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16/6/2022

TWELFTH PARLIAMENT|SIXTH SESSION

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

ON

PETITION REGARDING THE ALLEGED GAZETTEMENT OF CHETAMBE (WEBUYE) HILL FOREST, VIDE LEGAL NOTICE NO. 106: PROPOSED DECLARATION OF PUBLIC FOREST CHETAMBE (WEBUYE) HILL FOREST DATED 25TH JUNE 2021

PAPERS LAID
DATE 16/6/22
TABLED BY Sen. M.L
COMMITTEE Lands
CLERK AT THE TABLE Nthiri

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DATE
LED BY
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First Floor,
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LIST OF ABBREVIATIONS/ ACRONYMS

CS	- Cabinet Secretary
DCC	- Deputy County Commissioner
NLC	- National Land Commission

PREFACE

Mr. Speaker sir,

The Standing Committee on Land, Environment and Natural Resources is established pursuant to standing order 218(3) of the Standing Orders of the Senate. As set out in the Second Schedule, the Committee is mandated to consider all matters relating to lands and settlement, housing, environment, forestry, wildlife, mining, water resource management and development.

Committee Membership

The Committee comprises of the following Members.

1. Sen. Paul Mwangi Githiomi, MP — **Chairperson**
2. Sen. Philip Mpaayei, MP — **Vice-Chairperson**
3. Sen. George Khaniri, MGH, MP
4. Sen. Gideon Moi, CBS, MP
5. Sen. Njeru Ndwiga, EGH, MP
6. Sen. (Dr.) Lelegwe Ltumbesi, MP
7. Sen. Issa Juma Boy, MP
8. Sen. (Arch.) Sylvia Kasanga, MP
9. Sen. Johnes Mwaruma, MP

At the sitting of the Senate held on 4th August, 2021, Sen. Moses Wetang'ula, EGH, MP, reported to the Senate that a Petition has been submitted through the Clerk, concerning the alleged gazettement of Chetambe (Webuye) Hill Forest, vide legal Notice No. 106: Proposed Declaration of Public Forest Chetambe (Webuye) Hill Forest Dated 25th June 2021.

The Petitioners prayed that the Senate intervenes to have this gazette notice withdrawn and the status quo maintained to alleviate growing anxiety, forestall potential violent conflicts and avert any tragic risks such as loss of lives and property and related consequences.

Pursuant to standing order 232(1) and the Second Schedule to the Standing Orders of the Senate, the Petition was committed to the Standing Committee on Land, Environment and Natural Resources.

Pursuant to Articles 37 and 119(1) of the Constitution, section 5(2) the Petition to Parliament (Procedure) Act and standing order 232 of the Senate Standing Orders, the Committee is mandated to consider the Petition and respond to the Petitioner within the prescribed period.

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

The Committee proceeded to invite the Cabinet Secretary, Ministry of Lands and Physical Planning, the Cabinet Secretary, Ministry of Environment and Forestry, and the Chairperson, National Land Commission (NLC) to address respective issues raised on the Petition.

The Committee also undertook a site visit of the Chetambe forest area in Webuye, Bungoma County and met with the petitioners accompanied by the area Senator, Sen. Moses Wetang'ula, EGH, MP, Senator Bungoma County. The Committee thereafter made various observations and recommendations based on the stakeholder consultations carried out.

ACKNOWLEDGEMENT

The Committee thanks the Offices of the Speaker of the Senate and the Clerk of the Senate for the support extended to the Committee in the execution of its mandate. The Committee further extends its appreciation to the Petitioners, Ms. Farida Karoney, EGH, Cabinet Secretary, Ministry of Lands and Physical Planning, Mr. Keriako Tobiko, CBS, SC, Cabinet Secretary, Ministry of Environment and Forestry, Mr. Gershom Otachi, Chairperson, National Land Commission, and the other stakeholders for their submissions and contribution to the resolution of this matter.

Mr. Speaker Sir,

It is now my pleasant duty and privilege, on behalf of the Committee, to present this Report of the Standing Committee on Land, Environment and Natural Resources on the Petition concerning the alleged gazettement of Chetambe (Webuye) hill forest, vide legal notice no. 106: Proposed Declaration of Public Forest Chetambe (Webuye) Hill Forest dated 25th June 2021.

Signed: ..... **Date:** 9/6/2022

SEN. MWANGI PAUL GITHIOMI, M.P.

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

CHAPTER I

INTRODUCTION

1. At the sitting of the Senate held on 4th August, 2021, Sen. Moses Wetang'ula, EGH, MP, reported to the Senate that a Petition had been submitted through the Clerk, concerning the alleged gazettement of Chetambe (Webuye) hill forest, vide legal notice no. 106: Proposed Declaration of Public Forest Chetambe (Webuye) Hill Forest dated 25th June 2021.

Underlying Constitutional and Statutory Provisions

2. Article 1(1) and (2) of the Constitution of Kenya, reposes all sovereign Power in the People of Kenya, exercised solely in accordance with the Constitution

3. Article 1(3) (a) and 1(4) of the Constitution delegates sovereign power of the constitution to inter alia Parliament and the legislative assemblies of the county governments and that the sovereign power of the people is exercised at the national and county level.

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

5. Article 40 (3)(b)(i) of the Constitution provides that the state shall not deprive a person of property of any description, or of any interest in, or right over, property of any description, unless the deprivation- is for a public purpose or in the public interest and is carried out in accordance with this Constitution and any Act of Parliament that- requires prompt payment in full, of just compensation to the person.

6. Article 60(1)(b) of the provides that land in Kenya shall be held, used and managed in a manner that is unequitable, efficient, productive and sustainable and according to the principle of security of land rights.

7. Under Article 62(2) of the Constitution, public land shall vest and be held by the county government in trust for the people resident in the county and shall be administered by the National Land Commission.

8. Under Article 67(2) of the Constitution, the National Land Commission is mandated to manage public land on behalf of the national and county governments.

9. Article 119 of the constitution provided that any person has a right to petition parliament to consider any matter within its authority.

10. Section 12 of the Land Act, 2012 provides for the procedure for allocation of Public Land.

The Petition

11. This Petition before the Senate concerns the alleged gazettement of Chetambe (Webuye) Hill Forest vide Legal Notice No. 106: Proposed Declaration of Public Forest Chetambe (Webuye) Hill Forest dated 25th June 2021, where the residents feel that the disputed area is their ancestral land which they have lived on and used for various socio-economic activities including grazing their livestock.

Background of the Petition

12. The Legal Notice No. 106 under which Chetambe (Webuye) Hill Forest was a gazetted forest covering a land mass of 406.22 hectares or 1003.36634 acres.

13. The residents of the area earmarked for gazettement were and are still gravely concerned and shocked at the notice, for the gazetted area is their ancestral land which they have lived on and used for various socio-economic activities including grazing ground for their livestock since time immemorial (close to a century).

14. At the advent of colonialism in Kenya, the heroic people of Bungoma put up a gallant resistance fight against the advancing colonialists on their land and their land remained sacred to them with immense historical significance.

15. Within the area earmarked, the *Tachoni Community* and the Kalenjin neighbors entered a covenant dubbed *(Okhulia Yimba)* to end inherent acrimony and animosity to achieve peaceful co-existence between the two communities. In 1925 the local inhabitants were forcefully evicted by the colonial government to pave way for white settlers in Chepsaita area currently Uasin Gishu County, Ndalu, Naitiri, Lugari, and Kiminini among others and consequently they settled in the area then referred to as ***East Kitosi***, the present Webuye East Sub County, gazetted area included.

16. Several forts namely; *Olukova lwa Sitati, Olukova lwa Chetambe, Olukpva lwa Kakai and Olukova lwa Wangusi* were constructed by the locals and they remain critical and revered shrines to the people of Webuye East Sub County.

17. The affected residents of Webuye East Sub County were never consulted by way of public participation (a fundamental pillar and requirement under the Constitution of Kenya, 2010) in arriving at the decision to issue the Gazette Notice. Administrative processes and decisions that affect citizens welfare and wellbeing must strictly adhere to set constitutional and statutory provisions including the right to be heard by citizens who would be affected adversely or otherwise by such a decision.

18. The gazetted area is home to thousands of people (at an average of 2 to 3 families per acre) with historical attachment including their ancestral final resting places. The gazettement of the forest has raised enormous anxiety and restlessness among the residents of the affected area leading to uncalled demonstrations and other resistance mechanisms and activities which are likely to escalate due to simmering tensions, delicate circumstances that as leaders in the County we wish not to embrace or encourage.

19. The effect of the gazette notice contravenes the people's rights as enshrined in Article (31)(b), on the privacy of property as well as the right not to have their possession seized. In addition, Article (1)(b) & (c) on basic education, nutrition, shelter and health of children. Article 61 on the security of land rights and Article 64 on registered ownership of private land will be grossly violated if the intended directive is implemented.

20. The petitioners have had this matter addressed by relevant authorities and used all available avenues to have the matter considered, all of which have resulted into unsatisfactory responses. None of the issues raised in this Petition were pending before any court of law, constitutional or any other legal body.

The Petitioners prayed that:

21. The Senate intervenes to have this gazette notice withdrawn and the status quo maintained to alleviate growing anxiety, forestall potential violent conflicts and avert any tragic risks such as loss of lives and property and related consequences.

LEGAL BASIS FOR PETITIONS

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

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

24. Section 5(2) of the Petition to Parliament (Procedure) Act, provides that *a petition that is tabled in Parliament under this Act shall be considered in accordance with the Standing Orders of the relevant House*. In this regard, standing order 232 of the Senate Standing Orders provides as follows-

> *232. Committal of Petitions*
>
> *(1) Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Standing Committee.*
>
> *(2) Whenever a Petition is committed to a Standing Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Senate and no debate on or in relation to the report shall be allowed, but the Speaker may, allow comments or observations in relation to the Petition for not more than thirty Minutes.*

25. Standing order 233 requires the Clerk to, within fifteen days of tabling of the report on a petition under Standing Order 232 (Committal of Petitions), submit a copy of the report to the petitioner or petitioners.

CHAPTER 2

CONSIDERATION OF THE PETITION

Approach taken by the Committee

26. In considering the Petition, the Committee observed that it would be important to verify the allegations raised in the Petition and resolved to conduct an inquiry on the issues raised.
27. In this regard, the Committee met with the Petitioners and stakeholders on several occasions.
28. Thereafter, the Committee invited the Cabinet Secretary, Ministry of Lands and Physical Planning, the Cabinet Secretary, Ministry of Environment and Forestry, and the Chairperson of the National Land Commission who virtually appeared before the Committee.
29. The Committee then conducted a site visit to Chetambe Hill in Bungoma County on 16th March 2021.

Petitioners Submissions

26. Vide a letter, REF: SEN/DCS/LENR/2/2021/(57), dated 17th September, 2021, the Committee invited the Petitioners to virtually appear before the Committee on Wednesday, 29th September, 2021 who appeared and defended their Petition.

Responses by the Cabinet Secretary, Ministry of Lands and Physical Planning

27. Vide a letter, REF: SEN/DCS/LENR/2/2021/(64), dated 21st October, 2022, the Committee invited the Cabinet Secretary, Ministry of Lands and Physical Planning to virtually appear before the Committee on Thursday, 28th October, 2021 who thereafter appeared and responded as follows -

28. The Chetambe Hill Forest was gazetted vide Legal Notice No.106 dated June 25, 2021. The forest was gazetted in order to conserve the fragile ecosystem, which was prone to mudslides and other natural disasters. The delineated area covered part of

Ndivisi Mihuu registration section. The forest is delineated in Boundary Plan No.175/512 covering an area of approximately 406.22 hectares.

29. The process of delineating the forest for conservation started in 1973 long after the residents had acquired their title deeds.

30. The dispute regarding the gazettement of the forest is centered on the alleged lack of public participation, non-compensation and taking over the area by Forest Department. The locals did not vacate the land and instead continued transacting mostly sub-dividing the land and putting up residential homes on the relatively gentle slopes. Ndivisi Mihuu resgistration section covers the bulk of the gazette area as per the boundary plan No. 175/512.

31. Based on the boundary plan No. 175/512 as overlaid against the RIMs for Muchi and Mihuu registration sections, the number of parcels of land within the forest are as follows:

i.	Ndivisi Mihuu registration section	– 182 with several subdivisions
ii.	Ndivisi Muchi registration section	– 107
iii.	Webuye Municipality block 1	– 24
iv.	Webuye Municipality block 4	– 29

26. The Cabinet Secretary for Environment and Forestry has since directed that a taskforce be established under the Chairmanship of the County Commissioner, Bungoma to look into the matter and report the findings.

27. The taskforce has been constituted and comprises representatives of the Ministry of Environment and Forestry, Ministry of Lands and Physical Planning, National Land Commission, National Environment Management Authority and local leaders among others. We shall update the Committee on the findings of the taskforce once the report is finalized.

Responses by the National Land Commission

28. Vide a letter, REF: SEN/DCS/LENR/2/2021/(64), dated 21st October, 202, the Committee invited the Chairperson, National Land Commission to appear virtually before the Committee on Thursday, 28th October, 2021 who thereafter appeared and responded as follows;

29. The Chetambe Hills Forest was formally gazetted vide Legal Notice No.106 dated 25th June, 2021 issued by the Cabinet Secretary, Ministry of Environment and Forestry. The notice targeted an area approximately 406ha covered by Boundary Plan No. 175/512.

30. The area residents, constituting of approximately 6000 families who occupy the said land objected to the gazettement claiming that no acquisition was done and they were not compensated for their land.

31. Following complaints, a consultative meeting was held on Thursday 21st October, 2021 chaired by the County Commissioner, Bungoma, with the mandate of verifying the documents involved in the acquisition process and undertaking actual ground verification. Thereafter, a public barasa was held in Chetambe and it was agreed that the local community should appoint members who would join the other stakeholders in the verification exercise.

32. The information availed by NLC's County office indicates that the representatives from the community declined to proceed with the exercise demanding that a task force be formed and gazetted before the commencement of the exercise. They demanded the following to be addressed:

    i. Gazettement of the verification process;
    ii. Gazettement of members of the task force;
    iii. Complete list of beneficiaries who were compensated either fully or partially; and

iv. Original maps i.e. old Preliminary Index Diagrams/Registry Index Maps and the current boundary plan.

33. Demands by the community for the formation and gazettement of the task force brought about stalemate which led to a premature adjournment of the exercise.

34. The National Land Commission remains in consultation with the Ministry of Environment & Forestry and Kenya Forest Service with a view to resolving the matter.

Responses by the Cabinet Secretary, Ministry of Environment and Forestry

35. The Cabinet Secretary who appeared before the Committee on 1st December, 2021 informed the meeting that following a consultative meeting involving the Tachoni Community representatives, Cabinet Secretary Eugene Wamalwa, Kenya Forest Services and himself, he issued the following directives vide a letter Ref: ME&F/CS/336/2021 dated 30th September 2021 upon consideration of the issues raised by the community;

i. That a joint ground and documents verification exercise be conducted to verify the validity of the allegations raised by the petitioners over the disputed gazettement of Chetambe Hill Forest,

ii. That a report be submitted within thirty (30) days upon conclusion of the verification exercise, and

iii. That the implementation and enforcement of the gazettement and any other precipitate action based on the disputed gazettement be suspended pending the outcome of the verification exercise.

36. Following the directives, the Cabinet Secretary informed the meeting that an inter-ministerial team that included representatives from the Tachoni Community had been formed to undertake the verification. They visited the disputed area and conducted a series of meetings with the communities.

37. In reference to a letter, Ref: No. CONF/EX-S&B/1/KFS/VOL.VI/50, dated 15th November, 2021 from Kenya Forest Services to the Ministry of Environment and Forestry, the Cabinet Secretary informed the meeting that the verification process had stalled at the onset following the withdrawal of the Community as they needed him to constitute and gazette a taskforce for the same.

38. The Committee notes that following several engagements with the Ministry of Environment and Forestry on the matter that the Cabinet Secretary revoked the earlier Gazette Notice.

Site Visit to Chetambe Hill Forest in Bungoma County

35. The Committee undertook a Site Visit to Chetambe (Webuye) Hill Forest in Bungoma County on 16th March, 2022.

36. The Committee began the visit by paying a courtesy call to the office of the Deputy County Commissioner (DCC) where a short briefing session was held. During the session, the DCC informed the meeting that the matter had lasted for a long duration, causing suffering to the community as they had lived in fear of a possible eviction.

37. The Committee, accompanied by other stakeholders, proceeded to Chetambe Webuye Hill to meet with the petitioners to verify the matters contained in the petition and those expressed in submissions during the numerous virtual meetings held. Some of the key issues raised during the meeting included partial payments where the petitioners informed the Committee that some members of the community whose land was taken away were yet to be fully compensated. They also informed the Committee that issuance of title deeds had remained a challenge in the area and sought the Committee's intervention in expediting the process.

38. The Ministry of Environment and Forestry informed the meeting that the issues raised in the Petition had been resolved following its move to degazette the Legal Notice No. 106 that had gazetted Chetambe Hill as forest land.

39. Noting the degazettement of the Legal Notice by the Ministry of Environment and Forestry, the Committee resolved that the land be resurveyed by the Ministry of Lands and Physical Planning, be subdivided accordingly and title deeds issued to the respective owners. The Committee also urged the Ministry of Lands and Physical Planning in conjunction with the National Land Commission to expedite the titling and the compensation processes.



Figure 1: A Briefing Session at the Deputy County Commissioner's Office in Webuye



Figure 2: Committee Members and Stakeholders during the Site Visit at Chetambe



Figure 3: Members of the Community during the Site Visit Meeting by the Committee

CHAPTER 5

COMMITTEE OBSERVATIONS

In accordance with the Prayers of the Petitioner the Committee observes as follows:

1) The Committee notes that during its Site Visit to Chetambe (Webuye) Hill Forest in Bungoma County on 16th March, 2022, the Ministry of Environment and Forestry advised the Committee that the issues raised in the Petition had been resolved following its move to degazette Legal Notice No. 106 that had *gazetted* Chetambe Hill as a Forest.

2) That in their response to the Petition, the Cabinet Secretary, Ministry of Environment and Forestry furnished the Committee with a letter (Ref: ME&F/CS/336/2021 and dated 30th September 2021) by the Cabinet Secretary directing that the implementation and enforcement of the gazettement and any other precipitate action based on the disputed gazettement be suspended pending the outcome of a verification exercise. The Ministry did not furnish the Committee with evidence of the degazettement of the Forest.

3) That the said letter by the Cabinet Secretary (Ref: ME&F/CS/336/2021 and dated 30th September, 2021) does not amount to a degazettement of the Forest and that without the appropriate revocation of Legal Notice No. 106 by the Cabinet Secretary then the Chetambe Hill remains a gazetted Forest.

CHAPTER 6

COMMITTEE RECOMMENDATIONS

The Committee recommends that, the Cabinet Secretary, Ministry of Environment and Forestry, publishes a *Gazette* Notice revoking Legal Notice No. 106 that *gazetted* Chetambe Hill as a Forest within 21 days of the tabling of this report in the Senate.

APPENDICES

ANNEX I: MINUTES OF THE MEETINGS

(Attached separately)

MINUTES OF THE 22ND SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 9TH JUNE, 2022 VIA ZOOM ONLINE PLATFORM AT 11.00 NOON.

MEMBERS	**PRESENT**
1. Sen. Mwangi Paul Githiomi, MP	- **Chairperson**
2. Sen. Philip Mpaayei, MP	- **Vice Chairperson**
3. Sen. George Khaniri, MGH, MP	- Member
4. Sen. Ndwiga Peter Njeru, EGH, MP	- Member
5. Sen. Mwaruma Johnes, MP	- Member
6. Sen. Boy Issa Juma, MP	- Member
7. Sen. Arch. Sylvia Kasanga, MP	- Member
	ABSENT WITH APOLOGY
1. Sen. (Dr.) Lelegwe Ltumbesi, MP	- Member
2. Sen. Gideon Moi, CBS, MP	- Member
	IN ATTENDANCE
SECRETARIAT	
1. Mr. Victor Bett	- Clerk Assistant
2. Ms. Clare Kidombo	- Research Officer
3. Mr. Mitchell Otoro	- Legal Counsel
4. Mr. Erick Njogu	- Clerk Assistant
5. Mr. James Kimiti	- Hansard Officer

MINUTE SEN/SCLENR/108/2022: PRELIMINARIES

The meeting was called to order at 11.15 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 109/2022: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Boy Issa Juma, MP and seconded by Sen. Ndwiga Peter Njeru, EGH, MP as follows

1. Preliminaries
    - *Prayer*
    - *Introductions*
2. Adoption of the agenda;
3. Confirmation of Minutes;
4. Matters Arising;

5. **Adoption of Petition Reports**
    - **Report on the Petition Regarding resettlement Status of the former Kimondi Forest Evictees;**
    - **Report on the Petition Regarding the concerning the alleged gazettement of Chetambe (Webuye) hill forest, vide legal notice no. 106: Proposed Declaration of Public Forest Chetambe (Webuye) Hill Forest dated 25th June 2021;**
    - **Report on the submitted by the Residents of Mkamenyi Village in Voi Sub-County of Taita Taveta County, the alleged encroachment of land belonging to Mkamenyi residents by Voi Point Limited in Taita Taveta County;**
    - **Report on Petition regarding the status of land owned by multinationals in Kericho and Bomet Counties; and**
    - **Report on the Sustainable Waste Management Bill, 2021 (National Assembly Bill No. 22 of 2021).**
6. Any other Business;
7. Date of the next meeting;
8. Adjournment.

MINUTE SEN/SCLENR/110/2022: <u>CONFIRMATION OF MINUTES</u>

- The Minutes of the 59th sitting held on 8th September, 2021 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Boy Issa Juma, MP and Sen. George Khaniri, MGH, MP respectively.
- The Minutes of the 20th sitting held on 19th May, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Ndwiga Peter Njeru, EGH, MP and Sen. Mwaruma Johnes, MP respectively.
- The Minutes of the 21st sitting held on 25th May, 2022 were confirmed as a true record of the proceedings having been proposed and seconded by Sen. Boy Issa Juma, MP and Sen. Mwaruma Johnes, MP respectively.

MINUTE SEN/SCLENR/111/2022: <u>MATTERS ARISING</u>

There were no matters arising.

MINUTE SEN/SCLENR/112/2022: <u>ADOPTION OF PETITION REPORTS</u>

- **<u>Report on the Petition Regarding resettlement Status of the former Kimondi Forest Evictees;</u>**

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby adopted its report with the following recommendations in accordance with the Prayers of the Petitioner—

The Committee recommended as follows –

That the Cabinet Secretary, Ministry of Lands and Physical Planning in collaboration with the Cabinet Secretary of Environment and Forestry and the County Government of Nandi, proceed with verification of the Former Kimondi evictees; identification of alternative land; and resettlement of the former Kimondi Forest evictees, and reports back to the Senate on the progress within six (6) months after the adoption of this report.

That in the event that the Former Kimondi Forest evictees are not settled in alternative land within the stipulated six (6) months, that the Cabinet Secretary for Environment and Forestry in collaboration with the Ministry of Lands and Physical Planning, the County Government of Nandi and the National Land Commission facilitates monetary compensation for the squatters to allow them to find alternative land for settlement within one (1) year following the receipt of the progress report on the matter to the Senate.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Arch. Sylvia Kasanga, MP and Sen. Philip Mpaayei, MP respectively.

- **Report on the Petition Regarding the concerning the alleged gazettement of Chetambe (Webuye) hill forest, vide legal notice no. 106: Proposed Declaration of Public Forest Chetambe (Webuye) Hill Forest dated 25th June 2021;**

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby adopted its report with the following recommendations in accordance with the Prayers of the Petitioner—

The Committee recommended as follows –

the Cabinet Secretary, Ministry of Environment and Forestry, publishes a *Gazette* Notice revoking Legal Notice No. 106 that *gazetted* Chetambe Hill as a Forest within 21 days of the adoption of this report.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Arch. Sylvia Kasanga, MP and Sen. Philip Mpaayei, MP respectively.

- **Report on the submitted by the Residents of Mkamenyi Village in Voi Sub-County of Taita Taveta County, the alleged encroachment of land belonging to Mkamenyi residents by Voi Point Limited in Taita Taveta County;**

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby adopted its report with the following recommendations in accordance with the Prayers of the Petitioner—

The Committee recommended as follows –

The Committee recommends that the DCI and the EACC investigates the circumstances leading to the approval of subdivision of the property by the Taita Taveta County Government and report back to the Senate within six (6) weeks of the tabling of this report.

The Committee further recommends that the DCI and the EACC investigate the circumstances leading to the renewal of the lease over the property, noting that a ground inspection would have indicated that the land was occupied by the Mkamenyi community, and report back to the Senate within six (6) months of the tabling of this report.

The Committee also recommends that the National Land Commission engages Voi Point Limited, the Mkamenyi community and the MoLPP with a view to ensuring that the Mkamenyi community get allotted adequate land, preferably the land that the community had occupied and buried its dead, and report back to the Senate within six (6) months of the tabling of this report.

The Committee recommends that Voi Point Limited should commence the process of allocating the additional 15 acres to the Mkamenyi community as discussed during the meeting with the Committee held on 25th May, 2022.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Arch. Sylvia Kasanga, MP and Sen. Philip Mpaayei, MP respectively.

- **Report on Petition regarding the status of land owned by multinationals in Kericho and Bomet Counties.**

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders, hereby adopted its report with the following recommendations in accordance with the Prayers of the Petitioner—

The Committee recommended as follows –

Arising from the above observations, the Committee, noting the mandate of the National Land Commission under Article 67 of the Constitution and Section 15 (1)

of the National Land Commission Act, endorses the findings and recommendations by the National Land Commission, to wit –

i. **The British Government do apologize to the Kipsigis and Talai victims for the injustices inflicted on them.**
ii. **The Kenya Government to make a formal acknowledgment that what was crown land was unlawfully taken away from the Kipsigis and Talai by the Colonial Government and ought to have been surrendered to the community at independence.**
iii. **The British Government to construct amenities for the communities.**
iv. **The British Government do pay reparations to the direct victims of the historical land injustices.**
v. **The Multi-National Companies do pay Mesne profits to the victims for loss of use of the land since 1902.**
vi. **Rates and Rent for land occupied by the companies be enhanced so as to benefit the County Governments of Kericho and Bomet.**
vii. **The companies do lease the said parcels from the County Governments of Kericho and Bomet.**
viii. **The leases that have expired should not be renewed without the concurrence of the County Government where the land is domiciled.**
ix. **The Government of Kenya to resettle the members of the Kipsigis and Talai Community within the vicinity of Kericho and Bomet to end their perennial landlessness.**
x. **A fresh survey and audit be undertaken for land allocated to the companies and any land in excess of the size documented in the official records be reverted back to the County Governments of Kericho and Bomet and be held in trust on behalf of the residents of the two counties.**

The Committee further recommends that the suit pending in Court, namely Nairobi ELC JR 3 of 2020 (formerly JR 95 of 2019 Republic vs National Land Commission, Director of Survey, County Government of Kericho County Government of Bomet ex parte Applicants KTGA and its members), be heard and determined in an expeditious manner and, in accordance with the applicable rules, be heard on a day-to-day basis to conclusion.

The Report of the Committee was therefore adopted after having been proposed and seconded by Sen. Arch. Sylvia Kasanga, MP and Sen. Philip Mpaayei, MP respectively.

- **<u>Report on the Sustainable Waste Management Bill, 2021 (National Assembly Bill No. 22 of 2021).</u>**

Having considered the bill report, the Committee resolved to defer its adoption to allow for further deliberations and amendments on the bill.

MINUTE SEN/SCLENR/113/2022: ANY OTHER BUSINESS

- Senator for Taita Taveta County noted the need to follow up on the Ikanga Airstrip compensation matter. The Committee resolved to invite the Managing Director, Kenya Airports Authority to a meeting committee to provide an update on the same.
- Members acknowledged the secretariat for facilitating the Committee to successfully carry out its mandate and resolved to issue commendations in appreciation.

MINUTE SEN/SCLENR/114/2022: DATE OF THE NEXT MEETING

The meeting was adjourned at 12:14 pm and the next meeting was to be held on Tuesday, 14th June, 2022 at 9:00 am.

Signed:..... Date: **09/06/2022**

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

MINUTES OF THE 57TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 20TH AUGUST, 2021 AT SAROVA WHITESANDS HOTEL, MOMBASA AT 9.00 AM.

MEMBERS	**PRESENT**
1. Sen. Mwangi Paul Githiomi, MP	- **Chairperson**
2. Sen. Philip Mpaayei, MP	- **Vice Chairperson**
3. Sen. Mwaruma Johnes, MP	- Member
4. Sen. Ndwiga Peter Njeru, EGH, MP	- Member
5. Sen. Boy Issa Juma, MP	- Member
6. Sen. (Dr.) Lelegwe Ltumbesi, MP	- Member

ABSENT WITH APOLOGY

1. Sen. George Khaniri, MGH, MP	- Member
2. Sen. Gideon Moi, CBS, MP	- Member
3. Sen. Sylvia Kasanga, MP	- Member

IN ATTENDANCE	**SECRETARIAT**
1. Mr. Victor Bett	- Clerk Assistant
2. Mr. Crispus Njogu	- Clerk Assistant
3. Ms. Mitchell Otoro	- Legal Counsel
4. Ms. Lucianne Limo	- Media Relations Officer
5. Ms. Farida Kinyua	- Personal Secretary
6. Mr. Erick Njogu	-Clerk Assistant
7. Mr. John Pere	- Sergeant-At-Arms
8. Mr. James Kimiti	- Audio Recording
9. Mr. Naftali Ondiba	- Finance Officer

MINUTE SEN/SCLENR/327/2021: PRELIMINARIES

The meeting was called to order at 9:00 am by the Chairperson followed by a word of prayer.

