

HMG Representation to the Kenyan Parliamentary Inquiry into BATUK

Opening Statement

1. This written statement is offered in the spirit of cooperation with the full respect deserved of a Kenyan Parliamentary Inquiry, and fully cognisant of the relationship between the Kenyan Government and Kenyan Parliament¹.

2. Kenya remains one of the UK's most important security partners in Africa. 2025 has been an important year for the UK-Kenya partnership, including the visit to the UK of H.E. President Ruto, where he signed a new Kenya-UK Strategic Partnership with Prime Minister Sir Keir Starmer. Our long-standing and mutually supportive Defence partnership, underpinned by the Defence Cooperation Agreement (DCA), is an integral part of the UK-Kenya relationship as shown by the visit by the Secretary of State for Defence in April, and with plans to further our Defence relationship through the UK-Kenya Defence Strategic Dialogue. Our joint training with the Kenya Defence Forces (KDF) continues to address both Kenyan and UK national security concerns, and our collective efforts combine to mutually support one another in how to identify, train and deter current and emergent state and non-state threats against our democratic principles. All of this is done with full respect for the independence, Constitution, law and regulations of Kenya.

3. The British Army Training Unit Kenya (BATUK) is globally recognised as a premier centre for Light Role infantry training excellence. BATUK is a unit within the British Army and operates on behalf of the UK Ministry of Defence (UK MOD). It therefore does not have a separate status as a stand-alone organisation. Every year, over 1,100 KDF personnel from all three services benefit from UK training and exercises, in both Kenya and the UK. This includes joint exercises with 300-450 KDF personnel from Combat and Artillery units, in addition to specialist engineering and medical exercises. UK MOD also supports the advancement of Kenyan Strategic Communications and Cyber capability and the pre-deployment training for KDF units deploying on operations in Somalia. The UK invested just over £3.75m² (approximately 651m KES) during the last financial year in support of the KDF modernisation programme and developing capability in areas of mutual benefit as outlined in the 2015 DCA. Locally, BATUK spends £50m (circa 8.6bn KES) per annum in Nanyuki and Nairobi, and directly supports the KDF and the nearby economy as an employer of circa 600 permanent and up to 3,000 temporary Kenyan staff during exercise periods, and provides additional positive benefit to local communities through the five pillars of support (Water, Environment, Health, Education, Sport). In the last financial year, BATUK delivered 72 projects which saw 29 schools and orphanages receive support for water access, 36 schools and 15,000 children received academic supplies, bedding, clothing and food, and British Army medics supported 17,000 patients, saved 10 lives and the eyesight of 64 people.

4. The UK MOD highly values its relationship with Kenya, which is underpinned by mutual benefit, respect and cooperation. The UK MOD deeply regrets those issues and challenges which have arisen in relation to the UK's defence presence in Kenya, both in the past and more recently. We continue to take action wherever possible to address them. This statement aims to set out those steps and, in good faith, respond to the specific issues raised

¹ Nothing in this statement, or the provision of this statement, should be taken as implying any prejudice to, or waiver of UK State Immunity.

² Not inclusive of a multimillion-pound infrastructure commitment in support of the Counter Insurgency, Counter Terrorism, and Stabilisation Operation Training Centre (CITSO), or support for defence capability procurement.

by the Inquiry to demonstrate and reinforce our commitment to the excellent relationship forged over many years between our two countries.

Defence Cooperation Agreement

5. The UK-Kenya defence relationship is governed by the 2015 DCA³ overseen by the joint UK-Kenyan Inter-Governmental Liaison Committee (IGLC). The legally binding agreement between the Kenyan and UK governments outlines key areas for defence cooperation, and includes details on provision of training areas, settlement of disputes, and factors that enable defence cooperation such as vehicle registration, taxation, import and export rules, and entry and movement procedures.

6. The 2015 DCA also confirms jurisdictional arrangements. Article 6 outlines that Kenya holds jurisdiction over all criminal offences allegedly committed by UK military personnel against Kenyan nationals, except where those alleged offences occurred in the course of conducting an official duty. The DCA also outlines the list of offences that Kenya will automatically hold jurisdiction over which includes sexual offences. The DCA is an essential foundation for the UK's partnership approach, and the IGLC ensures that the priorities and views of the Kenya government are central to UK defence activities in Kenya. A revised DCA was signed in 2021 by the former UK Secretary of State for Defence Ben Wallace, and former Kenyan Cabinet Secretary for Defence Monica Juma. The UK continues to engage with the Kenyan government on the two reservations outlined by the Kenyan Parliament since ratification.

