



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

## THE HANSARD

Wednesday, 12<sup>th</sup> November 2025

The House met at 2.30 p.m.

*[The Speaker (Hon. Moses Wetang'ula) in the Chair]*

### PRAYERS

### QUORUM

**Hon. Speaker:** Serjeant-at-Arms, ring the Quorum Bell.

*(The Quorum Bell was rung)*

Hon. Mwenje, when I last checked, you were listed as the Deputy Whip of the Minority Party. You seem to have forgotten your role.

*(Laughter)*

Hon. Members, we now have a quorum to transact business. Clerk-at-the-Table.

### COMMUNICATION FROM THE CHAIR

#### RECOGNITION OF A DELEGATION FROM THE PARLIAMENT OF GHANA

Hon. Members, welcome to the afternoon session. I wish to recognise a delegation of four members of staff from the Hansard Department of the Parliament of Ghana. The officers are on a visit to the National Assembly to benchmark with the Directorate of Hansard and Audio Services, aiming to gain practical knowledge of the end-to-end editorial workflow and adopt best practices in Hansard production. They are welcome to observe the proceedings of the National Assembly.

Thank you.

*(Applause)*

In Ghana, to say thank you, they say *midase*.

Also, Hon. Members, allow me to welcome students from Masinde Muliro University of Science and Technology (MMUST), in Lurambi Constituency, Kakamega County. On my behalf and on behalf of the House, we welcome you to the House of Parliament. Enjoy the proceedings.

Next Order.

### PAPERS

**Hon. Speaker:** Deputy Leader of the Majority Party.

**Hon. Naomi Waqo** (Marsabit County, UDA): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

1. Reports of the Auditor-General and financial statements for the year ended 30<sup>th</sup> June 2025 and the certificates therein with respect to—
  - (a) Affordable Housing Finance Project (IBRD Credit No. 8958/KE) to the National Treasury;
  - (b) Global Fund Project to contribute to achieving Vision 2030 through universal access to comprehensive HIV prevention, treatment, and care (Project No. KEN/H/TNT/2065) to the Ministry of Health;
  - (c) Global Fund Project to contribute to achieving Vision 2030 through universal access to comprehensive HIV prevention, treatment, and care (Grant No. KEN/H/TNT/4147) to the National Syndemic Disease Control Council;
  - (d) Green Zones Development Support Project Phase II (Credit No. P/KE/AAD/005) to the Kenya Forest Service.
  - (e) Horn of Africa Gateway Development Project (IDA Credit No. 6768/KE) to the Kenya Revenue Authority;
  - (f) Kenya ETF Reporting Programme to the UNFCCC Project to the State Department for Environment and Climate Change.
  - (g) Kenya Institute for the Blind.
  - (h) National Commission for Science, Technology and Innovation.
  - (i) National Council for Nomadic Education in Kenya.
  - (j) National Youth Opportunities towards Advancement Project Credit Numbers 7355-KE and Grant Number E210-KE – State Department of Labour and Skills Development.
  - (k) Public Debt Management Support Project (ADB Grant Agreement No.5500155013708) – the National Treasury.
  - (l) Reproductive Health-Output Based Approach (RH-OBA) Program - Project Number BMZ No. KENYA 2010 65 853 – Ministry of Health.
  - (m) State Department for Parliamentary Affairs.
  - (n) State Department for Technical Vocational Education and Training.
  - (o) Technical support to the French desk at the National Treasury (Project Grant No. AFD CKE 1204 01E) – the National Treasury.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Deputy Whip of the Majority Party.

Next Order.

## QUESTIONS AND STATEMENTS

### REQUESTS FOR STATEMENTS

**Hon. Speaker:** Hon. Joseph Hamisi, Nominated Member? Hon. Abdul Haro, Mandera South Constituency? Hon. Zamzam Mohammed, *Mama* Mombasa.

### STATUS OF COMPENSATION OF OWINO-UHURU AREA VICTIMS

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Justice and Legal Affairs (JLAC) regarding the status of

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compensation to the victims of the Owino-Uhuru area, over lead poisoning in Jomvu Constituency.

The residents of the Owino-Uhuru area in Jomvu Constituency have endured severe health and environmental impacts resulting from lead poisoning caused by toxic waste from Metal Refinery (EPZ) Limited. On 6<sup>th</sup> December 2024, the Supreme Court upheld a judgement awarding the residents Ksh1.3 billion in compensation for personal injuries and loss of lives arising from environmental pollution caused by the lead-acid battery recycling plant. The judgment affirmed the grave suffering inflicted on the victims, particularly women and children, including cases of stillbirth, organ failure, and death. Regrettably, the residents are yet to receive compensation. The inaction has prolonged the suffering of the affected families, many of whom endure chronic illnesses.

It is against this background that I request a Statement from the Departmental Committee on Justice and Legal Affairs on the following:

1. The status of enforcement of the Supreme Court judgement issued on 6<sup>th</sup> December 2024 regarding the compensation of residents of Owino-Uhuru area in Jomvu Constituency who suffered severe health effects due to lead poisoning from toxic waste emitted by Metal Refinery (EPZ) Limited.
2. The steps being taken by the Government, through the National Environmental Authority and other relevant bodies, to implement and enforce the Court's decision to safeguard the rights of victims.
3. The immediate measures being put in place to ensure that the affected families receive urgent medical and financial assistance.
4. The mechanisms put in place to ensure compliance with environmental conservation measures to forestall further emission of toxins by Metal Refinery (EPZ) Limited.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, *Mama Zamzam*.

Chairman of JLAC, Hon. Murugara? Members of JLAC? Deputy Whip of the Majority Party, inform Hon. Murugara to bring a response in two weeks.

**Hon. Naomi Waqo** (Marsabit County, UDA): I will do so, Hon. Speaker. Thank you.

**Hon. Speaker:** Hon. Tungule.

#### DEATH AND BURIAL OF JESCA KASHUTU ZIRO IN SAUDI ARABIA

**Hon. Kenneth Tungule** (Ganze, PAA): Hon. Speaker, pursuant to the provisions of Standing Order No. 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations regarding the circumstances surrounding the death and burial of the late Jesca Kashutu Ziro, a Kenyan citizen who passed away in the Kingdom of Saudi Arabia.

The late Jesca Kashutu Ziro, a resident of Sososdemu village, Madamani sublocation in Ganze Constituency, was working in Riyadh City, Saudi Arabia, as a domestic worker when she tragically passed away on 30<sup>th</sup> June 2025. Following her death, the Integrated Centre for Peace and Security (ICPS), a registered non-governmental organisation that assists Kenyans in distress abroad, wrote to the Principal Secretary, State Department for Diaspora Affairs, on 7<sup>th</sup> August 2025, seeking assistance to facilitate the repatriation of her remains. However, while follow-ups were being made with the Diaspora Affairs Office, the organization and the family were informed that the late Jesca Kashutu Ziro had been buried in Saudi Arabia, together with five other Kenyans, without the knowledge or consent of their families, and apparently without notification of the Government of Kenya.

The families of the deceased are therefore seeking justice, transparency, and closure. They wish for the exhumation and repatriation of the remains of their loved ones for burial in Kenya. This revelation has caused deep anguish and confusion among the affected families, who have since appealed to the Government for intervention and communication with Saudi authorities to establish how such burials could have occurred without their knowledge and consent.

**Hon. Speaker**, it is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations on the following:

1. The cause of death of the late Jesca Kashutu Ziro, whether any post-mortem examination was conducted in Saudi Arabia, and the post-mortem report;
2. Details of the person or body that granted authorisation of the burial of the late Jesca Kashutu Ziro and the other Kenyan citizens in Saudi Arabia without the consent of their families, and whether the Government of Kenya was notified;
3. Steps being taken by the Ministry to facilitate the exhumation and repatriation of the remains of the deceased persons to Kenya for proper burial by their families; and,
4. Measures in place to ensure that Kenyans working abroad, especially domestic workers, are accorded their rights and that their employers are held accountable for any deaths, unpaid dues, or violations of international labour laws.

Thank you, Hon. Speaker.

**Hon. Speaker**: Thank you. To which Committee have you directed your Request for Statement?

**Hon. Kenneth Tungule** (Ganze, PAA): The Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations.

**Hon. Speaker**: Is the Hon. Member for Konoin present?

*(Hon. (Rtd) Abdullahi Sheikh spoke off the record)*

Hon. Bashir, are you the Vice-Chairman?

**Hon. Major (Rtd) Abdullahi Sheikh** (Mandera North, UDM): Thank you, Hon. Chair. We will bring a response in two weeks.

