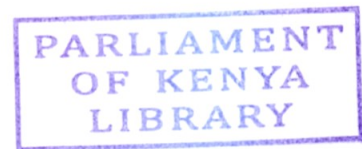


REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

*Approved
SNA
28/5/26*



THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026

PUBLIC PETITIONS COMMITTEE



REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO. 81 OF 2023 REGARDING
GAZETTING OF KAYA FOREST AS FOREST AREAS UNDER THE FOREST
CONSERVATION AND MANAGEMENT ACT 2016 BY HON. OWEN YAA BAYA CBS,
M.P

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 MAY 2026	DAY: Thursday
TABLED BY:	Hon. Maisori Marwa, MP Member, Public Petitions Committee
CLERK-AT THE-TABLE:	Irene Nduku

Directorate of Audit Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

MAY, 2026

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ACRONYMS

KFS	-	Kenya Forest Service
NMK	-	National Museums of Kenya
FCMA	-	Forest Conservation and Management Act
UNESCO	-	United Nations Educational, Scientific and Cultural Organization

CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present this House with the Report of the Public Petitions Committee regarding Public Petition No. 81 of 2023 regarding the gazettment of Kaya Forest as a forest area under the Forest Conservation and Management Act 2016. The Petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Hon. Owen Yaa Baya CBS, M.P., on behalf of the residents of Kilifi North Constituency.

The Petitioner prayed that the Committee recommend the identification and gazettment of Kaya Forest areas along the coastal counties of Kwale, Mombasa and Kilifi under the Forest Conservation and Management Act, 2016, while ensuring that management respects the needs of individual Kayas and integrates the conservation of natural and cultural resources with traditional and non-traditional management practices.

In consideration of the Petition, the Committee collected the views from the Petitioner, the Ministry of Environment, Climate Change and Forestry, and the Ministry of Gender, Culture and Children Services. The Committee also conducted a site visit inquiry in Kilifi North Constituency and collected views from the community on the various issues raised in the petition.

The Committee observed that while several Kaya Forests have already been gazetted under the management of the Kenya Forest Service, the majority remain under the National Museums and Heritage Act, which emphasizes cultural heritage conservation but does not adequately address forest resource and biodiversity conservation. The Committee further observed that the Mijikenda Kaya Forests hold UNESCO World Heritage Site status, recognizing their outstanding universal value, and that all relevant government agencies have expressed support for additional gazettment under the Forest Conservation and Management Act, 2016, provided that cultural heritage values are protected and community participation is ensured.

The Committee recommends that the Ministry of Environment, Climate Change and Forestry, through the Kenya Forest Service, expedite the identification, surveying and mapping of all remaining Kaya Forest areas and initiate their gazettment under the Forest Conservation and Management Act, 2016, while respecting the existing legal status of Kayas already designated as National Monuments.

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support offered during the consideration of the Petition. The Chairperson expresses gratitude to the Members of the Committee and the Secretariat for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to table the report before the House.

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

- 1 The Public Petitions Committee was established under the provisions of Standing Order 208A with the following terms of reference:
 - i) considering all public petitions tabled in the House;
 - ii) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
 - iii) recommending whether the findings arising from consideration of a petition should be debated; and
 - iv) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

- 2 The Public Petitions Committee was constituted in October 2022 and comprises the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.
Runyenjes Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency

United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Ntwiga Patrick Munene, M.P.
Chuka Igambang'ombe Constituency

United Democratic Alliance (UDA)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency

United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, M.P.
Dagoretti North Constituency

Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency

Independent

Hon. Paul Biego Kibichiy, M.P.
Chesumei Constituency

United Democratic Alliance (UDA)

Hon. Peter Irungu Kihungi, M.P.
Kangema Constituency

Maendeleo Chap Chap Party (MCCP)

Hon. John Bwire Okano, M.P.
Taveta Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency

Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency

United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency

Wiper Democratic Movement-Kenya (WDM-K)

1.3 Committee Secretariat

3 The Public Petitions Committee was facilitated by the following members of the secretariat:

Lead Clerk

Mr. Victor Weke

Principal Clerk Assistant II

Ms. Miriam Modo

First Clerk Assistant

Ms. Kafuyai Wamae

Third Clerk Assistant

Ms. Nancy Akinyi

Research Officer III

Ms. Roselyne Njuki

Principal Serjeant-at-Arms

Mr. Pascal Valerian

Hansard Officer II

Ms. Felistus Muiya

Public Communication Officer

Mr. Bernard Cherotich

Third Clerk Assistant

Mr. Clinton Sindiga

Legal Counsel II

Mr. Arkan Mumin

Research Officer III

Mr. Paul Shana

Serjeant-at-Arms

Mr. Collins Mahamba

Audio Officer III

Ms. Fridah Ngari

Media Relations Officer III

PART TWO

2. BACKGROUND TO THE PETITION

2.1 Introduction

- 4 Public Petition No. 81 of 2023 regarding gazettelement of Kaya Forest as forest areas under the Forest Conservation and Management Act 2016 was presented to the House on 7th December, 2023 by the Member for Kilifi North Constituency, Hon. Owen Yaa Baya CBS, M.P., on behalf of the residents of Kilifi North constituency.
- 5 The petitioners stated that the Mijikenda community occupies separate forest sites spread over 200 km, mostly on low hills, ranging in size from 30 to 300ha, along the coastal counties of Kwale, Mombasa and Kilifi, and that these sites contain the remains of more than 30 fortified villages known as Kayas.
- 6 The Kayas were created during the 16th century but abandoned in the 1940s and are now regarded as abodes of ancestors, respected as sacred sites maintained by the council of elders, inscribed as bearing unique testimony to a cultural tradition and for their direct link to a living tradition.
- 7 The Mijikenda community has nurtured the forest around the Kayas to protect the sacred graves and groves, and it is now almost the only remnant of the once-extensive coastal lowland forest.
- 8 The Kayas provide focal points for Mijikenda religious beliefs and practices and are regarded as their ancestral homes. As such, they hold metonymic significance to the Mijikenda, serving as a fundamental source of their sense of 'being in the world' and a place within the cultural landscape of contemporary Kenya, which is seen as a defining characteristic of Mijikenda identity.
- 9 Since their abandonment as preferred places of settlement, Kayas have been transferred from the domestic aspect of the Mijikenda landscape to its spiritual sphere. As part of this process, certain restrictions were placed on access and the utilization of natural forest resources.
- 10 As a direct consequence of the above, the biodiversity of the Kayas and forests surrounding them has been sustained. However, the Kayas are under threat both externally and within Mijikenda society due to the decline of traditional knowledge and respect for practices. The integrity of the Kayas relates to the intactness of their forest surroundings, which has been compromised.
- 11 Most Kayas have been under the gazettelement of the National Museums of Kenya, which emphasizes conservation and protection of the heritage and cultural values, but not conservation of the forest. This therefore explains the increase in degradation of the forest resources and biodiversity.

2.2 Petitioner's Prayers

12 The Petitioners prayed that the National Assembly, through the Public Petitions Committee–

- i) Recommend to the relevant Ministry or State Government Department to identify Kaya Forest areas along the coastal counties of Kwale, Mombasa and Kilifi;
- ii) Recommend that Kaya Forest be gazetted as a forest area under the Forest Conservation and Management Act, 2016;
- iii) Recommend that during gazettelement, management respects the needs of individual Kayas and integrates the conservation of natural and cultural resources and traditional and non-traditional management practices; and
- iv) Make any other recommendations or actions deemed fit in addressing the plight of the petitioners.

PART THREE

3. STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 The Petitioners

The Member for Kilifi North Constituency, Hon. Owen Baya CBS, M.P., appeared before the committee on Thursday, 30th April 2024 and submitted as follows—

- 13 Previously, the forests were safeguarded by the Kaya elders themselves against those who did not share their beliefs and would harm them. Due to the increasing challenges in protecting the forest, it was collectively decided that organisations mandated to protect cultural values be engaged to preserve their traditions against rapid erosion.
- 14 As some individuals relocated and abandoned these sites, the forest was designated as a World Heritage Site by UNESCO. Efforts to restore artefacts, facilitated by UNESCO and the Ministry, were undertaken in the Kayas, but the lack of preservation prompted intervention by the National Museums of Kenya.
- 15 Certain trees, which held sacred status and possessed medicinal properties, faced threats from individuals who disregarded their significance.
- 16 Kaya tradition was generally respected by Christianity and Catholicism, and forest destruction or interference with elders' graves was refrained from.
- 17 However, the cultural and heritage significance of the Kayas has been eroded by the degradation of the forest, despite traditional practices being persisted alongside Christianity.

3.2 Ministry of Environment, Climate Change and Forestry

The Cabinet Secretary, Ministry of Environment, Climate Change and Forestry, Hon. Aden Bare Duale, EGH, presented written submissions to the Committee dated 5th December, 2024, as follows —

- 18 The Cabinet Secretary commended the Member of Parliament for Kilifi North Constituency (Hon. Owen Yaa Baya CBS, M.P.) for the noble public petition and called on other Members of Parliament to emulate and gazette more hilltops, degraded landscapes, and biodiversity hotspots.
- 19 The Ministry of Environment, Climate Change and Forestry took cognizance of the fact that the recommendation for the gazettment of the Kayas is a welcome idea. Which will enhance the government's conservation efforts while contributing to overall forest and tree cover. Currently, a few Kaya Forests have been gazetted and are under the management of the Kenya Forest Service, namely Kaya Chonyi, Kaya Jibana, Kaya Ribe, and Kaya Kambe. Some of the Kayas are gazetted under the National Museums and Heritage Act of 2006 as heritage sites and are managed by communities and the National Museums of Kenya (NMK).

- 20 The Ministry, through KFS, is undertaking the task of identifying, surveying, mapping, and gazetting all Kaya forests along the coastal counties of Kilifi, Mombasa, and Kwale, with the involvement of local communities, Kaya Elders, and other stakeholders.
- 21 The Ministry of Environment, Climate Change and Forestry will initiate the gazettelement of the Kaya forests as guided by FCMA, 2016.
- 22 The KFS Board of Directors has resolved and approved the gazettelement of the Kaya Forest areas under FCMA, 2016.
- 23 Part V (Sections 48 to 52) of the FCMA, 2016, recognizes community participation in sustainable forest management. In this regard, the needs of individual Kayas and the integration of conservation of natural and cultural resources, along with traditional and non-traditional management practices, will be addressed and enhanced.
- 24 Upon gazettelement, the Ministry will undertake preparation of Participatory Forest Management Plans for the Kaya forests; establishment of forest protection camps and outposts (Forest Ranger camps); establishment of applicable nature-based enterprises (NBEs) and Income Generating Activities (IGAs); Secure the boundaries of all the gazetted Kaya forests; establishment of tree nurseries for seedlings production to address 15 billion National tree growing ecosystem and landscape restoration; and rehabilitation and restoration of the degraded gazetted Kaya forests.

3.3 Ministry of Gender, Culture and Children Services

The Cabinet Secretary for Gender, Culture and Children Service, Hon. Hanna Wendot Cheptumo, appeared before the Committee on Tuesday, 17th February, 2026 and submitted as follows –

- 25 National Museums of Kenya is State Corporation established under section 3 of the National Museums and Heritage Act, Cap. 216 and mandated to document and preserve the country's natural and cultural heritage.
- 26 Kaya refers to a sacred, protected forest site of the Mijikenda people in coastal Kenya. They form part of the country's cultural and natural heritage. The word "Kaya" means "home" or "village" in Mijikenda dialects. The kayas are fortified forested sites where the Mijikenda people settled and are considered sacred, serving as burial places and spiritual centers. The kayas, created as of the 16th century but abandoned by the 1940s, are now regarded as the abodes of ancestors and are revered as sacred sites and, as such, are maintained as by councils of elders.
- 27 Majority of the Kayas were gazetted under the then Antiquities and Monuments Act, Cap. 215, originally enacted to protect, preserve, and regulate sites and objects of historical and cultural interest. The Antiquities and Monuments Act was repealed in 2006 and replaced by the National Museums and Heritage Act, Cap. 216. A list of Kayas gazetted as monuments under the National Museums and Heritage Act, Cap. 216 was tabulated in the table below –

No.	Name	Gazette Notice Number	Date of Gazette ment	Confirmat ion Gazette Notice Number	Confirma tion Date of Gazettement	County	Area
1	Kaya Kiteje	200	17/01/92	1132	18/03/94	Kwale	10Ha
2	Kaya Pungu	200	17/01/92	1132	18/03/94	Kwale	10Ha
3	Kaya Bombo	200	17/01/92	1132	18/03/94	Kwale	10Ha
4	Kaya Waa	200	17/01/92	4207	29/07/94	Kwale	20Ha
5	Kaya Sega	200	17/01/92	1132	18/03/94	Kwale	20Ha
6	Kaya Gonja	200	17/01/92	1132	18/03/94	Kwale	842Ha
7	Kaya Jego	200	17/01/92	1132	18/03/94	Kwale	10Ha
8	Kaya Tiwi	200	17/01/92	1552	Degazette d 03/04/98	Kwale	10Ha
9	Kaya Tiwi	1759	09/04/98			Kwale	10Ha
10	Kaya Bate	2444	16/05/97	6180	21/11/97	Kilifi	4.75Ha
11	Kaya Bura	2444	16/05/97	6180	21/11/97	Kilifi	11.4Ha
12	Kaya Dagamura	2444	16/05/97	6180	21/11/97	Kilifi	32.21Ha
13	Kaya Mayowe	2444	16/05/97	6180	21/11/97	Kilifi	6.28Ha
14	Kaya Singwaya	2444	16/05/97	6180	21/11/97	Kilifi	47.24Ha
15	Kaya Mudzimiru	2444	16/05/97	6180	21/11/97	Kilifi	147.39Ha
16	Kaya Mtswakara	2444	16/05/97	6180	21/11/97	Kwale	247.86Ha
17	Kaya Fungo	150	05/07/96	2442	16/05/97	Kilifi	204.417Ha
18	Kaya Kauma	150	05/07/96	2442	16/05/97	Kilifi	74.845Ha
19	Kaya Chivara	150	05/07/96	2442	16/05/97	Kilifi	86.803Ha
20	Kaya Diani	200	17/01/92	1132	18/03/94	Kwale	20Ha
21	Kaya Muhaka	200	17/01/92	1132	18/03/94	Kwale	150Ha
22	Kaya Galu (Ganzoni)	200	17/01/92	1132	18/03/94	Kwale	10Ha
23	Kaya Kinondo	200	17/01/92	1132	18/03/94	Kwale	30Ha
24	Kaya Bogowa	200	17/01/92	1132	18/03/94	Kwale	10Ha
25	Kaya Gandini	200	17/01/92	1132	18/03/94	Kwale	100Ha
26	Kaya Mtai	200	17/01/92	1132	18/03/94	Kwale	Not ascertained
27	Kaya Kwale	200	17/01/92	1132	18/03/94	Kwale	Not ascertained
28	Kaya Dzombo	200	17/01/92	1132	18/03/94	Kwale	902Ha
29	Kaya Ukunda	1039	11/03/92	1132	18/03/94	Kwale	20Ha

30	Kaya Muzi Mudvya	147	06/10/98	167	KSL 1998	Kilifi	171.3Ha
31	Kaya Lunguma	147	06/10/98	167	KSL 1998	Kwale	154.83Ha
32	Kaya Bomu /Fimboni	133	04/08/99	150	22/10/99	Kilifi	408.78Ha
33	Kaya Mzizima	133	04/08/99	150	22/10/99	Kilifi	29.06Ha
34	Kaya Mstwakara	2441	06/09/97	6180	24/09/97	Kwale	247.86Ha
35	Kaya Chonyi	147	06/10/98	167	KSL 1998	Kwale	113.70Ha
36	Kaya Chitsanze	7207	03/08/2007	LN 128	2008	Kwale	104.5Ha
37	Kaya Chombo	133	04/08/99	LN 150	22/10/99	Kwale	Not ascertained
38.	Kaya Mrima					Kwale	377 Ha
39.	Kaya Chonyi	LN 88	22/02/1994			Kilifi	194.5Ha
40.	Kaya Jibana	LN 88	22/02/1994			Kilifi	140Ha
41.	Kaya Ribe	LN 88	22/02/1994			Kilifi	36Ha
42.	Kaya Kambe	LN 88	22/02/1994			Kilifi	56.5Ha
43.	Kaya Chivara	2442	16/05/1997			Kilifi	86.803Ha

Number of Kwale gazetted Kaya sites – 26

Number of Kilifi gazetted Kaya sites – 17

- 28 In addition to being gazetted as monuments under the National Museums and Heritage Act, some of the Mijikenda Kaya Forests were nominated to the UNESCO World Heritage List. The UNESCO World Heritage List is a global registry of landmarks and areas designated as having "Outstanding Universal Value" to humanity. Established under a 1972 international treaty called the World Heritage Convention, the list aims to identify, protect, and preserve the world's most significant cultural and natural treasures for future generations.
- 29 The Mijikenda Kaya Forests on the UNESCO List consist of separate forest sites spread over some 200 km along the coast containing the remains of numerous fortified villages, known as kayas, of the Mijikenda people. The sites are inscribed as bearing unique testimony to a cultural tradition and for its direct link to a living tradition. The list of Kayas on the UNESCO World Heritage is provided in the table below: -

No.	Name	District	Area (Ha)
1.	Kaya Giriama	Kaloleni	204
2.	Kaya Jibana	Kaloleni	140
3.	Kaya Kambe	Kaloleni	75

4.	Kaya Kauma	Kilifi	75
5.	Kaya Ribe	Kaloleni	36
6.	Rabai Kayas	Kaloleni	580
7.	Duruma Kayas	Kinango	398
8.	Kaya Kinondo	Msambweni	30

- 30 Regarding the issue of the kayas being given further protection by being gazetted under the Forest Conservation and Management Act, 2016, the Ministry of Gender, Culture, and Children Services has no objection as this will further enhance conservation and protection of the same. It will also enable both institutions (National Museums of Kenya and Kenya Forest Service) to assist each other and collaborate in matters concerning conservation of the Kayas.
- 31 The Ministry further recommends that Kenya Forest Service (KFS) be looped into the ongoing discussions regarding gazettement of Kayas as protected forests under the Forest Conservation and Management Act, 2016 as KFS is the government agency statutorily mandated to undertake the same.
- 32 On the recommendation that the relevant Ministry or State Government Department identify Kaya Forest areas along the coastal counties of Kwale, Mombasa and Kilifi, she stated the National Museums of Kenya had nominated a total of forty-two (42) Kayas under the National Museums and Heritage Act distributed sixteen (16) Kayas in Kilifi County, twenty-five (25) in Kwale County, and One (1) Kaya in Mombasa County. Systematic gazettement of Kayas started in the late 1980s. by this time, Kayas, especially the ones found in Mombasa County had been degraded by urban development. There are additional 13 un-gazetted Kayas as per the Table below –

No.	Name	Gazette Notice No.	Date of Gazettement	Confirmation Gazette Notice No.	Confirmation Date of Gazettement	County	Area
1.	Kaya Kiteje	200	17/01/1992	1132	18/03/1994	Kwale	10Ha
2.	Kaya Bombo	200	17/01/1992	1132	18/03/1994	Kwale	10Ha
3.	Kaya Waa	200	17/01/1992	4207	29/07/1994	Kwale	20Ha
4.	Kaya Sega	200	17/01/1992	1132	18/03/1994	Kwale	20Ha
5.	Kaya Gonja	200	17/01/1992	1132	18/03/1994	Kwale	842Ha
6.	Kaya Jogo	200	17/01/1992	1132	18/03/1994	Kwale	10Ha
7.	Kaya Tiwi	200	17/01/1992	1552	Degazetted on 03/04/1998	Kwale	10Ha
8.	Kaya Tiwi	1759	09/04/1998			Kwale	10Ha
9.	Kaya Mtswakara	2444	16/01/1992	6180	21/11/1997	Kwale	247.86Ha
10.	Kaya Diana	200	17/01/1992	1132	18/03/1994	Kwale	20Ha
11.	Kaya Muhaka	200	17/01/1992	1132	18/03/1994	Kwale	150Ha
12.	Kaya Galu Ganzoni	200	17/01/1992	1132	18/03/1994	Kwale	10Ha

13.	Kaya Kinondo	200	17/01/1992	1132	18/03/1994	Kwale	30Ha
14.	Kaya Bogowa	200	17/01/1992	1132	18/03/1994	Kwale	10Ha
15.	Kaya Gandini	200	17/01/1992	1132	18/03/1994	Kwale	10Ha
16.	Kaya Mtai	200	17/01/1992	1132	18/03/1994	Kwale	100Ha
17.	Kaya Kwale	200	17/01/1992	1132	18/03/1994	Kwale	Not Ascertained
18.	Kaya Dzombo	200	17/01/1992	1132	18/03/1994	Kwale	902Ha
19.	Kaya Ukunda	1039	11/03/1992	1132	18/03/1994	Kwale	20Ha
20.	Kaya Lunguma	147	06/10/1998	167	KSL 1998	Kwale	113.70Ha
21.	Kaya Mstwakara	2441	06/09/1997	6180	18/03/1994	Kwale	247.86Ha
22.	Kaya Chonyi	147	06/10/1998	167	KSL 1998	Kwale	113.70Ha
23.	Kaya Chitsanze	7207	03/08/2007	LN. 128	2008	Kwale	104.5Ha
24.	Kaya Chombo	133	04/08/1999	LN. 150	22/10/1999	Kwale	10Ha
25.	Kaya Mrima	200	17/01/1992	1132	18/03/1994	Kwale	377Ha

Table 1. Gazetted Kayas in Kwale County (KSL – Kenya Subsidiary Legislation, Legal Notice)

No.	Name	Gazette Notice No.	Date of Gazettement	Confirmation on Gazette Notice No.	Confirmation Date of Gazettement	County	Area
1.	Kaya	2444	16/05/1997	6180	21/11/1997	Kilifi	4.75Ha
2.	Kaya	2444	16/05/1997	6180	21/11/1997	Kilifi	11.4Ha
3.	Kaya	2444	16/05/1997	6180	21/11/1997	Kilifi	32.21Ha
4.	Kaya	2444	16/05/1997	6180	21/11/1997	Kilifi	6.28Ha
5.	Kaya	2444	16/05/1997	6180	21/11/1997	Kilifi	47.24Ha
6.	Kaya	2444	16/05/1997	6180	21/11/1997	Kilifi	147.39Ha
7.	Kaya	150	05/07/1996	2442	16/05/1997	Kilifi	204.417Ha
8.	Kaya	150	05/07/1996	2442	16/05/1997	Kilifi	74.845Ha
9.	Kaya	150	05/07/1996	2442	KSL 1998	Kilifi	86.803Ha
10.	Kaya	147	06/10/1998	167	22/10/1999	Kilifi	171.3Ha
11.	Kaya	133	133	150	22/10/1999	Kilifi	408.78Ha
12.	Kaya	133	133	150		Kilifi	29.06Ha
13.	Kaya	LN 88	LN 88			Kilifi	194.5Ha
14.	Kaya	LN 88	LN 88			Kilifi	140Ha
15.	Kaya	LN 88	LN 88			Kilifi	36Ha

16.	Kaya	LN 88	LN 88			Kilifi	56.5Ha
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Table 2 Gazetted Kayas in Kilifi County (KSL – Keenya Subsidiary Legislation, Legal Notice)

1	Kaya Pungu	200	17/01/1992	1132	18/03/1994	Kwale	10Ha
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Table 3. Gazetted Kaya in Mombasa County (KSL – Keenya Subsidiary Legislation, Legal Notice)

1.	Kaya Mihongoni	Mombasa	Unprotected	No forest left
2.	Kaya Mtongwe	Mombasa	Unprotected	No forest left
3.	Kaya Mrongondani	Mombasa	Unprotected	No forest left
4.	Kaya Mwakani	Mombasa	Unprotected	No forest left

Table 4. Gazetted Kaya in Mombasa County (KSL – Keenya Subsidiary Legislation, Legal Notice)

1.	Kaya Miyani	Kwale	Unprotected	Within Kwale Town (No Forest)
2.	Kaya Miungoni	Kwale	Unprotected	No Forest
3.	Kaya Puma	Kwale	Unprotected	Forest
4.	Kaya Timbwa	Kwale	Unprotected	Forest
5.	Kaya Mvumoni	Kwale	Unprotected	Woodland

Table 5. Un-Gazetted Kaya in Kwale County

1.	Kaya Koyeni	Kilifi	Unprotected	No Forest left
2.	Kaya Tsookero	Kilifi	Unprotected	Forest
3.	Kaya Bendeje	Kilifi	Unprotected	No Forest left
4.	Kaya Jorore	Kilifi	Unprotected	Forest

Table 6. Un-Gazetted Kayas in Kilifi County

- 33 The NMK works in the Kayas through the Coastal Forest Conservation Unit (CFCU) with the core function of monitoring and conservation activities. The gazettement of Kayas as National Monuments is an on-going process. Research is underway to make recommendations to gazette more Kayas based on cultural and natural heritage value.
- 34 On the recommendation that Kaya Forest be gazetted as a forest area under the Forest Conservation and Management Act, 2016, the Cabinet Secretary states that there are Kayas that are gazetted both as National Monuments and Forests under the National Museums and Heritage Act and Forest Conservation and Management Act respectively. The role of NMK in the protection of such Kayas as National Monuments is fundamental in the overall integrity of the ecosystem. For instance, NMK recently completed the development of Management Plan for Kaya Kauma which has Kenya Forest Service as key stakeholder.

1.	Kaya Chonyi	Kilifi	Forest Reserve	No Forest left
2.	Kaya Jibana FR	Kilifi	Forest Reserve	Forest
3.	Kaya Kamba	Kilifi	Forest Reserve	No Forest left

4.	Kaya Ribe	Kilifi	Forest Reserve	Forest
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Table 7. Kayas protected by both the National Museums and Heritage Act and Forest Conservation & Management Act

- 35 It is acknowledged that pressures associated with climate change have occasioned some level of negative pressure in the Kayas. However, NKM is striking to maintain the integrity of the Kayas through participatory ecosystem restoration projects.
- 36 Whereas it is acknowledged that their conservation aspects that could be covered under the Forest Conservation and Management Act, the Ministry of Gender, Culture and Children Services will seek to partner with institutions under the purview under this Act to ensure that the conservation of the cultural and natural heritage value is protected to enhance the overall conversation of Kayas as mandated under the National Museums and Heritage Act.
- 37 On the recommendation that during gazettement, management respects the needs of individual Kayas and integrates the conservation of natural and cultural resources and traditional and non-traditional management practices, the Cabinet Secretary stated that gazettement process by the Ministry of Gender, Culture and Children's Services ensures that community/public participation is taken into account. The Ministry is currently implementing several community-based initiatives such as Kipepeo Project which carries out butterfly farming, bee keeping/honey production and tree nurseries for forest restoration aimed at conserving the forests. In addition, communities are allowed to conduct cultural practices within the gazetted Kayas.
- 38 The Ministry of Gender, Culture and Children Services notes that Kayas being largely community land, the respectively County Governments as the custodians of community land should play an active role in the management of the Kayas. Further, we recommend that Parliament considers allocation of more resources for the development of management plans for Kayas by the Ministry. As a Ministry, we have managed to get support for projects including Conservation of Threatened Trees and Below Ground Biodiversity. With more support, the Ministry can also carry out community awareness campaigns and nature-based enterprises including eco-tourisms around the Kayas.

3.4 Site Visit

- 39 The Committee undertook a site visit to Kaya Kauma, one of the Kayas in Kilifi County on Thursday, 19th March, 2026 in the Company of representatives from the Ministry of Environment, Climate Change and Forestry, Kenya Forest Service, the Kenya National Museums, the Kenya Forestry Research Institute, National Environment Management Authority (NEMA) and Kaya Kauma Community elders. During the site visit, representatives from the Ministry of Environment, Climate Change and Forestry, National Museums of Kenya and Kenya Forestry Research Institute and Kenya Forest Service, provided the following submissions:

40 Kaya Community Elders

- i) The Kay forests are highly valued by the Mijikenda Community as sacred places and habitats for rare plant and animal species.

- ii) While the community has continually condemned the misuse of natural resources and the destruction of sacred woodlands now threatened by climate change, urban expansion, land grabbing, and destructive human activities they are concerned that the proposed gazettement will erode their cultural rights and heritage, with significant impact on their spiritual wellbeing.
- iii) The community's efforts have been geared towards restoring the degraded forests, but these efforts have been limited by financial constraints.
- iv) The community is agreeable to gazettement only if their culture and heritage are preserved and the benefits they currently derive from the forests are guaranteed post-gazettement.
- v) Furthermore, the community demands inclusivity among all relevant bodies in conservation efforts and the enforcement of penalties, including imprisonment, for those found culpable of environmental violations.
- vi) The government should also support community-led conservation efforts, given that these communities have protected the forests for generations.
- vii) Public participation must be undertaken in recognition that all Kayas have unique needs.
- viii) The County government, as custodians of community land, must be included in the process to ensure gazettement respects legal provisions and does not disadvantage the Mijikenda community.

41 The Kenya Forest Service

- i) The Kaya forests of Kilifi County, which form part of the Mijikenda Kaya Forests, constitute an integral component of Kenya's cultural heritage and ecological resources. These forests are sacred to the Mijikenda community and serve as critical biodiversity hotspots within the coastal forest ecosystem.
- ii) Kilifi County hosts a number of these Kaya forests, which are of significant cultural, historical, and environmental value. At present, four Kaya forests have been gazetted as forest reserves under the Forest Conservation and Management Act 2016, thereby placing them under the mandate of the Kenya Forest Service for purposes of protection, conservation, and sustainable management.
- iii) While several Kaya forests continue to maintain relatively intact core areas, the majority are increasingly subjected to anthropogenic pressures that pose significant risks to their ecological integrity and cultural significance.
- iv) Currently, Kaya forests across Kilifi County varies considerably and a number of sites, including Kaya Kauma, Kaya Ribe, Kaya Kambe, Kaya Jibana, and Kaya Singwaya, remain generally well conserved, with their core forest ecosystems largely intact, albeit under persistent pressure from human activities such as encroachment and resource extraction.
- v) Other sites; namely Kaya Chonyi, Kaya Chivara, and Kaya Fungo--are moderately stable and are exhibiting encouraging signs of natural regeneration following previous degradation. However, these forests remain vulnerable to emerging threats that may undermine ongoing recovery efforts.
- vi) Conversely, several Kaya forests, including Kaya Jorore, Kaya Dagamura, Kaya Bomu/Fimboni, and Kaya Mudzimuvya, are in a highly degraded state, characterized by

significant loss of tree cover and deterioration of forest structure due to prolonged and unsustainable human activities.

- vii) Gazetted Kaya Forests in Kilifi County include Kaya Chonyi Forest-194.5 Ha, Kaya Jibana Forest-140.0 Ha, Kaya Kambe Forest-56.5 Ha, Kaya Ribe Forest-36.0. Ha.

List of Kayas in Kilifi County

No	Site	Area (Ha)
1	Kaya Chonyi	194.5
2	Kaya Bomu/Fimboni	409
3	Kaya Chivara	87
4	Kaya Fungo	204
5	Kaya Kauma	75
6	Kaya Jibana	140
7	Kaya Ribe	36
8	Kaya Kambe	56.5
9	Kaya Mudzimuvya	171.3
10	Kaya Mudzimwiru	147.39
11	Kaya Mzizima	29.6
12	Kaya Bate	4.75
13	Kaya Bura	11.4
14	Kaya Dagamura	32.21
15	Kaya Muyowe	6.28

- a) On the management of Kayas, the Kenya Forest Service continues to oversee the conservation and protection of these forests despite significant resource constraints. The Service works in collaboration with local communities, Kaya elders, and partner institutions such as the National Museums of Kenya to address illegal activities and support conservation initiatives. KFS has consistently responded to reports from communities and stakeholders to curb illegal activities within the Kaya forests, including illegal logging, charcoal burning and land encroachment.
- b) Kaya Forests continue to face multiple threats, including land encroachment for settlement and agriculture, illegal logging for timber and charcoal production, unsustainable fuelwood collection, illegal harvesting of poles and withes, forest fires, and poaching of wildlife for bushmeat. In addition, there is increasing pressure from extractive activities, particularly artisanal mining of iron ore in areas such as Kaya Kauma and Kaya Chivara, which is contributing to habitat degradation and further encroachment into forest boundaries. These cumulative pressures continue to undermine both the ecological integrity and cultural value of the forests.
- c) Effective management and protection of the Kaya forests are constrained by several operational challenges. These include inadequate forest protection personnel, which limits the ability to conduct regular patrols; lack of staff housing within the forest areas hindering the establishment of ranger outposts; and inadequate and delayed financial

allocations, with the county receiving less than a quarter of its operational budget over the past three financial years. Additionally, limited transport capacity; currently restricted to two old and frequently non-operational vehicles-significantly hampers patrol operations and rapid response to illegal activities.

- d) In light of the increasing threats and the ecological and cultural importance of Kaya forests, there is a compelling need to gazette the remaining Kaya forests in Kilifi County. Gazettement will strengthen legal protection against encroachment and illegal exploitation, enhance enforcement of forest laws, and improve access to funding, personnel, and infrastructure for forest management.
 - e) It will also facilitate development of structured management plans that integrate conservation objectives with community participation. The legal framework further provides for participatory forest management through community Forest Associations (CFA's) ensuring that local communities and Kaya elders remain central to forest governance.
 - f) A notable example is Kaya Chonyi, where the Kenya Forest Service, with support from Plan International, has facilitated the registration of a Community Forest Association. The development of a Participatory Forest Management Plan, and the negotiation of a Forest Management Agreement. The signing of the agreement and launch of the management plan are scheduled for 26th March 2026.
 - g) Concerns that gazettement may restrict community access are unfounded. Rather, gazettement seeks to regulate and protect forests from unsustainable activities while allowing continued access for cultural practices, traditional ceremonies, research, and other approved uses.
 - h) Gazettement will further safeguard cultural heritage, conserve biodiversity, and protect critical water catchments and fragile ecosystems associated with these forests.
- 42 In conclusion, KFS stated that the gazetted Kaya forests in Kilifi County remain vital ecological and cultural landscapes that require sustained protection and management. However, the increasing pressures across both gazetted and non-gazetted Kaya forests underscore the urgent need to strengthen conservation frameworks. The gazettement of the remaining Kaya forests will significantly enhance conservation efforts, reinforce law enforcement, and ensure the protection of these unique ecosystems and cultural heritage sites for present and future generations, while upholding and promoting community participation in their management.
- 43 **National Museums of Kenya (NMK)**
- a) The proposed gazettement should respect preservation of communities' cultural heritage, including the identification and maintenance of a database of all Kayas and their unique needs.
 - b) All relevant actors should be brought on board before gazettement, as required by law, including the County Government of Kilifi, which is the custodian of community land.

- c) Were gazettement to proceed, conservation efforts must then be undertaken jointly by all relevant stakeholders, with clarity on roles to avoid overlap.
- d) Gazettement should not impose stringent rules that frustrate conservation efforts vis-à-vis preservation of cultural values, including granting communities access to forests to exercise their cultural rights.
- e) The Government should also allocate adequate funds to facilitate conservation efforts for Kayas and Kaya forests.
- f) Kayas are community forests on community land; they should not be gazetted, as this would deprive communities of their constitutional rights.
- g) NMK expressed concern that once Kayas are gazetted, they would become government property, and communities would be denied access to conserve and preserve their cultural heritage.
- h) Gazettement would confer robust powers on KFS rather than NMK, which is the primary caretaker and manager of natural and cultural heritage in Kenya; consequently, NMK's mandate would be transferred to KFS, leaving NMK with no role.
- i) Currently, all Kayas are on county government land held in trust. Once gazetted, they would automatically become government land. This suggests an ulterior motive in the proposed gazettement.

44 Kenya Forestry Research Institute (KEFRI)

- a) The Institute supports gazettement of Kayas, which will enhance conservation efforts by all relevant stakeholders.
- b) The Forest Conservation and Management Act (FCMA) 2016 provides for the establishment of Community Forest Associations (CFAs), which are vital in management and conservation activities benefiting both communities and the environment.
- c) CFAs are essential in creating employment, reducing poverty, and improving livelihoods of communities around forests.
- d) Gazettement ensures formulation of Participatory Forest Management Plans that take into consideration the unique needs of each Kaya.
- e) Gazettement grants communities Forest User Rights as provided for in FCMA 2016. These rights aim to ensure sustainable forest management and livelihoods for those who rely on forest resources, including: access to forest resources; gathering of non-timber forest products; participation in ecotourism; formation of community forest associations; timber harvesting rights; benefit-sharing; and participation in forest management.
- f) KEFRI observed that Kaya Forests gazetted under FCMA 2016 were well managed and in good condition, unlike ungazetted Kayas, which suffer degradation from encroachment, illegal activities, poaching, over-harvesting, and agricultural extension.
- g) Kaya forests are instrumental in water conservation, reducing sedimentation and soil erosion through maintenance of riparian buffer zones and protection of water quality.
- h) Gazettement ensures structured engagements for solving prevalent problems, enhancing peaceful co-existence for mutual benefit and reducing hostility.

- i) Eco-tourism operators and funders are more readily attracted to gazetted Kayas, which offer formal governance structures and security guarantees, than to ungazetted sites that present higher investment risks.

PART FOUR

4. COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner and other stakeholders, the Committee observed that—

- 45 The Ministry of Environment, Climate Change and Forestry, through KFS, had already initiated the process of identifying, surveying, mapping, and gazettement all kaya forests along the coastal counties with involvement of local communities, kaya elders, and other stakeholders.
- 46 There exists dual legal framework where several kaya forests have already been gazetted and are under the management of the Kenya Forest Service (KFS), namely kaya Chonyi, Kaya Jibana, Kaya Ribe, and Kaya Kambe while the remaining kayas are gazetted under the National Museums and Heritage Act of 2006 as heritage sites and are managed by communities and the National Museums of Kenya (NMK).
- 47 There is inadequate protection under current regime as gazettement of majority of kayas under the National Museums and Heritage Act emphasizes conservation of heritage and cultural values but does not adequately address conservation of forest resources and biodiversity. This gap has contributed to increased degradation of forest resources and biodiversity in the kayas.
- 48 The kayas are facing external threats including climate change, urban development, and resource exploitation, as well as internal threats from declining traditional knowledge and respect for cultural practices. The integrity of the kayas is directly linked to the intactness of their forest surroundings, which has been progressively compromised.
- 49 The Mijikenda kaya forests hold UNESCO world heritage site status, recognizing their outstanding universal value as bearing unique testimony to a cultural tradition and for their direct link to a living tradition. this international designation imposes obligations for enhanced protection.
- 50 Inadequate and inconsistent public participation in the gazettement process may undermine community trust and fail to fully integrate traditional conservation practices with modern forest management approaches.
- 51 The Ministry of Environment, Climate Change and Forestry and the Ministry of Gender, Culture and Children Services have complementary mandates that require coordination to ensure holistic conservation of both natural and cultural heritage values.
- 52 There was overwhelming support by all stakeholders for the gazettement of kayas under the Forest Conservation and Management Act, 2016, provided that cultural heritage values are protected and community participation is ensured.

PART FIVE

5. COMMITTEE RECOMMENDATIONS

53 Pursuant to the provisions of Standing Order 227, the Committee responds to the petitioners as follows -

- (i) On the prayer that the Committee recommends to the relevant Ministry or State Government Department to identify Kaya Forest areas along the coastal counties of Kwale, Mombasa and Kilifi; **the Committee recommends that the Ministry of Environment, Climate Change and Forestry, should expedite the ongoing process of identifying, surveying, and mapping all remaining Kaya Forest areas along the coastal counties of Kwale, Mombasa, and Kilifi. This exercise should be conducted in collaboration with the National Museums of Kenya, respective County Governments, Kaya Elders, and local communities, should be completed within twelve (12) months upon tabling of this report.**

The 13 un-gazetted Kayas already identified in Kwale and Kilifi Counties, as well as those in Mombasa County that currently lack protection should be gazetted within ninety (90) days of tabling of this report.

- (ii) On Prayer that the Committee recommends gazettment of Kaya Forest as a forest area under the Forest Conservation and Management Act, 2016; **the Committee recommends that the Cabinet Secretary for Environment, Climate Change and Forestry should immediately gazette all identified Kaya forests as forest areas under the Forest Conservation and Management Act, 2016.**
- (iii) On Prayer that the Committee recommends that during the gazettment process, management respects the needs of individual Kayas and integrates the conservation of natural and cultural resources and traditional and non-traditional management; **the Committee recommends that management plans for Kaya forests should be developed through participatory processes involving Kaya Elders, local communities, National Museums of Kenya, and other stakeholders, within ninety (90) days of their gazettment as forest areas.**

Signed:.....

