

Approved for tabling.

*Ben SNA*  
22/4/15

PARLIAMENT  
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*Peter Laid*  
By Hon. Charles Geni, MP  
on Thursday  
(Afternoon) 23.04.2015

NATIONAL ASSEMBLY

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ELEVENTH PARLIAMENT – THIRD SESSION

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL  
RESOURCES

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REPORT ON THE PETITION ON THE EVICTION OF RESIDENTS FROM  
GWASSI HILLS FOREST

CLERK'S CHAMBERS  
PARLIAMENT BUILDINGS,  
NAIROBI

APRIL, 2015

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## **ANNEXES**

### **A. Petition**

### **B. Submission from the Ministry of Environment, Water & Natural Resources dated 17<sup>th</sup> March, 2015**

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### **D. Minutes of Committee deliberations**

## 1.0 PREFACE

### Mr. Speaker

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

### 1.1 Committee Mandate

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

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

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

### 1.2 Committee Membership

The Committee comprises of the following members:-

- |                              |   |                         |
|------------------------------|---|-------------------------|
| 1. Hon. Amina Abdalla, M.P.  | - | <b>Chairperson</b>      |
| 2. Hon. A. K. Kosgey, M.P.   | - | <b>Vice Chairperson</b> |
| 3. Hon. Alice Ng'ang'a, M.P. |   |                         |
| 4. Hon. Samuel Ndiritu, M.P. |   |                         |

5. Hon. Aisha Jumwa Karisa, M.P.
6. Hon. Ejidius Njogu Barua, M.P.
7. Hon. Jude Njomo, M.P.
8. Hon. Moitalel Ole Kenta, M.P.
9. Hon. Kathuri Murungi, M.P.
10. Hon. Sunjeev Birdi, M.P.
11. Hon. Jackson K. Rop, M.P.
12. Hon. Abdi Noor Ali, M.P.
13. Hon. Joyce Emanikor, M.P.
14. Hon. Abdulaziz Farah, M.P.
15. Hon. Ronald Tonui, M.P.
16. Hon. (Dr.) Reginalda Wanyonyi, M.P.
17. Hon. Gideon Mwiti, M.P.
18. Hon. Hassan Dukicha, M.P.
19. Hon. Chachu Ganya, M.P.
20. Hon. Opiyo Wandayi, M.P.
21. Hon. Charles G. Mongare, M.P.
22. Hon. (Dr.) Wilber K. Ottichilo, M.P.
23. Hon. Khatib Mwashetani, M.P.
24. Hon. George Ogalo, M.P.
25. Hon. (Major) Muluvi Mutua, M.P.
26. Hon. Mohamed, Diriye M.P.
27. Hon. Peter Kinyua, MP.
28. Hon. Shukra Hussein Gure, M.P.

### **1.3 Consideration of the Petition**

- 1.3.1 On 12th November 2014, the Hon. John Mbadi, MP on behalf of the residents of Suba Constituency, presented a petition pursuant to Standing Order 225 (2) regarding the eviction of residents from Gwasssi Hills.
- 1.3.2 The petitioners prayed that the National Assembly through the Committee on Environment and Natural Resources intervenes so that the 2005 gazetted boundary plan No. 175406 under Legal Notice No. 106 Forest Act Cap. 385 which was based on the 1983 land demarcation indicating total forest cover of Gwasssi Hills as 4,835.7 hectares remains in force; and erection of beacons around the entire perimeter of Gwasssi Hills and that the petitioners' plight is addressed by ensuring that the Government compensates families which were illegally evicted from their homes and property destroyed in 2006, and stop further harassment on the occupants of land outside the gazetted 4,835.7 hectares.



1.3.3 Pursuant to Standing Order 227 (1) the petition was committed to the departmental committee on Environment and Natural Resources for consideration and response to the petitioners as provided for under the Standing Orders.

1.3.6 The Committee invited the Hon. John Mbadi, MP for a meeting on 10<sup>th</sup> March 2015 to shed more light on the petition. The Committee also invited the Ministry of Environment, Water and Natural Resources to respond to issues raised in the petition. Having heard from the petitioner and the Ministry, the Committee resolved to undertake a fact finding visit to Gwasssi Hills Forest.

1.3.7 The Committee having been seized of the matter subsequently formed a Sub-Committee to undertake a field visit to the site. The following Members undertook the visit on 19<sup>th</sup> March, 2015:-

- a) Hon. Charles Mong'are Geni, M.P – **Leader of delegation**
- b) Hon. James Opiyo Wandayi, M.P
- c) Hon. George Oner, M.P
- d) Hon. Dr. Wilbur Ottichilo, M.P
- e) Hon. Hassan Dukicha, M.P.
- f) Hon. Khatib Mwashetani, M.P.
- g) Hon. Dr. Reginalda Wanyonyi, M.P.

#### **1.4 Response to the Prayers of the Petitioners**

In response to the Petitioners' prayer that the National Assembly through the Committee intervenes to have the Gwasssi Hills Forest area covering 4,835.7 hectares clearly demarcated and the peoples' property that was wrongfully, forcefully and unlawfully destroyed compensated. The Committee recommends that:-

- 1. The forest department should establish clear defined cutlines in addition to the installation of beacons along the boundary of the forest.**
- 2. The Ministry should gazette all the water catchments areas that were left out and it should follow the due process as outlined in the Water Act, 2002.**
- 3. The Ministry should post more forest officers in order to protect the Forest from illegal encroachment, overexploitation of forest products and forest fires.**
- 4. The Kenya Forest Service should carry out reforestation in the forest area where trees had been destroyed by local residents.**

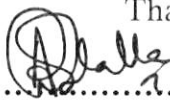
**1.5 Acknowledgment**

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

I take this opportunity to thank all members of the Committee for their patience, endurance and dedication to Committee business despite their other commitments and tight schedules which enabled the Committee to consider the Petition and respond to the Petitioner through the report.

On behalf of the Departmental committee on Environment and Natural Resources and pursuant to Standing Order 227 (2) of the National Assembly, I now have the honor to present the Committee Report on the Petition on the eviction of residents from Gwassi Hills Forest.

Thank You,

SIGNED .....  .....

CHAIRPERSON

DATE ..... 22<sup>nd</sup> April 2015 .....

## 2.0 BACKGROUND

The Gwasssi Hills forest reserve support local livelihoods that include livestock keeping in the area, the presence of traditional shrines makes it culturally sensitive to the Suba community, the reserve is a habitat of rare, threatened and endangered species of plants and animal kingdoms and is migratory trajectory of the adjacent Ruma National Park. The reserve is a very critical watershed and a source of several water springs and streams currently supporting water bottling Company operating in the area.

The delineation of Gwasssi Hills Forest Reserve was first considered a culturally protected forest reserve in 1950 by the colonial government to protect the underlined intrinsic socio-economic and the ecological integrity of the ecosystem and the native forest communities under traditional management of the local elders around the hills at that time.

Due to challenges of management, the Elders then petitioned the then South Nyanza County Council to provide legal provisions and management to sustainably protect the hill from eminent threats of encroachment, human settlement, opening up the forest reserves for agricultural expansion and other forms of forest destruction. In 1983 the County Council in the full Council resolution set aside part of the area measuring 12,140 Ha as a trust land for a Forest reserve under the auspices of the then County Council of South Nyanza.

The Gwasssi Hills forest trust land was transferred to the then Suba County Council following its creation under which the Forest reserve was then managed. The County Councils in 1980s and in the 1990s entered into a management arrangement with the then Forest Department for the Management of the trust land.

The active involvement and the participation of the Local Non-Governmental Organisations (NGOs) led by Osienala and the Suba Green Forest Investment Initiative to stop wanton destruction of the forest reserve managed to mobilize the local Community, critical stakeholders and the then Local Authority for the deliberate engagement with the provisions of the Forest Act 2005 for the official gazzettement of the Gwasssi Hills Forest reserve which eventually materialized through the Legal Notice No 106 of 2005 in accordance of Sec 23 & 24 of the Forest Act 2005

### 3.0 THE PETITION

3.1 On 12<sup>th</sup> November 2014, the Hon. John Mbadi, MP on behalf of the residents of Gwasssi Suba Constituency, presented a petition pursuant to Standing Order 225 (2) regarding the eviction of residents from Gwasssi Hills Forest.

3.2 The petition sought to draw the attention of the House to the following, that:-

- (i) On the morning of 5<sup>th</sup> May, 2006 a contingent of guards backed by Administrative Police Officers and a number of forest officers descended on the three villages in Gwasssi North burning and rendering over 100 homesteads homeless, destroying all the property of the affected people;
- (ii) The residents were wrongfully, forcefully and unlawfully evicted from their land without any reason and without any compensation;
- (iii) This was in contravention of the stipulated "Procedure Prior to Forced Evictions and Resettlement Procedure Act, 2012;
- (iv) This action was performed by the Kenya Forest Service, under the instigation of two Non-Governmental Organisations operating in Gwasssi namely OSIENALA and Gwasssi Hills Conservation Association;
- (v) The eviction was intended to increase the acreage under forest cover from the current gazetted 4,835.7 hectares with additional 2,737 hectares which was to be hived off from private land currently inhabited by the affected individuals;
- (vi) The matter in respect of which this petition is made is not pending before any Court of law.

3.3 The Petitioner prayed that the National Assembly, through the Departmental Committee on Environment and Natural Resources intervenes to have 'Gwasssi Hills Forest area covering 4,835.7 hectares clearly demarcated and the peoples' property and houses which were wrongfully, forcefully and unlawfully destroyed compensated.



#### **4.0 MEETINGS AND VISIT TO GWASSI HILLS FOREST, SUBA CONSTITUENCY**

##### **4.1 Meeting with Hon. John Mbadi, Member of Parliament for Suba Constituency**

The Committee held a meeting with Hon. John Mbadi, MP on 10<sup>th</sup> March, 2015. During the meeting the Member informed the Committee that:-

- (i) On the morning of 5<sup>th</sup> May, 2006 a contingent of guards backed by Administration Police Officers and a number of forest officers descended on the three villages in Gwassi North burning and rendering over 100 homesteads homeless, destroying all the property of the affected people.
- (ii) The residents were wrongfully, forcefully and unlawfully evicted from their land without notice and without compensation by the Kenya Forest Service, under the instigation of two Non-Governmental Organisations operating in Gwassi namely, OSIENALA and Gwassi Hills Conservation Association.
- (iii) The eviction was intended to increase the acreage under forest cover from the current 4,835.7 Hectares with additional 2,737 Hectares which was to be hived off from private land currently inhabited by the affected individuals.
- (iv) The Community has held several meetings with authorities to resolve the issues and no efforts have been made to resolve the issues by the relevant authorities.
- (v) The Committee should intervene so that:-
  - (a) The 2005 gazetted plan which was based on the 1983 land demarcation indicating total forest cover of Gwassi Hills as 4,835.7 hectares remains in force.
  - (b) Beacons are erected around the perimeter of Gwassi Hills to show clear boundaries of the forest.
  - (c) The petitioners' plight is addressed by ensuring that the government compensates families which were illegally evicted from their homes and property destroyed in 2006, and stop further harassment on the occupants of the land outside the gazetted 4,835.7 hectares.



#### **4.2 Meeting with the Cabinet Secretary, Ministry of Environment, Water and Natural Resources**

The Committee held a meeting with Prof Judy Wakhungu, Cabinet Secretary for Environment, Water and Natural Resources on 17<sup>th</sup> March, 2015. During the meeting the Cabinet Secretary informed the Committee that:-

- (i) The request for the gazettelement of Gwasssi Hills Forest came from the then South Nyanza County Council. The then Forest Department consulted with all stakeholders in the region to seek for consensus on the demarcation and eventual gazettelement of the forest area.
- (ii) The public was fully involved in the actual demarcation of the forest boundary and through their elected leaders at the then County Council; the public was informed and concurred with the forest boundary plan. No objection was raised during the stipulated period of 28 days in accordance with Forest Act Cap 385. The Gazettelement of Gwasssi forest followed the due process in full consultation with local communities and the South Nyanza County Council.
- (iii) The forest area was surveyed in the period between 2003 and 2004 with full participation of the communities. The forest was gazetted vide Legal Notice No. 106 of 2005 in order to enhance its protection and conservation. The size of the gazetted area is 4, 835.7 hectares and this is what the Ministry and the Gwasssi Community Forest Association is currently managing on sustainable basis.
- (iv) Since the establishment of the forest boundary in 2004, the Ministry and the Gwasssi Community Forest Association have effectively been protecting the forest and therefore there have been no squatters to be evicted.
- (v) The 2,737 hectares of land in Gwasssi hills is not gazetted and consultations are ongoing to build consensus on the probable gazettelement of the area.
- (vi) The Ministry has never done any eviction outside the gazetted area and the issue of compensation should not arise.

### 4.3 Submissions from Residents of Suba Constituency

On 20<sup>th</sup> March 2015 the Committee held a meeting at Magunga field in Suba Constituency, Homa Bay County where they received submissions from among others hereunder outlined:-

a) **Mr. Obel Ojwang Deputy County Commissioner Mbita and Suba Sub – County**

He informed the Committee that:-

- (i) A section of the community claims that they were wrongfully evicted while another is calling for the eviction of residents who have moved up the hill and the forest.
- (ii) The water catchment areas were left out of the gazetted area and needs to be included so as to protect it.

b) **Mr. Thomas Asango Former Area Chief** representing the Council of Elders of Suba Constituency informed the Committee that:-

- (i) The delineation of Gwasssi Hills Forest Reserve was first considered a culturally protected forest reserve in 1950 by the colonial government to protect the underlined socio-economic and the ecology of the ecosystem and the native forest community under traditional management of the local elders around the hills at that time;
- (ii) Due to the challenges of management, the elders then petitioned the then South Nyanza County Council to provide legal provisions and management to sustainably protect the hill from eminent threats of encroachment, human settlement and other forms of forest destruction;
- (iii) In 1983 the County Council in a full resolution set a side part of the area 12,140 hectares as a trust land for a Forest under the auspices of the then County Council of South Nyanza;
- (iv) The Gwasssi Hills Forest trust land was then transferred to the then Suba County Council following its creation under which the forest reserve was then managed;
- (v) The County Council in 1980s and in 1990s entered into a management arrangement with the then Forest department for the Management of the trust land;
- (vi) The active involvement and the participation of the local NGOs to stop wanton destruction of the forest reserve managed to mobilise the Local Community and the critical stakeholders for the gazette of the Gwasssi Hills Forest in 2005;
- (vii) They managed to gazette a total of 4835.7 hectares and the then County Council of South Nyanza with the help of the local residents demarcated and put the

beacons around the forest cover. Later on people went to the forest uprooted and left some beacons,

(viii) On 5<sup>th</sup> May, 2006 KFS wrongfully, forcefully and unlawfully went and burnt the houses of the people who were living outside the forest area;

**(d) Mr. Ochola representing the Gwasssi Hills Conservation Organisation informed the Committee that:-**

- (i) Gwasssi has twenty four high and steep hills;
- (ii) The effort towards sustainable management of the Gwasssi Hills Forest begun in November 2002 at a community workshop that was organised by a local NGO, Osiendela;
- (iii) In 2003 the local community formed a CBO called Gwasssi Hills Conservation Organisation, which lobbied the Government to have the forest demarcated and gazetted and on 8<sup>th</sup> August 2005, Gwasssi Hills Forest was gazetted covering 4,835.7 hectares under Legal Notice No. 106, Forest Act, Cap 385;
- (iv) Gwasssi Hills Forest Conservation Association was registered on 16<sup>th</sup> February, 2009 as a CFA in order to sensitize the community in forest management, rehabilitation and protection;
- (v) Since its formation, the Gwasssi Hills Forest Conservation Association has worked tirelessly to promote participatory forest management in Gwasssi Hills;
- (vi) In 2006 Kenya Forest Services realised that water catchment areas were left out of the gazetted forest area and for them to be covered 2,737 hectares was to be hived from the private land;
- (vii) The local residents agreed that before the 2,737 hectares are hived the local community was to be engaged and the due process as per the Forest Act 2005 was to follow. The people who were to be evicted from the water catchment areas were to be compensated;
- (viii) In 2006 Kenya Forest Service wrongfully and unlawfully went and burnt the houses, destroyed properties and eventually evicted them. This was done against what had been agreed upon earlier on;
- (ix) The Gwasssi Hills Forest Conservation Association was not involved in the burning and destroying property, and evicting the people.

