,000/-)

Paid to ~~me~~ ^{us} by CHARLES MUNENE GATIMU ID NO. 3439370/66 of P.O. Box 74229 NAIROBI

do hereby transfer to CHARLES MUNENE GATIMU

our All my right, Title and interest in the piece of Land described in the schedule hereto and DO HEREBY AGREE that the Grant/Lease in respect thereof shall be issued direct to

CHARLES MUNENE GATIMU



Dated this 24th day of March 19 2000

Signed by the Vendor CHARLES ARAP SIGEI & CHARLES MUNENE GATIMU

Handwritten signature of Charles Arap Sigei

REFERENCE SECTION TO NOTE THIS TRANSACTION ON THE CARD. 31/3/2000 RECORD KEEPER

in the presence of A. THUD ADVOCATE P.O. BOX 620 NAIROBI Signed by the Purchaser MUNENE GATIMU in the presence of J. R. THUD ADVOCATE P.O. BOX 620 NAIROBI

Handwritten notes: 151782

SCHEDULE

All that piece of land containing 0.5 Hectares or thereabouts situated in NAIROBI MUNICIPALITY (DISTRICT) and known as L.R. No. UNS Plot (Ref. No. AUTHORITY GOVT 102749/31/GA/111/ us L.R. NO. 209/11970 15'A' allocated to me by Letter from the Commissioner of Lands dated 20th July 1993

23

ANNEXURE 12

94

48

95

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL SUIT NO. 1269 OF 2001

MARK OMOLLO AGENG' PLAINTIFF

VERSUS

- ATTORNEY GENERAL 1ST DEFENDANT
- S.K WANGILA 2ND DEFENDANT
- COMMISSIONER OF LANDS 3RD DEFENDANT
- CHARLES ARAP SIGEI..... 4TH DEFENDANT
- CATHERINE KAREGI KAMANJA..... 5TH DEFENDANT
- CHARLES MUNENE GATIMU 6TH DEFENDANT

IN CHAMBERS ON 17TH NOVEMBER 2004 BEFORE THE
HONOURABLE MR. JUSTICE J.B. OJWANG'.



DECREE:

CLAIM FOR: -

1. An order stopping the 3rd Defendant, the Commissioner of Lands or his agents from transferring and/ or issuing any title deed for the suit premises in the name of the 5th and 6th Defendants or their agents or employees or any other person until this suit is heard and determined.
2. That the honourable court do issue an injunction to restrain the 4th Defendants by themselves or their agents and/or employees from selling, interfering of the quite possession of the suit premises by the Plaintiff or his agents or employees and/ or dealing in the premises any manner whatsoever with all the piece of land known as land reference No.209/1 1970 Nairobi city Council pending the hearing and determination of this suit.
3. An order compelling the Commissioner of Lands the 3rd Defendant to transfer and issue title deed for plot number L.R No. 209/1 1970 Nairobi City Council to JOHN MARK OMOLLO AGENG' the Plaintiff immediately.
4. Alternatively an order compelling the commissioner of Lands issue a similar industrial plot within the Nairobi city council to the Plaintiff and/ or alternatively the Defendants do singularly, jointly and

151785

24

REPUBLIC OF KENYA **ANNEXURE 13**

Serial No. 1522/2011

DEPARTMENT OF LANDS
LAND TITLES REGISTRY
NAIROBI/MOMBASA

- To:
- THE COMMISSIONER OF LANDS (RECORDS BRANCH).
 - THE COMMISSIONER OF LANDS (VALUATION OFFICE).
 - THE COMMISSIONER OF LANDS (LAND RENTS).
 - THE COMMISSIONER OF INCOME TAX.
 - THE CITY VALUER, NAIROBI.
 - THE MANAGING DIRECTOR, KENYA RAILWAYS.
 - THE TOWN CLERK,
 - THE CLERK, COUNTY COUNCIL OF
 - THE SENIOR ECONOMIST/STATISTICIAN, P.O. Box 30289, NAIROBI.
 - THE EXECUTIVE OFFICER, THE PROVINCIAL AGRICULTURAL BOARD, P.O. BOX