**Hon. Speaker**: Which Chair are you addressing?

**Hon. Major (Rtd) Abdullahi Sheikh** (Mandera North, UDM): Sorry, Hon. Speaker. We will bring a response in two weeks.

**Hon. Speaker**: Thank you. Hon. Wakili Muriu.

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Thank you, Hon Speaker.

**Hon. Speaker**: Is Hon. Joseph Hamisi in the House? What about Hon. Abdul Haro? Go on, Hon. Wakili.

#### DELAYED COMPLETION OF ROAD PROJECTS IN GATANGA CONSTITUENCY

**Hon. Wakili Edward Muriu** (Gatanga, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the delayed completion of the Kirwara–Kigio–Jogoo–Kimakia Road, Kimatu–Ithangarari–Magomano Road, and Ndiara–Kiriani–Wanduhi Road in Gatanga Constituency.

The Kenya Rural Roads Authority (KeRRA) is mandated to develop, maintain, and manage rural roads across the country. Despite the initiation of the Kirwara–Kigio–Jogoo–

Kimakia and Kimatu–Ithangarari–Magomano road projects in 2017, the roads remain incomplete to date, and the contractor has since vacated the site without explanation. The situation has caused immense inconvenience to local residents who continue to grapple with poor road conditions that hinder access to essential services and economic opportunities.

Similarly, the Ndiara–Kiriani–Wanduhi Road, whose construction commenced in 2021, also remains incomplete. The contractor abandoned the site midway, leaving the road in an impassable state. It is believed that the contractors abandoned the sites due to delayed payment by the responsible agencies. The current state of these roads has adversely affected transport, trade, and access to markets, schools, and health facilities in Gatanga Constituency. The President has made numerous promises to make good of those roads.

It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. Plans by the Kenya Rural Roads Authority (KeRRA) to complete construction of the Kirwara–Kigio–Jogoo–Kimakia Road and the Kimatu–Ithangarari–Magomano Road, considering that the contracts commenced in 2017.
2. Expected timelines for when the contractor will return to the site to complete the construction of the Ndiara–Kiriani–Wanduhi Road.
3. Measures the Ministry has put in place to ensure that such long-standing projects are completed within the stipulated timelines and to ensure timely payment of contractors, thereby preventing project delays.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Muriu.

Chairman of the Departmental Committee on Transport and Infrastructure. Give Hon. Dawood the microphone.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Speaker. I wish to first respond to...

**Hon. Speaker:** You cannot.

**Hon. Rahim Dawood** (North Imenti, Independent): Sorry?

**Hon. Speaker:** The request has just been made.

**Hon. Rahim Dawood** (North Imenti, Independent): Sorry. I thought it was a statement.

**Hon. Speaker:** You are not attentive.

**Hon. Rahim Dawood** (North Imenti, Independent): Sorry, Hon. Speaker. We will bring a response to Hon. Muriu's request in two weeks.

**Hon. Speaker:** Good. Hon. Denar, are you ready with your request?

**Hon. Joseph Hamisi** (Nominated, ANC): No.

**Hon. Speaker:** We will come back to you.

We will now move to responses. Is Hon. Dick Maungu in the House? What about Hon. Zamzam? Hon. Dawood, are you ready to respond to Hon. Zamzam on the safety of ferries?

**Hon. Rahim Dawood** (North Imenti, Independent): Yes.

**Hon. Speaker:** Go ahead.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Speaker. I also had the response to Hon. Maungu's request.

*(Hon. Dick Oyugi walked into the Chamber)*

**Hon. Speaker:** I can see him walking in. Please start with the response to the request by Hon. Maungu. Hon. Maungu, can you tender an apology for your late coming? Give him the microphone. The House starts at 2.30 p.m.

**Hon. Dick Oyugi** (Luanda, DAP–K): Thank you, Hon. Speaker. I sincerely apologise for walking in late. I was held up somewhere. I am very sorry.

**Hon. Speaker:** Hon. Dawood, respond to the request by Hon. Dick Maungu of Luanda.

## STATEMENTS

### KENYA AIRWAYS OPERATIONAL EFFECTIVENESS

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Speaker. I wish to respond to Hon. Dick Maungu's request regarding the report on the assessment of the management and operational strategies of Kenya Airways, including its current fleet position, growth trajectory, and regional competitiveness. The assessment revealed a tale of past challenges and a promising turnaround. Kenya Airways' current operational strategy is anchored on Project Kifaru, a bold initiative launched in 2021 and refined in 2023, which focuses on aggressive cost containment, strategic debt restructuring, and diversifying revenue streams. This disciplined execution culminated in a historic achievement in 2024.

*(Hon. Joseph Hamisi crossed the Floor without bowing)*

**Hon. Speaker:** Order, Hon. Denar. Go back to where you came from. Go to the Bar, bow, and then cross the Floor. It has been three years since this Parliament commenced, and I am sure you know this.

Go on, Hon. Dawood.

**Hon. Rahim Dawood** (North Imenti, Independent): KQ posted its first net profit in over 11 years, recording Ksh5.4 billion, a 125% year-over-year increase.

Regarding the current fleet position, the KQ Group operates a fleet of 39 aircraft, comprising a mix of Boeing and Embraer models, which are configured for short, medium, and long-haul routes. Of these, 25 aircraft (64%) are leased, while 14 (36%) are owned or under finance lease. The fleet is currently adequate for its existing network of over 40 destinations across four continents. However, for future growth, the airline plans to add 21 aircraft over the next decade and invest in wide-body freighters to address cargo capacity shortages.

Its growth trajectory is focused on intensifying its African network, expanding connectivity to Asia, the Middle East, and North America, and transitioning from smaller Embraer E190s to larger and more efficient medium-haul aircraft.

In terms of regional competitiveness, KQ operates in an intensely competitive environment. It faces strong rivals such as Ethiopian Airlines, which benefits from deep state integration and a fleet of over 140 aircraft; RwandaAir, which is fully government-funded and now has Qatar Airways as a 49% equity partner; and heavily subsidised Gulf carriers. A key differentiator for these competitors is the scale and structure of government support, which integrates airline strategy with hub development and provides policy protection.

Hon. Speaker, regarding the plans by the Ministry of Roads, Transport, and Public Works to restore public confidence, improve customer service, and ensure Kenya Airways remains competitive, it has a multi-pronged strategy to achieve these objectives:

1. The Draft National Aviation Policy, a comprehensive document that has been completed and awaits parliamentary approval, aims to guide the sector's sustainable growth, safety, and competitiveness.
2. Long-term investment plan for Jomo Kenyatta International Airport (JKIA). The Ministry and Kenya Airports Authority (KAA) are implementing a modernisation plan for JKIA, including terminal expansion and runway rehabilitation to enhance Kenya Airways' operational base.

3. JKIA Service Charter, launched in March 2025, sets clear performance standards for all airport stakeholders to ensure accountability, efficiency, and a customer-focused experience.
4. The Interministerial/agency Committee is a high-level Committee that has been established to address specific challenges affecting Kenya Airways' competitiveness, including outstanding government debts and blocked funds in foreign markets.
5. Fly Kenya Policy which mandates the use of Kenya Airways and other local carriers for official government travel, boosting the airline's revenue and market share.
6. The airline partnerships and co-chair agreements. The Ministry supports Kenya Airways' efforts to expand strategic global alliances to enhance its network reach.
7. Negotiation of Bilateral Air Service Agreements (BASAs). The Ministry is proactively negotiating BASAs to secure more favourable and equitable terms for Kenya Airways in key international markets.

There was also a question on the specific measures being undertaken to ensure that financial support is tied to performance conditions to protect the interests of taxpayers. Hon. Speaker, the Government's support to Kenya Airways has been structural, but not unconditional bailouts. It is performance-linked and repayable shareholder loans. Since March 2020, Kenya Airways has received Ksh25 billion in such loans. Crucially, these loans earn interest for the Kenyan public and are repayable in full. This support is tied to strict conditions to protect the taxpayer, including:

1. Restructuring obligations where we have funds, such as those under the Project Kifaru.

**Hon. Speaker:** Can you paraphrase your Statement?

**Hon. Rahim Dawood** (North Imenti, Independent): I am finishing, Hon. Speaker. I have two more points.

**Hon. Speaker:** Is it two pages or paragraphs?

**Hon. Rahim Dawood** (North Imenti, Independent): It is only two small paragraphs. Under Project Kifaru, there are conditions for reducing aircraft lease costs, meeting credit obligations, and implementing staff rationalisation.