**(d) Mr. Benedict Omondi, representing KFS informed the Committee that:-**

- (i) The area which was gazetted and is under the Kenya Forest Service is 4,835.7 hectares. The 2,737 hectares is not gazetted;
- (ii) The map that the local residents are using is not the real map because it has no signature of the director of the Kenya Forest Service;
- (iii) There are no reports showing that people were evicted, if there are then Kenya Forest Service was not involved;
- (iv) The conservation of the forest is for the benefit of both the local residents and the Kenya Forest Service.

(e) **Mr. Paul Gitoro** representing people living in the forest informed the Committee that his farm was in the gazette area and he moved downhill.

(f) **Mr. Joseph Augo presenting the Youth** informed the Committee that People encroached into the forest because it was the only available resource, there is need to look at other economic activities so that the people can think of protecting the forest;

(g) **Mr. John Tana TNA Chairman Suba Constituency** informed the Committee that there is need for the local communities to work with NGOs in conserving natural resources.

## 5.0 COMMITTEE OBSERVATIONS

The Committee made the following observations:-

- (i) The Kenya Forest Service has not put clear demarcation around the Gwassi Hills Forest area;
- (ii) The 2,737 hectares of land is not gazetted and has not been hived from the private land as it was claimed;
- (iii) There is massive destruction of the Forest and the Kenya Forest Service has not been able to protect the Forest;
- (iv) There is settlements and farming inside the gazetted forest area;
- (v) There are claims that in 2006 peoples' properties and houses were wrongfully and unlawfully burnt and destroyed by the Kenya Forest Service;
- (vi) There number of Kenya Forest Service officers on the ground is no adequate and the existing officers cannot effectively protect Gwassi Hills Forest; and
- (vii) The local community is not working with the local non-governmental organizations in protecting the forest reserve.

## 6.0 RESPONSE TO THE PRAYERS OF THE PETITIONER

In response to the petitioners prayer that the National Assembly through the Committee intervenes to have the Gwassi Hills Forest area covering 4,835.7 hectares clearly demarcated and the peoples' property and houses that was wrongfully, forcefully and unlawfully destroyed compensated. The Committee recommends that:-

1. The forest department should establish clear defined cutline in addition to the installation of beacons along the boundary of the gazetted forest;
2. An independent body should be immediately tasked to investigate the claims that in 2006 peoples' properties houses were wrongfully and unlawfully burnt and destroyed by the Kenya Forest Service;
3. The Ministry should gazette all the water catchment areas that were left out and should follow the due process as outlined in the Water Act, 2002;
4. The Ministry should post more forest officers in order to protect the forest from illegal encroachment, over-exploitation of the forest products and forest fires;
5. The Kenya Forest Service should take affirmative step in ensuring reforestation is carried out where trees had been cut by local residents; and
6. Kenya Forest Service should make an effort in ensuring that the local community, non-governmental organisations and other stakeholders are working together in conserving the forest.



**MINUTES OF THE 24<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY 16<sup>TH</sup> APRIL, 2015 AT 10.00AM IN THE C. P. A. ROOM, MAIN PARLIAMENT BUILDINGS.**

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**PRESENT**

1. **Hon. Geni Charles Mong'are, M.P. – Chairing**
2. Hon. Ndiritu Samuel Mathenge, M.P.
3. Hon. Ogalo George Oner, M.P.
4. Hon. Kathuri Murungi, M.P.
5. Hon. Barua Ejidius Njogu, M.P.
6. Hon. Rop Jackson Kipkorir, M.P.
7. Hon. Mwashetani Khatib, M.P.
8. Hon. Ottichilo Wilber Khasilwa, M.P.
9. Hon. Gure Shukra Hussein, M.P.
10. Hon. Abdinoor Mohammed Ali, M.P.
11. Hon. Tonui Ronald Kiprotich, M.P.
12. Hon. Dr. Wanyonyi Reginalda N. M.P.
13. Hon. Farah Abdulaziz Ali, M.P.
14. Hon. Peter Kinyua, M.P.
15. Hon. Emanikor Joyce, M.P.
16. Hon. Jude Njomo, M.P.
17. Hon. Wandayi James Opiyo, M.P.
18. Hon. Sunjeev Kour Birdi, M.P.

**APOLOGIES**

1. Hon. Abdalla Amina, M.P. – **Chairperson**
2. Hon. Alexander Kosgey, M.P. – **Vice Chairperson**
3. Hon. Muluvi Marcus Mutua, M.P.
4. Hon. Ole Kenta Richard Moitalel, M.P.
5. Hon. Ganya Francis Chachu, M.P.
6. Hon. Mohamed Diriye Abdullahi, M.P.
7. Hon. Katana Aisha Jumwa, M.P.

**ABSENT**

1. Hon. Ng'ang'a Alice Wambui, M.P.
2. Hon. Irea Gideon Mwiti, M.P.
3. Hon. Dukicha Hassan Abdi, M.P.

**IN-ATTENDANCE – THE NATIONAL ASSEMBLY**

1. Mr. Joshua Ondari - Clerk Assistant III

MIN. NO. DC/ENR/105/2015 - PRELIMINARIES

The Chair called the meeting to order at 10.20 am followed by a word of prayer.

MIN. NO. DC/ENR/106/2015 – CONSIDERATION AND ADOPTION OF THE PETITION REPORT ON THE EVICTION OF RESIDENTS FROM GWASSI HILLS FOREST

The Committee considered the report and unanimously adopted it.

MIN.NO. DC/ENR/107/2015 – BREAKFAST MEETING

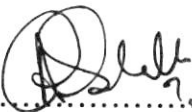
The Committee was informed that the African Network for Animal Welfare has organised a breakfast meeting at the Intercontinental Hotel on Tuesday April 21, 2015 at 7:00 am. The meeting will discuss the amendments to the Wildlife Conservation Management Act, 2013.

MIN.NO. DC/ENR/108/2015 -ANY OTHER BUSINESS

- i. Hon. BaruaNjogu informed the Committee that the Environmental Management Co-ordination (Amendment) Bill, 2014 was forwarded to the National Assembly. He requested the secretariat to go through the proposed amendments by the Senate and advice the Committee on what position they should take.
- ii. Hon. Wilber Ottichilo raised concern that the secretariat has not been able to provide the report on poaching despite being requested several times. He said that the report is important as it will help them to recommend that poaching is a crisis in the country.
- iii. Hon. Ottichilo also requested the secretariat to come with the working plan which was adopted in Mombasa in the next meeting. The work plan will help the Committee to know what has been achieved and what has not.
- iv. Hon. ReginaldaWanyonyi requested the secretariat to provide the petition report on the degazettement of Wayu forest in the next sitting.
- v. The Members requested to be involved in planning in any foreign trip. They also requested to be provided with a matrix on foreign trips.

MIN.NO. DC/ENR/109/2015 ADJOURNMENT

There being no other business the meeting was adjourned at quarter to twelve O'clock.

SIGNED.....  
(Chairperson)

DATE..... 22 April 2015 .....

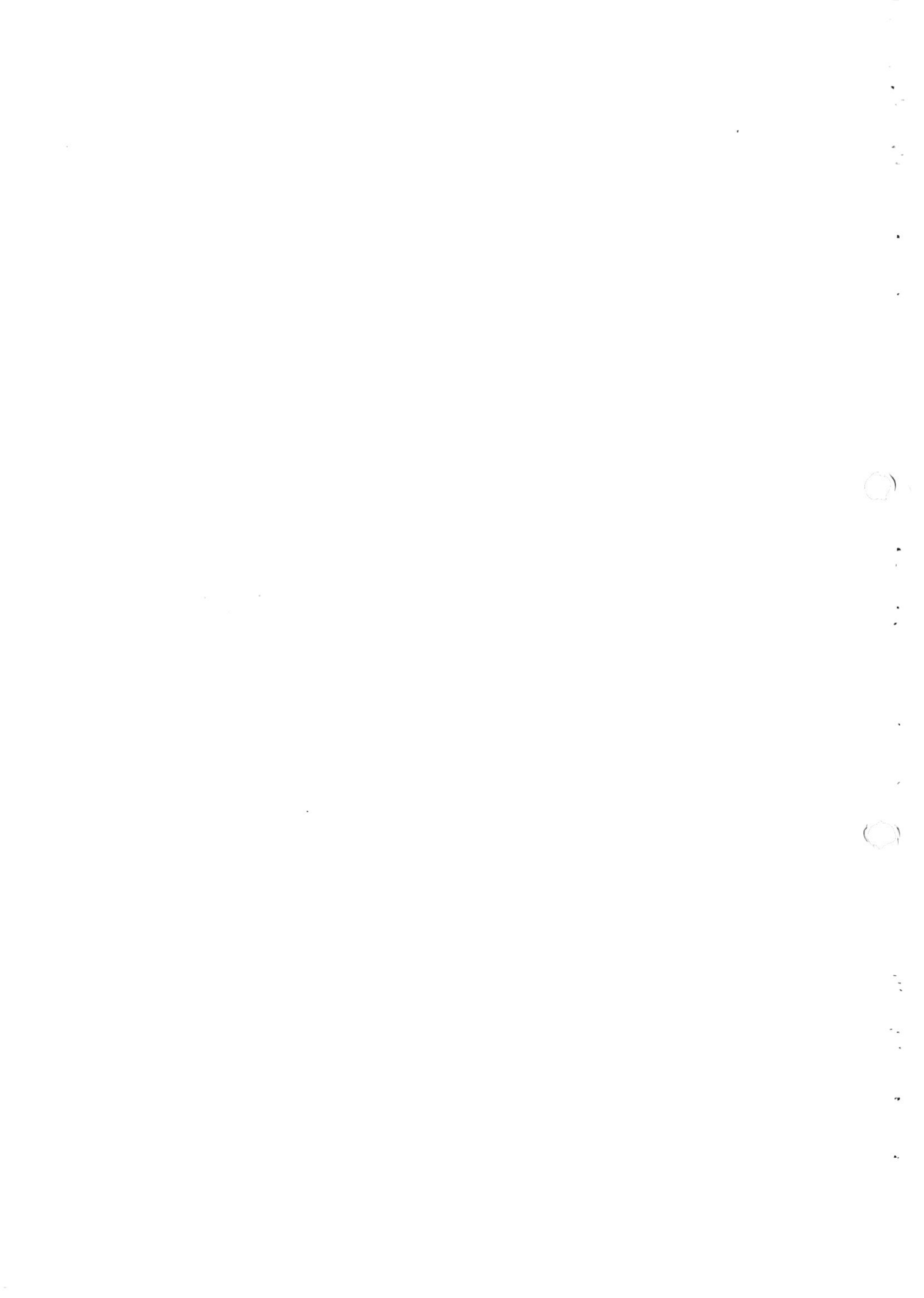



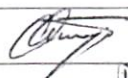


DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL  
RESOURCES

AGENDA: ADOPTION OF THE PETITION REPORT ON THE EVICTION OF  
RESIDENTS FROM GWASSI HILLS FOREST

DATE: 16/04/2015 TIME: 10:00 am VENUE: CPA ROOM

1	NAME	SIGNATURE
	Abdalla, Amina CHAIRPERSON	
2	Alexander Kosgey Vice Chairperson	
3	Dukicha, Hassan Abdi	
4	Emanikor, Joyce Akai	
5	Ganya, Francis Chachu	
6	Geni, Charles Mongare	
7	Gure, Shukra Hussein	
8	Ole Kenta, Richard Moitalel	
9	Mohamed, Diriye Abdullahi	
10	Murungi, Kathuri	
11	Ogalo, George Oner	
12	Sunjeev Kour Birdi	
13	Tonui, Ronald Kiprotich	
14	Dr. Wanyonyi, Reginalda N	
15	Farah, Abdulaziz Ali	
16	Barua, Ejidius Njogu	
17	Irea, Gideon Mwiti	
18	Muluvi, Marcus Mutua	
19	Mwashetani, Khatib	
20	Ndiritu, Samuel Mathenge	
21	Ottichilo, Wilber Khasilwa	



22	Rop, Jackson Kipkorir	
23	Abdinoor, Mohammed Ali	
24	Ng'ang'a, Alice Wambui	
25	Peter Kinyua	
26	Wandayi, James Opiyo	
27	Katana, Aisha Jumwa	
28	Jude Njomo	

NICHOLAS EMEJEN

FOR -CLERK OF THE NATIONAL ASSEMBLY





APPENDIX I

REPUBLIC OF KENYA

Mr. Gwendu



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT  
(SECOND SESSION)

Approved  
12/11/14

PUBLIC PETITION BY GWASSI HILLS SUPPORT ORGANIZATION ON EVICTION  
OF RESIDENTS FROM GWASSI HILLS FORESTS

I, the undersigned, on behalf of citizens of Kenya and in particular, residents of Suba who were staying around Gwasssi Hills Forests,

**DRAW** the attention of the House to the following:-

- i. **THAT**, on the morning of 5<sup>th</sup> May, 2006, a contingent of guards backed by Administrative Police Officers and a number of forest officers descended on three villages in Gwasssi North burning and rendering over 100 homesteads homeless, destroying all the property of the affected people;
- ii. **THAT**, the residents were wrongfully, forcefully and unlawfully evicted from their land without any reason and without any compensation;
- iii. **THAT**, this was in contravention of the stipulated "Procedure Prior to Forced Eviction" under the Evictions and Resettlement Procedures Act, 2012;
- iv. **THAT**, this action was performed by the Kenya Forest Service, under the instigation of two Non-Governmental Organizations operating in Gwasssi namely OSIENALA and Gwasssi Hills Conservation Association;
- v. **THAT**, the eviction was intended to increase the acreage under forest cover from the current gazetted 4835.7 Hectares with additional 2,737 Hectares which was to be hived off from private land currently inhabited by the affected individuals;

**PUBLIC PETITION BY GWASSI HILLS SUPPORT ORGANIZATION ON  
EVICTION OF RESIDENTS FROM GWASSI HILLS FORESTS**

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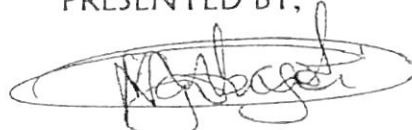
- vi. **NOTING THAT**, the Community has held several meetings with authorities to resolve the issues such as a memo to the Deputy County Commissioner in Suba, meetings with stakeholders and a statement to Parliament in 2011 by the then Minister for Environment and Natural Resources;
- vii. **THAT**, despite the various attempts made by the residents, no efforts have been made to resolve the issue by the relevant authorities;
- viii. **THAT**, the matter in respect of which this petition is made is not pending before a Court of Law.