Date: 28/05/26

THE HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

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 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 MAY 2026 DAY: Thursday	
TABLED BY:	Hon. Maisori Marwa, MP
CLERK-AT THE-TABLE:	Irene Nduku
Member, Public Petitions Committee	

ANNEXURES

Annex 1: The Adoption List

Annex 2: Public Petition No. 81 of 2023 regarding gazettelement of Kaya Forest as forest areas under the Forest Conservation and Management Act 2016

Annex 3: Minutes of proceedings

PUBLIC PETITIONS COMMITTEE

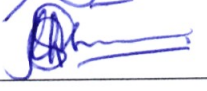
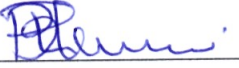
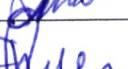
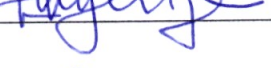
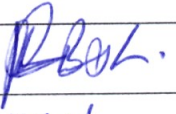
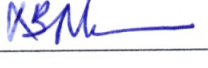
ADOPTION LIST

81

- (i) Consideration and adoption of the Report on P/No. 82 of 2023 regarding Gazettement of Kaya Forest as Forest areas under the Forest and Management Act 2026 by Hon. Owen Baya, CBS

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 6/5/2026

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P. (Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, CBS, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (SECOND SESSION)

PUBLIC PETITION

(No. 81 of 2023)

REGARDING GAZETTEMET OF *KAYA FOREST* AS FOREST AREAS
UNDER THE FOREST CONSERVATION AND MANAGEMENT ACT
2016.

I, the **UNDERSIGNED**, on behalf of the residents of Kilifi North Constituency;
DRAW the attention of the House to the following:

1. **THAT**, the Mijikenda Community occupy separate forest sites spread over 200km mostly on low hills, ranging in size from 30 to 300ha along the coastal counties of Kwale, Mombasa and Kilifi containing the remains of more than thirty fortified villages *known as Kayas*;
2. **THAT**, the *Kayas* were created during the 16th century but abandoned in 1940s and are now regarded as abodes of ancestors which are respected as sacred sites maintained by council of elders; inscribed as bearing unique testimony to a cultural tradition and for its direct link to a living tradition;
3. **THAT**, the forest around the *Kayas* have been nurtured by the Mijikenda community to protect the sacred graves and groves and are now almost the only remains of the once extensive coastal lowland forest;
4. **THAT**, the *Kayas* provide focal points for Mijikenda religious beliefs and practices and are regarded as their ancestral homes. As such, they have metonymic significance to the Mijikenda and are a fundamental source of their sense of '*being-in-the world*' and of place within the cultural landscape of contemporary Kenya; seen as a defining characteristic of Mijikenda identity;

**PETITION REGARDING GAZETTEMMENT OF *KAYA FOREST* AS FOREST
AREAS UNDER THE FOREST CONSERVATION AND MANAGEMENT ACT
2016.**

5. **THAT**, since their abandonment as preferred places of settlement, *Kayas* have been transferred from the domestic aspect of the Mijikenda landscape to its spiritual sphere. As part of this process, certain restrictions were placed on access and the utilization of natural forest resources;
6. **THAT**, as a direct consequence of the above, the biodiversity of the *Kayas* and forests surrounding them had been sustained. However, *the Kayas* are under threat both externally and from within Mijikenda society through the decline of traditional knowledge and respect for practices. The integrity of *the Kayas* relates to the intactness of their forest surroundings which currently has been compromised;
7. **THAT**, most *Kayas* have been under gazettement of the National Museums of Kenya which emphasizes on conservation and protection of the Heritage and Cultural values but not conservation of the forest. This therefore explains the increase in degradation of the forest resources and biodiversity.
8. **THAT**, the matter presented in this petition is not pending before any tribunal, court of law or Independent body.

THEREFORE, your humble Petitioners pray that the National Assembly through the Public Petitions Committee;

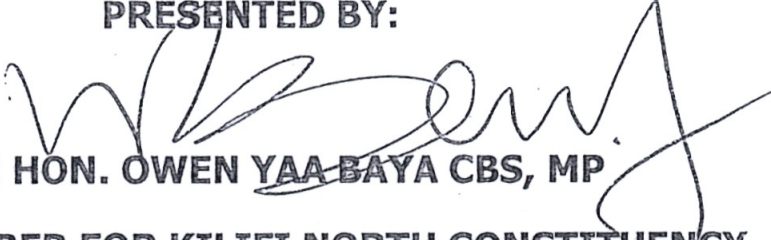
- i. Recommend to the relevant Ministry or State Government Department to identify *Kaya* forests areas along the coastal counties of Kwale, Mombasa and Kilifi;
- ii. Recommend that *Kaya* forest be gazetted as forest areas under the Forest Conservation and Management Act, 2016;
- iii. Recommend that during gazettement, management respects the needs of individual *Kayas* and to integrate the conservation of natural and cultural resources and traditional and non-traditional management practices; and,

**PETITION REGARDING GAZETTEMET OF *KAYA FOREST* AS FOREST
AREAS UNDER THE FOREST CONSERVATION AND MANAGEMENT ACT
2016.**

- iv. Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

And your **PETITIONERS** will ever pray.

PRESENTED BY:


THE HON. OWEN YAA BAYA CBS, MP

MEMBER FOR KILIFI NORTH CONSTITUENCY

DATE: 29.11.2023.

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1953-1954

1955-1956

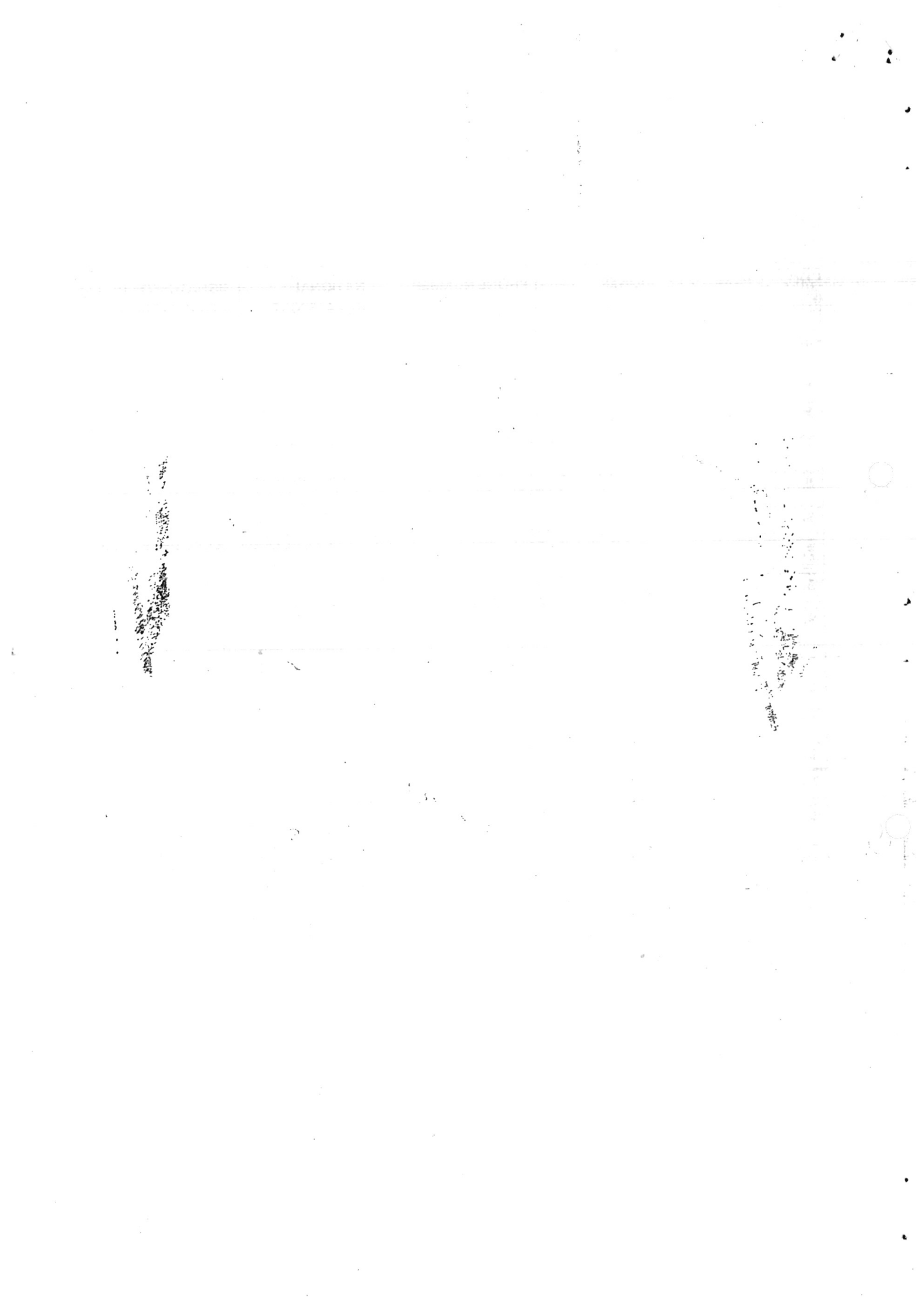
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PETITION
SUMMARY
AND
BACKGROUND

PETITION REGARDING GAZETTEMET OF KAYA FOREST AS FOREST AREAS UNDER
THE FOREST CONSERVATION AND MANAGEMENT ACT 2016.

NO.	NAME OF PETITIONER	PHONE NUMBER	NATIONAL ID/PASSPORT NO:	SIGNATURE/THU MB IMPRESSION
1.	FRANCIS NDIKUMU	0729611541	5018082	[Signature]
2.	JULIUS KAHINDI	0716618850	8656135	[Signature]
3.	KENEH CHAI CHIVAI	0745448016	224522	[Signature]
4.	HILLARY CHIONGA	0718370914	2825075	[Signature]
5.	PRISCILLA PUNDE	0724205001	2558104	[Signature]
6.	MICHAEL KAFUA	0723561273	11321148	[Signature]
7.	DANIEL MWAMBIKI	0713012395	35542519	[Signature]
8.	ELIZABETH KALONGA	0796068521	1004246	[Signature]
9.	LUCAS CHAI CHIVAI	0713148224	30846312	[Signature]
10.	SAMUEL MWANGU	0720846031	2849004	[Signature]
11.	MOHAMMED SIKANI	0711539649	11570167	[Signature]
12.	AMIN KATISA AMIN	0750382702	36607571	[Signature]
13.	SAMUEL MUKUNDU	0780205007	11264072	[Signature]
14.	PENSON MIBROK	0727004700	13211071	[Signature]
15.	DAVID KALONGA	0723638126	10668075	[Signature]
16.	LABAN KESI	31234261	0716642607	[Signature]
17.	MICHAEL CHOLA	3012341	0753527583	[Signature]
18.	DAWADI CHAZO	0727643203	29733820	[Signature]
19.	JOSEPH KASHANGA	0720430030	25491868	[Signature]
20.	MICHAEL KALONGA SIB	0701239423	32059170	[Signature]



MINUTES OF THE 33RD SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON WEDNESDAY, 6TH MAY, 2026 IN BAOBAB CONFERENCE ROOM, SERENA HOTEL, MOMBASA COUNTY AT 9:00 A.M.

PRESENT

- | | | |
|--|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. Beatrice Kadeveresia Elachi, CBS, M.P. | | |
| 4. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 5. Hon. Maisori Marwa Kitayama, M.P. | | |
| 6. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 7. Hon. Edith Vethi Nyenze, M.P. | | |
| 8. Hon. Paul Biego Kibichiy, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Suzanne Ndunge Kiamba, M.P.
3. Hon. Peter Irungu Kihungi, M.P.
4. Hon. Peter Mbogho Shake, M.P.
5. Hon. Sloya Clement Logova, M.P.
6. Hon. Patrick Ntwiga Munene, CBS, M.P.
7. Hon. John Bwire Okano, M.P.

IN-ATTENDANCE

SECRETARIAT

- | | | |
|--------------------------|---|-------------------------------|
| 1. Mr. Victor Weke | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Mr. Bernard Toroitich | - | Clerk Assistant III |
| 4. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 5. Mr. Clinton Sindiga | - | Legal Counsel II |
| 6. Ms. Nancy Akinyi | - | Research Officer III |
| 7. Mr. Arkan Mumin | - | Research Officer III |
| 8. Mr. Collins Mahamba | - | Audio Officer |
| 9. Ms. Felistas Muiya | - | Public Communications Officer |
| 10. Mr. Rose Njuki | - | Serjeant-at-Arms |

MIN./PPC/2026/171:

PRELIMINARIES

The Chairperson called the meeting to order at 9:00 am and said the opening prayer.

MIN./PPC/2026/172:

ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Paul Biego, M.P and seconded by, Hon. Beatrice Elachi, M.P.

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of previous Minutes
4. Matters Arising
5. **Consideration and Adoption of the following Reports on: -**
 - (i) **Public Petition No. 81 Of 2023 By Hon. Owen Yaa Baya CBS, M.P regarding gazetting of Kaya Forest as Forest Areas under the Forest Conservation and Management Act 2016;**

- (ii) Public Petition No. 78 of 2023 regarding National Health Insurance Fund Ineligible “Incurred But Not Reported” (IBNR) Claims of over Kenya Shillings 21 Billion; and
- (iii) Public Petition No. 16 of 2025 by the Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime regarding the recategorization of Tsavo East and Tsavo West National Parks

- 6. Any Other Business
- 7. Adjournment and Date of the Next Meeting

MIN./PPC/2026/173: CONFIRMATION OF MINUTES

This agenda item was deferred.

MIN./PPC/2026/174: CONSIDERATION AND ADOPTION OF REEPORTS ON VARIOUS PUBLIC PETITIONS

- (a) **Public Petition No. 81 of 2023 By Hon. Owen Yaa Baya CBS, M.P regarding gazettement of Kaya Forest as Forest Areas under the Forest Conservation and Management Act 2016;**
The Committee considered and adopted the Draft Report unanimously with amendments to recommendation (1) having been proposed by the Hon. Joshua Kandie, MP and seconded by the Hon. Nerbert Muriuki, MP as follows –

- (i) **On the prayer that the Committee recommends to the relevant Ministry or State Government Department to identify Kaya Forest areas along the coastal counties of Kwale, Mombasa and Kilifi;** the Committee recommends that the Ministry of Environment, Climate Change and Forestry, through the Kenya Forest Service, expedites the ongoing process of identifying, surveying, and mapping all remaining Kaya Forest areas along the coastal counties of Kwale, Mombasa, and Kilifi. This exercise to be conducted in collaboration with the National Museums of Kenya, respective County Governments, Kaya Elders, and local communities, should be completed within one (1) year of tabling of this report. The 13 un-gazetted Kayas identified in Kwale and Kilifi Counties, as well as those in Mombasa County that currently lack protection should be gazetted within ninety (90) days of tabling of this report.
- (ii) **On Prayer that the Committee recommends gazettement of Kaya Forest as a forest area under the Forest Conservation and Management Act, 2016;** the Committee recommends that the Cabinet Secretary for Environment, Climate Change and Forestry immediately initiates the gazettement of all identified Kaya forests as forest areas under the Forest Conservation and Management Act, 2016. The gazettement process should respect the existing legal status of Kayas already designated as National Monuments under the National Museums and Heritage Act, ensuring dual protection rather than replacement.
- (iii) **On Prayer that the Committee recommends that during the gazettement process, management respects the needs of individual Kayas and integrates the conservation of natural and cultural resources and traditional and non-traditional management;** the Committee recommends that during and after gazettement, management plans for Kaya forests be developed through participatory processes involving Kaya Elders, local communities, National Museums of Kenya, and other stakeholders. The Ministry of Environment, Climate Change and Forestry should ensure that Part V (Sections 48-52) of the FCMA, 2016 regarding community participation in sustainable forest management is fully implemented. Traditional management practices, cultural ceremonies, and spiritual activities of the Mijikenda community should be explicitly protected and facilitated within gazetted Kaya forests.

(iv) The Committee further recommends as follows that the Ministry of Gender, Culture and Children Services reviews the Forest Conservation and Management Act, 2016 and the National Museums and Heritage Act, 2006 to identify and address any legislative gaps that may hinder integrated management of cultural and natural heritage sites, and submits proposals to address identified gaps within six (6) months of tabling of this report.

(b) Public Petition No. 78 of 2023 regarding National Health Insurance Fund Ineligible “Incurred But Not Reported” (IBNR) Claims of over Kenya Shillings 21 Billion

The Committee considered and adopted the Draft Report unanimously with amendments to recommendation (1) having been proposed by the Hon. Paul Biego, MP and seconded by the Hon. Nerbert Muriuki, MP as follows –

(i) **On the Prayer that the Committee compels the Board of Management and the Chief Executive Officer to prepare financial statements that give a true and fair view of the state of affairs;** the Committee notes that financial statements of the National Hospital Insurance Fund (NHIF) and its successor, the Social Health Authority (SHA) have been annually submitted to the National Assembly and recommendations by the relevant Committee of the House considered.

(ii) **On the prayer that the Committee further compels the Board of Management and the Chief Executive Officer of NHIF to identify healthcare providers who benefited from ineligible IBNR claims;** the Committee recommends that the Office of the Auditor-General conducts a forensic audit on the entirety of IBNR funds set aside since inception and eventual payments made, within six (6) months of tabling of this report.

(iii) **On the prayer that the Committee intervenes to have recovery of funds where payments are found to be inauthentic;** the Committee recommends that the outcome of the aforementioned forensic audit be awaited.

(c) Public Petition No. 16 of 2025 by the Speaker of the County Assembly of Taita Taveta, Hon. Anselm Mwadime regarding the recategorization of Tsavo East and Tsavo West National Parks

The Committee unanimously considered and adopted the Draft Report with the following recommendations having been proposed by the Hon. Janet Sitienei, MP and seconded by the Hon. Marwa Kitayama, MP –

On the Prayer that the National Assembly to amend the Wildlife Conservation and Management Act by recategorizing National Parks and National Reserves in the Eleventh Schedule of the Act so as to enhance conservation efforts; the Committee rejects the prayer. However, the Committee recommends that the Ministry of Wildlife and the County Government of Taita Taveta under the auspices of the Intergovernmental Relations Technical Committee explore the application of Article 187 of the Constitution to facilitate structured framework of sharing of specific functions, including revenue management, community engagement, and ancillary services.

MIN./PPC/2026/175:

ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at 12:30 p.m.

Sign:

Date 28/05/26

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COM

MINUTES OF THE 20TH SITTING OF THE COMMITTEE ON THE SITE VISIT REGARDING PUBLIC PETITION NO. 81 OF 2023 ON THE GAZETTEMENT OF KAYA FOREST AS A FOREST AREA UNDER THE FOREST CONSERVATION AND MANAGEMENT ACT 2016 HELD ON THURSDAY, 19TH MARCH, 2026 IN KILIFI COUNTY AT 12.15 PM.

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 4. Hon. Edith Vethi Nyenze, M.P. | | |
| 5. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 6. Hon. Peter Irungu Kihungi, M.P. | | |
| 7. Hon. Paul Biego Kibichiy, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Peter Mbogho Shake, M.P.
3. Hon. Joshua Chepyegon Kandie, M.P.
4. Hon. Maisori Marwa Kitayama, M.P.
5. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
6. Hon. Patrick Ntwiga Munene, CBS, M.P.
7. Hon. John Bwire Okano, M.P.
8. Hon. Sloya Clement Logova, M.P.

IN-ATTENDANCE

SECRETARIAT

- | | | |
|--------------------------|---|-------------------------------|
| 1. Ms. Miriam Modo | - | Clerk Assistant I |
| 2. Mr. Bernard Toroitich | - | Clerk Assistant III |
| 3. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 4. Mr. Clinton Sindiga | - | Legal Counsel II |
| 5. Ms. Nancy Akinyi | - | Research Officer III |
| 6. Mr. Arkan Mumin | - | Research Officer III |
| 7. Mr. Collins Mahamba | - | Audio Officer |
| 8. Mr. Calvin Karungo | - | Media Relations Officer III |
| 9. Ms. Felistas Muiya | - | Public Communications Officer |
| 10. Mr. Paul Shana | - | Serjeant at Arm |

STAKEHOLDERS

1. The Ministry of Environment, Climate Change and Forestry
2. The National Museums of Kenya (NMK)
3. The Kenya Forestry Research Institute (KEFRI)
4. The National Environmental Management Authority (NEMA)
5. The Kenya Forest Service (KFS)
6. Kaya Kauma Community Elders

MIN./PPC/2026/104:

PRELIMINARIES

The Chairperson called the meeting to order at 12:15 pm. and said a word of prayer.

MIN./PPC/2026/105:

ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Eng Nerbart Muriuki, M.P and seconded by, Hon. Edith Nyenze, M.P

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of previous Minutes
4. Matters Arising
5. **Site Visit to Kaya Kauma on Public Petition No. 81 of 2023 regarding the gazettement of Kaya Forest as a forest area under the Forest Conservation and Management Act 2016.**
6. Any Other Business
7. Adjournment.

MIN./PPC/2026/106: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/107:

SITE VISIT TO KAYA KAUMA ON PUBLIC PETITION NO. 81 OF 2023 REGARDING THE GAZETTEMENT OF KAYA FOREST AS A FOREST AREA UNDER THE FOREST CONSERVATION AND MANAGEMENT ACT 2016.

The Chair introduced the petition and thereafter welcomed representatives of the various institutions present to give their submissions as follows –

Kaya Community Elders

- i. The Kay forests are highly valued by the Mijikenda Community as sacred places and habitats for rare plant and animal species.
- ii. While the community has continually condemned the misuse of natural resources and the destruction of sacred woodlands — now threatened by climate change, urban expansion, land grabbing, and destructive human activities — they are concerned that the proposed gazettement will erode their cultural rights and heritage, with significant impact on their spiritual wellbeing.
- iii. The community's efforts have been geared towards restoring the degraded forests, but these efforts have been limited by financial constraints.
- iv. The community is agreeable to gazettement only if their culture and heritage are preserved and the benefits they currently derive from the forests are guaranteed post-gazettement.
- v. Furthermore, the community demands inclusivity among all relevant bodies in conservation efforts and the enforcement of penalties, including imprisonment, for those found culpable of environmental violations.
- vi. The government should also support community-led conservation efforts, given that these communities have protected the forests for generations.
- vii. Public participation must be undertaken in recognition that all Kayas have unique needs.
- viii. The County government, as custodians of community land, must be included in the process to ensure gazettement respects legal provisions and does not disadvantage the Mijikenda community.

Kenya Forestry Research Institute (KEFRI)

- i. The Institute supports gazettement of Kayas, which will enhance conservation efforts by all relevant stakeholders.

- ii. The Forest Conservation and Management Act (FCMA) 2016 provides for the establishment of Community Forest Associations (CFAs), which are vital in management and conservation activities benefiting both communities and the environment.
- iii. CFAs are essential in creating employment, reducing poverty, and improving livelihoods of communities around forests.
- iv. Gazettement ensures formulation of Participatory Forest Management Plans that take into consideration the unique needs of each Kaya.
- v. Gazettement grants communities Forest User Rights as provided for in FCMA 2016. These rights aim to ensure sustainable forest management and livelihoods for those who rely on forest resources, including: access to forest resources; gathering of non-timber forest products; participation in ecotourism; formation of community forest associations; timber harvesting rights; benefit-sharing; and participation in forest management.
- vi. KEFRI observed that Kaya Forests gazetted under FCMA 2016 were well managed and in good condition, unlike ungazetted Kayas, which suffer degradation from encroachment, illegal activities, poaching, over-harvesting, and agricultural extension.
- vii. Kaya forests are instrumental in water conservation, reducing sedimentation and soil erosion through maintenance of riparian buffer zones and protection of water quality.
- viii. Gazettement ensures structured engagements for solving prevalent problems, enhancing peaceful co-existence for mutual benefit and reducing hostility.
- ix. Eco-tourism operators and funders are more readily attracted to gazetted Kayas, which offer formal governance structures and security guarantees, than to ungazetted sites that present higher investment risks.

Committee Observations

The Committee made the following observations –

- a) The community faces a dilemma, they support forest conservation in principle but fear that formal gazettement will strip them of their cultural and spiritual connection to the forests. This reveals a common conflict between state-led conservation models and indigenous community stewardship systems.
- b) The community is not anti-gazettement but they are advocating for negotiated consent i.e they will accept official protection if specific conditions are met regarding, cultural heritage preservation, continued access to forest benefits and legal protections for their rights.
- c) Despite their commitment to protecting the forests, the community acknowledges financial incapacity as a barrier to restoration efforts. This suggests they view external support as necessary, not optional.
- d) Multiple points emphasize inclusivity, participation, and legal compliance:
- e) The community identifies layered pressures on the forests for instance Climate change (external, systemic), urban expansion and development land grabbing and destructive human activities.
- f) The community asserts ancestral rights and traditional ecological knowledge as grounds for continued involvement and any alleged exclusion would breed resistance and conflict.

Committee Resolution

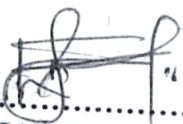
The Committee resolved as follows –

- a) The Government, through the KFS and NMK should formally recognize Kaya forests as both ecological and cultural heritage sites, and promote their dual protection through integrated conservation frameworks that respect biodiversity and sacred traditions.
- b) Any gazettement process should incorporate cultural impact assessments to ensure that the rights, spiritual practices, and heritage of the Mijikenda community are preserved. Legal safeguards should be embedded to guarantee continued access for cultural and religious purposes, in line with Article 11 and 44 of the Constitution of Kenya 2010.
- c) The National Government and County Governments should establish dedicated funding mechanisms, including grants and community conservation funds, to support ongoing forest restoration initiatives. Partnerships with development agencies and NGOs should also be strengthened to mobilize technical and financial assistance.
- d) Gazettement should adopt a co-management model that guarantees, protection of cultural heritage and sacred practices, benefit-sharing mechanisms (e.g., eco-tourism revenue, conservation incentives) and formal recognition of community roles in forest governance. Through Community Forest Associations under the Forest Conservation and Management Act 2016.
- e) A multi-agency coordination framework should be established involving all stakeholders, including community representatives. Additionally, enforcement of environmental laws should be strengthened, with clear penalties including fines and imprisonment for illegal activities such as encroachment, logging, and land grabbing.
- f) The Government should institutionalize and support community-led conservation models by providing technical training and capacity building, recognizing indigenous knowledge systems and offering incentives and legal backing to community conservation initiatives.
- g) County Governments should be actively involved in the gazettement process as custodians of community land under the Community Land Act 2016. Their role should include safeguarding community interests, ensuring compliance with legal frameworks, and facilitating coordination between national agencies and local communities.

MIN./PPC/2026/108:

ADJOURNMENT

There being no other business, the meeting was adjourned at 2.48 p.m.

Sign: 

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date 1/4/2026

MINUTES OF THE 19TH SITTING OF THE COMMITTEE ON THE SITE VISIT REGARDING PUBLIC PETITION NO. 81 OF 2023 ON THE GAZETTEMET OF KAYA FOREST AS A FOREST AREA UNDER THE FOREST CONSERVATION AND MANAGEMENT ACT 2016 HELD ON THURSDAY, 19TH MARCH, 2026 IN KILIFI COUNTY AT 9.30A.M.

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 4. Hon. Edith Vethi Nyenze, M.P. | | |
| 5. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 6. Hon. Peter Irungu Kihungi, M.P. | | |
| 7. Hon. Paul Biego Kibichiy, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Peter Mbogho Shake, M.P.
3. Hon. Joshua Chepyegon Kandie, M.P.
4. Hon. Maisori Marwa Kitayama, M.P.
5. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
6. Hon. Patrick Ntwiga Munene, CBS, M.P.
7. Hon. John Bwire Okano, M.P.
8. Hon. Sloya Clement Logova, M.P.

IN-ATTENDANCE

SECRETARIAT

- | | | |
|--------------------------|---|-------------------------------|
| 1. Ms. Miriam Modo | - | Clerk Assistant I |
| 2. Mr. Bernard Toroitich | - | Clerk Assistant III |
| 3. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 4. Mr. Clinton Sindiga | - | Legal Counsel II |
| 5. Ms. Nancy Akinyi | - | Research Officer III |
| 6. Mr. Arkan Mumin | - | Research Officer III |
| 7. Mr. Collins Mahamba | - | Audio Officer |
| 8. Mr. Calvin Karungo | - | Media Relations Officer III |
| 9. Ms. Felistas Muiya | - | Public Communications Officer |
| 10. Mr. Paul Shana | - | Serjeant at Arm |

STAKEHOLDERS

1. The Ministry of Environment, Climate Change and Forestry
2. The National Museums of Kenya (NMK)
3. The Kenya Forestry Research Institute (KEFRI)
4. The National Environmental Management Authority (NEMA)
5. The Kenya Forest Service (KFS)
6. Kaya Kauma Community Elders

MIN./PPC/2026/099:

PRELIMINARIES

The Chairperson called the meeting to order at 09:30 am and said a word of prayer.

MIN./PPC/2026/100:

ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Eng Nerbart Muriuki, M.P and seconded by, Hon. Edith Nyenze, M.P

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of previous Minutes
4. Matters Arising
5. **Site Visit to Kaya Kauma on Public Petition No. 81 of 2023 regarding the gazettement of Kaya Forest as a forest area under the Forest Conservation and Management Act 2016.**
6. Any Other Business
7. Adjournment.

MIN./PPC/2026/101:

CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/102:

SITE VISIT TO KAYA KAUMA ON PUBLIC PETITION NO. 81 OF 2023 REGARDING THE GAZETTEMENT OF KAYA FOREST AS A FOREST AREA UNDER THE FOREST CONSERVATION AND MANAGEMENT ACT 2016.

The Chair introduced the petition and thereafter welcomed representatives of the various institutions present to give their submissions as follows –

i. The Kenya Forest Service

- a) The Kaya forests of Kilifi County, constitute an integral component of Kenya's cultural heritage and ecological resources. The forests are sacred to the Mijikenda community and serve as critical biodiversity hotspots within the coastal forest ecosystem.
- b) Kilifi County hosts a number of these Kaya forests, which are of significant cultural, historical, and environmental value and currently, four Kaya forests had been gazetted as forest reserves under the Forest Conservation and Management Act 2016, thereby placing them under the mandate of the Kenya Forest Service for purposes of protection, conservation, and sustainable management. There are plans to gazette the remaining kayas by the Ministry in consultation with all the relevant stakeholders.
- c) While several Kaya forests continue to maintain relatively intact core areas, the majority are increasingly subjected to anthropogenic pressures that pose significant risks to their ecological integrity and cultural significance including encroachment and resource extraction leading to deterioration of forest structure and general degradation.
- d) The Service works in collaboration with local communities, Kaya elders, and partner institutions such as the National Museums of Kenya to address illegal activities and support conservation initiatives. KFS has consistently responded to reports from communities and stakeholders to curb illegal activities within the Kaya forests, including illegal logging, charcoal burning and land encroachment.
- e) Effective management and protection of the Kaya forests are constrained by several operational challenges. These include inadequate forest protection personnel, which limits the ability to conduct regular patrols; lack of staff housing within the forest areas

hindering the establishment of ranger outposts; and inadequate and delayed financial allocations, with the county receiving less than a quarter of its operational budget over the past three financial years. Additionally, limited transport capacity; currently restricted to two old and frequently non-operational vehicles-significantly hampers patrol operations and rapid response to illegal activities.

- f) In light of the increasing threats and the ecological and cultural importance of Kaya forests, there is a compelling need to gazette the remaining Kaya forests in Kilifi County. Gazettement will strengthen legal protection against encroachment and illegal exploitation, enhance enforcement of forest laws, and improve access to funding, personnel, and infrastructure for forest management. It will also facilitate development of structured management plans that integrate conservation objectives with community participation. The legal framework further provides for participatory forest management through community Forest Associations (CFA's) ensuring that local communities and Kaya elders remain central to forest governance. Gazettement will further safeguard cultural heritage, conserve biodiversity, and protect critical water catchments and fragile ecosystems associated with these forests.
 - g) In conclusion, KFS stated that the gazetted Kaya forests in Kilifi County remain vital ecological and cultural landscapes that require sustained protection and management. However, the increasing pressures across both gazetted and non-gazetted Kaya forests underscore the urgent need to strengthen conservation frameworks. The gazettement of the remaining Kaya forests will significantly enhance conservation efforts, reinforce law enforcement, and ensure the protection of these unique ecosystems and cultural heritage sites for present and future generations, while upholding and promoting community participation in their management.
- ii. **National Museums of Kenya (NMK)**
- a) The proposed gazettement should respect preservation of communities' cultural heritage, including the identification and maintenance of a database of all Kayas and their unique needs.
 - b) All relevant actors should be brought on board before gazettement, as required by law, including the County Government of Kilifi, which is the custodian of community land.
 - c) Were gazettement to proceed, conservation efforts must then be undertaken jointly by all relevant stakeholders, with clarity on roles to avoid overlap.
 - d) Gazettement should not impose stringent rules that frustrate conservation efforts vis-à-vis preservation of cultural values, including granting communities access to forests to exercise their cultural rights.
 - e) The Government should also allocate adequate funds to facilitate conservation efforts for Kayas and Kaya forests.
 - f) Kayas are community forests on community land; they should not be gazetted, as this would deprive communities of their constitutional rights.
 - g) NMK expressed concern that once Kayas are gazetted, they would become government property, and communities would be denied access to conserve and preserve their cultural heritage.
 - h) Gazettement would confer robust powers on KFS rather than NMK, which is the primary caretaker and manager of natural and cultural heritage in Kenya; consequently, NMK's mandate would be transferred to KFS, leaving NMK with no role.

- i) Currently, all Kayas are on county government land held in trust. Once gazetted, they would automatically become government land. This suggests an ulterior motive in the proposed gazettement.

Committee Concerns

The Committee inquired the mandate of the National Museums of Kenya and the Kenya Forest Service in the Kayas and they responded that National Museums of Kenya role was to manage natural and man-made heritage and cultural monuments while Kenya Forest Service role was to manage forest conservation efforts.

The Committee inquired what NMK would lose if the kayas are gazetted, and NMK responded that, their fear was that their legitimacy would be transferred to KFS and land would also become public land strictly managed by the government leading to culture erosion, non-accessibility of the forest by the local communities, grant of access by KFS which is one of their roles among others. Additionally, conservation efforts by the community and NMK would become null and void.

Asked what challenges they are facing as a result of KFS managing the gazetted kayas under the Forest Management and Conservation Act and NMK managing kaya forests with cultural heritage, they responded that, their relationship has been complementary though roles seem to overlap. There is need to clearly define roles to prevent overlap and conflict.

The Committee inquired on their opinion regarding gazettement of kayas, NMK responded that gazettement should be participatory and all relevant actors should be involved in the process. Further, the Mijikenda culture and practices should not be disturbed by gazettement. The User Rights Policy should be applied to allow community access forest benefits and conduct their cultural practices in the forest without restrictions. They advocate for inclusivity and complementarism.

On the inquiry whether the community have their own askaris to man the kayas and the forests, the elders responded that yes, young men from the community had been offering volunteer services to conserve the forests, arrest poachers and other harmful human activities in collaboration with Wildlife service, KFS and NMK. Going forward, future recruitments of KFS Officers to the Kayas should be informed by employment of locals drawn from the Mijikenda Community who understand and respect the culture not just anybody.

Committee Resolution

The Committee resolved that before gazettement, all relevant actors should be brought on board including the County Government and the local communities living in the kayas.

MIN./PPC/2026/103:

ADJOURNMENT

There being no other business, the meeting was adjourned at 11.48 a.m.

Sign:

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date 1/4/2026

MINUTES OF THE 4TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, 17TH FEBRUARY, 2026 IN COMMITTEE ROOM ON THE 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 12.00 PM.

PRESENT

- | | | |
|--|---|-------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Patrick Ntwiga Munene, CBS, M.P. | | |
| 3. Hon. Edith Vethi Nyenze, M.P. | | |
| 4. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 5. Hon. Beatrice Kadeveresia Elachi, CBS, M.P. | | |
| 6. Hon. Peter Irungu Kihungi, M.P. | | |
| 7. Hon. Maisori Marwa Kitayama, M.P. | | |

APOLOGIES

- | | | |
|---|---|------------------|
| 1. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 2. Hon. Patrick Makau King'ola, M.P. | | |
| 3. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 4. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 5. Hon. Peter Mbogho Shake, M.P. | | |
| 6. Hon. John Bwire Okano, M.P. | | |
| 7. Hon. Sloya Clement Logova, M.P. | | |

IN-ATTENDANCE

SECRETARIAT

- | | | |
|--------------------------|---|------------------------------|
| 1. Ms. Miriam Modo | - | Clerk Assistant I |
| 2. Mr. Bernard Toroitich | - | Clerk Assistant III |
| 3. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 4. Mr. Clinton Sindiga | - | Legal Counsel II |
| 5. Mr. Arkan Mumin | - | Research Officer III |
| 6. Mr. Collins Mahamba | - | Audio Officer III |
| 7. Mr. Pascal Valerian | - | Hansard Officer III |
| 8. Mr. Paul Shana | - | Serjeant at Arm |
| 9. Ms. Felistus Muiya | - | Public Communication Officer |

MINISTRY OF GENDER CULTURE AND CHILDREN SERVICES

- | | | |
|------------------------|---|---|
| 1. Ms. Hanna Wendot | - | Cabinet Secretary |
| 2. Ms. Daniella Adalla | - | Personal assistant to the CS |
| 3. Ms. Daphin Kithuku | - | Communication Officer- office of the CS |
| 4. Ms. Evaline Tanui | - | Technical Assistant to CS |

NATIONAL MUSEUMS OF KENYA

- | | | |
|----------------------------|---|--|
| 1. Prof. Mary Gikungu | - | Director General |
| 2. Mr. Metrine Wakhungu | - | Corporation secretary and head of legal services |
| 3. Mr. Allan Nandasaba | - | Public Relations Officer |
| 4. Mr. Isaiah Nyaga | - | Legal Officer |
| 5. Ms. Carolyne Chepkemboi | - | Research officer |

MIN./PPC/2026/018: PRELIMINARIES

The Chairperson called the meeting to order at 12:20 pm, followed by a word of Prayer.

MIN./PPC/2026/019: ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Suzanne Ndunge Kiamba, M.P and seconded by Hon. Edith Vethi Nyenze, M.P.

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of minutes
4. Meeting with the following regarding Public Petition on the gazettement of Kayas within the coastal region as forest areas under the Forest Conservation and Management Act, 2016: -
 - i. Cabinet Secretary, Ministry of Gender, Culture and Children Services; and
 - ii. Director General, National Museums of Kenya.
5. Any Other Business
6. Adjournment and date for the next Sitting

MIN./PPC/2026/020: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/021: MEETING WITH THE CS, MINISTRY OF GENDER, CULTURE AND CHILDREN SERVICES AND THE DG, NATIONAL MUSEUMS REGARDING PETITION ON THE GAZETTEMET OF KAYAS WITHIN THE COASTAL REGION AS FOREST AREAS UNDER THE FOREST CONSERVATION AND MANAGEMENT ACT, 2016

Ms. Hanna Wendot, the Cabinet Secretary, appeared before the Committee alongside the Director General, National Museums of Kenya. They were accompanied by other officials from the Ministry and the National Museums respectively. She made submissions on the Petition as follows-

The **Kaya** are sacred, protected forest sites of the Mijikenda people found along the coast of Kenya. The word “Kaya” means “home” or “village” in the Mijikenda dialects. Historically, the kayas were fortified forest settlements established around the 16th century when the Mijikenda migrated to the coastal hinterland for security. These forested enclosures served as:

- (a) Residential settlements for the community;
- (b) Burial grounds for ancestors;
- (c) Spiritual and ritual centres; and
- (d) Political and judicial spaces governed by councils of elders.

Although many kayas were gradually abandoned as residential areas by the 1940s, they remain spiritually significant. Today, they are revered as sacred sites believed to be the abodes of ancestors and continue to be maintained and protected by councils of elders.

Due to their outstanding cultural and ecological value, the Sacred Mijikenda Kaya Forests were inscribed as a UNESCO World Heritage Site in 2008. They represent both Kenya’s cultural heritage and biodiversity conservation efforts, as the forests also preserve rare plant and animal species.

1. List of Kayas gazetted as monuments under the National Museums and Heritage Act, Cap. 216

Most of the Kaya forests were formally protected through gazettelement under the **Antiquities and Monuments Act, Cap. 215**, which was originally enacted to safeguard, preserve, and regulate sites and objects of historical, archaeological, and cultural significance in Kenya. This legislation provided the legal framework for the declaration and protection of heritage sites, including many of the Kaya forests along the coast.

In 2006, the Antiquities and Monuments Act was repealed and replaced by the **National Museums and Heritage Act, Cap. 216**, which now governs the protection, conservation, and management of Kenya's cultural and natural heritage under the mandate of the National Museums of Kenya. At the county level –

- Kwale County has Twenty-Six (26) gazetted Kaya sites.
- Kilifi County has seventeen (17) gazetted Kaya sites.