MINUTE SEN/SCLENR/328/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP as follows –

1. Preliminaries
2. Adoption of the agenda;
3. Confirmation of Minutes;
4. **Consideration of;**

(a) New Petitions and Statements
(b) Pending Legislative Business

5. Any other Business;
6. Date of the next meeting;
7. Adjournment.

MINUTE SEN/SCLENR/329/2021: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Committee differed the confirmation of Minutes.

MINUTE SEN/SCLENR/330/2021: CONSIDERATION OF;

(a) New Petitions and Statements

The Secretariat informed the meeting that there was a new petition by residents of Webuye East Sub-County on the alleged gazettement of Chetambe (Webuye) hill forest, vide Legal Notice No. 106: proposed declaration of public forest Chetambe (Webuye) hill forest dated 25th June 2021.

After deliberations, **the Committee resolved to invite the petitioners for a meeting to appraise members on the matters relating to the petition and present their documents on the same for verification.**

The Committee was also informed by the Secretariat about a request for statement under Standing Order 48 (1) of the Senate Standing Orders on the Status of Kwa Muhu Internally Displaced persons (IDPs) Resettlemnt Farm in Kanjuiri, Olkalou, Nyandarua County.

After deliberations **the Committee resolved to invite the Cabinet Secretary for Ministry of Lands and Physical Planning to give responses on the issues raised in the request.**

(b) Pending Legislative Business

The Secretariat informed the meeting that the Committee was scheduled to hold a retreat in Mombasa with the members of the Geological Society of Kenya (GSK) to consider their Legislative Proposals.

The Committee resolved to conduct the retreat as proposed and permitted the Secretariat to proceed with the preparation arrangements for the same.

MINUTE SEN/SCLENR/330/2021: ANY OTHER BUSINESS;

There was no other business discussed.

MINUTE SEN/SCLENR/331/2021: DATE OF NEXT MEETING;

The meeting was adjourned at 1.00 pm and the next meeting was scheduled for 20th August, 2021 at 2:00 pm

Signed:..... Date: **18/2/2022**

SEN. MWANGI PAUL GITHIOMI, MP

CHAIRPERSON, STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

MINUTES OF THE 60TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 16TH SEPTEMBER, 2021 VIA ZOOM ONLINE PLATFORM AT 11.00 AM.

MEMBERS **PRESENT**

1. Sen. Philip Mpaayei, MP - **Vice Chairperson**
2. Sen. (Dr.) Lelegwe Ltumbesi, MP - Member
3. Sen. Boy Issa Juma, MP - Member
4. Sen. George Khaniri, MGH, MP - Member

IN ATTENDANCE

1. Sen. Moses Wetangula, EGH, MP - Senator, Bungoma County

ABSENT WITH APOLOGY

1. Sen. Mwangi Paul Githiomi, MP - **Chairperson**
2. Sen. Mwaruma Johnes, MP - Member
3. Sen. Arch. Sylvia Kasanga, MP - Member
4. Sen. Ndwiga Peter Njeru, EGH, MP - Member
5. Sen. Gideon Moi, CBS, MP - Member

IN ATTENDANCE

A. PETITIONERS

1. Mr. Patrick Lichuma - Chairperson, Petitioners

B. SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Ms. Clare Kidombo - Research Officer
3. Mr. Mitchell Otoro - Legal Counsel
4. Ms. Lucianne Limo - Audio Recording
5. Mr. Eric Njogu - Clerk Assistant

MINUTE SEN/SCLENR/346/2021: PRELIMINARIES

The meeting was called to order at 11.29 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/347/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. George Khaniri, MGH, MP and seconded by Sen. Boy Issa Juma, MP as follows

1. Preliminaries

- *Prayer;*
- *Introductions*

2. Adoption of the agenda;
3. **Petition regarding the alleged gazettement of Chetambe (Webuye) hill forest, vide legal notice No. 106: Proposed declaration of public Forest Chetambe (Webuye) Hill Forest dated 25th June 2021;**
4. Any other Business;
5. Date of the next meeting;
6. Adjournment.

MINUTE SEN/SCLENR/348/2021: PETITION REGARDING THE ALLEGED GAZETTEMENT OF CHETAMBE (WEBUYE) HILL FOREST, VIDE LEGAL NOTICE NO. 106: PROPOSED DECLARATION OF PUBLIC FOREST CHETAMBE (WEBUYE) HILL FOREST DATED 25TH JUNE 2021

Due to network challenges on the part of the petitioners as they took members through their petition, the Committee observed that a physical meeting would yield to a better interaction with the petitioners.

After deliberations, **the Committee resolved to hold a physical meeting with the petitioners within the precincts of parliament on Wednesday 22nd September, 2021 at 10:00 am.**

The Secretariat was tasked to make the necessary arrangements for the same.

MINUTE SEN/SCLENR/349/2021: ANY OTHER BUSINESS

The meeting was informed by the secretariat of a new petition regarding the proposed Environment Institute of Kenya – EIK bill that was committed to the Committee for its consideration.

MINUTE SEN/SCLENR/350/2021: DATE OF NEXT MEETING

The meeting was adjourned at 11.43 am and the next meeting was to be held on Wednesday 22nd September, 2021 at 10:00 am.

Signed: ..... Date: **18/2/2022**

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

MINUTES OF THE 61ST SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 22ND SEPTEMBER, 2021 AT THE MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS AT 10.00 AM.

MEMBERS

PRESENT

1. Sen. Philip Mpaayei, MP - **Vice Chairperson**
2. Sen. George Khaniri, MGH, MP - Member
3. Sen. (Dr.) Lelegwe Ltumbesi, MP - Member
4. Sen. Mwaruma Johnes, MP - Member

IN ATTENDANCE

1. Sen. Moses Wetangula, EGH, MP - Senator, Bungoma County

ABSENT WITH APOLOGY

1. Sen. Mwangi Paul Githiomi, MP - **Chairperson**
2. Sen. Arch. Sylvia Kasanga, MP - Member
3. Sen. Ndwiga Peter Njeru, EGH, MP - Member
4. Sen. Gideon Moi, CBS, MP - Member
5. Sen. Boy Issa Juma, MP - Member

IN ATTENDANCE

C. PETITIONERS

1. Mr. Patrick Sitati Lichuma - Chairperson, Petitioners
2. Hon. Martin Pepela - MCA, Bungoma County Assembly
3. Hon. Violet Makhanu - MCA, Bungoma County Assembly
4. Mr. Mark W. Buyabo - Secretary
5. Mr. Eric L.M. Wambasi - Petitioner
6. Mr. Nelson Kakai Sikanga - Petitioner
7. Dr. Iyaya Wanjala - Petitioner
8. Dr. Geoffrey Chemwa - Petitioner
9. Mr. Kingsley Mutali - Petitioner
10. Mr. Yusuf Kakai - Petitioner
11. Mr. Paul W. Waikhungu - Petitioner

D. SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Ms. Clare Kidombo - Research Officer
3. Mr. Mitchell Otoro - Legal Counsel
4. Mr. James Kimiti - Audio Recording

5. Mr. Charles Oyosi - Media Relations
6. Mr. Erick Njogu - Clerk Assistant

MINUTE SEN/SCLENR/351/2021: PRELIMINARIES

The meeting was called to order at 10.30 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/352/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Mwaruma Johnes, MP and seconded by Sen. George Khaniri, MGH, MP as follows

1. Preliminaries
    - *Prayer;*
    - *Introductions*
2. Adoption of the agenda;
3. **Petition regarding the alleged gazettement of Chetambe (Webuye) hill forest, vide legal notice No. 106: Proposed declaration of public Forest Chetambe (Webuye) Hill Forest dated 25th June 2021;**
4. Any other Business;
5. Date of the next meeting;
6. Adjournment.

MINUTE SEN/SCLENR/353/2021: PETITION REGARDING THE ALLEGED GAZETTEMENT OF CHETAMBE (WEBUYE) HILL FOREST, VIDE LEGAL NOTICE NO. 106: PROPOSED DECLARATION OF PUBLIC FOREST CHETAMBE (WEBUYE) HILL FOREST DATED 25TH JUNE 2021

The petitioners made their opening remarks by informing the meeting that the Tachoni cultural community were among the 18 sub-communities within the larger Luhya Community and occupied a majority of Webuye East Sub-County and Webuye town, the second biggest town in Bungoma County.

They also informed the Committee that 30,000 families lived in the disputed area which also hosted numerous shrines.

They then took the meeting through the petition as was tabled before the Senate as follows;

We, the **UNDERSIGNED**, residents of Webuye East Sub County, Bungoma County; DRAW the attention of the 4ouse to the following;-

1. **That,** the above Legal Notice No. 106 under which Chetainbe (Webuye) Hill Forest was gazetted, the gazetted forest is to cover a land mass of **406.22hectares or 1003.36634 acres.**

2. **That,** the residents of the area earmarked tor gazettement were and are still gravely concerned and shocked at the notice. for the gazetted area is their ancestral land which they have lived on and used for various socio-economic activities including grazing ground for their livestock since time immemorial (close to a century).
3. **That,** at the advent of colonialism in Kenya, the heroic people of Bungoma put up a gallant resistance fight against the advancing colonialists on their land and their land remained sacred to them with immense historical significance.
4. **That,** within the area earmarked, the ***Tachoni community*** and the Kalenjin neighbors entered a covenant dubbed ***(Okhulia Yimba)*** to end inherent acrimony and animosity to achieve peaceful co-existence between the two communities.
5. **That,** in 1925 the local inhabitants were forcefully evicted by the colonial government to pave way for white settlers in **Chepsaita** area currently **Uasin Gishu County, Ndalu, Naitiri, Lugari and Kiminini** among others and as a consequence they settled in the area then referred to as **East *Kitosi***. the present **Webuye East Sub County,** the gazetted area included.
6. **That,** several forts namely; ***Olukova lwa Sitati, Olukova lwa Chetambe, Olukova lwa Kakai and Olukova lwa Wangusi,*** were constructed by the locals and they remain critical and revered shrines to the people of Webuye East Sub County.
7. **That,** the affected residents of **Webuye East Sub County** were never consulted by way of public participation **(a fundamental pillar and requirement under the Constitution of Kenya, 2010)** in arriving at the decision to issue the Gazette Notice.
8. **That,** administrative processes and decisions that affect citizens wel tare and wellbeing must strictly adhere to set constitutional and statutory provisions including the right to be heard by citizens who would be affected adversely or otherwise by such a decision.
9. **That,** the gazetted area is home to thousands of people (at an average of 2 to 3 *families per Acre)* with historical attachment including their ancestral final resting places.
10. **That,** the gazettement of the forest has raised enormous anxiety and restlessness
11. among the residents of the affected area leading to uncalled demonstrations and other resistance mechanisms and activities which are likely to escalate due to simmering tension. delicate circumstances that as leaders in the County we wish not to embrace or encourage.
12. **That,** the effect of the gazette notice contravenes the people's rights as enshrined in Article (31) (b), on the privacy of property as well as the right not to have their possession seized. In addition. Article 53 (1) (b) & (c) on basic education. nutrition. shelter and health of children. Article 61 on the security of land rights and Article 64 on registered ownership of private land will be crossly violated if the intended directive is implemented.

13. **That,** we have had this matter addressed by relevant authorities and used all available avenues to have the matter considered, all of which have resulted into unsatisfactory responses.
14. **That,** none of the issues raised in this Petition are pending before any court of' law. constitutional or any other legal body.
15. **THEREFORE,** your humble petitioners **PRAY** that the Senate intervenes to have this gazette notice **withdrawn and the status quo maintained to alleviate growing anxiety, forestall potential violent conflicts and avert any tragic risks such as loss of lives and property and related consequences.**

In reference to the differences the petitioners observed between the legal notice 106 of 25th June 2021 and the issues of the pan paper factory establishment, they raised the following questions;

a. When, where did the government through Ministries of Lands and Physical Planning, and Forestry and Environment do public participation as per our constitution with the people of Ndivisi/Mihuu, landowners within the area covered by boundary plan No. 175/512 Chetambe (Webuye) Hill Forest.
b. Is this going to be forceful acquisition or voluntary surrender? If voluntary, has the government involved the affected people? If yes, where and who (give names).
c. If the government wants to acquire this place due to its policy on hills, can government tell us how human settlement/inhabitant/dwelling affected the environment e.g. desertification, dried water catchment etc?
d. Is the government aware that the forest on Chetambe Hills is not done by the government but rather planted and maintained by individual landowners? A small area of two (2) acres planted by pan paper factory was destroyed by employees of the factory etc, where they had planted pinus trees.

The petitioners informed the Committee that in 1973, there was an alleged reimbursement from the government for the community to vacate the area but wondered why no evictions were effected.

They felt that the gazettement was meant to defraud them since the government had continued to issue title deeds in the area in as recent as this year.

They informed the meeting that the community was known to conserve the forest as evidenced in their submissions and invited the Committee to visit the area to witness it and interact with the community.

Committee's Interventions and Observations

The Committee thanked the petitioners for presenting their case to the Senate.

Members observed that the government conducted evictions using gazette notices, noting that gazette notices were insufficient to conduct evictions.

After deliberations, **the Committee resolved to invite stakeholders for a virtual meeting on 7th October, 2021 to make their submissions and respond to the issues raised by the petitioners. They included;**

Ministry of Land and Physical Planning,
Ministry of Forestry and Environment, and
National Land Commission (NLC)

The Committee further resolved to conduct a site visit to verify the facts.

MINUTE SEN/SCLENR/354/2021: ANY OTHER BUSINESS

The meeting was informed by the secretariat that there was a new Petition to expunge the alleged offending provisions in the Water Services Regulations, 2021 and the Water Resources Regulations, 2021 that was committed to the Committee for its consideration. The meeting **resolved to invite the petitioners for a meeting on 6th October 2021 to appraise the Committee on the matters raised in their petition.**

MINUTE SEN/SCLENR/355/2021: DATE OF NEXT MEETING

The meeting was adjourned at 11.37 am and the next meeting was to be held on Thursday 23rd September, 2021 at 11:00 am.

Signed:..... Date: **18/2/2022**

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

MINUTES OF THE 69TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 28TH OCTOBER, 2021 VIA ZOOM ONLINE PLATFORM AT 11.00 AM.

MEMBERS **PRESENT**

1. Sen. Mwangi Paul Githiomi, MP - **Chairperson**
2. Sen. Philip Mpaayei, MP - Vice Chairperson
3. Sen. Ndwiga Peter Njeru, EGH, MP - Member
4. Sen. Mwaruma Johnes, MP - Member
5. Sen. (Dr.) Lelegwe Ltumbesi, MP - Member
6. Sen. George Khaniri, MGH, MP - Member
7. Sen. Boy Issa Juma, MP - Member

IN ATTENDANCE

1. Sen. Moses Wetangula, EGH, MP - Senator Bungoma County

ABSENT WITH APOLOGY

1. Sen. Gideon Moi, CBS, MP - Member
2. Sen. Arch. Sylvia Kasanga, MP - Member

IN ATTENDANCE

E. NATIONAL LAND COMMISSION

1. Dr. Gerishom Otachi - Chairperson, NLC
2. Mr. Hezron Alela - NLC Secretariat
3. Mr. Onyino Mukobe - NLC, Bungoma

F. PETITIONERS

1. Mr. Patrick Lichuma - Chairperson, Petitioners
2. Mr. Kinsley Mutalii – Petitioner
3. Mr. Wafula Wakhungu – Petitioner

G. SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Ms. Clare Kidombo - Research Officer
3. Mr. Mitchell Otoro - Legal Counsel
4. Ms. Lucianne Limo - Audio Recording
5. Mr. Eric Njogu - Clerk Assistant

MINUTE SEN/SCLENR/385/2021: PRELIMINARIES

The meeting was called to order at 11.16 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 386/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Johnes Mwaruma, MP and seconded by Sen. Boy Issa Juma, MP as follows

1. Preliminaries
    - *Prayer;*
    - *Introductions*
2. Adoption of the agenda;
3. **Petition regarding the alleged gazettement of Chetambe (Webuye) hill forest, vide legal notice No. 106: Proposed declaration of public Forest Chetambe (Webuye) Hill Forest dated 25th June 2021;**
    - **Cabinet Secretary, Ministry of Environment and Forestry,**
    - **Cabinet Secretary, Ministry of Lands and Physical Planning and**
    - **Chairperson, National Land Commission;**
4. Any other Business;
5. Date of the next meeting;
6. Adjournment.

MINUTE SEN/SCLENR/ 387 /2021: PETITION REGARDING THE ALLEGED GAZETTEMENT OF CHETAMBE (WEBUYE) HILL FOREST, VIDE LEGAL NOTICE NO. 106: PROPOSED DECLARATION OF PUBLIC FOREST CHETAMBE (WEBUYE) HILL FOREST

The Committee was informed of apologies form the Cabinet Secretary, Ministry of Environment and Forestry that he is travelling to Glasgow, Scotland for the Climate Change Conference vide letter Ref: MEF//ADM/16/VOL.IV (50) dated 26th October, 2021 and from the Ministry of Lands and Physical Planning informing the Committee of the bereavement of the Cabinet Secretary vide letter Ref: MOLPP/ADM/21/10/(17) dated 28th October, 2021.

The Committee resolved to hear from the **Chairperson, National Land Commission** who informed the Committee as follows:

- The Commission had not prepared a written response owing to the fact that the matter falls squarely within the mandate of the Ministry of Environment and Forestry; and
- Should they be required to make clarification following the response and background from the Ministry of Environment and Forestry and the Ministry of Lands and Physical Planning, then they will endeavor to provide the Committee with a response.

MINUTE SEN/SCLENR/ 388 /2021: ANY OTHER BUSINESS

The Senator Taita Taveta County requested that the Committee re-visits the following matters;

1. The Ikanga Airstrip matter following an undertaking that was given to the Committee by the Kenya Airports Authority that Compensation will have been done by August, 2021 which is since overdue and hasn't been done; and
2. On the Petition by residents of Mkamenyi Village in Voi sub-county of Taita Taveta County regarding the alleged encroachment of land belonging to Mkamenyi residents by Voi Point Limited in Taita Taveta County; the Committee writes a prompting letter to the Directorate of Criminal Investigations following up on the report that was to be submitted to the Committee by 31st October, 2021 so as to enable the Committee complete its Report to the Senate.

MINUTE SEN/SCLENR/ 389 /2021: DATE OF NEXT MEETING

The meeting was adjourned at 11.42 am and the next meeting was to be held on Wednesday, 17th November, 2021 at 10:00 am.

Signed: ..... Date: **18/2/2022**

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

MINUTES OF THE 73RD SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 1ST DECEMBER, 2021 VIA ZOOM ONLINE PLATFORM AT 11.00 AM.

MEMBERS

PRESENT

1. Sen. Mwangi Paul Githiomi, MP - **Chairperson**
2. Sen. Ndwiga Peter Njeru, EGH, MP - Member
3. Sen. Mwaruma Johnes, MP - Member
4. Sen. George Khaniri, MGH, MP - Member

IN ATTENDANCE

1. Sen. Moses Wetangula, EGH, MP - Senator, Bungoma County

ABSENT WITH APOLOGY

1. Sen. Philip Mpaayei, MP - **Vice Chairperson**
2. Sen. Gideon Moi, CBS, MP - Member
3. Sen. Arch. Sylvia Kasanga, MP - Member
4. Sen. Boy Issa Juma, MP - Member
5. Sen. (Dr.) Lelegwe Ltumbesi, MP - Member

IN ATTENDANCE

H. PETITIONERS – KIMONDI FOREST

1. Mr. David Wanyonyi - Representative, Petitioners

I. PETITIONERS – CHETAMBE (WEBUYE) HILL

1. Mr. Patrick Sitati Lichima - Representative, Petitioners

J. MINISTRY OF ENVIRONMENT AND FORESTRY

1. Mr. Keriako Tobiko, CBS, SC - Cabinet Secretary
2. Mr. Julius W. Kamau - Chief Conservator of Forests
3. Mr. Stephen Ndolo - Ass Director, Forest Conservation
4. Mr. Patrick Kariuki
5. Ms. Ann Syombua
6. Mr. Rod Nyamari
7. Ms. Jacinta Nabwire - Assistant Secretary

K. NATIONAL LAND COMMISSION

1. Mr. Gershom Otachi - Chairperson

L. COUNTY GOVERNMENT OF NANDI

1. Philemon Bureti - CEC Lands

M. SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Mr. Mitchell Otoro - Legal Counsel
3. Mr. Erick Njogu - Clerk Assistant
4. Ms. Florence Waweru - Clerk Assistant
5. Mr. James Kimiti - Hansard Officer
6. Shem Ayuka - Attachee

MINUTE SEN/SCLENR/405/2021: PRELIMINARIES

The meeting was called to order at 11.20 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 406/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Mwaruma Johnes, MP as follows

1. Preliminaries
   - *Prayer;*
   - *Introductions*
2. Adoption of the agenda;
3. **Petition on the alleged gazettement of Chetambe (Webuye) Hill forest, vide legal notce no: 106: proposed declaration of public forest Chetambe (Webuye) Hill forest dated 25th. June,2021;**

   - **Submissions from**
     The Cabinet Secretary, Ministry of Lands and Physical Planning
     The Cabinet Secretary, Ministry of Environment and Forestry
     The Chairperson, National Land Commission

4. **Petition on the resettlement status of former Kimondi forest evictees;**

   - **Submissions from**
     The Cabinet Secretary, Ministry of Lands and Physical Planning
     The Cabinet Secretary, Ministry of Environment and Forestry
     The Chairperson, National Land Commission and
     The Governor, Nandi County

5. Any other Business;
6. Date of the next meeting;

7. Adjournment.

MINUTE SEN/SCLENR/ 407 /2021: PETITION ON THE ALLEGED GAZETTEMENT OF CHETAMBE (WEBUYE) HILL FOREST, VIDE LEGAL NOTCE NO: 106: PROPOSED DECLARATION OF PUBLIC FOREST CHETAMBE (WEBUYE) HILL FOREST DATED 25TH. JUNE, 2021;

- The Committee was informed of apologies from the Cabinet Secretary, Ministry of Lands and Physical Planning that she was engaged in other official dutuies.
- The Senator Bungoma County, who was in attendance, sought to leave the meeting as he was involved in other official duties and the Committee acceded.
- Noting the absence of some of the key stakeholders, deliberations ensued, and the meeting resolved to hear the submissions from the stakeholders present.

Submissions from The Cabinet Secretary Ministry of Environment and Forestry

- The Cabinet Secretary informed the meeting that following a consultative meeting involving the Tachoni Community representatives, Cabinet Secretary Eugene Wamalwa, Kenya Forest Services and himself, he issued the following directives vide a letter Ref: ME&F/CS/336/2021 dated 30th September 2021 upon consideration of the issues raised by the community;
    iv. That a joint ground and documents verification exercise be conducted to verify the validity of the allegations raised by the petitioners over the disputed gazettement of Chetambe Hill Forest,
    v. That a report be submitted within thirty (30) days upon conclusion of the verification exercise, and
    vi. That the implementation and enforcement of the gazettement and any other precipitate action based on the disputed gazettement be suspended pending the outcome of the verification exercise.
- Following the directives, the Cabinet Secretary informed the meeting that an inter-ministerial team that included representatives from the Tachoni Community had been formed to undertake the verification. They visited the disputed area and conducted a series of meetings with the communities.
- In reference to a letter Ref: No. CONF/EX-S&B/1/KFS/VOL.VI/50 dated 15th November, 2021 from Kenya Forest Services to the Ministry of Environment and Forestry, the Cabinet Secretary informed the meeting that the verification process had stalled at the onset following the withdrawal of the Community as they needed him to constitute and gazette a taskforce for the same.

Observations and Interventions

- The Committee commended the Cabinet Secretary for swift action in an attempt to bring the matter to a conclusive end and sought him to avail himself before the Committee meetings when called upon to address queries that may arise from his submission.

- The Committee also note that forming a taskforce for the matter would need an anticipated budgetary allocation and that for conclusive deliberations on the same, the presence of Bungoma County Senator was necessary.
- Members sought for a clarification from the petitioners on the need for a taskforce and in response, they requested the meeting for some time to conduct internal consultations to avoid giving disjointed statements, a request the Committee acceded to.

MINUTE SEN/SCLENR/ 408 /2021: PETITION ON THE RESETTLEMENT STATUS OF FORMER KIMONDI FOREST EVICTEES;

- The Committee noted that the Cabinet Secretary, Ministry of Environment and Forestry had concluded his submissions on the matter and that it was time for the Chairperson National Land Commission to present his response.
- The Chairperson National Land Commission requested the Committee to allow him time to conclude the submission as his technical team was still gathering information. Members acceded to the request and required him to submit the same on Tuesday 7th December, 2021

MINUTE SEN/SCLENR/ 409 /2021: ANY OTHER BUSINESS

There was no other business

MINUTE SEN/SCLENR/ 410 /2021: DATE OF NEXT MEETING

The meeting was adjourned at 12:20 pm and the next meeting was to be held on Thursday, 2nd December, 2021 at 11:00 am.

Signed:..... Date: **18/2/2022**

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

MINUTES OF THE 80TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY, 9TH DECEMBER, 2021 VIA ZOOM ONLINE PLATFORM AT 11.00 AM.

MEMBERS

PRESENT

1. Sen. Mwangi Paul Githiomi, MP - **Chairperson**
2. Sen. Ndwiga Peter Njeru, EGH, MP - Member
3. Sen. Mwaruma Johnes, MP - Member
4. Sen. Arch. Sylvia Kasanga, MP - Member

IN ATTENDANCE

1. Sen. Moses Wetangula, EGH, MP - Senator, Bungoma County
2. Sen. Cherarkey Samson K, MP - Senator, Nandi County
3. Sen Millicent Omanga, MP - Nominated Senator

ABSENT WITH APOLOGY

1. Sen. Philip Mpaayei, MP - **Vice Chairperson**
2. Sen. George Khaniri, MGH, MP - Member
3. Sen. Gideon Moi, CBS, MP - Member
4. Sen. Boy Issa Juma, MP - Member
5. Sen. (Dr.) Lelegwe Ltumbesi, MP - Member

IN ATTENDANCE

N. PETITIONERS – CHETAMBE (WEBUYE) HILL FOREST

1. Mr. Patrick Sutati Lichuma - Lead Petitioner

O. MINISTRY OF LANDS AND PHYSICAL PLANNING

1. Dr. Nicholas Muraguri, CBS - Principal Secretary

P. NATIONAL LAND COMMISSION

1. Mr. Gershom Otachi - Chairperson

Q. SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Mr. Mitchell Otoro - Legal Counsel
3. Ms. Lucianne Limo - Media Relations
4. Mr. Erick Njogu - Clerk Assistant
5. Mr. James Kimiti - Hansard Officer
6. Mr.Shem Ayuka - Attachee

MINUTE SEN/SCLENR/443/2021: PRELIMINARIES

The meeting was called to order at 11.00 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 444/2021: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Mwaruma Johnes, MP and seconded Sen. Arch. Sylvia Kasanga, MP by as follows

1. Preliminaries
    - *Prayer*
    - *Introductions*
2. Adoption of the agenda;
3. **Submissions by the Cabinet Secretary, Ministry of Lands and Physical Planning and the Chairperson, National Land Commission on;**
    - Statement requested by Sen. Mercy Chebeni, MP, on behalf of Sen. Halake Abshiro, MP, on 5th August, 2021, regarding the status of Kwa Muhu Internally Displaced Persons (IDPs) resettlement farm in Kanjuiri, Olkalou – Nyandarua County;
    - Statement requested by Sen. Aaron Cheruiyot, MP, on 11th November, 2021, regarding land transactions by multinationals without the involvement of the national or county Government;
    - Statement requested by Sen. Millicent Omanga, MP, on 11th November, 2021 regarding the alleged irregular ownership and use of land referenced as LR. No. 336/64, originally LR. No. 336/12, in Babadogo, Nairobi City County;
    - Statement requested by Sen. (Dr.) Irungu Kang'ata, MP, on 11th November, 2021 regarding the progress involved in compensating Kagaa Kilifi Land Owners Group with reference to LR. No. 2859 and LR No. 1427 in Kilifi County;
    - Statement requested by Sen. Samson Cherarkey, MP on 1st December, 2021 regarding land leases in Nandi County; and
    - Petition regarding the alleged gazettement of Chetambe (Webuye) Hill Forest, vide Legal Notice No. 106: Proposed Declaration of Public Forest Chetambe (Webuye) Hill Forest.
4. Any other Business;
5. Date of the next meeting;
6. Adjournment.