**THEREFORE** your humble petitioners pray that the National Assembly, through the Departmental Committee on Environmental and Natural Resources:-

- i. Recommends that the 2005 gazetted boundary Plan No. 175406 under Legal Notice No. 106 Forest Act Cap. 385 which was based on the 1983 land demarcation indicating total forest cover of Gwassi Hills as 4,835.7 Hectares remains in force; and erection of beacons around the entire perimeter of Gwassi Hills;
- ii. Intervenes to ensure that the petitioners' plight is addressed by ensuring that the Government compensates families which were illegally evicted from their homes and property destroyed in 2006, and stop further harassment on the occupants of the land outside the gazetted 4, 835.7 Hectares.

And your **PETITIONERS** will ever pray.

PRESENTED BY,



HON. JOHN MBADI, M.P.  
SUBA CONSTITUENCY

DATE: 12/11/2014.....

TO: KENYA NATIONAL ASSEMBLY,  
C/O THE CLERK,  
KENYA NATIONAL ASSEMBLY,  
PARLIAMENT BUILDINGS,  
P.O BOX 41842-00100,  
NAIROBI.



C.C: HON. AMINA ABDALLA M.P.  
CHAIRPERSON,  
ENVIRONMENTAL AND NATURAL RESOURCES COMMITTEE,  
(DEPARTMENTAL)  
KENYA NATIONAL ASSEMBLY.

RE: PETITION TO PARLIAMENT UNDER ARTICLES 37 AND 119 OF THE  
CONSTITUTION OF KENYA, PETITION TO PARLIAMENT (PROCEDURE) ACT  
AND STANDING ORDERS 219, 223 OF THE NATIONAL ASSEMBLY ON THE  
EVACUATIONS AND RESETTLEMENT BILL 2012-KENYA LAW.

WE, the undersigned,

Citizens of Kenya representing individuals of Suba who were staying around Gwasssi Hills Forests wish to state that it is in the interest of affected individuals that we formally lodge a petition concerning our wrongful eviction from our land which we were wrongfully, forcefully and unlawfully ejected without any reason and without any compensation.

We humbly wish to draw the attention of the House to the following:

1. The constitution of Kenya 2010 gives all sovereign power to the people of Kenya.
2. The people may exercise their sovereign power either directly or through their democratically elected representatives.

**3. Part II—Procedure Prior To Forced Eviction-THE EVICTIONS AND RESETTLEMENT PROCEDURES ACT, 2012**

- (a) A person shall not be forcibly evicted from their home or have their property demolished without a Court order authorizing the eviction or demolition.
- (b) Notwithstanding any written law to the contrary, the procedure set out in section 8 shall apply in proceedings for forced eviction or demolition orders under sub-section (1).
- (c) Where an eviction is envisaged as a result of a development-based project an "eviction assessment" shall be conducted that shall include exploration of alternatives and strategies for minimizing harm and taking into account the differential impacts of evictions on women, children, the elderly and marginalized groups.
- (d) In all cases where forced eviction has been authorized by a Court, it shall be carried out in strict compliance with the following procedures—
  - (a) A twenty-one days' notice shall be given to the affected persons and the notice shall clearly state the modalities, day and time of the forced eviction;
  - (b) Full details of the proposed alternative, if any, shall be given to the occupiers of the land;
  - (c) Where no alternatives exist, a detailed explanation of all measures taken to minimize the adverse effects of evictions shall be given;
  - (d) Holding of public hearing with affected persons and other stakeholders to provide an opportunity to discuss alternative proposals for resettlement shall be done.
- (e) Any person proposing to forcibly evict an unlawful occupier shall provide opportunity for the parties to seek legal redress where there is a stalemate or dispute among others.



## **THE MATTERS COMPLAINED OF:**

### **Introduction;**

At the break of dawn in the morning of 5<sup>th</sup> May, 2006, a contingent of guards backed by Administrative Police Officers and a number of Forest Officers descended on the three villages namely; Oma in Gwassi Central, Wiga in Gwassi East and Kisaku in Gwassi North burning and rendering homeless over 100 homesteads, destroying all the property of the affected people.

On inquiry, we were informed that the affected homes were inside the forest (Gwassi Hills). The affected individuals were shocked with this new development and on further inquiry with the Kenya Forest Service, we discovered that some two Non-Governmental Organizations (NGOs) operating in Gwassi namely; OSIENALA and Gwassi Hills Conservation Association were the ones which asked the Kenya Forest Service to increase the acreage under forest cover from the current gazzeted 4,835.7 Hectares with additional 2,737 Hectares which is to be hived off from private land currently inhabited by the affected individuals.

The Kenya Forest Services then decided to propose the additional increase and taking away of our land without consulting with the community and moved ahead to burn houses and property without following due process of the law.

### **ATTEMPTS TO RESOLVE THE ISSUE;**

We have held several meetings with relevant authorities since then as indicated below;

- i. Our Memorandum to the Deputy County Commissioner, Suba dated 20<sup>th</sup> Feb 2014.
- ii. On 28<sup>th</sup> August 2011, we held a stake holders meeting in at Kisaku in Gwassi North.
- iii. On Thursday, the 28<sup>th</sup> day of June 2011, this matter was brought to Parliament by the area M.P and the former Minister for Environment and Natural Resources Hon. Noah Wekesa admitted that he was misled that Gwassi Hills has rivers contrary to the truth on the ground. The minister promised to visit the area and have the matter sorted but this did not happen due to official engagements.

**THE PETITIONERS REQUEST THAT:**

1. The 2005 gazzetted boundary Plan No. 175406 under legal notice No. 106 forest Act Cap.385 which was based on the 1983 land demarcation indicating total forest cover of Gwasssi Hills as 4,835.7 Hectares to remain in force.
2. Kenya Forest Service to erect beacons around the entire perimeter of Gwasssi Hills as gazzetted on 2005 gazzette notice indicated above.
3. Kenya Forest Service to stop further or future harassment on the occupants of the land outside the gazzetted 4,835.7 Hectares.
4. The Government to compensate families which were illegally evicted from their homes and property destroyed in 2006.

**NAME OF THE PETITIONER:**

Gwasssi Hills Support Oranization,

(a registered C.B.O. No. A8899) with the

Ministry of Gender, Sports and Social Services.

P.O Box 34-40307,

Magunga.

.....  
**For Gwasssi Hills Support Oranization**

# MIRARE HILLS

## TYPE OF STRUCTURE DESTROYED

NAMES	IP. NO	PLOT NO	FAMILY MEMBERS	LAT	S-PER	GRASS OR SIGN	
						TA	GR
ALEX OKAKA OGURO	7311210	948	COSMAS OKAKA			2	2
	948	966	JOSEPH OKAKA	1	1	2	3 <del>4</del>
	966	976	PAOL OKAKA			2	2
	976		JOHN OKAKA		1	2	2
			VINCENT OKAKA			2	2
			PETER OKAKA			1	2
			PATRICK OKAKA			1	1
			BOW OKAKA			1	
			JULIUS OKAKA			1	1
KAMANYI OMARI			RAAPHAEL K			2	3
			PETER K			3	2
			LAMECK K			2	1
			EVANS K				
			CHOTI K				
JOHN MIRUKA			RICHARD M	1	1	1	3
			EVANS M			1	2
			CHRIS M			1	1
JOHN BOSIRE			KAUN DAB			1	1
			NYABUTO B	1		3	3
			DEGEA B			1	1
			BINYANYAB B	1		1	2
			KINYATA B	1		2	2
			KILO B			2	2
			OGURO B	1		3	3
		ISAYA B			1	1	
OMOLO OMUNA			SIMON OMOLO		1	2	2
			PETER OMOLO	1		1	2
			JAN OMOLO			1	1
						1	1
RICHARD OSOYA			OMBASA OSOYA	1		2	3
				8	4	45	51

MIRARE HILLS

TYPE OF STRUCTURE DESTROYED

TP NO. PLOT NO. FAMILY MEMBERS LAT. PET. GRASS GRASS

TP NO.	PLOT NO.	FAMILY MEMBERS	LAT.	PET.	GRASS	GRASS
PETER ONGURE		OKWACH 0 OKEYO 0 BUTTIKO 0 SUMA 0 - - -	1		4 1	4 1
NYAMBWAGA OGURU		JAMES NYAM GWE OIKO NYAMBWAGA <del>OLUCH</del> OLUCH NYAMBWAGA ORAKO NYAMBWAGA	4	2 1	4	5
SAMSO ORORE 0		ORONY 0 MOI 0 OGURU 0 MOSES 0 OMONDI 0				
SAMEL OLUOCH	974	MORICE 0 KASUKU 0 MWAUND 0 MIKA 0 ZECK 0 OTIENO 0				
NYAGUGA OGURU		OKOMBO N OPWOPA N ORATO N KONGA N OKECH N WAERO N ODAKA N OMONDI N				
			1		5	5



# MIRARE HILLS

ID NO	NAME	PLOT NO	V.D. NO	FAMILY MEMBER	TYPE OF STRUCTURE DESTROYED			
					S.PEN	GRASS TR	GR LAT	
7	EDWARD OZARIGO					2	2	1
	HERRON OMBASA			GEORGE O	-	1	1	
				KENADY O	-	2	2	1
				EVANS O	-	1	1	
1	RONALD OMBASA			EVANS O	-	2	3	1
				OGACHI O	-	-	-	-
0	PETER OBONDO			KILO OBOND	2	1	2	1
				OKWCH O		1		1
				OKECH O		1		
				ERICK O				
				OLVO O				
				AUGO O				
				MOI O				
				OLOO O				
				AKUKA O				
1	GIDION KIRARIO			LUKAS G	1	2	3	1
				TITO G	-	1	1	1
				FORD G	-	1	-	-
				NALLY G	-	1	1	-
				OMOLO G	-	-	-	-
2	JOHN OZARIGO			OMBATI O	-	2	2	1
				MOI OZARIGO	-	1	1	-
				BURUNA O	-	1	-	-
3	JEN BASUETI			FRANCIS B	-	2	2	1
4	OMBABA NYA MBENKA			CHARLES O				
				ANUNDA O				



TYPE OF STRUCTURE DESTROYED

NAME	ID NO	PLOT NO	FAMILY MEMBERS	LAT	S PER	GRASS TH	GRA	SIGN
18 WILSON AUGI								
19 JAMES KEZA								
20 PAUL MADONTO								
21 RICHARD OBUYA	4661764	249	MUSA ONYANG TITOMAS JUMA NASEN OBINDE MAHE AKOHE DOMMIL DWADA MUBENI ACHIENG	BEREJ	6	2	As	
22 JULIUS OKEL	7637114	249	MABRE AVMA SAMSON OUMER JAKOBO OUMER JUCHI ANHOR LUALLO OMADI NASHI ACHIENG	4 2 10 2	4 2 2 -	1 - - -	Fig	
23 BENJAMIN MUKA	20134710	241	EVALIA EUGEN AVISA ALISTER USA GILADUS ATENA DENIS KESARA FERON ANITA MAEK OSETA RODIA TATISA	3 2 3 K.B. 1	2 - - -	1 - - -	Fig	
24 JOSEPH OKOTI								
25 PETER <del>ABUKA</del> OTIENO ABUKA	21396913	253	Tom Abuka Vina Abuka Annot Abuka Sella Abuka	1 - - -	2 - - -	3 - - -	2 - - -	Abuka

STRUCTURE DETROTES

	NAME	ID NO	PLDT NO	FAMILY MEMBERS	LAT	S/PER	COLLECTED	GR	GR
10	JOHN OCHOLA	7848034	251	JEFFIN ACHENK VARON OCHOLA VELA AMOR - JOASH OCHOLA GECHURE OCHOLA JOISH OCHOLA NETY OCHOLA	2 - 1 -	4 - 3 -	6 2 - -	1 -	
11	SAILAS PATRICK SIRO	6540197	251	SOFIA MURA KATHRIN MAMUNU KALES TUTI EVALIN NYABOKO MASHA KIMUTHO PETER OMBARI	1 - - -	1 - - -	4 - - -	3 -	
12	PETER ACHIMBA	7848796	250	JARED MORISH John Josua Priskella	OT Komsa Oduma Kabat Ogundata DERE 2 masati 20 Lawn tee	DERE 2	Chd	1 1	
13	ARIRI MOMANYI	6545073	248	MARIAM MURA JOHN MOMANYI FRANCIS OKENO LABAN MOMANYI EVALIN KIROBO LILIAN KIROBO WIKISTAR KIMITHO OBET SIRVARI	2 - - -	2 - -	3 - -	4 -	
14	JAMES OTIENO	2018277	251	MILSANT AKETO EUCH OTIENO AKOIH OTIENO JAMES OTIENO JOSHUA OTIENO	2 - - -	3 - -	2 -	3 -	
15	OSOYO MACHO	6902430	255	AKECH OAGAN ANGELINA OBOYO DUMA OBOYO OTIENO OBOYO	1 2 -	2 -	3 -	2 -	
16	EVANZ ARIRI	3396550	247	ALISH KIMUMA FERA KIMUTHO JUDI MUCHIRA LILIA MUCHIRA JOISH MUCHIRA FRANCIS OMANYA RICHARD ISAYA	1 - - -	2 -	2 -	2 -	
17	JULIA ARIRI	21396760	250	ACHIMBA JOISH LINET ARIRI EVALIN MURPHYS	OT BEPG DERE 2 ogundata		Udi 2 masati 20	Chd	