115
115
116



MEMORANDUM OF REGISTRATION OF TRANSFER OF LANDS

New/Grant { the details whereof appear below, has this day been registered as LR 132396/1

Date of Document 15-10-2010

Transferor The Government of The Republic of Kenya

Transferee Charles Mumeni Gatimu 1/3 share and
Karegi Catherine Kamaniya 1/3 share

Address of Transferee, P.O. Box 74229 Nairobi

L.R. No. 209/11970 (Orig. No.)

Area 0.5235 Ha.

Locality city of Nairobi

Consideration Shs. 128,500/= by way of stand premium paid.

Term 99 years from 1-8-1993

Annual Rent Shs. 25,600/=

Due From 1-8-1993

Presented by A.T. conveyancing - Nairobi

Date of Presentation 24-8-2011

Onesmus N. M.
for Registrar of Titles



	Noted by	Checked by	Remarks
OFFICER I/C RECORDS:			
Land Register			
Return of Grants			
Files			
Cards			
RECORD DRAUGHTSMAN			
VALUATION OFFICE			

151785

REPUBLIC OF KENYA

A-METURE 14

4509

74

Serial No. 118/

DEPARTMENT OF LANDS
LAND TITLES REGISTRY
NAIROBI/MOMBASA

To:—

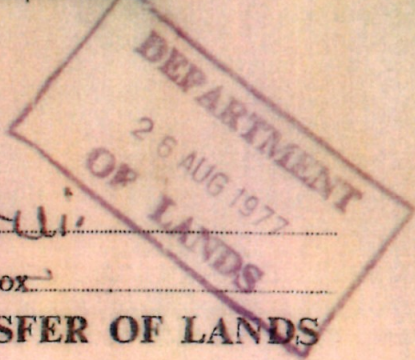
- THE COMMISSIONER OF LANDS (RECORDS BRANCH). *Nbi*
- THE COMMISSIONER OF LANDS (VALUATION OFFICE). *MSEA*
- THE COMMISSIONER OF LANDS (LAND RENTS).
- THE COMMISSIONER OF INCOME TAX. *Nbi*
- THE CITY VALUER, NAIROBI.

~~THE TOWN CLERK,~~

THE CLERK, COUNTY COUNCIL OF Malindi/Mombasa

~~THE SENIOR ECONOMIST/STATISTICIAN, P.O. BOX 30289, NAIROBI.~~

~~THE EXECUTIVE OFFICER, THE PROVINCIAL AGRICULTURAL BOARD, P.O. BOX~~



MEMORANDUM OF REGISTRATION OF TRANSFER OF LANDS

Transfer

the details whereof appear below, has this day been registered as

C.R. 4178/16

Date of Document 30-3-77

Transferors Yusufali Adamali Ar, Alibhai Adamalidar as personal representatives of 1/2 share of Alibhai Adamalidar deceased and Himatlal

Transferee Nanchand Shavadia proprietor of 1/2 share remaining

Address of Transferee. P.O. Box ^{and} Charles K. Wanguh, Peter J.

L.R. No. Sub/Div. No. 176 SEC. III (Orig. No. M.N. Mwangi, Both of Mombasa

Area 23.75 ACRES.

Locality Mwanda-Wa-Panya.

Consideration Sh. 165,000/-

Term /

Annual Rent Sh. Freehold

Due From /

Presented by Sharma and Shah, Advocates, M.S.A.

Date of Presentation 14-7-77

B. Achunge
for Registrar of Titles

112/480

	Noted by	Checked by	Remarks
OFFICER I/C RECORDS:			
Land Register	<i>[Signature]</i>		REFERENCE SECTION TO DO
Return of Grants			
Files			<i>[Signature]</i>
Cards			
RECORD DRAUGHTSMAN	<i>[Signature]</i> 29/9/77		29/8/77
VALUATION OFFICE			

26

ANNEXURE 15

78824
45095



Kenya Tourist Development Corporation

Standard Building,
Kenyatta Avenue,
P.O. Box 42013,
Nairobi, Kenya, East Africa.
Telephones: 23488, 25237, and 32369.
Telegrams: 'Tourist' Nairobi.