MINUTE SEN/SCLENR/445/2021: SUBMISSIONS BY THE CABINET SECRETARY, MINISTRY OF LANDS AND PHYSICAL PLANNING AND THE CHAIRPERSON, NATIONAL LAND COMMISSION ON;

1) **Petition**

- **Petition regarding the alleged gazettement of Chetambe (Webuye) Hill Forest, vide Legal Notice No. 106: Proposed Declaration of Public Forest Chetambe (Webuye) Hill Forest.**

Response by Principal Secretary, Ministry of Land and Physical Planning

The Principal Secretary (PS), Ministry of Lands and Physical Planning took the meeting through his response as follows (***see attached…).***

Interventions and Observations

i. The Committee observed that the delineation process of the forest land for conservation started in 1973 and as a result the residents raised concerns on lack of public participation and non-compensation.

ii. The meeting noted that the issues raised by the petitioners were legitimate and needed to be addressed in a way that upheld conservation efforts as well as redressing the petitioners.

iii. It was also noted that a taskforce headed by the County Commissioner, Bungoma County had been formed to engage the community and local leaders. Senator Bungoma County requested to be enjoined in the proceedings of the taskforce and the PS informed the meeting that he would take up the matter and ensure that it was done.

iv. The PS informed the meeting that the status quo would be upheld pending conclusion of the matter. He further reiterated the government's commitment to conservation whereby forest land illegally held by individuals would be repossessed.

v. The Committee noted the existence of an alleged Legal Notice to degazette the Gazette Notice No. 106 of 25th June 2021and sought the PS to clarify on the same. The PS informed members that he would consult with the Ministry of Environment and Forestry to ascertain the matter.

Response by the Chair, National Land Commission

The Chair, National Land Commission (NLC) took the meeting through his brief response as follows (***see attached…).***

The meeting noted that representatives drawn from Chetambe community had declined to participate in the document verification exercise that was conducted by a taskforce established by the Ministry of Environment and Forestry, calling for its gazettement.

The **Committee resolved to conduct a site visit to the disputed area to meet with community for verification of facts.**

2) Statements

It was noted that the PS, Ministry of Lands and Physical Planning and the Chair, NLC sought for two additional weeks to compile responses for the following statements.

a) Statement requested by Sen. Millicent Omanga, MP, on 11th November, 2021 regarding the alleged irregular ownership and use of land referenced as LR. No. 336/64, originally LR. No. 336/12, in Babadogo, Nairobi City County;
b) Statement requested by Sen. Samson Cherarkey, MP on 1st December, 2021 regarding land leases in Nandi County; and
c) Statement requested by Sen. Aaron Cheruiyot, MP, on 11th November, 2021, regarding land transactions by multinationals without the involvement of the national or county Government;

The Committee acceded to their requests and required them to file their responses with the Committee by early February 2022 when the Committee resumes its sittings.

- **Statement requested by Sen. Mercy Chebeni, MP, on behalf of Sen. Halake Abshiro, MP, on 5th August, 2021, regarding the status of Kwa Muhu Internally Displaced Persons (IDPs) resettlement farm in Kanjuiri, Olkalou – Nyandarua County;**

Response

The PS, Ministry of Lands and Physical Planning presented his response as follows (***see attached...).***

i. It was noted that there existed an impasse between the government and Muhu Kangari, the owner of the piece of land L.R. No. 5605 occupied by the Internally Displaced Persons (IDPs), over the extension of the lease in favour of the owner and purchase of the land by the government.
ii. The meeting was informed that the impasse was resolved and that the matter would be placed before the Land Settlement Fund Board of Trustees for finalization.
iii. It was noted that the landowner had threatened to evict the IDPs following the delayed purchase process and the Committee sought to know from the PS how soon the purchase process can be concluded.
iv. The Committee was informed by the PS that the matter would when the Land Settlement Fund Board of Trustees meets in January, 2022 and that the process would be concluded before the end of 2021/2022 financial year.
v. Chair, NLC informed the meeting that he was in the process of preparing his response over the matter and that he would submit it once completed.

The Committee **resolved to conduct a site visit to the area accompanied by the PS Ministry of Lands and Physical Planning and the Chair, NLC to engage the IDPs and the owners over the matter.**

- **Statement requested by Sen. (Dr.) Irungu Kang'ata, MP, on 11th November, 2021 regarding the progress involved in compensating Kagaa Kilifi Land Owners Group with reference to LR. No. 2859 and LR No. 1427 in Kilifi County.**

Response

The PS, Ministry of Lands and Physical Planning presented his response as follows (***see attached…).***

i. The PS highlighted numerous challenges that have slowed the compensation process as well as the policy measures the ministry has put in place to ensure its completion.
ii. The meeting was informed that the ministry expected to conclude the compensation process with the 2021/2022 financial year.
iii. The PS also informed the Committee that the ministry has deployed numerous dispute resolution mechanisms including alternative dispute resolution methods.

MINUTE SEN/SCLENR/446/2021: ANY OTHER BUSINESS

The Senator for Taita Taveta County informed the meeting that there existed a piece of land in Msambweni and noted that the squatters from the Voi Point matter could be relocated to the said piece of land. He requested that the matter be considered by the Land Settlement Fund Board of Trustees to ensure that the squatters are resettled.

MINUTE SEN/SCLENR/447/2021: DATE OF NEXT MEETING

The meeting was adjourned at 12:41 pm and the next meeting was to be informed by notice.

Signed:..... Date:**18/2/2022**

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

MINUTES OF THE 10TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 16TH MARCH, 2022 AT CHETAMBE WEBUYE HILL, BUNGOMA COUNTY AT 11.00 AM.

MEMBERS **PRESENT**

1. Sen. Mwangi Paul Githiomi, MP - **Chairperson**
2. Sen. Philip Mpaayei, MP - **Vice Chairperson**
3. Sen. Arch. Sylvia Kasanga, MP - Member

IN ATTENDANCE

1. Sen. Moses Wetangula, EGH, MP - Senator, Bungoma County

ABSENT WITH APOLOGY

1. Sen. Ndwiga Peter Njeru, EGH, MP - Member
2. Sen. George Khaniri, MGH, MP - Member
3. Sen. (Dr.) Lelegwe Ltumbesi, MP - Member
4. Sen. Gideon Moi, CBS, MP - Member
5. Sen. Mwaruma Johnes, MP - Member
6. Sen. Boy Issa Juma, MP - Member

IN ATTENDANCE

A. PETITIONERS

1. Mr. Sitati Lichuma - Chairperson
2. Mr. Mark Buyabo - Secretary
3. Dr. John Chikati - Member
4. Mr. Owen Khayanga - Member
5. Mr. Paul Wakhungu - Member

B. MINISTRY OF ENVIRONMENT AND FORESTRY

1. Ms. Rodney Omari - SAS
2. Mr. Fredrick Namusende - Senior Forest Officer
3. Ms. Jacinta Nabwile - Ass. Secretary
4. Dr. Benjamin Kinyili - RFCAO – Coordinator
5. Mr. Evans Kegode Aluda - Head, Surveying & Mapping KFS
6. Mr. Evans M. Wandabwa - Ag. Regional Forest Conservator

C. NATIONAL LAND COMMISSION

1. Mr. Onyilwa Kobe - NLC, Bungoma
2. Ms. Veronica Awinja - NLC, Bungoma

D. NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

1.	Ms. Stella Kamwasir	- Reginal Director - NEMA
2.	Ms. Anne A. Owino	- RDE – Rift Valley & Nairobi

E. NATIONAL GOVERNMENT ADMINISTRATION OFFICERS

1.	Mr. Peter K. Yegon	- Deputy County Commissioner
2.	Mr. Samuel W. Katoi	- Chief, Chetambe
3.	Mr. Samue W. Kisuta	- Chief
4.	Mr. Joseph N. Mukweyi	- Ass. Chief
5.	Ms. Anne N. Makale	- Ass Chief

F. SECRETARIAT

1.	Mr. Victor Bett	- Clerk Assistant
2.	Mr. Wilson Bosmet	- SAA
3.	Mr. Crispus Njogu	- Clerk Assistant
4.	Mr. Erick Njogu	- Clerk Assistant
5.	Mr. Philip Kipkemboi	- Audio Officer

MINUTE SEN/SCLENR/050/2022: PRELIMINARIES

The meeting was called to order at 11.00 am by the Chairperson followed by a word of prayer and introductions.

MINUTE SEN/SCLENR/ 051/2022: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Philip Mpaayei, MP and seconded by Sen. Arch. Sylvia Kasanga, MP as follows

1. Preliminaries
    - *Prayer*
    - *Introductions*
2. Adoption of the agenda;
3. **Courtesy Call to the County Commissioner, Bungoma County**
4. **Meeting Point at the Chetambe Webuye Hill**
5. Any other Business;
6. Date of the next meeting;
7. Adjournment.

MINUTE SEN/SCLENR/052/2022: <u>COURTESY CALL TO THE COUNTY COMMISSIONER, BUNGOMA COUNTY;</u>

- The Committee paid a courtesy call to the office of the Deputy County Commissioner (DCC) where a brief session was held.

- During the session the Committee informed the DCC the purpose of the visit and briefed him on the progress made so far.
- The DCC thanked the Committee for visiting the area.
- He noted that the problem had lasted for a long time causing suffering to the members of the community as they lived in fear of eviction. He commended the Committee for being instrumental in resolving the matter.

MINUTE SEN/SCLENR/053/2022: MEETING POINT AT THE CHETAMBE WEBUYE HILL;

- The Committee proceeded to Chetambe Webuye Hill accompanied by the DCC and other stakeholders where a session was held with the petitioners.
- The meeting was informed of an apology from the Cabinet Secretary Ministry of Environment and Forestry.
- The Petitioners briefed the Committee on the matter and informed the meeting that the land in dispute was their ancestral land and that its gazettement had blocked them from conducting their socio-economic activities such as fields for grazing their livestock, farming and construction of homes.
- The Petitioners also informed the meeting that some members of the community whose land was taken away had only received partial compensation from the government.
- The meeting was also informed of that issuance of title deeds for parcels of land belonging to some members of the community had been delayed for a long time.
- The Petitioners prayed that the matters be resolved to allow a return of normalcy in their lives.

Observations and Interventions

- The Committee observed that members of the Chetambe Community lived with uncertainty relating to ownership of the land in dispute.
- The Committee informed the petitioners that the Ministry of Environment had degazetted the Legal Notice No. 106: Proposed Declaration of Public Forest Chetambe (Webuye) Hill Forest.

Committee Resolutions

- A fresh survey be conducted on the disputed land by the Ministry of Land and Physical Planning to allow those who were not compensated occupy their land.
- The National Land Commission conducts an identification exercise of those who were partially and fully compensation. It added that those who were partially compensated be fully paid whereas those who were fully compensated to surrender the land to the government.
- The degazettement by the Ministry of Environment and Forestry be considered as final to avoid future gazettement of the land as forest land.

MINUTE SEN/SCLENR/054/2022: ANY OTHER BUSINESS

There was no other business.

MINUTE SEN/SCLENR/055/2022: DATE OF NEXT MEETING

The meeting was adjourned at 04:00 pm and the next meeting was to be held on in Kimondi, Nandi County on Friday, 17th March, 2022 at 11:00 am.

Signed:..... Date: **19/5/2022**

SEN. MWANGI PAUL GITHIOMI, MP
CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

ANNEX II: SUBMISSIONS BY KEY STAKEHOLDERS

(Attached separately)

MINISTRY OF LANDS AND PHYSICAL PLANNING

RESPONSE TO THE SENATE COMMITTEE ON LANDS, ENVIRONMENT AND NATURAL RESOURCES

Honourable Chair,

Pursuant to a letter Ref. **SEN/DCS/LENR/2/2021/(64)** dated October 21, 2021, the Committee invited the Cabinet Secretary Ministry of Lands and Physical Planning to respond to a petition presented by Sen. Moses M. Wetangula, MP on behalf of residents of Webuye East Sub-County, Bungoma County regarding the alleged gazettement of Chetambe (Webuye) Hill Forest vide Legal Notice No. 106 dated June 25, 2021.

The Petition

Honourable Chair,

The Chetambe (Webuye) Hill Forest covering approximately 406.22 Hectares was declared a "forest area" vide Legal Notice No. 106 dated June 25, 2021 issued under the Forest Conservation and Management Act (No. 34 of 2016). The petitioners are aggrieved and concerned by the Legal Notice contending that the area is their ancestral land. They claim that they have been living on the said land and have used it for their socio- economic activities from time immemorial including for purpose of grazing their livestock.

According to the petitioners, the colonial government moved their forefathers to the area in 1925 from the present area occupied by Uasin Gishu County, Ndalu, Naitiri, Lugari and Kiminini. Since then, they have remained in occupation of the land. The petitioners aver that the land has a special spiritual significance to the community. It is on this land that the Tachoni community and their Kalenjin neighbours entered a covenant known as *OkhuliaYimba* to end inherent acrimony and animosity between the two communities. They also aver that the land has a historical significance to the locals who are said to have built several forts namely Olukova Iwa Sitati, Olukova Iwa Chetambe, Olukova Iwa Kakai and Olukova Iwa Wangusi.

They claim that the decision to issue the Legal Notice was made without public participation thus infringing on the right to be heard under the Constitution. It is also contended that the Legal Notice also contravenes the petitioners' right to property, shelter, health and education under Articles 31, 53 and 64 of the Constitution.

The petitioners allege that issue has raised anxiety among residents leading to simmering tension. Efforts to address the issues raised in the petition with the relevant authorities have been futile. They therefore request the Committee to intervene to have the Legal Notice withdrawn and the status quo maintained to alleviate growing anxiety and forestall potential violent conflicts.

Response

Honourable Chair, I wish to respond as follows:

1. The Chetambe Hill Forest was gazetted vide Legal notice No. 106 dated June 25, 2021 **(annexure 1)**. The forest was gazetted in order to conserve the fragile ecosystem, which was prone to mudslides and other natural disasters. The delineated area covered part of Ndivisi Muchi and Ndivisi Mihuu registration sections. The forest is delineated in Boundary Plan No. 175/512 **(annexure 2)** covering an area of approximately 406.22 hectares.

2. The process of delineating the forest for conservation started in 1973 long after the residents had acquired their title deeds.

3. The dispute regarding the gazettement of the forest is centred on the alleged lack of public participation, non-compensation and taking over the area by Forest Department. The locals did not vacate the land and instead continued transacting mostly subdividing the land and putting up residential homes on the relatively gentle slopes. Ndivisi Mihuu registration section covers the bulk of the gazetted area as per the boundary plan No. 175/512.

4. Based on the boundary plan No. 175/512 as overlaid against the RIMs for Muchi and Mihuu registration sections, the number of parcels of land within the forest are as follows:

   i) Ndivisi Mihuu registration section - 182 with several subdivisions
   ii) Ndivisi Muchi registration section - 107
   iii) Webuye municipality block 1 - 24
   iv) Webuye municipality Block 4 - 29

5. The Cabinet Secretary for Environment and Forestry has since directed that a taskforce be established under the Chairmanship of the County Commissioner, Bungoma to look into the matter and report the findings.

The taskforce has been constituted and comprises representatives of the Ministry of Environment and Forestry, Ministry of Lands and Physical Planning, National Land Commission, National Environment Management Authority and local leaders among others. We shall update the Committee on the findings of the taskforce once the report is finalised.

Honourable Chair, I submit.

Dr. Nicholas Muraguri, CBS
PRINCIPAL SECRETARY

December 9, 2021

ANNEXURE 1

LEGAL NOTICE NO. 106

THE FOREST CONSERVATION AND MANAGEMENT ACT

(*No.* 34 *of* 2016)

DECLARATION OF PUBLIC FOREST
CHITAMBE (WEBUYE) HILL FOREST

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

SCHEDULE

An area of land approximately 406.22 hectares, situated approximately 25 Kilometers East of Bungoma town, Bungoma County, the boundaries of which are more particularly delineated, edged green, on Boundary Plan No. 175/512 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 Bungoma and Kenya Forest Service Headquarters, NAIROBI.

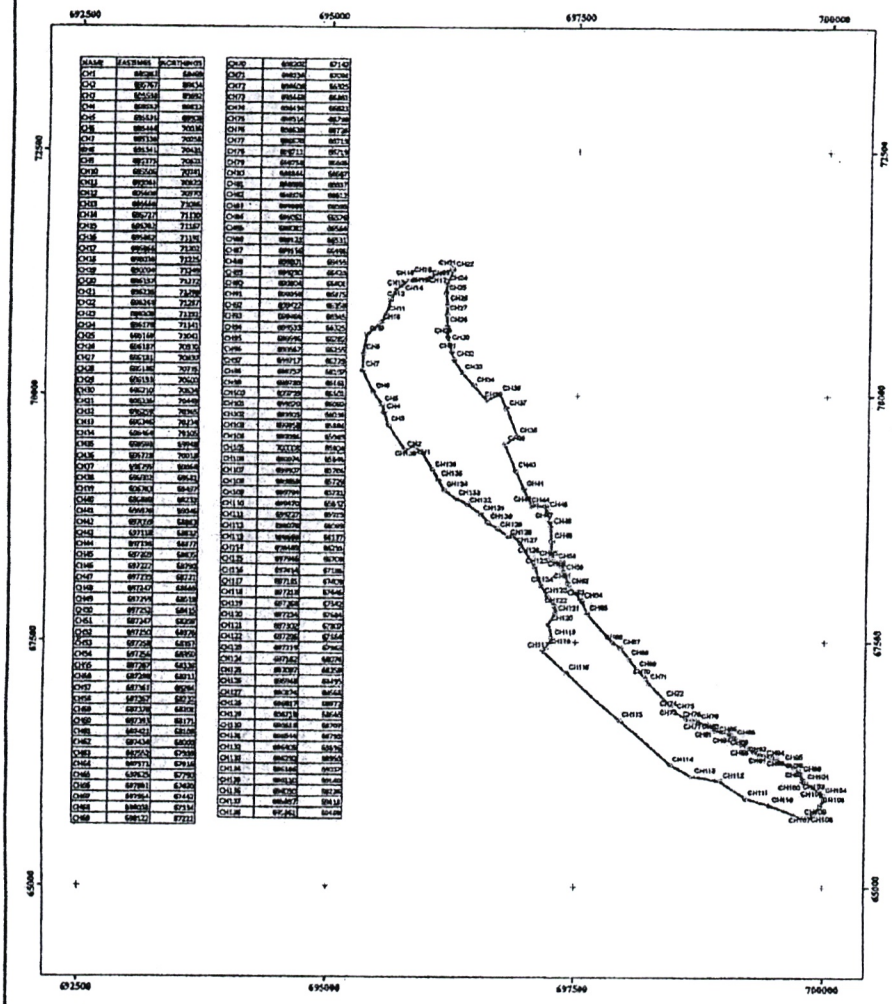
Dated the 25th June, 2021.

KERIAKO TOBIKO,
Cabinet Secretary
Ministry of Environment and Forestry.

ANNEXURE 2

CHITAMBE (WEBUYE) HILL FOREST

AREA = 496.21 Ha. (Approx)
SCALE 1:25,000



NAME	EASTINGS	NORTHINGS
CH1	695281	68486
CH2	695767	69134
CH3	695558	69892
CH4	695919	69833
CH5	696431	69938
CH6	696466	70036
CH7	695138	70054
CH8	695341	70435
CH9	695173	70631
CH10	695266	70741
CH11	695041	70830
CH12	694698	70930
CH13	694444	71046
CH14	695727	71130
CH15	695283	71167
CH16	695462	71176
CH17	695864	71302
CH18	696038	71374
CH19	696094	71444
CH20	696337	71577
CH21	696236	71709
CH22	696264	71787
CH23	696638	71791
CH24	696778	71941
CH25	697169	72041
CH26	697187	72132
CH27	697181	72232
CH28	697186	72078
CH29	696933	70010
CH30	696710	70024
CH31	696538	70448
CH32	696209	70765
CH33	696340	70774
CH34	696464	70920
CH35	696598	69748
CH36	696728	70018
CH37	696799	69968
CH38	696803	69643
CH39	696760	69487
CH40	696868	69233
CH41	697018	69063
CH42	697118	68963
CH43	697136	68877
CH44	697205	68677
CH45	697227	68765
CH46	697235	68721
CH47	697247	68648
CH48	697299	68519
CH49	697253	68410
CH50	697247	68287
CH51	697250	68078
CH52	697258	68067
CH53	697254	68003
CH54	697267	68132
CH55	697288	68031
CH56	697267	68010
CH57	697341	68084
CH58	697287	68010
CH59	697328	68008
CH60	697343	68073
CH61	697422	68108
CH62	697434	68000
CH63	697502	67988
CH64	697573	67918
CH65	697626	67795
CH66	697681	67430
CH67	697954	67440
CH68	698038	67314
CH69	698132	67222

CH70	698202	67142
CH71	698236	67036
CH72	698428	66905
CH73	698428	66803
CH74	698434	66703
CH75	698438	66603
CH76	698438	66728
CH77	698436	66719
CH78	698713	66716
CH79	698758	66648
CH80	698844	66587
CH81	698988	66557
CH82	698878	66613
CH83	699008	66586
CH84	699282	66578
CH85	699281	66564
CH86	699132	66531
CH87	699136	66496
CH88	699021	66456
CH89	699282	66428
CH90	699304	66404
CH91	699498	66275
CH92	699722	66308
CH93	699888	66344
CH94	699533	66326
CH95	699596	66282
CH96	699663	66254
CH97	699717	66236
CH98	699757	66199
CH99	699789	66116
CH100	699730	66045
CH101	699902	66000
CH102	699970	66018
CH103	699972	65948
CH104	699984	65949
CH105	700109	65904
CH106	700074	65846
CH107	699967	65784
CH108	699862	65726
CH109	699794	65731
CH110	699870	65652
CH111	699827	65593
CH112	699878	65549
CH113	699889	65537
CH114	699889	65476
CH115	699948	65404
CH116	699914	65386
CH117	699781	65428
CH118	699733	65446
CH119	699789	65542
CH120	699734	65484
CH121	699830	65439
CH122	699788	65464
CH123	699779	65460
CH124	699762	65276
CH125	699397	65308
CH126	699344	65345
CH127	699374	65428
CH128	699401	65477
CH129	699419	65545
CH130	699438	65600
CH131	699452	65618
CH132	699452	65648
CH133	699452	65676
CH134	699452	65704
CH135	699452	65732
CH136	699452	65760
CH137	699452	65788
CH138	699452	65816

NOTE: Grid Value in UTM

NAME CHITAMBE HILL FOREST

B.P No. 175/512

TOPO/PHO 86/4

FILE CR/3/7EMP/

LOCALITY WEBUYE TOWNSHIP

COUNTY BUNGOMA

B.P PREPARED BY JOCYLINE BAMBKA DATE: 14-06-2019

B.P CHECKED BY P. OKOLA Date: 24/6/19

B.P CHARTED BY _____ Date _____

N
W E
S

Sign _____ Date 17/6/19

For Chief Conservator Of Forests, Kenya Forest Service

OFFICER AND OFFICE REQUESTING B.P

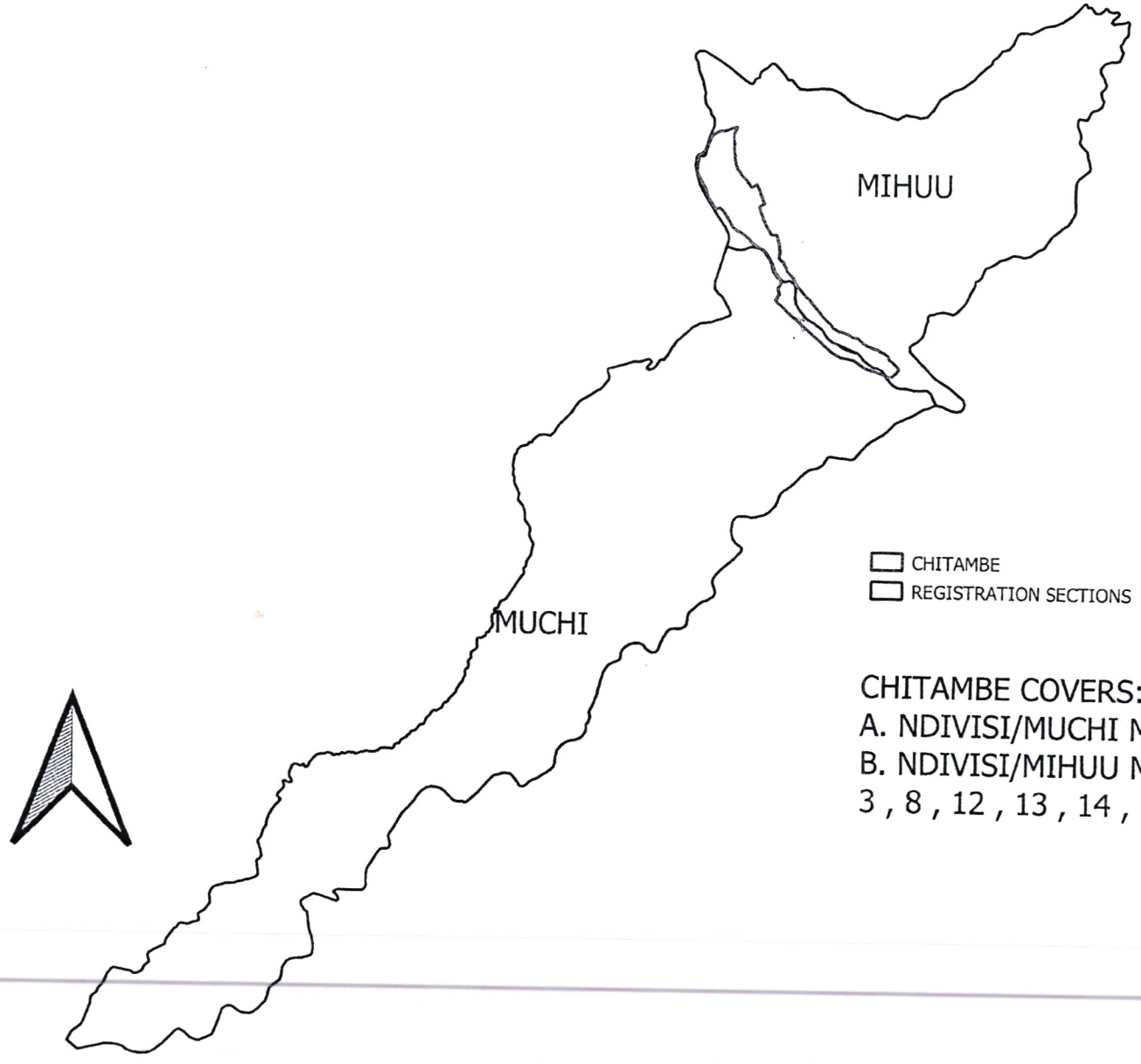
Sign _____

Date 25/6/2019

For DIRECTOR OF SURVEYS

BOUNDARY PLAN NO.175/512

CHITAMBE (WEBUYE) HILL FOREST



CHITAMBE COVERS:
A. NDIVISI/MUCHI MAP SHEETS 1 , 2 , 3
B. NDIVISI/MIHUU MAP SHEETS
3 , 8 , 12 , 13 , 14 , 17 .



NATIONAL LAND COMMISSION

RESPONSE TO PETITION REGARDING THE ALLEGED GAZETTEMENT OF CHETAMBE (WEBUYE) HILL FOREST VIDE LEGAL NOTICE No.106: PROPOSED DECLARATION OF PUBLIC FOREST CHETAMBE(WEBUYE) HILL FOREST

REPORT BY:

GERSHOM OTACHI BW'OMANWA
CHAIRMAN

7TH DECEMBER, 2021

RESPONSE TO PETITION REGARDING THE ALLEGED GAZETTEMENT OF CHETAMBE (WEBUYE) HILL FOREST VIDE LEGAL NOTICE No.106: PROPOSED DECLARATION OF PUBLIC FOREST CHETAMBE(WEBUYE) HILL FOREST

HON CHAIR

I make reference to the letter Ref. SEN/DCS/LENR/2/2021(63) dated 21st October, 2021 from the Clerk of the Senate on the above petition.

This petition is premised on the grounds that residents of Webuye East Sub County were never consulted by way of public participation (a fundamental pillar and a requirement under Constitution of Kenya, 2010) in arriving at the decision to issue Legal Notice No 106 gazetting Chetambe (Webuye) Hill Forest covering a land mass of 406.22 hectares (1003.36634 acres)

The petitioners inform that none of the issues raised in this petition pending in any court of the law, constitutional or any other legal body.

The petitioners pray that the Senate intervenes with a view to ensure that:

The gazette notice is withdrawn and the status quo maintained to alleviate growing anxiety, forestall potential violent conflicts and avert any tragic risks such as loss of lives and property and related consequences.

RESPONSE

Hon. Chair, The Commission wishes to respond as follows:

The Chetambe Hills Forest was formally gazetted vide Legal Notice No.106 dated 25th June, 2021 issued by the Cabinet Secretary, Ministry of Environment and Forestry. The notice targeted an area approximately 406ha covered by Boundary Plan No. 175/512.

The area residents, constituting of approximately 6000 families who occupy the said land objected to the gazettement claiming that no acquisition was done and they were not compensated for their land.

Following complains, a consultative meeting was held on Thursday 21st October, 2021 chaired by the County Commissioner, Bungoma with the mandate of verifying the documents involved in the acquisition process and undertaking actual ground verification. Thereafter, a public barasa was held

in Chetambe and it was agreed that the local community to appoint members who would join the other stakeholders in the verification exercise.

Hon Chair, the information availed by our County office indicate that the representatives from the community declined to proceed with the exercise demanding that a task force be formed and gazetted before the commencement of the exercise. They demanded the following to be addressed:

i. Gazettement of the verification process;
ii. Gazettement of members of the task force;
iii. Complete list of beneficiaries who were compensated either fully or partially; and
iv. Original maps i.e. old Preliminary Index Diagrams/Registry Index Maps and the current boundary plan.