STRUCTURE DEFINED

	NAME	ID NO	PLOT NO	FAMILY MEMBERS	LAT	S. PER	CORAL TH.	COR	SIG
26	JAMES OCHOLA								
27	MAREN ABUTO								
27	DMIANEE AROH								
28	JACKSON Obuogo	1724057	4791	JOSFAT Obuoho DONIK Obuoho EKOCK Obuoho EVANCE Obuoho KIRUWO Obuoho GISARE Obuoho KIMUTLU Obuoho	KOMBEE BERE ULI A	BAU 3 3 -	30 10 -		1
29	MICHAEL AJUHA	13774021	263	ANJILINA AJUHA SIPRINA AJUHA CHARLES OKERO GEORGE OCHION DANIEL ODHAMSO ROMANUS OMOJO DANIEL OJUJA JACK JABUYA MORICE ODOYO AJUHA SUBA KOMIS AJUHA	DERE	5 3 3 - - 1 1 - 4 2 2	50 2 1 2 1 - 2 - - - 2	50 4 -	1

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# DMA - KILGERA HOUSTEAD DESTRUCTION

No	Names	Plot No.	ID No.	No. Houses	Barbed	Total Cost KSh	Phone No.	Sign
001	JOHN OJIER MATRU	1092	5566138	004	450,000	0701009024		John Ojier
002	ELIAS OCHIENG OJIER	"	27846399	001	280,000	0724832712		Elías Ochieng
003	SYMON ODHAMBO OJIER	"	24219088	001	320,000	0714312351		Simon Odhamb
004	PETER OCHIENGA OJIA	1091	7310463	002	600,000			Peter Ochieng
005	JOHN OKWANGO OCHIENG	"	25664028	001	800,000			John Okwang
006	PATRICK KIWAGO NYANWIESO	983	13384268	001	600,000	0724295206		Patrick Kiwag
007	JOHN NYANWIESO	"	5999287	002	500,000	0727082158		John Nyanwies
008	NYANWIESO MIDERIK OCHODU	"	7310275	002	430,000	0129165924		Nyanwieso M
009	ISMAIL OJITO NYANWIESO	"	13655659	002	380,000	0729175526		Ismail Ojito
010	CASIMIR OCHOLA NYANWIESO	"	1277725	004	300,000	07287525		Casimir Ochola
011	MICHAEL OKECH MATIKU	1089	6613469	002	290,000	0700673857		Michael Okech
012	PETER ODHAMBO OKECH	"	9397746	002	340,000	0725543947		Peter Odhamb
013	WALTER ODYO OKECH	"	23378438	002	170,000	0713027221		Walter Odyo
014	LEONARD OKINO OKECH	"	25622886	004	250,000	0702331830		Leonard Okino
015	NICHOLAS OJENO OKECH	"	2566777	002	240,000	0715009668		Nicholas Ojeno
016	JAKLINE BAROKO	"	32302903	002	150,000			Jakline Baroko
017	LEONARD OJIER OROMA	1087	6613604	006	1815,000	0703709435		Leonard Ojier
018	GEORGE OJENO OJIER	"	22542757	002	660,000	0716519249		George Ojien
019	LUCAS RAGWANDA OJIER	"	29388051	001	180,000	0719485467		Lucas Ragwanda
020	ALPHONSE ODHAMBO OJIER	"	23574908	001	165,000	07291556907		Alphonse Odhamb
021	WILLIAM OJENO OROMA	1060	6612008	008	800,000			William Ojien
022	TORIAS OJENO OJIA	"	11829638	004	400,000	0724072859		Torias Ojien
023	JOHN OJENO OJIA	"	14667174	003	370,000	0701140566		John Ojien
024	REHARD OJENO OJIA	"	21369358	002	385,000	0701699335		Rehard Ojien



026	PENINA	ANDRES OKWEN	1059	7316900	002	159,000	07013542392
027	KENEBO	ODHIMBO OKWEN	"	3003 2910	002	137,000	0719528616
028	JOSEPH	OKENO OKWEN	"	2612 7266	002	129,000	0708103874
029	SHAMWEL	OTIENO OKWEN	"	3237 8322	002	72,000	
030	JEMSI	NYAMUKO AMUKA	2480	1803778	002		
031	RICHARD	MAKORI	4834	20136949	002		
032	JOHN	OSORE OJUMA	1082	28262079	002	157,000	0712223148
033	MOUENS	AMARO MATIKU	1053	7310460	003	600,000	070826159
034	LADSLAUS	ODUOKI ODENT	1051		001		
035	ASINTE	KIROSI	1048	7315335	004	350,000	
036	JULIAS	OTIENO PANYAKO	973	11558079	004	820,000	0711549556
037	BENARD	ODHAMBWA PANYAKO	"	25638847	003	240,000	0738510620
038	PETER	ODINGA OKWEN	1052	9735081	004	300,000	0700264980
039	CAMIN	MUTISO ODINGA	"	27167200	001	80,000	07002478157
040	DAN	ODINGA	"	28145645	001	180,000	0704925952
041	JOSEPH	CIUOCH AMARO	1053	20267482	002	412,000	0726056838
042	LUCAS	OKOLO ODUOKI	1057	8153939	006	500,000	0713618069
043	NYAMGARESI	NYANDIMARO	1916	1583241	014	850,000	0704483551
044	NYAKUTE	ODUODHO MUKA	1036	8154745	014	200,000	
045	JOHN BYAKI		938	1629020	004	600,000	
046	EVANS	KINYANTYA BYAKI	"	25122932	004	600,000	0700565332
047	PITAHIS	ONACHO AKETO	1031	6613498	002	220,000	
048	JARED	OTIENO NYAKUTE	1036	26382130	002		
049	JULIAS	MIRAGA NYAKUTE	"		002		
050	JOSWA	ODUTO NYONGIA		20705933	002	100,000	
051	BENARD	ODWENO OKWEN	1059	20383413	004	400,000	07013338788
052	JULIAS	OTIENO OKWEN	"	20353831	003	400,000	07155536048
053	PETER	ODIERO OKWEN	"	9735053	006	650,000	0728420921
054	ODUMIA	NYAKOBYA					
055	TORIAS	OKUSA PANYAKO	973	23508470	002	280,000	0789771519
056	THOMAS	NYANGATE					
057	JAMES	NYANGARESI					

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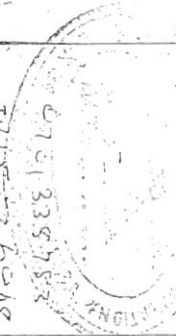
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058	JAMES	OMBATI						
059	JOSEPH	SEME	1032	10930868	004	750,000	0729964959	SEME
060	JULIAS	KIURA	1058	97735073	004	200,000		
061	FREDRICK	OMONDI	1053	29762286	002	215,000	0717310208	EMOD
062	WILLIAM	NGOGE	737	1642357	005	885,000		
063	GEOFFREY	NGOGE	"	22920618	002	260,000		HT Spaulden
064	BRICK	OGEMBO	"		002			
065	RICHARD	NIAMARA	"					
066	JAMES	0190	936	22773973	004	850,000	0720800271	EMOD
067	SABASTIANO	MATARA	"	23929893	004	740,000	0728693540	MUSA
068	JARED	OTIENO	934	2716196	004	650,000		
067	JOHN	OGERO	977	12798501	004	750,000		
068	SAH DANIEL	OSENDO	934	21244482	004	650,000	0713062192	OSWEN
069	PAUL	ORLANDO	934	25535379	004	540,000	0700057577	OSWEN
070	RONALD	NYANCHUGA	933	21064549	003	760,000	0713802672	
071	AHUDA	KERUBO	"	5801298	002	320,000	0707638670	
072	GLADYS	NYABINGE	"	30329509	002	470,000		xxx
073	IMMACULATE	AKINTI	"	25209979	003	300,000	0110526502	xxxx
074	KOSINA	NYANCHOKA	"	3273978	003	300,000		xxxx
075	PETER	MATIKU	1066	73115294	003	510,000	0718239987	xxxx
076	JOSEPHINE	KADHAMBA	1087	30330226	002	600,000	0704279391	xxxx
077	ROSEMARY	NYAKUTIE	1416	8160112	002	107,000		
078	TERESA	NYABOKE	937	592675	003	450,000	02194449435	xxxx

TOTAL

205 26,957,000



079	JOICE AGUSTO OTIENO	1060	20354827	004	600,000	<i>[Signature]</i>
080	JUDITH ARIND JBHN	1082	30330217	002	400,000	Jude
081	MADALINA AKERO AYANLO	1053	7210376	003	400,000	Madel
082	HELLEN A ABUYA ANKARO	"	28836771	003	450,000	Herta
083	SIPRINE ACHIENG AKARO	"	32434106	002	300,000	Sipr
084	AGNES AOKO OGINKA	1052	13192155	004	300,000	Agnes
085	ROSEMARY KERUBO OGINKA	"	20385164	004	400,000	Rose
086	TERESA KERUBO MUTISO	"	30329486	002	200,000	Teresa
087	MABELA AIKICH OIENI	1087	7310629	006	700,000	Madel
088	MILLCENT AKOTH DAN	1052	28145645	002	400,000	Milcent
089	MARLET AKERO OLOO	1060	7310375	008	800,000	Marlet
090	SOPHIA ABICHI OLOO	"	7310244	003	500,000	Sophia
091	LUDIA ADOTO	"	9796954	002	400,000	Ludia
092	ELIZABETH KEMUNTHO ODOTO	"	23666354	003	300,000	Elizabeth
093	SOSTERH OKUMIA OLOO	"		001	200,000	Sosterh
094	TEUNICE ACHOLA OGIENO	1059	26227090	002	400,000	Teunice
095	LUCY NYANIKO OKMANIYO	1091	30433985	002	400,000	Lucy
096	TUNES NYANIKO OCHIENG	"	6613357	002	400,000	Tunes
097	JOICE AKINYI OPITO	983	26187065	002	500,000	Joice
098	SAVE ATIENO OCHOLA	"	21459492	002	300,000	Save
099	LEUCER ATIENO OCHOLA	"	28966805	004	300,000	Leucer
100	NORA KIMUTHO	1059	645636	006	500,000	Nora



101 JOYCE ANYAKHO OYIER  
 102 SHARON OYIER  
 103 MASELIN AZHIANG OYIER  
 104 SARAH ATIBHO OYIER  
 105 EVALINE KEMUNTHO BLUOCH  
 106 PASIFICCA KUMBOKA OYIER  
 107 GLADYS MORAN OYIER  
 108 BETTRICE BOSIBORU BWAHA  
 109 JOHANNA OKWETO OYIER  
 110 ROSEMARY NYAKUTE  
 111 TERESA NYABOKKE NGOGE  
 112 PLISTIA OCHUKA OKECH

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Joyce  
 Sharon  
 Mullin  
 Sara  
 Pas.  
 Gladys  
 Bittice  
 Rose  
 Teresa  
 xxx





## RESIDENTS OF OMA VILLAGE IN LURASI CENTRAL LOCATION

		Plot	IDMB	LOST	
50	NICHOLAS	ODHIAMBO SIMBI	952	2396524	40.000
51	LUSIA	ATIENO	973	9397446	20.000
52	PATRES	SIMBI MAGNUS	952	6612129	60.000
53	RUFINA	ODIERO SAIDI	981	7310384	15.000
54	JOSEPH	OCHIENG BADI	981	20264025	20.000
55	DAMIAN	OPIYO SIMBI	952	24499645	15.000
56	PITALIS	ODIRA OCHIENG	5572	8154007	50.000
57	ALEX	MAGADI ODIRA	5572	28343754	30.000
58	GEFRY	OSORO ODIRA	5572	25064501	40.000
59	ESEKIA	OTIENO ODIRA	5572	36692285	20.000
60	NICHOLAS	ODOYO AKOYO	981	26415711	30.000
61	MAGORI	NYAKWAYE	5582	159967	60.000
62	SABLOM	NYAKWIBA NYARANKI	932	5869815	40.000
63	ROMANUS	AIMO NYAMBURA	955	8154950	80.000
64	CHARLES	M. MEMBA	2604	1625597	40.000
65	JENIFA	AWIMO SONHORA	1044	8155174	36.000
68	NYKARO	DKWETO DRUMA	963	8154010	50.000
67	PATRICK	OGUTU AIMO	955	13194280	70.000
68	PETER	OHWENO OKELO	954	8512504	100.000
69	TOBIAS	OCHIENGHO ODIRA	5572	30352503	60.000
70	CHARLES	NYAKWENYA	1903	65599268	50.000
71	MORIS	OTIENO DIKONDO	985	8154957	50.000
72	MORIS	MATIKU SIMBI	952	195953	60.000
73	DAVID	OHWENO SIMBI	952	24499742	40.000
74	ELIZABETH	QUIM SAKAYO	1917	1587368	40.000
75	FILBOMA	OTIENO CHALAMA	1032	6613350	40.000
76	JOHN	DUMA CHALAMA	1032	13992137	60.000
77	LINET	MOSIARA OUCHENG	1917	25790993	40.000
78	JANG	ANYAMBO KISEGI	1034	27557027	50.000
79	MARY	ADHIAMBO MEBESA	1131	20953118	60.000
80	HARSON	ADHIAMBO CHALAMA	1032	13194125	60.000
81	TOBIAS	ADHIAMBO OMOLO	981	29636188	40.000
82	JARED	OTIENO PANYAKO	973	30359476	60.000
83	SAMWEL	MBOGE NYAKWIBA	932	26351899	40.000
84	ROBERT	DUKO NYAKWIBA	932	36042933	30.000
85	CONSEPTA	KWAMBUKA SABUNI	932	6559857	50.000
86	MARY	WANYIRU ECHIA	<del>1047</del>	22321885	50.000
87	LEONARD	KISEGI SWANYA	1034	8164899	70.000
88	DISISTER	AGUTU OCHIENG	952	20175058	60.000
89	CALEB	B. ASIABO	1047	21029373	70.000
90	GEORGE	ADHIAMBO ANYAMBO	963	28149003	70.000
91	ALICE	AKONDO OHWENO	935	20988678	50.000
92	MARLEI	ODIRA ANYAMBO	963	20406189	60.000
93	RAMAD	ODONDO SIMBI	952	9735075	100.000
94	MORAH	NYARABU ODIRA	5572	20788600	80.000
95	Francis	Ojambi Okello	954	13657749	65.000
96	Daniel	Iwele Okello	954	22826031	35.000
97	Lolce	Aunor Iwele	954	29690676	40.000
			071	22902571	25.000