2. Enhance governance and reporting. Disbursements require enhanced reporting to the National Treasury and Parliament, ensuring transparent and effective use of public funds.
3. Audit by the Auditor-General. Every financial support package is subject to audit by the office of the Auditor-General to ensure accountability. This approach ensures that Kenya Airways does not collapse, which can cause an estimated US\$3.2 billion economic loss to Kenya. Instead, it treats public funds as an investment that will yield returns for the nation.

I submit on behalf of the Chairperson of the Departmental Committee on Transport and Infrastructure, Hon. George Kariuki. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Dick Maungu.

**Hon. Dick Oyugi** (Luanda, DAP-K): Hon. Speaker, once again, I said that I was sorry for walking in late. I was held up in a meeting with artists in my office. That is why I walked in late. All the same, yesterday, I got a 28-page document from Kenya Airways that talked about my questions. However, what the Chairman actually read is more perfunctory at its best because it does not address the real issues.

**Hon. Speaker:** Indeed. Hon. Dawood, your Statement was a litany of problems of Kenya Airways instead of its strategies.

**Hon. Dick Oyugi** (Luanda, DAP-K): Thank you, Hon. Speaker.

**Hon. Speaker:** That is how I heard it.

**Hon. Dick Oyugi** (Luanda, DAP-K): Thank you, Hon. Speaker.

**Hon. Speaker:** I do not know. It is up to you.

**Hon. Dick Oyugi** (Luanda, DAP-K): Hon. Speaker, I asked the Question, but what Hon. Dawood has given is a whole story from 2012. Kenya Airways has engaged in massive projects - from Project Mawingu, Operation Pride, Project Safari, and Project Kifaru - but they do not address the real issues it suffers from.

I wanted to hear plans by the Ministry, or rather Kenya Airways, to improve public confidence, improve customer service, and ensure Kenya Airways remains competitive. Of late, Kenya Airways has not served the public as it should. We have frequent cancellations of flights. We have mistreatment of passengers at the airport. As late as last Sunday, a Member of this House with disability was mishandled. His wheelchair was put in a cargo hold, and he was left by Kenya Airways.

The Chairperson has not told us what Kenya Airways is doing to ensure there is public confidence. Their flights are expensive for nothing. They keep cancelling flights without due notice. This Statement does not meet the threshold. I wish the Chairperson could do more about this. This is a weighty matter. I am sure most of these Members wish to talk about the same issue. Kenya Airways must improve. They must pull up their socks to ensure that there is public confidence, being a national carrier.

**Hon. Speaker:** You are now making a speech. You are supposed to seek clarification.

**Hon. Dick Oyugi** (Luanda, DAP-K): I am seeking clarification in many words.

*(Laughter)*

Kenya Airways was the pride of Africa, but as we speak, it is not. Ethiopian Airlines, Emirates, and RwandaAir beat a giant like Kenya Airways. I beseech you and seek your indulgence that the Statement be redone so that we can have answers to these critical questions.

Thank you, Hon. Speaker.

**Hon. Adan Keynan** (Eldas, JP): Hon. Speaker, I was just watching your facial expression, and you are bored with the answer given. You are wondering whether this is the Kenya Airways that you are used to or a different one. That answer was referring to another Kenya Airways, maybe in the utopian world.

Over the years, we have branded this as our national flag carrier and the pride of Africa. I am not sure whether I am willing to carry that tag of Kenya Airways being the pride of Africa. I do not want to call it the shame of Africa. Since I joined this Parliament, the Government of Kenya has offered Kenya Airways structural, technical, financial, and administrative support. The only thing that we get in return is wastage, poor public relations, and losses. There is a reason for this. The planes in use are all owned by cartels, which have leased them to Kenya Airways at exorbitant rates. Until that is addressed, we are wasting public money.

I challenge the Chairperson to find out the owners of Boeing and all other planes in service with Kenya Airways. He will be surprised. They are owned by cartels. If you dig further, you will realise that it is part of the loot from the Kenyan Republic. This means we are engaging in a zero-sum game.

Members, I urge you because the public is fatigued. We have wasted resources. Look at Ethiopian Airlines.

**Hon. Speaker:** You have made your point.

**Hon. Adan Keynan** (Eldas, JP): For how long? The Chairman has referred to one year and glorified it. Maybe they will try to mend their books. Over the last few years, Kenya Airways has been making losses. What measures has the Kenya Airways (KQ) management

put in place to remedy their poor public relations, the financial loss, the wastages, and all the other challenges affecting KQ, including the poor management system? If you were to travel today on an economy class from Nairobi to Mombasa, the cost would be the same as from here to the Emirates by Kenya Airways. What are we saying? Does KQ operate in a different International Air Transport Association (IATA) platform, or are these completely different airlines? It is high time that we institute a select committee to address this situation, comprising professional members from this House, to critically interrogate the challenges facing KQ. That answer ought to be thrown in the dustbin. Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Sunkuli

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Speaker, I would like to join my colleague, the Member for Luanda, who requested the Statement, and say that this Statement needs to be redone. This is because the Statement simply says that you should not compare KQ with Qatar Airways and others because they are government-funded. The last time I checked, the Government owns about 48 per cent of KQ shares, and Qatar Airways and the rest are five-star airlines. If I could take from what Hon. Keynan is saying, apart from the cartels of ownership, last week, when you invited us to Mombasa, when we were going to board the aircraft, we were taken by bus from the gate to the plane. The bus took one and a half minutes to arrive at the destination, and I am sure that the bus owner was paid. This is one of the many ways KQ is making it more expensive to run, without implementing any cost-cutting measures. In fact, we need to investigate it more.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next is the Member for Keiyo South.

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): Thank you, Hon. Speaker. I am of a contrary opinion. The challenges in KQ are systemic.

**Hon. Speaker:** Hon. Member for Keiyo South, this is not a debate; this is a Statement.

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): I am just giving a small background.

**Hon. Speaker:** You are standing either to seek a clarification or nothing.

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): Okay, allow me one minute, Hon. Speaker, just to give a clarification.

**Hon. Speaker:** What are you clarifying? You are not the respondent to the Question.

*(Laughter)*

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): I am not a shareholder. Okay, Hon. Speaker.

**Hon. Speaker:** If it is in your opinion that KQ is very good, you have no question to ask.

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): No, it is not good, but I wanted to mention the challenges...

**Hon. Speaker:** Ask Hon. Dawood the Question.

**Hon. Gideon Kimaiyo** (Keiyo South, UDA): Okay. Thank you, Hon. Speaker. Maybe some information to the Hon. Chairperson, *Mhe.* Dawood, if it is allowed. Let me proceed.

Hon. Speaker, if you compare KQ with other airlines, the airline business requires a lot of investment. The Ethiopian Airways we talk about, look at how much money the Government of Ethiopia has invested in terms of equipment and the airport. If you look at Qatar Airways and their partnership with Rwanda Air, which had collapsed, Qatar Airways has invested money and is now picking up. If you look at airlines in Africa, look at South African Airways...

**Hon. Speaker:** Hon. Kimaiyo, you are definitely the only stranger in Jerusalem. Take your seat. You are the only stranger in Jerusalem. Take your seat. Hon. Rutto.

(*Laughter*)

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Speaker. Allow me also to take a moment to weigh in on the request by the mover of the Statement that the Committee should relook that particular Statement...

**Hon. Speaker:** Hon. Kimaiyo, do you live in Kenya?

(*Hon. Gideon Kimaiyo spoke off the record*)

Go and read a book by Chinua Achebe called *The Trouble with Nigeria*.

(*Laughter*)

Go on.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Speaker. Regarding the troubles within KQ and its operations, as rightly stated, I would like to invite the Committee, possibly also to study America. We have been travelling, and if you go to the United States, not even a single airline is owned by the State. All the airlines are run by private citizens, and the United States is doing well both within its borders and abroad. They are doing well, and they have never come down. For this one, the Kenyan Government has been pumping resources every now and then.

In my opinion, the Committee should also evaluate and inform us whether there is any additional profit for the Government in owning 40 or 48 per cent. To be struggling, putting control, interfering with governance issues, putting people who have no interest in the business, but have other interests because they are "coming from the Government point of view". It is time we need to agree. The other day, we were discussing the issue of privatization. If the Government cannot reduce its shares to a normal investment level, then it should allow private individuals with business concepts and entrepreneurial minds to run these businesses. We need to ensure that it is effective in operation, serves the country well, connects Kenya to the rest of the world, generates profits, retains employment opportunities, creates new opportunities, and then allocates resources to other initiatives that develop the country.

Thank you so much, Hon. Speaker.

