

26th September, 2018

The Clerk of the Senate

Parliament Buildings

P.O. Box 41842 – 00100

NAIROBI

Email: cSenate@parliament.go.ke



**RE: PETITION TO THE SENATE CONCERNING RESETTLEMENT OF THE
MINORITY NGEREK COMMUNITY FOLLOWING THEIR PROPOSED
EVICION FROM SOUTH NANDI FOREST, IN NANDI COUNTY**

I, the undersigned, citizen of the Republic of Kenya, and a resident of Chepkumia Location, Emgwen Constituency in Nandi County;

On behalf of the minority Ngerek Community and on my own behalf;

DRAW the attention of the Senate to the following:

1. **That**, the minority Ngerek Community, comprising about 244 families, has resided in the South Nandi Forest, at Ngerek Village, Chepkumia Location, Emgwen Constituency in Nandi County, since before independence;
2. **That**, in the year 1996, the then Government proposed the resettlement of the minority Ngerek Community from the Forest to enable its conservation and protection as a water catchment area;
3. **That**, under the proposed Chepkumia Exchange Program, the 244 families from the Ngerek Community were to be relocated from an area comprising 466 hectares, and to be resettled at a parcel of land comprising approximately 1,000 acres in Yala and Kapkangani area, in Nandi County;
4. **That**, once the said parcel was identified, prominent persons who were not members of the Ngerek Community immediately moved in and occupied the land, leaving the minority Ngerek Community without a place to relocate to;
5. **That**, subsequently, the Government, through the Kenya Forest Service (KFS), issued eviction notices to the said persons who had unlawfully occupied the identified parcel of land. The said persons moved to Court to stop the KFS from evicting them, and the Court ruled, in the year 2007,

that the KFS should proceed with eviction of the unlawful occupants and resettle the rightful people, who were the minority Ngerek Community;

6. **That**, the National Land Commission also investigated the matter and, in mid-2018, issued a two-months' notice to the persons unlawfully occupying the land set aside for resettlement of the minority Ngerek community to vacate the said land. However, the said persons have not moved from the said land;
7. **That**, the Kenya Forest Service has now issued notices to the minority Ngerek Community to vacate the area they occupy in the South Nandi Forest, to enable the KFS to plant trees and conserve the forest as a water catchment area;
8. **That**, while this is being done, the minority Ngerek Community are left with nowhere to go as the land identified and set aside by the Government for their resettlement was grabbed by prominent people who have refused to vacate from the said land;
9. **That**, we have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response; and
10. **That**, none of the issues raised in this Petition is pending in any court of Law, Constitutional or other legal body.

WHEREFORE, your humble petitioners pray that the Senate urgently investigates this matter with a view to ensuring:-

- a) **that**, the persons unlawfully occupying the land set aside for resettlement of the minority Ngerek Community are immediately evicted from the said land, and that any titles issued thereon are revoked;
- b) **that**, the Government, through the KFS or any other agency, is stopped from evicting the minority Ngerek Community from the South Nandi Forest before it has secured land for their resettlement; and
- c) **that**, the rights of indigenous and minority groups in the country, including forest-dwelling communities, are protected and upheld.

Petition to the Senate on behalf of members of the minority Ngerek Community from Nandi County regarding their resettlement following their proposed eviction from South Nandi Forest

Dated this 26th day of Sept -2018.

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