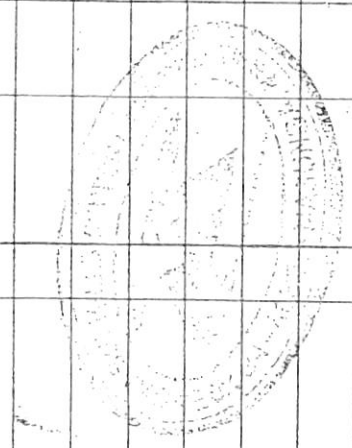


			<u>PLUG</u>	<u>IDND</u>	<u>LOST</u>
ALEXANDER	OKELO	ORUMA	954	6613169	500.000
LUKRESIA	OBBO	OKELO	954	7310394	60.000
MARIA	OMGOLA	OKELO	954	6613482	30.000
YUMIA	OLGO	OKELO	954	6612608	25.000
RUFINA	AKINYI	OKELO	954	7310415	30.000
MELDA	OBWENO	OKELO	954	7397921	20.000
DAVID	OHIRE	OKELO	954	36330213	30.000
JOSEPH	OKOMBO	OKELO	954	22826018	70.000
PATRICK	OBOMBO	OKELO	954	9735083	100.000
SAMUEL	OKOJA	MURALEA	1033	7311369	200.000
DAH	OKECH	OKOJA	1033	22746382	40.000
SAMUEL	OBORA	HYALUJA	929	6555065	100.000
CH. KRISANTUS	OYIER	ORUMA	969	6613409	500.000
CHIMESH	ODHIAMBO	OYIER	969	28661225	100.000
SINGSTER	OKINYI	OYIER	969	26166112	70.000
MARGET	ODIRA	OYIER	969	7311463	100.000
MILDREN	AUMA	OYIER	969	20359753	70.000
JAMES	OBWENO	SIMBI	953	8154636	60.000
JOSEPH	OJIENO	OBWENO	953	26808535	40.000
VITALIS	PANYAKO	MAREBIA	973	7310245	80.000
SELINA	AKINYI	PANYAKO	973	7310382	30.000
CHIMESH	JABITO	MURALEA	1014	5568673	60.000
ALDIES	OKOMBO	OMOLO	1014	7310378	40.000
SOMBORA	OBENLA	MASORO	1044	7311649	60.000
MARGET	ADOMO	SOMBORA	1044	8154926	30.000
SAKAYO	ORWARU		1917	1587465	60.000
PETESOM	DURAU	SAKAYO	1917	26720741	60.000
JOSEPH	MGESI	SAKAYO	1917	2647988	40.000
MANKU	DYULA	CHALAMA	1032	7310461	60.000
MOT	OBWANTA	UNDOLA	988	6613575	70.000
SERFINA	AKOJA	OCHOLA	988	6613566	40.000
SIRINA	AKEYO	OCHOLA	988	7311576	30.000
WULIER	ODETE	OCHOLA	988	2834114	20.000
KENEDI	ODHIAMBO	OMOLA	1044	363229493	20.000
MACK	OJIENO	PANYAKO	973	23846648	60.000
ZAKARIA	HYAKOYO	HYALORA	941	1589836	80.000
PASKARIA	MOKOBI	ZAKARIA	941	2699421	40.000
JOLES	KERUBO	ZAKARIA	941	112550654	40.000
BEATRIS	HYANCHERA	ZAKARIA	941	23247254	45.000
ONCHANLU	DAVID	ZAKARIA	941	26685127	60.000
DORINE	KEMUNTO	ONCHANLU	941	20685140	30.000
JOSEPH	MALINA	ZAKARIA	941	25664103	50.000
EVALINE	NYANCHAMA	MALINA	941	36072733	20.000
WILSON	MAMBUTI	ZAKARIA	941	29841042	30.000
PETER	OCHIENL	SIMBI	952	73097763	60.000
ANDREW	ONYANLU	OBOMBO	1058	66133444	100.000
ISACKA	OCHIENL	OKELO	954	12480496	60.000
MUSA	OURG	OPAI	926	7311251	100.000
JOSEPH	ABICH	OURG	926	14547412	60.000

KIMBE - KIBURA HOMESTAYS BESTRATIFICATION

ID	NAMES	PLOT NO		NO HOUSES BURNED	TOTAL COST		SILVANA COMMENTS
		NO	NO		HOUSE COST	PHONE COST	
01	MAKORI JINA ACHANBO	4089	7310915	03	380,000	0708520838	XXX Rudolf
02	ROTHARS DLORO KIRO	"	13192099	04	500,000	0715592249	Quaker
03	MADRICE DUCHA MAKORI	4090	20958684	07	200,000	0708520838	Abelone
04	ALPHONSE ODHAMBO DLORO	"	30670783	02	350,000	0713026848	Roger Tobiano
05	DANCAN OCHIENY KIRO	4043	26426995	02	380,000	0706452339	Roger
06	JOSEPH DKEYO KIRIRO	4033	13655509	03	350,000	0714519144	Joseph
07	BANKAN OCHIENY KIRO	"	24691071	04	250,000	0729350382	Joseph
08	JANE BONKAREL NDIGBE	2604	12605380	02	950,000	0728778227	Joseph
09	BERICK MIYOGA NBIGBE	"	30554374	01	150,000	0728178227	Joseph
10	JASTIX DSEKE NBIGBE	"	31973737	01	40,000	0728178227	Joseph

27	WILLIAM MAKORA OMUGIA	1468	6613563	SEMI 3 GRASS 6		8
28	RAPHAEL OUKO MAKORIA	11	9397900	SEMI 2 GRASS 3	0788671327	6
29	ANDREW OKWACH MAKORIA	17	26810087	GRASS 2	N/A	4
30	ISACK OCHIENG MAKORIA	11	23686024	GRASS 2	N/A	2
31	LUCAS MAKOMIA MAKORIA	11	26810365	GRASS 2	0739597246	2
32	PETER OGENGIA OMUGIA	1437	6613584	SEMI 3 GRASS 6	0713676987	8
33	GEORGE ODHAMBO OGENGIA	11	28955942	GRASS 2	0725285813	2
34	MICHAEL ADIEM OTIENO	1479	9397959	SEMI 2 GRASS 4	N/A	4
35	PAMELA AKINI ODUOL	1479	21389634	SEMI 1 GRASS 2	N/A	3





NO	NAME	REL	PH	STATION	DATE	TIME	TYPE	REMARKS
01	JAMES MACHACHE KEI		11478	8155591	11478	07052-0167	SEMI 2 GRASS 5	0
02	TUBIAS ODHIAMBO JAMES		17	28149087	17	0700740827	GRASS 3 MATCHED	1
03	JULIUS OCHIENO JOHN		77	29635101	77	0708726482	GRASS 1	1
04	LUCIA AOKO KELLA		77	7848862	77	N/A	GRASS 2	2
05	LARIUS OKIACH OMUGA		4469	7316240	4469	0729307537	SEMI 2 GRASS 2	7
06	BENARD ONYANGO OKIACH		77	24106878	77	0708675236	GRASS 1	3
07	AUSTINE OKIACH OMUGA		77	25581409	77	0724435944	GRASS 1	2
08	PHILIP OKIACH OMUGA		77	28149020	77	0711602705	GRASS 1	1
09	ALPHONCE OMUGA OKIACH		77	31805340	77	N/A	GRASS 1	2
10	MOURICE OCHOZA KELLA		4478	13892690	4478	N/A	SEMI 3 GRASS 6	2
11	JOSEPH OWISO OMUGA		4469	815437	4469	N/A	SEMI 1 GRASS 2	2
12	PETER OWUOR OWISO		77	24260792	77	0720806267	GRASS 2	2
13	DANIEL OTIENO OWISO		77	23685945	77	0721258660	GRASS 2	2
14	ANDREW ONYANGO OWISO		77	29783861	77	0716025874	GRASS 2	1
15	MICHAEL OMUGA OWISO		77	72458774	77	0724709205	SEMI 2 GRASS 2	1
16	BONIFACE OMUGA OWISO		77	32052121	77	0705357286	GRASS 1	2
17	WALTER OMUGA OWISO		77	6613386	77	072853286	GRASS 1	5
18	JOHN ODUOK OMUGA		4471	6613386	4471	N/A	SEMI 2 GRASS 2	2
19	DANIEL OMUGA ODUOK		77	25664009	77	0788117846	GRASS 2	2
20	WALTER OMIYI ODUOK		77	28147357	77	0710384444	GRASS 2	2
21	EVANCE ODHIAMBO OMUGA		77	82819470	77	0717217701	GRASS 1	8
22	JEREMIA OKETCH OMUGA		4470	7311533	4470	0707833673	SEMI 3 GRASS 4	8
23	MOURICE OMUGA OKETCH		77	91913335	77	N/A	GRASS 1	1
24	BONZ ONYANGO OKETCH		77	30033040	77	0706934705	GRASS 1	1
25	BZEKIEZ OTIENO OKETCH		77	28151251	77	N/A	GRASS 2	2
26	KENNEDY ODHIAMBO OKETCH		77	28151251	77	N/A	GRASS 2	2





**STATEMENT BY THE CABINET SECRETARY PROF. JUDI W. WAKHUNGU,  
MINISTRY OF ENVIRONMENT, WATER AND NATURAL RESOURCES  
PRESENTED TO THE PARLIAMENT DEPARTMENTAL COMMITTEE ON  
ENVIRONMENT AND NATURAL RESOURCES ON 17<sup>TH</sup> MARCH 2015**

**(1) Government Policy on gazettment and degazettment of forests and forest reserves.**

**(a) Government policy on gazettment of forests and forest reserves.**

**Hon Chair,** In regard to the Government policy on gazettment of forests and forest reserves, my Ministry is committed to increasing forest cover to the required minimum of 10% as stipulated by the Constitution of Kenya 2010, in order to achieve this goal, it is necessary that new forest area are identified in consultation with stakeholders and communities for gazettment and for increased tree planting.

While undertaking this process, priority will be accorded to the areas and forests that are:

- Important water catchment areas or sources of water springs;
- Rich in biodiversity and contain rare, threatened or endangered species;
- Significant in culture and for scientific development;
- Important in supporting industry and are sources of supporting livelihood of the communities

**(b) Government policy on degazettment of forests and forest reserves.**

**Hon. Chair,** In regard to degazettment of forests and forest reserves, this would only be considered in the public interest. Therefore, degazettment of any forest shall only be considered where the proposal has been subjected to the due process in accordance with Section 28 of the Forest Act 2005.

**Hon. Chair,** no degazettment of forests or forest reserves shall be recommended unless:

- It has been approved by the Forest Conservation Committee as mandated under Forests Act, 2005 for the area in which the forest is situated;
- It is satisfied that such variation of boundary or cessation of forest area proposed by a notice does not adversely affect biodiversity and water catchment areas;
- The proposal has been subjected to an independent Environmental Impact Assessment; and
- Public consultations in accordance with the Third Schedule of the Forests Act, 2005 has been undertaken and completed in relation to the proposal.

Having followed the above request would then require to submit to Parliament for approval.

## **(2) Petitions**

### **(i) Petition on Eviction of Residents from Gwasii Hills Forest Reserve**

(a)Gazettement of Gwassii Hills Forest and size of gazetted area;

**Hon. Chair,** In respect to gazetttment and the size of Gwassii Hill Forest reserve, I wish to state as follows:

- The request came from the then South Nyanza County Council Vide Letter Ref. No. CC/A & F/10/1/9/Vol.11/97 dates 30<sup>th</sup> September, 1983. This was supported by the Minutes of a Special Council Meeting held in the Council Chamber at Homa Bay on 28<sup>th</sup> January, 1983;
- The then Forest Department consulted with all the stakeholders in the region to seek for consensus on the demarcation and eventual gazetttment of the forest area;
- The forest area was surveyed in the period between 2003 and 2004 with full participation of the communities;

- The forest was gazetted vide Legal Notice No. 106 of 2005 in order to enhance its protection and conservation.
- The size of the gazetted forest area is **4,835.7 hectares** and this what my Ministry and the local Community Forest Association is currently managing on sustainable basis.

(b) Eviction of residents from Gwasssi Hills forests

**Hon. Chair,** Since the establishment of the forest boundary in 2004, my Ministry and the Gwasssi Community Forest Association have effectively been protecting the forest and therefore there have no squatters to be evicted.

(c) Compensation if any for those affected during eviction

**Hon. Chair,** As I have stated there are no squatters who should have been evicted therefore, no compensation is anticipated to arise.

(d) The role of the public during the gazettelement of the forest

**Hon. Chair,** The role of the public in the process of gazetting Gwasssi above forest was as follows:

- The local community and the elected leaders South Nyanza County Council wrote to my Ministry requesting for the Government intervention in order to enhance protection and management of the forest in rder to mitigate against deforestation and encroachment;
- The public was involved in the actual demarcation of the forest boundary;
- The public through the elected leaders at the then County Council were informed and then concurred with the forest boundary plan.
- No objection was raised during the stipultaed period of 28 days in accordance with Forest Act Cap 385.

**Hon. Chair,** The gazettement of Gwasii forest Reserve followed the due process in full consultation with local communities and the South Nyanza County Council.

**(ii) Petition on the Degazettement of Wayu Forest**

(a) Process of gazettement of Wayu forest and size of gazetted area

**Hon. Chair,** In regard to degazettement of Wayu forest, I wish to respond by clarifying to this honourable committee that Wayu Forest was an unalienated government land designated for forest conservation. The process of gazettement was therefore guided by the provisions of Section 23 on creation of forest area under Act.

The area gazetted is approximately **42,512.2ha**.

**(b) Reasons for the gazettement of the area which is predominantly occupied by pastoralist communities.**

**Hon. Chair,** My Ministry gazetted Wayu Forest Reserve because it was unalienated government land which was faced with serious threats of degradation, and being ecologically sensitive and rich in biodiversity as well a water catchment area.

**(c) Why the surrounding Riverine areas such as Mchelelo, Sabaki Forest are not gazetted yet Wayu Forest which is in the hinterland was gazetted?**

**Hon. Chair,** My Ministry remains committed to the government goal of gazetting more areas into forest reserves in order to enhance conservation and management for posterity. Therefore, we are in the process of gazetting more forest areas including Mchelelo and Sabaki forests among others in consultation with stakeholders.



**Prof. Judi W. Wakhungu**  
Cabinet Secretary

Ministry of Environment, Water and Natural Resources



## ISSUES ON GWASSI HILLS FOREST RESERVE - MEETING WITH PARLIAMENTARY COMMITTEE ON ENVIRONMENT

### Background information

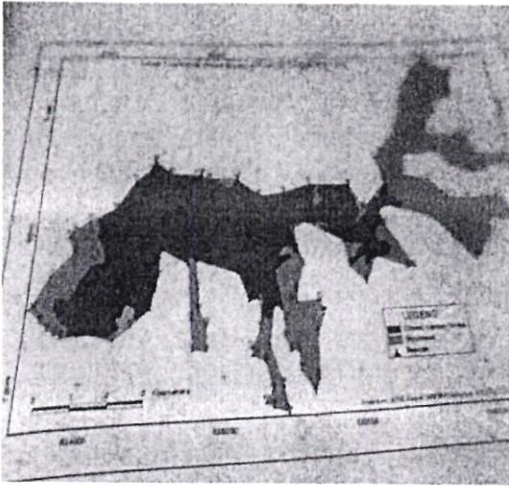


Fig 1. Part of Gwaasi Hills Forest Reserves in 1973

The Gwaasi Hills Forest reserve comprises of conglomeration of local hills predominantly of moist closed canopy natural forests and semi deciduous shrubby woodland that is found critical for socio-economic and ecological status of the area. The forest reserve support local livelihoods that include livestock keeping in the area, the presence of traditional shrines makes it culturally sensitive to the Suba community, the reserve is a habitat of rare, threatened and endangered species of plants and animal kingdoms and is migratory trajectory of the adjacent Ruma National Park. The reserve is a very critical watershed and a source of several water springs and streams currently supporting water bottling Company operating in the area.