Hon Chair, demands by the community for the formation and gazettement of the task force brought about stalemate which led to a premature adjournment of the exercise.

The National Land Commission remains in consultation with the Ministry of Environment & Forestry and Kenya Forest Service with a view to resolving the matter.

Hon. Chair, I submit

GERSHOM OTACHI BW'OMANWA
CHAIRMAN

7TH DECEMBER, 2021

ANNEX III: SUBMISSIONS BY THE PETITIONER

(Attached separately)

DC (MA)
Submitted for further processing.
4/8/21

REPUBLIC OF KENYA

THE TWELFTH PARLIAMENT- (FIFTH SESSION)

THE SENATE

PUBLIC PETITON

BY RESIDENTS OF WEBUYE EAST SUB-COUNTY ON THE GAZETTEMENT OF CHETAMBE (WEBUYE) HILL FOREST, VIDE LEGAL NOTICE NO. 106: PROPOSED DECLARATION OF PUBLIC FOREST CHETAMBE (WEBUYE) HILL FOREST DATED 25TH JUNE 2021

We, the **UNDERSIGNED**, residents of **Webuye East Sub County, Bungoma County; DRAW** the attention of the House to the following;-

1. **That,** the above Legal Notice No. 106 under which Chetambe (Webuye) Hill Forest was gazetted, the gazetted forest is to cover a land mass of **406.22hectares or 1003.36634 acres.**
2. **That,** the residents of the area earmarked for gazettement were and are still gravely concerned and shocked at the notice, for the gazetted area is their ancestral land which they have lived on and used for various socio-economic activities including grazing ground for their livestock since time immemorial (close to a century).
3. **That,** at the advent of colonialism in Kenya, the heroic people of Bungoma put up a gallant resistance fight against the advancing colonialists on their land and their land remained sacred to them with immense historical significance.
4. **That,** within the area earmarked, the ***Tachoni Community*** and the Kalenjin neighbors entered a covenant dubbed (***OkhuliaYimba***) to end inherent acrimony and animosity to achieve peaceful co-existence between the two communities.
5. **That,** in 1925 the local inhabitants were forcefully evicted by the colonial government to pave way for white settlers in **Chepsaita** area currently **Uasin Gishu County, Ndalu, Naitiri, Lugari and Kiminini** among others and as a

consequence they settled in the area then referred to as **East *Kitosi***, the present **Webuye East Sub County**, the gazetted area included.

6. **That,** several forts namely; ***Olukova lwa Sitati, Olukova lwa Chetambe, Olukova lwa Kakai and Olukova lwa Wangusi*** , were constructed by the locals and they remain critical and revered shrines to the people of Webuye East Sub County.
7. **That**, the affected residents of **Webuye East Sub County** were never consulted by way of public participation (**a fundamental pillar and requirement under the Constitution of Kenya, 2010**) in arriving at the decision to issue the Gazette Notice.
8. **That,** administrative processes and decisions that affect citizens welfare and wellbeing must strictly adhere to set constitutional and statutory provisions including the right to be heard by citizens who would be affected adversely or otherwise by such a decision.
9. **That,** the gazetted area is home to thousands of people (at an average of 2 to 3 *families per Acre*) with historical attachment including their ancestral final resting places.
10. **That,** the gazettement of the forest has raised enormous anxiety and restlessness among the residents of the affected area leading to uncalled demonstrations and other resistance mechanisms and activities which are likely to escalate due to simmering tension, delicate circumstances that as leaders in the County we wish not to embrace or encourage.
11. **That,** the effect of the gazette notice contravenes the people's rights as enshrined in Article (31) (b), on the privacy of property as well as the right not to have their possession seized. In addition, Article 53 (1) (b) & (c) on basic education, nutrition, shelter and health of children, Article 61 on the security of land rights and Article 64 on registered ownership of private land will be grossly violated if the intended directive is implemented.
12. **That,** we have had this matter addressed by relevant authorities and used all available avenues to have the matter considered, all of which have resulted into unsatisfactory responses.
13. **That,** none of the issues raised in this Petition are pending before any court of law, constitutional or any other legal body.
14. **THEREFORE,** your humble petitioners **PRAY** that the Senate intervenes to have this gazette notice **withdrawn and the status quo maintained to alleviate growing anxiety, forestall potential violent conflicts and avert any tragic risks such as loss of lives and property and related consequences.**

Chetambe Residents Petition Against Gazette Legal Notice No. 106 of 25 June 2021 by The Cabinet Secretary For Environment and Forestry Mr. Keraiko Tobiko

No.	NAME	I/D NUMBER	PLOT NO	SIGNATURE	TEL NO
1	[illegible]	[illegible]	1251	[illegible]	[illegible]
2	[illegible]	5734270	1251	[illegible]	[illegible]
3	[illegible]	[illegible]	1251	[illegible]	[illegible]
4	LEONARD WERUNGA	[illegible]	[illegible]	[illegible]	[illegible]
5	[illegible]	[illegible]	1251	[illegible]	[illegible]
6	[illegible]		1251	[illegible]	[illegible]
7	[illegible]			[illegible]	[illegible]
8	[illegible]	32518170	1251	[illegible]	[illegible]
9	[illegible]	[illegible]		[illegible]	[illegible]
10	[illegible]	[illegible]	455 old	[illegible]	[illegible]
11	[illegible]			[illegible]	

A Sample of Signatures

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Obstandit Residents Petition Against Gazette Legal Notice No. 106 of 25 June 2021 by The Cabinet Secretary For Environment and Forestry
Mr. Keraka Tobiko

No.	NAME	I/D NUMBER	PLOT NO	SIGNATURE	TEL NO

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Chetambe Residents Petition Against Gazette Legal Notice No 106 of 25 June 2021 by The Cabinet Secretary For Environment and Forestry
Mr. Keraiko Tobiko

No.	NAME	I/D NUMBER	PLOT NO	SIGNATURE	TEL NO.
1	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
2	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
3	[illegible]	13606[illegible]	[illegible]	[illegible]	[illegible]
4	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
5	[illegible]	[illegible]	1136	[illegible]	[illegible]
6	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
7	[illegible]	[illegible]	1136	[illegible]	[illegible]
8	[illegible]	[illegible]	1136	[illegible]	[illegible]
9	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
10	[illegible]	[illegible]	1136	[illegible]	[illegible]
11	[illegible]	[illegible]	1136	[illegible]	[illegible]
12	[illegible]	[illegible]	1136	[illegible]	[illegible]
13	[illegible]	[illegible]	1141	[illegible]	[illegible]
14	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
15	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
16	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
17	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
18	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
19	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
20	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
21	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

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Kiserian Residents Petition Against Gazette Legal Notice No. 1061 of 25 June 2021 by The Cabinet Secretary For Environment and Forestry
Mr. Keriako Tobiko

NAME	I/D NUMBER	PLOT NO	SIGNATURE	TEL NO

https://mail.google.com/mail/u/0/?ui=2&ik=rm#inbox/FMfcgzGkZZrkrXdCzsZDDDNlwSpHtMJM?projector=1&messagePartId=0.1

Chetambe Residents Petition Against Gazette Legal Notice No. 106 of 25 June 2021 by The Cabinet Secretary For Environment and Forestry
Mr. Keraiko Tobiko

No	NAME	I/D NUMBER	PLOT NO	SIGNATURE	TEL NO

PETITION TO THE SENATE BY THE PEOPLE OF WEBUYE EAST SUB COUNTY, BUNGOMA COUNTY, JULY 2021

SEN. MOSES M. WETANGULA, M.P

SENATOR, BUNGOMA COUNTY

DATE:- 30TH JULY, 2021

SENATE'S COPY.

THE APPLICANT SUBMISSION ABOUT THE PETITION AGAINST THE PROPOSED CHETAMBE HILL FOREST BY TACHONI WELFARE ASSOCIATION (WA) AND TACHONI CULTURAL SOCIETY (TACUSO) ON BEHALF OF THE WEBUTE EAST COMMUNITY AFFECTED RESIDENTS VIDE LEGAL NOTICE 106

To

THE SENATE COMMITTEE ON LAND ENVIROMENT AND NATURAL RESOURCES. ON 22ND SEPT ~~2021~~ 2021

The Senate Committee take NOTICE that the petitioner herein, do submit about this matter as follows;

1. The alleged area from river Nzoia bridge along the border of the Panafrican Paper Mills factory Webuye , **chocolate Estate, E-Quarters Estate, Guest house estate, Muslim Estate, Tarmac road to Kitale after Webuye T. Junction, Jaggery - distance of 10 km from Nzoia. River towards North and turns East up to Sipala Primary School – 1.2km and then turns South along Lugulu - Mihuu rood, branches toward Murumba Primary School, Satelite area, Nabuyole Lodge up to River Nzoia -15km** from Sipala primary school MARKED SHEET NO 8. B1

2. **Senate chair**, the Marked Sheet No 8 Covers about 40 parcels of land Minus all those from Muslim Estate to River Nzoia, all under Ndivisi / Mihuu ,are private land and owners have Title Deeds from the Government of Kenya, And that the same has been sub-divided further to other beneficiaries as we present this the majority have acquired new tittles for the same parcels of land.

3. **Senate Chair** it pleases you to be informed that, None of the Community members have encroached on the parcels of land acquired by the Government ~~that~~ with it initial intention of Creating Space for Panafrican Paper Mills Webuye factory dating Way back in 1965 - 1972 under which the Community Surrendered 72.846 ha (180 acres) to the Government and they were compensated Vide document Appendix 2, 3, 4,

4. Senate Chair, it pleases you to be informed that Historical injustices has been done to this Community from time immemorial to date, And that the Government has failed to honour recommendations by either appointed Commissions or Court orders VIDE Appendix 1, 6, 7, 8, 9, 10.

5. **Senate chair**, it pleases you to be informed that there is total evidence to prove that the alleged Gazetted area is a private a property which should be protected by the Senate by Shooting down the Gazette Notice No 106

(a) There was no Public participation that that gave leeway for the gazettement.

(b) The gazette area had its diagram drawn on 16/09/2019 and verified on 19/09/2019 and the affected community aren't informed as to when the picons were placed.

c) That the government ~~covered~~ errored in that for those who cannot access information from media and other avenues, the same information could reach them through Barazas held by village elders, assistant chiefs, chiefs, Accs, Dcs, and CCs of which those on the ground have denied knowledge of the same. **Marked appendix 11,12,13,14,15,16, 17, 18,19, 20, 21, 22, 23, 24, 25, 26 sheet B 1, 2, 3.**

6. Senate chair, it is the wish of the community that,

a) They don't want to be disturbed and resettled elsewhere since they don't want to go through what their brothers and sisters went through during the clashes of 2007 – 2008, for this caused some not even to be accepted by their own people whom they thought could offer them shelter.

b) That Chetambe hill is already afforested privately by land owners and the Government should leave them to continue taking care of the forest individually as they have been doing. Marked evidence B1-26

c) That the community will not accept and will resist in total, anything that will be politically initiated to disruble their peace.

d) The senate to compel the ministry to de-gazette legal notice No. 106 for the status quo to remain.

e) It is the prayer of the community that the senate committee visits the ground for physical verification.

Vide appendix 26

Photo B1, 6 showing private forest on the hill.

Submitted by;

Mark W. Buyabo

ID : 1322828

Mobile : 0722437742 / 0786675822

Email : buyabomark8@gmail.com

SHEET B3

Paul Barasa

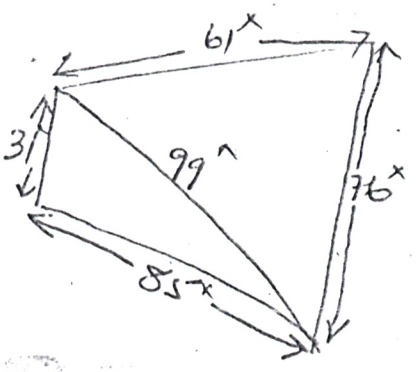
WEBUYE AREA

4TH NOVEMBER 1973

MAPATANO YA UNUNUZI WA KIPANDE YA PLOT KWA PLOT NO. NDIVISI/~~KHALUMULI~~ MIHUU/316 KWA JINA JUMA WANYONYI KHAEMBA.

Mimi bwana Juma Wanyonyi Khaemba ninamuusia bwana Joseph Murunga sehemu ya Miku 61x31 85x76 au yards. Tume Kupaliana Kwa jumla ya Shs. 2,700 (Elfumbili na Mia Saba pekee). Nimepokea Shs. 2,000 (Elfu mbili tu ambozo zimekuwa kwa note ya Shs. 100 Kila note moja moja.

Nazimepakia Shs. 700 (Mia Saba ambazo nitapo Kea mbele ya Kwenda Kwa Land Control Board Katika Mwezi huu bila Kudai zingine au Kujelewa Kuenda huko.



Mimi Mwenyewe Juma Wanyonyi Mununuaji — Murunga.

Mashaidi

1. Barasa Paul Wanyonyi
2. ~~Wlusa~~ (Isaieh Khisa)
3. John Wakhungu (Mkasa)
4. MASIMDE Khahemba MUPALIA Bikokwa
6. Walter G Kijana
7. Juma Rorita
Richard Nyongesa
John Lusewoti

B1



B2



B 3.

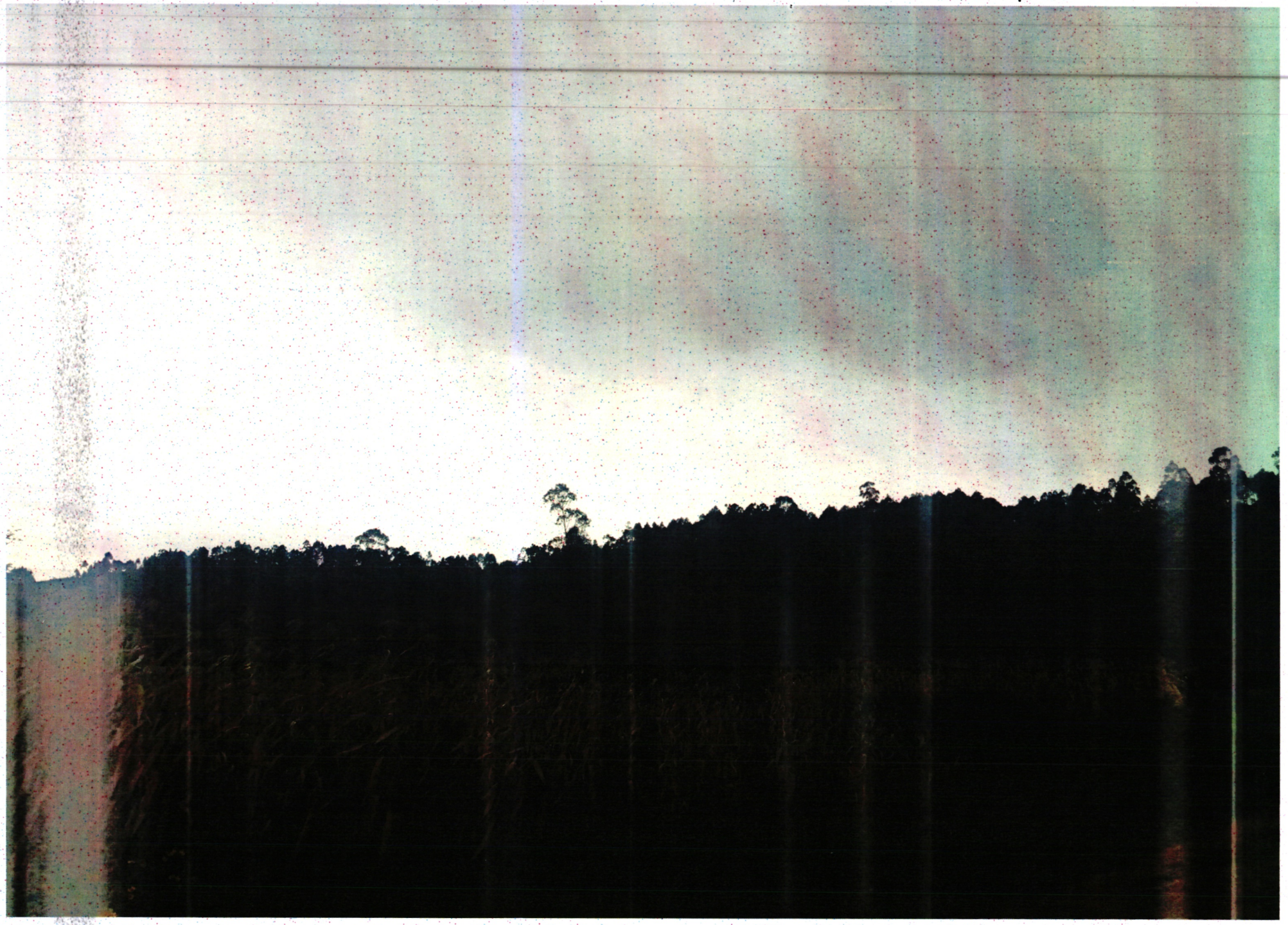


48

B5



B6



A

PETITION

AGAINST THE PROPOSED CHETAMBE HILL FOREST

SUBMITTED BY THE

TACHONI WELFARE ASSOCIATION (TWA)

AND

TACHONI CULTURAL SOCIETY (TACUSO)

ON BEHALF OF

THE WEBUYE EAST COMMUNITY

AND

AFFECTED RESIDENTS

Following the gazettement of the Chetambe Hill as a forest by the Cabinet Secretary Environment and Forestry, Hon. Keriako Tobiko on 25th June 2021, vide Gazette Notice No. 106 of 25th June 2021, the residents of Mihuu and Maraka Wards of Webuye East Sub County raised their concern to the Council of Elders of Tachoni Welfare Association (TWA)/Tachoni Cultural Society(TACUSO) and requested for intervention.

Consequently, on Wednesday 21st July, the Council of Elders convened a meeting at the Chetambe Hill and resolved to raise objection in court and petition the Senate against the Gazette Notice and the decision which has potential adverse consequences to the community and the residents affected.
The committee collected evidence and forwarded to the Senate as well as the TWA/TACUSO Legal Counsel for appropriate intervention measures.
Pursuant to the foregoing, attached is a record of evidence in support of the position held by our community against the intention stated in the gazette notice.
With this we kindly seek relevant authorities to have the Gazette Notice No. 106 dated 25th June 2021 withdrawn and the status quo maintained.

Signed for and on behalf of the affected residents and TWA/TACUSO,

	Name	Contact	Signature
1.	Patrick Sitati Lichuma	0729386704	
2.	Mark Wakhungu Buyabo	0786675822	
3.	Kingsley Mutali Kapchangah	0722733113	
4.	Yusuf Kakai Welekhasia	0726625929	
5.	Ratcliffe M. Nanagalama	0721308060	
6.	Isaac Namusasi Mung'anyi	0701219185	
7.	Steven Kiveu Murumba	0713339424	
8.	Patrick Liambila	0700485604	
9.	Eric Murumba Wambasi	0726709690	
10.	Paul Wafula Wakhungu	0742138425	

TACUSO POSITION ON THE PROPOSED CHETAMBE HILLS FOREST

Reference is made on the CS Environment and Forestry Gazette Notice No. 106 dated 25th June 2021, declaring Chetambe Hill area which covers some parts Mihuu and Maraka Wards of Webuye East Sub County as a forest.

The residents of the affected area and the communities of Webuye East Sub County, have raised their concerns with the Council of Elders – TACUSO.

Arising from the above we wish to state as follows:-

PRE-COLONIAL ERA

The area in question covers the ancestral land with a rich history of the community:

(i) Within the area earmarked the Tachoni Community and the Kalenjin neighbours entered a covenant dubbed (Okhulia Yimbwa) to end animosity for peaceful co-existence.

(ii) The area is a home of four (4) fortresses, namely, *olukova lwa* Sitati, *olukova lwa* Chetambe, *olukova lwa* Kakai and *olukova lwa* Wangusi.

(iii) Chetambe fortress, in particular, is regarded highly by our people as a landmark of historical significance in national history of resistance to white occupation and colonialism in 1895, perhaps one of the first uprisings recorded in Kenya's history.

(iv) In 1925 our people were forcefully evicted by the colonial government to pave way for white settlers in Chepsaita area of the current Uasin Gishu County, Ndalu, Naitiri, Lugari and Kiminini among others. As a consequence they settled in the area then referred to as East Kitoshi, the present Webuye East Sub County, the gazetted area included.

(v) In September 1932, the colonial land commission sitting in Mumias received a petition from the Catholic Church concerning the eviction and suffering of our people as mentioned in (iv) above.

See Appendix 1: Kenya Land Commission Proceedings of 12th September 12th 1932 at Mumias).

POST INDEPENDECE

(a) The Sessional Paper No. 10 of 1965, on rural urban development that sought to industrialize rural areas in Kenya established Pan Paper factory in Webuye among other projects in Western Kenya. The paper factory required trees for pulp as raw materials for paper. Consequently, Kaptagat and Turbo/Lugari (pan paper forest) were to be established.

(b) Around 1968 the government acquired land adjoining the current Webuye Railway Station and established the factory, residential houses, public corporations such as Posts and Telecommunications, Power and Lighting, Water Supply and Sewerage, a police station and financial services among others.

(c) On the western side of the Chetambe Hill, senior staff houses, a guest house, middle level staff houses (E-quarters) and low cadre staff houses (Chocolate) were constructed. Some of the owners of the land acquired by the government mentioned above were compensated fully and others partially to develop the mentioned assets.

Appendix 2. A letter AM/GEN/42, dated 17th January, 1968, addressed to Mr. H.P. Singh, The President of Oriental Paper Mills Ltd, Calcutta, India, by Jonathan Masinde, Assistant Minister, former MP, Lurambi North. The Asst. Minister quotes the details of the proceedings of a meeting held at the New Stanley Hotel in which the investor outlined their needs for the establishment of the pulp and paper Factory in Webuye enumerated as follows: Electricity supply, Water supply, staff housing and other social facilities.

Appendix 3 (1): Letter of allotment Ref. No. 43872/II/41A dated 16th October, 1970, -72.846 ha (180 acres).

We wish to state that most of the people whose land was registered under Ndivisi/Muchi were compensated by the government and they moved out paving way for the construction of the factory and other necessary social amenities. Some of them were partially paid and the government returned unpaid for land back to them. As for the Ndivisi/Mihuu residents bordering Muchi Sub location, they were not affected, hence never compensated to surrender their land for any public project. See Appendix 3 (iv) – A list of those whose land was compensated for.

Pan Paper Factory has since been sold and the land compulsorily acquired sold to a private investor contrary to the initial purpose (public use).

(d) The targeted area covers parts of Mihuu and Maraka Wards in Webuye East Sub County. Hence the impact of the gazette notice mentioned above is relocation to elsewhere with drastic reduction of the minimum population requirement for this special constituency to the detriment of the community's socioeconomic interests and rights.

(e) The County Government of Bungoma is in the process of elevating Webuye Township to a Municipality status. In this regard the proposed municipality largely covers the

gazetted forest area, hence the potential of reducing the minimum population requirement for a municipality, if implemented.

(f) It should be noted that the gazette notice in question and its effect contravenes people's rights as enshrined in article (31b), on the privacy of property as well as the right not to have their possession ceased. In addition, article (61b) - on the security of land right and article (64) - on registered ownership of private land will be violated if implemented. Finally, the decision was made without public participation as required by the constitution.

Below is a list of some of some of the residents affected:-

	Particulars	**Appendix**	**Remarks**
	Kenya Land Commission	1. 1932 Report	Evidence taken at a Baraza of Natives of North Kavirondo District on 12th September, 1932.
	Jonathan W. Masinde, Ass. Minister MP. Lurambi North	2. A letter to the President of Oriental Paper Mills Ltd, India	A record of the proceedings of a prior meeting outlining the needs of the investor as requested.
		3. Letter of allotment Ref. No. 43872/II/41A dated 16th October, 1970, -72.846 ha (180 acres).	The paper factory stands on the land allocated. However, it has been sold to a private investor.
		4. Correspondence in respect land acquisition in Webuye for a paper mill.	i. Ministry of Housing PS, letter dated29.07.1970, ii. Bungoma District Commissioner's letter to the Bungoma County Council Clerk, dated 22nd May 1968 iii. Bungoma County Council Clerk's letter to the DC, dated 16th May, 1968
			iv. List of the residents who were compensated
	Wellington Welekhasia Kakai	5. Land Certificate for Parcel Ndivisi/Muchi 1265, approximately, 0.76 ha. 6. Bungoma Land Registrar's letter Ndivisi/ Muchi 1265/2	Earmarked for acquisition, no compensation made. The land transferred to Ayub Murumba Kakai upon death of Wellington W. Kakai on

		dated 21.11.1985 to the Town Clerk, Webuye Town Council confirming ownership of the Land parcel Ndivisi/Muchi 1265. 7. Attorney General letter AG/MLG/3/87 dated 29th March, 1996 to the Town Clerk Webuye Town Council, referring to HCCC No. 1145 of 1987, Wellington Welekhasia Kakai Vs Webuye Town Council, matters being 1215/11/33 describing Wellington Welekhasia Kakai (deceased) as the absolute proprietor of the said parcel of land. 8. Letter of Administration dated 14th April 1997 appointing Ayub Murumba Kakai as the administrator of the land Ndivisi /Muchi 1265 and others.	06.06 1995, and 1. Succession Case No. H.C. 128 of 1996 filed and determined on 16.04.1997. 2. MISC Application No. 448 0f 2006, Judgement Ayub Murumba Kakai Vs Town Clerk, Webuye Town Council. 3. High Court of Kenya, Nairobi Orders for Miscellaneous Application No. 448 of 2006, issued by Justice Majanja on 31st January, 2014 to Bungoma County Government to: i). Give the L.R. Ndivisi/Muchi 1265 back to plaintiff, ii).Pay the Applicant Kshs. 100,000/- in damages with interest effective 1/7/91 until payment in full.
		9. High Court Orders dated 24th February 2014 to Bungoma County Government to give the land Ndivisi/Muchi 1265and payment of damages to the plaintiff, and	
		10. High Court Judgment of the MSC. Application 448 of 2006 in favour of the Applicant Ayub Murumba Kakai	
	Yusuf Kakai	11. Land Parcel Ndivisi/Mihuu 1154, 1.6 ha. Registered under Yusuf Kakai, ID. No. 3464591	The land registered in 1975 and the Title Deed collected on 18th April 2018, following of parcel No. Ndivisi/Mihuu 1149.
	Bernard Kiteki Marubeni ID. No. 759452	12. Title Deed No. Ndivisi/Mihuu 3054, 0.83 ha.	Registered 23rd March 2012 following partition from plot No. Ndivisi/Mihuu 468 and the Title Deed collected.
	Mark Mutanda Sindani, ID No. 20558943	13. Title Deed No. Ndivisi Mihuu 3050, 3.6 ha.	Registered on 23rd March 2012 and the Title Deed collected on 26.03.2012.
	Wakhungu Wanambisi Josphat, ID. No. 0842170	14. Title Deed No. Ndivisi/Muchi 1288, 0.73 ha.	Registered 21st March 2018 following a sub division of undescribed land and the Title Deed collected on same date.
	Hamisi Ndege Mukaka, ID No. 10036893	15. The Kenya Gazette Volume CVIII - No. 46, dated 30th June 2006, Gazette Notice No. 4881, Succession Case No. 71 of 2006	Confirming Hamisi Ndege Mukaka as the administrator of the Estate of Mukaka Abdalla Tonje.

APPENDIX 2

AM/GEM/42

COUNTY COUNCIL
2 JAN 1968
P. O. BUNGOMA

17th January, 68

Mr. S.P. Singhi,
The President,
Oriental Paper Mills Ltd.,
19 Inda Exchange Palace,
Calcutta,
INDIA.

Dear Mr. Singhi,

I refer to our conversation on 13th of this month in New Stanley Hotel when you were visiting Kenya in relation with Pulp and Paper Factory at Broderick Falls. During our conversation there were a number of questions that you posed and you wanted some assistance from us, as regards to this I confirm that we this side are prepared to go ahead with whatever assistance you would need from us before you start building the factory.

I would therefore, request you to let me know briefly what you would like us to assist you, as I remember you mentioning that you need electricity supply, housing facilities with some social amenities and possibly water in a bigger supply. As regards to electricity, if you could let me know what size the factory is likely to be and what is likely to be the consumption of your factory as far as electricity is concerned, then I will make immediate arrangement to instal such supply. As far as housing is concerned most of it is going to be taken by Government, of course you might also like to specify some type of houses you might need in your scheme.

Yours faithfully,

(J.W. Masinde)
ASSISTANT MINISTER

c.c. Minister for Natural Resources,
NAIROBI.

Minister for Commerce & Industry,
NAIROBI.

Provincial Commissioner, Western Province

District Commissioner, Bungoma

Clerk to the County Council, BUNGOMA.

13 Ext. 19

BU/LR/45/51

DISTRICT LAND REGISTRY,
LANDS DEPARTMENT,
P.O.382,
BUNGOMA.

22nd November, 73.