~~64~~ 65

Ref: TDC/2/3/3/Vol.II.

3rd October, 1972.

Commissioner of Lands,
Department of Lands,
P.O. Box 30089,
NAIROBI.

(Attention of Senior Valuer Mr. S.M. Pandya)

Dear Mr. Pandya,

I wish to refer to today's telephone talk between yourself and the undersigned in connection with the prices of plots for the development of tourist hotels along the Kikambala beach, North of Mombasa.

In the above connection, I should be very grateful to receive from you the prices of the following plots:-

- (a) Kikambala Plot No. 423 Sect: III Approx. 4 acres.
- (b) Plot No. 176 Sect: III Mainland North in Kanamai area - approx. 23 acres.

Please, kindly expedite.

100/15093

Yours faithfully,

S. Wambalaba
(S. WAMBALABA)

for: GENERAL MANAGER.

*logically
see on the file
C. K. M. S.
3/10/1972*

MR Bond. Please discuss when convenient.

Th
3/10/1972

78824/

65 66

18th January,

73.

The General Manager,
Kenya Tourist Development Corporation,
P.O. Box 42013,
NAIROBI. (For attention Mr. S. Wambulala)

DEVELOPMENT OF TOURIST HOTELS
KIKAMBALA BEACH, NORTH OF MOMBASA

I refer to your letter TDG/2/3/3/Vol.II dated 3rd October, 1972 and in my opinion value of the plots are as follows for hotel development:-

- (a) Plot No. L.R. 423, Section III
Kikambala Mainland, North Shs.192,000/-
- (b) Plot No. L.R. 176 Section III
Kikambala, Mainland North " 248,000/-

I may advise you that both these plot are freehold but are within the scope of the Land Control Act and change of user for hotel purposes may be necessary which may call for rent payable to the Government in the region of Shs. 6,000/- per annum. Further the transfers will need approval of H.E. the President being sea-front plots.

107/4898

C. M. PANDYA
Cm

GMP/mnj.

(G.M. Pandya)
Senior Valuer
for COMMISSIONER OF LANDS.

V.O.S. 377

12/10/57/13

2

THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
No. 12507/2 Date of Registration 17th March 1932
Charge to Land & Agricultural
Bank of Kenya

3

NAIROBI, THE 18th DAY OF MARCH 1932
THE FOLLOWING DOCUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
No. 12507/3 Date of Registration 16th August 1933
Charge to Land & Agricultural Bank
of Kenya subject to Charge to a above.

4

NAIROBI, THE 18th DAY OF AUGUST 1933
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
Lease to Superior Syndicate Limited
Term 3 years from 16th May 1940
Annual Rent shs 2,000/- per the 1st year
and shs 400/- per annum thereafter of the sum of shs
Promissory No. 1670 Date of Registration 19th April 1949

5

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
Assignment of Lease No 14 above

6

Promissory No. 1670 Date of Registration 19th April 1949
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
Discharge of Charge 1 & above

7

Promissory No. 1670 Date of Registration 19th April 1949
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
Discharge of Charge 1 & above

Promissory No. 1670 Date of Registration 19th April 1949
THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
Discharge of Charge 1 & above



THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

*Transfer to George Edward Cunningham Robertson
and Struan James Cunningham Robertson.*

W Lloyd

Proclamation No. *600* Date of Registration *12-3-45* REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

*Charge to the Land and Agricultural
Bank of Kenya*

W Lloyd

Proclamation No. *601* Date of Registration *12-3-45* REGISTRAR OF TITLES

DATED THE *15th* DAY OF *October* 19*48*.

CERTIFICATE OF TITLE

TO

WALTER SCOTT WILSON
and
VICTORIE JAGURS DE SIENOUR.

