

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

REPUBLIC OF KENYA

DC (CMA)
Submitted for further
processing
DR/KA
M/8121



THE TWELFTH PARLIAMENT- (FIFTH SESSION)

THE SENATE

PUBLIC PETITION

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 gazettlement 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

**PETITION TO THE SENATE BY THE PEOPLE OF WEBUYE EAST SUB COUNTY,
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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 Iwa Sitati, Olukova Iwa Chetambe, Olukova Iwa Kakai and Olukova Iwa 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 gazettlement 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 | IVD NUMBER | PLOT NO. | SIGNATURE | TEL NO. |
|-----|-------------------------|------------|-----------|-----------|-------------|
| 1 | AGHES MAMUJITA MUKHAMBA | 0934548 | 1251 | Aghes | 0717628071 |
| 2 | JUDITH APACHA WAFULAT | 5734370 | 1251 | Judith | 0708751238 |
| 3 | KASSIM MUSOLOH JUMA | 4661543 | 1251 | Musoloh | 0722674039 |
| 4 | LEONARD WERURIGA | 2242042 | 11 | Leonard | 0718576917 |
| 5 | ROSE WAIYATI | 21100285 | 1251 | Rose | 0701298654 |
| 6 | FREDRICK WASIDA JUMA | - | 1251 | Wasida | 0738264043 |
| 7 | MOLI MUNANDAWUA | - | 1251 | Moli | 0751818341 |
| 8 | CECILIE MIMBOGE | 33598170 | 1251 | Cecilie | 0792810836 |
| 9 | JOTHAM KHALI NYUKWA | 3357891 | - | Jotham | 0717650199 |
| 10 | NEUSOD VAKH SIKAHAT | 4353370 | 455 old | Vakh | 07258391072 |
| 11 | MUNKWANI NANUSASI | - | 110 - Old | Munkwani | 0701219185 |

A. Sample of Signatures

John S. MAT LUCHUMA
Chairman
ANRICK Nkosi and TACUSO

$$\begin{aligned} \psi &= \frac{\partial}{\partial t} - \frac{1}{2} \sum_{i,j} \frac{\partial^2}{\partial x_i \partial x_j} \\ &\quad + \frac{1}{2} \sum_{i,j} \frac{\partial^2}{\partial x_i \partial x_j} \end{aligned}$$

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Mr. Keraiko Tobika

| No. | NAME | ID NUMBER | PLOT NO. | SIGNATURE | TEL NO. |
|-----|---------------------|------------|----------|---|--------------|
| 1 | JOHN P. MAFULWA | 07942304 | MU/1294 |  | 0796363253. |
| 2 | DICKSON MUKHWANZA | 06459202 | M/1272. |  | 0701645242. |
| 3 | JUNIA WARBLE | 7992326 | " 1277. |  | 07026526320. |
| 4 | BEDWARD MAMENI | 26318410 | " 1272 |  | 0712204892. |
| 5 | IGNAEL SALIM SALEH. | 22151049 | " 1277 |  | 0720739292. |
| 6 | LUCAS WINTALI | 12939548 | " 1272. |  | 0707662285. |
| 7 | RATIB MUKHTABAH. | 35451862 | " 1277. |  | 0724540603. |
| 8 | CALLED ALIYU | 244607086 | " 1294 |  | 0716625947. |
| 9 | SHABBAD ZAFARAH | 24716921 | " 1272. |  | 0701519418 |
| 10 | MUSON KHETEKA | 11573466 | " 1294 |  | 0707683171 |
| 11 | RODATH JEKESEA | 23770236 | " 3715 |  | 0725038946 |
| 12 | YUSUF HAMATSI | 26213210 | " 1272. |  | 0717699349. |
| 13 | SIBAS NYONDESHA | 75530807 | " 1272 |  | 0712941465 |
| 14 | Thomas mnsakulu | 11409391 | " 1294 |  | 0798780380 |
| 15 | ROSEMERY KHISSA | 05836165 | " 1272 |  | 0701929618. |
| 16 | BOLAMWEZ SAKENCO | 21746954 | " 1294 |  | 0923475582. |
| 17 | ABDI ALI | 24706022 | " 1258 |  | 0713330548. |
| 18 | STANLEY VENISON | 13633184 | " 3739 |  | 0731630275. |
| 19 | HLANGWANE | 21236086 | " 1294 | | 0715077302. |
| 20 | TACOS MUKHWANZA | 1030423201 | " 1272. | | 0766649741 |
| 21 | SALIM MARYAH | 32493064 | " 7090 | | 0717822034 |
| 22 | JANEPIELE BAWANGA | 5102055 | " 1272. | | 0724129532. |
| 23 | DANIEL LUSIKHA | 09322476 | " 1294 | | 0721269426. |
| 24 | DAPITARE BECHUMA | 13650977 | " 1294 | | 0733215169 |