The Commissioner of Lands,
P.O. Box 30,089,
NAIROBI. (Atten. Mr. S.K. Naiwa),

RE: WEBUYE TOWNSHIP- LAND ACQUISITION-MUCHI REGISTRATION SECTION

PLOT NO.	NAME OF OWNER	AMOUNT PAID SHS.	CTS.
1123	UFUT		
1126	MUFUTU MASAKE	5,665	50
1368	WEBUYE SALAVATION ARMY (B.C.C.)	21,258	50
1127	KATI THOMAS	8,289	00
1382	BUNGOMA COUNTY COUNCIL	4,030	50
1285	CHAPMAN MUKHWANA	1,795	50
1268	JACOB SIMIYU	7,451	50
1270	MATARA BISUCHE	6,722	50
1250	CHRISTOPHER OKALO	4,309	70
1377	PARTECOST CHURCH (B.C.C.)	1,097	50
1327	ZABLON KISAKA	1,438	00
1376	ANGLICAN CHURCH (B.C.C.)	656	00
1424	MICHAEL ONDERO	3,841	00
1253	GEORGE KIROMO	658	00
1337	THOMAS MABELE	17,526	00
1275	FRANCIS KIBERENGE	615	90
1247	WILSON KIMANI WATITI	1,019	20
1263	MUKAKA NDONJE	1,000	00
1258	MUKAKA NDONJE	852	00
1259	AZIMANI JUMA	2,982	10
1116	MUKANDA KISAKA	50,575	10
1117	MANDU WACHIKAMA	5,343	80
1122	THOMAS MABELE	5,074	00
1125	MWONGOLO TELA	8,693	50
1124	TELA KISAKA	60,604	00
1123	NAKUKU KHWATENGE	9,580	50
1249	ELIUD NYONGESA	1,867	70
*1136	JOHN WAFULA BEBELA	8,466	10
1137	OKWARO NDEGA	847	10
1329	HENRY KINGORO NGENYA	215	00
1091	JOAB SIHUNDU MICHESO	1,480	00

PLOT NO.	NAME OF OWNER	AMOUNT PAID SHS.	CTS.
718	OKUMU MAUNGO	2,798	50
713	PETER S. MUKWANA	1,853	00
726	HENRY OMUOR ORUKA	7,061	50
295	MULONGO MALALE	2,446	00
296	WAKHUNGU MALALE	2,140	00
294	JOHN LUSWETI	4,050	00
293	MUNGOMA MALALE	118,018	50
1141	ASIMANI WATITI WANGATIA	15,860	50
1139	OTHAMBO ALINYO	15,565	90
1103	WEKESA WANDABWA	8,465	00
1098	MUMILO SOYITA	4,305	60
1305	DAMARY NALIAKA MUSE	176	90
1246	SAINA MASAKWE	1,412	90
1102	KHISA WANDABWA	2,160	00
1142	TULIENGE OKHWATENGE	5,630	00
1097	SOYITA MUNITO	10,119	10
1099	NAVIVYA SOITA	3,392	00
1134	JAMES ODWORI	8,302	10
1138	OMOLO OMENGE	1,891	20
1148	KANGALA NAMISI	16,671	00
1140	JUMA NAMATSI WAMBUCHI	45,611	25
1243	TIMONA K..SIKOLIA	8,560	70
1245	REMBEN W. SIKOLIA	22,060	00
1262	ISSA HILDID	19,598	00
1254	KIBE NDATHU	9,496	50
1255	ISACK WANDILI	26,711	50
1309	LAZARO MWANGI	941	60
1308	BOBOI WESENDA	604	20
1307	CHELOTI KISAKA	4,930	00
1335	PAUL WAFULA	8,938	30
1334	GEORGE W. MACHASIO	6,142	70
1256	ERASTUS WANYAKA	10,342	90
1248	GEORGE KISHANGANI	4,291	00
1277	KHEAMBA SHILUNGU	487	50
1276	FATUMA ASHA	1,292	50
1264	SHAFAN OKWARA	3,267	00
1260	AHAMED HASSAN	2,937	50
1257	ALI HASSAN	7,469	50
1292	WASIKE WAKOLI	4,966	30
1291	DANACHA WAHUKOTA	1,050	00
1290	JOSAN WANYONYI	8,451	00
1289	LESWETI MALALE	1,525	30
1288	BIKETI MUTINYU	7,670	00

APPENDIX 4

APPENDIX 3(b)

APPENDIX 4

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 300)

Land Certificate

TITLE NUMBER NDIVISI/MUCHI/1265.

This is to certify that WELLINGTON WELEKHASIA KAMAI.
ID/7610130/70.
OF NDIVISI LOCATION, MUCHI SUB/LOCATION.
is (are) now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the Bungoma District Land Registry this ninth day of September, 1981

Land Registrar

PART A - PROPERTY SECTION

EDITION: 1	EASEMENTS ETC.	NATURE OF TITLE
OPENED: 2.10.72		
REGISTRATION SECTION		
NDIVISI/MUCHI		ABSOLUTE
PARCEL NUMBER		
1265		
APPROXIMATE AREA		
(0.76) Ha.		
REGISTRY MAP SHEET No.		
2		

PART B - PROPRIETORSHIP SECTION

ENTRY No.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
1.	2.10.72	WELEKHASIA KAKAYI	MUCHI/NDIVISI	CORRECTION OF NAME	
2.	7.9.81	WELLINGTON WELEKHASIA KAKAI	ID/2610130/70		
3.	9.9.81	LAND CERTIFICATE ISSUED			
		CERTIFIED TRUE COPY OF THE REGISTER			
		LAND REGISTRAR BUNGOMA			

Kalamazoo 767038-611

TITLE BELOW THIS LINE

TITLE NUMBER	REGISTRATION SECTION	PARCEL No.
	MUCHI/NDIVISI	1265

(To be completed only when the applicant has paid the fee of Sh. 50)

...ate stated on the front hereof, the following entries appeared in the register relating to the land:—

PART A—PROPERTY SECTION

...: 2.10.72		
...GISTRATION SECTION	EASEMENTS ETC.	NATURE OF TITLE
DIVISI/[illegible]		
PARCEL NUMBER		
1265		
APPROXIMATE AREA		ABSOLUTE
0.76 Ha.		
REGISTRY MAP SHEET No.		
2		

PART B—PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
2.	7.9.81	WELLINGTON [illegible]	[illegible] ID/7610130/70 C/NAME.		[signature]
3.	9.9.81	LAND CERTIFICATE ISSUED.			

APPENDIX 5

MINISTRY OF LANDS AND SETTLEMENT

APENDIX 5

lying please quote NDIVISI/MUCHI/1265/2
and date

DISTRICT LANDS OFFICE
DEPARTMENT OF LANDS,
P.O. BOX 382, BUNGOMA

21st November, 1985

The Town Clerk,
Webuye Town Council,
WEBUYE.

TITLE NO. NDIVISI/MUCHI/1265

This is to confirm to you that according to Land Adjudication records we have, the registered proprietor of the above piece of land is Mr. Wellington Welekhasia Kakai.

B.J. ABAE
LAND REGISTRAR,
BUNGOMA.

BJA/jmk

APENDIX 6

APPENDIX 6

AG/MLG/3/87

29th March 96

The Town Clerk,
Webuye Town Council,
P.O. Box 41008,
WEBUYE

RE: HCCC NO. 1145 OF 1987
WELLINGTON WELEKHASIA KAKAI - VS -
WEBUYE TOWN COUNCIL

Your reference in this matter is 1215/11/33.

We write to convey the outcome of the above case in which you are the defendant.

Following several court appearances by counsel a consent judgement was recorded on 1st July, 1991 which effectively gave the plaintiff herein vacant possession of parcel No. 1265/NDIVISI/MUCHI comprising 0.76 hectares. This is the portion which the said plaintiff claims to have been erroneously acquired by the Government in 1972 the particulars of which are well known to yourselves.

It will be noted that the plaintiff (now the Decree Holder) is the absolute proprietor of the said parcel of land the same having been registered in 1972. A title deed in respect of this portion is in our records and a search in the Ministry of Lands & Settlement further confirms the Decree Holder's claim of absolute proprietorship to the said parcel of land.

The proceedings and judgement showing the details of the consent judgement alluded to above are herein enclosed to enable you give vacant possession to the plaintiff.

By a copy of this letter the Decree Holder's advocates are advised to pursue the issue of execution of the court's judgement with the Webuye Town Council.

Leitore R. Siriman
LITIGATION COUNSEL
for/Attorney General

RECEIVED 15/4/96

cc. F. E. JAMAL
ADVOCATE
P. O. BOX 30683
NAIROBI

16/89 PB 248/89 ISSN 1007 B 683655

APPENDIX 17

THE REGISTERED LAND ACT

(CHAPTER 300)

POWER OF ATTORNEY

TITLE NUMBER: NDIVISI/MUCHI/1265

I, WELLINGTON WELEKHASIA KAKAI of Post Office Box Number 839, Webuye in the Republic of Kenya HEREBY APPOINT AYUB KAKAI of Post Office Box Number 41584, Nairobi to be my attorney and generally in relation to my interest in the above mentioned title to do anything and everything that I myself could do and for me and in my name to execute all such instruments and to do all such acts, matters and things as may be necessary or expedient for carrying out the powers hereby given.

27 VI 89

DATED at Nairobi this 16TH day of MAY, 1989

SWORN by the Donor)x Wellkhasia
in the presence of:-)
)
)
)
)
)
)
KOKOMA W. M.
COMMISSIONER FOR OATHS
)
)
)

KENYA REVENUE 05-90 SH CTS NR 177

DISTRICT LAND REGISTRAR
BUNGOMA DISTRICT

APPENDIX 7

APPENDIX 7

P. & A. 41

Grant of Letters of Administration Intestate.

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BUNGOMA

SUCCESSION CAUSE No. H.C./RM 128 OF 19 96

In the matter of the Estate WELLINGTON W. KAKAI Deceased.

BE IT KNOWN that on the 16TH APRIL, 19 97, Letters of Administration Intestate of all the estate of WELLINGTON WELEKHASIA KAKAI (also known as) deceased late of WEBUYE who died domiciled in KENYA on the 6TH JUNE ,19 95, at WEBUYE which by law devolves to and vests in his/her personal representative were granted by this Court to AYUB MURUMBA KAKAI of WEBUYE (and of) he/they having undertaken faithfully to administer such estate according to law and to render a just and true account thereof whenever required by law so to do.

HIGH COURT OF KE

Issued by the High Court/Resident Magistrate's Court/through the registry at BUNGOMA this 14TH APRIL ,19 97

SCHEDULE

L.P. NO. NDIVISI/NDIVISI/1199
NDIVISI/MUCHI/1265
NDIVISI/NDIVISI/1140

Signature REGISTRAR BUNGOMA

Judge of the High Court/
Resident Magistrate

GPK (L)

APPENDIX 8

APPENDIX 8

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MISCELLANEOUS CIVIL APPLICATION NO. 448 OF 2006

BETWEEN

REPUBLIC

AND

TOWN CLERK OF WEBUYE COUNTY COUNCIL.....RESPONDENT

EXPARTE

AYUB MURUMBA KAKAI (Suing as the Legal Representative Of the Estate of Wellington Welakhasia Kakai (Deceased))

BEFORE THE HONOURABLE D.S. MAJANJA ON 31st JANUARY, 2014

ORDER

UPON READING the Notice of Motion, presented to this Court on 21st March, 2011 by the Counsel of the Applicant under Section 5 of the Judicature Act CAP 8, Order 52 rules 1, 3 and 4 of the Supreme Court Rules, England, Sections 1A, 1B and 3A of the Civil Procedure Act Cap 21, Order 50 rule 1 of the Civil Procedure Rules 2010 and all enabling provisions of law **AND UPON READING** the affidavit of Firdosh Jamal sworn on the same date and the annexure thereto and the Replying Affidavit of Josephat Ayonga sworn on 8th June, 2011 and filed on 15th June, 2011 **AND UPON HEARING** Counsel for the Applicant and in the absence of the Counsel for the Respondent though served:-

IT IS HEREBY ORDERED:

1. **THAT,** BUNGOMA COUNTY do give vacant possession of L.R. NO. **NDIVISI/MUCHI** 1265 in Webuye Township to the Plaintiff on a date to be agreed upon.

2. **THAT,** BUNGOMA COUNTY do pay the Applicant sum of **Kshs.100,000/=** being general damages together with interest with effect from 1/7/91 until payment in full.

3. This Ruling and Order shall be served on Bungoma County for compliance within 30 days from the date of service of the order.

4. The matter shall be mentioned on 5th March, 2014 to confirm compliance and for further and other orders.

GIVEN UNDER my hand and seal of the Court at Nairobi this 31st day of **JANUARY**, 2014.

ISSUED at **NAIROBI** this 28th day of February 2014.

DEPUTY REGISTRAR
HIGH COURT OF KENYA AT NAIROBI

I CERTIFY THIS IS TRUE COPY OF THE ORIGINAL.
DATED: 28/2/14
DEPUTY REGISTRAR
HIGH COURT OF KENYA

APPENDIX 9

APENDIX 9

IN THE HIGH COURT AT NAIROBI
MILIMANI LAW COURTS
JUDICIAL REVIEW DIVISION
MISC. CIVIL APPL. NO. 448 OF 2006
BETWEEN
REPUBLIC
AND

TOWN CLERK OF WEBUYE
COUNTY COUNCIL ..... RESPONDENT
EXPARTE
AYUB MURUMBA KAKAI
Suing as the Legal Representative
Of the Estate of Willington Welakhasia Kakai (deceased))

RULING

1. The subject of this ruling is an application for contempt of court brought by the applicant through the Notice of Motion dated 21st March 2011 in which the applicant seeks, inter alia, that, "*the Town Clerk of Webuye County Council, be committed to civil jail for six months.*"

2. The contempt proceedings seek to enforce an order of mandamus issued on 26th March 2009 where the court directed that the Webuye Town Council give vacant possession of **LR NDIVISI/MUCHI/1265** situated in Webuye Township ("the suit property") to the applicant and pay him the sum of Kshs. 100,000.00 together with interest thereon arising from a judgment and decree in **NAIROBI HCCC No. 1149 of 1987** which was given on 2nd May 2002.

3. Since this is an old matter and in view of the orders I intend to make, it is necessary to recapitulate briefly the history of the matter.

Background

4. Wellington Kakai ("deceased") was the registered owner of the suit property. In 1972, the government acquired part of this land and duly compensated the deceased for part of the land while he was left with 0.76 hectares. Sometime in the year 1973, the respondent wrongfully entered onto the deceased's land and evicted him. He instituted **Nairobi HCCC No. 1145 of 1987, *Wellington Welakhasia Kakai v Webuye Town Council*** claiming compensation and vacant possession. Upon his death his legal representative, the applicant herein took his place.

5. The matter was determined and by a preliminary decree entered on 2nd May 2002 and issued on 23rd April 2004, the Court ordered as follows;

   1. *THAT the judgment be and is hereby entered for the Plaintiff against the Defendant on liability*
   2. *THAT the defendant do give vacant possession of L.R. No. Ndivisi/Muchi 1265 in Webuye Township to the plaintiff on a date to be agreed upon.*
   3. *THAT the defendant do pay the Plaintiff sum of Kshs. 100,000/= being general damages together with interest with effect from 1/7/91 until payment in full.*
   4. *THAT the Defendant do pay the Plaintiff costs of this suit to be taxed and certified by the taxing officer of this court."*

6. The applicant was unsuccessful in enforcing the decree against the Town Council prompting the filing an application seeking an order of mandamus. In response to the application, the Town Clerk argued that the judgment was issued in default of filing a defence and that the respondent had a defence that raised triable issues as the land in question had been acquired under **section 75** of the former Constitution and that therefore the orders issued in **HCCC No. 1145 of 1987** were illegal and unenforceable. He further argued that the suit property had been acquired from 266 residents who had been

fully compensated. He urged that the applicant had failed to disclose the fact that the deceased had been fully compensated and that the judgment, which was obtained by consent, was vitiated by failure to disclose material facts.

7. After hearing the parties, Wendoh J., issued a judgment on 26th March 2009 granting the order of mandamus. She observed that the High Court proceedings were settled by a consent judgment which had been in existence since 1991 and the decree issued on 23rd April 2004 and which the respondent never challenged by way of review or appeal and could not purport to do so in judicial review proceedings. She noted that, *"It would behove the Respondents to have sought to review the consent several years ago soon after the consent was recorded. They did not act and are therefore bound by the consent judgment and cannot be heard to challenge it in their reply in a judicial review application."* The learned Judge concluded that, *"The Respondent is the Town Clerk of Webuye Town Council, which is a public body. The Town Clerk is the Chief Executive Officer in charge of administration or the day to day running of the Council. His duties are provided for under S. 129 of the Local Government Act Cap 265 and the 3rd Schedule to the Act. There is a judgment against that Town Council which has not been satisfied and it is the duty of the Town Clerk to satisfy such judgment against the Council. In my view if the land in question has been used by the Council for other purposes, it is up to them to know how to compensate the Applicant with an alternative plot or as will be agreed. I find that the Applicant is entitled to an order of mandamus as prayed, the Notice of Motion dated 19th June 2008 is allowed with the Respondents bearing the costs."*

8. The decision was condensed in an order dated 12th March 2010 which read, *"THAT an order of Mandamus be and is hereby issued against the Town Clerk, Webuye Town Council to forthwith give vacant possession of L.R. NO. NDIVISI/MUCHI/1265 in Webuye*

Township to the estate of the deceased and to pay to the Applicant Kshs. 100,000/= plus interest at Court rates from 11th July 1991 till payment in full pursuant to the judgment of the Court of 2nd May, 2002 in High Court Civil Suit No. 1149 of 1987."

9. On 21st March 2011, the applicant filed a Notice of Motion seeking an order that the Town Clerk of Webuye Town Council be committed to civil jail for six months. It is these proceedings that are the subject of this ruling. The applicant contends that despite service of the court's order of 26th March 2009, the respondent has not taken steps to settle the judgment. He also avers that several meetings with the parties' legal representatives have not yielded any result that would lead to satisfaction of the judgment.

Determination

10. Since the application was filed, the legal landscape concerning the liability of local authorities and their officers under the ***Local Government Act (Repealed)*** has changed. The Constitution has introduced devolved government through Counties to replace local authorities. The issue that I need to address is that of liability to satisfy the court order.

11. Under **section 18** of the ***Sixth Schedule*** to the Constitution, all local authorities established under the ***Local Government Act*** existing immediately before the effective date shall continue to exist subject to any law that might be enacted. Pursuant to **section 134** of the ***County Government Act, No. 17 of 2012***, the ***Local Government Act***, stood repealed after the General Elections of 4th March 2014. The section states that, *"The Local Government Act is repealed upon the final announcement of all the results of the first elections held under the Constitution."* A study of the ***County Government Act*** reveals that it does not have transitional provisions for dealing with pending actions and judgment against local authorities.

12. **Section 134 (2)** of the ***County Government Act*** , provides that, *"All issues that may arise as a consequence of the repeal under subsection (1) shall be dealt with and discharged by the body responsible for matters relating to transition."* The body dealing with transition referred to in this section is the Transition Authority established under the ***Transition to Devolved Governments Act, No. 1 of 2012*** which likewise does not have a specific provision vesting causes of action and judgments against local authorities. I therefore agree with the sentiments of Okong'o J., in ***Dr J. A. S. Kumenda and Another v The Clerk, Municipal Council of Kisii and Others*, Kisii HC ELC Misc. App. No. 3 of 2013 [2013]eKLR** where he stated that, *" I don't think that it was the intention of Parliament having regard to the temporary nature of the life of the Transition Authority as an institution to give it power to continue with or defend suits pending by or against local authorities that were constituted under the repealed Local Government Act. If that was the intention of the legislature, it would have been stated expressly in the said section of the County Governments Act."*

13. Another piece of legislation, the ***Urban Areas and Cities Act, Act No. 13 of 2011*** which was passed before the ***County Government Act*** provides that **Part VII,** which contains the Transitional Provisions, shall come into force upon repeal of the ***Local Government Act***. **Section 59** of thereof provides that, *"Any legal right accrued, cause of action commenced in any court of law or tribunal established under any written law in force, or any defence, appeal, or reference howsoever filed by or against any local authority shall continue to be sustained in the same manner in which they were prior to the commencement of this Act against a body established by law."* This section vests the power to proceed with and to defend actions and legal proceedings pending against defunct local authorities upon *"a body established by law"* which is neither defined nor constituted under this Act. What is clear though is that proceedings commenced against or in existence are not extinguished

by operation of law but continue to be exist. This position is fortified by **section 23(3)(e)** of the ***Interpretation and General Provisions Act (Chapter 2 of the Laws of Kenya)*** which provides that, *"Where a written law repeals in whole or in part another written law, then unless a contrary intention appears, the repeal shall not-(e) affect investigations, legal proceeding or remedy in respect of a right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued or enforced……"*

14. Despite the statutory lacuna's in the ***County Government Act*** and the ***Urban Areas and Cities Act***, the rights accrued as a result of the litigation are preserved upon repeal of the ***Local Government Act*** by the Constitution. **Section 33** of the ***Sixth Schedule*** to the Constitution provides for succession of institutions upon promulgation. It states that, *"An office or institution established under this Constitution is the legal successor of the corresponding office or institution, established under the former Constitution or by an Act of Parliament in force immediately before the effective date, whether known by the same or a new name."*

15. In my view and taking into account the legal provisions I have cited, the County is the legally established body unit contemplated under the law that takes the place of local authorities unless there is a contrary enactment. I therefore find and hold that the proceedings and judgment against Webuye Town Council and its officers must continue against Bungoma County which must now bear the burden of the judgment.

16. The Court cannot grant orders incapable of enforcement as the Town Council and its Town Clerk no longer exist (*See* ***Republic Vs Minister for Lands & 2 Others exparte Kimeo Stores Limited*** **[2011] eKLR,** ***Kenya National Examination Council vs. Republic ex-parte Geoffrey Gathenji Njoroge & 9 others*** **CA Civil Appeal**

No. 266 of 1996). On the other hand, a decree holder's right to enjoy fruits of his judgment must not be thwarted. When faced with such a scenario, the Court should adopt an interpretation that favours enforcement and as far as possible secures accrued rights. My reasoning is underpinned by the values of the Constitution particularised under **Article 10**, the obligation of the court to do justice to the parties and to do so without delay under **Article 159(2)*(a)*** and ***(b)*** and the applicant's right of access to justice protected under **Article 48** of the Constitution.

17. In order to give efficacy to the orders of the Court, I hereby make the following Orders;

i. ***THAT, BUNGOMA COUNTY do give vacant possession of L.R. No. Ndivisi/Muchi 1265 in Webuye Township to the plaintiff on a date to be agreed upon.***

ii. ***THAT, BUNGOMA COUNTY do pay the applicant sum of Kshs. 100,000/= being general damages together with interest with effect from 1/7/91 until payment in full.***

iii. ***This Ruling and Order shall be served on Bungoma County for compliance within 30 days from the date of service the order.***

iv. ***The matter shall be mentioned on 5th March 2014 to confirm compliance and for further and other orders.***

DATED and **DELIVERED** at **NAIROBI** this 31st day of **January 2014**

D.S. MAJANJA
JUDGE

Ms Gathaara instructed by F. E. Jamal, Advocate for the applicant.

~~ANNEX~~ APPENDIX 9

IN THE HIGH COURT OF KENYA AT NAIROBI

MISC APPLICATION NO. 448 OF 2006

AYUB MURUMBA KAKAI.....APPLICANT

Versus

TOWN CLERK, WEBUYE TOWN COUNCIL.....RESPONDENT

JUDGMENT

In the Notice of Motion dated 19th June 2008, the ex parte Applicant Ayub Murumba Kakai who is suing as the legal representative of the estate of Wellington Welakhasia Kakai seeks an order of mandamus to issue against the Town Clerk, Webuye Town Council to forthwith give vacant possession of L.R. NDIVISI/1265 in Webuye Township to the estate of the deceased and to pay to the Applicant Kshs.100,000/= plus interest at court rates from 1st July 1991 till payment in full pursuant to the judgment of the court on 2nd May 2002 in HCC 1149/1987. The application is premised on the verifying affidavit of Ayub M. Kakai dated 7th August 2007, a statement of facts of the same date and a supplementary affidavit of Ayub Kakai dated 4th November 2008 and submissions filed in court on 17th July 2009.

The motion was opposed and John Ongwae Mosongo, the Town Clerk of the Webuye Town Council swore an undated affidavit in reply but filed on 21st July 2008 and submissions filed in court on 16th March 2009. Mr. Ondieki appeared for the Respondent while Ms Muthee urged the motion on behalf of the Applicants.

Briefly, the background of this case is that the deceased, Wellington Kakai is (was) the registered owner of LR Ndivisi/Muchii/1265 which is situate in Webuye Township as evidenced by the title deed, WWK1. That in 1972 the Government of Kenya acquired part of the land and he was duly compensated. That he was left with a portion of about 0.76 Ha. Sometime in 1983, the defendant illegally entered the said plot demolished all structures and took it over alleging that it had been acquired by the Government. The deceased instructed Jamal & Co. Advocates to file a suit and did file 1145/1987. He sought an injunction restraining the Defendant (Respondent) from trespassing onto the said land and for damages. That on 1st July 1991, a consent judgment was entered whereby both parties agreed that the defendant give vacant possession of the suit land to the Applicant. The issue of damages was deferred for assessment and on 2nd May 2002 an award of

Kshs.100,000/= was made. A decree was issued to that effect on 2nd May 2002 and a final decree issued on 23rd April 2004 (WWK 4). That despite service of that decree the Respondent has failed to satisfy the decree and abide by the court order.

In response to the Respondents replying affidavit, the Applicant deponed that that affidavit is defective. That the consent judgment was entered after a defence had been filed by Kiagayu, litigation Counsel from the Attorney General's office (AMK 111). The Applicant exhibited the proceedings before the court in which the consent was recorded. That if the Respondent had been aggrieved by the said judgment they have had more than ample time to appeal. Ms. Muthee urged that the issue that the Respondent raises that the judgment is irregular is res judicata and cannot be raised herein. She relied on the authority of **NGURE V GACHUKI (1976-80) KLR 1269** where Chesoni J. held that since a party cannot be considered to be aggrieved by an order made with his consent, and in his presence, the court has no jurisdiction to review a consent order, even though there is no right of appeal against such an order and further that the inherent jurisdiction of the

court cannot be exercised to reverse an order which the parties had previously treated as meeting the ends of justice.

In reply the Town Clerk deponed that the judgment was issued in default of filing a defence and that the Respondent has a triable defence. That the application is defective and orders cannot issue, that the land was acquired under S. 75 of the Constitution and the orders issued in 1145/1987 are illegal and unenforceable. That in any event, the land was acquired from 266 residents who were fully compensated. That the land is now occupied by Muliru Stadium and the Municipal Hall Council and if the orders are granted they would paralyse the operations of the Council.

Counsel relied on the following cases; of

(1) **OYOO V SYONGO (2005) 1 klr 424** in which the court ruled that an application for certiorari has to be brought within 6 months

(2) **REP V REGISTRAR OF SOCIETIES**

(3) **TOTAL K LTD V THE P/S MINISTRY OF ENERGY MISC 1638.04.**

Mr. Ondieki added that the Applicants failed to disclose in the lower court that the deceased had been fully compensated and therefore the consent is vitiated by failure to disclose material facts.

I have considered the application before the court, the affidavits filed both in support of the application and in reply, the submissions by Counsel and the authorities that were relied upon.

It is not denied that the deceased filed suit against the Respondent in HCC 1145/1987 in which a consent judgment was entered on 1st July 1991 and later the damages were assessed by the court. That fact is evidenced by the proceedings and decree of the court AMK II. In the replying affidavit, the Respondent is trying to reopen the case in the lower court by alleging that they had not filed a defence when the judgment was entered and that the consent judgment was obtained fraudulently. At the time the consent was entered, there was a defence filed by Kiagayu litigation Counsel who had come on record on behalf of the Respondent. In any case, this court has no jurisdiction to review or interfere with the decision in CC 1145/1987 or consider its merits. Furthermore this court has not been properly moved to do so. What is before the court is a Judicial Review

application where the Applicant seeks to have the judgment in CC 1145/1987 court honoured and enforced.

That consent judgment has been in existence since 1991 with the decree having been drawn on 23rd April 2004. The Respondent never challenged that order by way of review or appeal and cannot purport to do so in their defence in a Judicial Review application.

I will agree with Chesoni J's decision in **NGURE'S CASE** where he said:

"Since a party cannot be considered to be aggrieved by an order made with his consent and in his presence, the court has no jurisdiction under the Civil Procedure Rules, Order XLIV Rule 1 to review a consent order, even though there is no right of appeal against such order. Moreover, the inherent jurisdiction of the court cannot be exercised to reverse an order which the parties had previously treated as meeting the ends of justice."

The above is the correct position on consent judgments. However, I wish to add that a consent judgment can be set aside by consent of the parties or if a party can prove that there was fraud or misrepresentation in obtaining it. A consent order becomes a contract

and is binding as between the parties. It would behove the Respondents to have sought to review the consent several years ago soon after the consent was recorded. They did not act and are therefore bound by the consent judgment and cannot be heard to challenge it in their reply in a Judicial Review application.

