

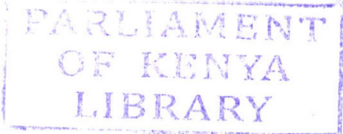


REPUBLIC OF KENYA

Handwritten notes: "Uppu" and "5/17/23"

Handwritten notes: "Hon. Speaker, you may refer to the committee, 12/23"

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (SECOND SESSION)



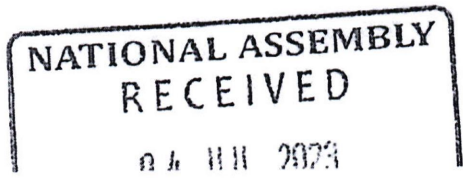
PUBLIC PETITION
(No. 15 of 2023)

REGARDING DECLARATION OF MUKUTANI FOREST AS A PUBLIC FOREST

I, the **UNDERSIGNED**, on behalf of the residents of Baringo County;

DRAW the attention of the House to the following:

1. **THAT**, Article 1 of the Constitution of Kenya 2010 reposes all sovereign authority in the people of Kenya;
2. **THAT**, Article 10 of the Constitution provides for the national values and principles of governance which bind all State organs, State officers, State officers and all persons whenever any of them applies or interprets the Constitution; enacts, applies or interprets any law; makes or implements public policy decisions, and which values and principles include public participation;
3. **THAT**, Article 63 of the Constitution of Kenya recognizes Community Land and provides that the land shall vest in and be held by communities identified on the basis of ethnicity, culture or similar community of interest;
4. **THAT**, under Section 8 of the Forest Conservation and Management Act 2016, Kenya Forest Service is bestowed with the responsibility of conserving, protecting and managing all public forests in Kenya.



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THAT, under **Section 31 (2)** of Forest Conservation and Management **Act, 2016**, before declaring any section as a public forest, the Cabinet Secretary is required to consult the National Land Commission;

THAT, the Second Schedule of Forest Conservation and Management **Act, 2016** makes provisions for public participation;

.THAT, in the said Legal Notice, the said then Cabinet Secretary decreed that the alleged Mukutani Forest is an area of land approximately **13, 185.8 hectares**;

THAT, your humble petitioners herein contend that they were not involved in the decision of the then Cabinet Secretary Hon. Judi W. Wakhungu contained in the **Legal Notice No. 265** dated **27/10/2017**;

THAT, the area described in the schedule to **Legal Notice No. 265** is a community land by dint of **Article 63** of the Constitution of Kenya;

THAT, the said area is and continues to be occupied by three communities namely Pokot, Tugen and Ilchamus;

THAT, further, the petitioners contend that their elected representatives, to whom they have delegated their power to, were also not consulted;

THAT, there is no forest in the area described by the Cabinet Secretary in the **Legal Notice No. 265**;

THAT, the alleged designation of the area as a forest poses an existential threat to the communities and requires urgent intervention of the House to avert any further conflict.

17. **THAT**, your humble petitioners have made the best efforts to have the **issue** addressed by the relevant authorities without any delay or negative outcome;

18. **THAT**, the issues in respect of which this Petition is raised are not pending before any Court of Law, Constitutional or any legal body.

THEREFORE, your humble Petitioners pray that the National Assembly refer the Petition to the Public Petitions Committee;

- (i) To find that the process leading to declaration of Mukutani Forest as a forest was done in brazen and egregious contravention of the Conservation and Forest Conservation and Management Act, 2016;
- (ii) To recall the decision of the then Cabinet Secretary of Environment, Natural Resources and Forestry contained in the Legal Notice No. 265 dated 27/10/2016, to interrogate the same and order that fresh exercise towards declaration of the alleged forest named Mukutani Forest be undertaken by the Cabinet Secretary, The Board of Kenya Forest Service, the National Land Commission and all the relevant stakeholders.

And your **PETITIONERS** will ever pray.

DATED this.....4.....day of July.....2023.....

PRESENTED BY:



THE HON. FLOWRENCE JEMATIA SERGON
MEMBER FOR BARINGO COUNTY





DATE:4 | 07 | 2023.....



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We append our signatures in support of the Petition:-

	NAME	ID NUMBER	CONTACTS	SIGNATURE
1.	Silas Lotuw	20078693	071937739	
2.	Duncan K. Lopus	37711460	0727085382	
3.	Moses Kipwio Toroitich	34907217	0991574301	
4.	Kibii Ariap Tanyakoi tarolich	31020646	0727100576	
5.	Eng. James Kimayas	10081609	072795635	