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28/5/26*



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

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:	<i>Hon. Maisori Marwa, MP</i>
CLERK-AT-THE-TABLE:	<i>Irene Nduku</i>

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

MAY, 2026

Table of Contents	
ACRONYMS	3
CHAIRPERSON’S FOREWORD	4
PART ONE	5
1. PREFACE	5
1.1 Establishment and Mandate of the Committee	5
1.2 Committee Membership	6
1.3 Committee Secretariat	7
PART TWO	8
2. BACKGROUND TO THE PETITION	8
2.1 Introduction	8
2.2 Petitioner’s Prayers	9
PART THREE	10
3. STAKEHOLDERS’ SUBMISSIONS ON THE PETITION	10
3.1 The Petitioners	10
3.2 Ministry of Environment, Climate Change and Forestry	10
3.3 Ministry of Gender, Culture and Children Services	11
3.4 Site Visit	17
PART FOUR	23
4. COMMITTEE OBSERVATIONS	23
PART FIVE	24
5. COMMITTEE RECOMMENDATIONS	24
ANNEXURES	25

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 gazettelement 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 gazettelement 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 gazettelement 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 gazettelement 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 gazette 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	03/08/20 07	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	22/02/19 94			Kilifi	194.5Ha
40.	Kaya Jibana	LN 88	22/02/19 94			Kilifi	140Ha
41.	Kaya Ribe	LN 88	22/02/19 94			Kilifi	36Ha
42.	Kaya Kambe	LN 88	22/02/19 94			Kilifi	56.5Ha
43.	Kaya Chivara	2442	16/05/19 97			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 of 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 Jego	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 Tsolokero	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 gazettelement 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/Fimbonl	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 gazette 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 gazette 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 gazette as forest areas.**

Signed:.....  Date: 28/05/26.....

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

24 | P a g e

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 MAY 2026	DAY: Thursday
TABLED BY:	Hon. Maisori Maiba, MD Member, Public Petitions Committee
FILED AT TABLE:	Irene Nduku

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


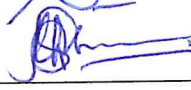
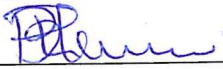


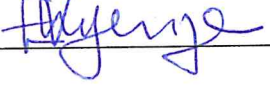
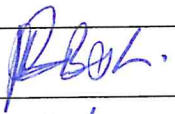

ADOPTION LIST

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 Sitienci, 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.	