**Hon. Speaker:** Member for Kamukunji. Hon. Hassan.

**Hon. Yusuf Hassan** (Kamukunji, JP): Thank you, Hon. Speaker, for this opportunity to speak on the Statement made by Hon. Dawood. Kenya Airways faces serious problems that can only be addressed or resolved through significant reform or change. To a certain extent, it appears that this is not happening; it is a bottomless pit. It is not because it is state-owned or partly private; there are many airlines in the world that are partly owned in partnership. It simply means it lacks the right management and organisational mentality to survive in the competitive airline environment we have. For example, over the last three or four months, I have traveled three times with Kenya Airways from Amsterdam and London. On both occasions, they cancelled the flights after we had checked in without any explanation. If you are going to run an airline like that, there is no question that you are going to fail.

I would like to add my voice to the other speakers in saying that we should stop funding Kenya Airways. We should cut our costs and let it go private, or let it go down, so that a new airline that can serve the Kenyan public can take its place. This is because Nairobi is a central hub. It is a regional hub and an African hub. Unless we have a great airline like Ethiopian Airlines, we will never be a competitive country. Our airports are not served very well due to the weakness of Kenya Airways, and we are not competitive enough. So, Kenya Airways is taking down the development of Kenya's aviation industry. It is taking down Kenya's tourism

industry, and it is high time that we move forward so that we can re-establish Nairobi as the international African hub it should be.

**Hon. Speaker:** Point made.

The last one, Hon. Robert Mbui.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker. You know, one of the pillars of business is basically customer service, and I think one of the problems that KQ has is customer service. For the customer service, we need to interrogate how they train their workers. Hon. Speaker, the Parliamentary Service Commission is actually one of the biggest customers of KQ. When we have a case like the one we had recently, of a Member living with disability on a wheelchair left at the airport, and they have trouble with his wheelchair, that totally is unacceptable. Hon. Speaker, I want to remind you that when you were the Hon. Leader of the Minority Party in the Senate, you went to Kenya Airways to take a flight from Nairobi to Mombasa. It was not even an international flight, but they refused to allow you to board because you did not have your identity card. They knew you, they saw you...

**Hon. Speaker:** I did not have the identity card, but I had their platinum card with me.

**Hon. Robert Mbui** (Kathiani, WDM): You had your platinum card. They could even recognize you, but they refused to allow you to board. What kind of PR is that? What kind of customer service is that? I think KQ needs to train its staff a lot better. Otherwise, they will keep going down like Hon. Yusuf has said.

Thank you, Hon. Speaker.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Speaker. What I see in KQ is poor management and a lack of expense controls. The issue that we are witnessing at KQ is purely because the management is not able to control expenses. If you look at the ratio of management, it is beyond the acceptable international standard of five per cent.

Another problem we are facing at KQ is a lack of focus on alternative business opportunities. One, KQ only does passenger travel. There is a lot of cargo business, which seems to have escaped the sight of KQ management. KQ has allowed other airlines to take control of the most important business of cargo, and that is a very serious business omission.

Thirdly, KQ has failed to benefit from the lucrative routes where we have a lot of...

**Hon. Moses Kirima** (Central Imenti, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Kirima, what is out of order?

**Hon. Moses Kirima** (Central Imenti, UDA): My colleague is misleading the House. KQ has a cargo handling carrier. It carries flowers to the Netherlands. It also carries eggs and other commodities.

**Hon. Speaker:** Hon. Kirima, obviously not listening. He was saying that they do not have enough cargo planes. He did not say they do not have any cargo planes. Those are two different things. Hon. Mugambi, go ahead and finish your contribution.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Yes, Hon. Speaker. Hon. Kirima is bright but ignorant that Buuri Constituency produces a lot of flowers in this country. I have more information than he does. We have certain routes that KQ used to operate, particularly in West Africa. Those routes are no longer a focus of KQ. In as much as we are focusing much on air travel, there is a need for KQ to go back and look at its business focus. Thank you.

**Hon. Speaker:** Hon. Dawood, you have heard what your colleagues are saying. Do you see the variance with what you read to the House?

**Hon. Rahim Dawood** (North Imenti, Independent): Yes, Hon. Speaker. I understand what my colleagues and Hon. Maungu inquired. It is not that I do not know about KQ. When I was in the Departmental Committee on Finance and National Planning in the 11<sup>th</sup> or 12<sup>th</sup> Parliament, KQ borrowed Ksh75 billion and converted it to shareholder loans, whereas the banks could not be paid. The money was converted into shareholder loans.

Regarding the equipment, as Hon. Keynan has discussed, I could probably agree halfway, but the main problem has been forex hedging in the fuel. As a Committee, we have invited KQ next week. We are waiting for approval from you, Hon. Speaker, or the Clerk, so that they can come on Tuesday or Thursday. We have a new department for aviation. There is a Principal Secretary in the Ministry of Roads and Transport (Aviation Department) who will also attend that meeting.

We would also write to Hon. Maungu, Member for Luanda Constituency, to appear and possibly receive a better answer. We would also write to one or two other Members, unless the Hon. Speaker...

**Hon. Speaker:** Hon. Dawood, pick *The Hansard*, read what your colleagues have said. It is in total variance with the Statement you read to the House. I do not know whether you were reading a statement about KQ. Go back and get a response, taking into account all the interventions we have received on the Floor, and bring a statement on Thursday. No, Thursday is the State of the Nation Address. Bring a statement on Wednesday afternoon.

**Hon. Rahim Dawood** (North Imenti, Independent): Hon. Speaker, I would like to request that the Statement be brought after our meeting with Kenya Airways, with the question...

**Hon. Speaker:** When are you meeting KQ?

**Hon. Rahim Dawood** (North Imenti, Independent): Most probably on Tuesday or Thursday.

**Hon. Speaker:** Bring it on Tuesday. Invite Hon. Maungu to attend your meeting and interrogate them.

**Hon. Rahim Dawood** (North Imenti, Independent): I would go further to request that we be allowed to use County Hall.

**Hon. Speaker:** Permission granted.

#### SAFETY OF KENYA FERRY SERVICE FERRIES

**Hon. Rahim Dawood** (North Imenti, Independent): Hon. Speaker, Hon. Zamzam had asked four questions, in which I would like to respond as follows: Hon. Speaker, the Committee received a response from the Ministry of Roads and Transport through the Clerk of the National Assembly, which I wish to make:

Regarding the report on the current operational status of the Ferries in use at Likoni and Mtongwe Channels, including the safety audit reports conducted in the last twelve months, the Ministry submitted that Kenya Ferry Services currently operates a fleet of five ferries at the Likoni Channel: MV Safari, MV Jambo, MV Likoni, MV Kwale, and MV Harambee. A sixth Ferry, MV Nyayo, is currently out of service for a long-term maintenance program (dry-docking).

The detailed operational status of each ferry is as follows:

1. MV Safari (4 Years Old): Fully operational with all machinery in good working condition. Scheduled for dry-docking in the current Financial Year, with work expected to commence in January 2026.
2. MV Jambo (seven years old): Fully operational and considered highly reliable. It is used during peak hours due to its large capacity. The Ferry is scheduled for prow and hull repairs, as well as replacement of propulsion engines, by March 2026.
3. MV Likoni (14 years old): Operational, with all machinery functioning well. Recently underwent prow and hull repairs in May 2025. Awaiting dry-docking for underwater hull painting.

4. MV Kwale (14 years old): Operational throughout the year. A tender has been awarded to Kenya Shipyards Ltd for its upcoming structural and hull repairs.
5. MV Harambee (34 years old): Operational and considered the most reliable for large vehicles and trailers. It is first in line for dry-docking in the current Financial Year, with work to begin on 4<sup>th</sup> August 2025. This vessel is due for decommissioning and replacement.
6. MV Nyayo (34 years old): Non-operational, undergoing long-term maintenance.

Regarding upgrades, several measures are underway in the current Financial Year, including:

1. Repair and maintenance of firefighting systems on all operational ferries;
2. Procurement for prow repairs for MV Jambo and MV Harambee.
3. Acquisition of new propulsion engines for MV Jambo and new propellers for MV Harambee and MV Likoni.
4. Dry-docking of MV Likoni, Harambee, Safari, and Jambo.

Regarding the immediate measures, the Ministry of Roads and Transport has undertaken to address the current state of ferry services at Likoni and Mtongwe crossings. The Ministry has implemented both short-term and long-term measures. The Short-Term Measures include:

1. Strategic deployment of larger ferries (MV Jambo and Safari) for pedestrians and smaller ferries (MV Kwale and Likoni) for vehicles to manage increased pedestrian traffic.
2. Conducting regular maintenance of the existing ferry fleet.
3. Deploying police officers to assist in crowd control at the terminals.