7. As outlined in Article 24 of the DCA, the IGLC provides a forum for the UK and Kenya to raise and resolve issues that relate to the implementation and governance of the DCA, meeting at least twice per year. Membership includes senior military officers, of at least the rank of colonel, and senior civilian officials from both Kenya and the UK. One of the IGLC's primary functions is dispute resolution and determination of jurisdictional responsibility. This process, as outlined in the DCA, ensures that decisions reached by the IGLC are agreed by both the UK and Kenya and take into full account the interests of the public and our respective Attorney Generals. Should the IGLC be unable to reach a decision, issues and disputes are raised to diplomatic and political channels.

Agnes Wanjiru and Tilam Leresh

8. The UK's thoughts remain with the family of Agnes Wanjiru, and we remain committed to both helping them secure justice and to offering our full support to the Kenyan authorities. The UK's Secretary of State for Defence was able to express his condolences and his personal commitment to securing justice, when he visited Kenya to meet the family of Agnes Wanjiru in April 2025, becoming the first UK Government minister to fulfil that promise to the family, and during his meeting with Esther Njoki in London in October 2025. The UK MOD is aware that, in September 2025, the Kenyan Director of Public Prosecutions determined that a British National should face trial in relation to the unlawful killing of Agnes Wanjiru. As this crime is alleged to have been committed while not in the course of official duties, Kenya holds jurisdiction for this case in line with the DCA. The UK provided support to the Kenyan investigation whenever requested to do so which has included visits by Kenyan investigators to the UK and of the UK's Provost Marshal (Serious Crime) to Kenya. The UK MOD will continue to support Kenyan authorities as appropriate.

³ Cm 9359 - Treaty Series No.34 (2016) - Agreement between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defence Cooperation

9. The UK is aware of concerns surrounding the tragic death of Tilam Leresh, and deeply regrets that he was fatally shot by an on duty British soldier while on the Archers Post Training Area in 2012. In accordance with the DCA, as this incident occurred in the conduct of official duty, the matter was investigated by the British Service Police who referred the case to the independent Service Prosecuting Authority (SPA) to consider prosecution. In December 2012, the SPA decided there was insufficient evidence to charge the British soldier in relation to the incident. Upon receipt of the written ruling issued by the Kenyan Chief Magistrate at the conclusion of the inquest into the death of Mr Leresh in March 2024, the SPA conducted a further detailed review of the evidence in the case and again concluded that no charge would be brought because there was insufficient evidence to prove the killing was not done in lawful self-defence. The UK is always prepared to consider new evidence if it is presented to us.

BATUK Background

10. By mutual consent, and at the invitation of the independent Kenyan government, a UK-Kenya defence agreement was signed on 3 June 1964. This began the British Army's training presence in Kenya. Between 1964-1994 all training was referred to as British Army activity in Kenya. From 1995-2007 the British Army's presence was known as the British Army Training and Liaison Staff, Kenya (BATLSK). From 2008 it became BATUK. In 2009 BATUK Headquarters were moved from Kifaru Barracks, which sits inside Kahawa Barracks in Nairobi, to Nanyuki. Whilst Nyati Barracks – located inside the footprint of Laikipia Air Base – was under construction, BATUK HQ was temporarily located in the Nanyuki Showground. In 2019 BATUK moved into Nyati Barracks where it remains. Nyati Barracks consists of BATUK Headquarters, accommodation for exercising troops and permanent and temporary staff, a joint officers' and sergeants' mess, a cookhouse, stores, vehicle repair facilities, a gymnasium, and offices. BATUK has sufficient space, including welfare, kitchen and changing facilities, to employ the circa 600 permanently employed Kenya nationals who support the daily running of the base.

11. The training environment and facilities in Kenya offer both the British Army and the KDF a world class arduous and demanding training establishment. A Kenyan Brigade Commander recently described the training the KDF received as the best training they had received for operations. For the British Army, training overseas allows exercising units to train for global operational deployments. The KDF, who undertake joint exercises alongside British troops, share the benefits of unique training areas during exercise periods. This was most recently evidenced in Summer 2025 when a KDF artillery unit, which had never trained outside of KDF gazetted training areas, conducted joint training with the British Army on the Eastern Laikipia Training area. Training together provides the KDF with exceptional opportunities to develop interoperability supported by industry-leading exercise enablement (including synthetic training and simulation) in support of the KDF modernisation programme. The training areas at BATUK also provide greater capacity to support KDF training needs set against high demand for gazetted KDF training areas. Use of these training areas is made possible by the UK's close partnership with the KDF and enabled by the securing of Kenyan Ministry of Defence (KMOD) licenses which allow BATUK to train on private land.