The delineation of Gwaasi Hills Forest Reserve was first considered a culturally protected forest reserve in 1950 by the colonial government to protect the underlined intrinsic socio-economic and the ecological integrity of the ecosystem and the native forest communities under traditional management of the local elders around the hills at that time.

Due to challenges of management, the Elders then petitioned the then South Nyanza County Council to provide legal provisions and management to sustainably protect the hill from eminent threats of encroachment, human settlement, opening up the forest reserves for agricultural expansion and other forms of forest destruction. In 1983 the County Council in the full Council resolution set aside part of the area measuring 12,140 Ha as a trust land for a Forest reserve under the auspices of the then County Council of South Nyanza.

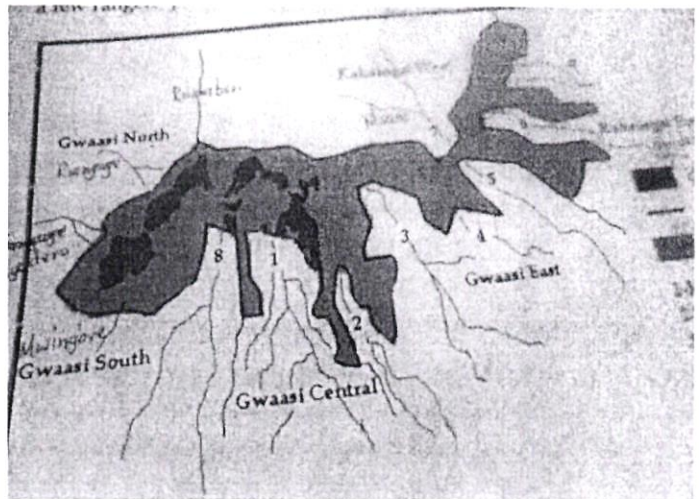


Fig2: Areas encroached, Forest Cover changes & the water springs and Streams not included in areas gazetted & currently under serious threat of extinction from encroachment & agricultural activities

The Gwassi Hills forest trust land then transferred to then Suba County Council following its creation under which the Forest reserve was then managed. The County Councils in 1980s and in the 1990s entered into a management arrangement with the then Forest Department for the Management of the trust land.

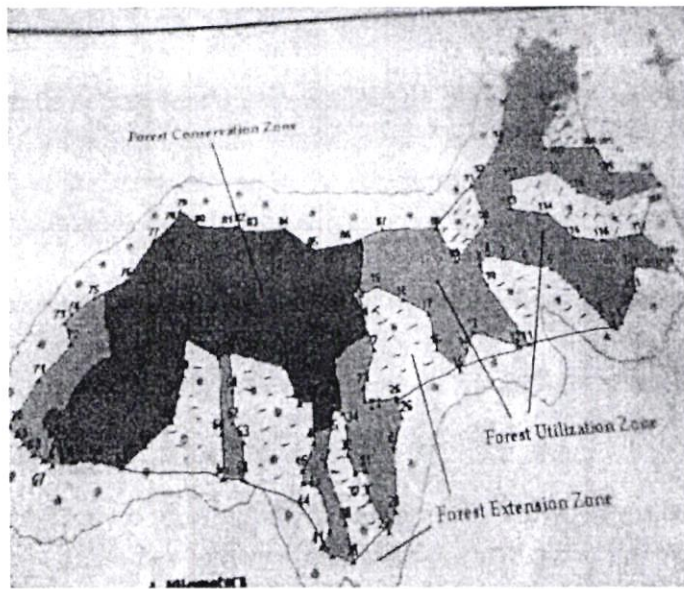


Fig 3; Zonation of portions of the Gwassi Hills Forest Reserve into Consumptive & Non Consumptive areas

The active involvement and the participation of the Local NGOs led by Osienala and the Suba Green Forest Investment Initiative to stop wanton destruction of the forest reserve managed to mobilize the local Community, critical stakeholders and the then Local Authority for the deliberate engagement with the provisions of the Forest Act 2005 for the official gazettelement of the Gwassi Hills Forest reserve which eventually materialized through the Legal Notice No 106 of 2005 in accordance of Sec 23 & 24 of the Forest Act 2005.

### Key Milestones and Achievements

- i. Pursuant to provisions of Sec 46, the Local forest communities formed and eventually registered the Gwassi Hills Forest Conservation Association (GHFCA) to promote and link sustainable and participatory forest management between Kenya Forest Service and the adjacent Forest Community in Gwassi and Suba.
- ii. Pursuant to sec 35 of the Forest Act 2005, the Gwassi Hills Forest Conservation Association (GHFCA) development a comprehensive 2013 – 2017 Gwassi Hills Forest Management plan to promote socio-economic wellbeing of Suba Community and restore and rehabilitate the degraded ecological integrity of the forest.
- iii. Pursuant to sec 36 of the Forest Act 2005, the Gwassi Hills Forest Conservation Association (GHFCA) entered on behalf of the adjacent Forest Communities in Gwassi entered into A management Agreement with the Director Kenya Forest Service conferring forest User Rights to the Community.
- iv. Kenya Forest Service and the GHFCA has engaged in strategic, community and critical stakeholder's forum and mobilization for financial support from within and without for the restoration of the socio-economic and ecological integrity of the Gwassi Hills Forest Reserve



## Challenges encountered

- i. Inadequate funding to comprehensively undertake the implementation of the elements of the Management Plan and the agreement
- ii. Influx of squatters and political patronage and incitements hence arson to destroy critical ecosystem and water catchment areas for settlement and agriculture
- iii. Continued encroachment by immigrants has heightened tensions as the natives view the immigrants as a political voting basket favored by certain politicians
- iv. Disappearance and drying up of catchment areas and streams hence inadequacy surface and ground water supply to residents
- v. Erratic local rainfall distribution thus reduced agricultural productivity due from the disturbance on the ecological and the local hydrological regimes of the hills and the adjacent Lake Victoria.

## Way forward

Several Community and critical stakeholder engagements have organized with propelling way forward and resolutions geared towards saving and restoration of the socio-economic and ecological integrity of the Gwasssi Hills Forest Reserve as under:

- i. Delineate and Gazette the additional critical water catchment areas that were left out in the previous forest gazettelement.
- ii. Humane relocation of humanities settled on areas with conservational values as outlined in the 1983 full Councils Resolutions of the South Nyanza County Council.
- iii. Immediate buffering and eviction of squatters that have continually encroached on the protected and gazetted forest areas
- iv. Meaningful engagement with a development Partner for the provision of Forest conservational Funds for Gwasssi Hills Forest Reserve





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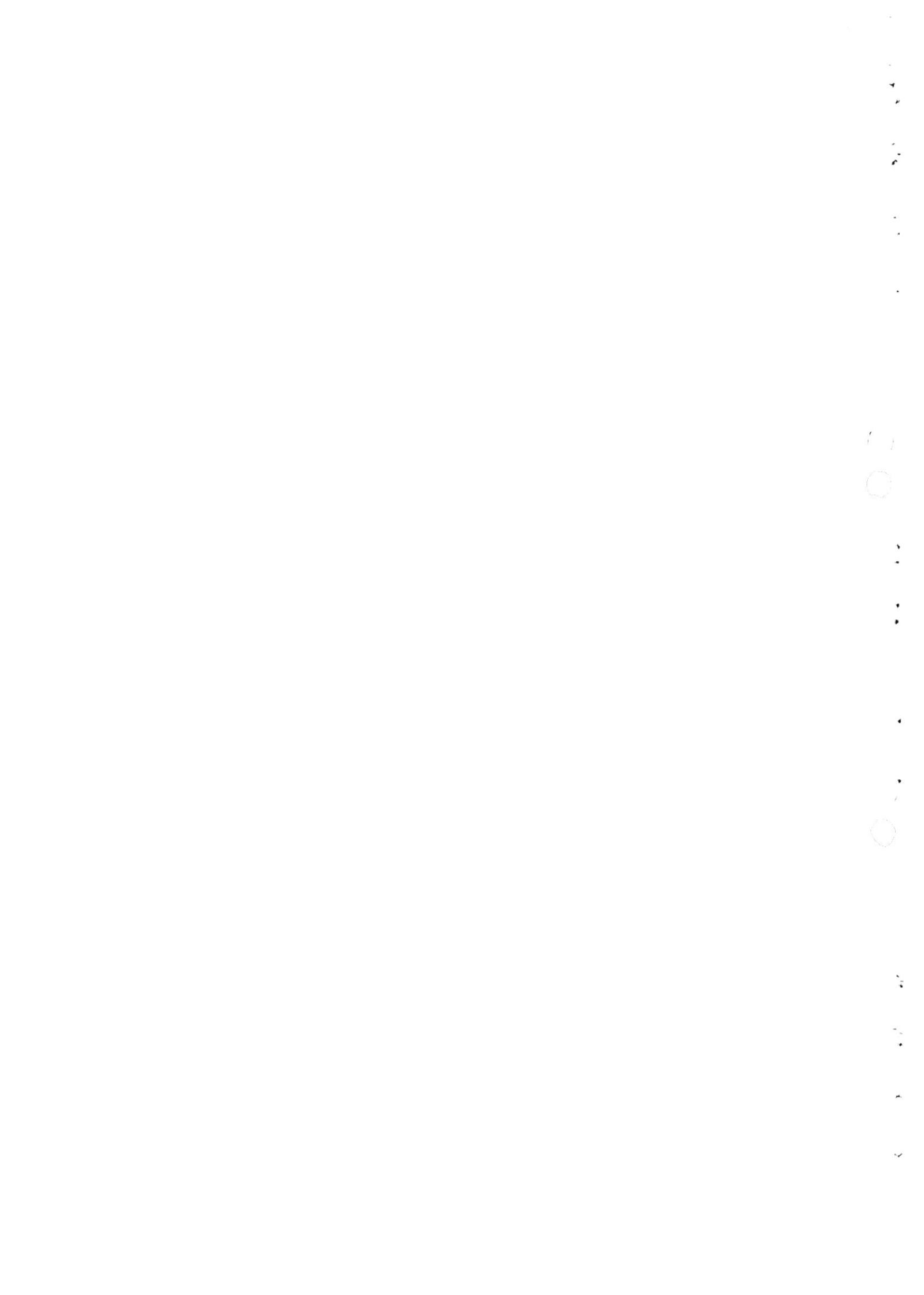
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# COUNTY COUNCIL OF SOUTH NYANZA

Telephone No. 2111  
Mombasa P.O. Box 200  
Mombasa P.O. Box 200  
Mombasa P.O. Box 200

COUNCIL HOUSE,  
P. O. Box 200,  
MOMBASA,  
KENYA.

13th Sept. 1983.

The District Forest Officer,  
Ministry of Environment and Natural Resources, *Box 56*  
P.O. Box 56,  
Mombasa.

## TRANSFER OF FOREST AREAS IN SOUTH NYANZA.

The information requested about the above subject vide your letter Ref. No. LA/00/13/1/0/68 of 9th September, 1983 September, 1983 refers and is hereunder.

- (i) All the titles listed in the above referred letter are all South Nyanza registered in the name of South Nyanza County Council and no compensation would be required.
- (ii) Your Council has no objection to the District Land Registrar instituting transfer procedures and would in view of this to proceed urgently.
- (iii) Your Council understands that this arrangement will provide increased financial income and other benefits through contribution in lieu of rates levied on forest services etc.

*[Signature]*  
(1301 G. O. IANU)  
CLERK,  
SOUTH NYANZA COUNTY COUNCIL.

S.S.  
The District Forest Officer,  
Mombasa.

13th Sept. 1983  
13th Sept. 1983  
13th Sept. 1983  
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13th Sept. 1983

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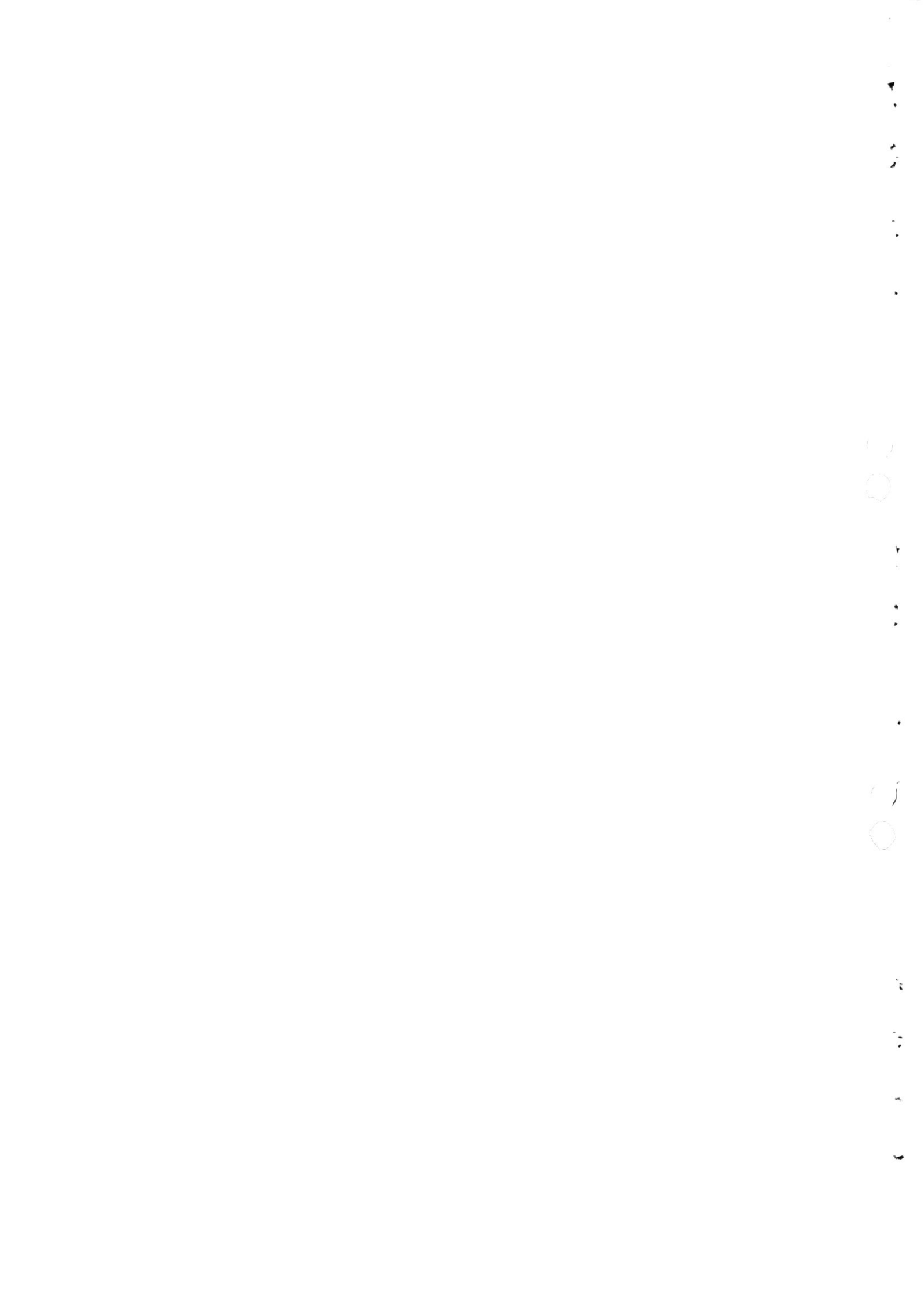