The gazettelement of these sites affirms their national heritage status and strengthens their legal protection, complementing their recognition as part of the Sacred Mijikenda Kaya Forests inscribed as a UNESCO World Heritage Site.

2. UNESCO World Heritage List

The Mijikenda Kaya Forests inscribed on the UNESCO World Heritage List comprise a series of separate forest sites distributed over approximately 200 kilometres along Kenya's coast. These forests contain the remains of numerous fortified villages, known as *kayas*, which were established by the Mijikenda people from around the 16th century.

The property was inscribed for bearing **unique testimony to a cultural tradition** and for its **direct and tangible association with a living tradition**. Although the kayas ceased to function as residential settlements by the mid-20th century, they remain spiritually and culturally significant. They continue to serve as sacred spaces for rituals, governance by councils of elders, and the preservation of indigenous knowledge systems.

Thus, the Sacred Mijikenda Kaya Forests represent both an archaeological record of past settlement patterns and a living cultural landscape that sustains the identity, beliefs, and continuity of the Mijikenda community.

The list of Kayas on the UNESCO World Heritage List is provided in the table below: -

No.	Name	District	Area (Ha)
1.	Kaya Giriama	Kaloleni	204
2.	Kaya Jibana	Kaloleni	140
3.	Kaya Kambe	Kaloleni	75
4.	Kaya Kauma	Kilifi	75
5.	Kaya Ribe	Kaloleni	36
6.	Rabai Kayas	Kaloleni	580
7.	Duruma Kayas	Kinango	398
8.	Kaya Kinondo	Msambweni	30

3. Protection of Kaya forests under the Forest Conservation and Management Act 2016

Regarding the issue of the kayas being given further protection by being gazetted under the Forest Conservation and Management Act, 2016, the Ministry of Gender, Culture, and Children Services has no objection as this will further enhance conservation and protection of the same. It will also enable both institutions (National Museums of Kenya and Kenya Forest Service) to assist each other and collaborate in matters concerning conservation of the Kayas.

The Ministry further recommends that Kenya Forest Service (KFS) be looped into the ongoing discussions regarding gazettement of Kayas as protected forests under the Forest Conservation and Management Act, 2016 as KFS is the government agency statutorily mandated to undertake the same.

Committee Observations

The Committee observed as follows: -

THAT-

(a) **Unspecified Acreage and Possible Encroachment:** There appear to be several gazetted Kaya sites whose official records do not clearly indicate their acreage. The absence of clearly defined boundaries and size specifications may create ambiguity regarding the extent of protection accorded to such sites. This situation raises concerns about potential human settlement, encroachment, or competing land uses within or around these Kaya forests, which could undermine their integrity and cultural significance.

(b) **Mandate of the Kenya Forest Service (KFS):** The Kenya Forest Service is legally mandated to conserve, manage, and protect all public forests in Kenya under the Forest Conservation and Management Act. Given that Kaya forests are forested ecosystems and form part of Kenya's natural heritage, KFS has a responsibility to ensure their ecological protection. However, the management of Kaya forests also intersects with cultural heritage protection under the National Museums and Heritage Act and the custodial role of councils of elders. Therefore, effective protection requires coordinated institutional collaboration between KFS, the National Museums of Kenya, county governments, and the Kaya elders to safeguard both the ecological and cultural values of the sites.

Way forward

The Committee resolved as follows-

1. To engage;

a) The Kenya Forest Service regarding the gazettement of Kayas as protected forests since it is the government agency statutorily mandated to undertake this.

MIN./PPC/2026/022:

ANY OTHER BUSINESS

The proposed Report Writing Retreat to be held after the short recess at a venue to be confirmed in due course.

MIN./PPC/2026/023:

ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 1:20 p.m. Next meeting will be held on Thursday, 19th February, 2026 at the same venue.

Sign:

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date

01/04/2026



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 65TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, DECEMBER 05, 2024, IN COMMITTEE ROOM 20 ON 3RD FLOOR, BUNGE TOWER AT 11.00. A.M

PRESENT

- | | | |
|---------------------------------------|---|-------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | - | Chairperson |
| 2. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 3. Hon. Maisori Marwa Kitayama, MP | | |
| 4. Hon. John Walter Owino, M.P. | | |
| 5. Hon. Edith Vethi Nyenze, M.P. | | |
| 6. Hon. John Bwire Okano, M.P. | | |
| 7. Hon. Suzanne Ndunge Kiamba, M.P. | | |

APOLOGIES

- | | | |
|---|---|------------------|
| 1. Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 2. Hon. Patrick Makau King'ola, M.P. | | |
| 3. Hon. Ernest Ogesi Kivai, M.P. | | |
| 4. Hon. Bidu Mohamed Tubi, M.P. | | |
| 5. Hon. Caleb Mutiso Mule, M.P. | | |
| 6. Hon. Peter Mbogho Shake, M.P. | | |
| 7. Hon. (Eng.) Bernard Muriuki Nebart, M.P. | | |
| 8. Hon. Sloya Clement Logova, M.P. | | |

SECRETARIAT

- | | |
|-----------------------|------------------------------|
| 1. Mr. Ahmad Kadhi | Principal Clerk Assistant II |
| 2. Ms. Anne Shibuko | Clerk Assistant I |
| 3. Ms. Lenny Muchangi | Legal Counsel II |
| 4. Ms. Nancy Akinyi | Research Officer III |
| 5. Mr. Calvin Karungo | Media Relations Officer III |
| 6. Mr. Peter Mutethia | Audio Officer |
| 7. Ms. Wahu Mwirikia | Audio Officer Intern |

IN ATTENDANCE

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

- | | |
|-----------------------------|--|
| 1. Hon. Aden Duale, EGH | Cabinet Secretary |
| 2. Mr. Mugambi Gitonga, EBS | Director, Legal Services |
| 3. Mr. Mamo B. Mamo | Director General NEMA |
| 4. Mr. Alex Lemakoko | Chief Conservator, Kenya Forest Service |
| 5. Mr. George Tarus | Ass. Secretary, State Department of Forestry |
| 6. Mr. Benjamin Kiringili | Ag. Manager, FS&IM |
| 7. Mr. Omara Komora | Head of Operations, KFS |

8. Ms. Jeptoo Ruth
9. Mr. Rodney Omari

Parliamentary Liason Officer
Parliamentary Liason Officer

MIN./PPETC/2024/412: PRELIMINARIES

The Chairperson called the meeting to order at 11:00 a.m. and proceedings began with prayers by Hon. Suzanne Kiamba, M.P.

MIN./PPETC/2024/413: ADOPTION OF AGENDA

AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. Meeting with the Ministry of Environment, Climate Change & Forestry regarding—
 - *P/ No. 4 of 2023 on Delayed adjudication and Settlement of Squatters after the expiry of Lease of Macalder Mines Ltd Land;*
 - *P/No. 15 of 2023 regarding Declaration of Mukutani Forest as a Public Forest;*
 - *P/No. 52 of 2023 on Ban of the Use Asbestos as a Roofing Material;*
 - *P/No. 59 of 2023 regarding Settlement of Ontulili Mount Kenya Forest Squatters*
 - *P/ No. 69 of 2023 regarding Resettlement of Squatters in Koibem Village, Chepkumia Location, Nandi County.*
 - *P/No. 82 of 2023 on Degazettement of Boni-Lungi Forest in Lamu East Constituency;*
 - *P/No. 81 of 2023 on Gazettement of Kaya Forest as Forest areas under the Forest Conservation and Management;*
6. Meeting with the Ministry of National Treasury and Economic Planning regarding—
 - *P/No. 46 of 2023 regarding Payment of retirement Dues and Pension for retired Teachers; and*
 - *P/No. 80 of 2023 regarding release of the Free Day Secondary Education Capitation Deficit for the Academic Year 2019 and Financial Years 2020/2021/ to 2022/2023 by the National Treasury.*
7. Any Other Business
8. Adjournment

MIN./PPETC/2024/414:

CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The agenda was deferred.

MIN./PPETC/2024/415:

MEETING WITH THE MINISTRY OF ENVIRONMENT, CLIMATE CHANGE & FORESTRY

The Cabinet Secretary, Ministry of Environment, Climate Change & Forestry, Hon. Aden Duale, EGH appeared before the Committee and submitted as follows:

A. P/ No. 4 of 2023 on Delayed adjudication and Settlement of Squatters after the expiry of Lease of Macalder Mines Ltd Land

1. The case is under consideration before the Environment and Land Court in ELC Petition No. 1 of 2023 (Migori County Government V. Attorney General & 3 others), consolidated with ELC Petition No. 4 of 2023. The County Government of Migori along with other petitioners, is asserting ownership of 2,500 hectares of Macalder Forest.
2. The matter remains active in court and is pending judgment. The Cabinet Secretary was not at liberty to proceed with the petition until the matter is determined and concluded by the court.

B. P/No. 15 of 2023 regarding Declaration of Mukutani Forest as a Public Forest

1. The gazettelement referred to was undertaken openly, transparently and in accordance with the provisions of the Constitution of Kenya 2010 and the FCMA 2016.
2. The gazettelement process was a community driven initiative to reserve community land as a forest reserve.
3. The community approached the Forest Station Manager, Marigat Forest Station in the year 2013 asking for advice on reservation of the area for conservation. They cited destruction of the water catchment area as the main concern and security challenges.
4. The need for gazettelement of two hills was informed by environmental, economic, socio-cultural and security challenges experienced by the communities.
5. In March 2015, during the International Colloquium held in Eldoret, stakeholders convened to share knowledge and lessons on engaging forest-dependent communities in forest management and addressing related land use and land rights issues. The community, in their presentation, emphasized the need for gazettelement of the hills as a forest, highlighting specific reasons tied to forest management and the protection of their rights to forest resources, as documented in the event's concept note and detailed in the Colloquium Report.
6. The community initiated and sufficiently participated in the entire process. The National Land Commission gave its approval, the County Government of Baringo and Kenya Forest Service among other stakeholders were engaged in rigorous consultations that led to the gazettelement according to the Forest Conservation and Management Act (FCMA), 2016. The community elders made adequate attempts to sensitize members on the need to gazette Mukutani forest. The National Land Commission (NLC), other stakeholders and County Government were equally fully involved in the entire process and in accordance with FCMA 2016.

7. The following documents confirm that the necessary consultations and procedures were done before gazettement of the forest block. They include;
 - a) Minutes of the community meeting on gazettement dated 27th December, 2013, where the agenda was to discuss the hills to be gazetted as forest reserves as well as understanding the meaning of gazettement of hills and the implication to livelihood of the community. The resolution reached was that portions of Mukutani and Lemaitai (Karau) hills be set aside for forestry development under the then, Forest Act 2005.
 - b) Letter Ref. No. 10/1/1/140 dated 17th June 2014 from the Ecosystem Conservator (EC), Baringo County to the County Executive Committee; Ministry of Environment and Natural Resources, Energy and Mining informing the County Government of Baringo on the creation and reservation of new forests; Lemaitai and Mukutani Hills.
 - c) Letter from the Ilchamus Community to the National Land Commission dated 16th January 2015 where the Community sought assistance in the gazettement of Mukutani Forest for conservation of forest resources.
 - d) Letter Ref. NLC/CHAIRMAN/VOL.IX/145 dated 31st March, 2015 from the National Land Commission to Kenya Forest Service where the Commission consents to gazettement of the forest and requests KFS to undertake the gazettement process.
 - e) Copy of Legal Notice No. 265 of 27th October, 2017 which declared Mukutani Forest a Public Forest.
 - f) Copy of Boundary Plan No. 175/435 which shows the boundaries of Mukutani Forest.
8. The Gazettement of Mukutani forest guaranteed Peace, stability and security within the forest and region at large as the area is disturbed, dangerous and operation under multiagency security teams; and any action would require consultation with Nation Security Council Committee *to recall the decision of the then Cabinet Secretary of Environment, Natural Resources contained in the Legal Notice No. 265 dated 27/10/2017, 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.*
9. The Gazettement of Mukutani Forest was done in line with the provisions of the Constitution of Kenya 2010 and FCMA 2016. The National Land Commission, the County Government of Baringo, the Mukutani Community, and all relevant stakeholders were consulted during the Gazettement process.
10. The requested reversal will:

- a) Adversely affect the value of the forest eco-system as a water catchment area and prejudice biodiversity conservation, cultural site protection of the forest and its sustainable use for educational, recreational, health and research purposes;
- b) Endanger rare and threatened species within Mukutani Gazetted Forest;
- c) Interfere with the wildlife migratory corridor connecting Laikipia and Lake Baringo thus jeopardize community livelihood opportunities; and
- d) Negate the Presidential directive on acceleration, achievement and maintaining 30% tree cover by 2032, the 15 Billion Tree Growing; National Landscape and Ecosystem Restoration Programme.
- e) Mukutani forest is a critical state resource for strategic national interests. The gazettment guaranteed and ensured that the interests of forest dependants are safeguarded through multiagency security teams and the Whole of Government Approach (WGA).

Committee concerns

The Committee observed that there was a gap in the level of public participation across the 3 communities in Mukutani.

Regarding the fate of the schools already established in Mukutani, the Cabinet Secretary said that the schools will be relocated.

Committee decision

The Committee resolved to schedule a site visit to Mukutani.

C. P/No. 52 of 2023 on Ban of the Use Asbestos as a Roofing Material

1. The National Environment Management Authority (NEMA) is the principal instrument of government established under Section 7 of the Environmental Management and Co-ordination Act (EMCA), 1999 to exercise general supervision and coordination over all matters relating to the environment and became operational in the year 2002.
2. Asbestos is a group of six fibrous minerals that occur naturally in metamorphic deposits located around the world. It's a chemically inert mineral that is fire resistant and does not conduct heat or electricity thus making it a commonly used insulator. It has high tensile strength, is insoluble and odourless. Due to these properties, it has been used in a wide range of manufactured goods including roofing materials, ceiling and floor tiles, friction products such as automobile clutch and brakes. In the 1960s and 1970s, asbestos was a material of choice in the construction industry. A number of industries including food manufacturing industries as well as residential homes used asbestos roofing materials due to its durability and fire resistance characteristics.
3. When left intact and undisturbed, asbestos materials do not pose a health risk. It becomes a problem when due to damage, disturbance or

deterioration over time as the material releases fibres into the air, causing air pollution. Exposure to air containing the fibres increases the risk of inhaling the fibres and developing the associated diseases (asbestosis, lung cancer and mesothelioma). The roofing materials used in the 1960s and 1970s have deteriorated overtime requiring their replacement with more environmentally safe methods necessitating their removal and disposal.

4. Over time, there has been increased removal and disposal of asbestos roofing materials due to global awareness of its negative health effects, deterioration of asbestos sheets overtime and increased drive towards roof water harvesting. This promoted the National Environment Management Authority (NEMA) as the environmental regulator to develop guidelines to aid in the safe removal and disposal of asbestos.
5. Over time, the Ministry through NEMA has undertaken the following actions to mitigate against asbestos pollution:
 - a) Communicated to the public on the environmental and health risks associated with use of Asbestos.
 - b) Communicated to a number of ministries on the concern of the presence of asbestos roofing, and advised them to take the lead in replacing any existing asbestos roofing with modern roofing materials.
 - c) Licensed asbestos disposal sites as per the Environmental Management and Coordination (Waste Management Regulations 2006)
 - d) Licensed the vehicles to transport asbestos/ hazardous waste.

In response to the prayer to recommend to relevant Ministries to survey and identify all public buildings with Asbestos roofs, including the International Development Association (IDA) funded primary schools in Wajir North Constituency and other ASALs regions of Northern Kenya that were roofed using asbestos with a view to removing asbestos and replacing it with galvanized iron sheets in order to mitigate asbestos-related negative effects and cancer.

6. The Ministry, through NEMA, will place a public notice to advise the public on the environmental and health risks associated with asbestos roofs. Further, NEMA will continue to write to public institutions to advise them to replace the asbestos roofing materials with environmentally-friendly roofing materials.

In response to the prayer to recommend the relevant Ministries to develop and implement a safe disposal plan for all the asbestos materials that will be removed from buildings to avoid seepage of the carcinogen into the environment.

7. NEMA will guide the concerned Ministries and other entities on the safe handling, transportation, and disposal of asbestos. This will be in accordance with national guidelines on the safe management and disposal of asbestos, and Environmental Management and Coordination (Waste Management) Regulations, 2006.

In response recommend for a medical survey to be carried out in all the regions with asbestos roofs to ascertain the extent of cancerous effect of

prolonged exposure to asbestos and provide necessary health interventions to those who might have been affected

8. NEMA will advise the Ministry of Health and County Governments to carry out medical surveys and screening to ascertain the extent of impacts of exposure to asbestos and provide appropriate health interventions.

Committee concerns

Regarding why the process of removal of asbestos was slow despite awareness of its risks and frequent communication among relevant Government agencies, the Cabinet Secretary explained that the Ministry had a list of buildings managed by the Kenya Railways Corporation, Kenya Ports of Authority, Ministry of Defence and Ministry of Interior, which still has Asbestos roofing with their GPS Mapping and would continue engaging these agencies.

Regarding whether there was no budgetary allocation for removal and disposal of asbestos, the Cabinet Secretary explained that the Ministry was liaising with the National Treasury to secure funds for removal of asbestos.

D. P/No. 59 of 2023 regarding Settlement of Ontulili Mount Kenya Forest Squatters

1. Ontulili Forest is part of the Mount Kenya Forest Ecosystem that consists of Mount Kenya Forest Reserve and Mount Kenya National Park.
2. The Ontulili Forest was gazetted as a public forest vide Proclamation No. 48 of 1943 under the then Forest Department (FD) and declared a Central Forest vide Legal Notice No. 174 of 20th May 1964. The forest is composed of Natural Forest, Plantations, Bushland, Bamboo and other areas under infrastructure and institutions. Currently the area measures approximately 33,227.15 ha thus making it the largest forest ecosystem in Meru County.
3. The Ontulili squatters' resettlement was initiated by the late Hon. Harvester Angaine in 1975 with a view to resettle families of former Forest Department (FD) employees who were working within Mount Kenya forest in Ontulili Forest Station during the colonial period. Land was set aside from Mount Kenya forest through two legal amendments for this cause but later after excisions had been effected, the two parcels (L.R. No. 13269 and L.R. No. 12234) were registered in favour of an individual as opposed to favouring the intended beneficiaries.
4. The excisions comprised of two portions of land in total 930.3 ha excised in 1975 and 1977 which were authorized by the then Minister for Natural Resources, Hon. S. S. Oloitipiti, to resettle the squatters in Mount Kenya forest. The Legal Notices are as indicated here below;
 - a) Legal Notice No. 68 of April 1975 excising an area of 384.1ha within Ontulili forest station
 - b) Legal Notice No. 107 of April 1977 excising an area of 546.2ha within Ontulili forest station

5. The Ontulili squatters lived in Mount Kenya, Ontulili Forest Station as employees of the then Forest Department (FD) during the colonial era. In 1986, the late Hon. Angaine and the Provincial Administration allocated land to 668 squatters in Ontulili in an area known as Ngusishi (Karuri, Kienini and Kiriti) where each individual was to be allocated 2.5 acres approximately.
6. Of the 668 individuals, none of them was issued with ownership documents with respect to the allocated land. The blocks were located in ecologically sensitive areas which are also sources of rivers. Their stay in the forest caused a lot of deforestation and encroachment into the natural forest leading to the decrease in water levels and siltation downstream, it also became difficult to control grazing in the forest.
7. As time went by the population increased and the demand for land also increased. This led to encroachment deeper into the fragile water catchment area and inhabitable forest adversely affecting the environment through forest clearance hence affecting biodiversity in general and forest water function. This area had not officially been excised from Mount Kenya forest.
8. The presence of squatters in the forest also posed the challenge of forest fires occasioned by honey-hunting activities and deliberate burning for the grass to regenerate for their livestock. Additionally, there was increased illegal logging targeting the endangered *Juniperus procera* (Cedar).
9. In the year 2001, 796.04 Ha of forest land was excised within Sirimon block of Mount Kenya forest vide Legal Notice No. 29 of 2001. Each family that formerly occupied Karuri, Kienini and Kiriti areas was allocated 1.4 acres as opposed to 2.5 acres, a deficit of 1.1 acres. This did not go down well with the people since they felt short changed. On this ground some people chose to remain in Ngusishi prompting some to heading to the Law courts to seek redress.
10. An Environmental Audit Team was constituted to investigate the legal status of the land under dispute, Investigate and document the negative impacts of human settlement in Ngusishi and recommend suitable remedies to mitigate the problem.
11. The Environmental Audit Team visited the ground and conducted an environmental audit of the area that had been settled in Ngusishi and a report was drawn with the following recommendations: -
 - a) Degazette Sirimon area and issue titles to the current occupants;
 - b) Those who had sued the government were considered double dealers since they laid claim to both Sirimon and Ngusishi areas, therefore, the case to be dismissed with cost from their end; and

c) Charge the officials from the Provincial Administration and the Ministry of Lands for irregularly and illegally allocating land to squatters in Ngusishi areas.

12. The Ontulili squatters were dissatisfied since they were not allowed to settle in the area intended as per the Legal Notice Nos. 68 of April 1975 (384.1 ha) and 107 of April 1977 (546.2 ha) in Ontulili forest block.
13. The late Hon. J. Harvester Angaine's family are the current occupants of the said land registered as L.R. No. 13269 (384.2 Ha) and L.R. No. 12234 (546.2 Ha) amounting to 930.3Ha approximately.
14. The Ndung'u report on irregular/illegal acquisition of public land recommended for revocation of the two Titles since they benefited an individual as opposed to Ontulili squatters.
15. The procedure involved in the degazettement of a public forest is provided in Section 34 of the Forest Conservation and Management Act 2016.
16. Kenya Forest Service then Forest Department (FD) had played a key role towards resettling Ontulili forest squatters from inception. The squatter's aspiration and wish were not met as the late Hon. Angaine and some officials from the Ministry of Lands and the then Provincial Administration changed the squatter's intended land by relocating the squatters elsewhere and re allocated the subject land to themselves.
17. The Ontulili excisions were meant to resettle the squatters but were hijacked by the late Hon. Harvester Angaine and processed the Titles in his favour.
18. The squatters felt that the late Hon. Angaine used his office as the Minister of Lands to allocate himself land that was meant to resettle them, some of them even went to court as this amounted to impunity and abuse of office.
19. However, Messrs. Patrick Muriuki and Robert Wanjau, mentioned in the Public Petition No. 59 of 2023, are not being honest in consideration of the fact that they were allocated land elsewhere (Sirimon) and settled.
20. The Petitioner refers to a recommendation made by the National Land Commission (NLC), in Historical Injustice Case No. NLC/HLI/025/2017. Consequently, the Petitioner raises concerns regarding information and/or implementation of the NLC's decisions. As a constitutional body, the NLC is the appropriate entity to address the matter, having already received and processed the Petitioner's complaint, conducted public hearings and consultations to verify the nature of the claim, and issued relevant recommendations.
21. The Survey of Kenya to be directed to start development of a Boundary Plan in favour of Kenya Forest Service (KFS) to assist in recovery of the 930.3 Ha

illegally and irregularly acquired by the late Hon. Angaine and now currently occupied by his family in Ontulili forest block, to revert to KFS as per Ndungu Report for forest conservation and reforestation to increase forest and tree cover under the 15 Billion Tree Growing for National Ecosystem and Restoration Programme.

E. P/ No. 69 of 2023 regarding Resettlement of Squatters in Koibem Village, Chepkumia Location, Nandi County

Introduction of Chepkumia Land Exchange Programme

1. The Ngerek Community has to date never been settled in the intended area of the gazetted forest for the reason that at the time for which resettlement was to be effected, other people had already been fraudulently and illegally settled in the proposed settlement area. This illegality is alleged to have been occasioned by the political class in the existing regime, a position established by the determination of the National Land Commission vide Historical Land Injustice Committee Ref. No. NLC/HLI/435/2018; NLC/HLI/256/2017, Kisumu Civil Suit No. 76 of 2003 and the Ndungú Report with a recommendation to the effect that the land reverts back to the Government.
2. Should the original intention of settling the Ngerek be realised, due process should and must be followed and a way out found for the illegally settled individuals.
3. In undertaking the de-gazettement and gazettement processes involved in the execution of the underlined land exchange, the provisions in the Forest Management and Conservation Act, 2016 shall apply.
4. The legal procedures involved in the exchange of gazetted public forest area with a private land is contained in the Forest Management and Conservation Act, 2016.

Gazettement of South Nandi Forest

5. South Nandi Forest was gazetted vide Proclamation No. 76 of 1936 and declared a Central Forest vide Legal Notice No. 174 of 1964 measuring approximately 17,960.50Ha. The South Nandi Forest is classified as a 'moist forest' under the Forest and Agricultural Organisation (FAO) of the United Nations.
6. In 1996, the Chepkumia land exchange was authorized to resettle people from the hilly Chepkumia areas of Ngerek and Koibem, i.e **Ngerek and Koibem Communities**. The Land exchange was to constitute **910.60Ha** in Kaimosi Block of South Nandi Forest along the Yala River. The Land Exchange Programme was initiated as a result of a Presidential Pronouncement during a tour of the Nandi District in 1996. The area to be excised was to set aside land as follows; -

S/No	Specific Area Coverage	Area (ha)
1	Koibem Hill	266.86
2	Ngerek Hill	455.45
3	Public Utilities	188.29
	Total	910.60

Genesis of Chepkumia Land Exchange

7. The genesis of Chepkumia Land Exchange program was initiated by the Chepkumia Locational Development Leaders Meeting chaired by the KANU Chairman- Chepkumia Location - **Mr. Joel K Kitur** who petitioned the District Commissioner then to prioritize the resettlement of the Koibem people in Kaimosi block - Chepkumia Forest Land as the community lacked adequate land for the development and expansion of public amenities in the Koibem Village. Another request for 600 ha land exchange was done by residents of Singoro Village-Kaptel Location, Nandi District.

Persons who have been settled so far under the Chepkumia Land Exchange in South Nandi Forest

8. The Chepkumia land exchange was meant to benefit the Koibem and the Ngerek Communities. They were to exchange the land they were living in with part of Kaimosi block land in Chepkumia Location. It was to be carried out in two phases, **Phase 1- Koibem Village Residents** and **Phase 2- Ngerek Residents**.

Phase 1- Koibem Village

9. Koibem residents are of Kalenjin origin and moved from their originally occupied area (Koibem Hills). By the year 2000, the Koibem Hills had 148 households. The settling of Koibem people was done in 2001/2002 after surrendering their original land and was settled in South Nandi Forest. During the process, seven people were not settled as the land they were allocated was swampy and rocky, and the matter was resolved in subsequent meetings.
10. The implementation of the program was coordinated by the District Commissioner and the District Surveyor under the guidance of the Provincial Commissioner/Rift Valley. The allocation was being done on the principle of an acre to an acre basis. The new Koibem (Yala) area was surveyed and the draft Boundary Plan, though developed, was not submitted to facilitate degazettment. The residents are still holding to their titles as the process of finalizing with the then Forest Department was stalled by court cases instituted by the Ngerek community.

Collapse of the proposed Chepkumia Exchange Program

11. The Chepkumia Land exchange, though targeted to benefit deserving communities, did not materialize and collapsed after tribal and political interests took center stage and several court cases undermined any meaningful progress. From the onset there was no political goodwill to settle the Ngereks and the issues have continued to this present day.
12. These complications stalled the process of exchange. The allocations in Kapkangani area were faced with multiple incidences of double allocations, selling of allocated plots, non - settlement of the original beneficiaries to the land, eviction orders and hence sought to be guided on the next course of action in streamlining the process of settlement.
13. It is evident that the Kenya Forest Service has made efforts to have these matters addressed by the relevant authorities, all of which have failed to give a satisfactory response.
14. The Ministry of Environment, Climate Change and Forestry together with Kenya Forest Service, have acted on the issues as required by law and with best intentions.
15. However, as detailed above, the success of these efforts depends on other parties and crucially honest and open participation of the communities on the ground in conjunction with the local leadership.
16. This therefore means that there is need to engage other stakeholders as demonstrated in the recommendations by the National Lands Commission.

Recommendations

17. The Chepkumia Land Exchange programme had good intentions to settle deserving people but was hijacked by political and tribal interests, there is need to engage broadly with other stakeholders to find a lasting solution to the disputed Chepkumia Land Exchange Programme with stakeholders from the County and National Government Agencies.
18. The Land Exchange involving the Koibem Community settlement was done without any conflicts, and the process of initiating surrender of Title Deeds from the beneficiaries should be commenced to the Government of Kenya (Kenya Forest service). The area they currently occupied should be surveyed and formalized as an exchange.
19. The Survey and development of cadastral map for the area they vacated and that in occupation currently should also be developed and the final process of gazettment and degazettment of the areas fast tracked to completion. This will enable KFS secure fully the Koibem Hills area which currently is without proper jurisdiction and lying in limbo.
20. The Ngerek Community continues to occupy their original land and there has never been any intention by the Kenya Forest Service to dispossess or evict them. The land they were supposed to benefit from was taken over for

political expediency and the court ruling was for it to revert back to the Government for forest conservation and afforestation by KFS.

21. The Government is assessing the matters raised by Ngerek to come up with an amicable and lasting solution with conservation of the moist rain forest being a priority.
22. NLC and Ministry of Interior and National Administration to address historical land injustice as manifested in this public petition.

F. P/No. 82 of 2023 on Degazettement of Boni-Lungi Forest in Lamu East Constituency

In response to the prayer that the National Assembly investigates the matter and compels the Ministry of Environment, Climate Change and Forestry to degazette Boni - Lungi as a State Forest;

1. The Ministry of Environment, Climate Change and Forestry takes cognizance of the fact that the recommendation for de-gazettement goes against the current government aspiration of increasing tree cover to 30% by 2032 to curb the three planetary crisis of forest degradation, biodiversity loss, climate change and pollution.
2. Boni Lungi Forest complex is a critical state resource for strategic national interests and territorial integrity. The gazettement guaranteed and ensured that the interests of forest dependants are safeguarded through multiagency security teams and the Whole of Government Approach (WGA).
3. The outcome of the investigations has revealed that the area is disturbed, dangerous and operations are being undertaken by multiagency security teams for peace and stability within the forest and transboundary region at large.

In response to the prayer that the Cabinet Secretary for Lands, Public Works, Housing and Urban Development in consultation with the County Government of Lamu to facilitate the registration of Boni-Lungi as community land pursuant to Article 63(5) of the Constitution and other applicable laws;

4. Following gazettement of Boni - Lungi Forest as stipulated in the FCMA, 2016, the registration of the forest as community land pursuant to Article 63(5) of the Constitution and other applicable laws would negate the government aspiration of achieving 30% tree cover by 2032.
5. The National Security Council and Ministry of Interior and National Administration are major stakeholders whose strategic national interest and territorial integrity are to be taken on board to guarantee peace, security and stability of the country.

In response to the prayer on other order and/or direction that it deems fit in the circumstances of the matter;

6. There are great opportunities for infrastructural development, roads, Lamu Port South Sudan Ethiopia Transport (LAPSSET) Corridor Project and general development which will be guaranteed through partnerships; while upholding the gazettement of the Boni forest complex.
7. The Boni Forest Complex which borders Somalia is of both strategic National and cross border interest. This is necessitated the National Security Council concern relating to incursions by the Al Shabaab militants who are using the forest as a hide out for launching their attacks. The forest had suffered a state of degradation due to lack of adequate capacity and capability under the former community forest management arrangement. In view of this, there was need to manage this complex that cuts across the two counties (Lamu and Garissa) as one forest ecosystem. In order to ensure better conservation and management of these forests, there was need to put in place a legal instrument, which assisted towards achieving this goal.
8. Boni Forest complex comprises three blocks thus Boni Lungi, Panda Nguo and Boni Ijara blocks. The Boni complex strides between Lamu and Garissa Counties extending into Somali. The gazettement process was a community driven initiative to reserve the forest from extinction as it serves as the source of their livelihood. The community since time immemorial have been depending on the forest reserve as their habitat and source of food.
9. The need for gazettement of the complex was also informed by security, environmental, economic and socio-cultural challenges experienced by the local community, county, country and the world at large. According to the presentation at the Kenya Forest Service headquarters on the *Boni - Lungi Forest - the proposed gazettement of Lungi Forest*, the community highlighted the specific reasons for gazettement of the forest as clearly detailed in the referred document.
10. After concerted efforts by the community, the Al-Shabaab threats and fear by community that their ancestral land could be grabbed, the community through the help of development partners petitioned the Government to gazette the forest to ensure that the complex is protected for sustainable use.
11. The table below shows the process followed up to gazettement of Boni Complex (Boni - Lungi).

Item	Date	Action	Remarks
1.	August 2003	District Development Committee (DCC) Meeting	Approved minutes forwarded to KFS

Item	Date	Action	Remarks
		and proposed Gazettement of the forest.	HQs for action
2.	May 2008	District Environmental Committee (DEC) meeting held at Ijara Commissioners' office.	Minutes forwarded to KFS HQs for action.
3	November 2010 - April 2011	Kenya Secure Projects held consultative meetings with stakeholders on gazettelement of Boni Complex.	Meetings held in Lamu and Mombasa - minutes forwarded to KFS for action on gazettelement.
4.	March 2013	Stake holders forum for development of a strategic road map towards sustainable conservation of Boni Forest.	Meeting held at ALA inn hotel - Masalani. A report forwarded to KFS HQs for action on gazettelement.
5	December. 2014	Community representatives held a meeting with Director KFS where they presented a document on proposed gazettelement of Boni Forest.	Minutes - Meeting was at Director's board room.
6	January 2014	Reconnaissance survey by Kenya Forest Service in the company of community leaders	The three blocks identified and general outline agreed upon.
7	October - November 2014	Consultative meetings with communities within and around Boni ecosystem on gazettelement.	Minutes and a sensitization report forwarded to KFS for action.
8	June 2015	Survey of boundary conducted by KFS Surveyors in the company of Boundary officers from Survey of Kenya and Community members.	The three blocks surveyed with a total area of 532,672.38 Ha Approximately.
9	June 2015	Consultative/informative meetings with County Governments of Garissa and Lamu on gazettelement.	Minutes forwarded to KFS for action.
10	July 2015	Boundary Plans and Draft schedules prepared by KFS	Boundary Plan No. 175/437 Checked and

Item	Date	Action	Remarks
		and forwarded to Director of Surveys for authentication.	Authenticated /Approved by Director of Surveys.
11	November 2017	Boni - Lungi, Boni - Ijara and Panda Nguo Forest blocks gazetted.	Legal Notice No.261, 262 & 263 of 2017 published respectively.

Conclusion and recommendation

12. Various stakeholders including members of the local community deliberated on the gazettement of the forest as tabulated above. Following the deliberations, it was decided that the gazettement process of the Boni forest complex (Boni - lungi) be undertaken and concluded.
13. The Cabinet Secretary beseeched the Committee to maintain the gazettement of the forest complex so as to address and protect the interests of the local Aweer community. Significant improvements of the forest functions in provision of environmental services (water flow, grazing pastures, climate mitigation, resilience and adaptation) have been noted.
14. The Cabinet Secretary requested the Committee to uphold the presence of multi-agency security teams within the gazetted forest that will continue to maintain the security of the region at large and enhance forest conservation and management efforts through Whole of Government and Society Approach.

G. P/No. 81 of 2023 on Gazettement of Kaya Forest as Forest areas under the Forest Conservation and Management

Creation and Management of Public Forests

1. The legal framework under Forest Conservation and Management Act 2016 Part IV—
Section 31(2): -
 - (1) *All public forests in Kenya are vested in the Service, subject to any rights of user in respect thereof, which by or under this Act or other written law, have been or are granted to any other person.*
 - (2) *The Cabinet Secretary may, on the recommendation of the Board and after consultation with the National Land Commission declare through a gazette Notice any un-alienated public land or any land purchased or otherwise acquired by the Service to be a public forest.*

Response to the Petition

In response to the prayer that the relevant Ministry or State Government Department to identify Kaya forests areas along the coastal counties of Kwale, Mombasa and Kilifi;

2. The Cabinet Secretary commended the Member of Parliament for Kilifi North Constituency (Hon. Owen Yaa Baya CBS, M.P.) for the noble public petition and called for action by other Members of Parliament to emulate and gazette more hilltops, degraded landscapes and biodiversity hotspots.
3. The Ministry of Environment, Climate Change and Forestry takes cognizance of the fact that the recommendation for gazette of the Kayas is a welcome idea. This will enhance conservation efforts being carried out by the government while contributing to overall forest and tree cover. Currently, there are few Kaya Forests that have already been gazetted and are under the management of the Kenya Forest Service, namely Kaya Chonyi, Kaya Jibana, Kaya Ribe and Kaya Kambe. Some of the Kayas are gazetted under National Museums and Heritage Act of 2006 as heritage sites and are managed by communities and the National Museums of Kenya (NMK).
4. The Ministry through KFS is undertaking the task of identifying, surveying and mapping, and gazette of all Kaya forests along the coastal counties of Kilifi, Mombasa and Kwale with involvement of local communities, Kaya Elders and other stakeholders.

In response to the prayer that Kaya forests be gazetted as forest areas under the Forest Conservation and Management Act, 2016;

5. The Ministry of Environment, Climate Change and Forestry will initiate the gazette process of the Kaya forests as guided by FCMA, 2016.
6. KFS Board of Directors has resolved and approve gazette of Kaya forests areas under FCMA, 2016.

In response to the prayer that that during gazette, management respects the needs of individual Kayas and to integrate the conservation of natural and cultural resources and traditional and non-traditional management practices;

7. Part V (Section 48 to 52) of the FCMA, 2016 recognizes community participation in sustainable forest management. In this regard, the needs of individual Kayas and integration of conservation of natural, cultural resources, traditional and non-traditional management practices will be taken care of and enhanced.
8. Upon gazette, the following management activities will be undertaken;
 - a. Preparation of Participatory Forest Management Plans for the Kaya forests;

- b. Establishment of forest protection camps and outposts (Forest Ranger camps);
- c. Establishment of applicable nature-based enterprises (NBEs) and Income Generating Activities (IGAs);
- d. Secure the boundaries of all the gazetted Kaya forests;
- e. Establishment of tree nurseries for seedlings production to address 15 billion National tree growing ecosystem and landscape restoration; and
- f. Rehabilitation and restoration of the degraded gazetted Kaya forests.

General concern on petitions relating to Degazettement of Forests

The Committee observed that most people in the villages are squatters with no place to call home nor any succession plan. Regarding what plans the Cabinet Secretary has in place to ensure by the end of his term, settlement is achieved, the Cabinet Secretary explained that a study, public participation and consultation had been done and revealed that people don't have relevant docs and title deeds. The Cabinet Secretary undertook to give title to communities living next to forests so that they become part of Communities Forest Association.

MIN./PPETC/2024/416:

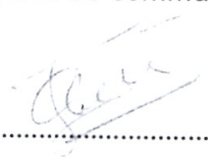
MEETING WITH THE MINISTRY OF NATIONAL
TREASURY AND ECONOMIC PLANNING

The Agenda was deferred.

MIN./PPETC/2024/417:

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 02:00 p.m. The date of the next meeting will be communicated by notice.

Sign:


(CHAIRPERSON)

Date.....




REPUBLIC OF KENYA

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

**MINISTERIAL STATEMENT BY THE CABINET SECRETARY FORESTS
ON PUBLIC PETITION NO. 81 OF 2023 REGARDING GAZETTEMMENT
OF KAYA FOREST AS FOREST AREAS UNDER THE FOREST
CONSERVATION AND MANAGEMENT ACT OF 2016:**

The National Assembly, through letter Ref. No. Ref. No. KNA/DLPS/PPETC/CORR/2024/059 dated 11th April 2024, by the Clerk of National Assembly requested the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry to respond to a Public Petition No. 81 of 2023 by Hon. Owen Yaa Baya, CBS, MP for Kilifi North Constituency, Regarding Gazettement of Kaya Forest as Forest Areas under the Forest Conservation and Management Act of 2016.

Petition

- i. Recommend to the relevant Ministry or State Government Department to identify Kaya forests areas along the coastal counties of Kwale, Mombasa and Kilifi;
- ii. Recommend that Kaya forest be gazetted as forest areas under the Forest Conservation and Management Act, 2016;
- iii. Recommend that during gazettement, management respects the needs of individual Kayas and to integrate the conservation of natural and cultural resources and traditional and non-traditional management practices; and,

- iv. Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

A. LEGAL FRAMEWORK

- 1. The legal framework under Forest Conservation and Management Act 2016 Part IV—

39. Declaration of nature reserves

(1) The Cabinet Secretary may, upon the recommendation of the Board of the Service and after consultation with the relevant County Government and relevant stakeholders, by notice in the Gazette, declare any national, county, community or private forest, as a nature reserve.