BATUK Oversight and Transparency

12. BATUK is subject to multiple rigorous independent inspections to confirm that it operates safely, and that there is oversight and transparency of BATUK's footprint in Kenya.

BATUK reports to the IGLC bi-annually and is inspected frequently by the British Military authorities. The previous Kenyan Cabinet Secretary of Defence also inspected all BATUK's activities on 1 December 2023. The KDF have two personnel (a Major and a Warrant Officer) permanently posted in Nyati Barracks and are given full access to BATUK's routine meetings, training planning conferences and exercises, and access to all engagements with community leaders, police and military commanders.

13. Environmental audits. BATUK is subject to Kenyan and UK annual environmental audits⁴ to ensure it remains compliant. Each report since 2015 has been provided to the Kenyan National Environmental Management Association (NEMA) HQ in Nairobi. To summarise the 2024-25 audits, the environmental report for Samburu concluded, "*BATUK has consistently enhanced its Environmental Health and Safety management since 2015*". In Laikipia, "*the audit finding showed a high level of compliance with the environmental health and safety regulations, along with the environmental management plan detailed in environmental impact assessment and Initial Environmental Audit Report [in 2014] for BATUK operational phase*". The findings of the report in Kifaru Barracks also reflect positively on BATUK. These independent environment compliance audits demonstrate that BATUK continues to provide the highest levels of compliance, in accordance with Kenyan regulations.

14. Training area assurance. The training infrastructure is overseen by the UK's Defence Infrastructure Organisation (DIO), a division of the UK MOD that is separate from BATUK, which ensures that the assurance of the training areas and other infrastructure is delivered at arm's length to BATUK. DIO are subject to rigorous and independent inspections with teams deploying routinely from the UK to conduct this activity. From a training area assurance perspective, DIO conduct a monthly Range Administering Unit (RAU) audit to ensure BATUK's activities comply with the agreed licences and the parameters of the allocated⁵ facility. The UK MOD inspection team, known as the Land Training Advisory Ranges⁶, conduct an external and more in-depth annual inspection which assesses compliance and authorises our training area within the licensing agreement. Finally, the Range Safety Audit Team, a UK MOD team independent from the Army or BATUK, conducts inspections every three years. Their primary function is to review and assure compliance with UK Ordnance Safety Regulations. DIO are subject to a separate independent Remote Overseas Professional Inspection regime undertaken by an appointed contractor. This consists of annual inspections which produce circa 500 reports for DIO to action accordingly⁷.

15. Medical assurance. The UK military medical facility at Nyati Barracks is part of the UK's Defence Primary Healthcare service and is subject to regular statutory inspections by the Defence Medical Services Regulator and the Care Quality Commission – the independent regulator of health and social care services in England. Inspections are undertaken on a three yearly cycle with frequency being adjusted based on a risk-based

⁴ In accordance with the Kenyan Environmental Management and Co-ordination Act 1999 (as amended) Environmental Management and Co-ordination Act - Kenya Law and the Kenyan Environmental (Impact Assessment and Audit) Regulations, 2003 (as revised). EIA/REGULATIONS

⁵ Compliant with Defence Safety Authority (DSA) 03, OME Part 3, and DSA 03 OME Part 3 Ranges 2 - Defence Code of Practice (DCOP) 313 Series - Fieldcraft Training Area (FTA) and JSP 375 Vol 1 Chap 84 - Safety risk assessment and safe systems of work.

⁶ LTAR refers to safety regulations and guidance for military and civilian shooting ranges in the UK, outlined in Joint Service Publication 403 Handbook of defence ranges safety (JSP 403) - GOV.UK.

⁷ For example, Mechanical, Electric and Plumbing, Building Conditions Inspection, water treatment facility and inspections of fuel installations and flammable dangerous goods stores.

approach. This is complemented by the Kenyan Health and Safety team visiting annually. The most recent visit between 2-4 December 2024 covered Nyati Barracks, Kifaru Barracks and Archer's Post with no adverse findings.

16. **Aviation assurance.** BATUK aviation facilities include a helipad, and a re-fuelling facility provided by a civilian owned, civilian operated contractor, which is subject to annual Kenyan Civilian Aviation Authority inspections. There is also a rigorous annual inspection regime to ensure BATUK meets UK standards across all its outputs⁸. Second Party Assurance was conducted successfully by Litsons & Associates⁹ in 2023.