THE UNIVERSITY OF CHICAGO  
DEPARTMENT OF CHEMISTRY  
RECORDS

Year	Description	Page
1951	General ledger	1-10
1952	Accounts payable	11-20
1953	Accounts receivable	21-30
1954	Inventory	31-40
1955	Fixed assets	41-50
1956	Payroll	51-60
1957	Grants	61-70
1958	Travel	71-80
1959	Supplies	81-90
1960	Equipment	91-100
1961	Depreciation	101-110
1962	Retirement	111-120
1963	Insurance	121-130
1964	Utilities	131-140
1965	Telephone	141-150
1966	Postage	151-160
1967	Printing	161-170
1968	Advertising	171-180
1969	Legal	181-190
1970	Professional fees	191-200
1971	Consulting	201-210
1972	Research	211-220
1973	Teaching	221-230
1974	Administration	231-240
1975	Student services	241-250
1976	Library	251-260
1977	Physical plant	261-270
1978	Construction	271-280
1979	Capital projects	281-290
1980	Endowment	291-300

1981  
1982  
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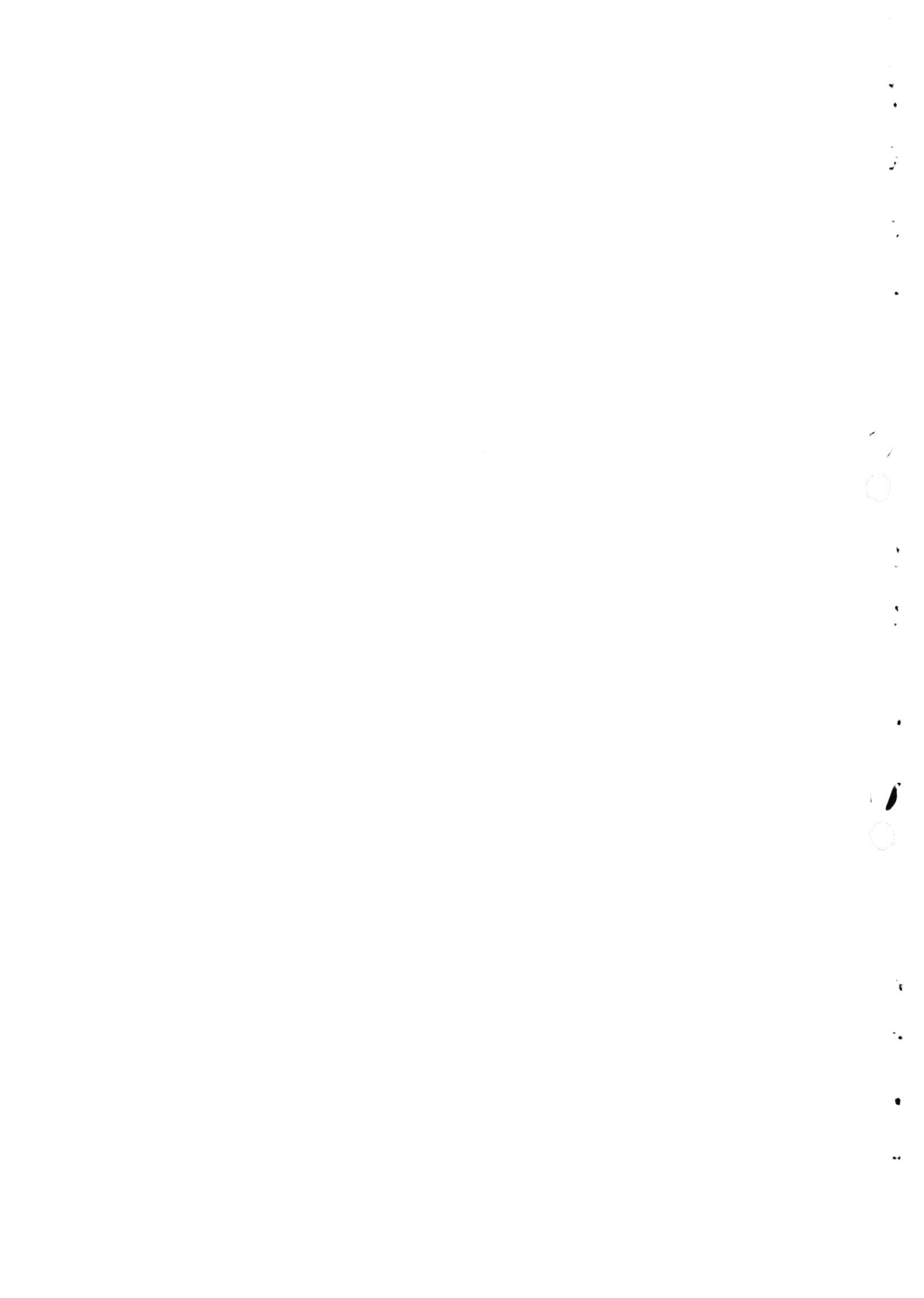


THE UNIVERSITY OF CHICAGO

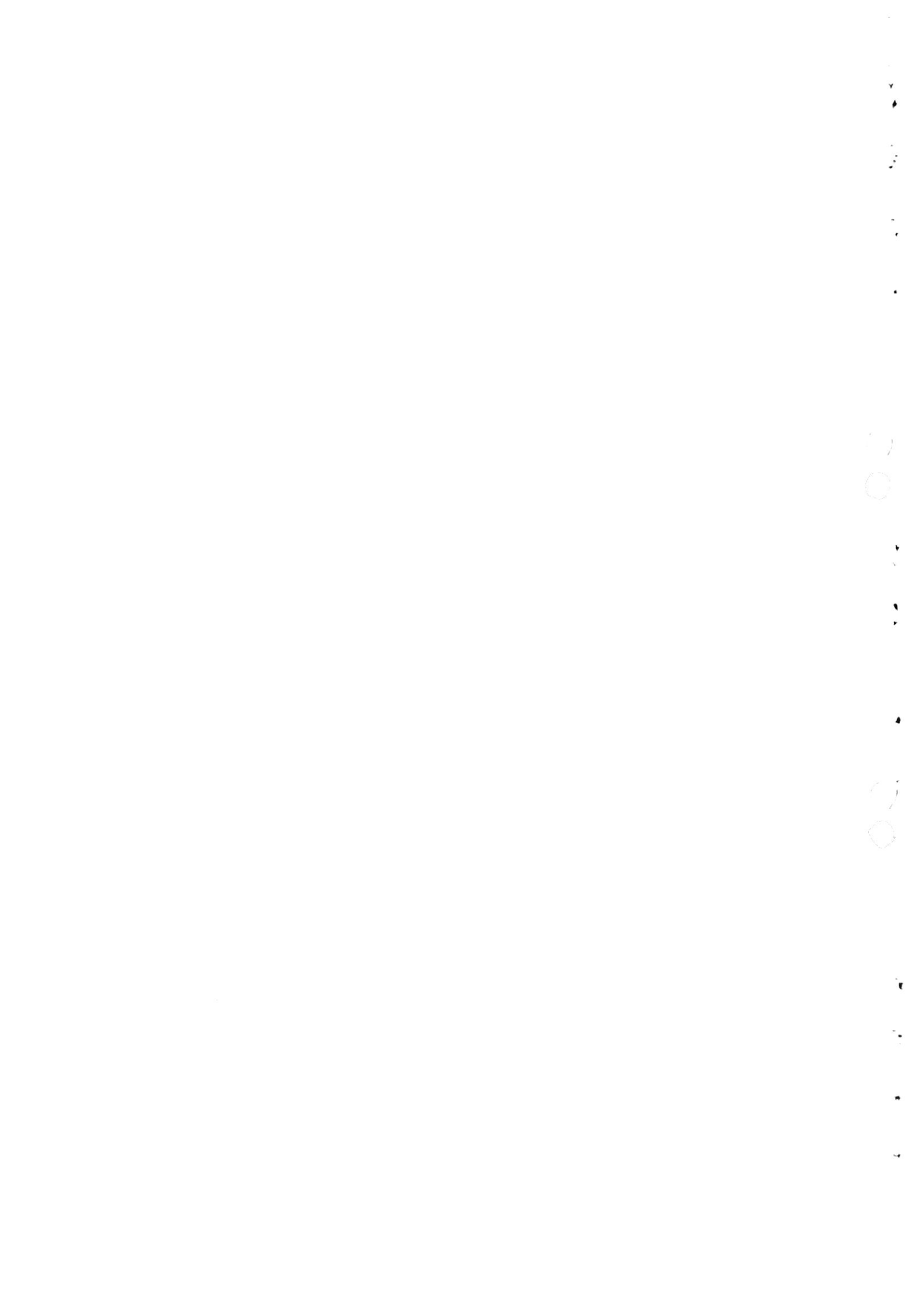
PHYSICS DEPARTMENT  
5720 S. UNIVERSITY AVE.  
CHICAGO, ILL. 60637  
TEL: 773-936-3700  
FAX: 773-936-3701  
WWW: WWW.PHYSICS.UCHICAGO.EDU

PHYSICS 439

LECTURE 1  
INTRODUCTION  
1.1 THE SCIENCE OF PHYSICS  
1.2 MEASUREMENT AND UNITS  
1.3 VECTORS  
1.4 KINEMATICS  
1.5 DYNAMICS



Date	Description	Debit	Credit
1941	Jan 1		
	Jan 2		
	Jan 3		
	Jan 4		
	Jan 5		
	Jan 6		
	Jan 7		
	Jan 8		
	Jan 9		
	Jan 10		
	Jan 11		
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	Jan 20		
	Jan 21		
	Jan 22		
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	Jan 24		
	Jan 25		
	Jan 26		
	Jan 27		
	Jan 28		
	Jan 29		
	Jan 30		
	Jan 31		
	Feb 1		
	Feb 2		
	Feb 3		
	Feb 4		
	Feb 5		
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	Feb 28		
	Feb 29		
	Feb 30		
	Feb 31		



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Section 1  
Description of the project  
and its objectives

Item	Quantity	Unit	Price	Total
1.000	100	kg	1.500	1.500,00
2.000	50	kg	2.000	1.000,00
3.000	20	kg	3.000	600,00
4.000	10	kg	4.000	400,00
5.000	5	kg	5.000	250,00
6.000	2	kg	6.000	120,00
7.000	1	kg	7.000	700,00
8.000	1	kg	8.000	800,00
9.000	1	kg	9.000	900,00
10.000	1	kg	10.000	10.000,00
11.000	1	kg	11.000	11.000,00
12.000	1	kg	12.000	12.000,00
13.000	1	kg	13.000	13.000,00
14.000	1	kg	14.000	14.000,00
15.000	1	kg	15.000	15.000,00
16.000	1	kg	16.000	16.000,00
17.000	1	kg	17.000	17.000,00
18.000	1	kg	18.000	18.000,00
19.000	1	kg	19.000	19.000,00
20.000	1	kg	20.000	20.000,00
21.000	1	kg	21.000	21.000,00
22.000	1	kg	22.000	22.000,00
23.000	1	kg	23.000	23.000,00
24.000	1	kg	24.000	24.000,00
25.000	1	kg	25.000	25.000,00
26.000	1	kg	26.000	26.000,00
27.000	1	kg	27.000	27.000,00
28.000	1	kg	28.000	28.000,00
29.000	1	kg	29.000	29.000,00
30.000	1	kg	30.000	30.000,00
31.000	1	kg	31.000	31.000,00
32.000	1	kg	32.000	32.000,00
33.000	1	kg	33.000	33.000,00
34.000	1	kg	34.000	34.000,00
35.000	1	kg	35.000	35.000,00
36.000	1	kg	36.000	36.000,00
37.000	1	kg	37.000	37.000,00
38.000	1	kg	38.000	38.000,00
39.000	1	kg	39.000	39.000,00
40.000	1	kg	40.000	40.000,00
41.000	1	kg	41.000	41.000,00
42.000	1	kg	42.000	42.000,00
43.000	1	kg	43.000	43.000,00
44.000	1	kg	44.000	44.000,00
45.000	1	kg	45.000	45.000,00
46.000	1	kg	46.000	46.000,00
47.000	1	kg	47.000	47.000,00
48.000	1	kg	48.000	48.000,00
49.000	1	kg	49.000	49.000,00
50.000	1	kg	50.000	50.000,00

Total  
50.000 kg



- (xi) There are no restrictions of the movements of animals, within the area and the surrounding community will be allowed to access permanent institutions on the gazetted area while awaiting a permanent solution.
- (xii) The government is in the process of gazetting Mchelelo and Sabaki forests in consultation with stakeholders.
- (xiii) The Ministry will realign the boundaries of the forest so as to take into account the settlements that existed before gazettment. Already settled areas will be re-delineated for access by the community.

MIN.NO. DC/ENR/83/2015 - COMMITTEE OBSERVATIONS AND RESOLUTIONS

The Committee observed that the gazettment of various forest areas and reserves was done in a hurry in 2013 without taking into account public participation and already existing permanent settlements.

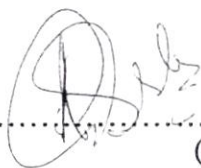
The Committee also observed that there is need for the forest department to establish clearly defined cutlines in addition to the installation of beacons along the forests boundaries.

From the submission and observations the committee made the following resolutions:

- (i) The Ministry should put clearly defined cut-lines along the forest for clear demarcation.
- (ii) The Ministry to review all gazettment of forests and reserves done in 2013;
- (iii) The Ministry should re-look at the Forest Act and in particular section 28 and in consultation with communities begin the process of degazetting sections of Wayu forest where human settlement existed prior to the gazettment.

MIN.NO. DC/ENR/84/2015 ADJOURNMENT

There being no other business the meeting was adjourned at quarter past twelve O'clock.

SIGNED.....  
  