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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
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| NO. | NAME | VID NUMBER | PLOT NO. | SIGNATURE | TEL NO. |
|-----|------------------------|------------|----------|---------------------------|------------|
| 1. | NUSSEY WANYALA Lule YE | 201117711 | 1136 | <i>W. Nussey</i> | 0725151300 |
| 2. | DAVID SHUNDO LUKOTE | 9020900 | 1136 | <i>Shundolukote</i> | 0729298710 |
| 3. | TOM MUNICHO LUKOTE | 13160614 | 1136 | <i>Tom Lukote</i> | 0758767974 |
| 4. | WICHEFE WAFULA | 26584724 | 1136 | <i>Wichefe Wafula</i> | 0752521219 |
| 5. | ELIJAH SITHIWA-MA | 93133053 | 1136 | <i>Elijah Sithiwa</i> | 0709151592 |
| 6. | BEN SIMANTU LUKOTE | 26486524 | 1136 | <i>Ben Lukote</i> | 07263565 |
| 7. | PHILIP MATOBIA | 22916145 | 1136 | <i>Philip Matobia</i> | 0791700107 |
| 8. | IDDI SHUNDU SITATTI | 331223911 | 1136 | <i>Iddi Shundu</i> | 0792842592 |
| 9. | SIMONE VASILWA | 24869966 | 1136 | <i>Simone Vasilwa</i> | 0702323052 |
| 10. | THOMAS WAMBETTE | 28932413 | 1136 | <i>Thomas Wambette</i> | 0707222851 |
| 11. | ERIC WERBA LUKOTE | 3487981 | 1136 | <i>Eric Werba</i> | 0742557444 |
| 12. | HAASSAH DAUDI JUMA | 34751830 | 1136 | <i>Haassah Daudi</i> | 0712853232 |
| 13. | ABDULLAH HASSAN | 9021905 | 1141 | <i>Abdullah Hassan</i> | 0722772887 |
| 14. | CHRISTINE MATEHJA | 16734641 | 1151 | <i>Christine Matehja</i> | 0713615503 |
| 15. | MILIA CHILANGA | 6306615 | 1151 | <i>Milia Chilanga</i> | 0705110697 |
| 16. | GLABTS BULOA | 20808906 | 1251 | <i>Glabts Buloa</i> | 0729520487 |
| 17. | HAASSAH BARASHOKUM | 13249897 | 1251 | <i>Haassah Barashokum</i> | 0715026551 |
| 18. | ALI JUMA SITATTI | 2339441 | 1141 | <i>Ali Juma</i> | 0728054386 |
| 19. | MUSTEFID WALKOTSE | 4595773 | 1136 | <i>Mustefid Walkotse</i> | 0725297029 |
| 20. | KALIUM MUHAMMUS | | | | 079132985 |
| 21. | GEFFERET JUMA | 11019559 | 1251 | <i>Gefferet Juma</i> | 0726328989 |