17. The UK takes seriously any allegations of ethical misconduct. Whilst BATUK is occasionally subject to allegations of fraudulent activity, in the last four years only one case of alleged fraud has been raised during the IGLC;¹⁰ it was agreed an investigation would be led by the Royal Military Police (RMP) who are continuing their investigations. Outside of this, there are no known cases of fraudulent procurement, land deals, or financial irregularities. Regular finance and governance audits are carried out internally by the BATUK Governance Officer with additional six-monthly audits of accounts by the Headquarters Collective Training Group Finance Team. Recent visits and inspections have been carried out by the UK National Audit Office in the second quarter of 2025 (where we await the final report) and by the UK MOD Defence Fraud Engagement Team with no adverse findings reported.

18. UK MOD is not aware of any evidence to support any allegation of collusion with security forces to suppress or dismiss complaints, or intimidate, bribe or coerce victims into silence. Should the UK MOD be informed of any such evidence it would be taken extremely seriously and investigated accordingly.

Sexual Exploitation and Abuse

19. There is absolutely no place for sexual exploitation and abuse by people in the British Army. It is at complete odds with what it means to be a British soldier. It preys on the vulnerable and benefits those who seek to profit from abuse and exploitation. Any allegations relating to unacceptable behaviours are taken incredibly seriously by the UK MOD. UK Ministers and Service Chiefs are committed to preventing unacceptable behaviours from occurring and considerable measures have been put in place. The UK MOD demands, and enforces, the highest standards of behaviour and ensures respect for the Constitution, laws and regulations of Kenya. One example of the UK MOD's commitment to tackle unacceptable behaviours is the introduction of Zero Tolerance to Sexual Exploitation and Abuse¹¹ (SEA) policy in July 2022, which builds on pre-existing measures already introduced to tackle unacceptable sexual behaviours in the UK Armed Forces. This policy sends a clear message that unacceptable behaviours will not be tolerated. The UK is committed to reviewing the policy to ensure it is applied correctly, and every case of unacceptable behaviour is met with action, which potentially includes discharge from Service.

⁸ G1 (Personnel) audit, Security Assessment, Land Equipment Assurance, Army Safety and Environmental Management System audit, Force Health Protection Audit, Physical Development Audit, Explosive Ordnance and Disposal and Search and Technical Evaluation.

⁹ Litson & Associates provide professional Aviation Safety & Quality, Advisory and Auditing Services to aircraft, airport & RPAS operators and Clients in the Oil, Gas and Mining Industry.

¹⁰ Raised during the 12th IGLC, September 2024.

¹¹ JSP 769: Zero Tolerance to Sexual Exploitation and Abuse - GOV.UK

20. Published in August 2025 the UK Service Inquiry team concluded a review of British Army conduct in Kenya (SI Sennen¹²). The findings of the Service Inquiry conclude that transactional sex is still happening in Kenya at a low to moderate level. It should not be happening at all. The report also concluded that since the introduction of Defence policy JSP 769: Zero Tolerance to Sexual Exploitation and Abuse in July 2022, and fully enforced by November 2022, there had been a significant reduction in incidents involving British Service personnel in Kenya (of 7,666 visiting personnel there were nine incidences reported since November 2022). However, they concluded that a low-moderate risk of continuation of SEA remained. The report therefore recommended that measures implemented since 2022 (command-led training, use of curfews and out of bounds areas, harsh sanction regime, movement restrictions, booking in/out, and use of the Royal Military Police) remain in place. In addition, all four recommendations in the report are being adopted: implementing further standalone training across the British Army; an assumption of the harshest penalties for offenders; mirror Defence SEA policy in Army policy; and formalising the practice of appointing a nominated responsible individual during social events to monitor their colleagues. In addition, all UK personnel are subject to the specified values and standards of the British Army¹³. Individuals deploying to BATUK receive specific training prior to departure and on arrival to ensure they understand their responsibilities, and the customs, cultures and laws that they are deploying into. The UK is fully committed to preventing sexual exploitation in any form and will continue to listen, step up, and take action when needed, including working with the other Services to learn lessons and share best practice across Defence.

21. BATUK personnel are required to respect Kenyan law and are always subject to UK law under the Armed Forces Act 2006; this is briefed during the Reception, Staging and Onward Integration (RSOI) arrivals package received by all service personnel. BATUK has an 18-person military police detachment where allegations of misconduct by its personnel can be reported to. BATUK are not aware of any instances where there has been a failure to report an incident to Kenyan authorities. Under the DCA where allegations of serious criminal offending, such as homicide, sexual offending or serious assault, the matter will be investigated either by Kenyan police authorities or by the UK Service Police under the provisions of the DCA.