 (Chairperson)

DATE.....  
 19/MARCH/2015

**(b) Government policy on degazettment of forests and forest reserves**

- (iii) The degazettment of forests and forest reserves would only be considered in the public interest and this shall only be considered where the proposal has been subjected to the due process in accordance with section 28 of the Forest Act, 2005.

**(c) Petition on Eviction of Residents from Gwasssi Hills Forest Reserve**

- (iv) The request for the gazettment of Gwasssi Hills Forest came from the then South Nyanza County Council. The then Forest Department consulted with all stakeholders in the region to seek for consensus on the demarcation and eventual gazettment of the forest area.
- (v) The public was fully involved in the actual demarcation of the forest boundary and through their elected leaders at the then County Council, the public was informed and concurred with the forest boundary plan. No objection was raised during the stipulated period of 28 days in accordance with Forest Act Cap 385. The Gazettment of Gwasssi forest followed the due process in full consultation with local communities and the South Nyanza County Council.
- (vi) The forest area was surveyed in the period between 2003 and 2004 with full participation of the communities. The forest was gazetted vide Legal Notice No. 106 of 2005 in order to enhance its protection and conservation. The size of the gazetted area is 4, 835.7 hectares and this is what the Ministry and the Gwasssi Community Forest Association is currently managing on sustainable basis.
- (vii) There are no plans to expand the forest from the original 4,836.5 hectares unless the residents of Gwasssi desire to have it expanded. Since the establishment of the forest boundary in 2004, the Ministry and the Gwasssi Community Forest Association have effectively been protecting the forest and therefore there have been no squatters to be evicted.
- (viii) 2,000 hectares of land in Gwasssi hills is not gazetted and consultations are ongoing to build consensus on the probable gazettment of the area.

**(d) Petition on the Degazettment of Wayu Forest**

- (ix) Wayu forest was unalienated government land designated for forest conservation. The process of gazettment was guided by the provisions of section 23 on creation of forest area under the Forest Act. The process of degazettment took more than fifteen years. The gazetted area is approximately 42,512.2 hectares.
- (x) The Ministry gazetted the area because it was unalienated land which was faced with serious threats of degradation, and being ecologically sensitive and rich in biodiversity as well as being a water catchment area.



5. Mr. Hassan Odhwa - Senior Researcher I

IN-ATTENDANCE – THE NATIONAL ASSEMBLY

1. Hon. John Mbadi, M.P.

THE MINISTRY OF ENVIRONMENT, WATER & NATURAL RESOURCES

1. Prof. Judy Wakhungu - Cabinet Secretary, Ministry of Water, Environment & Natural Resources (MEWNR)
2. Mr. Gideon Gathara - Conservation Secretary DE&NR
3. Mr. Emilio N. Mugo - Acting Director KFS
4. Mr. Jeremiah Munayi - MEWNR
5. Mr. Benedict Omondi - KFS
6. Mrs. Esther Kiage - Legal officer KFS

MIN. NO. DC/ENR/80/2015 - PRELIMINARIES

The Chair called the meeting to order at 10.15 am and the proceedings started with a word of prayer followed by round of introduction.

MIN. NO. DC/ENR/81/2015 - CONFIRMATION OF MINUTES

Minutes of the 17<sup>th</sup> sitting were confirmed as a true record of the proceedings having been proposed by Hon. James Opiyo Wandayi, M.P and seconded by Hon. Samuel Ndiritu Mathenge, M.P.

MIN. NO. DC/ENR/82/2015 - MEETING WITH CABINET SECRETARY, MINISTRY OF ENVIRONMENT, WATER & NATURAL RESOURCES

The Cabinet Secretary, Ministry of Water, Environment & Natural Resources Prof. Judy Wakhungu appeared before the Committee to respond to issues raised in two petitions before the Committee. She informed the Committee that:-

**(a) Government policy on gazettment of forests and forest reserves**

- (i) The Ministry is committed to increasing forest cover to the required minimum of 10% as stipulated in the Constitution of Kenya 2010, in order to achieve this goal, it is necessary that new forest areas are identified in consultation with stakeholders and communities for gazettment and for increased tree planting.
- (ii) While undertaking this process, priority will be accorded to the areas and forests that are water catchment areas, rich in biodiversity and contain rare or endangered species, significant in culture and for scientific development, and important in supporting industry and are sources of supporting livelihood of the communities.

## APPENDIX IV

MINUTES OF THE 19<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON TUESDAY 17<sup>TH</sup> MARCH, 2015 AT 10.00AM IN THE C. P. A. ROOM, MAIN PARLIAMENT BUILDINGS.

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### PRESENT

1. Hon. Abdalla Amina, M.P. – Chairperson
2. Hon. Wandayi James Opiyo, M.P.
3. Hon. Farah Abdulaziz Ali, M.P.
4. Hon. Dr. Wanyonyi Reginalda N. M.P.
5. Hon. Tonui Ronald Kiprotich, M.P.
6. Hon. Rop Jackson Kipkorir, M.P.
7. Hon. Ottichilo Wilber Khasilwa, M.P.
8. Hon. Geni Charles Mong'are, M.P.
9. Hon. Ndiritu Samuel Mathenge, M.P.
10. Hon. Abdinoor Mohammed Ali, M.P.
11. Hon. Ogalo George Oner, M.P.
12. Hon. Ole Kenta Richard Moitalel, M.P.
13. Hon. Mwashetani Khatib, M.P.
14. Hon. Kathuri Murungi, M.P.
15. Hon. Dukicha Hassan Abdi, M.P.
16. Hon. Ganya Francis Chachu, M.P.
17. Hon. Muluvi Marcus Mutua, M.P.

### ABSENT WITH APOLOGIES

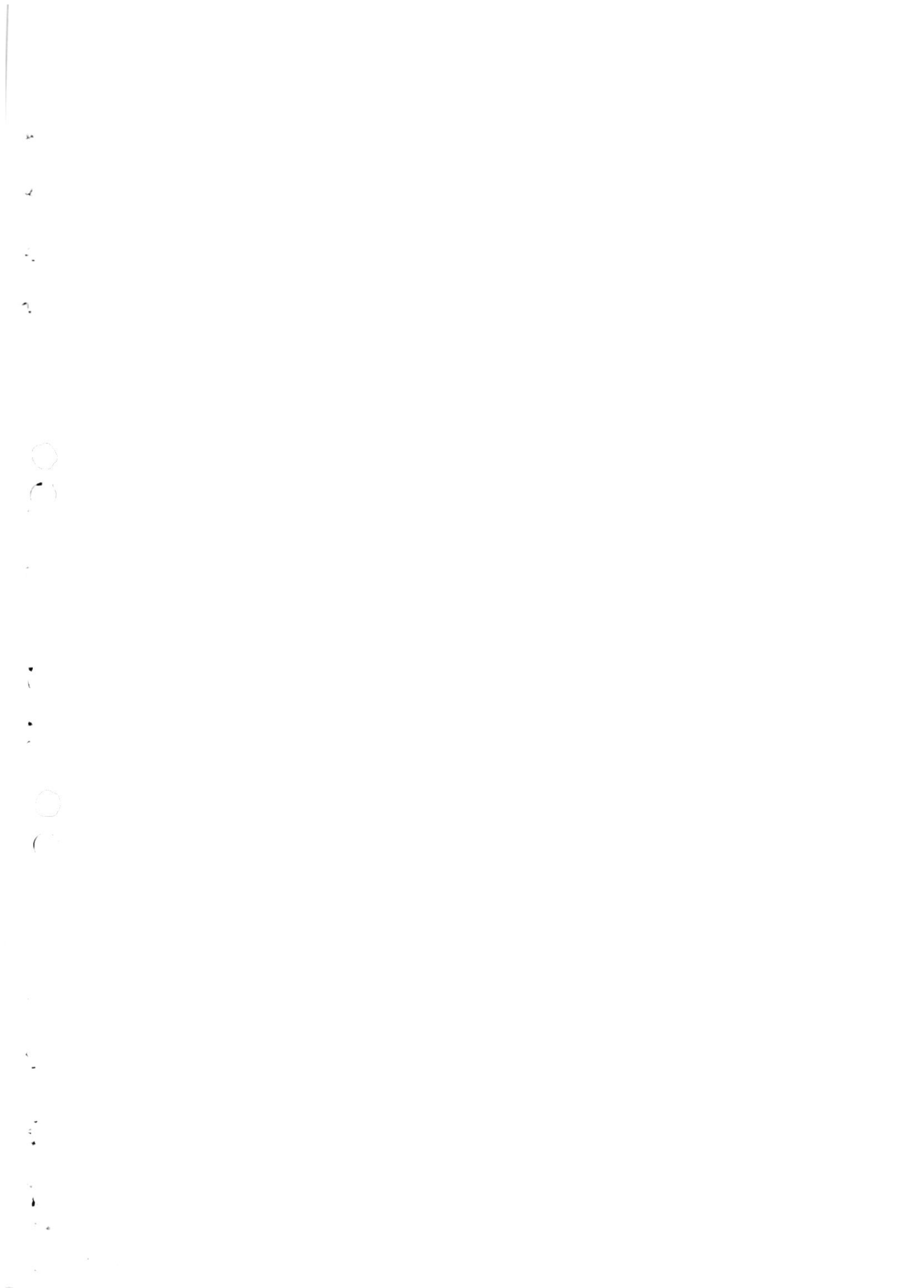
1. Hon. Alexander Kosgey, M.P. – Vice Chairperson
2. Hon. Barua Ejidius Njogu, M.P.
3. Hon. Peter Kinyua, M.P.
4. Hon. Mohamed Diriye Abdullahi, M.P.
5. Hon. Emanikor Joyce, M.P.
6. Hon. Jude Njomo, M.P.

### ABSENT WITHOUT APOLOGY

1. Hon. Ng'ang'a Alice Wambui, M.P.
2. Hon. Katana Aisha Jumwa, M.P.
3. Hon. Sunjeev Kour Birdi, M.P.
4. Hon. Irea Gideon Mwiti, M.P.
5. Hon. Gure Shukra Hussein, M.P.

### IN-ATTENDANCE – THE NATIONAL ASSEMBLY

1. Mr. Nicholas Emejien - Ag. Deputy Director Committees
2. Ms. Tracy Chebet Koskei - Clerk Assistant II
3. Mr. Joshua Ondari - Clerk Assistant III
4. Ms. Lynette Otieno - Legal Counsel II





BOUNDARY PLAN NO. 175/406

NOTE: GRID VALUES IN METERS

Name: GWASSI HILL FOREST

B.P. No.: 12971

Topo. N.I.M.: 12971

File No.: SOUTH-WEST OF HOMA BAY TOWN

Suba: S.M. SANJAYA FOREST DEPT/DORA 1-12-2003

B.P. Prepared by: S.M. SANJAYA FOREST DEPT/DORA 1-12-2003

B.P. Checked by: DORA

Date: DORA

SIGNATURE OF OFFICER: [Signature]

Date: 11/2/03

FOR CHIEF CONSERVATION OF FORESTS OFFICE REQUESTING B.P.

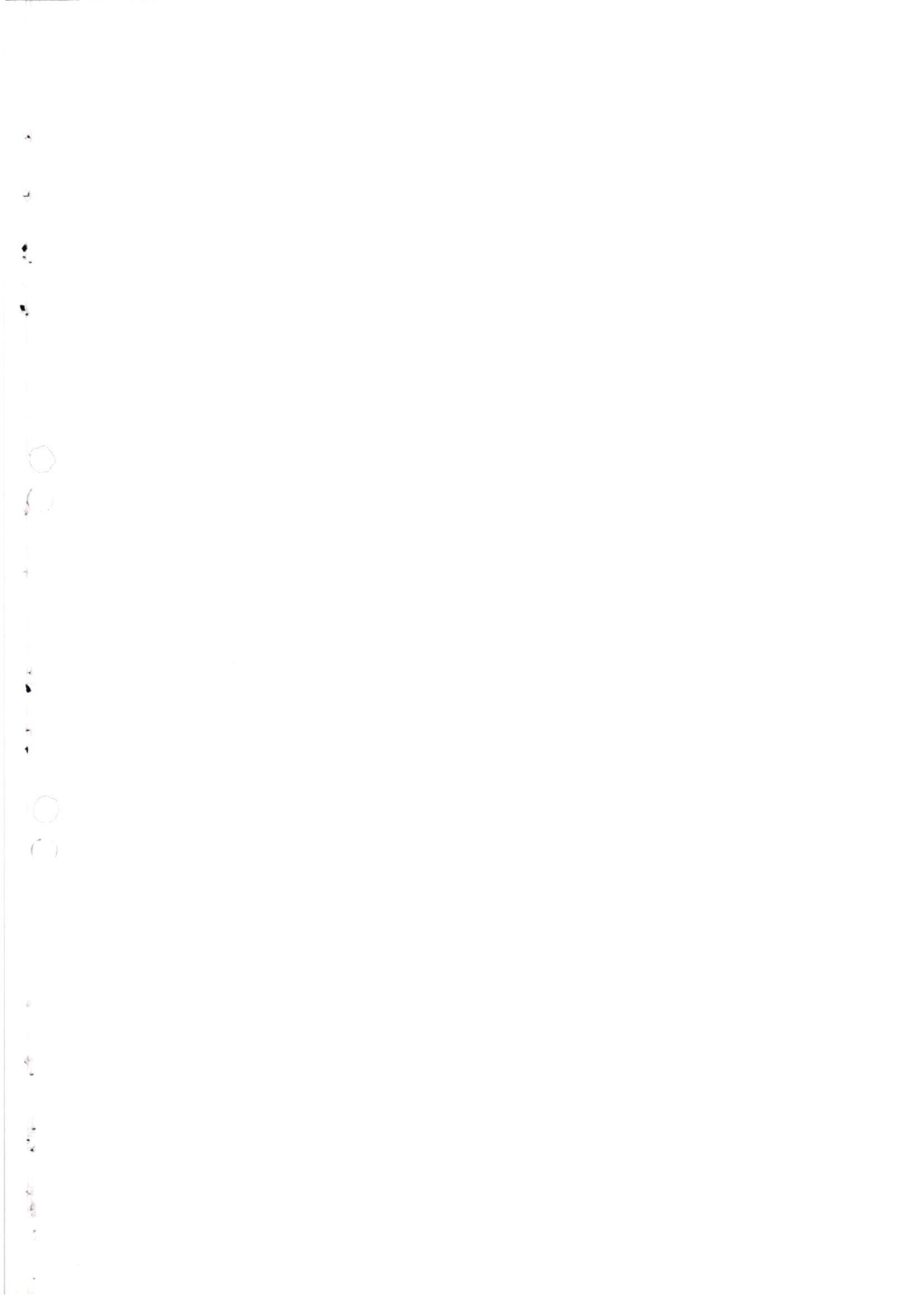
FOR DIRECTOR OF SURVEYS: DORA

GWASSI HILL FOREST

Area: 4,835.7 Ha (Approx.)

Scale 1:50,000







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