The Long-Term Measures include:

1. Acquisition of one new ferry, expected to be delivered in April 2026.
2. Development of a traffic circulation plan, which includes improving waiting bays, expanding ramps, and constructing a modern pedestrian holding bay on the Likoni side.
3. Implementation of socio-economic programs to reduce congestion, such as:
  - (a) Developing a Special Economic Zone to provide alternative employment.
  - (b) Establishing a market in Likoni to serve local residents.
  - (c) Upgrading Likoni sub-county to attract commercial services and reduce the need for cross-channel travel.

There is an explanation for why new emergency and safety equipment, including life jackets, life buoys, and other essential tools ordered by the Government, have not yet been delivered or commissioned. It indicates when they shall be deployed at the ferry terminals. The authority maintains that all ferries are equipped with requisite life-saving appliances (LSAs). They include life jackets, life buoys, and rigid life rafts in numbers commensurate with passenger safety.

The procurement of safety equipment is a continuous and periodic process. Ageing equipment is regularly disposed of and replaced based on identified shortages. There is no single delayed order for equipment. Instead, the authority engages in ongoing procurement to ensure a constant state of readiness. New equipment is deployed as soon as it is procured through the routine cycle.

Steps taken by the Ministry to ensure modernisation of the Ferry services and construction of alternative crossings to decongest and ensure safety of persons at Likoni Ferry and Mtongwe Ferry crossings include:

1. Improvement of ferry services:

- (a) Developing a traffic circulation plan with improved infrastructure, such as segregated traffic lanes and a modern matatu terminus.
- (b) Replacing three old ferries with new modern vessels, with the first one expected in April 2026.
- (c) Conducting continuous maintenance and upgrades of the existing fleet.

2. Diversion of traffic:

- (a) The operationalisation of the Dongo Kundu Bypass. This has already diverted over 60 per cent of the 6,000 vehicles that previously used the Likoni crossing.
- (b) Implementing the Likoni Aerial Cable Car Project. Once completed, this project is expected to divert an average of 180,000 people daily.
- (c) Construction of the Mombasa Gate Bridge. This future project will provide an additional crossing option, further diverting vehicles from the ferry service.

In conclusion, the Ministry assures the House that the ferries in operation are in good condition and are adequately insured. The Ministry is committed to the safety, efficiency, and modernisation of ferry services and the surrounding transport infrastructure.

I submit on behalf of Hon. G.K. Kariuki, Chairman of the Departmental Committee on Transport and Infrastructure.

**Hon. Speaker:** Thank you, Hon. Dawood.

Hon. Zamzam, *umetosheka?*

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Asante sana, Mhe. Spika. Sijaridhika na majibu yake, kwa sababu amesema *MV Safari* na *MV Jambo* ziko sawa. Ukienda hata sasa hivi, zile *stairs* zote zimeisha. Mtu akikanya, mguu unaingia ndani. Mtu anaweza kuanguka ndani ya maji. Pengine Waziri angekuwa na watu ambao wanamueleza hali halisi iliyo kwenye *ground*.

Kuhusu ile ferry ambayo walisema inanunuliwa, huwa wanatuambia itanunuliwa mwezi fulani wa mwaka 2025 kila tukija kuulizia Bungeni. Leo, wamesukuma hadi 2026, wakati ambapo pesa zitakuwa zimetolewa.

Amezungumzia barabara ambazo zinatumwa na magari. Utasikitika ukienda pale wakati feri inasimama. Wananchi wanatumia barabara ya magari, na magari pia yanaondoka. Kunaweza kutokea ajali kubwa sana pale. Kwa hivyo, ni vizuri wale wanao husika pale, wahakikishe barabara ya wananchi inatumwa na wananchi. Ni jukumu lao. Ni ukweli barabara imetengezwa, lakini wanaruhusu wananchi na malori kupita pale. Watu wanajazwa sana ndani ya feri moja, hasa wakati wa jioni. Utapata watu wamejaa mpaka wamesimama kwa *ramp*. Wakati mwingine ile *ramp* huwa inateguka. Ikiteguka, inaweza kumwaga watu baharini. Kwa hivyo, Kamati ya ndugu yangu, Mhe. Rahim na wenzake, inayoshughulika na mambo haya, ihakikishe kuwa wanaleta habari ambazo ni za ukweli katika Bunge. Hii ni ili kuhakikisha kuwa wananchi wa Mombasa, hasa wanaotumia kivuko cha feri, wako salama pale.

Jambo lingine amezungumzia ni kuhusu Dongo Kundu. Kuna tetesi kubwa sana pale Dongo Kundu. Wanataka kulishe magari ambayo wanatuma upande ule, na kuna mtu amekaa pale alipishe magari kuenda upande wa pili. Barabara zimejengwa Kenya nzima. Mfano ni *Thika Super Highway*. Hawalipishwi kwingine. Kwa nini wakaazi wa Mombasa na Pwani walipishwe kutumia barabara ambayo imejengwa na ushuru wao?

Ikiwa feri wanataka pesa, waangalie magari ambayo yanapita pale, na walipishe kama kawaida. Lakini kwa Dongo Kundu, mimi kama mama Kaunti ya Mombasa, siwezi kuwa radhi kuona watu wangu wanlipishwa pesa kuvuka kupitia Dongo Kundu kuenda upande ule mwingine. Kwa hivyo, naomba Mhe. Rahim na Kamati yake waangalie jambo hili.

Kuna hata wale wanasema wanataka kupanua ile barabara kutoka ndani ya feri. Kuna wale walikuwa na maduka yao pale, na wanabiashara ambao walikuwa pale. Wengi

hawajahusishwa katika jambo hili. Juzi walitaka kufanya maandamano, nikasema hapana. Nilisema nitakuja kuuliza suala hili ili wapate haki yao.

Tunajua miundo misingi ni lazima ili Kenya iweze kupendeza. Lakini, lazima watakaoathirika waitwe kwenye meza ya mzunguko, wapewe haki yao ikiwa kuna jambo linafanyika. Mtu atatoka pale akijua biashara yake imevunjwa, lakini anaenda sehemu nyingine. Wasipohusishwa, ndio tutaanza kuletea *President* makosa ambayo hana, wala halijui.

Kwa hivyo, naomba ndugu zangu ambao wako kwenye Kamati hii wafuatilie jambo hili. Wahakikishe kuwa hizi feri ziko sawa. *Stairs za MV Jambo* pia ni mbaya. Watu wakipanda wanadondoka kwa maji. Hatutaki hizo *story* kabisa.

Asante sana, Mhe. Spika.

**Hon. Speaker:** *Tosha, mama.*

Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker.

Sometimes you tend to get lost when you listen to *Mhe. Zamzam*, because of her very good and fluent Kiswahili.

**Hon. Speaker:** It reminds you of a book by Shaaban Robert, called *Wasifu wa Siti binti Saad*.

(*Applause*)

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hey! *Sijasoma kitabu hicho*. Let me not even attempt to say in Kiswahili what I wanted to say.

As Hon. Rahim responds, the Dongo Kundu bypass is a very critical link between the South Coast and the island of Mombasa. However, we also have the ferry connection. The policy that the Government was pursuing in the construction of many of these bypasses is to create convenience, especially to serve the tourism sector on the South Coast. Hon. Zamzam, the people who traverse between the island and the mainland on the South Coast use the ferry. It is shorter for them.

As leaders, I plead that we also get informed by the policy that the Government is trying to pursue to ensure the creation of those alternative routes. Where possible, it should toll these roads. There are huge capital-intensive investments that the people of Kenya are making in creating many of these bypasses. That is why we pay to use the Nairobi Expressway. We have the alternative of the old Mombasa Road. You pay for the Nairobi Expressway because it creates convenience when going to the airport or the other corner of Mlolongo. You pay for that convenience.

I really plead with us political leaders, even as we speak to our people. Let us persuade and show them the logic behind heavy investments. When we go out for public participation, the same public is telling us not to overtax them. If we were to construct all these roads without tolling them, we would have to tax Kenyans to pay for them. However, we can create investments that generate revenue, allowing us to pay for those particular investments. I really do not want to pre-empt the work the Committee is doing and the plea by Hon. Zamzam. We need to sensitise ourselves as leaders to be sensitive to the policy that we adopted in the House about tolling.