Form L. O. No. *5503.*

District *Tandil.*

Province *Nyanza.*

Term Expiring *1. 10. 2918.*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

*Same of charge with *W. S. Maclean*
Wilson and Vicentia J. de Siensour
*subject to 600 above.**

W Lloyd

Proclamation No. *647* Date of Registration *15-3-43* REGISTRAR OF TITLES

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

*Same of discharge
of no. 10 above.*

W Lloyd

Proclamation No. *1518* Date of Registration *20-5-44* REGISTRAR OF TITLES



12/23/61

12

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Notice of Intention to Surrender
the Land and Agricultural Revenue
Law
Presentation No. 12/23/61 Date of Registration 12/23/61 REGISTRAR OF TITLES

13

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Cancellation of Mortgage No. 12 above
Presentation No. 13/23/61 Date of Registration 13/23/61 REGISTRAR OF TITLES

14

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Discharge of Charge No. 9 above
Presentation No. 14/23/61 Date of Registration 14/23/61 REGISTRAR OF TITLES

15

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Transfer to State Tea Company Limited
Presentation No. 15/23/61 Date of Registration 15/23/61 REGISTRAR OF TITLES

16

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Charge to The National Bank of India Finance
and Development Corporation Limited
Lucknow (U.P.)
Presentation No. 16/23/61 Date of Registration 16/23/61 REGISTRAR OF TITLES

17

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Discharge of Charge No. 16 above
Presentation No. 17/23/61 Date of Registration 17/23/61 REGISTRAR OF TITLES

18

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Discharge of No. 16 above
Presentation No. 18/23/61 Date of Registration 18/23/61 REGISTRAR OF TITLES

19

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Discharge of No. 16 above
Presentation No. 19/23/61 Date of Registration 19/23/61 REGISTRAR OF TITLES

Memorandum of Charge with Kenya Commercial Bank Limited.

20

Registration No. 629 Date of Registration 18-7-1972 Registrar of Titles

Memorandum of discharge of charge no. 20 above

878

28-6-1979

Charge to Kenya Commercial Bank Limited for Kshs. 400,000/- subject to no. 19 above

182

28-6-1979

Transfer of Charge of No. 22 above to Commercial Bank of Africa Limited

Registration No. 750 Date of Registration 27-7-72 Registrar

Further Charge to Commercial Bank of Africa Limited for Kshs. 4,624/- subject to No. 19 above

Registration No. 751 Date of Registration 22-7-72 Registrar

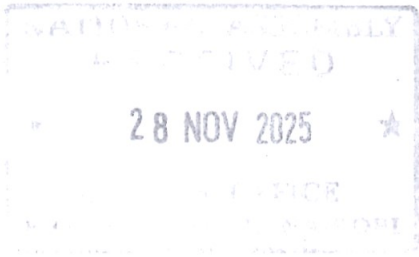
Discharge of charge No. 22, 23 and 24 above

Registration No. 1224 Date of Registration 23-6-74 Registrar

Transfer to Kakuzi Limited for Kshs. 4,050,290/-

225

23-6-74



WRITTEN SUBMISSIONS ON A PUBLIC PETITION REGARDING DEGAZETTEMET OF BONI-LUNGI FOREST RESERVE IN LAMU EAST CONSTITUENCY

Honorable Chair,

Pursuant to letter Ref No NA/DAA&GPC/PPC/2025/075 dated 12th November 2025 regarding the above subject matter, the petitioner (Hon. (Capt. Obo Ruweida Mohamed, MP for Lamu East Constituency) is praying that Public Petitions Committee:

- i. Investigates the matter and compel the Ministry of Environment, Climate Change and Forestry to degazette Boni-Lungi as a state a forest;
- ii. Recommend that the Cabinet Secretary for Lands, Public Works, Housing and Urban Development in consultation with the County Government of Lamu to facilitate registration as community land pursuant to Article 63(5) of the Constitution and other applicable laws; and
- iii. Makes any other order/or direction that it deems fit in the circumstances of the matter

PETITIONER'S CLAIM

The Petitioners state that Boni-Lungi, a land area measuring approximately 39,925.7 hectares located between the Dodori and Boni National Reserves in Lamu East Constituency, has long been inhabited by more than 480 households of the Aweer Community who depend on it for farming, natural fruits, honey, medicinal plants, and building materials. They assert that the land is community land traditionally used and occupied by the Aweer people.