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| NO. | NAME | I/D NUMBER | PLOT NO. | SIGNATURE | TEL NO. |
|-----|---------------------------|------------|--------------------|---------------------------|-------------|
| 1 | PATRICK MANGENI YUSTO | 797 332 8 | Ndlovu/Mnuchi 1272 | T. YUSTO | 072 7684730 |
| 2 | Constantine Masina YUSTO | 9993655 | " | C. YUSTO | 0717939429 |
| 3 | Jelius Sikulu Nyongosa | 23601616 | " | J. Sikulu | 0793660223 |
| 4 | Watshun g. u malade | 43-65426 | 1296 | Watshun g. u malade | 0442789996 |
| 5 | Schul Lubweti malade | 26777650 | 1294 | Schul Lubweti malade | 0442780338 |
| 6 | Munye C. m. malade | 16034#36 | 1293 | Munye C. m. malade | 0429387636 |
| 7 | Vile Zefi Muzintinyu | 06857125 | 1285 | Vile Zefi Muzintinyu | 04144750217 |
| 8 | Lucus eti malade mchado | 1650022842 | 1289 | Lucus eti malade mchado | 0402282194 |
| 9 | Joe Shrami Malungonyi | 18692342 | 1290 | Joe Shrami Malungonyi | 0890500836 |
| 10 | Wasikile Malaboli | 21236986 | 1292 | Wasikile Malaboli | 0711507357 |
| 11 | PATRICK LUNYUNGA | 100223548 | 1289-1290 | PATRICK LUNYUNGA | 0803288194 |
| 12 | SADIE MITCHE Mufoka | 57874267 | 7087 | SADIE MITCHE Mufoka | 0743620985 |
| 13 | YUSUF KALCP Welukhasia | 7088 | To | YUSUF KALCP Welukhasia | — |
| 14 | Salim Abdala Mulekaka | 43 83867 | 7089 | Salim Abdala Mulekaka | — |
| 15 | Khamisini ndiye Mukaka | 10036873 | 7090 | Khamisini ndiye Mukaka | — |
| 16 | Daniel Mwinkimwayi | 16034736 | 1293 | Daniel Mwinkimwayi | 0479389636 |
| 17 | malade id el kima wayi | 125277895 | 1293 | malade id el kima wayi | 0701177677 |
| 18 | Kessangulu mthimwayi | 23601337 | 1293 | Kessangulu mthimwayi | 07712570660 |
| 19 | Wanyajala id el kima wayi | 126767287 | 1293 | Wanyajala id el kima wayi | 0713125741 |
| 20 | zefi Sowetipunwayi | 12723475 | 1293 | zefi Sowetipunwayi | — |
| 21 | Hakiswa mthimwayi | " | 1293 | Hakiswa mthimwayi | — |
| 22 | Tulisa mthimwayi | " | 1293 | Tulisa mthimwayi | 07281004494 |
| 23 | Jab Mthimwayi | 277734522 | 1293 | Jab Mthimwayi | 0744011395 |
| 24 | Fredwangila mthimwayi | 30593504 | 1293 | Fredwangila mthimwayi | 0795134300 |
| 25 | mhuned watkhungu | " | 1296 | mhuned watkhungu | 0711329025 |
| 26 | Bukhambi watkhungu | 47365426 | 1296 | Bukhambi watkhungu | 0742489996 |
| 27 | Rashid L. malade | 38053382 | 1294 | Rashid L. malade | 1294 |
| 28 | Joseph magoia | " | 1296 | Joseph magoia | 0702857890 |

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| No. | NAME | ID NUMBER | PLOT NO. | SIGNATURE | TEL NO. |
|-----|----------------------------|-----------|----------|-------------------|-------------|
| 1 | Rufina E. Tiba | 2162090 | 1124 | <u>Rufina</u> | 0735558055 |
| 2 | Fanice Wamburi Masye | 6089551 | 2946 | <u>Fanice</u> | 0719587429 |
| 3 | Madiu Tela | | 1124 | <u>Madiu</u> | 07048050258 |
| 4 | Macharia Nellyse Muischo | 8025839 | 2946 | <u>Nellyse</u> | 07024665771 |
| 5 | Mary Mcasile Mwengi George | 1124 | 2946 | <u>Mary</u> | 071-787607 |
| 6 | Grace Lawrence | 7598379 | 2946 | <u>Grace</u> | 071858705 |
| 7 | Brian Lutendo | 39154440 | 2946 | <u>Brian</u> | 0792657931 |
| 8 | Harriet Lutendo | 32151928 | 2946 | <u>Harriet</u> | 07064117865 |
| 9 | Brenda Lutendo | 29442255 | 2946 | <u>Brenda</u> | 0728493218 |
| 10 | Ariad Lutendo | 30970768 | 2946 | <u>Ariad</u> | 07404285486 |
| 11 | Silvia Lutendo | 219651088 | 2946 | <u>Silvia</u> | 07411785833 |
| 12 | Christabel Lutendo | 28525007 | 2946 | <u>Christabel</u> | 07144285186 |
| 13 | Chrispinne Lutendo | 32490758 | 2946 | <u>Chrispinne</u> | 079406246 |
| 14 | Mary Hawaive Precious | 02460664 | 28212237 | <u>Mary</u> | 0711823437 |
| 15 | Mary Hawaive Precious | 02460664 | 28212237 | <u>Mary</u> | 0711823437 |
| 16 | Annie Mubanga | 1948329 | 2446 | <u>Annie</u> | 0729121222 |
| 17 | Adress McCoy S. Konge | 8708880 | 2446 | <u>Adress</u> | 0729121222 |
| 18 | Zinocayi Shukuru Susanna | 099074 | 26462 | <u>Zinocayi</u> | 0724758144 |
| 19 | Mark Butera | 1322820 | 108 | <u>Mark</u> | 0786675822 |

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

SEN. MOSES M. WETANGULA, M.P

EGH

SENATOR, BUNGOMA COUNTY

DATE:- 30TH JULY, 2021

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