(2) Where a nature reserve is to be declared by the Cabinet Secretary within community or private land, the Cabinet Secretary shall make prior arrangements for compensation to the forest owner.

(3) Every nature reserve shall be established for the following purposes

(a) the conservation of forestland of particular environmental, cultural, scientific or other special significance;

(b) the preservation of biological diversity and threatened or endangered species.

(4) The Cabinet Secretary shall, at least ninety days before the making of an order under this section— (a) publish in the Gazette and in at least two newspapers of nationwide circulation a notice of the intention to make the order; and

(b) invite comments from members of the public.

(5) The Cabinet Secretary shall in consultation with the Service take into account any comments received before making an order under this section.

(6) Whenever the Cabinet Secretary proposes to amend or revoke the order under this section, public notice of such an intention shall be given, and an opportunity for public comment provided as mentioned in subsection (4)(b).

(7) Upon declaration of a national, community or private forest as a nature reserve, the Chief Conservator of Forests shall in consultation with the relevant county governments, government agencies and stakeholders, prepare a management plan in respect to the declared nature reserve.

B. BACKGROUND INFORMATION REGARDING GAZETTEMENT OF KAYA FOREST AS FOREST AREAS UNDER THE FOREST CONSERVATION AND MANAGEMENT ACT OF 2016.

Hon. Chair and Hon. Members,

I wish to state as follows:

1. Kayas are areas where the first immigrants of Mijikenda settled before spreading to other parts of coastal region. Since there are nine tribes of Mijikenda this makes them to have nine main Kayas with small sets of sub Kaya for each.
2. There are few Kayas that have been gazetted as public forests which are under management of Kenya Forest Service. However there exists other Kayas which have not been gazetted as public forests within the coastal region. KFS will identify all Kayas that need to be gazetted as public forests.
3. These Kayas have since remained sacred areas where the communities carry out their traditional rituals, prayers hence making them important sites. The Kayas are managed by council of elders on behalf

of the communities. According to traditions one can only visit with permission from the Kaya elders. Due to population increase Kayas are now facing a lot of threats such as environmental degradation, encroachment, illegal forest produce extraction and animal poaching.

4. There are four gazetted Kaya forests under the management of Kenya Forest Service (KFS) namely Kaya Chonyi, Kaya Jibana, Kaya Ribe and Kaya Kambe. **Annex 1** below provides the List of known Kayas.
5. Some of the Kayas are gazetted under National Monuments and Antiquities Act as heritage sites and are managed by communities and the National Museums of Kenya (NMK).
6. These forests have been recognised internationally as world heritage sites under Man and Biosphere (MAB) reserves by United Nations Educational, Scientific and Cultural Organization (UNESCO). However, the National Museum of Kenya (NMK) does not have capacity to conserve and protect these critical coastal forests.
7. There is need to gazette Kayas to protect them from encroachment, forest degradation and change of land use. For example, the most recent happening occurred in Kaya Bomu where an area of about 5 Ha was converted into a social amenity (stadium) hence reducing the size of the Kaya Forest.

RESPONSE TO THE PETITION

Prayer- 1 Recommend to the relevant Ministry or State Government Department to identify Kaya forests areas along the coastal counties of Kwale, Mombasa and Kilifi;

Response:

Hon. Chair and Hon. Members,

- (1) The Ministry of Environment, Climate Change and Forestry takes cognizance of the fact that the recommendation for gazettement of the Kayas is a welcome idea. This will enhance conservation efforts being carried out by the government while contributing to overall forest and tree cover. Currently, there are few Kaya Forests that have already been gazetted and are under the management of the Kenya Forest Service, namely Kaya Chonyi, Kaya Jibana, Kaya Ribe and Kaya Kambe.
- (2) The Ministry through KFS will undertake the task of identifying, surveying and mapping, and gazettement of all Kaya forests along the coastal counties of Kilifi, Mombasa and Kwale.

Prayer- 2 Recommend that Kaya forests be gazetted as forest areas under the Forest Conservation and Management Act, 2016;

Hon. Chair and Hon. Members,

- I. Pursuant to Section 39 of the Forest Conservation and Management Act (FCMA) 2016, the process of declaration of Kaya Forest as a nature reserve has officially commenced with a recent Kenya Forest Service Board of Directors meeting on 20th June, 2024.

PRAYER-3 recommend that during gazettement, management respects the needs of individual Kayas and to integrate the conservation of natural and cultural resources, traditional and non-traditional management practices:

Hon. Chair and Hon. Members,

- II. The Ministry of Environment, Climate Change and Forestry will accelerate the gazettement process of the Kaya forests in consultation

with the relevant stakeholders including the community as guided by FCMA, 2016.

- III. Part V (Section 48 to 52) of the FCMA, 2016 recognizes community participation in sustainable forest management. In this regard, the needs of individual Kayas and integration of conservation of natural, cultural resources, traditional and non- traditional management practices will be taken care of and enhanced.

Prayer- 4 Make any other recommendation or action it deems fit in addressing the plight of the Petitioners.

Hon. Chair and Hon. Members,

Upon gazettment, the following management activities will be undertaken;

- a. Preparation of participatory forest management plans for the Kaya forests;
- b. Establishment of forest protection camps and outposts (Forest Ranger camps);
- c. Establishment of applicable Nature-Based Enterprises (NBEs) and Income Generating Activities (IGAs);
- d. Fencing all the gazetted Kaya forests;
- e. Establishment of tree nurseries for seedlings production to address 15 billion tree growing ecosystem and landscape restoration; and
- f. Rehabilitation and restoration of the degraded gazetted Kaya forests.



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings
When replying, please quote the reference
KNA/DLPS/ PPETC/CORR/2024/086

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

5th June, 2024

Mr. Gitonga Mugambi, EBS
Principal Secretary
State Department for Forestry
Ministry of Environment, Climate Change & Forestry
Ragati Rd, NHIF Building, 12th Floor
P. O. Box 30126 - 00100
NAIROBI

Dear Sir,

RE: MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON VARIOUS PETITIONS

Reference is made to your letter Ref: MECCF/SDF/ADM/15 dated 26th April, 2024 requesting that the Committee reschedule the meeting to the second week of May preferably from 6th to 10th May, 2024. This was not possible as Members were going for recess during the proposed period.

In this regard, the Committee invites the Cabinet Secretary to a meeting on **Monday, 24th June, 2024 at 11.30 am in Committee Room 12, New Wing, Main Parliament Buildings** to provide information to facilitate consideration of the following Petitions –

1. *Public Petition No. 4 of 2023 regarding Delayed adjudication and Settlement of Squatters after the expiry of the Lease of Macalder Mines Ltd Land;*
2. *Public Petition No. 15 of 2023 regarding the Declaration of Mukutani Forest as a Public Forest;*
3. *Public Petition No. 82 of 2023 regarding Degazettement of Boni-Lungi Forest in Lamu East Constituency;*
4. *Public Petition No. 81 of 2023 regarding the gazettement of Kaya Forest as Forest areas under the Forest Conservation and Management; and*
5. *Public Petition No. 52 of 2023 on the Ban of Asbestos as a roofing material.*

The purpose of this letter is to request you to inform the Cabinet Secretary of the meeting considering that some of the petitions have taken along time to be concluded awaiting her submissions.

Our Liaison Officers for the meeting are Mr. Ahmed Kadhi, Senior Clerk Assistant, who may be contacted on Tel. No. 0721358769 or Email: ahmad.kadhi@parliament.go.ke and Ms. Miriam Modo, Clerk Assistant, who may be contacted on Tel. No. 0729715313 or Email: miriam.moda@parliament.go.ke.

Yours

Kipkemai Arap Kirui
FOR: CLERK OF THE NATIONAL ASSEMBLY
//Encls://

Copy to: -

Hon. Soipan Tuya, CBS
Cabinet Secretary
Ministry of Environment, Climate Change & Forestry
NAIROBI

Thank you, Hon. Chair and Hon. Members,

A handwritten signature in black ink, appearing to read 'Soipan Tuya', with a stylized flourish at the end.

**Hon Soipan Tuya, EGH
Cabinet Secretary
Ministry of Environment, Climate Change and Forestry**

Date: 21st June 2024



REPUBLIC OF KENYA

MINISTRY OF GENDER, CULTURE AND CHILDREN SERVICES
Office of the Cabinet Secretary

Telephone:
Email Address: cs@gender.go.ke

KNLS Building
P.O. Box 30221-00100
Upper hill
NAIROBI, KENYA

When replying please quote:

Ref. No.: MGCAH/CS/PARL/10 Vol.I (63)

16th February, 2026

The Clerk of the National Assembly
Main Parliament Buildings
P.O. Box 41842-00100
NAIROBI, KENYA

Attn: (Nicholus Emején)

**FORWARDING OF MINISTRY RESPONSE TO PETITION ON THE
GAZETTEMET OF KAYAS AS FOREST AREAS**

Reference is made to your letter Ref No.: NA/DAA&GPC/PPC/2026/002 dated **4th February, 2026** regarding the petition presented by the Member for Kilifi North Constituency, Hon. Owen Yaa Baya CBS, MP, concerning the gazettement of Kayas within the Coastal Region as forest areas under the Forest Conservation and Management Act, 2016.

Pursuant to the invitation of the Public Petitions Committee, please find attached the Ministry's written response addressing the issues raised in the petition, including clarification on the specific Kayas currently under the management of the National Museums of Kenya and the applicable legal and administrative frameworks governing their protection and conservation.

The Ministry remains committed to cooperating with Parliament and will be available to provide any further clarification required by the Committee during the scheduled meeting.

Yours *Sincerely,*

HANNA WENDOT-CHEPTUMO
CABINET SECRETARY

Encl. - Ministry Written Response to the Petition

Copy to: Ummi Bashir C.B.S.
Principal Secretary,
State Department for Culture, the Arts and Heritage
NAIROBI

CPA Dr. Aurelia C. Rono, C.B.S.
Principal Secretary
State Department for Parliamentary Affairs
NAIROBI

Prof. Mary Gikungu
Director General,
National Museums of Kenya
NAIROBI

A handwritten signature in black ink, appearing to be 'P' with a long horizontal stroke extending to the right.



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

**MEMORANDUM OF RESPONSE TO A PETITION REGARDING
GAZETTEMMENT OF KAYAS WITHIN THE COASTAL REGION AS
FOREST AREAS UNDER THE FOREST CONSERVATION AND
MANAGEMENT ACT, 2016**

**BY THE MINISTRY OF GENDER, CULTURE AND CHILDREN
SERVICES**

Submitted to the Clerk of the National Assembly

WHEREAS pursuant to the National Assembly Standing Order 225, the member of Parliament for Kilifi North Constituency, **Hon. Owen Yaa Baya, CBS**, presented to the House a petition regarding gazettelement of Kayas within the coastal region as forest areas under the Forest Conservation and Management Act, 2016;

AND WHEREAS the said petition was referred to the Public Petitions Committee for consideration, and the Committee invited the Cabinet Secretary, Ministry of Gender, Culture, and Children Services, to provide responses to the key issues raised in the petition, and indicate the specific Kayas under the management of National Museums of Kenya;

NOW THEREFORE The Ministry of Gender, Culture, and Children Services provides responses to the key issues raised in the petition as follows:

- i. Recommend to the relevant Ministry or State Government Department to identify Kaya forests areas along the coastal counties of Kwale, Mombasa and Kilifi;**

National Museums of Kenya has nominated a total of 42 Kayas under the National Museums and Heritage Act distributed in Kilifi County - 16 Kayas, Kwale County - 25 and Mombasa County - 1 Kaya (See Tables 1-3). Systematic gazettelement of Kayas started in the late 1980s. By this time, some Kayas, especially the ones found in Mombasa County had been degraded by urban development.

There are additional 13 un-gazetted Kayas as per Tables 4-6.

Table 1. Gazetted Kayas in Kwale County (KSL – Kenya Subsidiary Legislation; LN – Legal Notice)

Number	Name	Gazette Notice Number	Date of Gazettelement	Confirmation Gazette Notice Number	Confirmation Date of Gazettelement	County	Area
1.	Kaya Kiteje	200	17/01/1992	1132	18/03/1994	Kwale	10Ha
2.	Kaya Bombo	200	17/01/1992	1132	18/03/1994	Kwale	10Ha
3.	Kaya Waa	200	17/01/1992	4207	29/07/1994	Kwale	20Ha

4.	Kaya Sega	200	17/01/1992	1132	18/03/1994	Kwale	20Ha
5.	Kaya Gorja	200	17/01/1992	1132	18/03/1994	Kwale	842Ha
6.	Kaya Jego	200	17/01/1992	1132	18/03/1994	Kwale	10Ha
					Degazetted 03/04/98		
7.	Kaya Tiwi	200	17/01/1992	1552		Kwale	10Ha
8.	Kaya Tiwi	1759	09/04/1998			Kwale	10Ha
9.	Kaya Mtswakara	2444	16/05/1997	6180	21/11/1997	Kwale	247.86Ha
10.	Kaya Diani	200	17/01/1992	1132	18/03/1994	Kwale	20Ha
11.	Kaya Muhaka	200	17/01/1992	1132	18/03/1994	Kwale	150Ha
12.	Kaya Galu (Ganzoni)	200	17/01/1992	1132	18/03/1994	Kwale	10Ha
13.	Kaya Kinondo	200	17/01/1992	1132	18/03/1994	Kwale	30Ha
14.	Kaya Bogowa	200	17/01/1992	1132	18/03/1994	Kwale	10Ha
15.	Kaya Gandini	200	17/01/1992	1132	18/03/1994	Kwale	100Ha
16.	Kaya Mtai	200	17/01/1992	1132	18/03/1994	Kwale	10Ha
17.	Kaya Kwale	200	17/01/1992	1132	18/03/1994	Kwale	Not ascertained
18.	Kaya Dzombo	200	17/01/1992	1132	18/03/1994	Kwale	902Ha
19.	Kaya Ukunda	1039	11/03/1992	1132	18/03/1994	Kwale	20Ha
20.	Kaya Lunguma	147	06/10/1998	167	KSL 1998	Kwale	154.83Ha
21.	Kaya Mstwakara	2441	06/09/1997	6180	24/09/1997	Kwale	247.86Ha
22.	Kaya Chonyi	147	06/10/1998	167	KSL 1998	Kwale	113.70Ha
23.	Kaya Chitsanze	7207	03/08/2007	LN 128	2008	Kwale	104.5Ha
24.	Kaya Chombo	133	04/08/1999	LN 150	22/10/1999	Kwale	10Ha
25.	Kaya Mrima	200	17/01/1992	1132	18/03/1994	Kwale	377 Ha

Table 2. Gazetted Kayas in Kilifi County (KSL – Kenya Subsidiary Legislation; LN – Legal Notice)

Number	Name	Gazette Notice Number	Date of Gazettement	Confirmation Gazette Notice Number	Confirmation Date of Gazettement	County	Area
1.	Kaya Bate	2444	16/05/1997	6180	21/11/1997	Kilifi	4.75Ha
2.	Kaya Bura	2444	16/05/1997	6180	21/11/1997	Kilifi	11.4Ha
3.	Kaya Dagamura	2444	16/05/1997	6180	21/11/1997	Kilifi	32.21Ha
4.	Kaya Mayowe	2444	16/05/1997	6180	21/11/1997	Kilifi	6.28Ha
5.	Kaya Singwaya	2444	16/05/1997	6180	21/11/1997	Kilifi	47.24Ha
6.	Kaya Mudzimiru	2444	16/05/1997	6180	21/11/1997	Kilifi	147.39Ha
7.	Kaya Fungo	150	05/07/1996	2442	16/05/1997	Kilifi	204.417Ha
8.	Kaya Kauma	150	05/07/1996	2442	16/05/1997	Kilifi	74.845Ha
9.	Kaya Chivara	150	05/07/1996	2442	16/05/1997	Kilifi	86.803Ha
10.	Kaya Muzi Mudvya	147	06/10/1998	167	KSL 1998	Kilifi	171.3Ha
11.	Kaya Bomu /Fimboni	133	04/08/1999	150	22/10/1999	Kilifi	408.78Ha
12.	Kaya Mzizima	133	04/08/1999	150	22/10/1999	Kilifi	29.06Ha
13.	Kaya Chonyi	LN 88	22/02/1994			Kilifi	194.5Ha
14.	Kaya Jibana	LN 88	22/02/1994			Kilifi	140Ha
15.	Kaya Ribe	LN 88	22/02/1994			Kilifi	36Ha
16.	Kaya Kambe	LN 88	22/02/1994			Kilifi	56.5Ha

Table 3. Gazetted Kaya in Mombasa County

1	Kaya Pungu	200	17/01/1992	1132	18/03/1994	Kwale	10Ha
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Table 4. Un-gazetted Kayas in Mombasa County

1.	Kaya Mihongani	Mombasa	Unprotected	No forest left
2.	Kaya Mtongwe	Mombasa	Unprotected	No forest left
3.	Kaya Mrongondani	Mombasa	Unprotected	No forest left
4.	Kaya Mwakani	Mombasa	Unprotected	No forest left

Table 5 Un-gazetted Kayas in Kwale County

1	Kaya Miyani	Kwale	Unprotected	Within Kwale town. No forest
2	Kaya Miungoni	Kwale	Unprotected	No forest left
3	Kaya Puma	Kwale	Unprotected	Forest
4	Kaya Timbwa	Kwale	Unprotected	Forest
5	Kaya Mvumoni	Kwale	Unprotected	Woodland

Table 6. Un-gazetted Kayas in Kilifi County

1.	Kaya Koyeni	Kilifi	Unprotected	No forest left
2.	Kaya Tsolokero	Kilifi	Unprotected	Forest
3.	Kaya Bendeje	Kilifi	Unprotected	No forest left
4.	Kaya Jorore	Kilifi	Unprotected	Forest

The NMK works in the Kayas through the Coastal Forest Conservation Unit (CFCU) with the core function of monitoring and conservation activities.

The gazettement of Kayas as National Monuments is an on-going process. Research is underway to make recommendations to gazette more Kayas based on cultural and natural heritage value.

ii. Recommend that Kaya Forest be gazetted as forest areas under the Forest Conservation and Management Act, 2016;

It is noted that there are Kayas that are gazetted both as National Monuments and Forests under the National Museums and Heritage Act and Forest Conservation and Management Act respectively (See Table 7 below). The role of NMK in the protection of such Kayas as National Monuments is fundamental in the overall integrity of the ecosystem. For instance, NMK recently completed the development of Management Plan for Kaya Kauma which has Kenya Forest Service as key stakeholder.

Table 7. Kayas Protected by both the National Museums and Heritage Act and Forest Conservation and Management Act

1.	Kaya Chonyi	Kilifi	Forest Reserve	Highly degraded, encroached forest
2.	Kaya Jibana FR	Kilifi	Forest Reserve	Forest
3.	Kaya Kambe	Kilifi	Forest Reserve	Forest
4.	Kaya Ribe	Kilifi	Forest Reserve	Forest

It is acknowledged that pressures associated with climate change have occasioned some level of negative pressure in the Kayas. However, NMK is striving to maintain the integrity of the Kayas through participatory ecosystem restoration projects.

Whereas It is acknowledged that there conservation aspects that could be covered under the Forest Conservation and Management, the Ministry of Gender, Culture and Children Services will seek to partner with institutions under the purview under this Act to ensure that the conservation of the cultural and natural heritage value is protected to enhance the overall conservation of the Kayas as mandated under the National Museums and Heritage Act.

- iii. Recommend that during gazettelement, management respects the needs of individual Kayas and to integrate the conservation of natural and cultural resources and traditional and non-traditional management practices; and,**

The gazettelement process by the Ministry of Gender, Culture and Children Services ensures that community/public participation is taken into account. We endeavour to continue doing the same. The Ministry is currently implementing several community-based initiatives such as Kipepeo project which carries out butterfly farming, bee keeping/honey production and tree nurseries for forest restoration aimed as conserving the forests. In addition, communities are allowed to conduct Cultural practices within the gazetted Kayas.

iv. **Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.**

The Ministry of Gender, Culture and Children Services notes that Kayas being largely community land, the respective County Governments as the custodians of community land should play an active role in the management of the Kayas. Further, we recommend that Parliament considers allocation of more resources for the development of management plans for Kayas by the Ministry. As a ministry, we have managed to get support for projects including Conservation of Threatened Trees and Below Ground Biodiversity.

With more support, the Ministry can also carry out community awareness campaigns and nature-based enterprises including eco-tourism around the Kayas

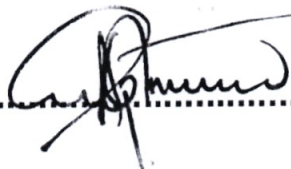
Conclusion

The Ministry of Gender, Culture and Children Services submits this report to the National Assembly for consideration by the Public Petitions Committee.

DATED.....

16th February 2026

Signature.....



HANNA WENDOT CHEPTUMO

CABINET SECRETARY

MINISTRY OF GENDER, CULTURE AND CHILDREN SERVICES



Approved
SNA
28/5/26.

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIFTH SESSION (2022)
PUBLIC PETITIONS COMMITTEE



REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO. 26 of 2025 REGARDING PAYMENT
OF OUTSTANDING RETIREMENT BENEFITS FOR THE 1997 RETIRED
TEACHERS' GROUP

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 MAY 2026	DAY: Thursday
TABLED BY:	Hon. Maisori Marwa, MP Member, Public Petitions Committee
CLERK-AT THE-TABLE:	Jiene Nduku

Directorate of Audit Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

MAY, 2026

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CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 26 of 2025 regarding payment of outstanding retirement benefits for the 1997 retired teachers' group. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Member of Parliament for North Imenti Constituency Hon. Abdul Rahim Dawood, MP, on behalf of 1997 Retired Teachers' Group comprising of Mr. Samson Mutema and 8 others from North Imenti Constituency.

The Committee considered the Petition and observed that all eligible retirees had been identified as numbering 23,487, of which 887 in the process of being finalized. The award was in phases and applied to those who retired in the corresponding phases.

The Committee recommends that the National Treasury ensures settlement of dues to the remaining 887 retirees within ninety (90) days of tabling of this report, as they had confirmed availability of funds.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

ACRONYMS

CEO	Chief Executive Officer
KNUT	Kenya National Union of Teachers
TSC	Teachers Service Commission

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

1. The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference: -
 - i) considering all public petitions tabled in the House;
 - ii) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
 - iii) recommending whether the findings arising from consideration of a petition should be debated; and
 - iv) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

2. The Public Petitions Committee was first constituted in October 2022 and reconstituted in March 2025 and comprises the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.
Runyenjes Constituency
United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency
United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency
Wiper Democratic Movement-Kenya (WDM-K)

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency
Wiper Democratic Movement-Kenya (WDM-K)

Hon. Beatrice K. Elachi, CBS, M.P.
Dagoretti North Constituency
Orange Democratic Movement (ODM)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency
United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency
United Democratic Alliance (UDA)

Hon. Peter Irungi Kihungi, M.P.
Kangema Constituency
United Democratic Alliance (UDA)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency
Independent

Hon. Paul Biego Kibichiy, M.P.
Chesumei Constituency
United Democratic Alliance (UDA)

Hon. Patrick Munene, CBS, M.P.
Chuka Igambang'ombe Constituency
United Democratic Alliance (UDA)

Hon. John Bwire Okano, M.P.
Taveta Constituency
Wiper Democratic Movement-Kenya (WDM-K)

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency
Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency
United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency
Wiper Democratic Movement-Kenya (WDM-K)

1.3 Committee Secretariat

3. The Public Petitions Committee is facilitated by the following members of the secretariat:

Lead Clerk
Mr. Victor Weke
Principal Clerk Assistant II

Ms. Miriam Modo
First Clerk Assistant

Mr. Benard Toroitich
Third Clerk Assistant

Ms. Kafuyai Wamae
Third Clerk Assistant

Mr. Clinton Sindiga
Legal Counsel II

Ms. Nancy Akinyi
Research Officer III

Mr. Arkan Mumin
Research Officer III

Ms. Roselyne Njuki
Principal Serjeant-at-Arms

Mr. Paul Shana
Serjeant-at-Arms

Mr. Pascal Valerian
Hansard Officer III

Mr. Collins Mahamba
Audio Officer III

Ms. Felistus Muiya
Public Communication Officer

Ms. Fridah Ngari
Media Relations Officer III

PART TWO

2.0 BACKGROUND OF THE PETITION

2.1 Introduction

4. Public Petition No. 26 of 2025 regarding payment of outstanding retirement benefits for the 1997 retired teachers' group was presented by the Hon. Abdul Rahim Dawood, MP, on Wednesday, 22nd February, 2026 on behalf of 1997 Retired Teachers' Group comprising of Mr. Samson Mutema and 8 others from North Imenti Constituency.
5. The petitioners stated that between 1st July 1997 and 31st July 2007, approximately 5,200 teachers retired from the service of the Teachers Service Commission (TSC), having been employees duly registered under the TSC as public servants entitled to pension and retirement benefits.
6. The said teachers were represented in Simon P. Kamau and 190 others vs. Teachers Service Commission, Nakuru High Court Civil Case No. 65 of 2006, which was heard and determined by Hon. Justice David Maraga (as he then was). The Court ruled in favour of the teachers, affirming that the remuneration and benefits arising from the 1997 Taita Arap Towe Commission award applied to all teachers who were in service as of 1st July 1997.
7. Teachers Service Commission (TSC) appealed the decision at the Court of Appeal but was defeated on 12th November 2010, and the Government's subsequent appeal to the Supreme Court in 2013 was similarly dismissed. Further, on 9th December 2015, the Supreme Court declined an application by the Attorney-General seeking review of the Court of Appeal's decision, thereby finalizing the matter in law.
8. Despite the above court rulings being in favour of the petitioners, only one phase of the five agreed payment phases was affected, leaving the majority of the retired teachers without their rightful pension arrears and other accrued benefits.
9. Although the Government had agreed to pay 44,267 of the retired teachers, an estimated 1,733 teachers remain unaccounted for and have not received any payment to date, despite being part of the court-recognized beneficiaries.
10. Many of the petitioners have since passed on without receiving their rightful dues, while the surviving members, now advanced in age, continue to suffer financial distress, neglect, and denial of justice, contrary to the principles of fair administrative action guaranteed under Article 47 of the Constitution and the right to property under Article 40.
11. Efforts by the petitioners to seek redress through various government departments, including the Teachers Service Commission, the National Treasury, and the Office of the Attorney-General, have not yielded a conclusive response or full implementation of the court judgment.
12. Therefore, the matter herein is of urgent national concern and falls within the legislative oversight and justice mandate of the National Assembly to ensure compliance with court decisions and protection of citizens' lawful entitlements.

2.2 Petitioner's Prayers

13. The Petitioners prayed that the National Assembly through the Public Petitions Committee –
- i) Investigates and establishes the status of implementation of the court decisions regarding payment of retirement benefits to the 1997 retired teachers;
 - ii) Recommends immediate settlement of all outstanding dues and arrears to the affected teachers or their legal representatives, including those unaccounted for in the 1,733 pending cases;
 - iii) Directs the Teachers Service Commission and the National Treasury to provide a comprehensive report on payments made, beneficiaries, and the remaining unpaid amounts;
 - iv) Ensures budgetary allocation is made in the next financial cycle to fully settle the outstanding pension and gratuity arrears in accordance with the final court rulings;
 - v) Makes any other recommendation it deems fit to guarantee justice and closure for the retired teachers, their families, and dependents.

PART THREE

3.0 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 The Petitioner

On Thursday, 26th February, 2026, the Hon. Abdul Rahim Dawood, M.P, appeared before the Committee on behalf of the petitioners and made the following submissions -

14. Between 1st July 1997 and 31st July 2007, approximately 5,200 teachers retired from the service of the Teachers Service Commission (TSC), having been employees duly registered under the TSC as public servants entitled to pension and retirement benefits.
15. The said teachers were represented in *Simon P. Kamau and 190 others vs. Teachers Service Commission*, Nakuru High Court Civil Case No. 65 of 2006, which was heard and determined by Hon. Justice David Maraga (as he then was). The Court ruled in favour of the teachers, affirming that the remuneration and benefits arising from the 1997 Taita Arap Towe Commission award applied to all teachers who were in service as of 1st July 1997.
16. The Teachers Service Commission (TSC) appealed the decision at the Court of Appeal but was defeated on 12th November 2010, and the Government's subsequent appeal to the Supreme Court in 2013 was similarly dismissed. Further, on 9th December 2015, the Supreme Court declined an application by the Attorney-General seeking review of the Court of Appeal's decision, thereby finalizing the matter in law.
17. Despite the above court rulings being in favour of the petitioners, only one phase of the five agreed payment phases was effected, leaving the majority of the retired teachers without their rightful pension arrears and other accrued benefits.
18. Although the Government had agreed to pay 44,267 of the retired teachers, an estimated 1,733 teachers remain unaccounted for and have not received any payment to date, despite being part of the court-recognized beneficiaries.
19. Many of the petitioners have since passed on without receiving their rightful dues, while the surviving members, now advanced in age, continue to suffer financial distress, neglect, and denial of justice, contrary to the principles of fair administrative action guaranteed under Article 47 of the Constitution and the right to property under Article 40.
20. Efforts by the petitioners to seek redress through various government departments, including the Teachers Service Commission, the National Treasury, and the Office of the Attorney-General, have not yielded a conclusive response or full implementation of the court judgment.
21. In *Simon P. Kamau and 190 Others vs. Teachers Service Commission*, the Nakuru High Court ruled in favour of the teachers and affirmed that the remuneration and benefits arising from the 1997 Taita Arap Towett Commission award be applied to all teachers who were in service as of 1st July, 1997. Despite the court ruling, only one phase of the five agreed payment phases was affected leaving the majority of the retired teachers without their rightful pension arrears and other accrued benefits. An estimated 1733 teachers remain unaccounted for and have not received any payment to date.

3.2 Teachers Service Commission

The Ag. Chief Executive Officer, Teachers Service Commission (TSC), Ms. E. J. Mitei, MBS, appeared before the Committee on Wednesday, 1st April, 2026 and submitted as follows;

22. On 11th October 1997, the Kenya National Union of Teachers (KNUT) and the Government of the Republic of Kenya entered into an Agreement to increase the remuneration payable to teachers in the public service.
23. This Agreement crystalized in Legal Notice No. 534 of 1997 and was applicable to all teachers in the employment of the Commission at the material time. It was an integral term of the agreement duly negotiated and agreed by parties that the salary award was to be implemented and paid in five (5) phases with effect from 1st July, 1997 to 1st July, 2001 for a period of five (5) years.
24. The Legal Notice Number 534 of 1997 was followed with an implementation Circular No. 13 of 1997 which captured and elaborated the terms of the Agreement and stipulated the salaries payable to the teachers in each year.
25. The Government implemented the 1st phase of the Agreement which was duly paid to all teachers in October 1997. Due to economic constraints, the subsequent phases from 1st July, 1998 were not paid.
26. In December, 2002, parties to the Agreement, (the Government and the Kenya National Union of Teachers-KNUT) re-negotiated and mutually signed a further Agreement to pay the remaining four (4) phases within a period of Ten (10) years with effect from 1st July, 2003.
27. Further, in an Agreement signed on the 24th May, 2003, parties renegotiated and agreed that the ten (10) phases be reduced to six (6) to be implemented within a period of six (6) years.
28. In the spirit of continued engagement, the payment plan was further reduced to five (5) phases in an Agreement signed on 1st March, 2007.

LITIGATION HISTORY

A. Nakuru High Court Civil Suit No. 65 of 2006

29. On 27th March, 2006, twenty (20) teachers acting on behalf of their colleagues filed a representative suit in the High Court at Nakuru wherein they claimed: -

- i) *Declaration that the outcome of the representative suit will apply to all retired teachers.*
- ii) *Declaration that the Plaintiffs together with all other retired teachers are entitled to their retirement benefits inclusive of all other benefits provided for in the 1997 Agreement between the Government of Kenya and the Kenya National Union of Teachers.*
- iii) *An order that the defendant pay the Plaintiff's all unpaid benefits to-date;*
- iv) *Cost of the suit;*
- v) *Any other relief that this Honourable court may deem fit.*

30. On 23rd October, 2008, the Court delivered its judgement on the matter and ordered that together with all other teachers covered by the Agreement dated 11th October, 1997, they are entitled to their Retirement benefits based on the entire Agreement and circular 13 of 1997,

B. Nakuru Civil Appeal No. 300 of 2009

31. The Government being dissatisfied with the judgment of the High Court appealed to the Court of Appeal in Nakuru Civil Appeal No. 300 of 2009, which Appeal was heard and determined on 12th November, 2010.

C. Nakuru Judicial Review No. 18 of 2012

32. The retired teachers filed a Judicial Review Application seeking Orders to compel the Commission Secretary and the Director of Pensions to pay to the teachers their enhanced retirement benefits as per the judgement. The teachers also filed an application to cite the Commission Secretary/CEO for contempt of Court for failing to implement the Court Order.

D. Application for Leave to Appeal to the Supreme Court

33. In 2013, the Government through the Attorney General sought leave from the Court of Appeal to appeal against the Judgement of the Court of Appeal to the Supreme Court. While the Court of Appeal agreed that the Application raised substantial issues of law and fact, the prayers were declined on one ground that there was unreasonable delay on the part of Government in filing the application.

E. Supreme Court Application No. 38 of 2014

34. In September 2014, the Attorney General filed an Application at the Supreme Court seeking review of orders of the Court of Appeal that denied Government leave to appeal the matter to the Supreme Court. However, on 9th December, 2015, the Supreme Court delivered its Ruling in the matter and declined to grant leave to the Government to file a further Appeal on grounds that there was inordinate delay on the part of the Government.

IMPLEMENTATION OF THE JUDGEMENT IN NAKURU HCCC 65 OF 2006

35. After exhausting all judicial avenues provided by law, the Government resolved to implement the Court Judgement and pay the teachers their enhanced Pension benefits based on the 1997 Agreement.
36. The Commission commenced the exercise under strict supervision of the Court. The process commenced with identification of all teachers who had existed service between 1st July 1998 and 30th June 2003. This exercise was done in liaison with the Director of Pensions, National Treasury.

37. Pursuant to the identification exercise it was established that a total of 23,487 teachers had exited service between 1/7/1998 to 30/6/2003 and were entitled to enhanced pension emoluments under the Court award.
38. It is therefore worth noting that the Commission complied with the Court order and processed the revised Pension claims in respect of all teachers who retired or died in service during the financial years 1998/99, 1999/ 2000, 2000/01, 2001/02 and 2002/03 respectively and submitted for payment to the Director of Pensions, National Treasury.
39. Teachers who retired during the financial year 1997/1998 had their salaries reviewed with effect from 1st July 1997 in line with Legal Notice No. 534 of 1997 and TSC Circular 13 of 1997. Similarly, teachers who exited service after 1st July,2003 were similarly paid the renegotiated salaries.
40. It is only the category of teachers who exited on 1/7/1998 to 30/6/2003 who did not benefit from the subsequent phases since they had already exited service.

SPECIFIC RESPONSE TO THE PETITION

41. It is worth noting that the teachers who are entitled to benefit under the Court order are those who retired without earning their respective salary awards as per the phases contained in the Agreement.
42. To this end, only teachers who retired between 1st July, 1998 and 30th June, 2003 are entitled to benefit under the Agreement since they left service without earning their respective salary phases leading to underpayment of their pension emoluments.
43. Accordingly, the allegation in the Petition enlarging the beneficiaries to teachers who exited service period from 1997 to 2007 is erroneous and misleading. Any attempt to revise the Pension emoluments for teachers who exited service after 1st July, 2003 will amount to double payment.
44. The Committee should note that the 1997 Salary Agreement was renegotiated between KNUT and the Government and a new Agreement signed and gazetted as Legislative Supplement No 10 of 2003 dated 21/02/2003.
45. The same was implemented with effect from 1/7/2003 by the then NARC Government. Any teacher who retired after July 2003 earned their respective phases and their pension benefit were correctly paid hence not entitled for a further revision. It is only those teachers who retired between 1/7/1998 and 30/6/2003 who exited without earning a single phase.
46. She further noted that when the teachers' representatives filed the suit, they only sought for enhanced pension benefits. Accordingly, the Government obligation under the judgement was to pay enhanced pension emoluments as per the Judgement. This was clarified in the Court's Ruling dated 17/10/2019.
47. Lastly, both the 1997 Agreement and the re-negotiated Agreement were payable in phases. Accordingly, a teacher could not claim payment for a future phase that was yet to crystalize. For example, a teacher who retired in 1997 and was paid could not claim the 1998 phase.
48. Notably, the Government committed to fully comply with the Judgement and commenced processing the Pension claims for the teachers who were entitled subsequently to the same.

49. On its part, the Commission has processed all the relevant documents for the 23,487 teachers and submitted to the National Treasury for payment as per the law.

3.3 The National Treasury

The Principal Secretary, National Treasury, Dr. Chris Kiptoo, CBS, on 14th April, 2026 submitted as follows;

50. The matters raised in the Petition arise from the implementation of the salary award agreed on 11th October 1997 between the Government of the Republic of Kenya and the Kenya National Union of Teachers (KNUT).
51. On 11th October 1997, the Kenya National Union of Teachers (KNUT) and the Government of the Republic of Kenya entered into an Agreement to increase the remuneration payable to teachers in the public service. This agreement crystalized in Legal Notice No. 534 of 1997 and was applicable to all teachers in the employment of the Commission at the material time.
52. It was an integral term of the agreement duly negotiated and agreed by parties that the salary award was to be implemented and paid in five (5) phases with effect from 1st July, 1997 to 1st July, 2001 for a period of five (5) years.
53. The Legal Notice Number 534 of 1997 was followed with an Implementation Circular No. 13 of 1997 which captured and elaborated the terms of the Agreement and stipulated the salaries payable to the teachers under each year.
54. The Government implemented the 1st phase of the Agreement which was duly paid to all teachers in October 1997. However, due to economic constraints the subsequent phases from July, 1998 were not paid.
55. On 19th September 2002 the Government issued the Teachers Service Commission (Remuneration of Teachers) (Revocation) Order, 2022 which had the effect of revoking the Agreement of 1997.
56. In February 2003, parties to the revoked agreement of 1997, (the Government and KNUT) re-negotiated and mutually signed a fresh Agreement to pay the four phases that would otherwise have been paid under the revoked agreement within a period of Ten (10) years with effect from 1st July, 2003.
57. Further, in an Agreement signed on the 24th May, 2003 parties renegotiated and agreed that the ten (10) phases be reduced to six (6) phases to be implemented within a period of six (6) years.
58. In the spirit of continued engagement, the payment plan was further reduced to five (5) phases in an Agreement signed on 1st March, 2007.
59. The Committee may be aware of court actions that came in the way of implementing the agreement of 11th October 1997, as contained in Legal Notice No. 534 of 1997, some of which sucked in the National Treasury by virtue of being the administrator of public service pensions through the Pensions Department. It is significant to mention the cases as they give context to the matter under consideration.

COURT MATTERS

A. Nakuru High Court Civil Suit No 65 of 2006

60. On 27th March, 2006, twenty (20) teachers acting on behalf of their colleagues filed a class action suit in the High Court at Nakuru wherein they claimed: -

- i) Declaration that the outcome of the representative suit will apply to all retired teachers;*
- ii) Declaration that the Plaintiffs together with all other retired teachers are entitled to their retirement benefits inclusive of all other benefits provided for in the 1997 agreement between the Government of Kenya and the Kenya National Union of Teachers.*
- iii) An order that the defendant pay the Plaintiff's all unpaid benefits to-date;*
- iv) Costs of the suit;*
- v) Any other relief that this Honourable court may deem fit.*

61. On 23rd October, 2008, the Court delivered its judgment and ordered that the 20 teachers, who initiated the suit, together with all other teachers covered by the Agreement dated 11th October, 1997, were entitled to their Retirement benefits based on the entire agreement and Circular.

B. Nakuru Civil Appeal No. 300 of 2009

62. The Government being dissatisfied with the judgment of the High Court appealed to the Court of Appeal in Nakuru Civil Appeal No. 300 of 2009, which Appeal was heard and determined on 12th November, 2010. In its judgment, the Court of Appeal decreed that the last salary be computed in a manner that incorporates all the terms of the agreement between parties.

C. Nakuru Judicial Review No. 18 of 2012

63. The retired teachers filed a Judicial Review Application seeking orders to compel the Commission Secretary and the Director of Pensions to pay to the teachers their enhanced retirement benefits as per the judgment. The teachers also filed an application to cite the Commission Secretary for contempt of Court for failing to implement the Court Order.

D. Application for Leave to Appeal to the Supreme Court

64. In 2013, the Government through the Attorney General sought leave from the Court of Appeal to appeal against the Judgment of the Court of Appeal to the Supreme Court. The Court agreed that the Application raised substantial issues of law and fact. However, the prayers were declined on the ground that there was unreasonable delay on the part of Government in filing the application.