I remember Hon. Kipchumba Murkomen, when he was the Cabinet Secretary for Roads and Infrastructure. He spoke on this podium at length about the tolling policy. He explained to this House and the country the intentions of the tolling policy. He explained that as we toll some roads, we will ensure that we have alternative roads that the local population can use without being inconvenienced. For instance, I am a regular visitor to the South Coast, and I am sure, Hon. Speaker, you are too. It is we, Nairobians and other tourists, who go to the South

Coast, who are more consumers of the Dongo Kundu bypass than the locals. The bulk of the locals use the Likoni ferry.

Thank you.

**Hon. Speaker:** Hon. Zamzam.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Mhesh. Spika, nataka kumweka Kiongozi wa Chama cha Walio Wengi wazi, kuwa barabara ya Dongo Kundu sio watalii pekee wanaoitumia. Wananchi hawakuwa na njia ya kupita, ndio maana walikuwa wanavuka na *ferry*. Kuna watu wengi amba wanakaa upande ule mwingine wa Dongo Kundu. Kwa hivyo, hiyo ni barabara ambayo matatu, texi na wageni watatumia. Kama mnataka kutoza pesa barabara hiyo, wekeni *express way* kando, kama vile mumeweka Mombasa Road. Lakini wananchi wa pwani hawawezi kutozwa kutumia barabara hiyo kwa sababu kuna mtu mahali anayetaka pesa. Hapana. Yule ambaye ako na haraka atumie *express way*. Lakini wananchi wa Mombasa watapita Dongo Kundu bila kulipa, na ndio maana, wamenichagua kama kiongozi wao.

Ahsante sana.

**Hon. Speaker:** Hon. Rahim.

**Hon. Rahim Dawood** (North Imenti, Independent): Thank you, Hon. Speaker. I have listened to Hon. Zamzam's queries. As a Committee, we will invite her to attend the Committee meeting when the Cabinet Secretary and Principal Secretaries appear.

Secondly, one of the issues that she has talked about is moving the traders. On that one, she will need to contact her governor because once they are moved, it is the governor who will allocate space to them, not the national Government. So, on that one, she will have to negotiate with her governor, Hon. Abdulswamad, so that when they are moved, they get an alternative space.

Regarding the first Statement, I request Hon. Kipchumba Harold to appear before the Committee next week. And since he was left at the airport by KQ, I will also invite him to attend that meeting so that he can articulate exactly what happened and take the matter forward.

Thank you.

**Hon. Speaker:** Hon. Hamisi Denar?

**Hon. Hamisi:** Thank you, Hon. Speaker.

**Hon. Speaker:** Take your seat, Hon. Dawood. You have finished your business.

**Hon. Joseph Hamisi** (Nominated, ANC): Hon. Speaker, pursuant to the provision of Standing Order 44.

**Hon. Speaker:** First, apologise for coming late. I called you three times.

**Hon. Joseph Hamisi** (Nominated, ANC): Hon. Speaker, I am sorry I came late. I came to you personally to explain. I apologise.

#### REQUEST FOR A STATEMENT

#### NATIONWIDE LIVESTOCK VACCINATION PROGRAMME

**Hon. Joseph Hamisi** (Nominated, ANC) Hon. Speaker, pursuant to Standing Order 44(2)(c), I wish to request a Statement from the Chairperson of the Department Committee on Agriculture and Livestock regarding the nationwide livestock vaccination programme.

Hon. Speaker, in January 2025, the Government commenced a nationwide voluntary vaccination programme, spearheaded by the Kenya Veterinary Vaccine Production Institute (KEVEVAPI), targeting the vaccination of approximately 22 million heads of livestock against foot-and-mouth disease.

It is against this background that I seek a statement from the Chairperson of the Department Committee on Agriculture and Livestock on the following:

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1. A report on the specialisation programme, if any, undertaken to enlighten herders, livestock farmers, and the public on the importance of vaccination.
2. A report on the source of funding of the vaccination programme, including the total amount allocated and the foreign aid.
3. Challenges faced since the implementation of this programme.
4. Statistics on the export of livestock produce and details of the impact of such imports on the GDP of the country, including the value addition.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Hon. Osero, are you the Chairman of the Departmental Committee on Agriculture and Livestock?

**Hon. Patrick Osero** (Borabu, ODM): No. I have confirmation from the Chairman of the Departmental Committee on Agriculture and Livestock that he is in a meeting at the Serena Hotel. He asked me to pass a message that those queries would be answered in two weeks.

**Hon. Speaker:** Two weeks.

**Hon. Patrick Osero** (Borabu, ODM): I do not know why the Leader of the Majority Party is laughing at me, Hon. Speaker.

**Hon. Speaker:** It is because you rarely speak in the House.

*(Laughter)*

I suspect so. Thank you, Hon. Osero. Two weeks. Yes, Hon. Cynthia?

**Hon. Cynthia Muge** (Nandi County, UDA): Hon. Speaker, thank you for indulging me.

I rise as a disturbed Member of Parliament representing Nandi County. I sought a statement here on 9<sup>th</sup> October 2025 regarding the case and the issues occurring in Kimwani. I feel it is taking a little bit too long.

**Hon. Speaker:** Which Committee?

**Hon. Cynthia Muge** (Nandi County, UDA): The Departmental Committee on Administration and Internal Affairs.

The situation is getting out of control. As we speak, houses are being demolished, people are being chased away from the houses, they are being displaced, and are being harassed. The matter deserves attention so that it can be dealt with urgently, allowing us to sort out the issues in the Kimwani area of Tinderet Constituency. The situation is not good. It is raining, and the women and the children are sleeping outside. The police are there heavily.

Hon. Speaker, this issue needs urgent attention so that those people can be comfortable.

**Hon. Speaker:** Hon. Raso, I am sure when this Statement was requested, you promised to deliver it in two weeks.

**Hon. Dido Raso** (Saku, UDA): Thank you very much, Hon. Speaker. I will follow up and report to the House tomorrow.

**Hon. Speaker:** Tomorrow?

**Hon. Dido Raso** (Saku, UDA): Yes, Hon. Speaker.

**Hon. Speaker:** Hon. Cynthia, be here tomorrow, 13<sup>th</sup> November 2025.

Next Order.

Yes, Hon. Robert Mbui

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker. Before we move on, because we are on Questions and Statements, there is a response to a request for a Statement we are expecting today as Members of this House.

About a week ago, an hon. Member raised the question on the issue of Kenya Rural Roads Authority (KeRRA) and the allocations. The budget was Ksh62 million, but we had

received a circular saying it was Ksh36 million. We were told that the circular had been withdrawn.

Hon. Speaker, I understand another circular has been issued, which I have yet to see. It says that it has now been raised to about Ksh52 million. So, we were expecting the Cabinet Secretary to come and explain to us what is happening. I have noted that he is not in the Order Paper for today.

**Hon. Speaker:** Is he coming today or next week?

**Hon. Robert Mbui** (Kathiani, WDM): Last week, we said he would be coming this Wednesday.

**Hon. Speaker:** Leader of the Majority Party.

**Hon. Robert Mbui** (Kathiani, WDM): The Leader of the Majority Party can explain to us what the position is.

**Hon. Speaker:** Hon. Mwenje.

**Hon. Mark Mwenje** (Embakasi West, JP): Thank you, Hon. Speaker.

Before the Leader of the Majority Party responds, the Chairman of the Departmental Committee on Transport and Infrastructure stated that the balances for the Financial Year 2024/2025, amounting to 22 and 10 per cent, would be received as of last Friday. Hon. Speaker, it is important we bring it to your attention that the balances have not been received as of this afternoon. So, perhaps, as the Leader of the Majority Party responds, he can comment on that.

Thank you.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I was just confirming with Hon. Robert Mbui whether there is indeed a new circular, because he says he has just heard. I have not seen it. But let me pick that matter up with the Cabinet Secretary.

**Hon. Speaker:** If he has just heard, then it remains hearsay.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): As we said yesterday in the House Business Committee, I will pick up the matter with the Cabinet Secretary. In fact, he was to see me today, but I was away. I was held up in a party meeting. I will pursue that with him tomorrow, and if possible, he can come next week. Since we have two Cabinet Secretaries coming on very light issues, he can also come and deal with those two issues, including the issue of disbursement that Hon. Mwenje has raised.

**Hon. Speaker:** Take your seats. Women Representative for Kitui County, take your seat. Thank you, Hon. Members.

## BILLS

### *Second Readings*

#### THE GOVERNMENT OWNED ENTERPRISES BILL (National Assembly Bill No.40 of 2025)

*(Moved by Hon. Kimani Ichung'wah on 11.11.2025)*

*(Debate concluded on 11.11.2025)*

*(Question put and agreed to)*

*(The Bill was read a Second Time and  
Committed to Committee of the whole House)*

Hon. Members, going forward, the Leader of the Majority Party has requested me – and I have acceded – to reorganise Business as follows. After Order 8, we shall proceed to Orders 10, 12, and 11 in that order. They are not long Motions. Thereafter, we shall revert to Orders 9 and 11 in that order. The remaining Orders will follow sequentially. Clerk-at-the-Table, kindly note that.