22. UK MOD are aware that there are instances and allegations of children fathered by UK Service Personnel. These have not been raised to BATUK by the Kenyan Police Service or Kenya MOD, and the inclusion of a serving Kenya Police officer on the staff of BATUK as a liaison officer ensures a clear and routine dialogue with local agencies. Where there is no criminal accusation of unlawful activity against UK Service Personnel, and no specific concerns have been raised by local police, then the UK MOD would not investigate. However, in accordance with the DCA, the UK MOD would investigate or support the investigation of any allegation of abuse of power or of a sexual offence. The UK MOD has a zero-tolerance approach to SEA, and personnel found to have breached this policy face dismissal and, where necessary, prosecution. We note that many of these cases are sensitive and that some of the allegations may relate to consensual relationships. While paternity claims against UK Service Personnel are a private life issue, the government cooperates with local child support authorities where there are claims relating to paternity.

¹² Service Inquiry to investigate the circumstances surrounding alleged unacceptable behaviour by UK Service Personnel in Kenya in contravention of MoD and Army policy on Sexual Exploitation and Abuse (SEA).

¹³ For the British Army the values are Courage; Discipline; Respect for Others; Integrity; Loyalty; and Selfless Commitment. The standards are that behaviour must be lawful; appropriate; and totally professional.

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The Kenyan National Council for Children's Services is the relevant authority in Kenya and should be the point of contact for any mother with a case related to paternity.

23. In 2003, the Royal Military Police (RMP) launched Op TASKER and conducted enquiries into historic allegations that a number of Kenyan nationals had been raped or sexually assaulted by British soldiers, and that British Military authorities in Kenya were made aware of the incidents but took no action. This operation also considered allegations that British soldiers had killed a Kenyan woman, Mantoi Kaunda in 1995. Before concluding investigations, the RMP case material was subject to external review, first by Devon and Cornwall Police Serious Criminal Cases Review Team and then by Army Legal Services, the results of which concluded that there was no reliable evidence to support any allegation which would lead to a prosecution. Enquiries into the murder allegation were conducted with the authority of the Kenyan Government, and jurisdiction remained with the Kenyan Police throughout. However, should new information be reported, this would be considered by the Defence Serious Crime Command (DSCC), or where appropriate, the Kenyan authorities.

Employment

24. The UK MOD recognises the importance of the local Kenyan communities that support the training of Service Personnel and engagement with the local communities underpins our working relationship. BATUK employs over 600 permanent Kenyan staff and in 2024 engaged an additional 3,000 casual Kenyan staff, of which, 2,300 were employed as support during training exercises. Approximately 70% of all staff employed annually by BATUK are Kenyan. This is a higher percentage of the local population than in any other country that hosts British military exercises, providing significant economic benefit to the local community. The overall annual BATUK spend amounts to £50m per annum in Nanyuki and Nairobi. Though not an exhaustive list this expenditure comprises of the use of civilian contracted helicopters, housing and training area rental costs, shipping, vehicle maintenance, payment for Locally Engaged Civilians (LECs) and their medical insurance, and the wider training budget. Though the nucleus of this investment is in Nanyuki, there is a broader positive economic impact delivered across the rest of the Kenyan economy. This £50m figure does not include expenditure in the local and national economy by BATUK personnel, their families and the approximately 6,000 UK Service Personnel who train in Kenya every year, which we assess contributes several million pounds sterling.

25. BATUK works closely with the Kenyan Government Labour Offices in both Nairobi and Nanyuki and ensures its hiring practices adhere to Kenyan legislation and guidance. Following routine engagements with the County Governors in Samburu and Laikipia, BATUK adjusted its hiring process to align with the elected leaders' guidance, ensuring employment opportunities are opened to those most local to the area where the work is required. The British Army's Land Warfare Centre (LWC) handles tenders and contracts and adheres to the UK Government competition process and policy, which aims to provide fair and open competition.

26. The UK MOD's relationship with those under its employment depends upon the nature of employment, terms and conditions, and role. Conditions of employment sometimes vary for UK and Kenyan nationals as they may serve purposes that demand different skills. Some jobs require specific qualifications or security clearances that only members of the British military and UK Civil Service hold. The external recruitment process is fair and transparent. Applications are invited through an online recruitment platform which is in accordance with the recruitment process used by UK MOD and aligns with the UK Civil Service Commission

principles of selection for appointment on merit on the basis of fair and open competition; whilst adhering to Kenyan law.

27. All staff currently working in BATUK, including the 600 Kenyan nationals, are provided with the requisite training and equipment to ensure they are safe when conducting their role. BATUK is an inclusive employer and employs registered disabled Kenyan nationals in accordance with the Kenya Employment Act¹⁴. However, there may be instances where, despite reasonable adjustments being made, an individual may be precluded from a particular role due to their disability. In addition, BATUK provides a comprehensive medical and healthcare insurance package for all permanent locally engaged staff through a Kenyan corporate medical insurance contract at a cost of over £1.5m per year. This insurance includes provision for the employee's spouse and up to three dependent children. The contract also includes medical insurance for casual support staff whilst they are within their contract period with BATUK.