E. Supreme Court Application No. 38 of 2014.

65. In September 2014, the Attorney General filed an Application at the Supreme Court seeking review of orders of the Court of Appeal that denied Government leave to appeal the matter to the Supreme Court. However, on 9th December, 2015, the Supreme Court delivered its ruling in the matter and declined to grant leave to the Government to file a further appeal on grounds that there was inordinate delay on the part of the Government.

IMPLEMENTATION OF THE JUDGMENT IN NAKURU HCCC 65 OF 2006

66. After exhausting all judicial avenues provided by law, the Government resolved to implement the Court Judgment and pay the teachers their enhanced Pension benefits based on the 1997 Agreement.
67. The Teachers Service Commission commenced the exercise of identifying the teachers who exited service without benefiting from their respective phases under the Agreement. In keeping with the established procedures, the TSC would originate the revised claims and submit to the Pensions Department of the National Treasury for payment.
68. The National Treasury has received a total of 23,487 revised pension claims from the Teachers Service Commission. Of these, 22,600 claims have been processed and paid, amounting to Kshs. 17,776,459,524.
69. The balance of 887 claims largely relates to cases falling within the 1997/1998 financial year. While these were within the category to be subjected to review, with the salary adjustment applicable for that period having already been effected before the point of exit, the review did not result in any additional financial entitlement in respect of such cases. A small number of claims remain under processing and are being finalized in accordance with established administrative procedures.

CLARIFICATION ON FIGURES AND ALLEGED DISCREPANCIES

70. The figures cited in the Petition differ materially from the verified records held by both the TSC and The National Treasury.
71. The Petition refers to:
- i) Approximately 5,200 teachers retiring between 1997 and 2007;
 - ii) A total of 44,267 teachers allegedly agreed for payment; and
 - iii) 1,733 teachers stated to be unpaid or unaccounted for.
72. It is important to clarify that:
- i) The figure of 23,487 teachers represents the verified number of eligible cases identified by the Teachers Service Commission and submitted to the National Treasury, strictly in accordance with the Court judgment.
 - ii) The reference to 44,267 teachers does not relate to the court-sanctioned beneficiary cohort, but appears to derive from a broader and unverified aggregation of teachers across multiple periods, including those not eligible under the judgment.

iii) The cited figure of 1,733 unpaid teachers is not supported by official records. The verified outstanding cases currently stand at 887, the majority of which, as earlier indicated, relate to the 1997/1998 cohort where no additional financial benefit accrued upon review, with only a small fraction pending administrative finalization. All verified and eligible claims have either been paid or are at advanced stages of processing. The few cases pending are being addressed expeditiously within the existing administrative and budgetary framework. The budget for this category is adequate.

73. In conclusion the Court judgment did not create a blanket entitlement for all teachers who retired between 1997 and 2007. The teachers eligible for revised pension are those who retired between 1st July 1998 and 30th June 2003 since they left service without earning their respective phases of salary increase under the 1997 agreement, leading to corresponding underpayment of their pension benefits. Entitlement is strictly limited to those who exited service without benefiting from the phased salary increments under the 1997 Agreement.
74. Accordingly, the allegation at Paragraph 1 of the Petition enlarging the period from 1997 to 2007 is erroneous and misleading. The effect of the 1997 Salary Agreement expired on 19th September 2002, when it was revoked paving way for the new Agreement signed and gazetted as Legislative Supplement No 10 of 2003 dated 21/02/2003.
75. Any teacher who retired after 30th June 2003 was under purview of the new agreement.
76. The National Treasury has worked determinedly with the TSC to ensure that all inquiries related to specific claims are resolved in an expeditious manner to enable the retired teachers get their rightful dues.

PART FOUR

4.0 COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner, the Teachers Service Commission and the National Treasury the Committee observed that—

77. On 11th October 1997, KNUT and the Government of the Republic of Kenya entered into an Agreement to increase the remuneration payable to teachers in the public service.
78. The salary award was to be implemented and paid in five (5) phases with effect from 1st July, 1997 to 1st July, 2001 for a period of five (5) years.
79. The Government implemented the 1st phase of the Agreement which was duly paid to all teachers in October 1997. However, due to economic constraints the subsequent phases from July, 1998 were not paid.
80. On 19th September 2002 the Government issued the Teachers Service Commission (Remuneration of Teachers) (Revocation) Order, 2022 which had the effect of revoking the Agreement of 1997.
81. In February 2003, parties to the revoked agreement of 1997, (the Government and KNUT) re-negotiated and mutually signed a fresh Agreement to pay the four phases that would otherwise have been paid under the revoked agreement within a period of Ten (10) years with effect from 1st July, 2003.
82. Further, in an Agreement signed on the 24th May, 2003 parties renegotiated and agreed that the ten (10) phases be reduced to six (6) phases to be implemented within a period of six (6) years, further reduced to five (5) phases in an Agreement signed on 1st March, 2007.
83. The Court judgment had the effect that the teachers eligible for revised pension were **those who retired between 1st July 1998 and 30th June 2003 since they left service without earning their respective phases of salary increase under the 1997 agreement, leading to corresponding underpayment of their pension benefits**. Entitlement is strictly limited to those who exited service without benefiting from the phased salary increments under the 1997 Agreement.
84. The National Treasury submitted a comprehensive list of all 23,487 claims to the Committee, and stated that 887 were pending and were being processed.

PART FIVE

5.0 COMMITTEE RECOMMENDATIONS

85. Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

- i) On the prayer that the Committee investigates and establishes the status of implementation of the court decisions regarding payment of retirement benefits to the 1997 retired teachers; **The Committee notes that the court decisions in *Simon P. Kamau and 190 Others vs. TSC* (Nakuru HCCC No. 65 of 2006) were final and binding. The Government subsequently implemented the award by identifying 23,487 eligible teachers (those who retired between 1st July 1998 and 30th June 2003). Of these, 22,600 teachers have been paid a total of Kshs. 17,776,459,524. A balance of 887 claims remain pending, the majority of which (1997/98 cohort) attract no additional financial entitlement, with only a small fraction undergoing routine finalization.**
- ii) On the prayer that the Committee recommends immediate settlement of all outstanding dues and arrears to the affected teachers or their legal representatives, including those unaccounted for in the 1,733 pending cases; **The Committee recommends that the National Treasury should settle the outstanding 887 pending claims within ninety (90) days of tabling of this report.**
- iii) On the prayer that the Committee directs the Teachers Service Commission and the National Treasury to provide a comprehensive report on payments made, beneficiaries, and the remaining unpaid amounts; **The Committee notes that the Teachers Service Commission and the National Treasury did submit the list of beneficiaries and status of payment of all beneficiaries.**
- iv) On the prayer that the Committee ensures budgetary allocation is made in the next financial cycle to fully settle the outstanding pension and gratuity arrears in accordance with the final court rulings; **The Committee notes that the National Treasury confirmed that existing funds were adequate to settle the outstanding balances.**

Signed: _____



Date: _____

28/05/26

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE:	28 MAY 2026
TABLED BY:	Hon. Maisori Marwa, MP
CLERK-AT-THE-TABLE:	Irene Nduku
DAY:	Thursday

Member, Public Petitions Committee

ANNEXURES

Annex 1: The Adoption List

Annex 2: Public Petition No. 26 of 2025 regarding payment of outstanding retirement benefits for the 1997 retired teachers' group.

Annex 3: Minutes of *proceedings*

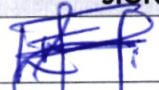
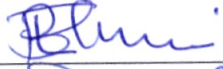
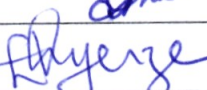
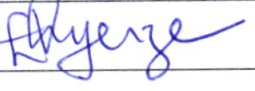
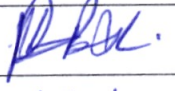
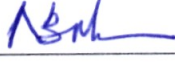
PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

- (i) Consideration and adoption of the P/No.26/2025 by Hon. Rahim Dawood, MP on behalf of 1997 Retired Teachers Group represented by Mr. Samsson Mutema regarding Non-payment of outstanding retirement benefits for the 1997 Retired Teachers' Group.

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE 6/5/2022

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P. (Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, CBS, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	

15 OCT 2025



REPUBLIC OF KENYA

Approved
SNA
25/10/25

**THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (FOURTH SESSION)**

PUBLIC PETITION

(No. 26 of 2025)

**REGARDING NON-PAYMENT OF OUTSTANDING RETIREMENT
BENEFITS FOR THE 1997 RETIRED TEACHERS' GROUP**

I, the UNDERSIGNED, on behalf of 1997 Retired Teachers' Group comprising of Mr. Samson Mutema and 8 others from North Imenti Constituency;

DRAW the attention of the House to the following:

- 1. THAT**, between 1st July 1997 and 31st July 2007, approximately 5,200 teachers retired from the service of the Teachers Service Commission (TSC), having been duly registered under the TSC and employed as public servants entitled to pension and retirement benefits.
- 2. THAT**, the said teachers were represented in Simon P. Kamau and 190 others vs. Teachers Service Commission, Nakuru High Court Civil Case No. 65 of 2006, which was heard and determined by Hon. Justice David Maraga. The Court ruled in favour of the teachers, affirming that the remuneration and benefits arising from the 1997 Taita Arap Town Commission award applied to all teachers who were in service as of 1st July 1997.
- 3. THAT**, the Teachers Service Commission (TSC) appealed the decision at the Court of Appeal but was defeated on 12th November 2010, and the Government's subsequent appeal to the Supreme Court in 2013 was similarly dismissed. Further, on 9th December 2015, the Supreme Court declined an application by the Attorney-General seeking review of the Court of Appeal's decision, thereby finalizing the matter in law.
- 4. THAT**, despite the above court rulings being in favour of the petitioners, only one phase of the five agreed payment phases was effected, leaving the majority of the retired teachers without their rightful pension arrears and other accrued benefits.

REGARDING NON-PAYMENT OF OUTSTANDING RETIREMENT BENEFITS FOR THE 1997 RETIRED TEACHERS' GROUP

- 5. THAT,** although the Government had agreed to pay 44,267 of the retired teachers, an estimated 1,733 teachers remain unaccounted for and have not received any payment to date, despite being part of the court-recognized beneficiaries.
 - 6. THAT,** many of the petitioners have since passed on without receiving their rightful dues, while the surviving members, now advanced in age, continue to suffer financial distress, neglect, and denial of justice, contrary to the principles of fair administrative action guaranteed under Article 47 of the Constitution and the right to property under Article 40.
 - 7. THAT,** efforts by the petitioners to seek redress through various government departments, including the Teachers Service Commission, the National Treasury, and the Office of the Attorney-General, have not yielded a conclusive response or full implementation of the court judgment.
 - 8. THAT,** the matter herein is of urgent national concern and falls within the legislative oversight of the National Assembly and hence the need for the House to ensure compliance with court decisions and protection of citizens' lawful entitlements by the Government.
 - 9. AND THAT,** the issues raised in this Petition are not pending before any court of law, constitutional body, or other legal institution.
- THEREFORE,** your humble petitioners pray that the National Assembly, through the Public Petitions Committee:
- (i) Investigates and establishes the status of implementation of the court decisions regarding payment of retirement benefits to the 1997 retired teachers;
 - (ii) Recommends for immediate settlement of all outstanding dues and arrears to the affected teachers or their legal representatives, including those unaccounted for in the 1,733 pending cases;
 - (iii) Recommends that the Teachers Service Commission and the National Treasury provide a comprehensive report on payments made, beneficiaries, and the remaining unpaid amounts;

**REGARDING NON-PAYMENT OF OUTSTANDING RETIREMENT
BENEFITS FOR THE 1997 RETIRED TEACHERS' GROUP**

- (iv) Ensures budgetary allocation is made in the 2026/2027 Financial Year to fully settle the outstanding pension and gratuity arrears in accordance with the final court rulings;
- (v) Makes any other recommendation it deems fit to guarantee justice and closure of the matter for the retired teachers, their families, and dependents.

And your **PETITIONER** will ever pray.

PRESENTED BY:



THE HON. ABDUL RAHIM DAWOOD, MP
MEMBER FOR NORTH IMENTI CONSTITUENCY

DATE:13.10.2025.....

MINUTES OF THE 34TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON WEDNESDAY, 6TH MAY, 2026 IN BAOBAB CONFERENCE ROOM, SERENA HOTEL, MOMBASA COUNTY AT 2:30 P.M.

PRESENT

- | | | |
|--|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. Beatrice Kadeveresia Elachi, CBS, M.P. | | |
| 4. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 5. Hon. Maisori Marwa Kitayama, M.P. | | |
| 6. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 7. Hon. Edith Vethi Nyenze, M.P. | | |
| 8. Hon. Paul Biego Kibichiy, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Suzanne Ndunge Kiamba, M.P.
3. Hon. Peter Irungu Kihungi, M.P.
4. Hon. Peter Mbogho Shake, M.P.
5. Hon. Sloya Clement Logova, M.P.
6. Hon. Patrick Ntwiga Munene, CBS, M.P.
7. Hon. John Bwire Okano, M.P.

IN-ATTENDANCE

SECRETARIAT

- | | | |
|--------------------------|---|-------------------------------|
| 1. Mr. Victor Weke | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Mr. Bernard Toroitich | - | Clerk Assistant III |
| 4. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 5. Mr. Clinton Sindiga | - | Legal Counsel II |
| 6. Ms. Nancy Akinyi | - | Research Officer III |
| 7. Mr. Arkan Mumin | - | Research Officer III |
| 8. Mr. Collins Mahamba | - | Audio Officer |
| 9. Ms. Felistas Muiya | - | Public Communications Officer |
| 10. Mr. Rose Njuki | - | Serjeant-at-Arms |

MIN./PPC/2026/176:

PRELIMINARIES

The Chairperson called the meeting to order at 2.30 pm and Hon. Marwa Kitayama said the opening prayer.

MIN./PPC/2026/177:

ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Edith Nyenze, M.P and seconded by, Hon. Janet Sitienei, M.P.

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of previous Minutes
4. Matters Arising
5. **Consideration and Adoption of the following Reports on: -**
 - (i) **Public Petition No. 03 of 2025 by the Government of Taita Taveta County regarding the alleged illegal acquisition of Trust Land L.R No 249 of 1963;**

- (ii) Public Petition No. 09 of 2024 by Amani Self Help Group regarding Ownership Dispute of Land Parcel L.R. No. 209- 11970 – Dandora/Mowlem, Area, Kangundo Road in Embakasi West Constituency; and
- (iii) Public Petition No. 26 of 2025 regarding payment of outstanding retirement benefits for the 1997 Retired Teachers' Group.
- 6. Any Other Business
- 7. Adjournment and Date of the Next Meeting

MIN./PPC/2026/178: **CONFIRMATION OF MINUTES**

This agenda item was deferred.

MIN./PPC/2026/179: **CONSIDERATION AND ADOPTION OF REEPORTS ON VARIOUS PUBLIC PETITIONS**

- a) **Public Petition No. 03 of 2025 by the Government of Taita Taveta County regarding alleged illegal acquisition of Trust Land L.R No 249 of 1963**
The Committee unanimously considered and adopted the Draft Report with the following recommendations having been proposed by the Hon. Janet Sitienei, MP and seconded by the Hon. Marwa Kitayama, MP –
 - (i) **On the prayers that the National Assembly inquires into the legal status of the land L.R No.249 of 1963;** the committee found that the said land LN.249 of 1963 is part of Tsavo West National Park and is a protected area for purposes of wildlife conservation.
 - (ii) **On the prayer that the National Assembly makes any other recommendations that it may deem fit in addressing the plight of the Petitioners;** the committee recommends that the Nyario ya Kididi cha Bhatuweta community presents the matter before the National Land Commission as a formal historical land injustice claim.
- b) **Public Petition No. 9 of 2024 by Amani Self Help Group regarding Ownership Dispute of Land Parcel L.R. No. 209- 11970 – Dandora/Mowlem, Area, Kangundo Road in Embakasi West Constituency**
The Committee unanimously considered and adopted the Draft Report with the following recommendations having been proposed by the Hon. Nerbert Muriuki, MP and seconded by the Hon. Marwa Kitayama, MP –
 - (i) On the prayer that the Public Petitions Committee establishes the status of ownership of Parcel of Land, L.R. No. 209/11970 in Dandora/Mowlem Area, Kangundo Road, in Embakasi West Constituency, vis-a-vis the allegedly illegally acquired title deed held by the private developer, **The Committee acknowledges that in ELC Case No. 288 of 2013 Amani Self Help Group (the Petitioners) were ordered to vacate L.R No. 209/11970 and hand over vacant possession to Charles Munene Gatimu and Karegi Catherine Kamanja as the rightful owners, and that subsequent appeals by the Petitioners were dismissed.**
 - (ii) On the prayer that the Public Petitions Committee intervene to have the Government, through the Ministry of Lands and Physical Planning to avail or table all legal documents regarding the ownership of Parcel of Land, L.R. No. 209/11970 in Dandora/Mowlem Area, Kangundo Road, Nairobi, in Embakasi West Constituency. **The Committee acknowledges that all documentation were availed to the competent court and were indeed the basis of the court ruling.**

c) **Public Petition No. 26 of 2025 regarding payment of outstanding retirement benefits for the 1997 Retired Teachers' Group**

The Committee unanimously considered and adopted the Draft Report with the following recommendations having been proposed by the Hon. Beatrice Elachi, MP and seconded by the Hon. Joshua Kandie, MP –

- (i) **On the prayer that the Committee investigates and establishes the status of implementation of the court decisions regarding payment of retirement benefits to the 1997 retired teachers;** the Committee notes that the court decisions in Simon P. Kamau and 190 Others vs. TSC (Nakuru HCCC No. 65 of 2006) were final and binding. The Government subsequently implemented the award by identifying 23,487 eligible teachers (those who retired between 1st July 1998 and 30th June 2003). Of these, 22,600 teachers have been paid a total of Kshs. 17,776,459,524. A balance of 887 claims remain pending, the majority of which (1997/98 cohort) attract no additional financial entitlement, with only a small fraction undergoing routine finalization.
- (ii) **On the prayer that the Committee recommends immediate settlement of all outstanding dues and arrears to the affected teachers or their legal representatives, including those unaccounted for in the 1,733 pending cases;** the Committee recommends that the National Treasury settles the outstanding 887 pending claims within ninety (90) days of tabling of this report.
- (iii) **On the prayer that the Committee directs the Teachers Service Commission and the National Treasury to provide a comprehensive report on payments made, beneficiaries, and the remaining unpaid amounts;** the Committee notes that the Teachers Service Commission and the National Treasury did submit the list of beneficiaries and status of payment of all beneficiaries.
- (iv) **On the prayer that the Committee ensures budgetary allocation is made in the next financial cycle to fully settle the outstanding pension and gratuity arrears in accordance with the final court rulings;** the Committee notes that the National Treasury confirmed that existing funds were adequate to settle the outstanding balances.

MIN./PPC/2026/180:

ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at 5:30 p.m.

Sign:

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COM

Date 28/05/2025

**MINUTES OF THE 24TH SITTING OF THE PUBLIC PETITIONS COMMITTEE
HELD ON WEDNESDAY, 1ST APRIL, 2026 IN COMMITTEE ROOM 23, 5TH
FLOOR, BUNGE TOWER AT 11:40 A.M.**

PRESENT

- | | | |
|--|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. Beatrice Kadeveresia Elachi, CBS, M.P. | | |
| 4. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 5. Hon. Maisori Marwa Kitayama, M.P. | | |
| 6. Hon. Edith Vethi Nyenze, M.P. | | |
| 7. Hon. Paul Biego Kibichiy, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. (Eng.) Bernard Nebart Muriuki, M.P.
3. Hon. Suzanne Ndunge Kiamba, M.P.
4. Hon. Peter Irungu Kihungi, M.P.
5. Hon. Peter Mbogho Shake, M.P.
6. Hon. Sloya Clement Logova, M.P.
7. Hon. Patrick Ntwiga Munene, CBS, M.P.
8. Hon. John Bwire Okano, M.P.

IN-ATTENDANCE

SECRETARIAT

- | | | |
|------------------------|---|-------------------------------|
| 1. Mr. Victor Weke | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 4. Mr. Clinton Sindiga | - | Legal Counsel II |
| 5. Ms. Nancy Akinyi | - | Research Officer III |
| 6. Mr. Arkan Mumin | - | Research Officer III |
| 7. Mr. Collins Mahamba | - | Audio Officer |
| 8. Ms. Felistas Muiya | - | Public Communications Officer |

TEACHERS SERVICE COMMISSION

- | | | |
|-----------------------------|---|--------------------------|
| 1. Ms. Evaleen Mitei | - | Acting CEO |
| 2. Mr. Cavin Anyuor | - | Director, Legal Services |
| 3. Mr. Edwiq Musundi | - | Legal Officer |
| 4. Mr. Chrisantose Odhiambo | - | Director, HR |

MIN./PPC/2026/125:

PRELIMINARIES

The Chairperson called the meeting to order at 11:40 am and the Hon. Janet Sitienei, M.P. said a word of prayer.

MIN./PPC/2026/126:

ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Beatrice Elachi, M.P. and seconded by, Hon. Maisori Kitayama, M.P.

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of previous Minutes
4. Matters Arising
5. **Meeting with the Chief Executive Officer, Teachers Service Commission (TSC) on Public Petition No. 26 of 2025 regarding non-payment of outstanding retirement benefits for the 1997 Retired Teachers Group**
6. Any Other Business
7. Adjournment.

MIN./PPC/2026/0127: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/128: MEETING WITH THE CEO,TSC REGARDIN GP.NO.26/2025 ON NON PAYMENT OF OUTSTANDING RETIREMENT BENEFITS FOR THE 1997 RETIRED TEACHERS GROUP

The Chief Executive Officer of the Teachers Service Commission, Ms. Eveline Mitei, appeared before the Committee and submitted as follows-

The teachers entitled to benefit under the Court Order were those who retired without earning their respective salary awards as provided in the phased Agreement. Specifically, only teachers who retired between 1st July 1998 and 30th June 2003 were eligible, as they exited service before earning the salary phases, resulting in the underpayment of their pension emoluments.

The allegation in the Petition expanding the beneficiaries to include teachers who exited service between 1997 and 2007 was erroneous and misleading. Any attempt to revise pension emoluments for teachers who retired after 1st July 2003 would amount to double payment. The Committee was informed that the 1997 Salary Agreement had been renegotiated between KNUT and the Government, culminating in a new Agreement signed and gazetted as Legislative Supplement No. 10 of 2003, dated 21st February 2003.

The Agreement was implemented with effect from 1st July 2003 by the then NARC Government. Consequently, teachers who retired after July 2003 had already earned the applicable salary phases, and their pension benefits were correctly computed and paid, rendering them ineligible for any further revision. Only those teachers who retired between 1st July 1998 and 30th June 2003 were reported to have exited service without earning any salary phase.

The Committee was further informed that when the teachers' representatives filed the suit, they specifically sought enhanced pension benefits. Accordingly, the Government's obligation under the Judgment was limited to the payment of enhanced pension emoluments, as clarified in the Court's ruling dated 17th October 2019.

The CEO stated that both the 1997 Agreement and the renegotiated Agreement were to be implemented in phases. Consequently, a teacher could not claim payment for a phase that had not crystallized at the time of retirement. For instance, a teacher who retired in 1997 and had been paid accordingly could not claim benefits under the 1998 phase.

The Government had committed to fully complying with the Judgment and had subsequently commenced processing pension claims for eligible teachers. The Committee was informed that the Commission had processed all relevant documentation for 23,487 teachers and submitted the same to the National Treasury for payment in accordance with the law.

Committee Concerns

- a) The Committee inquired whether there were any active court cases relating to the matter under consideration and was informed by the CEO that all cases had been concluded, with none currently pending before the courts.
- b) The Committee sought clarification on whether teachers who retired between 1997 and 2007 were entitled to the benefits and was informed by the CEO that they were not entitled.
- c) The Committee inquired whether all the 23,487 teachers had been paid their dues and was informed by the CEO that all eligible teachers had been fully paid.
- d) The Committee further sought to establish the causes of delays in the processing of pension benefits for retired teachers and was informed by the CEO that delays are occasioned by factors such as non-submission of requisite documentation, court disputes, and the death of a principal member.
- e) The Committee also inquired into the measures being undertaken by the Teachers Service Commission (TSC) to ensure timely payment of pension benefits. The CEO informed the Committee that the Commission conducts pre-retirement training for teachers nearing retirement, ensures timely issuance of retirement notices, and facilitates early submission of requisite documentation prior to retirement. She further indicated that pension benefits are currently processed within two months after retirement, a significant improvement compared to previous timelines.

Committee Observations

- i. All the pending cases in court concerning the matter in this petition were concluded.
- ii. The people who are retired from 1998 to June 30th June, 2003 are the ones who are entitled for pensions.
- iii. TSC confirmed that the 23,487 teachers have all been paid and that those who retired from July 2003 are not entitled for payment.

Committee Resolutions

The Committee resolved -

- a) That the Teachers Service Commission to provide the Committee with a complete and comprehensive list of all the teachers who have already been paid their retirement dues; and

- b) To invite the National Treasury to confirm on the payment and a list of the teachers who had been paid.

MIN./PPC/2026/129:

ADJOURNMENT

There being no other business, the meeting was adjourned at 4:30 p.m. The next meeting will be held in the afternoon in the same venue.

Sign:

Date 06/05/26

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

**MINUTES OF THE 8TH SITTING OF THE PUBLIC PETITIONS COMMITTEE
HELD ON THURSDAY, 26TH FEBRUARY, 2026 IN COMMITTEE ROOM ON
THE 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT
11.40 A.M.**

PRESENT

- | | | |
|--|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. Beatrice Kadeveresia Elachi, CBS, M.P. | | |
| 4. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 5. Hon. Edith Vethi Nyenze, M.P. | | |
| 6. Hon. Peter Mbogho Shake, M.P. | | |
| 7. Hon. Peter Irungu Kihungi, M.P. | | |
| 8. Hon. Paul Biego Kibichiy, M.P. | | |

APOLOGIES

1. Hon. Patrick Ntwiga Munene, CBS, M.P.
2. Hon. Suzanne Ndunge Kiamba, M.P.
3. Hon. Joshua Chepyegon Kandie, M.P.
4. Hon. Patrick Makau King'ola, M.P.
5. Hon. John Bwire Okano, M.P.
6. Hon. Maisori Marwa Kitayama, M.P.
7. Hon. Sloya Clement Logova, M.P.

IN-ATTENDANCE

SECRETARIAT

- | | | |
|------------------------|---|------------------------------|
| 1. Mr. Victor Weke | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 4. Mr. Clinton Sindiga | - | Legal Counsel II |
| 5. Ms. Nancy Akinyi | - | Research Officer III |
| 6. Mr. Arkan Mumin | - | Research Officer III |
| 7. Mr. Collins Mahamba | - | Audio Officer |

PETITIONER

Hon. Abdul Rahim Dawood, M.P – Member for North Imenti

MAU MAU WAR VETERANS ASSOCIATION

1. Mr. Justus Kirimi - Chairman
2. Mr. David Muriungi - Secretary
3. Ms. Grace Gakii - Treasurer
4. Mr. Fredrick Muthamia
5. Ms. Juliet Karwirwa
6. Mr. John Murithi
7. Mr. Joseph Kiecha
8. Ms. Regina Kaario

9. Mr. Abraham Kithinji
10. Ms. Rachel Makena
11. Mr. Livingstone Kimathi
12. Mr. Francis Muthamia
13. Mr. Jackson Mwongera
14. Mr. Francis Mwenda
15. Mr. Seamus Karani
16. Mr. Stephen Muchiri
17. Mr. Joseph Mathie

MIN./PPC/2026/041: PRELIMINARIES

The Chairperson called the meeting to order at 11:40 am, followed by a word of Prayer.

MIN./PPC/2026/042: ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Edith Vethi Nyenze, M.P and seconded by, Hon. Beatrice Elachi, M.P.

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda
3. Confirmation of minutes
4. **Meeting with the Petitioners on -**
 - i. **Public Petition No. 26 of 2025 regarding non-payment of outstanding retirement benefits for the 1997 retired teachers; and**
 - ii. **Public Petition No. 11 of 2025 regarding compensation and allocation of land to the Mau Mau Veterans.**
5. Any Other Business
6. Adjournment and date for the next Sitting

MIN./PPC/2026/043: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/044: MEETING WITH THE PETITIONERS ON PUBLIC PETITION NO.26/2025 AND NO.11/2025 BY HON.ABDUL RAHIM DAWOOD, M.P, REGARDING NON-PAYMENT OF OUTSTANDING RETIREMENT BENEFITS FOR THE 1997 RETIRED TEACHERS' GROUP AND THE COMPENSATION AND ALLOCATION OF LAND TO MAU MAU VETERANS

- i. **Public Petition No. 26 of 2025 regarding non-payment of outstanding retirement benefits for the 1997 retired teachers group**

The Hon. Abdul Rahim Dawood, M.P, appeared before the Committee on behalf of the petitioners and made the following submissions -

- a) Between 1st July 1997 and 31st July 2007, approximately 5,200 teachers retired from the service of the Teachers Service Commission (TSC), having been employees duly registered under the TSC as public servants entitled to pension and retirement benefits.
- b) The said teachers were represented in *Simon P. Kamau and 190 others vs. Teachers Service Commission*, Nakuru High Court Civil Case No. 65 of 2006, which was heard and determined by Hon. Justice David Maraga (as he then was). The Court ruled in favour of the teachers, affirming that the remuneration and benefits arising from the 1997 Taita Arap Towe Commission award applied to all teachers who were in service as of 1st July 1997.
- c) The Teachers Service Commission (TSC) appealed the decision at the Court of Appeal but was defeated on 12th November 2010, and the Government's subsequent appeal to the Supreme Court in 2013 was similarly dismissed. Further, on 9th December 2015, the Supreme Court declined an application by the Attorney-General seeking review of the Court of Appeal's decision, thereby finalizing the matter in law.
- d) Despite the above court rulings being in favour of the petitioners, only one phase of the five agreed payment phases was effected, leaving the majority of the retired teachers without their rightful pension arrears and other accrued benefits.
- e) Although the Government had agreed to pay 44,267 of the retired teachers, an estimated 1,733 teachers remain unaccounted for and have not received any payment to date, despite being part of the court-recognized beneficiaries.
- f) Many of the petitioners have since passed on without receiving their rightful dues, while the surviving members, now advanced in age, continue to suffer financial distress, neglect, and denial of justice, contrary to the principles of fair administrative action guaranteed under Article 47 of the Constitution and the right to property under Article 40.
- g) Efforts by the petitioners to seek redress through various government departments, including the Teachers Service Commission, the National Treasury, and the Office of the Attorney-General, have not yielded a conclusive response or full implementation of the court judgment.
- h) In *Simon P. Kamau and 190 Others vs. Teachers Service Commission*, the Nakuru High Court ruled in favour of the teachers and affirmed that the remuneration and benefits arising from the 1997 Taita Arap Towett Commission award be applied to all teachers who were in service as of 1st July, 1997. Despite the court ruling, only one phase of the five agreed payment phases was effected leaving the majority of the retired teachers without their rightful pension arrears and other accrued benefits. An estimated 1733 teachers remain unaccounted for and have not received any payment to date.

Petitioners Prayers

The Petitioners prayed that the National Assembly through the Public Petitions Committee—

- i. Investigates and establishes the status of the court decisions regarding the payment of retirement benefits to the 1997 retired teachers;
- ii. Recommends for immediate settlement of all outstanding dues and arrears to the affected teachers or their legal representatives including those unaccounted for in the 1,733 pending cases;
- iii. Recommends that the Teachers Service Commission and the National Treasury provide a comprehensive report on payments made, beneficiaries and the remaining unpaid amounts;
- iv. Ensure budgetary allocation is made in the 2026/2027 Financial Year to fully settle the outstanding pension and gratuity arrears in accordance with the final court rulings; and
- v. Makes any other recommendations it may deem appropriate to address the plight of the petitioners.

Committee Observations

The Committee observed as follows: -

THAT-

1. There appears to have been partial payment of the retired teachers leaving majority of the them without their rightful pension arrears and other accrued benefits.

Committee's Resolution

The Committee resolved to engage --

- a) The Teachers Service Commission to apprise it on the criteria it used to make the payment arrears and to provide a comprehensive report on the payments made, beneficiaries and unpaid amounts for the retired teachers;
 - b) The National Treasury to inquire if there are funds available to pay the remaining teachers during the FY 2026/2027 or if it needs a supplementary budget to facilitate this payment during the said Financial Year; and
 - c) The Attorney General on its compliance and implementation of the decree made by the Court of Appeal and the Supreme Court.
- ii. **Petition No.11/2025 regarding compensation and allocation of land to the Mau Mau Veterans**

The Hon. Abdul Rahim Dawood, M.P, appeared before the Committee on behalf of the petitioners made submissions on the Petition as follows –

- a) Section 3 of the Kenya Heroes Act establishes a legal framework for the recognition and honour of national heroes, stipulating that a person shall be considered a hero if they have selflessly contributed and sacrificed for the nation in any of the functional areas, including the liberation struggle;

- b) Since Kenya attained independence in 1963, a section of Mau Mau veterans who endured displacement by the colonial government, through discriminatory laws and flawed land policies, including forced evictions, have never received any form of reparation;
- c) Despite the formation of the Mau Mau War Veterans Association (MMWVA), which was intended to unify all Mau Mau veterans, regional leaders of the association were never appointed, and the funds allocated by the Government were misappropriated, leaving veterans and their families without the desired economic relief;
- d) While regional associations such as the Nakuru District Ex-Freedom Fighters Organisation (NDEFFO) were established to advocate for land rights and other forms of reparation, veterans from other regions, including Meru, were excluded from these initiatives;
- e) Previously, Mau Mau war veterans, notably through organisations like NDEFFO, were compelled to consolidate resources and fundraise to purchase land from white settlers, excluding many who could not afford to participate;
- f) Most of the land formerly held by white settlers has since exhausted lease periods as provided under Article 65 of the Constitution. However, the National Land Commission (NLC), despite its mandate to initiate investigations, either *suo motu* or upon complaints, into present or historical land injustices and recommend appropriate redress, has never investigated pre-independence land injustices perpetrated against the Mau Mau;
- g) The relentless efforts by Mau Mau war veterans to seek closure and obtain reparation for the violations of economic rights, evictions, forced labour, rape, and murder committed by the British colonial government have remained unaddressed;

Petitioners Prayers

The Petitioners prayed that the Committee—

- i. Intervenes to ensure that Mau Mau War Veterans and their families are resettled on their ancestral land which was alienated by the colonial government and white settlers;
- ii. Recommends the establishment of regional representation of the Mau Mau War veterans within the Mau Mau War Veterans Association;
- iii. Recommends the official recognition and commendation of the Mau Mau Movement under the First Schedule of the Kenya Heroes Act;
- iv. Engages the National Land Commission to investigate pre-colonial land injustices committed against the Mau Mau veterans; and
- v. Makes any other recommendation it deems appropriate in addressing the plight of the Petitioners.

Committee Observations

The Committee observed as follows: -

THAT-

1. The Mau Mau veterans were open to discussions on receiving alternative parcels of land as an alternative measure.

Committee Resolution

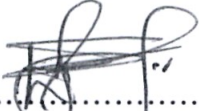
The Committee resolved to engage the following -

- a) The Chief Executive Officer of the National Heroes Council;
- b) The State Department of Social Protection and Senior Citizens Affairs;
- c) The Mau Mau Veterans Association;
- d) The CEO of the National Heroes Council; and
- e) The National Land Commission.

MIN./PPC/2026/045:

ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 2:20 p.m. Next meeting will be held on Tuesday, 3rd March, 2026 at the same venue.

Sign:.....

Date01/04/2026

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

TEACHERS SERVICE COMMISSION



**RESPONSE TO PUBLIC PETITION NO.26 OF 2025 REGARDING
ALLEGED NON-PAYMENT OF OUTSTANDING RETIREMENT BENEFITS
FOR THE 1997 RETIRED TEACHERS' GROUP**

REPORT PRESENTED BY:

**MS. E. J. MITEI, MBS
Ag. COMMISSION SECRETARY/CEO**

1ST APRIL, 2026

1. BACKGROUND

- 1.1 The Teachers Service Commission is established under **Article 237 (1)** of the Constitution with the overall mandate of teacher management. Specifically, Article **237 (2)** of the Constitution mandates the Commission to: -
- a) Register trained teachers;
 - b) Recruit and employ registered teachers;
 - c) Assign teachers for service in any public school or institution;
 - d) Promote and transfer teachers;
 - e) Exercise disciplinary control over teachers;
 - f) Terminate the employment of teachers engaged in public service.
- 1.2 The Commission is further mandated Under **Article 237 (3)** of the Constitution to: -
- a) Review the standards of education and training of persons entering the teaching service;
 - b) Review the national demand for, and the supply of teachers; and
 - c) Advise the National Government on matters relating to the teaching profession.
- 1.3 Additionally, section **11** of the Teachers Service Commission Act requires the Commission to formulate policies to achieve its mandate; provide strategic leadership and direction; prescribe teaching standards and ensure compliance; manage the Teachers payroll; facilitate Career Progression & Professional Development; monitor the conduct and performance of teachers; and do all such other things as may be necessary for the effective discharge of its functions and the exercise of its powers.
- 1.4 As a public organ, the Commission is bound by the **National Values and Principles of Governance** set out under **Article 10** of the Constitution as well as the Values and Principles of Public Service set out under **Article 232** of the Constitution.

2. HISTORICAL BACKGROUND

- 2.1 On **11th October 1997**, the Kenya National Union of Teachers (KNUT) and the Government of the Republic of Kenya entered into an Agreement to increase the remuneration payable to teachers in the public service.
- 2.2 This Agreement crystalized in **Legal Notice No. 534 of 1997** and was applicable to all teachers in the employment of the Commission at the material time. **Appendix 1** is a copy of the Legal Notice.
- 2.3 It was an integral term of the agreement duly negotiated and agreed by parties that the salary award was to be implemented and paid in **five (5) phases** with effect from **1st July, 1997 to 1st July, 2001** for a period of five (5) years.
- 2.4 The Legal Notice Number 534 of 1997 was followed with an implementation **Circular No. 13 of 1997** which captured and elaborated the terms of the Agreement and stipulated the salaries payable to the teachers in each year.
- 2.5 The Government implemented the **1st phase** of the Agreement which was duly paid to all teachers in October 1997. Due to economic constraints, the subsequent phases from 1st July, 1998 were not paid.
- 2.6 In **December, 2002**, parties to the Agreement, (the Government and the Kenya National Union of Teachers-KNUT) re-negotiated and mutually signed a further Agreement to pay the remaining four (4) phases within a period of **Ten (10) years** with effect from **1st July, 2003**.
- 2.7 Further, in an Agreement signed on the **24th May, 2003**, parties renegotiated and agreed that the ten (10) phases be reduced to six (6) to be implemented within a period of six (6) years.
- 2.8 In the spirit of continued engagement, the payment plan was further reduced to five (5) phases in an Agreement signed on **1st March, 2007**.

3. LITIGATION HISTORY

A. Nakuru High Court Civil Suit No. 65 of 2006

3.1 On **27th March, 2006**, twenty (20) teachers acting on behalf of their colleagues filed a representative suit in the High Court at Nakuru wherein they claimed: -

a) Declaration that the outcome of the representative suit will apply to all retired teachers.

b) Declaration that the Plaintiffs together with all other retired teachers are entitled to their retirement benefits inclusive of all other benefits provided for in the 1997 Agreement between the Government of Kenya and the Kenya National Union of Teachers.

c) An order that the defendant pay the Plaintiff's all unpaid benefits to-date;

d) Cost of the suit;

e) Any other relief that this Honourable court may deem fit.

3.2 On **23rd October, 2008**, the Court delivered its judgement on the matter and ordered that together with all other teachers covered by the Agreement dated 11th October, 1997, they are entitled to their **Retirement benefits** based on the entire Agreement and circular 13 of 1997,

B. Nakuru Civil Appeal No. 300 of 2009

3.3 The Government being dissatisfied with the judgment of the High Court appealed to the Court of Appeal in **Nakuru Civil Appeal No. 300 of 2009**, which Appeal was heard and determined on **12th November, 2010**.

C. Nakuru Judicial Review No. 18 of 2012

- 3.4 The retired teachers filed a Judicial Review Application seeking Orders to compel the Commission Secretary and the Director of Pensions to pay to the teachers their enhanced retirement benefits as per the judgement. The teachers also filed an Application to cite the Commission Secretary/CEO for contempt of Court for failing to implement the Court Order.