Allow me to recognise, in the Speaker's Gallery, a visiting delegation from the United States of America and the Republic of Chile. The delegation comprises Mr. Juan Carlos Aquipe from Chile, the Leader of the Delegation, Ms Daniela Guerrero from Chile, and Mr Daniel Grotenas from the United States of America. The delegation is accompanied by a member of the Kenya National Prayer Breakfast Secretariat and is on a visit to the National Assembly of Kenya to observe our Proceedings. On behalf of the House and myself, we warmly welcome them to the Parliament of Kenya and wish them fruitful engagements and a pleasant stay in our country.

Next Order.

THE CAPITAL MARKETS (AMENDMENT) BILL  
(National Assembly Bill No.30 of 2025)

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): On a point of order, Hon. Speaker.

**Hon. Speaker:** What is it, Hon. Chepkonga?

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Thank you very much, Hon. Speaker. It was supposed to be Hon. Elachi, but since I act as the Chairman of the National Prayer Breakfast...

**Hon. Speaker:** She is engaged in discussion with another Member.

**Hon. Samwel Chepkonga** (Ainabkoi, UDA): Yes. Hon. Speaker. Allow me to take this opportunity to welcome our three visitors, together with Mr Onguka, to the National Assembly. They are here to benchmark on our National Prayer Breakfast. Chile also hosts a very interesting National Prayer Breakfast, for which we sent our own delegation this year, comprising, among others, the Hon. Mwalyo, who visited Chile to attend their National Prayer Breakfast. They are most welcome to observe our Proceedings.

I thank you.

**Hon. Speaker:** Thank you.

Let us have the Leader of the Majority Party.

**Hon Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. I beg to move that the Capital Markets (Amendment) Bill (National Assembly Bill No. 30 of 2025) be now read a Second Time.

This is a very short Bill. As Members may have noticed, it has only two clauses and a singular purpose: to amend the Capital Markets Act of 2024, refining provisions related to shareholding limits within different licensing categories. This Amendment Bill seeks to delegate the authority to prescribe specific shareholding limits depending on the licence category to the Cabinet Secretary, in consultation with the Capital Markets Authority (CMA). This change is intended to provide greater flexibility in regulating shareholding limits, allowing for more responsive and context-specific regulatory adjustments.

Hon. Speaker, the Bill seeks to amend Section 29(4) of the Parent Act, which relates to licences for professionals such as licensed stockbrokers, brokers of derivatives, fund managers, investment banks, and other licensed stockbrokers regulated by CMA. Sections 4, 5, 6, and 7 of Section 29 of the Act, which we propose to delete and insert a new paragraph, had limited such companies to at least one-third or rather 33.33 per cent shareholding, and also required at least three directors in companies licensed as fund managers, stockbrokers, brokers of derivatives, and such other licensees as mentioned earlier.

The intention of the National Treasury on this amendment is to make it more flexible, such that if the Cabinet Secretary for the National Treasury, in consultation with the CMA, feels that the stock brokers, for instance, can have a company with two directors holding 50–50 per cent shareholding, then that can be allowed. The principal reason is that the restrictive shareholding provisions in the current Act have made it difficult for people to invest in fund management, stock brokerage, and other licensees intended under Section 29, thereby restricting our capital markets and, in a way, curtailing trade and investment in the capital markets. Capital markets play a pivotal role in the growth of the economy. They link suppliers of long-term capital, such as pension funds, investment funds, stockbrokers, Savings and Credit Societies (SACCOs), insurance companies, and other long-term institutional investors. They link such investors with users of capital listed on the stock exchange who intend to raise capital to use it to produce goods and services that are for use by the public. Capital Markets play a very important role in our economic development, as they promote the growth of the real economy by linking the suppliers of capital to those utilising it. The suppliers of that capital are the very licensees referred to under Section 29 (4), (5), (6), and (7). This amendment seeks to create the desired flexibility to enable us to get more people investing as fund managers, brokers of derivatives trading, and stockbrokers.

In my research, countries where such flexibility has been introduced have, in a big way, changed their capital markets authorities, and there are many examples around the world. For instance, in 2016, Tanzania lifted its 60 per cent cap on foreign ownership of listed companies, allowing for full ownership. As noted by the Institute of Certified Public Accountants of Kenya (ICPAK), the Dar es Salaam Stock Exchange has experienced increased interest from foreign investors, with notable improvements in market liquidity and activity. Therefore, borrowing from that example, when they lifted their cap, they were able to attract very many foreign investors. You will find a fund manager from as far as the West, such as the USA or the Republic of Chile, who are visiting us here. They may have fund managers who have either one or two directors or shareholders, and were curtailing them from coming to invest in our stock exchange market.

Hon. Speaker, when we lift this threshold, the Cabinet Secretary in charge of the National Treasury and Economic Planning, in consultation with the Capital Markets Authority (CMA), would be able to license or allow licensees to have one or more directors and shareholdings that could be above the 33.33 per cent that was allowed under the 2004 Act. As I have said, this is a two-clause Bill with that singular purpose.

I beg to move and request Hon. Mboni Mwalika, a very diligent and active Member of the Departmental Committee on Finance and National Planning, to second.

**Hon. David Mwalika** (Kitui Rural, WDM): Thank you very much, Hon. Speaker.

As the Leader of the Majority Party has said, the 33 per cent has been very restrictive. We need to open it up so that we can get more investors coming in, and for companies to be able to mobilise resources for expansion.

With those few remarks, I second. Thank you very much.

*(Several Members stood up in their places)*

**Hon. Speaker:** Order, Hon. Members on their feet.

*(Hon. Pauline Lenguris stood up in her place)*

Hon. Pauline Lenguris, take your seat.

*(Question proposed)*

Do I put the Question?

*(Several Members spoke off the record)*

I can see a few names on the screen, and I am not sure whether they are queuing for this. Hon. Dorothy Ikiara, are you queuing for this?

**Hon. Dorothy Muthoni** (Nominated, UDA): Yes. Thank you, Hon. Speaker. This Bill is progressive and I support it.

**Hon. Speaker:** Is Hon. Naomi Waqo here? I cannot see her. Hon. Rindikiri Mugambi, are you queuing for this?

**Hon. Mugambi Rindikiri** (Buuri, UDA): Hon. Speaker, can I say something?

**Hon. Speaker:** No. It is not about whether you can say something. Are you queuing for this or not?

**Hon. Mugambi Rindikiri** (Buuri, UDA): Yes, I need to contribute.

**Hon. Speaker:** Go on.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Hon. Speaker, we are living in a dynamic financial environment. We need to enact rules and regulations that allow for competitiveness and the entry of new entrants into the market. The Capital Markets Authority (CMA) plays a great role in this country. To continue enhancing future investments, we need to create an attitude of innovation and growth. Many financial products are emerging in the world business sector. If we make our regulations more flexible, we can enhance the entry of new products into the market in the future. We need more entrants into the market. There is a tendency of creating monopolistic situations when you have a rigid authority that wants to control everything, and the financial sector cannot grow properly.

We also need a capital market that is ready to adjust to the dynamics of the market. In Africa, some of the best-performing capital market authorities are those of Kenya, South Africa, and Nigeria. To remain competitive, we need rules and regulations that enhance our competitiveness.

Many foreign investors would like to come to Kenya. With this dynamic framework, we will attract more investors to our country.

Hon. Speaker, with those remarks, I support.

**Hon. Speaker:** Hon. Robert.

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Speaker. This is a straightforward matter. It is logical and makes a lot of sense to enable people with different shareholdings to trade in the stock market.

However, I cannot support any law that gives the Cabinet Secretary authority to exempt certain organisations or companies over others. It would make sense if this law were to open shareholding to everyone. We cannot make laws that are tailored for specific individuals. In this case, the Cabinet Secretary is being given powers to grant those exemptions in consultation with the CMA.

It should be open-ended so that anyone who wants to trade and has the ability can register their organisation and obtain the required licenses. I am opposed to granting the Cabinet Secretary the authority to grant exemptions to certain licensees, but not all of them.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Rutto.

**Hon. Julius Rutto** (Kesses, UDA): Thank you so much, Hon. Speaker, for according me this opportunity to weigh in on this Bill.