The Petitioners further contend that the declaration of Boni-Lungi as a State Forest through Gazette Notice No. 1447 of 4th March 2016 was undertaken without any consultation with the community, their leaders, or relevant local stakeholders, contrary to Articles 10(2)(a) and 69(1)(d) of the Constitution on public participation in environmental management. They claim that the gazettelement disregarded their historical occupation and poses a serious threat to their cultural identity, livelihoods, and survival as one of Kenya's most marginalized indigenous communities. The Petitioners also indicate that their attempts to resolve the matter through other avenues

have not yielded a solution and confirm that the issue is not pending before any court or legal body.

Prayers to the National Assembly

The Petitioners therefore request that the National Assembly:

- i. Investigates the matter and compels the Ministry of Environment, Climate Change and Forestry to degazette Boni-Lungi as a State Forest.
- ii. Recommends that the Cabinet Secretary for Lands, Public Works, Housing and Urban Development, in consultation with the County Government of Lamu, facilitate the registration of Boni-Lungi as community land under Article 63(5) of the Constitution.
- iii. Makes any other order or direction the House may deem fit in the circumstances.

Background

The Boni-Lungi Forest Reserve which is situated to the west of the Dodori National Reserve administratively falls within Basuba Location of Kiunga Division in the former Lamu East District (currently Lamu East Constituency). The traditional referral points of the area include Kiangwe, Sele, Bakuu, Mukushi, Ariruu and Milimani. The forest is endowed with coastal forests, creeks, river streams, ponds, wetlands, beaches, mangroves and different wildlife, timber, and grasslands for grazing wildlife and livestock. The forest communities, mainly Boni people, whose lives and livelihoods are interwoven with the forest landscape of the Boni-Dodori ecosystem stand in the frontline of the consequences of environmental destruction.

The Boni-Lungi Forest is a vast expanse of coastal scrub forest (measuring about 39,925.7Ha), with pockets of savannah, harbouring a significant amount of wildlife. The area provides wildlife corridors between Boni and Dodori National Reserves, as well as southwards to the Kipini Forest and the Tana River area. The forest is gazetted and protected due to its rich biodiversity with numerous tree and plants species and wildlife, including buffalo, lion, leopard, African wild dog, coastal topi, Abyssinian coastai Ader's duiker, desert warthog, golden-rumped elephant shrew and the critically endangered herola (Hunter's hartebeest) as well as hundreds of bird species.

The forest once supported one of the largest herds of elephant in the Kenya's coastal ecosystem. In addition, the forest supports local community's livelihood in terms of cultural and spiritual wellbeing (has important shrines), supports food production through agriculture, provides medicinal plants, pasture and water for livestock, is a source of wild food, honey and a major catchment area.

Despite these benefits, the management and conservation of this precious natural asset is at cross-roads due to competing and conflicting interests. Consequently, the gazettelement of this forest, which was a culmination of several stakeholder consultations and local communities desire, was informed by security concerns, environmental, economic and socio-cultural challenges experienced by the local community, county, and the country. Prior to its gazettelement, the forest ecosystem acted as a hide-out to criminals such as *al shaabab* and *shifita* warriors.