28. The LWC, the 2* Headquarters in command of BATUK, carries out an annual review of Locally Engaged Civilians' pay. Additionally, LWC directed a UK MOD pay and conditions review for Locally Engaged Civilians, which incorporated data from the 2024 report by the Federation of Kenya Employers. The review was carried out in accordance with the requirements of MOD Statement of Civilian Personnel Policy¹⁵, it was completed in June 2025 and the review's recommendations were approved by LWC and DIO Overseas Training and Delivery in August 2025.

29. BATUK does not directly recruit casual labour. As agreed with the KDF, casual employees are engaged through three routes (Government Labour Offices, a locally elected committee of representatives or the relevant Landowner's office). The KDF Liaison Officer was involved in meetings between BATUK and the Kenyan Government Labour Office when the employment process for casual staff at BATUK was agreed in 2024. Casual contracts last for no more than eight weeks in accordance with Kenyan employment law. There are two rates of pay for casual contracts, one for skilled and one for unskilled labour. BATUK has recently reviewed casual contract rates of pay and will implement a new hourly rate of pay from 1 November 2025 that amounts to a 25% increase in pay for unskilled casual staff, and 23% for skilled casual staff. The salaries paid are favourable when compared to equivalent positions paid for by Kenyan employers in the same locations, and far higher than the Kenyan minimum wage pro-rata.

30. If staff have concerns with the conditions of their employment, UK MOD encourages them to raise their concerns through the internal grievance process within BATUK. BATUK is not aware of any instances of retaliation against those who question working conditions or unfair dismissal. The disciplinary process is fair and transparent and where employees have appealed dismissals the Kenyan Courts have found that the appropriate policy and procedures were followed¹⁶, with BATUK's decisions upheld. The cases were heard at the Employment and Relations Court at Nyeri and in each case the Judge was satisfied that BATUK proved substantive and procedural fairness, following a fair procedure before dismissing the claimants.

¹⁴ Laws of Kenya, Chapter 226, Employment Act, Part II, Paragraph 5

¹⁵ MOD Statement of civilian personnel policy - Pay and allowances overseas

¹⁶ For example, ELRC Cause No. E006 of 2024, E007 of 2024, E047 of 2024, E048 of 2024 and E049 of 2024. These are all related to theft of MOD property. Judgement was delivered on 27 June 2025 by a Magistrate in Nyeri Employment and Labour Relations court with BATUK decisions upheld.

Military Training and Environmental Issues

31. BATUK only trains on gazetted Kenyan Military Training areas or on private land that is licenced by the landowner and the KDF. The use of land is authorised individually through the KMOD and access to facilities is in accordance with the provision in Article 9 of the DCA. Each training area also holds an annual Single Business Permit from the County Government. All land used for training has been subject to a full Environmental Impact Assessment. The UK MOD routinely undertakes a series of measures to ensure that its training mitigates the potential impact on the environment and social sensitivity at each of its locations. BATUK use of KMOD Gazetted training areas (principally Archers Post Training Area) has reduced since October 2024. A National Land Commission legal challenge regarding the ownership of part of this training area was upheld against KMOD. KMOD then instructed BATUK to cease all training on the area identified by the National Land Commission. Training in Archers Post Training Area since has been limited to a smaller area owned by KMOD, and BATUK's use of this area is coordinated and agreed through KMOD. BATUK conducts live and blank firing for small arms, with 105mm artillery and 81mm mortar live firing only in Archers Post Training Area. No heavy armoured vehicles are used. Larger support vehicles remain on established roads and tracks, while only smaller 4x4s (Land Rovers or equivalent) are permitted to move off tracks. No permanent structures are erected, and all land is returned to its original state after an exercise period.

32. BATUK has developed extensive and detailed Range Standing Orders which set out clear procedures for how training is to be conducted. An extensive training package is delivered to soldiers before training which includes a wildlife video developed specifically to teach soldiers how to behave around wildlife in Kenya, as well as teaching fire prevention methods and equipment. Local range wardens with many years of experience in the environment are employed to support range clearance and safe training, and they receive further wildlife training via an animal research institute in Laikipia County¹⁷.