D. Application for Leave to Appeal to the Supreme Court

- 3.5 In 2013, the Government through the Attorney General sought leave from the Court of Appeal to appeal against the Judgement of the Court of Appeal to the Supreme Court. While the Court of Appeal agreed that the Application raised substantial issues of law and fact, the prayers were declined on one ground that there was unreasonable delay on the part of Government in filing the application.

E. Supreme Court Application No. 38 of 2014

- 3.6 In September 2014, the Attorney General filed an Application at the Supreme Court seeking review of orders of the Court of Appeal that denied Government leave to appeal the matter to the Supreme Court. However, on 9th December, 2015, the Supreme Court delivered its Ruling in the matter and declined to grant leave to the Government to file a further Appeal on grounds that there was inordinate delay on the part of the Government.

4. IMPLEMENTATION OF THE JUDGEMENT IN NAKURU HCCC 65 OF 2006

- 4.1 After exhausting all judicial avenues provided by law, the Government resolved to implement the Court Judgement and pay the teachers their enhanced Pension benefits based on the 1997 Agreement.

- 4.2 The Commission commenced the exercise under strict supervision of the Court. The process commenced with identification of all teachers who had existed service between **1st July 1998** and **30th June 2003**. This exercise was done in liaison with the Director of Pensions, National Treasury.
- 4.3 Pursuant to the identification exercise it was established that a total of **23,487** teachers had exited service between **1/7/1998** to **30/6/2003** and were entitled to enhanced pension emoluments under the Court award.
- 4.4 It is therefore worth noting that the Commission complied with the Court order and processed the revised Pension claims in respect of all teachers who retired or died in service during the financial years 1998/99, 1999/2000, 2000/01, 2001/02 and 2002/03 respectively and submitted for payment to the Director of Pensions, National Treasury.
- 4.5 Teachers who retired during the financial year **1997/1998** had their salaries reviewed with effect from **1st July 1997** in line with **Legal Notice No. 534 of 1997** and **TSC Circular 13 of 1997**. Similarly, teachers who exited service after 1st July, 2003 were similarly paid the renegotiated salaries.
- 4.6 It is only the category of teachers who exited on 1/7/1998 to 30/6/2003 who did not benefit from the subsequent phases since they had already exited service. ***Appendix 1 is a list of the Claims processed and submitted to National Treasury and Appendix 2 are copies of the Agreements and Gazette Notices.***

5. SPECIFIC RESPONSE TO THE PETITION

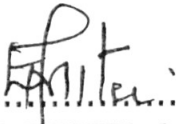
- 5.1 Honourable Members, it is worth noting that the teachers who are entitled to benefit under the Court order are those who retired without earning their respective salary awards as per the phases contained in the Agreement.

- 5.2 To this end, only teachers who retired between **1st July, 1998** and **30th June, 2003** are entitled to benefit under the Agreement since they left service without earning their respective salary phases leading to underpayment of their pension emoluments.
- 5.3 Accordingly, the allegation in the Petition enlarging the beneficiaries to teachers who exited service period from **1997** to **2007** is erroneous and misleading. Any attempt to revise the Pension emoluments for teachers who exited service after **1st July, 2003** will amount to double payment.
- 5.4 The Committee should note that the 1997 Salary Agreement was renegotiated between KNUT and the Government and a new Agreement signed and gazetted as Legislative Supplement No 10 of 2003 dated 21/02/2003.
- 5.5 The same was implemented with effect from 1/7/2003 by the then NARC Government. Any teacher who retired after July 2003 earned their respective phases and their pension benefit were correctly paid hence not entitled for a further revision. It is only those teachers who retired between **1/7/1998** and **30/6/2003** who exited without earning a single phase.
- 5.6 Honourable Members, may I further note that when the teachers' representatives filed the suit, they only sought for enhanced pension benefits. Accordingly, the Government obligation under the judgement was to pay enhanced pension emoluments as per the Judgement. This was clarified in the Court's Ruling dated **17/10/2019**. ***Appendix 3 is a copy of the Ruling.***
- 5.7 Lastly, the Committee may also wish to note that both the 1997 Agreement and the re-negotiated Agreement were payable in phases. Accordingly, a teacher could not claim payment for a future phase that was yet to crystalize. For example, a teacher who retired in 1997 and was paid could not claim the 1998 phase.

- Teachers paid & matter closed.
2003 Not Entitled

- 5.8 Notably, the Government committed to fully comply with the Judgement and commenced processing the Pension claims for the teachers who were entitled subsequently to the same.
- 5.9 On its part, the Commission has processed all the relevant documents for the **23,487** teachers and submitted to the National Treasury for payment as per the law

Honourable Chair and Members, I submit.


.....
Ms. E. J. MITEI, MBS
Ag. COMMISSION SECRETARY/CEO

LEGAL NOTICE NO. 534

THE TEACHERS SERVICE COMMISSION ACT
(Cap. 212)

IN EXERCISE of the powers conferred by section 14 (3) of the Teachers Service Commission Act, the Minister for Education makes the following Order:—

THE TEACHERS SERVICE COMMISSION (REMUNERATION OF
TEACHERS) ORDER, 1997

1. This Order may be cited as the Teachers Service Commission (Remuneration of Teachers) Order, 1997.
2. The remuneration of teachers in the teaching service, of the grades specified in the first column of the Schedule shall be in accordance with the salary scales specified in columns 2, 3, 4, 5, 6 and 7 with effect from the date specified under each column.
3. The automatic house allowance payable to teachers in the teaching service shall be at the rate of 35 per cent of the minimum basic salaries specified in the second column of the First Schedule for the financial year 1997/98; at 45 per cent of the minimum basic salaries specified in the second column of the First Schedule for the year 1998/99 and at 50 per cent of the minimum basic salaries specified in second column of the First Schedule for the year 1999/2000 and the subsequent years.
4. Medical allowances payable to teachers in the teaching service shall be at the rate of 15 per cent of the minimum basic salaries specified in column 2 of the First Schedule for the financial year 1997/98 and at 20 per cent of the minimum basic salaries specified in the second column of the First Schedule for the financial year 1998/99 and the subsequent years.
5. Responsibility allowances payable to teachers in the teaching service shall be payable at the rate of 100 per cent of the current rates contained in the code of regulations for teachers (Code of Regulations for Teachers Revised 1986) for the financial year 1997/98; 250 per cent for the financial year 1998/99; 400 per cent for the financial year 1999/2000 and 500 per cent for the financial year 2000/2001 and the subsequent years.
6. Special allowance payable to teachers in the teaching service who are deployed to teach in special schools/institutions and teachers who possess diplomas or certificates in special education deployed to teach in special units shall be at the rate of 10 per cent of the minimum basic salary with effect from 1st July, 1997.
7. Hardships allowance payable to teachers in the teaching service shall be at the rate of 30 per cent of the minimum basic salary specified in the second column of the first schedule with effect from 1st July, 1997. All the teachers serving in the districts/areas gazetted as hardship areas and those teachers in the areas listed below will qualify for this allowance irrespective of their marital status—

- (a) Mfangano and Rusinga Islands in Suba District.
- (b) Nyamutiro Division, Kunia District.
- (c) Osiyeko Division, Busia District.
- (d) Musiro Division, Busia District.
- (e) Kajiado District.
- (f) Lower Solai, Koibatek District.
- (g) Laikipia District.
- (h) Kirui District.
- (i) Nganze Division, Kilifi District.
- (j) Kerio Valley Division, Keiyo District.
- (k) Marakwet District.
- (l) Kinango and Samburu Divisions, Kwale District.
- (m) Trans Mara District.
- (n) Mwingi District.
- (o) Tharaka Division, Tharaka/Nithi District.
- (p) Mbeere District.
- (q) Kina Division, Nyambene District.
- (r) Magarini, Mafara and Kakoeni Divisions, Malindi District.
- (s) Masinga and Yatta Divisions, Machakos District.
- (t) Kieni Division, Nyeri District.
- (u) Ndeiya Division, Kijambu District.
- (v) Makuyu Division, Maragua District.
- (w) Muhoroni, Fortenani Soini and Sondu, Kericho District.
- (x) Muhoroni Valley and Sondu Divisions, Kisumu District.
- (y) Kakuzi Division in Thika District.

8. Automatic commuter allowance payable to teachers in the teaching service shall be at the rate of 10 per cent of the minimum basic salaries with effect from 1st July, 1998.

9. Accommodation allowance payable to teachers in the teaching service shall be in accordance with the rates specified in the Second Schedule, with effect from 1st July, 1998.

10. Transfer allowances payable to teachers in the teaching service shall be equivalent to one month's gross basic salary with effect from 1st July, 1998. For the purpose of payment of this allowance the working station of a teacher shall be taken to be the teacher's home district and this allowance will only be payable to teachers transferred from one station (district) to another station (district) on the initiative of the employer (the Teachers Service Commission).

11. Advances for purchase of motor vehicles for teachers in the teaching service with effect from 1st July, 1998, will be in accordance with governing regulations on such advances issued by the Treasury from time to time.

1235

Kenya Subsidiary Legislation, 1937

First Schedule:—(Contd.)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Teachers grades	Present salary	New salary w.e.f. 1-7-97 KE p.a.	New salary w.e.f. 1-7-98 KE p.a.	New salary w.e.f. 1-7-99 KE p.a.	New salary w.e.f. 1-7-2000 KE p.a.	New salary w.e.f. 1-7-2001 KE p.a.
	Min. Max.	Min. Max.	Min. Max.	Min. Max.	Min. Max.	Min. Max.
Trained certificate technical teacher						
Untrained diploma technical teacher						
II/A.T.S. I/Untrained graduate teacher	4,827 7,140	6,168 8,994	7,797 11,487	9,429 13,997	11,187 16,506	12,144 17,922
I/Assistant lecturer	5,694 8,127	7,278 10,224	9,297 13,083	11,274 15,919	13,272 18,774	14,406 20,397
Trained diploma technical teacher I/A.T.S I/Trained graduate teacher I lecturer	6,918 9,837	8,718 12,360	11,142 15,837	13,558 19,285	15,984 22,734	17,364 24,711
Tutor graduate/approved teacher, senior lecturer, principal III	7,872 10,803	9,906 13,485	12,666 17,277	15,397 21,085	18,192 24,831	19,758 26,988
Principal graduate/approved teacher II, principal lecturer, principal II	8,937 11,469	11,235 14,355	14,397 18,363	17,485 22,387	20,637 26,397	22,434 28,680
Principal graduate/approved teacher I, senior principal lecturer, principal I	10,137 12,540	12,735 15,660	16,317 20,064	19,885 24,466	23,433 28,854	25,170 31,368
Senior principal teacher	11,469 14,106	14,355 17,640	18,363 22,596	22,387 27,508	26,397 32,454	28,680 35,266
Chief principal teacher						

SECOND SCHEDULE
ACCOMMODATION ALLOWANCE

<i>Teachers on the undermentioned salaries per annum</i>	<i>Maximum per night</i>	<i>Present K.Sh.</i>	<i>New K.Sh.</i>
KE 22,966 p.a. and above	—		2,000
KE 18,276 and above but under 22,966	400		1,000
KE 12,540 and above but under 18,276	300		1,200
KE 9,237 and above but under 12,540	200		800
KE 4,992 and above but under 9,237	175		700
KE 4,827 and below	150		600

This Order revokes the Legal Notice No. 180 of 1997.
Made on the 11th November, 1997.

J. J. KAMOTIIO,
Minister for Education.

TSRC file

31

SPECIAL ISSUE

1277

Kenya Gazette Supplement No. 9524th September, 2002(Legislative Supplement No. 62)

LEGAL NOTICE NO. 162

THE TEACHERS SERVICE COMMISSION ACT
(Cap. 212).

IN EXERCISE of the powers conferred by section 14 (3) of the Teachers Service Commission Act, the Minister for Education, makes the following Order:—

THE TEACHERS SERVICE COMMISSION (REMUNERATION OF
TEACHERS) (REVOCATION) ORDER, 2002

1. This Order may be cited as the Teachers Service Commission (Remuneration of Teachers) (Revocation) Order, 2002.
2. The Teachers Service Commission (Remuneration of Teachers) Order, 1997, is revoked:

L.N. 534/1997.

Provided that this Order shall not apply to any action previously taken pursuant to the provisions of the Order now revoked

Made on the 19th September, 2002.

H. K. KOSGEY,
Minister for Education.

AP PEST 11

132/76

MEMORANDUM OF AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA AND THE KENYA NATIONAL UNION OF TEACHERS ON THE IMPLEMENTATION OF TEACHERS SALARY AWARD AS CONTAINED IN LEGAL NOTICE NO.534 of 1997.

Following deliberations between the Government of the Republic of Kenya and the Kenya National Union of Teachers, which culminated in the conciliation by the National Tripartite Consultative Committee, the parties have voluntarily agreed as follows: -

1. That, the Government will irrevocably honour the Teachers Salary Award as contained in Legal Notice No. 534 of 1997 within the agreed framework as tabulated herein below.
2. That, taking into consideration the revenue forecast, Government fiscal constraints and the country's external and domestic commitments, the pending Teachers Salary Award will be phased over a period of Ten (10) years with effect from 1st July 2003. Towards this end the Government will automatically release funds as follows: -

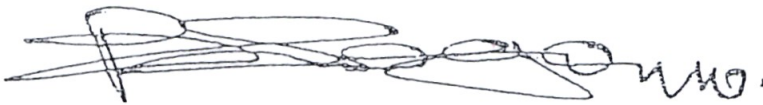
Year	Wage Award Over 10 years (Kshs. Million)
2002/03	
2003/04	2,850
2004/05	2,850
2005/06	2,850
2006/07	2,850
2007/08	2,850
2008/09	2,850
2009/10	2,850
2010/11	2,850
2011/12	2,850
2012/13	2,850
Cumulative	28,500

3. That, for purposes of gazetting the award, a technical sub-committee be formed to undertake the apportionment of the agreed funds. The sub-committee will submit its report, for approval, to the main committee within two weeks from the date of signing this agreement.
4. That, no arrears will be demanded, as the implementation of the award will not be backdated.
5. That, the Teachers Service Commission (Remuneration) order contained in Legal Notice No.534 of 1997 be amended pursuant to this agreement.

1. Signed: For and on behalf of the Teachers Service Commission

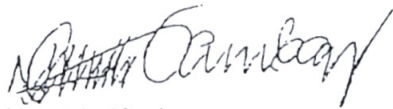


Ibrahim M. Hussein, HSC.
Chairman – Teachers Service Commission

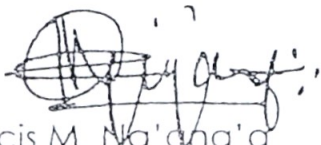


Benjamin K. Sogomo, OGW.
Secretary - Teachers Service Commission

2. Signed: For and on behalf of the Kenya National Union of Teachers



John M. Katumanga
National Chairman - Kenya National Union of Teachers



Francis M. Ng'ang'a
Secretary- General - Kenya National Union of Teachers



Peter M. Mutulu

National Treasurer- Kenya National Union of Teachers

3. Signed: For and on behalf of the Government of the Republic of Kenya



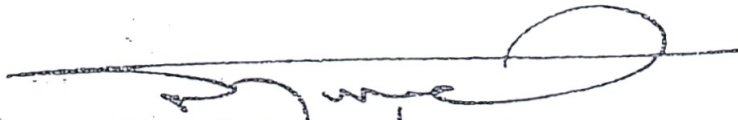
Prof. J. C. Kiptoon, EBS.; Phd.

Permanent Secretary – Ministry of Education, Science and Technology



Joseph K. Kinyua

Permanent Secretary – Ministry of Finance and Planning



James E.O. Ongwae, EBS.;OGW.

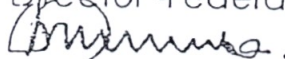
Permanent Secretary/Director – Directorate of Personnel Management

4. Witnessed by:



Tom D. Owuor, MBS.;OGW

Executive Director -Federation of Kenya Employers (FKE)

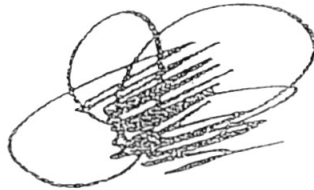


ISAAC KIBANI

For: Francis Atwoli

Secretary – General - Central Organization of Trade Unions, Kenya (COTU)

Amb. Joshua K. Terer
Permanent Secretary - Ministry of Labour and Human
Resources Development.



Hon. Joseph K. Ngutu, EGH; EBS.; MP.,
Minister for Labour,
Chairman.



Dated at Nairobi this 3rd day of December 2002

Kenya Gazette Supplement No. 17

21st February, 2003

(Legislative Supplement No. 10)

LEGAL NOTICE NO. 16

THE TEACHERS SERVICE COMMISSION ACT

(Cap. 212)

IN EXERCISE of the powers conferred by section 14 of the Teachers Service Commission Act, the Minister for Education makes the following Order:—

THE TEACHERS SERVICE COMMISSION (REMUNERATION OF TEACHERS) (AMENDMENT) ORDER, 2003

1. This Order may be cited as the Teachers Service Commission (Remuneration of Teachers) (Amendment) Order, 2003.

2. The Teachers Service Commission (Remuneration of Teachers) Order, 1997, in this Order referred to as "the principal Order", is amended by deleting paragraph 2 and substituting therefor the following new paragraph—

2. The remuneration of teachers in the teaching service, of the grades specified in column 1 of the First Schedule, shall be in accordance with the salary scales specified in columns 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 with effect from the dates specified under each column.

3. The principal Order is amended by deleting paragraph 3 and substituting therefor the following new paragraph—

3. The automatic house allowance payable to teachers in the teaching service shall be as per the Directorate of Personnel Management Circular Ref. No. OP. 18/1A/VIII/141 of 18th June, 2001.

4. The principal Order is amended by deleting paragraph 4 and substituting therefor the following new paragraph—

4. Medical allowance payable to teachers in the teaching service shall be at the rates specified in columns 2, 3 and 4 of the Third Schedule, with effect from the dates specified under each column.

5. The principal Order is amended by deleting paragraph 5 and substituting therefor the following new paragraph—

5. The responsibility allowance payable to teachers in the teaching service, during the financial years specified in the first column of the following table, shall be at the percentage of the rates prescribed in the Code of Regulations for Teachers (Revised 1986) respectively specified in the second column.

<i>Financial year</i>	<i>Percentage rate</i>
2005/2006	150%
2006/2007	200%
2007/2008	250%
2008/2009	300%
2009/2010	350%
2010/2011	400%
2011/2012	450%
2012/2013	500%

6. The principal Order is amended by deleting paragraph 8 and substituting therefor the following new paragraph—

8. The automatic commuter allowance payable to teachers in the teaching service shall be at the rates specified in columns 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the Fourth Schedule, with effect from the dates specified under each column.

7. The principal Order is amended by deleting paragraph 10 and substituting therefor the following new paragraph—

10. (1) The transfer allowance payable to teachers in the teaching service shall be equivalent to one month's gross basic salary, with effect from 1st July, 2003.

(2) For the purposes of payment of transfer allowance, the working station of a teacher shall be taken to be the teacher's home district.

(3) Transfer allowance shall only be payable to teachers transferred from one station (district) to another station (district) on the initiative of the employer (the Teachers' Service Commission).

8. The principal Order is amended by deleting First Schedule thereto and substituting therefor the following new Schedule:

FIRST SCHEDULE

COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4		COLUMN 5		COLUMN 6	
<i>Teachers Grades</i>	<i>Present Salary</i>		<i>New Salary w.e.f. 1-7-2003 KSh. p.m.</i>		<i>New Salary w.e.f. 1-7-2004 KSh. p.m.</i>		<i>New Salary w.e.f. 1-7-2005 KSh. p.m.</i>		<i>New Salary w.e.f. 1-7-2006 KSh. p.m.</i>	
	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>
1. U.T. with/without K.C.P.E.	2,730	3,420	3,500	3,827	3,600	4,236	3,706	4,643	4,033	5,052
2. U.T. with K.J.S.E./K.C.E. Div. IV/ K.C.S.E. "D" plain and below	3,220	5,015	3,603	5,612	3,989	6,212	4,372	6,809	4,756	7,408
3. U.T. with K.C.E. Div. I-III/ K.A.C.E./K.C.S.E. C+ and above	4,030	5,655	4,510	6,328	4,992	7,005	5,471	7,678	5,953	8,353
4. P4 teacher	2,920	4,290	3,500	4,783	3,600	5,276	3,925	5,767	4,259	6,257
5. P3 teacher	3,420	5,495	3,813	6,127	4,206	6,758	4,597	7,386	4,988	8,014
6. P2 teacher	4,160	6,285	4,559	6,888	4,956	7,488	5,353	8,087	5,749	8,685
7. P1 teacher	5,175	9,140	5,672	10,017	6,165	10,889	6,658	11,760	7,151	12,630
8. A.T.S. IV/Untrained technical teacher, trained certificate technical teacher	6,285	11,390	6,675	12,096	7,062	12,798	7,450	13,502	7,838	14,204

FIRST SCHEDULE—(Contd.)

COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4		COLUMN 5		COLUMN 6	
Teachers Grades	<i>Present Salary</i>		<i>New Salary w.e.f. 1-7-2003 KSh. p.m.</i>		<i>New Salary w.e.f. 1-7-2004 KSh. p.m.</i>		<i>New Salary w.e.f. 1-7-2005 KSh. p.m.</i>		<i>New Salary w.e.f. 1-7-2006 KSh. p.m.</i>	
	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>
9. Graduate teacher/trained certificate technical teacher II/trained diploma technical teacher III/diploma technical teacher III/diploma teacher (S1 diploma) A.T.S. III	8,885	12,870	9,360	13,604	9,865	14,338	10,368	15,069	10,875	15,806
10. Trained certificate technical teacher I/trained diploma technical teacher II/A.T.S. II/trained graduate teacher II/assistant lecturer	10,280	14,990	10,866	15,844	11,453	16,700	12,037	17,552	12,625	18,410
11. Trained diploma technical teacher I/A.T.S. I trained graduate teacher I/lecturer	12,130	17,040	12,821	18,011	13,514	18,984	14,203	19,952	14,897	20,928
12. Senior graduate/approved teacher/senior lecturer/principal III	14,530	20,600	15,300	21,692	16,064	22,774	16,828	23,858	17,585	24,932

FIRST SCHEDULE—(Contd.)

COLUMN 1	COLUMN 2		COLUMN 3		COLUMN 4		COLUMN 5		COLUMN 6	
Teachers Grades	<i>Present Salary</i>		<i>New Salary w.e.f. 1-7-2003 KSh. p.m.</i>		<i>New Salary w.e.f. 1-7-2004 KSh. p.m.</i>		<i>New Salary w.e.f. 1-7-2005 KSh. p.m.</i>		<i>New Salary w.e.f. 1-7-2006 KSh. p.m.</i>	
	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>
13. Principal graduate/approved teacher II/principal lecturer/principal II	16,510	22,475	17,302	23,554	18,098	24,637	18,895	25,721	19,688	26,802
14. Principal graduate/approved teacher I/senior principal lecturer/principal I	18,725	23,925	19,624	25,073	20,526	26,227	21,430	27,381	22,330	28,531
15. Senior principal teacher	21,225	26,100	22,244	27,353	23,267	28,611	24,291	29,870	25,311	31,124
16. Chief principal teacher	23,925	29,400	25,073	30,811	26,227	32,229	27,381	33,647	28,531	35,060

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FIRST SCHEDULE—(Contd.)

COLUMN 1	COLUMN 7		COLUMN 8		COLUMN 9		COLUMN 10		COLUMN 11		COLUMN 12	
Teachers Grade	New Salary w.e.f. 1-7-2007		New Salary w.e.f. 1-7-2008		New Salary w.e.f. 1-7-2009		New Salary w.e.f. 1-7-2010		New Salary w.e.f. 1-7-2011		New Salary w.e.f. 1-7-2012	
	KSh. p.m.		KSh. p.m.		KSh. p.m.		KSh. p.m.		KSh. p.m.		KSh. p.m.	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
1. U.T. with/without K.C.P.E.	4,359	5,461	4,685	5,869	5,011	6,278	5,338	6,687	5,663	7,095	5,989	7,503
2. U.T. with K.J.S.E./K.C.E. Div. IV/ K.C.S.E. "D" plain and below	5,142	8,008	5,526	8,607	5,911	9,206	6,296	9,805	6,680	10,403	7,064	11,002
3. U.T. with K.C.E. Div. I-III/K.C.S.E C-/U.T. with K.A.C.E./K.C.S.E. C+ and above	6,435	9,030	6,916	9,705	7,398	10,381	7,879	11,056	8,360	11,731	8,841	12,407
4. P4 teacher	4,593	6,749	4,928	7,241	5,263	7,732	5,600	8,227	5,935	8,719	6,269	9,211
5. P3 teacher	5,380	8,644	5,772	9,274	6,164	9,904	6,559	10,538	6,951	11,168	7,343	11,798
6. P2 teacher	6,145	9,284	6,543	9,885	6,940	10,485	7,338	11,086	7,735	11,687	8,133	12,287
7. P1 teacher	7,645	13,502	8,139	14,375	8,633	15,248	9,128	16,122	9,623	16,995	10,177	17,869
8. A.T.S. IV/untrained technical teacher, trained, certificate technical teacher	8,228	14,911	8,615	15,612	9,005	16,319	9,395	17,026	9,785	17,732	10,174	18,438
9. Graduate teacher/trained certificate technical teacher II/trained diploma technical teacher III/diploma teacher (S1 diploma) A.T.S. III	11,382	16,543	11,890	17,281	12,397	18,019	12,904	18,756	13,412	19,493	18,481	26,861

FIRST SCHEDULE—(Contd.)

COLUMN 1	COLUMN 7		COLUMN 8		COLUMN 9		COLUMN 10		COLUMN 11		COLUMN 12	
Teachers Grade	<i>New Salary</i> <i>w.e.f. 1-7-2007</i>		<i>New Salary</i> <i>w.e.f. 1-7-2008</i>		<i>New Salary</i> <i>w.e.f. 1-7-2009</i>		<i>New Salary</i> <i>w.e.f. 1-7-2010</i>		<i>New Salary</i> <i>w.e.f. 1-7-2011</i>		<i>New Salary</i> <i>w.e.f. 1-7-2012</i>	
	<i>KSh. p.m.</i>		<i>KSh. p.m.</i>		<i>KSh. p.m.</i>		<i>KSh. p.m.</i>		<i>KSh. p.m.</i>		<i>KSh. p.m.</i>	
	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>	<i>Min.</i>	<i>Max.</i>
10. Trained certificate technical teacher I/trained diploma technical teacher II/A.T.S. II/trained graduate teacher II/assistant lecturer	13,214	19,268	13,803	20,127	14,392	20,987	14,981	21,845	15,570	22,704	21,455	31,286
11. Trained diploma technical teacher I/A.T.S. I trained graduate teacher I/lecturer	15,592	21,903	16,287	22,880	16,983	23,857	17,677	24,833	18,372	25,808	25,316	35,564
12. Tutor graduate/approved teacher/senior lecturer/ principal III	18,349	26,014	19,119	27,107	19,884	28,191	20,648	29,273	21,412	30,356	22,176	31,440
13. Principal graduate/approved teacher II/principal lecturer/ principal II	20,478	27,876	21,268	28,952	22,055	30,024	22,845	31,098	23,635	32,174	24,425	33,249
14. Principal graduate/approved teacher I/senior principal lecturer/principal I	23,225	29,675	24,122	30,820	25,014	31,961	25,910	33,105	26,806	34,250	27,701	35,394
15. Senior principal teacher	26,326	32,373	27,342	33,622	28,354	34,866	29,369	36,114	30,385	37,364	31,400	38,612
16. Chief principal teacher	29,675	36,466	30,820	37,873	31,961	39,275	33,105	40,681	34,250	42,088	35,394	43,494

9. The principal Order is amended by inserting the following new Schedules in proper numerical sequence:

THIRD SCHEDULE
MEDICAL ALLOWANCE

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
<i>Teachers Grade</i>	<i>Present Medical Allowance KSh. p.m.</i>	<i>New Medical Allowance w.e.f. 1-7-2003 KSh. p.m.</i>	<i>New Medical Allowance w.e.f. 1-7-2004 KSh. p.m.</i>
1. U.T. with/without K.C.P.E.	439	497	555
2. U.T. with K.J.S.E./K.C.E. Div. IV/ K.C.S.E. "D" plain and below	513	571	629
3. U.T. with K.C.E. Div. I-III/K.S.C.E. C-/U.T. with K.A.C.E./K.C.S.E. C+ and above	624	700	777
4. P4 teacher	513	571	629
5. P3 teacher	513	571	629
6. P2 teacher	624	700	777
7. P1 teacher	776	861	947
8. A.T.S. IV/Untrained technical teacher, trained certificate technical teacher	942	1,058	1,173
9. Graduate teacher/trained certificate technical teacher II/trained diploma technical teacher III/diploma teacher (S1 diploma) A.T.S. III	1,328	1,486	1,644
10. Trained certificate technical teacher I/trained diploma technical teacher II/A.T.S. II/trained graduate teacher II/assistant lecturer	1,542	1,728	1,914
11. Trained diploma technical teacher I/A.T.S. I trained graduate teacher I/lecturer	1,819	2,039	2,258
12. Tutor graduate/approved teacher/senior lecturer/ principal III	2,179	2,446	2,713
13. Principal graduate/approved teacher II/principal lecturer/ principal II	2,476	2,780	3,083
14. Principal graduate/approved teacher I/senior principal lecturer/Principal I	2,808	3,153	3,497
15. Senior principal teacher	3,183	3,574	3,965
16. Chief principal teacher	3,588	4,030	4,472

FOURTH SCHEDULE
COMMUTER ALLOWANCE

(para. 7)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7	COLUMN 8	COLUMN 9	COLUMN 10	COLUMN 11
<i>Teachers Grade</i>	<i>New Commuter Allowance w.e.f. 1-7-2003 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2004 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2005 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2006 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2007 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2008 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2009 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2010 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2011 KSh. p.m.</i>	<i>New Commuter Allowance w.e.f. 1-7-2012 KSh. p.m.</i>
1. U.T. with/ without K.C.P.E.	54	108	162	216	270	324	378	432	486	540
2. U.T. with K.J.S.E./ K.C.E. Div. IV/ K.C.S.E. "D" plain and below	64	127	191	254	318	382	445	509	572	636
3. U.T. with K.C.E. Div. I-III/K.C.S.E. C-/U.T. with K.A.C.E./ K.C.S.E. C+ and above	80	159	239	318	398	478	557	637	716	796
4. P4 teacher	57	115	172	230	287	344	402	459	517	574
5. P3 teacher	67	134	202	269	336	403	471	538	605	672
6. P2 teacher	80	161	241	321	402	482	562	643	723	803
7. P1 teacher	100	200	300	400	500	600	700	799	899	999
8. A.T.S. IV/Untrained technical teacher, trained certificate technical teacher	118	235	353	470	588	705	823	940	1,058	1,175
9. Graduate teacher/trained certificate technical teacher II/trained diploma technical teacher III/diploma teacher (SI diploma) A.T.S. III	165	330	494	659	824	989	1,153	1,318	1,483	1,648

FOURTH SCHEDULE—(Contd.)

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6	COLUMN 7	COLUMN 8	COLUMN 9	COLUMN 10	COLUMN 11
Teachers Grade	New Commuter Allowance w.e.f. 1-7-2003 KSh. p.m.	New Commuter Allowance w.e.f. 1-7-2004 KSh. p.m.	New Commuter Allowance w.e.f. 1-7-2005 KSh. p.m.	New Commuter Allowance w.e.f. 1-7-2006 KSh. p.m.	New Commuter Allowance w.e.f. 1-7-2007 KSh. p.m.	New Commuter Allowance w.e.f. 1-7-2008 KSh. p.m.	New Commuter Allowance w.e.f. 1-7-2009 KSh. p.m.	New Commuter Allowance w.e.f. 1-7-2010 KSh. p.m.	New Commuter Allowance w.e.f. 1-7-2011 KSh. p.m.	New Commuter Allowance w.e.f. 1-7-2012 KSh. p.m.
0. Trained certificate technical teacher I/trained diploma technical teacher II/A.T.S. II/trained graduate teacher										
1. Trained diploma technical teacher I/A.T.S. I trained graduate teacher/lecturer	191	383	574	765	956	1,148	1,339	1,530	1,722	1,913
2. Tutor graduate/approved teacher/senior lecturer/principal III	226	451	677	903	1,129	1,354	1,580	1,806	2,031	2,257
3. Principal graduate/approved teacher II/principal lecturer/principal II	269	538	807	1,076	1,346	1,615	1,884	2,153	2,422	2,691
4. Principal graduate/approved teacher I/senior principal lecturer/principal I	304	609	913	1,217	1,522	1,826	2,130	2,435	2,739	3,043
5. Senior principal teacher	345	690	1,035	1,381	1,726	2,071	2,416	2,761	3,106	3,452
6. Chief principal teacher	391	782	1,174	1,565	1,956	2,347	2,739	3,130	3,521	3,912
	441	882	1,323	1,764	2,205	2,646	3,087	3,528	3,969	4,410

10. The Teachers Service Commission (Remuneration of Teachers) (Revocation) Order, 2002, is revoked with effect from the 24th September, 2002.

Made on the 12th February, 2003.

GEORGE SAITOTI,
*Minister for Education,
Science and Technology.*

APPROVAL ~~W~~ ✓

13b

AGREEMENT BETWEEN THE GOVERNMENT OF KENYA AND THE KENYA NATIONAL UNION OF TEACHERS (KNUT) ON RESCHEDULING OF THE PAYMENT OF AGREED TEACHERS' SALARIES AWARD OF 1997.

The Government of Kenya and the Kenya National Union of Teachers have held negotiations and consultations on ways and means of reducing the period of payment of agreed teachers' package from six years to a shorter period.

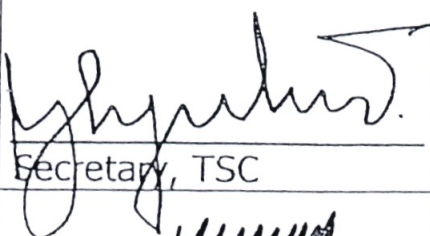
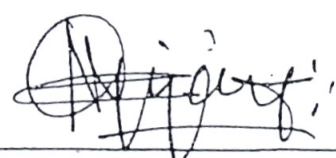
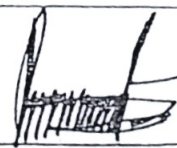
After a series of meetings culminating with the last meeting of February 26, 2007, it is agreed as follows:

- (a) That the payment of the package, set for six years on 24th March, 2003 be reduced to five years.
- (b) That to effect the reduction of the period to five years, the last instalment of Kshs. 4.9 billion due from 1st July, 2008, be split into two equal amounts of Kshs. 2.45 billion each.
- (c) That the first half of Kshs. 2.45 billion be integrated into teachers' salaries of the year 2006/2007 and be paid by 30th June, 2007.
- (d) That during the financial year 2007/08 the second half of Kshs. 2.45 billion be added to the Kshs. 4.9 billion due in the next financial year to make a total of Kshs. 7.35 billion and paid to teachers with effect from 1st July, 2007.
- (e) That in consequence of this agreement the payments will now be as in the schedule herein marked schedule X: -

SCHEDULE X

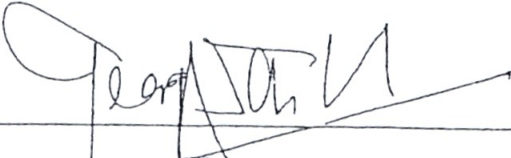
Phase	Financial Year	Amount Payable (Ksh)
1	2003/2004	4.00 billion
2	2004/2005	4.90 billion
3	2005/2006	4.90 billion
4	2006/2007	(a) 4.90 billion (b) 2.45 billion (arrears)
5	2007/2008	(a) 4.90 billion (b) 2.45 billion
TOTAL		28.5 billion

Agreed and concluded by: -

	Official/Personnel	Signature	Date
a	Prof. Karega Mutahi, EBS, CBS	 Permanent Secretary Ministry of Education	01/03/07
b	Mr. Gabriel K. Lengoiboni, EBS	 Secretary, TSC	01/03/07
c	Mr. Ibrahim Hussein, EBS	 Chairman, TSC	01/03/07
d	Mr. Francis M. Ng'ang'a	 Secretary General KNUT	1/3/007
e	Mr. Joseph T. Chirchir	 National Chairman KNUT	1/3/2007

f	Mr. Fred O. Ontere	 National Treasurer KNUT	11/3/07
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Confirmed:


HON. PROF. GEORGE SAITOTI, EGH MP
MINISTER FOR EDUCATION
CHAIRMAN

Date:

1st March 2007

Appendix 1

1997 PENSION CASES PASSED TO TREASURY AS AT 14TH APRIL 2023

S/N	TSC	NAMES	Exit_Date PENSION_NUMBER
1	52	LOICE NANDAKO MOLA	01/01/2000 APN/PC0000118063
2	99	LUCY THAARA MUGO	01/09/2001 APN/PC0000127141
3	99	NASIM MOHAAMED ASLAM MAGRE	01/01/2000 APN/PC0000107571
4	113	REDEMPA MARY KADENGE AMISI	01/01/1999 APN/PC0000092973
5	246	KAMLESH KUMARI KENT	01/09/2001 APN/PB0000005943
6	294	GERRARD MATHERI MURAYA	01/09/1998 APN/PC0000101104
7	414	SAMUEL WANJOHI JACKSON MUCHIRI	01/09/1998 APN/PC0000094331
8	422	CHARLES MUTAHI KORO	01/01/1999 APN/PC0000093363
9	489	JOHN MUTUA MULUNGA	01/05/1999 APN/PC0000094575
10	534	TARCISIO KIMOTHO CHABARI	01/01/1999 APN/PC0000092971
11	547	HEZRON GACHOYA NGURU	01/01/2000 APN/PC0000103967
12	564	JASON MUNYUA M'MIGWI	01/05/1999 APN/PC0000101143
13	620	HASSANALI ABDUL H.SULEMANJI	01/09/1998 APN/PC0000098597
14	759	JAMES AMBROSE NYANJOM OGOLA	01/09/1999 APN/PC0000101593
15	784	SYLVIA ATHIENO OPONDO	01/01/2000 APN/PC0000107380
16	809	MARGARET AKUKU NKUUBI	01/09/1999 APN/PC0000102904
17	810	BEARITAH KIDIGA MUNDIA	01/01/1999 APN/PC0000095527
18	844	JANE NANYAMA KIGEN	01/01/2000 APN/PC0000104408
19	869	EDMUND OYUGA OCHOLA	08/08/1998 APN/PC0000103031
20	891	EDAH KASOHA NGOTA	01/01/1999 APN/PC0000099747
21	927	EVA MODESTA LOURDINA NUNES	01/01/2003 APN/PB0000005947
22	928	BENJAMIN MAINGI MWENDIA	01/09/2000 APN/PC0000118183
23	952	CHARO JOSEPH KALINDO	08/08/1998 APN/PC0000101110
24	954	PAUL NZIVO MWAMISI	01/05/2000 APN/PC0000111554
25	956	RACHEL SIDI KARISA	01/01/2001 APN/PC0000123825
26	958	REUBEN OYANI LOMEROK	01/09/2000 APN/PC0000120767
27	968	EBBY KABOSA WAFULA	04/05/2000 APN/PC0000147189
28	969	PETER WAFULA MAKOKHA	01/09/2000 APN/PC0000130135
29	970	SAMWEL OLEKETE IWORETE	01/09/1998 APN/PC0000097844
30	984	JOSHUA OGEYA WASIKE	01/09/1999 APN/PC0000102625
31	995	KAFUNJA GUSA AMADIBA	01/01/1999 APN/PC0000100418
32	996	DICKSON NJIRU IRERI	26/09/1998 APN/PC0000182684
33	1003	STEPHEN ODHIAMBO OROWE	01/09/1999 APN/PC0000104633
34	1013	FRANCIS KIBUI WACHIRA	01/09/1998 APN/PC0000092646
35	1014	WILLIAM GEORGE MWANGI KIMEMIA	01/09/1998 APN/PC0000093384
36	1029	MARGARET WANJIKU MWANIKI	01/05/1999 APN/PC0000123804
37	1103	JAMES JAMLECK IRERI	01/09/1998 APN/PC0000167963
38	1179	KARIITHI KIARII	01/01/2002 APN/PC0000125614
39	1193	LAZARUS JOHNSTON NDIRITU GIKONYO	01/01/2001 APN/PC0000126146
40	1195	DESIDERIO GITARI	01/01/2000 APN/PC0000102007
41	1322	MARIAM AHMED ABDULLA	05/01/2002 APN/PC0000133653
42	1328	BERNARD MUGAKA KICHIA	01/09/1998 APN/PC0000094774
43	1355	MAUREEN ANTOINETTE HOMEN	01/01/2000 APN/PC0000101623
44	1390	ROMANUS NAKHULO KHAIMIA	01/01/1999 APN/PC0000095082
45	1402	CYRUS KITHINJI SIMON	01/05/2000 APN/PC0000103563
46	1428	WAKINI WAKONYU KARIUKI	15/01/1999 APN/PC0000126768
47	1510	EVANS GIDEON KAGUONGO	01/09/1998 APN/PC0000097391
48	1598	DAVID WAMBUGU MAHINDA	01/09/1998 APN/PC0000093170