Mr. Ondieki submitted that this application is incompetent because the court should have been moved for these orders within 6 months of the decision. I do not agree with Counsel. S. 9 (2) of the Law Reform Act provides that subject to the provisions of Subsection (3), rules made under Subsection (1) may prescribe that an application for an order of mandamus, prohibition or certiorari shall, in specified proceedings, be made within 6 months, or such shorter period as may be prescribed, after the act or omission to which the application for leave relates. Subsection (3) provides that an application for an order of certiorari to remove a judgment, decree or conviction for purposes of its being quashed will be made not later than 6 months. Section 9 (3) is a replica of Order 53 Rule 2 Civil Procedure Rules. My understanding of these provisions is that an Applicant seeking an order of certiorari to call for and quash any of the items made under Rule (2), the application has to

be made within 6 months. However, for the other orders of mandamus and prohibition, unless it is specifically provided that the order be sought within 6 months, it can be sought at any time provided it is a reasonable time. The word used in S. 9 (2) as **'specified proceedings'.** There is no evidence that it was specified within the Local Government Act or any other Act that an order of mandamus had to be sought within 6 months of the act or ommission

The 6 months limitation does not apply to every proceeding in which an order of mandamus and prohibition is sought. The application by the Applicant was brought after 6 months and is properly before this court.

An order of mandamus is a command from the High Court to compel a lower court or Government officer to perform a mandatory or administrative duty. (See Black's Law Dictionary). The court said in **R V REGISTRAR OF SOCIETIES MISC 747/06** that mandamus is not an order of specific performance but for an order of mandamus to issue, one must show the existence of a statutory duty conferred by statute and which that person or body has failed to perform. In the instant case the Applicant has judgment against the Respondent. The

Respondent is the Town Clerk of Webuye Town Council, which is a public body. The Town Clerk is the Chief Executive Officer in charge of administration or the day to day running of the Council. His duties are provided for under S. 129 of the Local Government Act Cap 265 and the 3rd Schedule to the Act. There is a judgment against that Town Council which has not been satisfied and it is the duty of the Town Clerk to satisfy such judgment against the Council.

In my view if the land in question has been used by the Council for other purposes, it is upto them to know how to compensate the Applicant with an alternative plot or as will be agreed.

I find that the Applicant is entitled to an order of mandamus as prayed, the Notice of Motion dated 19th June 2008 is allowed with the Respondents bearing the costs.

Dated and delivered this 26th day of March 2009.

R.P.V. WENDOH

JUDGE

Present

Ms. Muthee for Applicant

Mr. Ondieki: for Respondent

Muturi: Court Clerk

APPENDIX AG6 APPENDIX 10

APPENDIX 10

REPUBLIC OF KENYA

THE LAND REGISTRATION ACT

(*No.* 3 *of* 2012, *section* 108)

THE REGISTERED LAND ACT

(*Chapter* 300) (REPEALED)

Title Deed

Title Number NDIVISI/MIHUU/1154

Approximate Area (1.6) HA

Registry Map Sheet No. .....

This is to certify that YUSUF KAKAI ID/NO. 3464591

BOX 839 WEBUYE = = =

(To be completed only when the applicant has paid the fee of Sh. 125)

At the date stated on the front hereof, the following entries appeared in the register relating to the land:

EDITION: 1

OPENED: 22.2.75

PART A—PROPERTY SECTION

REGISTRATION SECTION	EASEMENTS, ETC.	NATURE OF TITLE
NDIVISI/MIHUU		
PARCEL NUMBER 1154		
APPROXIMATE AREA (1.6) Ha.		ABSOLUTE
REGISTRY MAP SHEET No.		

PART B—PROPRIETORSHIP SECTION

SUBDIVISION OF PLOT NO. 1149

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
2.	03.03.1975	YUSUF KAKAI	ID/NO. 3464591		
3.	18.04.2018	TITLE	DEED ISSUED		

PART C—ENCUMBRANCES SECTION

Entry No.	* Date:	Nature of Encumbrance:	Further Particulars	Signature of Registrar

Land Registrar

REPUBLIC OF KENYA

THE LAND REGISTRATION ACT

(*No.* 3 *of* 2012, *section* 108)

THE REGISTERED LAND ACT

(*Chapter* 300) (REPEALED)

Title Deed

MLS/TD/02/A2/02

No 2288248

GPK (SP) 7091—500m—10/2015

APPENDIX 11

APPENDIX 11

APPENDIX 11

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

Title Number NDIVISI/MIHUU/3054

Approximate Area (0.83) HA

Registry Map Sheet No. 13

This is to certify that PENATI KITEKI MARUBENI

ID/NO. 7594452 = = = = = = = = =

= = = = = = = = =

(To be completed only when the applicant has paid the fee of Sh. 125)

At the date stated on the front hereof, the following entries appeared in the register relating to the land:

EDITION: 1

OPENED: 23.3.2012

PART A—PROPERTY SECTION

REGISTRATION SECTION	EASEMENTS, ETC.	NATURE OF TITLE
NDEVDEV/MIHUU		
PARCEL NUMBER		
3054		
APPROXIMATE AREA		ABSOLUTE
0.83 Ha.		
REGISTRY MAP SHEET No.		
13		

PART B—PROPRIETORSHIP SECTION

PARTITION OF PLOT NO. 468

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
1.	23.3.2012	PENATI KITEKI MARUBENI	ID/NO.7594452		
2	26.3.2012	TITLE DEED	ISSUED		

PART C—ENCUMBRANCES SECTION

Entry No.	Date	Nature of Encumbrance	Further Particulars	Signature of Registrar

Land Registrar

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

A Nº 654775

MLS/TD/02/A2/02
GPK 1576—10000—10/2011

APPENDIX 12

APPENDIX 4(c) APPENDIX 12

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

Title Number NDIVISI/MIHUU/3050

Approximate Area (3.6) HA

Registry Map Sheet No. 13

This is to certify that MARK MUTANDA SINDANI

ID/NO. 2058943 = = = = = = = =

= = = = = = = = = = = = = = = = = = = =

= = = = = = = = = = = = = = = = = = = =

is (are) now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the

BUNGOMA District Land Registry

this 26TH day of MARCH 20 12

Land Registrar

2K Schedule 18

(To be completed only when the applicant has paid the fee of Sh. 125)

At the date stated on the front hereof, the following entries appeared in the register relating to the land:

EDITION: 1

OPENED: 23.3.2012

PART A—PROPERTY SECTION

REGISTRATION SECTION	EASEMENTS, ETC.	NATURE OF TITLE
NDIVISI/MIHUU		
PARCEL NUMBER		
3050		
APPROXIMATE AREA		ABSOLUTE
3.6 Ha.		
REGISTRY MAP SHEET No.		
13		

PARTITION OF PLOT NO. 468

PART B—PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
1.	23.3.2012	MARK MUTANDA SINDANI	ID/NO. 20589843		
2.	26.3.2012	TITLE DEED	ISSUED		

PART C—ENCUMBRANCES SECTION

Entry No.	Date:	Nature of Encumbrance	Further Particulars	Signature of Registrar

Land Registrar

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

A № 654773

MLS/TD/02/A2/02

GPK 3576—100m—11/2011

APPENDIX 13

APPENDIX 13

REPUBLIC OF KENYA

THE LAND REGISTRATION ACT

(*No.* 3 *of* 2012, *section* 108)

THE REGISTERED LAND ACT

(*Chapter* 300) (REPEALED)

Title Deed

Title Number NDIVISI/MUCHI/1288

Approximate Area (0.73) HA

Registry Map Sheet No. 1

This is to certify that WAKHUNGU WANAMBISI JOSPHAT

ID/NO. 0842170 BOX 111 NAITIRI = = = = = = = = = = = = =

is (are) now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 28 of the Land Registration Act (No. 3 of 2012) as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the

BUNGOMA District Land Registry

this 21ST day of MARCH 2018

Land Registrar

R. W. Ngaanyi D7.

PART 3—ENCUMBRANCES REGISTERED

Entry No.	* Date	Nature of Encumbrance	Further Particulars	Signature of Registrar



(To be completed only when the application has paid the fee of Sh. [illegible])

At the date stated on the front hereof, the following entries appeared in the register relating to the land

EDITION:

OPENED:

PART A—PROPERTY SECTION

REGISTRATION SECTION	EASEMENTS. ETC.	NATURE OF TITLE
SOUTH KABETE		
PARCEL NUMBER 1288		ABSOLUTE
APPROXIMATE AREA (0.73) Ha.		
REGISTRY MAP SHEET No. 1		

SUBDIVISION OF PLOT NO.

PART B—PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
2.	21.3.2018	WAKHUNGU WANAMBISI JOSPHAT	ID/NO. 0842170		
3.	21.3.2018	TITLE DEED	ISSUED		

REPUBLIC OF KENYA

THE LAND REGISTRATION ACT

(*No.* 3 *of* 2012, *section* 108)

THE REGISTERED LAND ACT

(*Chapter* 300) (REPEALED)

Title Deed

MLS/TD/02/A2/02

No 2288829

GPK (SP) 7091—500m—10/2015

GAZETTE NOTICE NO. 4876

IN THE HIGH COURT OF KENYA AT KITALE

IN THE MATTER OF THE ESTATE OF MASINDE SILINGI PINGILI

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE NO. 101 OF 2006

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased, who died at Siboti Sub-location, on 11th December, 1980, has been filed in this registry by Jane Makokha Machanzi, in her capacity as an administratrix of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 9th June, 2006.

W. A. JUMA,
Deputy Registrar, Kitale.

GAZETTE NOTICE NO. 4877

IN THE HIGH COURT OF KENYA AT BUNGOMA

IN THE MATTER OF THE ESTATE OF ENOS WOPICHO NANDAA

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE NO. 60 OF 2004

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased, who died at Chwele, on 5th December, 1986, has been filed in this registry by Joseph Mufumu Wopicho, in his capacity as an administrator of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 8th July, 2004.

S. M. MUNGAI,
Deputy Registrar, Bungoma.

GAZETTE NOTICE NO. 4878

IN THE HIGH COURT OF KENYA AT BUNGOMA

IN THE MATTER OF THE ESTATE OF REUBBEN WAMBWA KISIANG'ANI

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE NO. 64 OF 2005

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased, who died at Lukhome Village, on 17th February, 1978, has been filed in this registry by Titus Wekesa Wambwa, of P.O. Box 299, Chwele, in his capacity as an administrator of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 16th May, 2006.

K. NGOMO,
Deputy Registrar, Bungoma.

GAZETTE NOTICE NO. 4879

IN THE HIGH COURT OF KENYA AT BUNGOMA

IN THE MATTER OF THE ESTATE OF VINCENT KAKAI MUNG'ONYE

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE NO. 35 OF 2006

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased, who died at West Sang'alo Sub-location, on 5th October, 2002, has been filed in this registry by (1) Maritina Nabwona Kakai, (2) Davis Sifuna Kakai and (3) Anthony Wekesa Kakai, in their respective capacities as an administratrix and administrators of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 3rd April, 2006.

K. NGOMO,
Deputy Registrar, Bungoma.

GAZETTE NOTICE NO. 4880

IN THE HIGH COURT OF KENYA AT BUNGOMA

IN THE MATTER OF THE ESTATE OF MAKOKHA KATAMI WANJALA

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE NO. 49 OF 2006

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased, who died at Samoya, on 6th July, 1986, has been filed in this registry by Stephen Wafula Jacob, in his capacity as an administrator of the deceased's estate.

And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 5th May, 2006.

K. NGOMO,
Deputy Registrar, Bungoma.

GAZETTE NOTICE NO. 4881

IN THE HIGH COURT OF KENYA AT BUNGOMA

IN THE MATTER OF THE ESTATE OF MUKAKA ABDALLA TONJE

PROBATE AND ADMINISTRATION

SUCCESSION CAUSE NO. 71 OF 2006

LET ALL the parties concerned take notice that a petition for a grant of letters of administration intestate to the estate of the above-named deceased, who died at Chetambe, on 1st June 1999, has been filed in this registry by Khamisi Ndege Mukaka, in his capacity as an administrator of the deceased's estate.

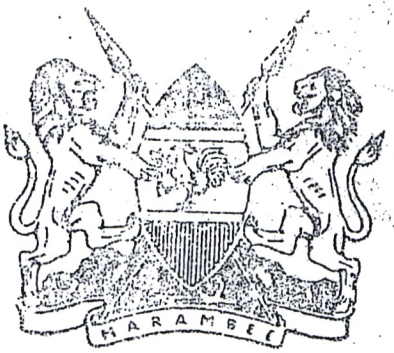
And further take notice that objections in the prescribed form to the making of the proposed grant are invited and must be lodged in this registry within thirty (30) days of publication of this notice.

And further take notice that if no objection has been lodged in this registry in the prescribed form within thirty (30) days of the date of publication of this notice, the court may proceed to make the grant as prayed or to make such order as it thinks fit.

Dated the 16th June, 2006.

KATHOKA NGOMO,
Deputy Registrar, Bungoma.

APPENDIX 14



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APPENDIX 15

284778

Date received for registration 16/7/09

Presentation book No. 222/09

Registration Fees: Shs. [illegible]

Paid Receipt No. 13169/19

Survey Fees: Shs.

Receipt No.

Date

R.I.M Amendment Fee: Shs 800/=

Receipt No. 3313580

Date 28/4/2009

REPUBLIC OF KENYA

Form R.L. 29

THE REGISTERED LAND ACT, 1963

MUTATION FORM

(This form is to be completed in triplicate)

For DISTRICT SURVEYOR BUNGOMA

Title No. NDIVISI/MUCHI/1263

Approximate Area 0.8 Hectares.

Registry Map Sheet No. 2

Registered Proprietors' Instructions to the Surveyor

1. Present boundaries of parcel are shown on the sketch on page 2.

(a) (i) The proprietor wishes to subdivide the parcel as shown by the dotted lines on the sketch.

or

(ii) The proprietors wish to change their common boundary as shown by dotted lines on the sketch.

or

(iii) The proprietors wish to partition the parcel as shown by the dotted lines on the sketch.

or

(iv) The proprietor wishes to combine his parcels as shown by the brace on the sketch.

(b) The new parcel numbers will be:
relevant approximate area

A	B	C	D			
7087	7088	7089	7090			AREAS
0.18	0.2	0.2	0.3			HAS

(c) The relevant Letter or Consent to subdivide/partition the parcel is attached.

(d) The persons interested, and their addresses are:

1. KHAMISI NDEGE MUKAKA I.D NO 10036893
2. SALIM ABDALA MUKAKA I.D/NO 4383867
3. SAID MUSEE MUKAKA I.D/NO 5674267
4. YUSUF KAKAI I.D/NO 3464591

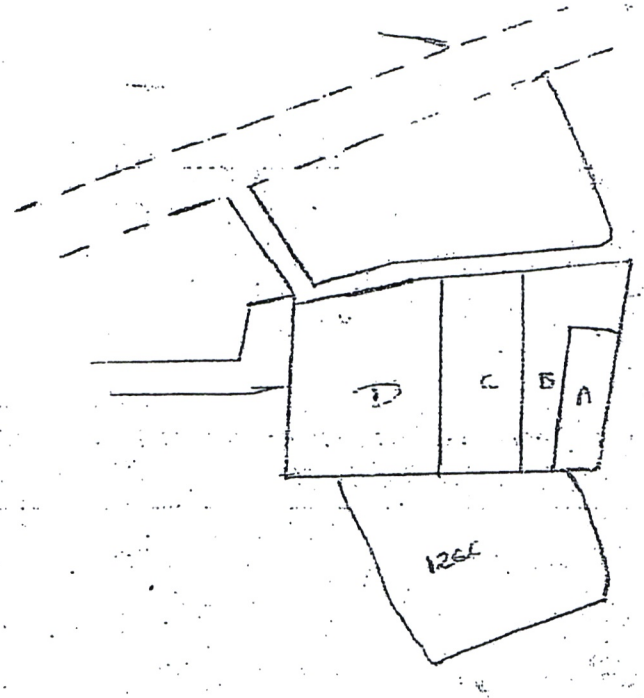
P.O BOX 22
WEBUYE

They will meet the Surveyor at SITE
on 19/6/08 at 10.00 a.m/p.m. or on the land at a time appointed by him.

(e) Please advise the Land Registrar when the mutation is surveyed and Registry Index Map amended.

SKETCH OR DEVELOPMENT PLAN

To be completed by the Registered Proprietor(s)
(Not to scale)



The boundaries are to be surveyed according to the area

OR

The boundaries are to be surveyed as they exist on the ground.

1. [redacted]
2. [redacted]
3. [redacted]
4. [redacted]

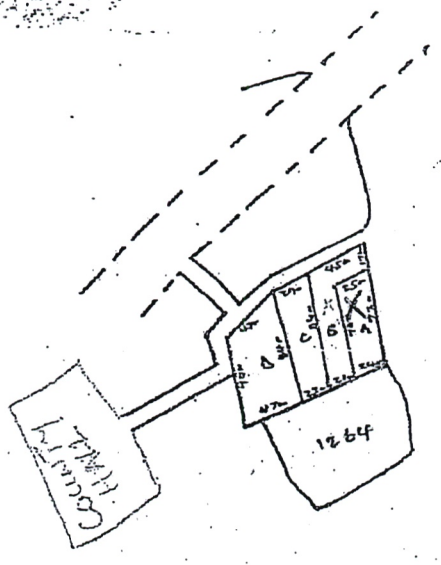
Date 19/06/2018

Signature or Marks of the proprietors(s)

FIELD DIAGRAM AND OBSERVATIONS ON SITE

To be completed by the Surveyor
(Attach a tracing to scale where appropriate)

SCALE 1:5000



AREAS Hm APPROX

A – 0·18 Hm 7087
B – 0·2 Hm 7088
C – 0·20 Hm 7089
D – 0·30 Hm 7090

BOUNDS MEASUREMENTS AND COMPUTED AREAS ARE MORE THAN THE REGISTERED BY OWNER PLEASE ADOPT OUR ACREAGES

I hereby Certify that the Work so performed in the Field and in the office by my approved Assistant C. H. O'DONNELL was done under my personal supervision and therefore I take all the responsibility of the Work so Performed

LICENSED SURVEYOR

This is to certify that this field sketch contains the actual figures recorded by me at the time of observation and measurements in the field.

Certificate under Schedule 9 of the Survey Regulations to be provided in case the survey has been done by an Approved Assistant.

Date 21/4/09

Surveyor

Tittle 7087 — 7090 · NDIVISI/MUKHI

Page Four

Signature of registered proprietor(s) present on the land at the time of Survey:

ame KHAMISI NDEGE MUKAKA	Signature 1.
SALIM ABDALA MUKAKA	2.
SAID MUSEE MUKAKA	3.
YUSUF KAKAI	4.

ECKED N.O.A 28/04/09

) Land Registrar,

Bungoma District

certify that the survey has been carried out. You may now register the Mutation.

ate 2/04/2009

I. E. W. OLWENY
LICENSED LAND SURVEYOR
NAKURU

DISTRICT / LICENSED SURVEYOR

EGISTERED THIS 8th day of JULY 2009

LAND REGISTRAR

To:
Director of surveys,

Thro'
The District Surveyor

BUNGOMA District

This Mutation has now been registered. Please amend the Registry Index Map to conform with the Diagram on Page Three (3) and supply me with a copy of the amended Registry Index Map.

LAND REGISTRAR

APPENDIX 16

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

Title Number NDIVISI/MUCHI/7087

Approximate Area (0.18) HA.

Registry Map Sheet No. 2

This is to certify that SAID MUSEE MUKAEA

ID/NO.5674267 P.O. BOX 22 WEBUYE

is (~~are~~) now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the BUNGOMA District Land Registry this 15TH day of JULY 20 09

Land Registrar

(To be completed only when the applicant has paid the fee of Sh. 125)

At the date stated on the front hereof, the following entries appeared in the register relating to the land:

EDITION: 1

OPENED: 14.4.09

PART A—PROPERTY SECTION

REGISTRATION SECTION	EASEMENTS, ETC.	NATURE OF TITLE
NDIVISI/MUCHI		
PARCEL NUMBER		
7087		ABSOLUTE
APPROXIMATE AREA		
(0.18) Ha.		
REGISTRY MAP SHEET No.		
2		

PARTITION OF PLOT 1263

PART B—PROPRIETORSHIP SECTION

ENTRY No.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
1	18.6.2009	SAID MUSEE MUKAKA	ID/5674267	PARTITION	
2.	15.7.09	TITLE DEED	ISSUED		

PART C—ENCUMBRANCES SECTION

Entry No.	Date	Nature of Encumbrance	Further Particulars	Signature of Registrar

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

A Nº 095655

MLS/TD/02/A2/02

GPE (SP) 7428—150m—7/2008

APPENDIX 17

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

Title Number NLIVIST/MUCHI/7088

Approximate Area (0.2) HA.

Registry Map Sheet No. 2

This is to certify that YUSUF KAKAI

ID/NO.3464591 P.O. BOX 22 WEBUYE

is ~~(are)~~ now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the

BUNGOMA District Land Registry

this 15TH day of JULY 20 09

Land Registrar

APPENDIX 6(b) APENDIX 17

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

Title Number NDIVISI/MUCHI/7088

Approximate Area (0.2) HA.

Registry Map Sheet No. 2

This is to certify that YUSUF KAKAI

ID/NO.3464591 P.O. BOX 22 WEBUYE

is ~~(are)~~ now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the

BUNGOMA District Land Registry

this 15TH day of JULY 20 09

Land Registrar

(To be completed only when the applicant has paid the fee of Sh 125)

At the date stated on the front hereof, the following entries appeared in the register re[illegible]

EDITION: 1

OPENED: 18.6.09

PART A—PROPERTY SECTION

REGISTRATION SECTION	EASEMENTS, ETC.	NATURE OF TITLE
NDIVISI/MUCHI	.....	.....
	.....	.....
PARCEL NUMBER	.....	.....
7088	.....	
APPROXIMATE AREA	.....	ABSOLUTE
(0.2) Ha.	.....	
REGISTRY MAP SHEET No.	.....	
2	.....	

PARTITTION OF 1263

PART B—PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
1.	18.6.09	YUSUF KAKAI	ID/NO.3464591	PARTITION	[signature]
2.	15.7.09	TITLE DEED	ISSUED		

PART C—ENCUMBRANCES SECTION

Entry No.	Date	Nature of Encumbrance	Further Particulars	Signature of Registrar

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

A | No. 095656

MLS/TD/02/A2/02

GPK. (SP) 7425—150m—7/2003

APPENDIX 18

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

Title Number NDIVISI/MUCHI/7089

Approximate Area (0.2) HA.

Registry Map Sheet No. 2

This is to certify that SALIM ABDALA MUKAKA

ID/NO.4383867 P.O. BOX 22 WEBUYE(= = =

PART C—ENCUMBRANCES SECTION

Entry No.	Date	Nature of Encumbrance	Further Particulars	Signature of Registrar

Land Registrar

(To be completed only when the applicant has paid the fee of Sh. 125)

At the date stated on the front hereof, the following entries appeared in the register relating to the land:

EDITION: 1

OPENED 18.6.2009

PART A—PROPERTY SECTION

REGISTRATION SECTION	EASEMENTS, ETC.	NATURE OF TITLE
NDIVISI/MUCHI		
PARCEL NUMBER		
7089		
APPROXIMATE AREA		ABSOLUTE
(0.2) Ha.		
REGISTRY MAP SHEET No.		
2		

ARTITION OF PLOT 1263

PART B—PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
1	18.6.09	SALIM ABDALA MUKAKA	ID/4383867	PARTITION	
2.	15.7.09	TITLE DEED	ISSUED		

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

A | Nº 095657

MLS/TD/02/A2/02

GPK (SP) 7428—150m—7/2002

"EXH APENDIX 19

APPENDIX 19

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

Title Number NDIVISI/MUCHI/7090

Approximate Area (0.3) HA.

Registry Map Sheet No. 2

This is to certify that KHAMISI NDEGE MUKAKA =

ID/NO.10036893 P.O. BOX 22 WEBUYE = =

= = = = =

= = = = =

is ~~(are~~) now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the

BUNGOMA District Land Registry

this 15TH day of JULY 2009

Land Registrar

(*To be completed only when the applicant has paid the fee of Sh.* 125)

At the date stated on the front hereof, the following entries appeared in the register relating to the land:

EDITION: 1

OPENED: 18.6.2009

PART A—PROPERTY SECTION

REGISTRATION SECTION	EASEMENTS, ETC.	NATURE OF TITLE
NUIVISI/MUCHI		
PARCEL NUMBER		
7090		
APPROXIMATE AREA		ABSOLUTE
(0.3) Ha.		
REGISTRY MAP SHEET No.		
2		

RTITION OF PLOT 1263

PART B—PROPRIETORSHIP SECTION

Entry No.	Date	Name of Registered Proprietor	Address and Description of Registered Proprietor	Consideration and Remarks	Signature of Registrar
1.	18.6.09	KHAMISI NDEGE MUKAKA	ID/10036893	PARTITION	
2.	15.7.09	TITLE DEED	ISSUED		

PART C—ENCUMBRANCES SECTION

Entry No.	Date	Nature of Encumbrance	Further Particulars	Signature of Registrar

Land Registrar

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter* 300)

Title Deed

A |Nº 095658

MLS/TD/02/A2/02

(GPK (SP) 742—150m—7/2003

APPENDIX 7 (a)

APPENDIX 20

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT BUNGOMA
SUCCESSION CAUSE NO. 158 OF 2008
IN THE MATTER OF THE ESTATE OF THE LATE
ISMAEL LUBISWA NABISWA..... DECEASED

CERTIFICATE OF CONFIRMATION OF A GRANT

I HEREBY certify that the above written Grant of representation to the Estate of the late **ISMAEL LUBISWA NABISWA** issued jointly to **SAINA YIKOKO LUBISIA** and **RICHARD LUBISIA** therein named has this **26/2/2013** been confirmed by the Court pursuant to the provisions of Section 71(1) and (3) of the Law of Succession Act.

DATED AT BUNGOMA THIS 18TH DAY OF MARCH, 2013.

F. GIKONYO
Judge of the High Court

SCHEDULE

	Name	Description of Property	Share of Heirs
(a)	SAINA YIKOKO LIBISIA	NDIVISI/MIHUU/1151	
(b)	MWANAIDI LUBISIA	"	1.0 ACRES
(c)	BENSON LUBISIA	"	2.0 ACRES
(d)	RICHARD LUBISIA	"	2.0 ACRES
(e)	KHAOMA WAMOCHA	"	2.0 ACRES
(f)	NELIMA WAMOCHA	"	1.0 ACRES]
(BOTH PETITIONERS TO HOLD IN TRUST FOR THE MINORS UNTIL THEY ATTAIN THE AGE OF 18 YEARS.)			1.0 ACRES]
(g)	RAMADHAN NABISWA	"	2.0 ACRES
(h)	OMARI NDUNDE	"	2.0 ACRES
(i)	MEDINA NAMIKOYE	"	1.0 ACRES
(j)	NELIMA LUBISIA	"	1.0 ACRES
(k)	JOHN MAKOKHA SAKWA	"	3.0 ACRES
(l)	PAUL BARASA WANYONYI	"	1.0 ACRES
(m)	PAUL ESIKOKHO	"	2.0 ACRES
(n)	JAFRED MAKHAKHA	"	2.625 ACRES
(o)	CROWTHER NGOYA PEPELA	"	2.0 ACRES
(p)	EXCESS FOR ACCESS ROADS	"	0.375 ACRES

F. GIKONYO
Judge of the High Court

APENDIX 7(b)

Date received for registration APENDIX 21

Presentation book

No.

APPENDIX 21

Survey Fees: Shs.

Receipt No.

Date

R.I.M Amendment Fee: Shs. 2440/=

Receipt No. B4292074

Date 14/2/2018

REPUBLIC OF KENYA

Form R.L. 29

THE REGISTERED LAND ACT, 1963

MUTATION FORM 04341188

(This form is to be completed in triplicate)

Title No. NDIVISI/MIHUU/1151

Approximate Area 10.1 Hectares.

Registry Map Sheet No. 8

Registered Proprietors' Instructions to the Surveyor

1. Present boundaries of parcel are shown on the sketch on page 2.

(a) (i) The proprietor wishes to subdivide the parcel as shown by the dotted lines on the sketch.

or

(ii) The proprietors wish to change their common boundary as shown by dotted lines on the sketch.

or

(iii) The proprietors wish to partition the parcel as shown by the dotted lines on the sketch.

or

(iv) The proprietor wishes to combine his parcels as shown by the brace on the sketch.

(b) The new parcel numbers will be: relevant approximate area

A	B	C	D	E	F	G
4181	4182	4183	4184	4185	4186	4187
1.2 Ha	0.6 Ha	0.4 Ha	1.16 Ha	0.09 Ha	0.06 Ha	2.2 Ha

H	J	K	L	M	N	P
4188	4189	4190	4191	4192	4193	4194
0.65 Ha	0.40 Ha	0.24 Ha	0.80 Ha	0.8 Ha	0.4 Ha	0.8 Ha

DISTRICT SURVEYOR
GOMA
16.2.2018

(c) The relevant Letter or Consent to subdivide/partition the parcel is attached.

(d) The persons interested, and their addresses are:

SAINA YIKOKO LUBISIA
I.D NO 1933839
P.O BOX 327
WEBUYE.