33. Prior to all military training activity, land managers are informed of the specific areas which will be used for live and dry firing. This enables livestock and equipment to be moved in advance. Immediately prior to any firing commencing, there is a well proven practice of aerial surveying by helicopters and drones to ensure the range is clear. This is conducted while in contact with range staff on the ground at range entry points, to ensure that no people are present within the range and that dangerous or large wildlife is moved out of the area in which any live rounds may fall. Live firing must commence within 30 minutes of the clearance finishing, or the clearance process must be repeated before firing commences. The ranch community has reported to BATUK in the annual Environmental Audit Meetings and quarterly BATUK landowner/manager meetings that the wildlife, and particularly the larger species, has become adjusted to live firing, and that UK training does not overly disrupt their natural movement patterns. The DIO range team are in close contact with the general managers and their ranch staff. Information about wildlife is constantly exchanged and training is adjusted to reflect the latest information.

34. BATUK continues to deliver high environmental standards in the delivery of its training across Laikipia and Archers Post Training Area as mentioned in paragraph 13. The UK MOD has robust policies and procedures for delivering training in sensitive habitats across the world, and training areas often support International Union for Conservation of Nature rare

¹⁷ Mpala Farm Research Institute.

and endangered species. BATUK's detailed and proven planning, delivery, and control of military training was observed in person by the NEMA at the request of Parliament during their inspection of BATUK in November 2024.

35. BATUK has comprehensive safety and use direction for every type of munition and pyrotechnic in accordance with the UK MOD Defence Ordnance, Munitions and Explosives Regulations¹⁸. Policy covering the use of pyrotechnics and munitions is covered in training pamphlets¹⁹ accessible to BATUK. Munitions that contain phosphorus have not been used by the British Army in Kenya since 2022. Past use of munitions containing phosphorus included 81 mm mortar and 105 mm artillery smoke rounds²⁰. The annual Explosive Ordnance Clearance of areas in which these munitions were used (Archers Post Training Area) has cleared any debris or unexploded ordnance (UXO), and there is no residual impact on the Kenyan environment. All current ammunition natures used by the UK MOD in Kenya (and elsewhere in the world) have been fully assessed and their impact analysed. The rules that apply to munition and pyrotechnic use in the UK apply equally in Kenya. In many instances UK regulations are applied more strictly in Kenya than in the UK. BATUK responds to landowner / manager requests to not use specific munitions in certain areas.

36. Public consultation and communication are enduring practices adopted by BATUK to keep local communities informed of activity. Local communities can contact the range training safety officers if they wish to raise any concerns and issues they may have. It can be difficult to determine whether UXO is as a result of UK or Kenyan activity, particularly if the UXO comes from older stock, but BATUK responds to and disposes of all reports of UXO irrespective of origin. Exercise RANGE SWEEP is an annual exercise to clear UXO from Archers Post Training Area. This exercise also includes community engagement projects designed to provide education on dangerous ordnance and how to report any findings for those who live around training areas.

37. At the end of each training exercise, before land is handed back to its owner, the owner or their representative checks the land. Any damage is repaired or fixed by DIO to the satisfaction of the landowner and training area handover certificates are signed by the landowners / managers once BATUK remediation is complete. This certifies that the landowner or their representative is content with the condition DIO has returned the area.

38. BATUK complies with the Environmental Management and Co-ordination Act 1999 (as amended) and Environmental (Impact Assessment and Audit) Regulations 2003 (as revised). Of the four UXO callouts BATUK has received in the last 12 months, only two were found to be UXO. None of these incidents resulted in any injuries. The UK MOD deeply regrets that there have been instances of injuries and death as a result of UXO being found, including the two examples raised by the Defence, Intelligence, and Foreign Relations Committee.

¹⁸ These regulations encompass, procurement, storage, range construction, training area management, incident reporting, and environmental management pertaining to munitions and pyrotechnics.

¹⁹ Each weapon system / munition has a respective training pamphlet. Supporting the safe practice of usage is Pamphlet Number 21 Training and Regulations for Armoured Fighting Vehicles, Infantry Weapon Systems and Pyrotechnics and Pamphlet Number 51 Regulations for Planning, Control, Conduct and Safety for 105mm and 155mm Firing Practices.

²⁰ Illumination rounds do not contain phosphorous.

a. Lisoka Lesasuyan (2015) was severely injured as a result of touching UXO. The UK MOD paid compensation to the individual despite the inquiry failing to determine if the ammunition was of British or Kenyan origin.

b. Robert Swara Seurei (2007) was killed after removing a piece of UXO from Eastern Laikipia Training Area which he mistakenly believed was a candle. A financial settlement was reached in 2010.