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49	1676 AHMED SALIM SAID	01/01/2000 APN/PC0000178853
50	1682 RAPHAEL WESONGA BWONYA	01/01/2000 APN/PC0000118455
51	1757 SIMEON OJWANGA OBURA	01/01/1999 APN/PC0000098461
52	1778 SHEM JILO BAYAYA	01/01/1999 APN/PC0000095436
53	1812 ANASTASIA DENG OGINGA	01/01/2002 APN/PC0000132966
54	1824 JAMES KIMANI GITHUA	01/09/1999 APN/PC0000103102
55	1868 CHARITY WOKI BORO	01/01/2000 APN/PC0000122573
56	1947 NOAH OCHIENG AYIM	01/01/2000 APN/PC0000115045
57	1960 ANDREW OKOYO OKUMU	03/10/1999 APN/PC0000101514
58	2119 HELEN OMINA WASWA	01/09/1999 APN/PC0000104035
59	2148 WILFRIDA NALIAKA WANJALA	01/01/2002 APN/PC0000139490
60	2149 JOYCE MUGURE GAKUGI	01/01/2001 APN/PC0000124010
61	2151 TABITHA AWINJA OBBAYI	01/01/1999 APN/PC0000094167
62	2155 HELLEN WANDERA	01/01/1999 APN/PC0000095357
63	2158 DOROTHY KITHIRU OMASIRE	01/01/2001 APN/PC0000125042
64	2159 WALTER OGETO MARIGI	01/09/1999 APN/PC0000103091
65	2162 SAMUEL NGANGA KARENGE	01/09/1999 APN/PC0000101910
66	2164 JOSEPH PATRICK WANJOGU NDONGA	01/01/2000 APN/PC0000102120
67	2174 RAPHAEL JOHN MUTULA	01/01/1999 APN/PC0000093411
68	2175 WINIFRED WANGUI WAITARA	01/09/1999 APN/PC0000103830
69	2176 PAUL KIANJI THITWA	01/01/2000 APN/PC0000118114
70	2177 SOSPETER NYAGA MWATHI	01/09/1999 APN/PC0000131819
71	2178 RUFUS KANGORI NKOROI	01/01/1999 APN/PC0000093375
72	2179 NICHOLAS ONDIMU	01/09/1998 APN/PC0000096907
73	2191 DIONYSIUS MAINA GITHINJI	01/09/1998 APN/PC0000100049
74	2192 ZACHARY KIMATHI	01/01/1999 APN/PC0000092821
75	2195 VINCENT K.WEKESA NAMUSONGE	01/12/1998 APN/PC0000098093
76	2197 JOSECK WASWA FITA	01/05/2001 APN/PC0000131810
77	2202 GILBERT MICHENI MUTEGI	01/05/1999 APN/PC0000094566
78	2206 EPHANTUS ARTHUR GITOME	01/01/2000 APN/PC0000125169
79	2216 MICHAEL NDUNGU WAMBUGU	01/01/1999 APN/PC0000110210
80	2223 GABRIEL OBIERO OTIENO	01/09/1998 APN/PC0000095225
81	2225 SARAH WAMAITHA KIHARA	01/09/2000 APN/PC0000118203
82	2226 OKUMU BENNETT UDOTO	01/01/1999 APN/PC0000091558
83	2227 PETER KAMITI KAMAU	01/09/2000 APN/PC0000127923
84	2230 WILFRED MWANIKI NYOTA	01/09/2000 APN/PC0000118189
85	2236 ZAVERIO KIAMBI MUGUNA	01/09/1998 APN/PC0000094012
86	2237 MUTHONI SABASTIAN	17/4/1999
87	2238 TWYLA AWINJA MALUNGU	01/09/2001 APN/PC0000127713
88	2242 MICHAELA PRISCILLA DE SOUZA	01/09/2002 APN/PC0000143312
89	2248 JOSEPH MUTIE MUSIMBA	01/01/1999 APN/PC0000094798
90	2249 JOSEPH MBURU MWANIKI	01/09/2001 APN/PC0000133287
91	2265 GEORGE MUSEE KAMUTI	01/09/1998 APN/PC0000099300
92	2272 MUGANE BEATRICE	01/01/2001 APN/PC0000120997
93	2282 DAVID MWANGI KIBII	01/09/1998 APN/PC0000093420
94	2283 FESTUS IRUNGU WERU	01/01/2000 APN/PC0000107587
95	2295 ADNAN SAID MOHAMED	09/05/2000 APN/PC0000144116
96	2298 BEATRICE MUTUKU MBEVI	01/01/2002 APN/PC0000133007
97	2301 ESTABEL BAKHOYA MULIMBA	01/01/1999 APN/PC0000095533
98	2309 JOYCE MWITI KINYA	01/01/2001 APN/PC0000114937

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99	2310 MARGARET AGOLA RACHO	01/01/1999 APN/PC00000100066
100	2443 ISABELLA MUTHOKI KIANGA	01/01/2001 APN/PC00000122120
101	2453 ONESIMUS OCHIENG ADOL	01/01/2001 APN/PC00000144677
102	2465 MUTUA EVANSON MBUGUA	01/01/2003 APN/PC00000195952
103	2472 MARY KHATENJE MKADO	01/01/2002 APN/PC00000131724
104	2567 BENSON KIMANI STANLEY THIONGO	01/09/2001 APN/PC00000126297
105	2603 TOM BROWNS AKHONYA	01/05/2001 APN/PC00000124963
106	2611 CHARLES MUNYASYA KILINDA	01/09/2000 APN/PC00000112290
107	2621 SUSAN MASITSA ALUSA	01/05/2002 APN/PC00000134493
108	2635 STEPHEN MBUDHIA MANGORIO	01/09/2002 APN/PC00000138594
109	2669 BARTHOLOMEW NYAGA MAETI	01/01/2000 APN/PC00000098874
110	2676 LUMBWAN WAVOMBA REUBEN	01/09/1999 APN/PC00000102683
111	2715 JELIAH NYAKERARIO NYANDUCHA	01/01/2000 APN/PC00000112249
112	2718 ROSE ACHIENG KUFWAFWA WANDERA	01/08/1998 APN/PC00000094393
113	2762 SEBASTIAN KIRIKA	01/01/2000 APN/PC00000107568
114	2825 DAVID KARUKU MWIHURI	01/09/1998 APN/PC00000097141
115	2853 JORAM KIVEU HEMEDI	01/01/2000 APN/PC00000108096
116	2856 GERTRUDE AKOCHI OBULUTSA	01/09/2001 APN/PC00000127982
117	2887 MARGARET WAITHIRA WANJOHI	01/09/1999 APN/PC00000097098
118	2909 JOHN MULIMA AINEA OLUCHINA	01/09/1998 APN/PC00000123805
119	2922 WILLIAM OTIENO OKEYO	01/09/1999 APN/PC00000125798
120	2939 FRANCIS WAFULA ERNEST WANZALA	01/09/2002 APN/PC00000140465
121	3026 NDICU BORO	30/06/1999 APN/PC00000111577
122	3097 VIVIA BHARMAL SHAH	01/09/2001 APN/PB00000005942
123	3147 CONSTANZO KIMATHI M'ANINI	01/01/2001 APN/PC00000132914
124	3148 FRANCIS NYAMU MATIRI	01/09/2000 APN/PC00000137984
125	3149 DIONYSIUS NGORE BAIMUNGIRI	01/09/1998 APN/PC00000094161
126	3154 AUGUSTINE KATHURI NJERU	01/01/2000 APN/PC00000101233
127	3157 JONAH MALEVE MUSAU	01/05/2000 APN/PC00000115323
128	3158 GREGORY KWALE MATI	01/01/1999 APN/PC00000094168
129	3160 STEPHEN MUEMA KUSU	01/09/2000 APN/PC00000116927
130	3161 ANTHONY KATHUKU MULANDI	01/09/2000 APN/PC00000120546
131	3164 ARCHANGELO KITHINJI KAMAU	08/08/1998 APN/PC00000094406
132	3165 JOSEPH MULEI MUSYA	11/01/2002 APN/PC00000145710
133	3166 PETER KIMANTHI MUSYOKI	01/05/2000 APN/PC00000125578
134	3168 JOYCE MUTHONI MUTHUURI	01/01/2002 APN/PC00000127662
135	3170 ONESMUS ALFRED KIRAITHE NYAGA	30/01/2000 APN/PC00000147513
136	3171 VENANZIO MIRITI M'NTHAKA	01/09/2000 APN/PC00000118191
137	3173 FRANCIS MWASARU MIGHULO	01/09/2000 APN/PC00000121908
138	3175 ANDERSON JUMBALE MWAROME	01/09/1998 APN/PC00000098573
139	3178 HAROLD KARISA KATANA	01/05/2001 APN/PC00000140010
140	3194 TIMONA ORADO ASOTSA	01/05/2001 APN/PC00000122585
141	3195 WILLBRORDAH ODUOL AKUMU	01/05/2001 APN/PC00000122511
142	3196 MAURICE MARTIN NANJALI	01/05/2000 APN/PC00000124406
143	3199 FRANCIS KHISA NYONGESA	31/08/2000 APN/PC00000121199
144	3200 PATRICK OKIYA TOKA	01/01/2001 APN/PC00000124496
145	3202 ELIJAH FUNDI LUCHELI	01/01/2000 APN/PC00000103709
146	3203 ELPHAS ALICK AKAALO MWALE	01/09/2000 APN/PC00000125032
147	3209 ANNE JUMA MUSUNDI	01/01/2001 APN/PC00000124069
148	3218 PRISCILLA NAISULA NANGURAI	01/01/2003 APN/PC00000190567

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149	3221 ZACHARY MWANGI NDUATI	01/01/2003 APN/PC0000141520
150	3222 TIMOTHY AARON KILAKI	01/09/1998 APN/PC0000096070
151	3223 MARY CHRISTINE CHESOMEK GITAU	01/09/2000 APN/PC0000117283
152	3224 FRANCIS CHERUIYOT A.KESUI	01/09/1999 APN/PC0000162788
153	3227 KIPKEMOI A.KIRUI	01/01/1999 APN/PC0000097801
154	3228 CATHERINE NYAMBURA GATHERU	01/09/2001 APN/PC0000129692
155	3231 GABRIEL MARTIN NJUGUNA KAMAU	01/05/2001 APN/PC0000122084
156	3233 PERIS WAIRIMU SAWE	01/05/2002 APN/PC0000133975
157	3235 WILFRED NGUNYI MUNGONGI	01/01/2000 APN/PC0000107592
158	3236 SIMON KIMALEL ARAP YABAN	01/09/2000 APN/PC0000118200
159	3238 PETER ANGUI TERER	01/09/2000 APN/PC0000125885
160	3240 SARAH CHEPNGENO TONU	01/09/2000 APN/PC0000123774
161	3253 JANE CHEPKORIR LANGAT	01/01/1999 APN/PC0000137125
162	3257 ESTHER NJAMBI MWAURA	01/01/2001 APN/PC0000122516
163	3258 SALOME WAITHIRA KARANI	01/01/2001 APN/PC0000118376
164	3262 BENEDICT MULONZYA MULLATTYA	01/09/1999 APN/PC0000105145
165	3263 DAVID R. SOLOVEA MBONGE	01/09/2000 APN/PC0000121141
166	3269 FREDRICK ANDERSON W.GITERE	01/09/2000 APN/PC0000117203
167	3271 DALMAS LINUS OMUNE OKACH	01/09/2002 APN/PC0000144667
168	3272 TOM OKECH OGALO	01/09/1998 APN/PC0000100415
169	3281 ZEBEDEO ONTUMI KERA	01/09/2000 APN/PC0000118449
170	3282 DANIEL ANINO OCHIENG	01/01/2003 APN/PC0000143269
171	3288 NEHEMIAH OMWERI MOTARI	01/01/1999 APN/PC0000111622
172	3290 ANYEGAH OSIEMO PATRICK	01/01/2000 APN/PC0000114982
173	3291 FELICITAS KORIR	01/01/2001 APN/PC0000123054
174	3292 JULIA ALICE AWITI	01/01/2002 APN/PC0000131071
175	3294 JOSEPH KIGURU GACHOMBA	01/01/2001 APN/PC0000121112
176	3298 EUNICE WARINGA NDIRANGU	01/01/2000 APN/PC0000136121
177	3300 ERIC MUTAHI KARANJA	01/09/2002 APN/PC0000140871
178	3302 THOMAS MULE MWANTHI	01/09/2000 APN/PC0000121978
179	3305 JOSIAH EDWARD NGIGE-NGUO	01/09/1999 APN/PC0000101199
180	3308 ESTHER WAIRIMU MATHENGE	01/09/1998 APN/PC0000096127
181	3310 MICHAEL KARANJA MUKONO	19/04/1999 APN/PC0000102662
182	3311 JULIUS MAINA WAIGANJO	01/09/2000 APN/PC0000115372
183	3314 FRANCIS GITIMU MUIRURI	01/09/2001 APN/PC0000133755
184	3318 LOIS GATHONI MUNORU	01/05/2001 APN/PC0000127723
185	3320 JOSEPH KIMARU WARUI	01/09/1999 APN/PC0000111568
186	3323 SAMUEL WARUI THIRIKWA	01/05/2000 APN/PC0000114820
187	3325 ISAAC KIRIMI M'MUKINDIA	01/09/1999 APN/PC0000099326
188	3326 RUTH NYAMUGU MUNENE	01/05/2002 APN/PC0000133230
189	3329 ELIJAH NJIRU KIROMBI	01/09/1998 APN/PC0000100411
190	3330 PATRICK NJUE MBORA	01/09/2000 APN/PC0000125936
191	3331 PAUL JOSEPH NDEGWA	01/01/2001 APN/PC0000117584
192	3332 JOHN MUGO GATUIKA	01/09/2000 APN/PC0000122258
193	3335 THOMAS MWANGI GACHUHI	01/05/2002 APN/PC0000138562
194	3336 CHARLES KARUMBA MUTURA	01/09/2000 APN/PC0000112146
195	3339 RAHAB WANGARI MUTURI	01/05/1999 APN/PC0000097332
196	3341 DORCAS WANJIKU MALE	01/01/2000 APN/PC0000102675
197	3342 JOHN NJUGUNA KAHINDI	01/09/2000 APN/PC0000122140
198	3345 RUTH WAMBUI KINYANJUI	01/09/2001 APN/PC0000126843

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199	3346 KEZIAH WANJIRU NDERITU	01/09/2001 APN/PC0000131172
200	3362 JOSEPH WACHIYE SULEMAN	01/09/2002 APN/PC0000139395
201	3367 Vincent Memusi Ole Ntekerei	31/08/2001 APN/PC0000215083
202	3368 MARTIN OLALE ODIYO	01/01/2001 APN/PC0000122464
203	3373 TIMOTHY NGUU MUTUA	01/09/2000 APN/PC0000114960
204	3375 SILAS MBURUNGA M'ITHIRIA	01/09/2002 APN/PC0000137983
205	3385 JAMLECK KIMOTHO MBURIA	09/01/2002 APN/PC0000156145
206	3386 JOSPHAT GACHOKI SOLOMON NJANJA	01/09/2001 APN/PC0000125898
207	3388 CAESAR GIKUNJU WANJAMA	01/09/2000 APN/PC0000115022
208	3407 FLORAH INDASI MUCHILWA	01/09/1999 APN/PC0000125786
209	3421 PHYLLIS NDUTA MACHARIA	01/01/2001 APN/PC0000121383
210	3422 PETER P.KAMAU WAHINYA	01/09/2000 APN/PC0000115534
211	3425 TABITHA WANGARI KANIARU	01/01/2001 APN/PC0000127096
212	3426 PETER CHARLES MUCHERU MUNIU	31/08/1999 APN/PC0000103008
213	3453 JOHN WILLIAM BUNDE OWIGAR	01/05/2000 APN/PC0000147498
214	3456 MICHAEL MACHARIA NDERI	01/09/1999 APN/PC0000110204
215	3466 MARGARET JOYCE AKINYI OUMA	01/01/2002 APN/PC0000133637
216	3468 STEPHEN MAINGI M'MAITIMA	01/09/2000 APN/PC0000111545
217	3518 ANDREW KALUME LEWA	01/09/2001 APN/PC0000130165
218	3525 ALEX FLORENCE HOMEN	01/01/2001 APN/PC0000114902
219	3551 HEZRON ONEGE ANYONA	01/09/2001 APN/PC0000128481
220	3553 GEORGE ODONGO OGOLA	01/01/1999 APN/PC0000098883
221	3576 SILVESTER ASETO ODONGO	01/05/2000 APN/PC0000123488
222	3583 HANIEL LUKU IGWO	01/01/1999 APN/PC0000095524
223	3584 FESTUS H.K.MNG'AMBWA	01/01/1999 APN/PC0000094315
224	3591 ROBSON KIPTOO CHELAL	01/01/2000 APN/PC0000110254
225	3592 JOHN ALGAI OTHIENO	01/09/1998 APN/PC0000097100
226	3606 DAVID KIRAGU MWANGI	01/09/1998 APN/PC0000091069
227	3608 JIMBO WILLIAM OTIENO	01/09/2001 APN/PC0000128610
228	3621 LYDIA PRISCILLA MPATE	31/12/1998 APN/PC0000159563
229	3639 JAMES SILAS MATENDE	03/05/2000 APN/PC0000123331
230	3640 TITUS MUTWIRI THARAMBA	01/09/2001 APN/PC0000131701
231	3676 MARGARET APIYO JUMA	01/01/2003 APN/PC0000141252
232	3682 PIUS KIBOR MELLY	01/01/2000 APN/PC0000144721
233	3683 JAMES KANURI MURIUKI	01/01/1999 APN/PC0000096121
234	3699 PROTUS WELEMBA SILISISI	01/09/2000 APN/PC0000121009
235	3700 JAMES KYEVEO MUTHOKA	01/01/1999 APN/PC0000094738
236	3704 JOSEPH KIPROTICH NGENO	01/09/2000 APN/PC0000131109
237	3705 SAMUEL HINGA WANJOHI	01/05/2000 APN/PC0000115135
238	3716 MARY LENKOY MPOKE	01/09/1999 APN/PC0000103885
239	3722 JOHN OMWONO RABURU	01/09/1998 APN/PC0000093459
240	3723 STEPHEN AMBUKU MUHINDIRA	13/07/1999 APN/PC0000117047
241	3725 GILBERT OSORO KIMSORO	01/01/2002 APN/PC0000134685
242	3731 FREDRICK KANGETHE GACHUI	01/01/2000 APN/PC0000100787
243	3733 MARY NGINA MUTUA	01/09/2000 APN/PC0000121158
244	3735 ALBERT MUNDIA	01/01/2000 APN/PC0000100622
245	3737 BEATRICE NJERI MACHINA	02/05/2002 APN/PC0000159973
246	3756	
247	3771 ELIUD NJERU GATHUMA	01/05/2001 APN/PC0000122194
248	3773 FRANCESCA RHODA MWOVE	01/01/2001 APN/PC0000121254

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249	3822 SIMEON TAKEY SIMIYU	01/09/1999 APN/PC0000102733
250	3851 FLORAH KHANGUHA ASHENE	01/09/2001 APN/PC0000126519
251	3852 PAMELLAH ATIENO ORAKO	01/09/2002 APN/PC0000140080
252	3862 JOHNSTON HARRY ASHENE	01/09/2000 APN/PC0000121149
253	3864 PAUL RIACHI MANGARA	01/01/1999 APN/PC0000097985
254	3903 ELIAS KINOTI IKUNYUA	01/05/2003 APN/PC0000145206
255	4037 BEN WARIRA MWANGI	01/09/1999 APN/PC0000104420
256	4059 FELIX MAINA MUKIHA THEGA	01/01/2003 APN/PC0000143293
257	4070 MOSES BAPTISTA NGUGI MWANGI	01/09/1998 APN/PC0000098049
258	4079 CHARLES BARONGO NYANGUTE	20/10/2000 APN/PC0000111623
259	4082 WALTER NJAU GIKONYO	01/05/2001 APN/PC0000122449
260	4084 FREDERICK JOHN WAWERU GICHOHI	01/09/2002 APN/PC0000138041
261	4085 JOHN KIPROTICH ARAP KAPTICH	01/01/2001 APN/PC0000133142
262	4088 MICHAEL LAICHENA	01/09/2001 APN/PC0000127614
263	4089 FANUEL LUGALI SIMIDI	01/05/2000 APN/PC0000115317
264	4092 JOE NGARI GATHINDI	06/06/2001 APN/PC0000127999
265	4102 WILLIAM ANDAYI TECHERA	01/09/2000 APN/PC0000134356
266	4103 Phoebe Andeso Akasa	31/01/2001 APN/PC0000264669
267	4104 PRISCILLA NKUENE MARANGU	01/09/2000 APN/PC0000118117
268	4108 JAMES KIBAARA WANJERU	01/01/2002 APN/PC0000133001
269	4110 RICHARD MARAKA MISIKO SIMBAKALI	01/09/1998 APN/PC0000092403
270	4115 JAMES MWAI GATIMU	01/09/2000 APN/PC0000132458
271	4116 DAVID MWANGI NGUNGU	01/09/2002 APN/PC0000137631
272	4120 TERESIA NJURA IRERI	01/09/2001 APN/PC0000129544
273	4122 DAVISON KIBEGWA A OBURU	01/01/2001 APN/PC0000154301
274	4124 EUNICE WAMBUI WAWERU	31/08/2002 APN/PC0000137397
275	4125 FREDRICK KIILU MAINGI	28/10/1998 APN/PC0000131508
276	4130 JANE BEATRICE OUMA	01/01/2001 APN/PC0000123830
277	4132 NEREAH AKINYI OKOO ODINGA	01/05/2002 APN/PC0000137488
278	4134 JUSTUS KIMATHI M'NKANATA	01/01/2002 APN/PC0000139460
279	4135 SIMON WACHIRA GICHUHI	30/10/2000 APN/PC0000143462
280	4137 ROMANUS MASESE KONGORO	01/09/1998 APN/PC0000099709
281	4138 ERASMUS NJIRU MUTO	01/01/2001 APN/PC0000125650
282	4139 CHARLES KIOKO MANYENZE	01/01/2003 APN/PC0000144132
283	4140 GIBSON MUCHIRI MURIUKI	01/01/2003 APN/PC0000143353
284	4141 JULIUS GITONGA MUKINDIA	01/01/2000 APN/PC0000102214
285	4144 GEORGE SIMIYU SANGURA	01/01/2002 APN/PC0000133918
286	4148 SAMSON ODONGO OJUKA	01/01/2002 APN/PC0000134643
287	4149 BERNARD KIVILU MULI	01/05/2001 APN/PC0000124431
288	4150 JOHN BOSCO AKUBIA M'IKIBA	01/09/2001 APN/PC0000128385
289	4154 KIRIUNGI JACOMINO	01/09/2000 APN/PC0000114737
290	4155 WILLY WAMBUA MUEMA	01/09/2000 APN/PC0000111609
291	4157 AGGREY MUDINYU JAMES	01/09/1999 APN/PC0000102832
292	4166 DANIEL KAMONDE KAMAU	01/09/2001 APN/PC0000126812
293	4167 ROSE MARY NAMU	01/01/2001 APN/PC0000120238
294	4169 NESPHOR OOKO ODINGA	01/09/1999 APN/PC0000112125
295	4170 JOSEPH JOHNSON NGIGE MBIYU	01/09/1998 APN/PC0000092221
296	4173 JOHN MKAMBA NYAGA	18/01/1999 APN/PC0000099314
297	4174 ELIUD BUKU MUNYORI	01/09/2000 APN/PC0000111505
298	4175 SILVESTER RUTERE MWANGI	30/01/2000 APN/PC0000137388

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23199	362515 BARGORET KOMEN	14/02/2002 APN/GC0000052730
23200	362564 RICHARD KIBET MULWA	17/09/1998 APN/GC0000050378
23201	362782 JACKLINE ATIENO ODHIAMBO	02/01/2002 APN/GC0000052902
23202	362784 FLORENCE ACHIENG JUMA	10/02/2000 APN/GC0000051268
23203	362910 CATHERINE JEMELI CHOGE	15/11/1998 APN/GC0000052118
23204	363120 VICTORIA ADHIAMBO ONYANGO	29/08/1999 APN/GC0000049135
23205	363185 SAMSON MURAGA MUISYO	26/01/2002 APN/GC0000051246
23206	363222 HAGGAI OLOKO TATU	09/12/2001 APN/GC0000052145
23207	363396 JOHN OUKO OKWARO	06/10/2000 APN/GC0000051737
23208	363720 EDWARD IRUNGU WANJOHI	09/10/2001 APN/GC0000052072
23209	363744 SOLOMON NGUI MUTHINI	21/08/2001 APN/GC0000051265
23210	364129 STEPHEN AMOLLO OPONDO	04/02/2002 APN/GC0000054144
23211	364165 VERONICAH MUTHONI KINYUA	18/01/2003 APN/GC0000051330
23212	364184 SALESIO NJAGI DIONISIO	30/04/2002 APN/GC0000051419
23213	364225 ELIZABETH WAMBUI KABUI	19/08/2000 APN/GC0000050078
23214	364265 SUSAN AKINYI WANDAGO	05/09/1999 APN/GC0000047983
23215	364458 NAHASHON MWANGI MURIUKI	20/03/2003 APN/GC0000051568
23216	364632 NORBERT NICHOLAS OMONDI OLAYO	29/06/2003 APN/GC0000052159
23217	364693 BENARD OMONDI MARK OKEYO	02/12/1999 APN/GC0000049605
23218	365234 JONATHAN KIBET	05/08/2001 APN/GC0000052742
23219	365283 MIRIAM JEROTICH YEGON	01/04/2003 APN/GC0000052287
23220	365333 JULIUS KIPKEMOI TARUS	16/11/2001 APN/GC0000052262
23221	365395 DORICE AKELO ARWA	14/01/2003 APN/GC0000051210
23222	365405 MWANAKOMBO BAKARI	17/07/1999 APN/GC0000049391
23223	365537 LINAH JELAGAT CHEROP	27/01/2003 APN/GC0000052615
23224	365996 LEAH MARKO ATABO	05/07/2001 APN/GC0000051076
23225	366221 MONICA JEROP TENAI	15/01/2000 APN/GC0000052108
23226	366229 EDNA CHEPKOECH KOSKE	15/07/2000 APN/GC0000049456
23227	366267 JANE WAMBUI GITHEGI	02/06/1999 APN/GC0000048941
23228	366323 BAHATI HASSAN MUSYOKA	05/07/2001 APN/GC0000051874
23229	366364 PATRICK NANGITHIA AKWALU	19/10/1998 APN/GC0000048660
23230	366945 RUTH NASIMIYU WANYAMA	18/05/2002 APN/GC0000052065
23231	366971 HELEN CHEPKEMBOI KORIR	04/09/2001 APN/GC0000050511
23232	367031 ROSE CHELANGAT KIPSOI	13/01/2001 APN/GC0000051558
23233	367065 CHRISTINE LEREETE	20/03/1999 APN/GC0000052873
23234	367082 EMMANUEL IBUYA LOMORUKAI	11/01/2001 APN/GC0000053096
23235	367220 JOHN ODHIAMBO AUMA	14/07/2002 APN/GC0000051800
23236	367226 TOM ODEDE MIGE	15/02/2002 APN/GC0000050982
23237	367255 ROCKET GICHANA NYAKUNDI	07/08/2000 APN/GC0000050818
23238	367467 DANIEL MUHIA MWANGI	02/01/2003 APN/GC0000051324
23239	367647 DANIEL MULIA MWANGI	01/02/2003
23240	367672 JOSHUA OKANGA OYOO	31/08/1999 APN/GC0000053905
23241	367785 VERONICAH JEBET LELGO	03/02/2001
23242	367847 SARAH MUTHEU KIVUVO	11/10/2000 APN/GC0000052508
23243	368000 ROZINA WAWUDA MWALIMO	15/05/2003 APN/GC0000052694
23244	368037 GRACE WANJIRU MUGO	29/06/1999 APN/GC0000048163
23245	368223 Stanley Wanyonyi Otunga	11/01/2001 APN/GC0000233437
23246	368226 ERICK KIPTOO KUTO	22/07/2001 APN/GC0000053306
23247	368230 ERICK OGUTU OBARAH	11/02/2003 APN/GC0000054138
23248	368247 CAROLYNE AWINO ODHIAMBO	30/11/2001 APN/GC0000051012

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23249	368401 PAULINE ODERA SANDE	12/02/2002	APN/GC0000054614
23250	368402 SALOME ANYANGO ODUMBE	23/12/2000	APN/GC0000054038
23251	368509 LILIAN ATIENO OWAGA	07/07/2001	APN/GC0000051070
23252	368524 ALICE ATIENO NYANGWECHA	01/02/2001	APN/GC0000049931
23253	368536 MIRIAM IKAANI EWAGATA	02/01/2003	APN/GC0000052917
23254	368676 IGNATUS JUMA OBIERO	01/04/2002	APN/GC0000051591
23255	368745 MARGARET DAME MWAROGO	07/02/2001	APN/GC0000049998
23256	368774 KENNEDY MULGIWA WACHARA	08/06/1999	APN/GC0000049537
23257	368778 MOSES ONYANGO SURE	28/09/2001	APN/GC0000051867
23258	368909 PETER LEMOMO SUIYANKA	27/12/1999	APN/GC0000050687
23259	369016 ISABELLA LANDAN LANYASUNYA	25/03/2001	APN/GC0000051255
23260	369045 SHERRY ATWANE	13/07/1999	APN/GC0000048906
23261	369162 KIZITO MMBOLO LUSENO	08/06/2002	APN/GC0000053046
23262	369175 HENRY NJORGE MBURU	29/10/1999	APN/GC0000051767
23263	369278 AMOS RAKOI KAKOIYA	10/03/2002	APN/GC0000051034
23264	369285 DAVID KIPLANGAT ROTICH	10/12/1999	APN/GC0000052414
23265	369513 ISABELLA MUTONYI OMWIMWA	02/02/2000	APN/GC0000051081
23266	369525 FATUMA HAMISI ZIMBU	26/05/1999	APN/GC0000049924
23267	369530 MESALIM SAID RANZUGA	07/09/2001	APN/GC0000050701
23268	369705 ROSE ATIENO KOJO	09/09/1999	APN/GC0000052354
23269	369709 ERICK BENARD JUMA ONYWERA	29/07/2002	APN/GC0000051696
23270	369781 LILIAN ATIENO ODOYO	26/03/2003	APN/GC0000052897
23271	369782 Harrison Okinyi Odindo	12/08/2002	APN/GC00000241969
23272	369957 MONICA AUMA OKINDA	08/06/2000	APN/GC0000049193
23273	370018 PHANICE KHAYECHIA ANGUVA	07/11/2000	APN/GC0000049441
23274	370045 BENARD OTIENO ODUOR	10/01/2001	APN/GC0000052384
23275	370057 PERES MONICA OKECH	21/07/2001	APN/GC0000051125
23276	370139 ZACHARIAH MUTO RO FALEX	25/11/1999	APN/GC0000048847
23277	370271 ZENA MOHAMED HAJI	30/01/2001	APN/GC0000051279
23278	370327 JOYCE NZANZAI KINGESI	11/09/1999	APN/GC0000052489
23279	370389 JAMES LETAON LESILA	05/01/1999	APN/GC0000049827
23280	370393 AMINA JATTANI KOTOTE	02/05/2002	APN/GC0000051726
23281	370401 IBRAE DIDO DUBA	22/09/1998	APN/GC0000053977
23282	370481 LUCY NJERI WAWERU	09/04/1999	APN/GC0000050552
23283	370486 MARIA ELIJAH DITIAN	05/09/2001	APN/GC0000050235
23284	370563 DORCAS AWUOR ORINDA ONGUKA	23/10/2002	APN/GC0000051861
23285	370579 CHARLES ORANGO SILAS	14/11/2001	APN/GC0000050424
23286	370598 Mohamed Abdi Dagane	25/01/2001	APN/GC00000230029
23287	370605 Issack Mohamed Abdi	02/08/1998	WCPN/R0000221486
23288	370694 Bob Mwichuli Lugadiru	08/03/2001	APN/GC00000237704
23289	370764 SUSAN MUTHONI KABECA	03/09/2001	APN/GC0000051424
23290	370844 NANCY MURURI NJOKA	14/03/2002	APN/GC0000050975
23291	370866 TOM OLAL ONGALO	29/01/2003	APN/GC0000051850
23292	371058 CECILIA WANJIRU KIMEMIA	07/04/2003	APN/GC0000051599
23293	371087 MILCAH JEPKOECH	07/08/2000	APN/GC0000049789
23294	371172 ZILPA ACHIENG THIAMBI	31/07/2001	APN/PC0000145387
23295	371311 NANCIE JEBAIBAI CHEBON	08/05/2003	APN/GC0000051812
23296	371345 JULIANA CHEPKEMOI	06/08/2000	APN/GC0000049183
23297	371532 EMILLY ACHOLA ALOYO	02/04/2001	APN/GC0000051872
23298	371582 MILKA CHEPKEMBOI RONO	12/01/1999	APN/GC0000049479

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23299	371722 FESTUS KINYUA	03/02/2002 APN/GC0000051277
23300	371796 GODFREY MUGONYI	16/02/2001 APN/GC0000051865
23301	372068 EDWARD MADANGA JUMA	13/06/2003 APN/GC0000052611
23302	372130 JOHN KAMATHI MAINA	15/10/2000 APN/GC0000050325
23303	372204 CAESAR MICHAEL WAINAINA MWANGI	25/08/2001 APN/GC0000051729
23304	372219 SHADRACK NAMASAKA NAMISI	02/08/2000 APN/GC0000051668
23305	372361 FLORENCE KAWIRA NJERU	08/06/2002 APN/GC0000052019
23306	372383 PAUL ONYANGO OGADA	07/04/2003 APN/GC0000052353
23307	372419 JULIA WANGARI NJORGE	16/01/2002 APN/GC0000052031
23308	372634 GODFREY JOSEPH BARAZA	06/06/2002 APN/GC0000051245
23309	372684 JOSEPHAT CHEGE KARANJA	01/10/2000 APN/GC0000049638
23310	372708 STEPHEN NGUGI KIMANI	22/02/2000 APN/GC0000049097
23311	372811 JULIANA WAIRIMU MWANGI	07/04/2002 APN/GC0000054665
23312	372915 LUCY WANGARI KAMAU	28/07/2002 APN/GC0000051118
23313	373038 LEONARD BARASA OJAMBO	21/08/2001 APN/GC0000052012
23314	373120 JACOB ODHIAMBO OMOI	24/05/2001 APN/GC0000052081
23315	373144 KENNEDY ONYANGO NYAMIRO	15/10/2001 APN/GC0000052178
23316	373390 HENRY NYABUTO MOTOKI	06/02/2000 APN/GC0000054066
23317	373608 BENTER ALICE AGOLLA	23/06/2003 APN/GC0000052823
23318	373685 SOLOMON ODHIAMBO ALUDO	17/02/2003 APN/GC0000052199
23319	374063 ROSEMARY DANDA ANYANGO KODALO	03/03/2001 APN/GC0000050247
23320	374066 CICILIA ATO EMUKULE	10/11/2000 APN/GC0000053044
23321	374122 WINFRED MUMBUA JOSEPH MUKETHA	30/12/2001 APN/GC0000052082
23322	374210 MELANIA WANGECI KIBAKI	02/11/2002 APN/GC0000051368
23323	374359 GEORGE OUMA MIDIGO	24/02/2002 APN/GC0000051367
23324	374397 JUSTUS KELI MULI	25/01/2003 APN/GC0000051609
23325	374423 JULIANA MUSANGO	13/12/2001 APN/GC0000053851
23326	374482 MWENDA AKWALU LAIRUMBI	10/07/2002 APN/GC0000052298
23327	374485 DANIEL MUEMA MWEU	23/02/2002 APN/GC0000052132
23328	374491 ANN NKATHA NANDIRIANA	07/04/2003 APN/GC0000051286
23329	374516 JOHN MWAURA NDUNGU	13/09/2001 APN/GC0000049796
23330	374585 BENARD NYONGESA	29/05/2001 APN/GC0000051074
23331	374666 Titus Otieno Ndiege	30/06/2000 APN/GC0000238605
23332	374678 OYUGA DAVID	12/05/2000 APN/GC0000051678
23333	374961 Florence Agwingi Ogam	28/08/2000 APN/GC0000239769
23334	375257 FRANCIS SELENTON MAGHANGA	08/02/2003 APN/GC0000051685
23335	375259 STEVE MUNYWOKI MWANGANGI	20/01/2003 APN/GC0000052444
23336	375297 CATHERINE WANGARI MUCHOKI	01/09/2002 APN/GC0000050389
23337	375613 ROSE MUINGO MUTHUI	05/03/2000 APN/GC0000050809
23338	376312 RICHARD KIPKEMBOI SAWE	21/01/2003 APN/GC0000052366
23339	376316 JAMES BUNDI OMOBE	09/03/2002 APN/GC0000051828
23340	376488 PATRICK NDIGA MUNENE	18/06/2001 APN/GC0000052673
23341	376935 PHYLLIS WANZA ING'AA	22/10/2000 APN/GC0000050049
23342	377013 DORCUS NAFUNA WANJALA	21/01/2002 APN/GC0000052326
23343	377037 John Thuo Wanjohi	03/06/2003 APN/GC0000225953
23344	377049 OCHIENG RASHID AYUB	22/03/2002 APN/GC0000054459
23345	377245 DANIEL OKOTH ANYANGAH	09/04/2002 APN/GC0000051329
23346	377412 WILLIAM KAMANDE KIARIE	18/04/2002 APN/GC0000051016
23347	377813 Eunice Chirchir	27/06/2000 APN/GC0000216002
23348	377880 NORAH SABELLAH ANGIMA	04/02/2002 APN/GC0000049920

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23349	378030 BEATRICE IMARY	26/01/2000	APN/GC0000049644
23350	378039 Franklyne Oside Ratemo	27/09/1999	APN/GC0000221007
23351	378083 OKAKA CAMULUS NYANDORO	20/01/2001	APN/GC0000051608
23352	378101 Francisca Akoth Owuor	26/04/2002	APN/GC0000244180
23353	378121 VINCENT OGALO OSODO	28/05/2002	APN/GC0000050932
23354	378129 MONICA MARY OKUMU	24/06/2003	APN/GC0000052176
23355	378164 ANGELLINAH SYOKAU KANG'ULI	07/03/2002	APN/GC0000051045
23356	378177 JOSHUA KINYUA INOTI	04/06/2003	APN/GC0000053034
23357	378517 Conceptor Bitengo Mogeni	26/05/2002	APN/GC0000229491
23358	378555 Noran Anyango Okumu	22/01/2003	APN/GC0000231906
23359	378715 LEONARD RUHIU KIHARA	10/07/2001	APN/GC0000050241
23360	378778 Mahallon Okatch Joshua	20/01/2003	APN/GC0000222427
23361	378867 CAREN ADHIAMBO OGENDO	05/06/2002	APN/GC0000051192
23362	378932 PETRONILA NDUKU MUTIA	06/03/2003	APN/GC0000051559
23363	378983 MARTINA KIDISA MSAGHA	20/08/2001	APN/GC0000050903
23364	379016 Mugane Essau Kinyanjui	13/04/2003	APN/GC0000054706
23365	379024 Muema Mwangangi	09/05/2001	APN/GC0000227324
23366	379082 BARNABA KIRWA MAIYO	01/09/2001	APN/GC0000053625
23367	379097 EUNICE JEBET	23/04/2002	APN/GC0000051882
23368	379122 PAMELA KERUBO OMBATI	01/01/2002	APN/GC0000052654
23369	379130 DOMINIC MORANGA MOIRO	08/01/2001	APN/GC0000051280
23370	379470 MARY MUVENGEI	20/10/2000	APN/GC0000050080
23371	379757 PATRICIA NTHAMBA KIMEU	04/08/2002	APN/GC0000051135
23372	379760 BENARD OKOTH OTIENO	26/06/2000	APN/GC0000050760
23373	379942 PETER GITONGA KARANJA	12/10/2002	APN/GC0000051030
23374	379975 Jackson Kimanthi Kitoo	14/11/2001	APN/GC0000239981
23375	380110 George Odhiambo Odira	30/04/2000	APN/GC0000228298
23376	380113 EVANCE ODUOR OJWANG	02/01/2003	APN/GC0000051905
23377	380404 ONGUBO CHARLES OSUKU	06/01/2002	APN/GC0000051132
23378	380447 NAOMI JEPTUM MELLY	13/02/2001	APN/GC0000049961
23379	380493 DORIS MORAA OMURWA	18/05/2000	APN/GC0000049791
23380	380616 PERSILA AKOTH OKOTH	05/02/2003	APN/GC0000053281
23381	380627 WILLISON GATIBA KAHARA	09/07/2000	APN/GC0000048452
23382	380760 SAMUEL KIRAGU MWANGI	02/04/2000	APN/GC0000049090
23383	380784 HELLEN JEPKEMEI BIWOTT	27/09/2001	APN/GC0000051086
23384	380924 Thomas Odhiambo Ogada	28/10/2002	APN/GC0000226838
23385	381062 GRACE REHEMA RAMBO	11/03/2001	
23386	381068 GEORGE ODHIAMBO ODERA	02/10/2001	APN/GC0000050759
23387	381283 PARSALAIYO NARANKAIK	12/11/2001	APN/GC0000053310
23388	381359 AGNES ROP KEROR	31/03/2002	APN/GC0000050984
23389	381376 HEDWIG KHATONDE KATAMBANI	26/11/2001	APN/GC0000050815
23390	381500 LUCY NJERI KAMUNGU	22/11/2001	APN/GC0000051677
23391	381641 GRACE TAVITHA IKULI	19/11/1999	APN/GC0000048943
23392	381656 CHARLES MUGENDI MUNYI	19/04/2003	APN/GC0000051808
23393	381704 JOHN OCHIENG OKEYO	17/05/2003	APN/GC0000052665
23394	381837 SIMON MWANGI JONAH	22/03/2002	APN/GC0000051423
23395	381991 FRANCIS OPIYO ALUMA	08/11/2000	APN/GC0000049771
23396	381996 CHRISTINE ATIENO ODHIAMBO	05/04/2002	APN/GC0000051746
23397	382003 HELLEN ATIENO OCHIENG	21/09/2002	APN/GC0000051744
23398	382038 SAMMY AWITI OMUGA	20/02/2000	APN/GC0000050236