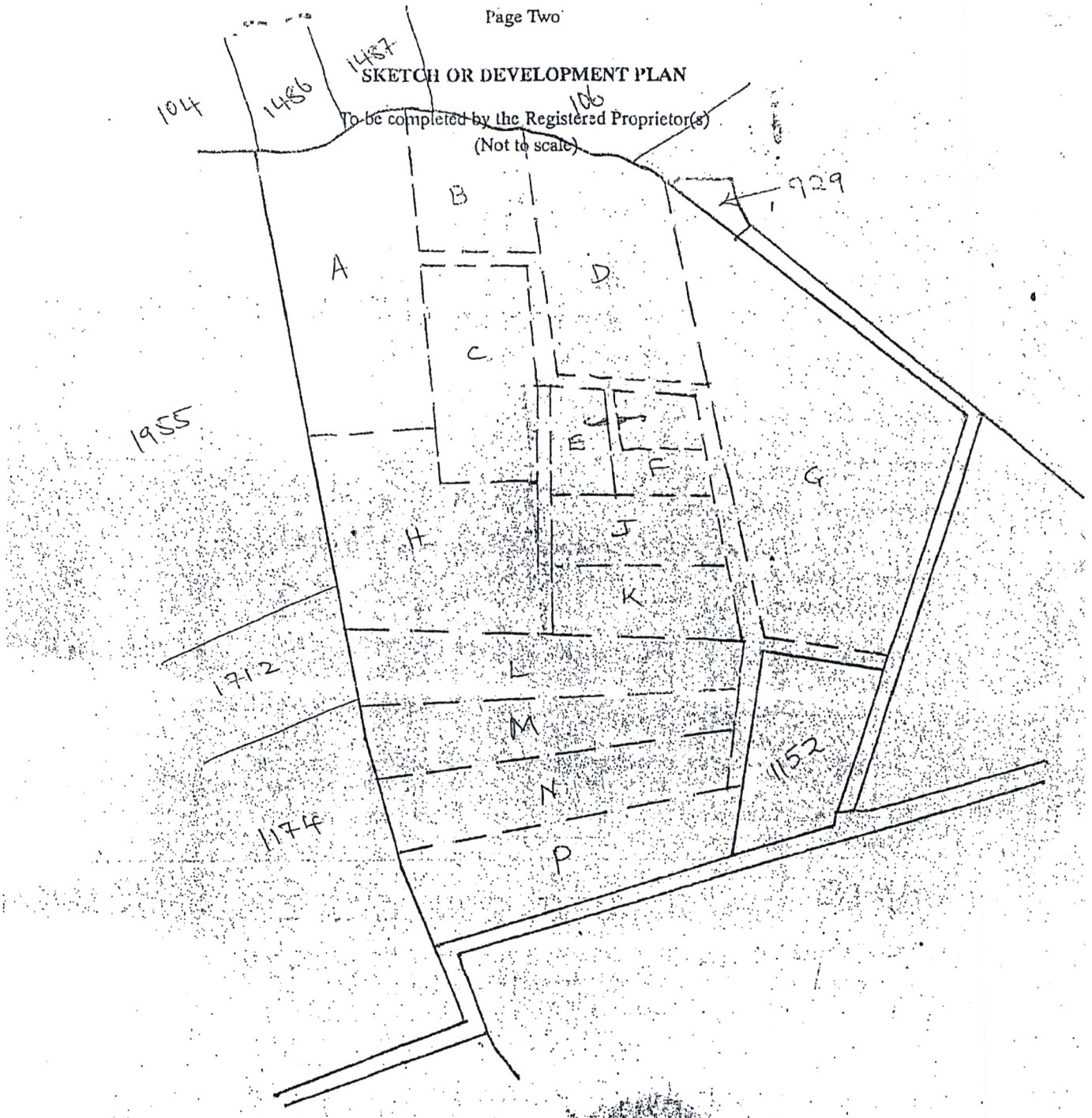
They will meet the Surveyor at ..... on ..... at ..... a.m/p.m. or on the land at a time appointed by him.

(e) Please advise the Land Registrar when the mutation is surveyed and Registry Index Map amended.

SKETCH OR DEVELOPMENT PLAN

To be completed by the Registered Proprietor(s)

(Not to scale)



The boundaries are to be surveyed according to the area

OR

The boundaries are to be surveyed as they exist on the ground.

IKOKO

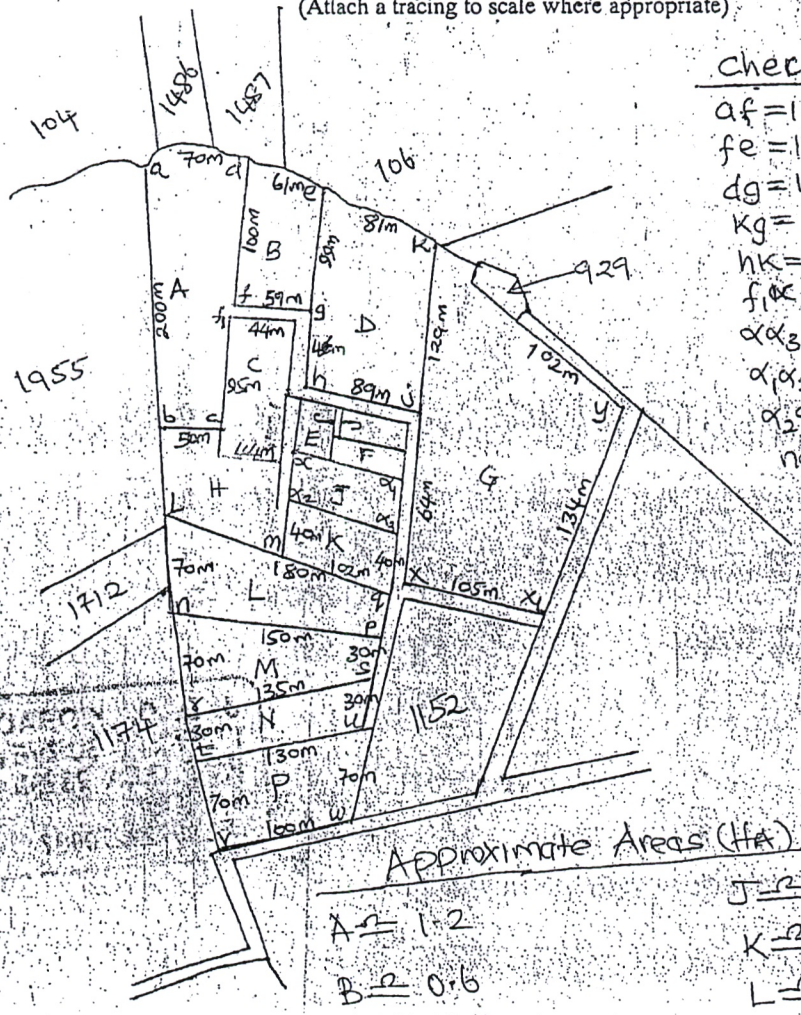
Date.....

FIELD DIAGRAM AND OBSERVATIONS ON SITE

To be completed by the Surveyor
(Attach a tracing to scale where appropriate)

N

1:5,000



Check Measurements (m)

af = 120.0	Lp = 175.0
fe = 105.0	ns = 150.0
dg = 120.0	sp = 150.0
Kg = 100.0	su = 130.0
hK = 140.0	ts = 140.0
fK = 105.0	tw = 120.0
$\alpha\alpha_3$ = 95.0	Yu = 140.0
$\alpha_1\alpha_2$ = 85.0	Xy = 200.0
$\alpha_2 g$ = 100.0	
nq = 150.0	

Approximate Areas (Ha)

A = 1.2	J = 0.40
B = 0.6	K = 0.24
C = 0.4	L = 0.8
D = 1.16	M = 0.8
E = 0.09	N = 0.4
F = 0.06	P = 0.8
G = 2.2	
H = 0.65	Access Rd = 0.30

This is to certify that this field sketch contains the actual figures recorded by me at the time of observation and measurements in the field.

Certificate under Schedule 9 of the Survey Regulations to be provided in case the survey has been done by an Approved Assistant.

Date.....

J. O. O. KOBADO
LICENSED SURVEYOR
P. O. BOX 28...
NAIROBI
TEL: 072...

.....
Surveyor

Signature of registered proprietor(s) present on the land at the time of Survey:

Name.....

Signature.....

To Land Registrar,

BUNGOMA ..... District

I certify that the survey has been carried out. You may now register the Mutation.

Date 14/2/2018

J. O. OBADO
LICENSED SURVEYOR
P.O. BOX 28298 - 00200
NAIROBI
DISTRICT LICENSED SURVEYOR
TEL 0722270087

REGISTERED THIS ..... day of .....

.....
LAND REGISTRAR

To:
Director of surveys,

Thro'
The District Surveyor

.....District

This Mutation has now been registered. Please amend the Registry Index Map to conform with the Diagram on Page Three (3) and supply me with a copy of the amended Registry Index Map.

.....
LAND REGISTRAR

0724859762

APENDIX 22.

APPENDIX 22

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 300)

Title Deed

Title Number NDIVISI/MIHUU/3102

Approximate Area (1.52) HA

Registry Map Sheet No 8

This is to certify that DAVID BARASA BUYABO

ID/NO. 4810360 = = = = = =

= = = = = = = = =

= = = = = = = = =

is (are) now registered as the absolute proprietor(s) of the [illegible] comprised in the above-mentioned title, subject to the [illegible] the register relating to the land and to such of the [illegible] interests set out in section 30 of the Registered Land [illegible] for the time being subsist and affect the land.

GIVEN under my hand and the seal of the

BUNGOMA District Land Registry

this 14TH day of NOVEMBER, 20 11

Land Registrar

(To be completed only when the applicant has paid the fee of Sh. 125)

At the date stated on the front hereof, the following entries appeared in the register relating to the land

EDITION 1

OPENED 14.10.2011

PART A—PROPERTY SECTION

REGISTRATION SECTION	EASEMENTS, ETC.	NATURE
NDIVISI/MIHUU		
PARCEL NUMBER		
3102		
APPROXIMATE AREA		ABS
(1.52) Ha		
REGISTRY MAP SHEET No.		
8		

PART B—PROPRIETORSHIP SECTION

PTITION OF PLOT NO. 108

Entry No.	Date	Name of Registered Proprietor	Address and Description of Registered Proprietor	Consideration and Remarks
1.	14.10.2011	- DAVID BARASA BUYABO	ID/NO. 4810360	
2.	14.11.2011	- TITLE	DEED	ISSUED

APPENDIX 23

~~APPENDIX~~
~~Annex~~
Appendix 2(a) 23
APPENDIX

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 300)

Title Deed

Title Number NDIVISI/MIHUU/1952

Approximate Area (0.21) HA

Registry Map Sheet No. 17

This is to certify that MARTIN MAKHETI LUEMBO

ID/8025839/70 = = =

= = = =

= = = =

is ~~(are)~~ now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the

BUNGOMA District Land Registry

this 17TH day of SEPTEMBER, 19 96

Land Registrar

(To be completed only when the applicant has paid the fee of Sh. 50)

At the date stated on the front hereof, the following entries appeared in the register relating to the land:

EDITION: 1

OPENED: 19.6.96

PART A—PROPERTY SECTION

REGISTRATION SECTION	EASEMENTS, ETC.	NATURE OF TITLE
NDIVISI/MIHUU/		
PARCEL NUMBER		
1952		
APPROXIMATE AREA		
(0.21) Ha.		ABSOLUTE
REGISTRY MAP SHEET No.		
17		

SUBDIVISION OF PLOT NO. 181

PART B—PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
2.	17.9.96	MARTIN MAKHETI LUEMBO	ID/8025839/70	SH.50,000/=	
3.	17.9.96	TITLE DEED ISSUED.			

PART C—ENCUMBRANCES SECTION

ENTRY NO.	DATE	NATURE OF ENCUMBRANCE	FURTHER PARTICULARS	SIGNATURE OF REGISTRAR

Land Registrar

GPK–L1124–200m–11/90

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter 300*)

Title Deed

GPK—L1124/90—200,000

APENDIX ~~Annex~~ ~~Apendix~~ 2(b)

APENDIX 24

APPENDIX 24

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 300)

Title Deed

Title Number NDIVISI/MIHUU/2502

Approximate Area (0.52)Ha.

Registry Map Sheet No. 17

This is to certify that MARTIN LUEMBO ID/8025839

BOX 1, WEBUYE

is ~~(are)~~ now registered as the absolute proprietor~~(s)~~ of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the

BUNGOMA District Land Registry

this 18TH day of AUGUST, 20 06

Land Registrar

(To be completed only when the applicant ... the fee of Sh. 12 ,

At the date stated on the front hereof, the following entries appeared in the register relating to the land:

EDITION: 1

OPENED: 3.8.06

PART A—PROPERTY SECTION

REGISTRATION SECTION	EASEMENTS, ETC.	NATURE OF TITLE
NDIVISI/MIHUU		
PARCEL NUMBER 2502		
APPROXIMATE AREA (0.52) Ha.		ABSOLUTE
REGISTRY MAP SHEET No. 17		

PART B—PROPRIETORSHIP SECTION

SUBDIVISION OF PLOT 2308

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
2.	3.8.06	MARTIN LUEMBO ID/8025839			
3.	18.8.06	TITLE DEED BOX 1,	WEBUYE	ISSUED	

PART C—ENCUMBRANCES

ENTRY NO.	DATE	NATURE OF ENCUMBRANCE	PARTICULARS	SIGNATURE OF REGISTRAR

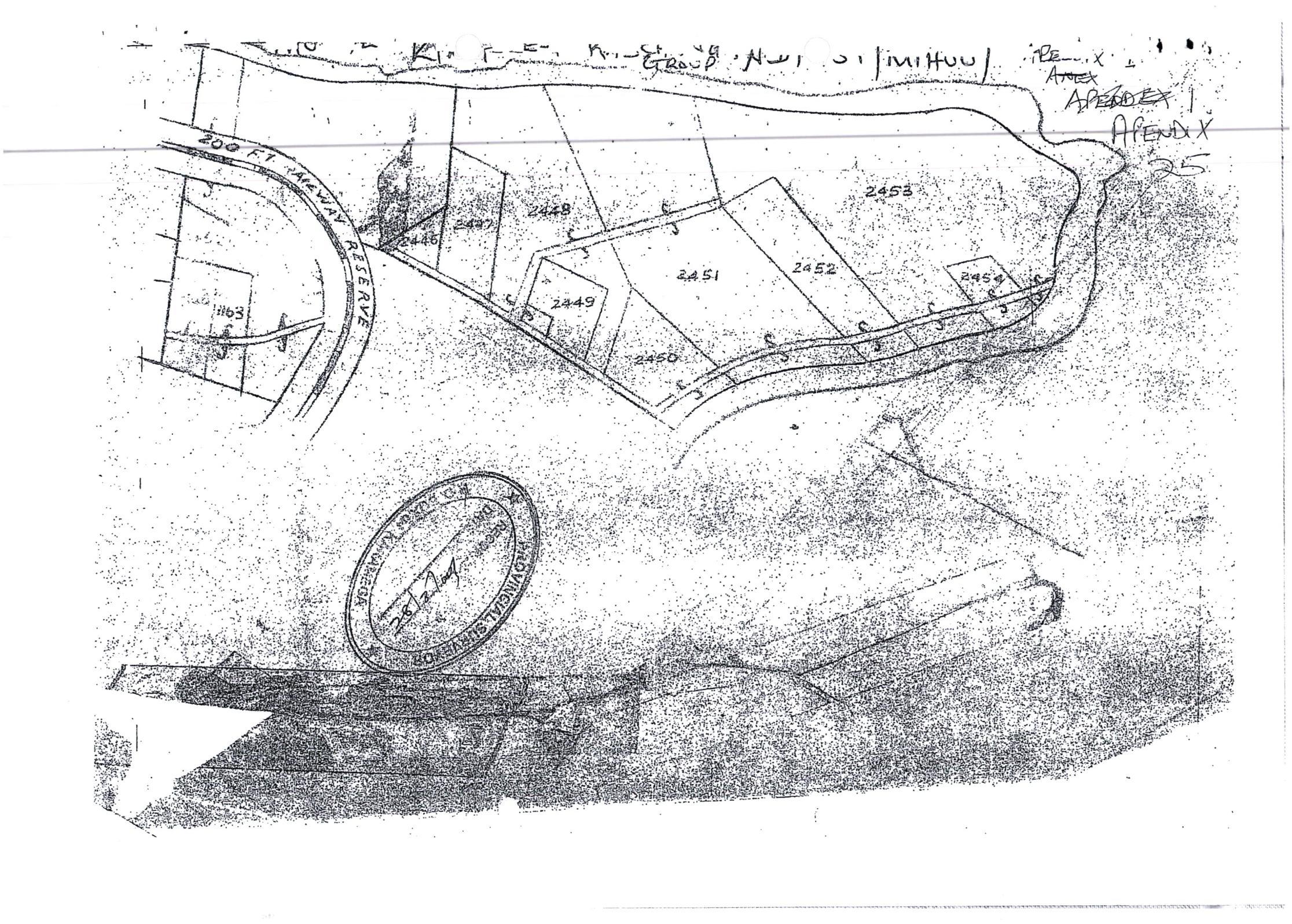
REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(*Chapter 300*)

Title Deed

MLS/TD/02/A2/02 No. 401574

GPK (L)


200 FT RAILWAY RESERVE
2445
2447
2448
2453
2451
2452
2454
2449
2450
1163

APPENDIX 25

APENDIX 26

Chetambe Residents Petition Against Gazette Legal Notice No. 106 of 25 June 2021 by The Cabinet Secretary For Environment and Forestry Mr. Keraiko Tobiko

No.	NAME	I/D NUMBER	PLOT NO.	SIGNATURE	TEL NO.
1	PATRICK MANGENI YUSTO	7973328	Ndivisi/Muchi 1272	[illegible]	0727684730
2	Constantine Masinde Yusto	9993655	"	[illegible]	0717939429
3	Julius SIKUKU NYongesa	23601616	"	[illegible]	0793668223
4	wakhungu malale	4365426	1296	[illegible]	0742789996
5	John Lusweti malale	26717650	1294	[illegible]	0724730888
6	mungoma malale	16034736	1293	Daniel.m.	0729389636
7	viketi mutinyu	26857125	1288	[illegible]	0714750217
8	Lusweti malale michael	10022348	1289	[illegible]	0707788194
9	Jotham wanyonyi	10022348	1290	[illegible]	0790500836
10	wasike wakoli	21236086	1292	[illegible]	0711507307
11	PATRICK LUMUMBA	10022348	1289-1290	[illegible]	0707788194
12	SAM MUZE MUKAKA	5674267	7087	[illegible]	0743620989
13	YUSUF KAKAI welekhasia		7088	—	—
14	Salim Abdala mukaka	4383867	7089	[illegible]	—
15	Khamisi ndege mukaka	10036893	7090		
16	Daniel mukimweyi.m	16034736	1293	Daniel.m.	0729389636
17	malale mukimweyi	23277885	1293	[illegible]	0701177677
18	Kwanusu mukimweyi	23601337	1293	[illegible]	0771257660
19	wanjala mukimweyi	26762287	1293	[illegible]	0713128771
20	wekesa mukimweyi	127236/75	1293	[illegible]	—
21	Nabiswa mukimweyi	—	1293	Juma	0781004494
22	Juma mukimweyi	—	1293	[illegible]	0704011395
23	Job mukimweyi	27774522	1293		0700495985
24	Fredwangila mukimweyi	30593504	1293	Wangi	0795134300
25	mhmed wakhungu	—	1296	—	0711325023
26	Bukhembi wakhungu	4365426	1296	—	0742789996
27	Rashid L. malale		1294		
28	Jos ph mason	3803382	1291	[illegible]	[illegible]

Chetambe Residents Petition Against Gazette Legal Notice No. 106 of 25 June 2021 by The Cabinet Secretary For Environment and Forestry
Mr. Keraiko Tobiko

No.	NAME	I/D NUMBER	PLOT NO.	SIGNATURE	TEL NO.
1.	MOSES WANJALA LUKOYE	20117711	1136		0725151306
2.	DAVID SHUNDO LUKOTE	9020940	1136		0729298710
3.	TOM MUNUCHO LUKOTE	13160614	1136		0758767971
4.	WICKLIFFE WAPULA	26584724	11	WICKLIFFE	0792521229
5.	ELIZABETH HAMAMA	8783053	1136	ELIZABETH	0720151592
6.	BEN SIMIYU LUKOYE	26986544	11		0726263565
7.	PHILIP MALOBA	28916145	1136	Maloba	0791700107
8.	IDDI SHUNDU SITATI	33123911	1136		0792842592
9.	SIMON WASILWA	21868966	11		0702333053
10.	JOSEPH WAMBENTE	28978213	1136	WAMBE	0707328951
11	ERIC WEKESA LUKOTE	34879981	1136		0742557444
12	HASSAN DAUDI JUMA	34751890	1136	Hassan	0112853272
13	ABDULLAH HASSAN	9021845	1141	ABDULLAH	0722772857
14	CHRISTINE MAIENYA	26734641	1251	Maienya	0713615503
15	MILIA CHILANGE	6306615	1251		0705110697
16	GLADYS BULOA	20808906	1251	gladys	0729520487
17	HASSAN BARASA OKUM	13349897	1251		0715020551
18	ALI JUMA WATITI	23897471	1141	Ali	0728054386
19	MUTEMO WALUKOTE	4595773	1136	Mut	0725297029
20	KALTUM MUHAMUD				0791309851
21	GEOFFREY JUMA	11019559	1251		0726388989

Chetambe Residents Petition Against Gazette Legal Notice No. 106 of 25 June 2021 by The Cabinet Secretary For Environment and Forestry
Mr. Keraiko Tobiko

No.	NAME	I/D NUMBER	PLOT NO.	SIGNATURE	TEL NO.
1	AGNES MANJEMO MUKHWANA	09345448	1251	Agness	0717628071
2	JUDITH APACHA WAFULA	5734370	1251		0708751238
3	KASSIM MUSOLOH JUMA	4661543	1251	MUSOLOH	0722674039
4	LEONARD WERUNGA	22420477	11		0718576917
5	ROSE WAMYAMA	21100285	1251		0701298654
6	FREDRICK WASWA JUMA		1251		0738264043
7	MOLY MWANAMVUA		11		0751818341
8	CECILIA M'MBONE	32598170	1251		0792810836
9	JOTHAM KAKAI NYUKUI	33557891			0717650199
10	NELSON KAKAI SIKANGA	4383370	455 old		0728391098
11	MUNGANYI NAMUSASI	-	1190 - (old)		0701219185

Chetambe Residents Petition Against Gazette Legal Notice No. 106 of 25 June 2021 by The Cabinet Secretary For Environment and Forestry
Mr. Keraiko Tobiko

No.	NAME	I/D NUMBER	PLOT NO.	SIGNATURE	TEL NO.
			MILCH INDIVISI		
1	JOHN .P. WAFULA.	07942304	M/N 1294		0796363853.
2	DICKSON MUKHWANA.	0459202	M/N 1272.		0701645842.
3	JUMA WABUGE	7983256	" 1277.		0706526320.
4	BENARD MANGENI	21318410	" 1272		0712204892.
5.	ISMAEL SALIM SALEH.	22151049	" 1277.		0720739298.
6.	LUKA WANJALA.	12939548	" 1272.		0707662285.
7	RAJAB MUKHABANA.	35451862	" 1277.		0724540603.
8	CAROLYN AKINYI	24407086	" 1294.		0716625947.
9	SHABAN WAFULA.	24716921	" 1272.		0701519418.
10.	MILION KHAEERA.	11573465	" 1294		0707688171
11.	RODAH WEKESA.	23770236	" 3715.		0725038946
12	YUSUF NAMAISI	26213310	" 1277.		0717699349.
13	SILAS NYONGESA.	25530807	" 1272		0712941465
14	THOMAS MASAKHALIA.	11409391	" 1294		0798780380
15	ROSEMARY KHISSA.	05836105	" 1272.		0701929618.
16	BRAMWEL SIRENGO	21746954	" 1294		0723675582.
17	ABDI ALI	24706022	" 1258		0713330548.
18	STANLEY KEHONGA.	13633184	" 3739		0731630275.
19	HILARY WANYONYI	21236086	" 1294		0711507307.
20	JACOB MUKHWANA.	1030923201	" 1272.		0766649741
21	SALIM MWYALE	22493566	" 7090		0717832034
22	JANEPHER WAMWAYA.	5102055	" 1272.		0794129532.
23	DANIEL IMBIAKHA	09322476.	" 1294		0721269426.
24	RAPHAEL BECHWA	13650997	1294		0733215169

Chetambe Residents Petition Against Gazette Legal Notice No. 106 of 25 June 2021 by The Cabinet Secretary For Environment and Forestry
Mr. Keraiko Tobiko

No.	NAME	I/D NUMBER	PLOT NO.	SIGNATURE	TEL NO.
1	RUPHAS E. IMBAI	8782080		[illegible]	0735558005
2.	Fanice Wambuchi Masiye	6089551	1124	[illegible]	0719587429
3.	Mandu Tela		1124	[illegible]	0794800258
4	Martin Makuati Luembo	8025839	2946	[illegible]	0724663971
5.	Mary Manjama Makhonga	6099.55	"	[illegible]	0710787607
6	Grace Luvungo	7598379	"	[illegible]	0711666906
7.	Brian Luembo	39154440	"	[illegible]	0792657931
8.	Hamiet Luembo	32161928		[illegible]	0706427885
9.	Brenda Luembo	29442285	"	[illegible]	0728483218
10	Anold Luembo	30970768	"	[illegible]	0702885496
11	Silivia Luembo	27965088	"	[illegible]	0711785855
12	Christabel Luembo	28528007	"	[illegible]	0714285186
13	Chrispinus Luembo	32490758	"	[illegible]	0794063246
14	Mary Maliaka Barasa	0846066 *	~~2827~~ 2827	[illegible]	0711323437
15	Mary Maliaka Barasa	0846066	2446	[illegible]	"
16	Annah Mulongo	1948889	2446	[illegible]	~~0729212282~~
17	Andrew Wanjonji Sikanga	8768880	2451	[illegible]	0729212282
18	Emmanuel Situma Sikanga	9995274	2448	[illegible]	0724758144
19	MARK BUTABO	1322828	108	[illegible]	0786675822

PETITION REGARDING THE ALLEGED GAZETTEMENT OF CHETAMBE (WEBUYE) HILL FOREST, VIDE LEGAL NOTICE NO.106: PROPOSED DECLARATION OF PUBLIC FOREST CHETAMBE (WEBUYE) HILL FOREST DATED 25TH JUNE 2021

Letter of allotment grant plan No 43872/111/41A, signed by Ag. Commissioner of land F.E Charnley- granted pan paper factory 72.846 Hectares or 180 Acres of 99 years lease with effect from 1st July 1970, at a provision cost ksh.50,495. The lease is for 99 years from 1/7/1970-1/7/2070

Will this land be returned to the individuals or the government after 99 years? It is now 51 years some owners were partially paid and they have Title Deeds. Example

OWN-LAND /WEBUYE TOWN

1. Yusuf Kakai Id /3464591-Ndivisi/Muchi-1156 1.6 Hectares
2. Penati Kiteki Marubeni – Ndivisi/Muchi -3056 0.83 Hectares
3. Mark Mutanda Sindani – N/Mihuu-3050 -3.6 Hectares
4. Wakhungu Wanambisi Josphat – Ndivisi/Muchi -1288-073 Hectares
5. Said Muse Mukaka – Ndivisi/Muchi 7087-0.18 Hectares
6. Yusule Kaki – Ndivisi/Muchi -7088 Hectares
7. Salim A. Mukaka – Ndivisi/Muchi -7089-0.2 Hectares
8. Hamisi Ndege Mukaka – Ndivisi/Muchi -7090 Hectares
9. Martin Makheti Luembo-Ndivisi/Mihuu -1952 Hectares

Ndivisi/Mihuu -2502 Hectares

Just but to mention a few.

It was the government policy to establish industries in rural areas, with reasons that it will create employment opportunities and rural development example pan paper factory was to employ about 1,000 people directly, enable growth of Webuye town e.g. in housing, education facilities, roads, water, electricity, banks, security etc. This was done but factory closed down and was sold at a throw away price of about 900million to a private individual-Rai ply.

The government provided pan paper factory Royalty of trees in Lugari Forest, Kaptagat Forest, Timboria Forest, Not a forest on Chetambe Hills.

Land acquisition – Muchi Registration Section- Ref – list of names, plot number and amount of payment BU/LR/45/51Nof 22nd November 1973 signed by J.A Mudimbia –Land Registrar Bungoma .

It was the government policy to establish industries in rural areas, with reasons that it will create employment opportunities and rural development example pan paper factory was to employ about 1,000 people directly, enable growth of Webuye town e.g. in housing, education facilities, roads, water, electricity, banks, security etc. This was done but factory closed down and was sold at a throw away price of about 900million to a private individual-Rai ply.

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Land acquisition – Muchi Registration Section- Ref – list of names, plot number and amount of payment BU/LR/45/51Nof 22nd November 1973 signed by J.A Mudimbia –Land Registrar Bungoma .

- Note that only Ndivisi/Mihuu land owners were paid, but following legal notice No 106 of 25th june 2021 and forest plot number –boundary paln No175/512 signed on 17/6/2019 Chetambe (Webuye) Hills Forest affects Ndivisi /Mihuu people as it covers partly the upper side of the hill and the slope on the hill,my questions are

  - Affecting many families on their acceral land, many churches, many schools, covering an area have Tachoni community have several fortress including Chetambe fortress, Kakai fortress , Sitati fortress, Wangusi fortress. As a community-Chetambe fortress has a lot historical value-remember 1895 war between Tachoni/British soldiers where over 400 people were killed, from independence to now Tachoni Community have wished to acquire the place for heritage , talent development tourism attraction e.t.c community not ready to lose this important shrine site.