39. The Lolldaiga fire in 2021 was extremely regrettable, and the UK recognises both the length of time it took to resolve the global settlement, and the frustration that it caused within the affected communities. This was a highly complex case with a large number of claims. The UK MOD is pleased that a global settlement was announced on 21 August 2025 with the claimants' appointed legal representatives. Additionally, an independent environmental assessment, paid for by the UK MOD, was commissioned by Lolldaiga Hills Ltd. The assessment identified that there was "*impact on vegetation*" and "*potential proliferation of invasive species*". Since the fire, a range of initiatives have been implemented to encourage the natural regeneration of the grassland and afro-montane forest, and to reduce human-wildlife conflict with the surrounding community. BATUK has complied with environmental and wildlife protection laws²¹. In particular, the 2024 NEMA Inspection Report demonstrates that BATUK is actively working to comply with Kenyan laws and regulations. BATUK, therefore, has not been subject to sanctions or penalties by the Kenyan Government and, in their latest ruling, the Kenyan Environment and Land Court advised that they were content with the actions of the British Government. UK MOD has no knowledge of any court orders relating to rulings on compensation.

Community Engagement

40. BATUK's community engagement concentrates efforts on five key areas (water, education, health, environment and sport) in collaboration with local stakeholders, focussing primarily on local communities. In the last financial year 72 projects were delivered.

41. Through Exercise WATER PLUS, BATUK supports water projects such as borehole installations in remote communities. In 2024, 29 schools and orphanages received support to water access. In support of local MPs, communities have received the delivery of essential water by military vehicles during times of need, and since 2020 20 boreholes and 7 sand dams have been repaired or built by BATUK.

42. In the last financial year, 48 schools and orphanages benefitted from projects including refurbishment and water harvesting schemes. In addition, 36 schools and 15,000 children received academic supplies, bedding, clothing and food, and BATUK recently helped construct a second dormitory at Tharua Special School.

43. Local health centres have been refurbished, most recently at Ontulili Health Centre, as a result of BATUK's community outreach. Period packs to support 1,000 young girls have been donated by BATUK and medical starter kits have been given to volunteer health care professionals to ensure they can conduct the essential medical care needed in their communities. Baby care packages have also been delivered to expectant mothers to

²¹ Such as the framework Environmental Management and Coordination Act (1999, rev. 2015). Of note, within this, BATUK complies with The Environmental (Impact Assessment and Audit) Regulations (2003, rev. 2019), as evidenced by the granting of construction licenses, and LN. 177 The Environmental Management and Co-Ordination (Water Quality) Regulations (2024), as evidenced by the granting of Effluent Discharge Licenses.

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incentivise hospital use. Through the HARAKA SERPENT exercise programme, and in conjunction with County Government's and the Beyond Zero organisation, BATUK supports medical outreach; in 2024 the Exercise supported 17,000 patients, and saved 10 lives and the eyesight of 64 people. In 2025, the Exercise provided free medical services to over 3,000 residents of Laikipia and Samburu Counties in partnership with the KDF.

44. In 2021 BATUK supported the National Police Service and the UK's REINVENT programme with the construction of the Policare centre at Nanyuki police station to address sexual and gender-based violence. BATUK has also supported Kenyan-led initiatives including The Horn of Africa Institute's anti-Female Genital Mutilation workshop in Isiolo County and Mukogodo Girls empowerment programme. In 2023 BATUK supported the KDF through the joint construction of the CITSO Foundation.

45. More broadly, BATUK has planted 300 fruit trees in the local community and volunteers have helped with local fencing improvements, ground clearance at local animal sanctuaries, and participating in local town clean up events, such as that in Majengo. In addition, BATUK delivers a wide programme of sporting support. This ranges from coaching sporting officials, donating kit and equipment, and local sponsorship, to the refurbishment of a local sports stadium, and the grading of sports pitches at schools.

46. BATUK is proud of its history of investing back into the communities that host and support it.

Closing Remarks

47. The UK has a longstanding bilateral defence relationship with Kenya which stands at the heart of the strategic interests of both nations. As a cornerstone of our Defence offer to Kenya, BATUK provides world-class combat training facilities that serve to improve the capability of both the UK and Kenya to tackle threats to national security, and modernise our respective armed forces. The UK MOD, as governed by the joint UK-Kenya DCA, is committed to meeting its obligations in Kenya and maximising the opportunities to deepen the partnership between our respective armed forces.

48. BATUK is proud to regularly extend invitations to, and host, both Kenyan politicians and senior military representatives including the Cabinet Secretary for Defence and the Chief of Defence Forces. The UK MOD would welcome future visits to BATUK, especially from members of the DIFRC, to see the facilities and witness the training and community engagement delivered by BATUK.

49. The UK is committed to fully cooperating with both the DIFRC and Kenyan authorities to resolve outstanding concerns. The UK is determined to further strengthen the defence relationship between the UK and Kenya to protect our nationals, stabilise the region and ensure a more secure future for all.