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23399	382048 LINDAH ATIENO OJWALLA	05/02/2002 APN/GC0000051141
23400	382115 JOSEPHINE JEPKOECH KOIMA	02/05/2003 APN/GC0000053819
23401	382491 CAROLYN JEPKORIR CHEBIEGO	10/05/2000 APN/GC0000052286
23402	382634 SALESIO NJIRU NDWIGA	16/02/2003 APN/GC0000053630
23403	382721 PAMELA ADHIAMBO ODHIAMBO	08/09/2002 APN/GC0000051036
23404	382800 JOHN NGUGI WACHIRA	03/09/2000 APN/GC0000050068
23405	382903 NAOMI WANJIRU MUNYANGA	08/11/2000 APN/GC0000050141
23406	382920 GILBERT OTIENO AUNDU	28/08/1999
23407	382922 ROSE WANGARI MUKUI	22/05/2003 APN/GC0000051863
23408	383030 HULDA ACHIENG OKOTH	18/05/2000 APN/GC0000049451
23409	383045 GEORGE SOTER ODHIAMBO	30/07/2001 APN/GC0000051282
23410	383058 SAMMY OTIENO DEYA	14/02/2002 APN/GC0000050840
23411	383062 JANE AKOTH ODONGO	09/02/2003 APN/GC0000051352
23412	383064 MAURICE ODHIAMBO OWIDI	01/08/1999
23413	383070 THOMAS MBOYA MICAH	18/12/2000 APN/GC0000050639
23414	383076 Pauline Kdawa Mawang	27/04/2001 APN/GC0000230024
23415	383081 Tabitha Omayo Ngare	14/05/2000 APN/GC0000248552
23416	383082 WILKISTER MBERA NYABARO	05/05/2000 APN/GC0000049960
23417	383114 CAROLINE KWAMBOKA OMWOYO	21/09/2001 APN/GC0000051287
23418	383157 ABIGAIL JEPKORIR LAGAT	17/05/2002 APN/GC0000050941
23419	383222 RUBBY WEKESA ABOLLAH	03/08/2000 APN/GC0000051563
23420	383284 SIMON MUTISYA MWANZIA	28/06/2001 APN/GC0000052727
23421	383487 LENCER ACHIENG MBEWA	01/05/2002 APN/GC0000051370
23422	383554 JAMES KIPTOLO MALEL	09/02/2002 APN/GC0000051015
23423	383787 LEONARD MWEU MUIA	12/03/2002 APN/GC0000052304
23424	383879 STEPHEN OKENO MBAYE	25/12/2002 APN/GC0000051204
23425	383915 LILIAN ATIENO OMONDI	04/02/2001 APN/GC0000051699
23426	384055 LINAH AKINYI OKOTO	25/03/2003 APN/GC0000052570
23427	384068 HELLEN AWITI ONYANGO	06/08/2001 APN/GC0000050837
23428	384138 JOSPHINE CHELANGAT BETT	03/04/2001 APN/GC0000052544
23429	384213 REBECCA AMURIA EWOTON	09/07/2001 APN/GC0000050683
23430	384489 PETER KAMENCU MWAMBIA	14/12/2002 APN/GC0000052057
23431	384513 JOHN KIMANI NGANGA	13/10/2001 APN/GC0000051017
23432	384591 TIBERIOUS JOSEPH OUMA OTIENO	22/02/2003 APN/GC0000052811
23433	384832 BEATRICE MORAA KAMANDA	06/09/2002 APN/GC0000051366
23434	384864 IBRAHIM MAINA WANYOIKE	13/03/2001 APN/GC0000050403
23435	384908 DORIS SIGEI	13/09/2002 APN/GC0000051018
23436	384969 Carolyn Chepkwemai Matum	28/05/2000 APN/GC0000245050
23437	385214 JANE ANN WAWIRA	06/03/2001 APN/GC0000051144
23438	385223 PHINEHAS NJIRU NYAGA	12/08/2001 APN/GC0000050450
23439	385374 JOAB ONYANGO OSWE	27/07/2000 APN/GC0000050067
23440	385399 ROSELINE MWENDE MUNYITHYA	25/02/2002 APN/GC0000050245
23441	385532 NICHOLAS MACHARIA MUTUARUHIU	22/01/2001 APN/GC0000051217
23442	385577 CHARLES ONYANGO OWINO	27/05/2001 APN/GC0000053173
23443	385782 LINET ATIENO ONDE	06/06/2001 APN/GC0000050303
23444	385808 FRANCISCA ALUOCH OMONDI	29/05/2002 APN/GC0000050695
23445	385959 MARTIN OCHIENG OYIEGO SYMON	26/10/1999 APN/GC0000050380
23446	385998 WILLIAM MULWA MUIA	15/09/2002 APN/GC0000052692
23447	386087 Edward Ligawa Ondijo	30/05/2001 APN/GC0000243009
23448	386139 JOHNSON HARRISON SOLO	07/01/2003 APN/GC0000051296

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23449	386210	LAWRENCE KAUNDA GITARI	08/04/2000	APN/GC0000048945
23450	386354	DOMINIC OMBATI MARAGIA	03/10/2002	APN/GC0000051663
23451	386525	SAMMY KARIUKI MWANGI	18/04/2000	APN/GC0000048918
23452	386640	DEBBORAH MUENI KYALO	07/03/2003	APN/GC0000051600
23453	386731	MUCHIRI PETER MUCHOKI	04/01/2001	APN/GC0000050137
23454	386803	JOSEPH ONYANGO NYAKOYE	21/08/2000	APN/GC0000052538
23455	386813	JOYCE AKINYI OKINYI	17/08/2002	APN/GC0000053899
23456	386822	KENNEDY CHARLES DEDE	10/06/2003	APN/GC0000052068
23457	386864	RICHARD OCHIENG CHISANO	21/09/2000	APN/GC0000052433
23458	386865	PAULINE AKINYI OPIYO	26/06/2003	APN/GC0000051996
23459	387694	DAMARIS NDUNGE KIOKO	11/07/2001	APN/GC0000050791
23460	387909	GORDON OKEYO OWINO	16/11/2001	APN/GC0000050156
23461	387977	JANIPHER NJERI LASITI	03/10/1999	APN/GC0000048647
23462	388090	EMMILY CHEMUTAI MENGICH	03/08/2001	APN/GC0000050127
23463	388149	PETER JUMA	11/04/2003	APN/GC0000051791
23464	388627	DANIEL GITHINJI NJOROGI	03/11/2000	APN/GC0000050916
23465	389365	SIMON NDERITU GATHECHA	08/03/2003	APN/GC0000051697
23466	390207	JAMES OWAGA KAOTO	26/05/2002	
23467	390776	CAROLINE OLUNGA	26/03/2003	APN/GC0000052008
23468	390814	ROSEMARY ADHIAMBO ONGONGA	18/10/2000	APN/GC0000050640
23469	398323	YUSSUF ISAK ISMAIL	27/02/2003	APN/GC0000051350
23470	400632	LAWRENCE AGINI NDEBA	25/10/2002	
23471	406794	JARED MWITA MAGAIGWA	13/02/2003	APN/GC0000052179
23472	421168	ALEX AGAYA OGORA	23/05/2003	
23473	432286	ROBERT KAANE	01/05/2003	
23474	15972*	RHODAH NTHENYA MAUNDU	16/07/2002	APN/PC0000174472
23475		GEOFFREY MATARA ONCHONGA	01/09/1998	APN/PC0000098512
23476		STEPHEN MUTEMI NZOMO	01/09/2002	APN/PC0000139925
23477	35292	FRANCIS ATUULO MUKHWANA	17/11/1998	APN/PC0000124921
23478	361334	MICHAEL GATHIA MBURU	01/06/2000	APN/GC0000049994
23479	317334	SOPHIA MIDEVA NGAYWA	01/09/2002	APN/PC0000163699
23480	318769	JAMES MUCHIRI MUKOMA	01/01/2002	APN/PC0000133324
23481	320203	JUDITH LYAKA CHENG'OLI	01/07/1999	APN/PC0000099187
23482	321637	VALLERIA O. OMUNGI KOWITTI	01/01/2002	APN/PC0000131790
23483	314466	JOSEPH MULEI MUSYA	11/01/2002	APN/PC0000145710
23484	315900	Vincent Memusi Ole Ntekerei	31/08/2001	APN/PC0000215083
23485	313032	SAMUEL NJUGUNA WAHOME	01/09/1998	APN/PC0000093719
23486	277536	Abdulaziz Hussein Dalmar	02/10/2001	APN/PC0000242022
23487	206898	MARY WAHU KIMANI	01/01/2001	APN/PC0000115026

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAKURU
JUDICIAL REVIEW APPLICATION NO. 18 OF 2012

AND

IN THE MATTER OF JUDGMENT IN
NAKURU HCC NO. 65 OF 2006

SIMON KAMAU & 19 OTHERS.....PLAINTIFFS/RESPONDENTS

-VERSUS-

TEACHERS SERVICE COMMISSION
(TSC).....DEFENDANT/APPLICANT

RULING ON THE TEACHERS SERVICE
COMMISSION(TSC'S) APPLICATION
DATED 24TH SEPTEMBER 2018

Background to the application

1. The Applicant is the Teachers Service Commission (TSC) and brings the application under the Provisions of **Section 34(1) of the Civil Procedure Act**. It reads

34(1)All questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree, shall be determined by the court executing the decree, and not by a separate suit.

2. This Judicial Review application was taken out by the Respondents (Simon P. Kamau & 19 Others). This is the proceeding in which they seek enforcement by way of payment of the judgment and decree, in the mother suit **Nakuru HCCC No. 65 of 2006**.

Simon P. Kamau & 19 Others -vs- Teachers Service Commission (TSC) by a plaint dated 21st March 2006.

It was a representative class action on behalf of all the then retired teachers. Leave to bring the class action was granted in **Nakuru HCCC Misc. Appl. No 497 of 2005**.

The retired teachers, subject of the suit, were those in the TSC service on or before 1st July 1997.

3. The issue then was between the plaintiffs (Retired Teachers) and their employer, TSC, on the implementation of a negotiated salary increments published in **Gazette Notice No. 534 of 1997**, that was to apply to all, including those on leave pending retirement but were in service of TSC as at 1st July 1997.

The Retired Teachers claim was that TSC was in breach of the said agreement and the gazette notice

by its failure to add to their retirement benefits the increments, and particularised the losses they had suffered by each of them.

4. **THE RETIRED TEACHERS PRAYERS**

They therefore sought, sought (See Par. 12 of the plaint)

(a) Declaration that the outcome of this representative suit will apply to all retired teachers.

(b) A declaration that the plaintiffs and all other retired teachers are entitled to their retirement benefits inclusive of all benefits provided for in the 1997 agreement between the Government of Kenya and Teachers Service Commission.

(c) An order that the defendant pay the plaintiffs all unpaid benefits to date.

(d) Costs of this suit.

(f) Any other relief that this Honourable Court may deem fit and expedient.

5. **JUDGMENT AND RELIEFS GRANTED**

Judgment on the suit was delivered on the 23rd

October 2012 by the Hon. Justice D.K. Maraga (as he then was) and determined that

"In the result, I grant the Declarations that the plaintiffs and all the other retired teachers covered by the agreement dated 11th October 1997 between the defendant and the teachers union KNUT as read with the TSC Circular No.13/97, are entitled to their retirement benefits being based on the entire salary increment contained in that agreement and circular. On the basis of that increment I order the defendant to pay or to liaise with the Pensions Department to pay to the plaintiffs and those they represent the unpaid gratuity and pension dues to date and base all their future pension payments on the entire salary increment of 1997 as per the particulars stated in paragraph 8 of the plaint. The plaintiffs shall have costs of the suit." (emphasis added).

6. TSC was not satisfied with the judgment. It moved to the **Court of Appeal vide Civil Appeal No. 300 of 2009** on numerous grounds.

7. **COURT OF APPEAL JUDGMENT**

Upon hearing the Appeal the Learned Judges delivered their judgment on the **12th November 2010** and rendered that

“We therefore hold that the last salary should be computed in a way that incorporates all the terms of the agreement between the parties. In the result we uphold the superior court’s judgment.

The appeal is accordingly dismissed with costs to the respondents.

8. At Paragraph 2 on Page 8 of its judgment, the Court of Appeal Judges rendered

“As regards what is to be regarded as the last salary, we repeat that it is up to the commission to work it out and thereafter ask the plaintiffs and other affected retirees to present the proper working and documentation to the Director of

Pensions.

9. **TEACHERS SERVICE COMMISSION DUTY**

At this stage, it was upon the TSC to work out the **last salary**, and not salary arrears of the retirees in accordance with the High Court and Court of Appeal judgments.

The Retired teachers through their advocate Mr. Kimatta pegs the same at Kshs.42.3 Billion while the TSC and Director of Pensions states a sum of Kshs.16.7 Billion.

This huge disparity is the subject of the application before me.

10. **THE APPLICATION**

By an application dated the 24th September 2018, TSC seeks directions and clarity on the following issues

- (a) *whether the judgment entered on the 23rd October 2012 required payment of unpaid gratuity and pension dues only and that there was no orders whatsoever on salaries.*
- (b) *If the certificate of order entered against the Respondents (Government) for Kshs.16.7*

Billion, can the plaintiffs claim anything over and above the Kshs.16.7 Billion?

(c) Whether a finding of a court in contempt proceedings can amend and enter judgment to include awards not contained in the original judgment.

*(d) Whether the purported enforcement of a non-existent judgment violates the Respondents right to fair trial contrary to **Article 50 and 159 of the Constitution.***

11. The Applicant (TSC) relies, as grounds for the application on the judgment of the Court **Nakuru HCCC No. 65 of 2006, these Judicial Review proceedings and in particular the Notice of Motion dated 4th March 2012** when the plaintiffs sought an order of *mandamus* to compel the Director of Pension and TSC, to pay the retired teachers pension dues to them from 1997 to date which they stated to stand at Kshs.42.3 Billion with accrued interest at 14% per annum, but without a formal Decree of the court.

12. The respondents (plaintiffs) filed their replying affidavits and submissions stating that there is no

ambiguity in the sums payable to the retired teachers reiterating that it is Kshs.42.3 Billion.

The Applicant, TSC as well as Director of Pensions too filed their submissions to urge in support of their positions that the amount payable is Ksh.16.7 Billion. Oral highlights were tendered by all the parties.

13. ISSUES FOR DETERMINATION

(1) Is it Kshs.42.3 Billion or Kshs.16.7 Billion?

(2) Whether the certificate of Order against the government is final.

14. The above background gifts a synopsis of the entire dispute. I shall, as much as possible, try not to repeat the same save where it may be necessary.

15. ANALYSIS OF AFFIDAVIT EVIDENCE SUBMISSIONS AND FINDINGS

Both disputants have filed detailed submissions in support of their rival positions. I have carefully scrutinized and considered them.

What the plaintiffs sought in the primary suit Nakuru HCCC No.65 of 2006 is what they were granted. I

have stated their claim and the reliefs earlier – See paragraph 4 and 5 above.

16. For clarity purposes, I shall repeat what the High Court judgment of the 23rd October 2012 gave to the Retired Teachers –

“.....are entitled to their retirement benefits being based on the entire salary increment contained in that agreement and circular. On the basis of that increment to pay to the plaintiffs and those they represent the unpaid gratuity and pension dues todate and base all their future pension payments on the entire salary of 1997 as per the particulars stated in paragraph 8 of the plaint ...”

17. Paragraph 8 of the plaint states:

It is the plaintiff's contention that under the said agreement they were entitled to all benefits stipulated therein which figure stands as follows with effect from 1st July 1997.

The figures were not stated, but Paragraph 7 talks of

the Legal Notice No. 534/1997 that gazetted the newly negotiated salary packages for the retired or waiting to retire teachers and granted the prayers the plaintiffs sought and ordered the applicants herein to pay in terms of the agreement and the TSC Circular No. 13/97(See Paragraph 4 above)

18. To that extent, the applicant TSC was obligated to compute payment to each teacher on the basis stated in the Judgments and to pay, and or liaise with the Pensions Department to pay the retired teachers.

19. The question I pose here is:

Has the TSC worked out these payments for each of the plaintiffs and those they represent, and if so, what was the lumpsum payment to all the teachers subject to the judgment, as at the commencement of this JR application in October 2012?

20. The plaintiff's in their submissions filed on the 12th February 2019 urged the court to find that the plaintiffs had pleaded for **unpaid salary arrears and increment** which was granted by the High Court, and confirmed by the Court of Appeal. On Page 13,

paragraph 2, it is stated that

".....the teachers covered by the agreement of 1997 would be entitled to salaries allowances and pension due as contained in that agreement. In that appeal the applicant had complained that the global figure was Kshs.111 Billion while the respondent claimed Kshs.42 Million. Paragraph 8 of the grounds of appeal dealt with the issue of salaries."

21. At page 6 of the Court of Appeal Judgment it was rendered that

"We note that the agreed lumpsum salary and other benefits were duly covered in terms of the teachers involved ...We therefore hold that the last salary should be computed in a way that incorporates all the terms of the agreement between the parties."

22. From the above, I do not find that the Court of Appeal determined the lumpsum payment as Kshs.42.3 Billion, or 16.7 Billion or any other sum. What it alluded to in its judgment in my considered view,

were the disputant's proposals stated as "compound and claimed." It did not come up with any lumpsum payment but, reiterated the High court's holding on computation of the lumpsum, that it ought to be **computed in a way that incorporates all the terms of the agreement between the parties, with a rider that it was the duty of TSC to work out the payments (Paragraph 18 above).**

23. I have rendered that the duty to compute the lumpsum payments rests **with TSC, in consultation with the Director of Pensions, upon TSC computing the last salary of each retired teacher.**

In my opinion, the last salary does not mean salary arrears.

24. The applicants have annexed tabulations on the salary package – for the 20 plaintiffs representing the rest as follows:

At paragraph 15 of its submissions it shows

The name and TSC No. of the teacher, pension number, lumpsum arrears, monthly pension arrears and total claim.

The figures stated therein have not been

*disputed by the teachers (plaintiffs No. 1-20),
or at all.*

25. It is admitted by the Retired Teachers Advocate, Mr. Kimatta that the last salaries upon which the lumpsum ought to be paid for 46,000 teachers has already been computed by TSC.

The said bundles of documents were produced to the court by TSC, and by consent of all for its consideration. They were filed on the 2nd July 2019. I have looked at them.

They show the number and identities of the retired teachers and computations of their **last salaries** with their employer, Teachers Service Commission as follows:

Notes one each is as follows.

Vol. I - Number of Teachers who retired between 1st July 1998 and 30th June 2003 – by each year, total – 20,229.

Vol. 2 - Shows the particulars of **560** teachers who exited service between 1st July 1998 and 30th June 2003.

26. The tabulations which are generally agreed to by all parties show

(1) Exit type - retirement, death and resignations on marriage grounds

(2) The exit salary and expected salary

(3) That the details have been extracted from the personal files of the individual teachers and maintained at TSC and verified with the payroll from the Director of Pensions.

(4) Teachers who existed on account of Death and have no national Identity Card numbers in the list.

27. Another document filed on the 15th December 2015 is a **Schedule of Revised Pension claims submitted to the Director of Pensions** for the relevant period.

I have seen that these lists (Schedules) are very detailed. They will no doubt assist all the parties to unravel the lumpsum payable to the plaintiffs, upon the computations made by the TSC, with input and verified by the Director of Pensions as directed by the High Court and the Court of Appeal.

28. As much as these schedules show the last salary of each teacher upon which the pension ought to be calculated, they do not show the pension payable to

each of them nor the lumpsum payable to all the plaintiffs/retired teachers covered under the relevant period.

29. In my very considered opinion lumpsum Pension to each of the retired teachers, subject of this application, and the 2012 judgment ought to be computed from the figures stated in these schedules, which is a joint function by TSC and the Director of Pensions Department.

30. **GENESIS OF THE CERTIFICATE OF ORDER AGAINST THE GOVERNMENT IN THE SUM OF KSHS.16.7 BILLION DATED 19TH JANUARY 2012.**

This Judicial Review application was prompted by TSC failure to compute and forward for payment to the Director of Pensions the decretal sum ordered in the judgment.

The decree issued on the 4th April 2009 was not a money decree, but declarations that had to be actualised into a money decree once all computations were worked out by TSC in consultations and or input by the Pensions Department as directed by the court.

31. By a chamber summons dated the 23rd March 2012 the plaintiffs (retired teachers) sought leave to institute these JR contempt proceedings citing, what they stated to be the unpaid sum of Kshs.16.7 Billion plus costs and interest.

32. The basis of the Kshs.16.7 Billion was explained to the Court (Emukule J) during interpartes hearing of the motion dated 27th September 2011 in the presence of Counsel for both parties whereof the plaintiffs sought an order of injunction against TSC and Director of Pensions not pay a sum of Kshs.3.34 Billion provided in the June 2011/2012 budget, until the said parties provide a detailed statement as regards to who among the plaintiffs would benefit from the budgeted sum, and by how much.

33. **Emukule J**, upon hearing the application made the following orders:

(a) the defendant through the Pensions Department compute the total sum due to the Applicants as at 1st January 2004 to date and to do so within the next 90 days.

(b) The Applicant counsel to obtain a Certificate of Order for the said sum of Kshs.16.7

Billion together with interest at court rates.

(c) The sum of Kshs.3.34 Billion provided for in the current Government of Kenya Budget, subject to the said Certificate of Order, be paid to the applicants' Advocates on record, in terms of Section 21(3) of the Government Proceedings Act.

(d) The computation referred to in subparagraph (a) shall in all respects comply with the judgment of the court and orders therein dated 23rd October 2012 and confirmed by the Court of Appeal in its judgment delivered at Nakuru on 12th November 2010, among other orders.

34. The above orders are plain and clear to me. They are neither ambiguous nor do they need elaborate interpretation. They are to be read in the context of the judgment of this court and against the backdrop of the reliefs sought and grounds thereof, in the plaintiff's application dated the 27th September 2011. All parties were ably represented by counsel. The Court of Appeal upheld these orders. The Government of Kenya had provided, in its 2011/2012

budget some money for part payment of the retired teachers in the sum of Kshs.3.34 Billion. This was part payment.

35. The plaintiffs did not wish to be paid in instalments, thus approached the court for an order of injunction, to stay such part payment, and to compel the Director of Pensions to provide a detailed statement as to who, among the plaintiffs, would benefit and by what amount, from the part payment.

36. While making the orders, the court was alive to the fact of the part provision of the payments. Being guided by the money provided for in the budget, in my opinion, it did the best it could, with what was available, hence the orders issued, and in particular, directed for the plaintiffs advocate to obtain the necessary legal instrument to facilitate the payment of the money budgeted for, being the **certificate of order against the Government pursuant to Section 21(3) of the Government Proceedings Act, thus the sum of Kshs.16.7 Billion**. It is therefore clear that Emukule J did not amend Maraga J's judgment at all. In that spirit of the judgment, **Emukule J in his Order No (d)**, directed the Director of Pensions

Department, to compute the total sum due to the plaintiffs, within a time frame of 90 days.

37. I agree with the plaintiff's submissions that the Kshs.16.7 Billion was not final nor was it verified, following which the judge directed computation in line with the court's judgment. The computation would come up with the correct verified and final lumpsum, in my view.

I am minded that even as at the date of this ruling, computations for all the affected retired teachers is yet to be finalised, save for 46,000 whose computations are finalised leaving some 6000 retirees, if the number of retired teachers stands at 52,000 as stated in the plaint.

38. The court record is very clear on this, and more so evident, as only recently in February 2019, did TSC partly computed the payments for each individual beneficiary teacher, as evidenced by the bundles of documents filed on the 2nd July 2019, and an admission by the plaintiffs that full compliance has been achieved for about 46,000 retired teachers only.

39. The certificate of order against the Government for Kshs.16.7 Billion is therefore neither verified, nor final, but interim, pending full compliance with the court's judgment. The final computation could be less or more than the two figures stated by the rival parties.

40. Back to the certificate of order against the Government. Paragraph C provides for costs of the suit.

Below that, it is stated:

I hereby certify that the part amount payable to the plaintiffs/Decree holders by the defendant in pursuance of the said judgment (Decree) of 23rd October 2012 of the Hon. Justice D.K. Maraga and Orders of 19th December 2011, of Hon Justice M.J. Anyara Emukule is Ksh.16.7 Billion together with interest therein from 23rd October 2012 until date of payment.

Dated at Nakuru this 19th January 2012

Issued this 20th January 2012

DEPUTY REGISTRAR

HIGH COURT OF KENYA AT NAKURU

41. The above summarises the two issues set for

determination. I am persuaded that it was upon the above basis that the plaintiffs moved to seek leave to institute contempt proceedings by way of orders of *Mandamus* pursuant to **Order 53 of Civil Procedure Rules** to compel the Director of Pensions and TSC to pay the then budgeted for funds to the retired teachers.

The struggle to have the sum of KShs.1.5 Billion released to the Director of Pensions for payment as at 2012 to the Teachers cannot be understated.

42. It is trite that parties are bound by their pleadings, and a party is not allowed to submit or call evidence on an issue not pleaded.

The court too cannot, and ought not to determine a matter that is neither pleaded nor proved, as to do so would be prejudicial and would cause injustice to the opposite party – **Independent Electoral Boundary Commission & Another -vs- Stephen Mutinda Mule & 3 Others (2014) e KLR**, a principle reiterated by the **Supreme Court** in the Case **Raila Amolo Odinga and Another -vs- IEBC & 2 Others (2017) e KLR**.

43. It is also trite that Submissions filed or tendered by a

party, either by itself or by its Advocates cannot replace the pleadings or take the part of evidence. Submissions are meant to support both the pleadings and the evidence.

44. I have earlier on stated the plaintiffs claims and the reliefs they sought as well as the judgment of this court.

I must state here and I am persuaded, that the plaintiffs had no claim for salary arrears or unpaid salaries, by whatever phrases.

In the two judgments that I have very keenly read, I have not seen any phrase or holding where the High Court or the Court of Appeal talk of salary arrears or unpaid salaries.

If the teachers (plaintiffs) had any unpaid or arrears of salaries from its employee TSC, it would have been the easiest thing to plead, in clear and plain terms.

45. **The Court of Appeal determined, just like the High Court, that TSC would compute the last salary not salary arrears, for each of the plaintiffs incorporating the benefits stated in the agreements between the Teachers Union (KNUT) and themselves.** In the premises, the retired

teachers cannot get that which they did not plead nor would the court grant which had not been pleaded.

Further no evidence was adduced to prove salary arrears or at all.

46. **The certificate of order against the Government in the sum of Ksh.16.7 Billion was thus properly anchored on specific and stated grounds, on the amount the Government had budgeted for at the time, for the part payment of the retired teachers' dues. As stated in the body of the certificate, it was part payment, the final certificate has to await TSC's full and final computation as directed in both this Court's judgment, and the Court of Appeal.**

47. As to the Kshs.42.3 Billion the same fate befalls it. It is not a certified sum, having not been computed for all the beneficiaries. I say so because, as at the time of this ruling, the computations for all the beneficiaries is yet to be completed. I have given my reasons for my findings earlier, the plaintiffs stating that only 46,000 teachers computations have been completed and the task ongoing.

48. Accordingly, the answer, in my opinion, to "is it Kshs.16.7 Billion or 42.3 Billion" is a plain and clear **NO, NEITHER OF THEM.**"
49. In the end, and having done the best I can do to give clarity to the learned Judges judgments, and not in any way trying to give any different interpretations from those that were intended, I register my gratitude to learned counsel who filed very detailed and well researched submissions which were of great help to me.
50. Herebelow I summarise and give directions and clarity to the stated issues:
- (a) That the judgment of the High Court delivered on the 23rd October 2012 by the Hon. D.K. Maraga J (as he then was) required payment to the plaintiffs of their retirement benefits being based on the entire salary increment contained in the agreement between the teachers union KNUT as read with TSC Circular NO.13 of 1997, only, and that being the serving Teachers, or on leave pending retirement, there were no salary arrears*

to be factored into the payments or benefits, the same having been ordered computed and to be based on the entire salary increments.

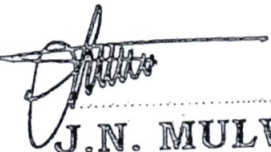
- (b) That means therefore that before the total and final lumpsum computations are done, the increment on salaries has to be factored in, then the retirement benefits calculated based on the increased salaries for each retired teacher subject of these proceedings.
- (c) The certificate of order against the Government dated 19th January 2012 for Kshs.16.7 Billion and issued on the 20th January 2012, was an interim certificate pending full compliance by TSC and Director of Pensions Department, of the court's judgment. This is clearly stated under Paragraph (C) thereof, that it was part payment to the plaintiffs/Decree holders pursuant to the judgment of the court.

- (d) I have also come to a further finding that the decretal sum is also not Kshs.42.3 Billion, there being no basis for such sum. The final certificate against the Government shall only be arrived at upon full compliance by the Applicants of the court's judgment (details in the body of this ruling).
- (e) A finding of a court in contempt proceeding cannot amend or vary a judgment of a court in any way unless, upon an order of review, variation or upon appeal. It is a further finding, in the context of the application before me, that the Hon. Emukule's ruling dated the 19th December 2011 did not amend, vary or add any awards not contained in the original judgment.
- (f) In the context of the subject matter of this ruling, there is a valid judgment dated the 23rd October 2012 which was upheld by the Court of Appeal by its judgment dated the 12th November 2010

in Civil Appeal No. 300 of 2009. That Judgment is enforceable by a valid decree of the court, currently, by the interim certificate of Order against the Government issued on the 20th January 2012 in the sum of Kshs.16.7 Billion pending full computation of the sums payable to each of the retired teachers subject of this application.

- (g) This application being of interest to all the parties, and upon exercise of my discretion and powers donated under Section 27 of the Civil Procedure Act, and taking into account the nature and circumstances pertaining thereto, I order no costs payable to, or by, any of the parties.

Delivered, Signed and Dated at Nakuru this 17th Day of October 2019.


J.N. MULWA
JUDGE



**STATEMENT BY THE PRINCIPAL SECRETARY, THE NATIONAL TREASURY
ON THE PETITION REGARDING NON-PAYMENT OF OUTSTANDING
RETIREMENT BENEFITS FOR THE 1997-2007 RETIRED TEACHERS' GROUP**

Honourable Chairperson and Members of the Public Petitions Committee,

I am grateful for the opportunity to respond to the Petition presented by Hon. Abdul Rahim Dawood, MP, on behalf of the 1997 Retired Teachers' Group concerning the alleged non-payment of outstanding retirement benefits.

1. BACKGROUND

Honourable Chairman, the matters raised in this Petition arise from the implementation of the salary award agreed on 11th October 1997 between the Government of the Republic of Kenya and the Kenya National Union of Teachers (KNUT). Allow me therefore to lay the background to the issues that I was requested to respond to, in the following manner;

- 1.1. On 11th October 1997, the Kenya National Union of Teachers (KNUT) and the Government of the Republic of Kenya entered into an Agreement to increase the remuneration payable to teachers in the public service. This agreement crystalized in **Legal Notice No. 534 of 1997** and was applicable to all teachers in the employment of the Commission at the material time. (*see appendix i*)
- 1.2. It was an integral term of the agreement duly negotiated and agreed by parties that the salary award was to be implemented and paid in five (5) phases with effect from 1st July, 1997 to 1st July, 2001 for a period of five (5) years.
- 1.3. The Legal Notice Number 534 of 1997 was followed with an Implementation Circular No. 13 of 1997 which captured and elaborated the terms of the Agreement and stipulated the salaries payable to the teachers under each year.

- 1.4. The Government implemented the **1st phase** of the Agreement which was duly paid to all teachers in **October 1997**. However, due to economic constraints the subsequent phases from **July, 1998** were not paid.
- 1.5. On **19th September 2002** the Government issued the Teachers Service Commission (Remuneration of Teachers) (Revocation) Order, 2022 which had the effect of revoking the Agreement of 1997. (*see appendix ii*)
- 1.6. In February, **2003**, parties to the revoked agreement of 1997, (the Government and KNUT) re-negotiated and mutually signed a fresh Agreement to pay the four phases that would otherwise have been paid under the revoked agreement within a period of **Ten (10) years** with effect from **1st July, 2003**.
- 1.7. Further, in an Agreement signed on the **24th May, 2003** parties renegotiated and agreed that the ten (10) phases be reduced to six (6) phases to be implemented within a period of six (6) years.
- 1.8. In the spirit of continued engagement, the payment plan was further reduced to **five (5) phases** in an Agreement signed on **1st March, 2007**.

Honourable Chairman, the honourable members may be aware of court actions that came in the way of implementing the agreement of **11th October 1997**, as contained in **Legal Notice No. 534 of 1997**, some of which sucked in the National Treasury by virtue of being the administrator of public service pensions through the Pensions Department. It is significant to mention the cases as they give context to the matter under consideration.

2. COURT MATTERS

A. Nakuru High Court Civil Suit No 65 of 2006

- 2.1. On **27th March, 2006**, twenty (20) teachers acting on behalf of their colleagues filed a class action suit in the High Court at Nakuru wherein they claimed:-

- a) *Declaration that the outcome of the representative suit will apply to all retired teachers;*
- b) *Declaration that the Plaintiffs together with all other retired teachers are entitled to their retirement benefits inclusive of all other benefits provided for in the 1997 agreement between the Government of Kenya and the Kenya National Union of Teachers.*
- c) *An order that the defendant pay the Plaintiff's all unpaid benefits to-date;*
- d) *Costs of the suit;*
- e) *Any other relief that this Honourable court may deem fit.*

2.2 On **23rd October, 2008**, the Court delivered its judgment and ordered that the 20 teachers, who initiated the suit, together with all other teachers covered by the Agreement dated **11th October, 1997**, are entitled to their **Retirement benefits** based on the entire agreement and Circular.

B. Nakuru Civil Appeal No. 300 of 2009

2.3 The Government being dissatisfied with the judgment of the High Court appealed to the Court of Appeal in **Nakuru Civil Appeal No. 300 of 2009**, which Appeal was heard and determined on **12th November, 2010**. In its judgment, the Court of Appeal decreed that the last salary be computed in a manner that incorporates all the terms of the agreement between parties.

C. Nakuru Judicial Review No. 18 of 2012

2.4 The retired teachers filed a Judicial Review Application seeking orders to compel the Commission Secretary and the Director of Pensions to pay to the teachers their enhanced retirement benefits as per the judgment. The teachers also filed an Application to cite the Commission Secretary for contempt of Court for failing to implement the Court Order.

D. Application for Leave to Appeal to the Supreme Court

2.5 In **2013**, the Government through the Attorney General sought leave from the Court of Appeal to appeal against the Judgment of the Court of Appeal to the Supreme Court. The Court agreed that the Application raised substantial issues of law and fact. However, the prayers were declined on the ground that there was unreasonable delay on the part of Government in filing the application.

E. Supreme Court Application No. 38 of 2014.

- 2.6 In September 2014, the Attorney General filed an Application at the Supreme Court seeking review of orders of the Court of Appeal that denied Government leave to appeal the matter to the Supreme Court. However on 9th December, 2015, the Supreme Court delivered its Ruling in the matter and declined to grant leave to the Government to file a further Appeal on grounds that there was inordinate delay on the part of the Government.

3 IMPLEMENTATION OF THE JUDGMENT IN NAKURU HCCC 65 OF 2006

Honourable Chairman,

- 3.1 After exhausting all judicial avenues provided by law, the Government resolved to implement the Court Judgment and pay the teachers their enhanced Pension benefits based on the 1997 Agreement.
- 3.2 The Teachers Service Commission commenced the exercise of identifying the teachers who exited service without benefiting from their respective phases under the Agreement. In keeping with the established procedures, the TSC would originate the revised claims and submit to the Pensions Department of the National Treasury for payment.
- 3.3 . Honourable Members, the National Treasury has received a total of **23,487 revised pension claims** from the Teachers Service Commission. Of these, **22,600 claims have been processed and paid**, amounting to **Kshs. 17,776,459,524.**

The balance of **887 claims** largely relates to cases falling within the **1997/1998 financial year**. While these were within the category to be subjected to review, with the salary adjustment applicable for that period having already been effected before the point of exit, the review did not result in any additional financial entitlement in respect of such cases. A small number of claims remain under processing and are being finalized in accordance with established administrative procedures.

The comprehensive list of all **23,487 claims** has been submitted to the Committee in soft copy via the email address cna@parliament.go.ke

4.0 CLARIFICATION ON FIGURES AND ALLEGED DISCREPANCIES

4.1 **Honourable Members** of the Committee will note that the figures cited in the Petition differ materially from the verified records held by both the TSC and The National Treasury.

4.2 The Petition refers to:

- a) Approximately **5,200 teachers** retiring between 1997 and 2007;
- b) A total of **44,267 teachers allegedly agreed for payment**; and
- c) **1,733 teachers stated to be unpaid or unaccounted for**.

4.3 It is important to clarify that:

- a) The figure of **23,487 teachers** represents the **verified number of eligible cases** identified by the Teachers Service Commission and submitted to the National Treasury, strictly in accordance with the Court judgment.
- b) The reference to **44,267 teachers** does not relate to the **court-sanctioned beneficiary cohort**, but appears to derive from a broader and unverified aggregation of teachers across multiple periods, including those **not eligible under the judgment**.
- c) The cited figure of **1,733 unpaid teachers** is not supported by **official records**. The verified outstanding cases currently stand at **887**, the majority of which, as earlier indicated, relate to the **1997/1998 cohort** where **no additional financial benefit accrued upon review**, with only a small fraction pending administrative finalization. All **verified and eligible claims** have either been paid or are at advanced stages of processing. The few cases pending are being addressd **expeditiously within the existing**

administrative and budgetary framework. The budget for this category is adequate.

Honourable members, in conclusion you will have noted from my submission that:

The Court judgment did not create a blanket entitlement for all teachers who retired between 1997 and 2007. The teachers eligible for revised pension are those who retired between 1st July 1998 and 30th June 2003 since they left service without earning their respective phases of salary increase under the 1997 agreement, leading to corresponding underpayment of their pension benefits. Entitlement is strictly limited to those who exited service without benefiting from the phased salary increments under the 1997 Agreement.

Accordingly, the allegation at Paragraph 1 of the Petition enlarging the period from 1997 to 2007 is erroneous and misleading. The Committee will note that the effect of the 1997 Salary Agreement expired on 19th September 2002 when it was revoked paving way for the new Agreement signed and gazetted as Legislative Supplement No 10 of 2003 dated 21/02/2003.

Any teacher who retired after 30th June 2003 was under purview of the new agreement.

The National Treasury has worked determinedly with the TSC to ensure that all inquiries related to specific claims are resolved in an expeditious manner to enable the retired teachers get their rightful dues.

Dr. Chris Kiptoo, CBS
PRINCIPAL SECRETARY