Questions

Since this legal notice Number 106 of 25th June 2021 is different from issues do to with pan paper factory establishment.

1. When, where did the government through ministry of land, forest and environment do public participation as per our constitution with people of Ndivisi/Mihuu land owners within area covered by boundary plan No 175/512 chetambe (Webuye) Hill Forest.
   - Is this going to forceful acquisition or voluntary surrender? If voluntarily has government involved the affected people , if yes when, where and who (give names.

If the government wants to acquire this place due to its policy on hills, can government tell us how human settlement/inhabitant/dwelling affected the environment e.g. desertification, dried water catchment etc.?

- Is the government is aware that the forest on Chetambe Hills is not government trees but planted and maintained by individual land owners. A small area of 2acres planted by pan paper factory was destroyed by either employees of the factory etc. where they had planted pinus trees.

Thank you

Patrick sitati lichuma
Patricksitati2020@gmail.com
Tel: 0729386704

WEBUYE COMPENSATIONN LIST

Name	Plot No.	Size in Acres	Land price	Compensation for other properties	Total amount paid
			shs. cts.	shs. cts.	shs. cts.
Wakhungu Malale	1296	3.25(acres)	2,125.00	15.00	2,140.00
Mulongo Malale	1295	2½ "	1,125.00	1,321.00	2,446.00
John Lusweti Malale	1294	4.75 "	2,375.00	1,675.00	4,050.00
Mungome Malale	1293	10½ "	5,250.00	12,768.50	18,018.50
Mary Nekesa	1289	0.3 "	150.00	5,831.40	5,981.40
Tunai Namaemba	1293	0.3 "	150.00	183.00	333.00
Mary Nabututu	1293	0.3 "	150.00	5,330.20	5,480.20
Wasike Wakoli	1292	6.5 "	3,250.00	1,716.30	4,966.30
Jotham Wanyonyi	1290	14 "	7,000.00	1,451.00	8,451.00
Viketi Mutinyu	1288	5 "	2,500.00	5,170.00	7,670.00
Wanyonyi Lupao		-	-	325.00	325.00
Joseph Wakhungu		-	-	360.00	360.00
Lusweti Mulale Michael	1289	2.25 "	1,125.00	400.00	1,525.00
Danacha Wamukota	1291	1.75 "	875.00	175.00	1,050.00
Wabwomba Masibo	1286	0.6 "	300.00	1,692.90	1,992.90
Chapman Mukhwana	1285	0.1 "	50.00	1,745.50	1,795.50
Philip Wekesa	1286	0.26 "	120.00	88.00	208.00
Nyongesa Wabusia	1286	1.5 "	750.00	6,255.50	7,005.50
Christopher Wekesa	1288	0.25 "	125.00	2,195.30	2,320.30
Francis Mukhebi	1296	2.0 "	1,000.00	4,910.00	5,910.00
Solomon Wangwa	1283	0.15 "	75.00	6,157.00	6,232.00
Webuye Catholic Church	1382	1.075 "	507.50	3,523.00	4,030.50
Paul Buyaro	1288	0.25 "	125.00	23.70	148.70
Damary Naliaka	1274	0.325 "	161.50	1,619.70	1,781.20
Tikato Wanyama	1279	7.5 "	3,750.00	7,728.50	11,478.50
Mary Nduta	1273	0.525 "	261.50	1,682.60	1,944.10
Fatuma Sirilla	1276	0.325 "	161.50	1,131.00	1,292.50
Pius Ukauka	1277	0.11 "	50.00	886.50	936.50
Khaemba Chilungo	1277	0.25 "	125.00	362.50	487.50
Hamisi Oteng'o	1277	1.5 "	750.00	1,497.10	2,229.10
Patroba Masongo	1267 1271	14.2 + 4.5	7,100.00	6,502.50	13,602.50
Justo Malava	1270	6.5 "	3,250.00	3,472.50	6,722.50

- 2 -

Name	Plot No.	Size in Acres	Land price	Compensation for other properties	Total amount paid
Salim Mukabane	1277	0.125 "	62.25	420.00	482.25
Jacob Simiyu	1268	6.5 "	3,250.00	4,201.50	7,451.50
Sheban Okwara	1264	1.5 "	750.00	2,517.00	3,267.00
Wanjala Maindu	1266	1.5 "	750.00	1,466.50	2,216.50
Willington Welekhasia	1265	4.75 "	2,375.00	10,039.70	12,414.70
Ahamed Hassan	1260	0.9 "	450.00	2,487.50	2,937.50
Wanjal Maindu	1266	3.0 "	1,500.00	1,592.00	3,092.00
Asman Juma	1259	3.25 "	1,625.00	1,357.10	2,982.10
Mukaka Donj'e	1263 1258	0.25 "	125.00	1,727.00	1,852.00
Ali Hassan	1257	5.5 "	1,750.00	5,769.50	7,519.50
Mohamed Ibrahim	1257	0.16 "	63.00	2,275.00	2,338.00
Issa Hildid	1262	16.5 "	8,250.00	11,348.00	19,598.00
Abdulla Aziz		-	-	7,482.00	7,482.00
Isaac Jambili	1255	1.75 "	875.00	25,836.50	26,711.50
Kibe Ndathu	1254	0.15 "	75.00	9,421.50	9,496.50
Lazaro Mwangi	1309	0.325 "	161.50	780.10	941.60
George M. Kitoma	1253	0.15 "	75.00	583.00	658.00
Mwanaidi N. Munyendo		-	-	552.70	552.70
Cheloti Kisaka	1333 1307	0.3 "	150.00	780.00	930.00
Mohamed Bakari	1251	0.65 "	335.70	883.70	1,218.70
Popoyi Wesanda	1308	0.2 "	100.00	504.20	604.20
Patrick Musani	1175	6.0 "	3,000.00	78.00	3,078.00
Webuye Anglican Church	1376	0.875 "	436.50	219.50	656.00
Ibrahim Bin Mohamed		-	-	695.00	695.00
Machasio Mumela	1334	1.75 "	875.00	5,267.70	6,142.70
Paul Wafula	1335	1.5 "	750.00	8,188.30	8,938.30
Erasto Wanyuka	1256	1.25 "	625.00	9,717.90	10,342.90
Bakari Eman Wekesa	1144	0.25 "	110.00	3,381.50	3,491.50
Kisaka Zablon	1327	1.25 "	625.00	813.00	1,338.00
Pentecostal Church	1377	0.675 "	336.00	761.50	1,097.50
Christopher Okwalo	1250	1.25 "	625.00	3,744.70	4,369.70
Zebi Zakari		-	-	126.40	126.40
William Chuma	1307	2.0 "	1,000.00	156.30	1,156.30
George K. Chebokaka	1248	1.5 "	750.00	3,541.00	4,291.00
Mwanaidi Zaidi	1096	1.0 "	500.00	743.90	1,243.90
Omolo Omengo	1138	0.3 "	125.00	1,766.20	1,891.20
James Oduor	1134	1.0 "	500.00	7,802.10	8,302.10
Fatuma Sirilla	1388	0.825 "	411.50	177.50	589.00

ne.	Plot No.	Size in Acres	Land price.	Compensation for other properties	Total ount paid
bwire Muchore		-	-	259.50	259.50
lson Kiman Watitu	1247	0.85 "	425.00	594.20	1,019.20
gadelena Bititi		-	-	351.10	351.10
mary Naliaka	1305	0.175	87.50	89.40	176.90
ina Maskwa	1246	0.75 "	375.00	1,037.00	1,412.00
to Wamalwa Wanyonyi		-	-	739.50	739.50
ferena Mukhwana		-	-	279.50	279.50
uben Namema		-	-	890.90	890.90
inga Munabi	1133	1.25 "	625.00	821.00	1,446.00
roneli Owuor	1132	0.275 "	137.50	2,764.10	2,901.60
aemba Mbukwe	1146	3.5 "	1,750.00	2,566.00	4,316.00
ckton Njoni		-	-	293.00	293.00
mani Muchua	1130	0.85 "	425.00	7,804.50	8,229.50
msom Waswa	1131	4.75 "	2,375.00	3,197.00	5,572.00
man Watiti	1141	9.0 "	4,500.00	1,350.50	5,850.50
.i Mukweyi Loponi	1135	20.5 "	25,750.00	20,822.00	46,572.00
hn Sirengo Mukweyi		-	-	792.00	792.00
nry Kisaka Mukweyi		-	-	16,487.00	16,487.00
xwell Ali Mwasame		-	-	827.00	827.00
mas Mabele	1331	12.0 "	6,000.00	11,526.00	17,526.00
. Odhiambo Ahinyo	1139	0.7 "	350.00	15,215.90	15,565.90
di Thomas Mabel	1127	5.0 "	2,500.00	5,789.00	8,289.00
lim Juma	1129	1.75 "	875.00	4,180.00	5,055.00
liud Wafwafwa		-	-	622.50	622.50
ufutu Masake	1126	4.5 "	2,250.00	3,415.50	5,665.50
aules Nyongesa		-	-	1,690.00	1,690.00
vongolo Tela	1125	12.0 "	6,000.00	2,693.50	8,693.50
ela Kisaka	1124	51.5 "	25,750.00	34,854.00	60,604.00
ndu Tela		-	-	1,277.00	1,277.00
murembo Muyama		-	-	684.00	684.00
juang Nunde		-	-	350.00	350.00
akuku Khwatenge	1123	11.0	5,500.00	4,080.50	9,580,50
hn Wanjala		-	-	798.00	798.00
ekesa Kwanusu		-	-	798.00	798.00
wanusu Wamkota		-	-	1,174.00	1,174.00
yongesa Reuben		-	-	375.50	375.50
liud Nyongesa	1249	0.25	125.00	1,249.70	1,374.70
hn Wafula	1021 1136	4.75 "	2,120.00	6,346.50	8,466.50

Name	Plot No.	Size in Acres	Land price	Compensation for other properties	Total amount paid
		-	-	919.00	919.00
Charles Lukoye	1244	5.78 "	2,890.00	4,477.50	7,367.50
Abdula Tumbu Muhomed	1145	11.33 "	5,665.00	4,206.50	9,871.50
Boni Sunguti	1316	1.05 "	525.00	10.00	535.00
Alfred Nasongo		-	-	154.00	154.00
Reginald Angira		12.68 "	6,340.00	22,818.50	29,138.50
Mukweyi Wandera	1242	8.64 "	4,320.00	4,503.50	8,823.50
Joram Wafula Mukweyi	1339	8.04 "	4,020.00	16,422.75	20,442.75
Lawrence Chege	1141	-	-	825.00	825.00
Joab Siundu		-	-	778.00	778.00
Ojwang		2.81 "	1,405.00	3,735.00	5,140.00
Samson Wafula	1143	14.58 "	7,290.00	7,977.25	15,267.25
Peter Buyabo Khwatenge	1152	18.45 "	9,225.00	8,548.50	17,773.50
Heman Wekesa	1144	-	-	5,005.00	5,005.00
Nicolas Oyiolo		-	-	5,265.00	5,265.00
Fanuel Wanyonyi		- "	-	9,058.70	9,058.70
Paulo Wafula		12.78 "	6,390.00	10,281.00	16,671.00
Kangala Namisi	1148	39.33 "	19,665.00	23,946.25	43,611.25
Juma Namatsi Wambuchi	1140	-	-	2,535.00	2,535.00
Ayotsi Stephen		36.97 "	18,485.00	3,575.00	22,060.00
Reuben Wanyonyi Sikolia	1245	3.29 "	1,645.00	6,915.70	8,560.70
Timona Kiberenge	1243	-	-	714.00	714.00
James Oduor		-	-	12,058.60	12,058.60
Kibe Ndathu					

Name	Plot No.	Size in Acreas	Land Price		Compensation for other properties		Total Amount paid	
			Shs.	Cts.	Shs.	Cts.	Shs.	Cts.
Kimani Muthwa	1130	¼ (acres)	125	00	13,538	50	13,663	50
Reuben Wanyonyi	1238	1 "	500	00	6,116	00	6,616	00
Patroba Nasongo	1267	4.5 "	2,500	00	-		2,500	00
Enos Mafunga	1055	1.5 "	750	00	1,948	50	2,698	50
Mandu Muliro	1111	5.4 "	2,700	00	3,105	00	5,805	00
Wanyama Mandu	1108	2.6 "	1,300	00	1,443	00	2,743	00
Kisaka Mandu			-		1,609	00	1,609	00
Mafunga Mandu			-		892	50	892	50
Wanjala Mandu			-		435	00	435	00
Jackson N. Mandu	1109	-	-		4,156	50	4,156	50
John Makokha	1112	.9 "	450	00	1,087	50	1,537	50
Joseph Wandabwa		-	-		200	00	200	00
Jackson Nalika Mandu	1199	-	-		1,595	00	1,595	00
Elizabeth Kwamela		-	-		1,000	00	1,000	00
Francis Lukorito		-	-		1,000	00	1,000	00
Joab Siundu Macheso		-	-		6,000	00	6,000	00
Jackson Nalika Mandu	1109	120 x 100 yds	1,736	00	2,632	00	4,368	00
Wanyama Mandu	1108	120 x 90 "	1,562	00	5,372	30	6,934	30
Mandu Muliro	1111	130 x 160 "	3,008	00	894	70	3,312	70
William Mafunga Mandu		-	-		4,390	00	4,390	00
Kisaka Mandu		-	-		638	00	638	00
Enos Mafunga Wandabwa	1055	190 x 100 "	2,748	00	6,612	00	9,360	00
Panyako Khwatenge	1153	6.9 acres	3,450	00	222	00	3,672	00
Wanjala Khwatenge	1154	0.3 "	150	00	29	00	179	00
Keyari Khwatenge	1155	1.0 "	500	00	-		300	00
Peter Buyabo	1152	10.6 "	5,300	00	6,079	50	11,379	50
Khatundi Khwatenge		-	-		729	80	729	80
Kundu Khwatenge	1151	8.4 "	4,200	00	1,837	10	6,037	10
Masoni Sakari		-			700	00	700	00
Makokha Khwatenge	1150	11.6 "	5,800	00	2,290	10	8,090	10
Jackson Nalika	1109	4 "	2,000	00	4,223	00	6,223	00
Wanyama Mandu	1108	5.0 5.2.	2,600	00	107	00	2,707	00
Wangila Wandabwa	1100	5.8 "	2,900	00	424	00	3,324	00
Khisa Wandabwa	1102	1.1 "	550	00	1,610	00	2,160	00
Wati Wandabwa	1101	1.3 "	650	00	1,791	90	2,441	90

.../2..

Name	Plot No.	Size in Acres	Land Price Shs.	Cts.	Compensation Shs.	Cts.	Total amount Shs.	Cts.
Alfred Wandabwa	1104	1.3 acres	650	00			650	00
Mandu Muliro	1111	7.8 "	3,900	00	1,926	00	5,826	00
Soita Mimilo	1097	2.2 "	6,100	00	4,019	10	10,119	10
Nabibia Soita	1099	2.8 "	1,400	00	1,992	00	3,392	00
Mumilo Soita	1098	3.0 "	1,500	00	2,805	60	4,305	60
Charles Nalika Cheloti	1319	7.7. "	3,850	00	7,409	40	11,259	40
Richard Kisaka Mukenda	1095	2.1 "	1,050	00	-		1,050	00
John Makokha Cheloti	1320	6.9 "	3,450	00	4,207	20	7,657	20
Cheloti Kisaka	1096	0.6. "	300	00	2,829	00	3,129	00
Wekesa Wandabwa	1103	3.5 "	7,500	00	965	00	8,465	00
Gafuma Wandabwa		-	-		704	60	704	60
Wandabwa Wati		-	-		1.000	00	1,000	00
Mukweyi Loponi	1135	1.1. "	550	00	12,870	00	13,420	00
Webuye Salvation Army	1368	4.1 "	2,350	00	28,908	50	31,258	50
Peter Sokoli	1115	6.6 "	4,550	00	2,993	10	7,543	10
Kisaka Muliro	1114	24.3 "	12,150	00	1,894	60	14,044	60
Okumu Maungo	1118	2.8 "	1,400	00	1,398	50	2,798	50
Mukhwana Muliro	1107	17.3 "	8,650	00	7,326	60	15,976	60
Peter Mukhwana	1113	2.6 "	1,300	00	553	00	1,853	00
Mukisi Mutoro	1121	18.7 "	9,350	00	2,341	40	11,691	40
Nanjala Wachikana		-	-		642	80	642	80
Mandu Wachikana	1117	5.7 "	2,850	00	2,493	80	5,343	80
Mukanda Kisaka	1116	21.7 "	10,850	00	49,825.10		60,675	10
Pius Wasike	-	-	-		5,880	00	5,880	00
Muliro Lukorito		-	-		3,415	00	3,415	00
Elizabeth Lukorito	1120 1417 1092	49 "	24,500	00	905	00	25,405	00
Kasisi Kwanusu	1119	7.2 "	3,600	00	458	00	4,058	00
Chereti Muliro	1112	10.1 10.2	5,100	00	1,928	00	7,028	00
Henry Awuor Wasike	1426	1.3 "	650	00	6,411	50	7,061	50
Thomas Mabele	1122	3.4 "	1,700	00	3,374	00	5,074	00

13 Ext: 19

BU/LR/45/51

DISTRICT LAND REGISTRY,
LANDS DEPARTMENT,
P.O.382,
BUNGOMA.

22nd November, 73.

The Commissioner of Lands,
P.O. Box 30,089,
NAIROBI. (Atten. Mr. S.K. Naiwa),

RE: WEBUYE TOWNSHIP- LAND ACQUISITION-MUCHI REGISTRATION SECTION

PLOT NO.	NAME OF OWNER	AMOUNT PAID SHS.	CTS.
1126	MUFUTU MASAKE	5,665	50
1368	WEBUYE SALAVATION ARMY (B.C.C.)	21,258	50
1127	KATI THOMAS	8,289	00
1382	BUNGOMA COUNTY COUNCIL	4,030	50
1285	CHAPMAN MUKHWANA	1,795	50
1268	JACOB SIMIYU	7,451	50
1270	MATARA BISUCHE	6,722	50
1250	CHRISTOPHER OKWALO	4,369	70
1377	PARTECOST CHURCH (B.C.C.)	1,097	50
1327	ZABLON KISAKA	1,438	00
1376	ANGLICAN CHURCH (B.C.C.)	656	00
1424	MICHAEL ONDERO	3,841	00
1253	GEORGE KIROMO	658	00
1331	THOMAS MABELE	17,526	00
1275	FRANCIS KIBERENGE	615	90
1247	WILSON KIMANI WATITI	1,019	20
1263	MUKAKA NDONJE	1,000	00
1258	MUKAKA NDONJE	852	00
1259	AZIMANI JUMA	2,982	10
1116	MUKANDA KISAKA	50,575	10
1117	MANDU WACHIKANA	5,343	80
1122	THOMAS MABELE	5,074	00
1125	MWONGOLO TELA	8,693	50
1124	TELA KISAKA	60,604	00
1123	NAKUKU KHWATENGE	9,580	50
1249	ELIUD NYONGESA	1,867	70
*1136	JOHN WAFULA BEBELA	8,466	10
1137	OKWARO NDEGA	847	10
1329	HENRY KINGORO NGENYA	215	00

		AMOUNT PAID	
		SHS.	CTS.
1118	OKUMU MAUNGO	2,798	50
1113	PETER S. MUKWANA	1,853	00
1426	HENRY OMUOR ORUKA	7,061	50
1295	MULONGO MALALE	2,446	00
1296	WAKHUNGU MALALE	2,140	00
1294	JOHN LUSWETI	4,050	00
1293	MUNGOMA MALALE	18,018	50
1141	ASIMANI WATITI WANGATIA	15,860	50
1139	OTHAMBO ALINYO	15,565	90
1103	WEKESA WANDABWA	8,465	00
1098	MUMILO SOYITA	4,305	60
1305	DAMARY NALIAKA MUSE	176	90
1246	SAINA MASAKWE	1,412	90
1102	KHISA WANDABWA	2,160	00
1142	TULIENGE OKHWATENGE	5,630	00
1097	SOYITA MUNITO	10,119	10
1099	NAVIVYA SOITA	3,392	00
1134	JAMES ODWORI	8,302	10
1138	OMOLO OMENGE	1,891	20
1148	KANGALA NAMISI	16,671	00
1140	JUMA NAMATSI WAMBUCHI	45,611	25
1243	TIMONA K..SIKOLIA	8,560	70
1245	REMBEN W. SIKOLIA	22,060	00
1262	ISSA HILDID	19,598	00
1254	KIBE NDATHU	9,496	50
1255	ISACK WANDILI	26,711	50
1309	LAZARO MWANGI	941	60
1308	BOBOI WESENDA	604	20
1307	CHELOTI KISAKA	930	00
1335	PAUL WAFULA	8,938	30
1334	GEORGE W. MACHASIO	6,142	70
1256	ERASTUS WANYAKA	10,342	90
1248	GEORGE KISHANGANI	4,291	00
1277	KHEAMBA SHILUNGU	487	50
1276	FATUMA ASHA	1,292	50
1264	SHAFAN OKWARA	3,267	00
1260	AHAMED HASSAN	2,937	50
1257	ALI HASSAN	7,469	50
1292	WASIKE WAKOLI	4,966	30
1291	DANACHA WAHUKOTA	1,050	00
1290	JOSAN WANYONYI	8,451	00
1289	LESWETI MALALE	1,525	30
1288	BIKETI MUTINYU	7,670	00

PLOT NO.	NAME OF OWNER	AMOUNT
1286	WABWOBA MASIBO	1,992 90
1283	SOLOMON WANGWA	6,232 00
1273	MARY NDUTA	1,944 10
1274	DAMSY NALIAKA	1,781 20
1143	SAMSON W. CHEMUCHE	5,140 00
1152	PETER B. OKHWATENGE	15,267 20
1241	LAWRENCE CHEGE	20,442 75
1339	JORAM W. MUKWEYI	8,823 50
1242	MUKWE I SIKOLIA	29,158 50
1316	NASONGO ALFRED NATO	535 50
1244	ABDALA JUMBU	7,367 50
1145	BONI SUNGUTI	9,871 60
1146	KHAEMBA KHWATENGE	9,475 50
1144		
1149	NABUTOLA SHAKILO	3,410 00
1147	H. BUSUKHWATENGE	10,015 70
1153	PANYAKO KHWATENGE	2,385 00
1155	KEYARI KHWATENGE	4,866 00
1154	WANJALA KHWATENGE	8,677 25
1101	WATI WANDABWA	2,441 90
1108	WANYAMA MANDU	7,034 30
1428	FATUMA ASHA	589 00
1132	KONEL OWUOR	2,901 60
1130	KIMANI MUTHUA	21,893 00
1133	ONDINGA MUNABI	1,446 00
1131	SAMSON WASUWA	5,572 00
1426	HENRY AWUOR ORUKA	7,061 50
1120	ZABETH KWAWELE LUKORITO	25,405 50
1267	PATROBA WEKANYA)	113,602 50
1271	PATROBA WEKANYA)	
1417	BUNGOMA COUNTY COUNCIL	.....
1238	REUBEN WANYONYI	6,616 00

Meanwhile, arrangements are being made by the District Commissioner to have the transfers excuted by the land owners.

Other cases of sub-division are being sorted out and a list of such plots will follow later on.

(J. A. MUDIMBIA)
LAND REGISTRAR,
BUNGOMA.

JAM/AWN:

c.c.
The Land Registrar (Inspector),
P.O. Box 173,
ELDORET.

The District Commissioner,
Bungoma District,
P.O. Box 550,
BUNGOMA.

CHETAMBE HILLS
MEMO 17/09/2021

Am Nelson Kakai Sikanga aged 71 years born and grew up here to date.On behalf of Chetambe Hills resident capable to state as follows;

1. Chetambe constructed a village wall in **1870-1890** for the purpose of protection
2. In August 1895 the misunderstanding of British rule and natives rose resulting in battle killing displacing Omutachoni and destroying properties worthy Millions of shillngs e.g. blacksmith, pottery industry etc .Some were held captives Omutachoni and properties worth millions of shillings. Some were held captives to date
3. The battle at Chetambe was Africans resisting the colonial rule for snatching ,misusing Africans resources without appreciation
4. The displaced Tachoni families settled in Chepsaita,Mautuma and Lugari in 1909-1933 attached is a native Registration ordinance certificate, still the settlers came and kicked them out of Lugari without considering them at all
5. The kicked out Tachoni group from Lugari came to resettle back to Chetambe Fortress and hills in 1937 to date.Seeking for peace but is like Omutachoni has not enjoyed the freedom.
6. 23/11/1966 land committee was formed basing on parliament to register all parcels of land to bar family encroachment. This exercise started on 23/05/1967 which ended on **8/9/1967** after arbitration cases had been concluded .Attached is land title deed parcel No Ndivisi/Mihuu/455 registered in 1970 under the registered land Act whose land is overlooking Webuye Town and boarders those on the lower side of the hill. Attached list of other parcel Nos
7. Chetambe Hills has a historical fortress that a **TACHONI** clan can be proud of only in Bungoma County. Quite a number of visitors eg the late Hon Jeremiah Nyagah minister for natural recourses who planted a fig tree that has survived to date, the late Hon Elijah Mwangale the first former Bungoma Governor HE Kenneth Lusaka, Senator Moses Wetangula and many others have toured the place.
8. Your honor the Chetambe residents were surprised with shock when they heard and read the **legal Notice No 106 of 25/6/101** that CHETAMBE (Webuye) Hill FOREST **DECLARED AS A PUBLIC FOREST** approximately **406 Ha or 1003.36 acres.**
9. The Chetambe Hills residents approached the Hon Senator Moses Wetangula to present it to the senate which he did on 27/7/2021 that Cs Hon Keriako Tobiko EGH as Minister for Environment and forest to lift the idea of gazetting Chetambe Hills as a forest.
10. The Kenya Constitution 2010 states very clearly that for anything residents have to be consulted in public participation before any step is taken.The same report to be taken to the County Assembly or National Assembly for approval before implementation **so far non of this took place**.

Finally it is Chetambe Hills residents sincere appeal to Hon Keriako Tobiko EGH Cs for Environment and Forest to degazette or cancel the legal **Notice No 106 of 25/06/2021** and close the file forever.

Yours faithfully

NELSON KAKAI SIKANGA
nelsonkakaisikanga@gmail.com
0728391098

84/776

REPUBLIC OF KENYA

THE REGISTERED LAND ACT
(Chapter 300)

Land Certificate

TITLE NUMBER NDIVISI/MIHUU/455.

This is to certify that SIKANGA KAKAI . =

= = = = = = =

= = = = = = =

= = = = = =

is ~~are~~ now registered as the absolute proprietor(s) of the land comprised in the above-mentioned title, subject to the entries in the register relating to the land and to such of the overriding interests set out in section 30 of the Registered Land Act as may for the time being subsist and affect the land.

GIVEN under my hand and the seal of the

BUNGOMA District Registry

this Sixth day of June, 1978

Land Registrar

(To be completed only when the applicant has paid the fee of Sh. 50)

At the date stated on the front hereof, the following entries appeared in the register relating to the land:—

EDITION: 1
OPENED: 10.4.70

PART A - PROPERTY SECTION

REGISTRATION SECTION	EASEMENTS, ETC.	NATURE OF TITLE
NDIVISI/MIHUU		
PARCEL NUMBER		
455		
APPROXIMATE AREA		ABSOLUTE
=== (14.2) === Ha.		
REGISTRY MAP SHEET No.		
8		

PART B - PROPRIETORSHIP SECTION

ENTRY NO.	DATE	NAME OF REGISTERED PROPRIETOR	ADDRESS AND DESCRIPTION OF REGISTERED PROPRIETOR	CONSIDERATION AND REMARKS	SIGNATURE OF REGISTRAR
1	10.4.70	SIKANGA KAKAI			Signed
2.	16.9.74	LAND CERTIFICATE ISSUED			
3	6.6.78	LAND CERTIFICATE (NEW) ISSUED			

[illegible] AFRICA PROTECTORATE [illegible]

Certificate issued under the Native Registration Ordinance, 1915.

Name [illegible] Father's name [illegible]

U.GD.

District [illegible] Tribe [illegible] No. 0

Location Kabarasi Sub-Location Chikarine
(Koret.

Group Chikarine Clan Bangachi
(Boyot.

Circumcision Age [illegible]
(Kor Year)

[illegible]

Signature of Registering Officer [illegible]

Date [illegible] District UASIN GISHU.

Left Thumb Impression

Name of Employer and District	Nature of Employment.	Date of Employment.	Rte of Wages las paid.	If posho given add "Posho."	Date of Discharge.	Employer's Signature (when discharging Native.)
LUGARI LTD	Agriter	30/3/[illegible]	—	—	14/9/33	[illegible]

In communications concerning this Certificate please quote number and District of Registration.

When space for Employers' endorsements is full the native must go to a District Commissioner for an additional sheet.

In case of the decease of the holder of this certificate, or any person finding same it should be sent to the nearest District Commissioner or to the Chief Registrar of Natives, P.O. Box 322, Nairobi.

THE SWIFT PRESS, NAIROBI.