OUR RESPONSE

Hon Chair, on Prayer No 1: Public Petitions Committee Investigates the matter and compel the Ministry of Environment, Climate Change and Forestry to degazette Boni-Lungi as a state forest;

Forests rank highly as one of Kenya's important natural resources for economic, environmental, social, and cultural values, especially in the face of climatic changes. They play a vital role in natural systems, as well as in economic development. As outlined in the vision 2030, the Government is committed to increasing the current forest cover to attain the minimum acceptable international standard of at least 10%, which is equally very fitting within Article 69 of the Kenya Constitution. In addition, the current government administration has put in place measures to increase tree cover to 30% by 2032, through the 15 billion trees growing, landscape and ecosystem restoration programme. These aspirations and goals can only be achieved by putting deliberate measures to better conserve and manage forests not only within the existing forests but also expanding these ventures into private and community lands in order to ensure ecologically sound development (Article 69(2) of the Constitution) and achievement of environmental rights under Article 42. Otherwise, they will remain a mirage.

However, Kenya's forests continue to face immense challenges, especially those that relate to governance such as land tenure and conflicts, competing land needs, and general lack of appreciation of the contribution of these natural assets to the economy. These poor attitudes need to be debunked to safeguard our resources for posterity. In terms of tenure, while the petitioner alludes to the forest land being community land, it is important to clarify that prior to its gazettelement, Boni-Lungi was un-alienated government land, and it was therefore lawful to alienate it for forest conservation under the custody of the then Forest Department. Its gazettelement aimed to entrench sustainability and posterity and ameliorate significant threats that were occasioning its loss and degradation.

Further, the gazettment was championed/petitioned by the local community who were concerned about their security, inherent encroachment and degradation as well as loss of vital resources such as water, food, medicinal plants and the negative impacts on their general well-being and resilience. In addition, there were several engagements, consultations and discussions by the government, non-state actors and local communities on the need to gazette the forest within the existing governance framework including the Forest Conservation and Management Act 2016.

According to Kenya Forest Service, the community areas within the forest were hived off from the gazettment notice, and were secured for community areas including setting up of villages. Therefore, community interests and rights to land were well taken care of at the gazettment stages including during demarcation and survey.

Honourable Chair,

Gazettment of forests is fundamental in ensuring legitimacy in the protection of Kenya's few and diminishing forest resources especially the remnant dryland and coastal forests that are facing severe threats of encroachment and degradation.

The proposal to investigate and recommend degazettment of Boni-Lungi forest in Lamu East Constituency, not only undermines the Constitutional tenets regarding sustainable development, which is a principle under Article 10, the achievement of environmental right under Article 42, and the state's obligation to sustainable utilization and management of Kenya's natural resources and the realization of ecologically sensitive development under article 69(1&2), but also bruises the principles governing land as espoused under Article 60 of the Constitution. Gazetted public forests should remain as public land in line with Article 62 (1)(g) since there are generally few public forests in the country that are under protection by the state, managed and administered on its behalf by the National Land Commission (NLC) and which serve critical functions in environment and biodiversity conservation.

Honourable Chair, on prayer (ii) that Recommends that Cabinet Secretary for Lands, Public Works, Housing and Urban Development in consultation with the County Government of Lamu to facilitate registration as community land pursuant to Article 63(5) of the Constitution and other applicable laws;

As stated earlier, the land in question (referred to herein as Boni-Lungi forest), **was unalienated government land, and not trust land.** Therefore, this land cannot be registered under the Community Land Act 2016 and attendant regulations of 2017, as it does not fall in the category of community land as defined under Article 63 of the Constitution. It is public land as defined under Article 62(1)(g) of the Constitution.

Honourable Chair, on prayer (iii) that the committee Makes any other order/or direction that it deems fit in the circumstances of the matter;

The Commission has noted with a lot of concern, the continued urge to degazette public forests. It is critical that the committee appreciates the role of our forests, especially in the face of climatic changes, and that a balanced life on land that takes care of natural resources for people's survival and well-being is considered. Our forests are at the verge of collapsing, nearing tipping points, due to encroachment and unsustainable land use practices, which significantly erode their resilience and the benefits they provide to people. Parliament has a duty under Article 68 of the Constitution not only to regulate the manner in which any land may be converted from one category to another but also to **protect, conserve and provide access to all public land.**

Chair, I submit

Kabale Tache Arero
SECRETARY/CEO