I want to contribute as a Member of the Departmental Committee on Finance and National Planning. The discussion around securities and capital markets is a bit difficult and

requires a lot of understanding of financial matters. The spirit of this amendment to Section 29 of the Bill is to address limitations in the current Act regarding shareholding, specifically for regulated entities, and not for any other entity. With due respect to my good friend on the other side, this is purely for regulated entities in which the Government has an interest.

The current Capital Markets Authority sets prescribed limits, which create a scenario where there is no flexibility to respond to market conditions. This has been informed by the limitations of these specified entities, which are regulated in nature, to put more money into the market. This amendment allows the Cabinet Secretary to read the mood of the market on those given entities. The essence of the CMA is to facilitate the transfer of resources from the person who has them to where they are needed for purposes of development, expansion, and investment, while considering the market scenario with the objective of profitability.

I support this amendment and request that we give the Cabinet Secretary these powers. In consultation with the CMA and experts in that sector, the Cabinet Secretary can give a regulated entity some leeway in terms of registration and licensing. This will not only provide opportunities to the 'big men' in the market, but also to young investors, small-scale traders, and those seeking to diversify their investment and spread their risk portfolio.

We can also attract big people and multinationals who are looking for opportunities. The other day, we experienced trouble with the changes in the dollar currency when the American securities market decided to increase its interest rates. Most investors moved their money to the New York Stock Exchange (NYSE). This caused a shock in smaller markets, such as Kenya, where the dollar exchange rate increased. When we allow these limits to increase, we will attract interested investors from the United Arab Emirates (UAE), London, and other countries that are monitoring our economic situation. We appreciate the current macroeconomic behaviour of our country, which is desirable and encouraging. Many people have confidence in our situation in Kenya, and they want to come and put in more resources. However, they are discouraged by the limits. At times, investors compare the cost-benefit analysis and opportunities between Kenya and other countries.

We now want to do the Mau Summit Road under a Public-Private Partnership (PPP) framework, and we need money. There are people who are willing to put their money there, but the shareholding ceiling cannot allow them to do so. People are willing to invest their money there. Because of this ceiling, they cannot risk it when they do not see any opportunity or gain in it.

This Bill will allow one to choose either option A, as Kenya, or option B, as the other country. Let us create those opportunities to bring those options here. According to my understanding, allow me to support this Bill. It is the right thing for us to do. Some of us have resources, but we do not know where to invest them. There is an opportunity in our security market right now. This will help us retain our money, as opposed to disposing of our capital outside. We can invite capital into the country and develop it.

Thank you, Hon. Speaker. I support this Bill.

**Hon. Speaker:** Yes, Hon. Omanyo. Mover, be ready to reply after she finishes her contribution.

**Hon. Catherine Omanyo** (Busia County, ODM): Thank you, Hon. Speaker. I rise to support this Bill. The current way of doing licensing, the bureaucracies involved, and the stages one has to go through, all scare away investors, both domestic and international.

This law will help us ease the way of doing business. It will also protect the property of any person who is doing business. The rights to own and operate businesses will be protected. I have topped up on what my colleagues have said.

Thank you, Hon. Speaker.

**Hon. Speaker:** Mover.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Let me thank Members who have supported this Bill. Many of them have said it is a very good and progressive one. It is in line with international best practices to open up our Capital Markets Authority and allow it to become an avenue for capital mobilisation and growth of our economy.

With those remarks, I beg to reply.

*(Hon. Hussein Weytan and several other Members stood in the aisle)*

**Hon. Speaker:** Members on their feet, take your seats. Order, Hon. Weytan. Take your seat.

*(Question put and agreed to)*

*(The Bill was read a Second Time and Committed to Committee of the whole House)*

Call out Order No. 12.

THE PROVISIONAL COLLECTION OF TAXES  
AND DUTIES (REPEAL) BILL  
(National Assembly Bill No. 18 of 2025)

Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Speaker, I beg to move that the Provisional Collection of Taxes and Duties (Repeal) Bill (National Assembly Bill No. 18 of 2025) be now read a Second Time.

*(Hon. Joseph Makilap, Hon. Ibrahim Saney, and several Members consulted loudly)*

Just like the Bill we have passed now, this one is also short. Hon. Speaker, protect me from Hon. Makilap.

**Hon. Speaker:** Order, Hon. Makilap and your group. That Kamukunji is unlawful. Go on, Leader of the Majority Party.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. For the interest of Hon. Makilap and Hon. Chepkonga, this is also a very short Bill. It seeks to repeal the Provisional Collection of Taxes and Duties Act.

**Hon. Speaker:** Hon. Saney is the co-conspirator there.

*(Laughter)*

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): I had not even noticed Hon. Saney, because he has spectacles on.

The Bill seeks to repeal the Provisional Collection of Taxes and Duties Act. As Members know, this is a very old piece of legislation that was enacted and assented to in 1959 in pre-colonial Kenya. It allowed the colonial Government to collect taxes ahead of the passage of the Finance Bill. With the 1963 Constitution, the law was still in force. However, it has become redundant with the 2010 Constitution. The Finance Bill is the only law that allows the

Government to collect taxes. Thus, we need to repeal this particular piece of legislation. That is all that the Bill is doing. I do not need to belabour anything beyond that. It is a very archaic piece of legislation. It is out of time and tune with our 2010 Constitution. We seek to repeal it, as it has already been ruled unconstitutional.

Hon. Speaker, following the promulgation of our Constitution in 2010, the High Court declared the use of the Provisional Collection of Taxes and Duties Act unconstitutional in 2018, on the basis that it undermined parliamentary authority over the enactment of tax laws. We always say that it is only this House, the National Assembly, that has the power to impose taxes on Kenyans. Even the Cabinet Secretaries cannot do it, as they did before under this particular Act. If the House supports the repeal of this particular legislation, we will be doing what is expected of us by the Constitution, and align with that particular ruling of the Court in 2018.

I beg to move and request that the Hon. (CPA) Rutto second.

**Hon. Julius Rutto** (Kesses, UDA): Thank you, Hon. Speaker. The spirit of this Bill is informed by the declaration of the Court. Kenya has the Constitution 2010 that has reorganised the governance of the country and the structure of administration, up to and including revenue raising. Article 95 (4) of the Constitution gives the National Assembly the sole mandate to determine the allocation of national revenue between the two levels of Government. It also appropriates funds for expenditure by the national Government and other national State organs.

I call upon this House, through the Committee on Delegated Legislation and the Departmental Committee on Justice and Legal Affairs, not to wait for the courts to tell us to repeal some laws. It has been more than 13 years since the promulgation of the new Constitution. Any obsolete law that is being referred to should be repealed to avoid cases of litigation and injunctions that we experience. Some of the laws that the courts pronounce themselves on are obsolete. We need to repeal them so that we do not refer to them.

With those remarks, I support this Bill.

**Hon. Speaker:** You beg to second.

**Hon. Julius Rutto** (Kesses, UDA): I beg to second. Thank you, Hon. Speaker.

*(Hon. Umul Kheir Kassim and Hon. Kimani Ichung'wah  
stood in their places)*

**Hon. Speaker:** Hon. Umul Kheir Kassim and Leader of the Majority Party, take your seats.

*(Question proposed)*

There being no contributors, I will now put the Question.

*(Question put and agreed)*

*(The Bill was read a Second Time and  
Committed to Committee of the whole House)*

Clerk-at-the-Table, call out Order No. 13.

## MOTIONS

### ADOPTION OF ADDENDUM REPORT ON THE INQUIRY INTO REDUCTION OF ELECTRICITY COSTS IN THE COUNTRY

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**Disclaimer:** *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

**Hon. Speaker:** Hon. Gikaria, Chairman of the Departmental Committee on Trade, Industry and Co-operatives. Sorry, he is the Chairman of the Departmental Committee on Energy.

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Speaker, thank you for giving us the opportunity to table this Report yesterday.

Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Addendum Report of the Departmental Committee on Energy on the Inquiry into the matter of the reduction of electricity costs in the country and approves the lifting of the moratorium on the signing of....

**Hon. Speaker:** Order, Hon. Gikaria. What are you reading? Just read the Motion as framed in the Order Paper. That is what you are moving, yet you are reading something else.

**Hon. David Gikaria** (Nakuru Town East, UDA): Sorry, Hon. Speaker.

Hon. Speaker, I beg to move the following Motion:

THAT, this House adopts the Addendum Report of the Departmental Committee on Energy on the Inquiry into the matter of the reduction of electricity costs in the country, laid on the Table of the House on Tuesday, 11<sup>th</sup> November 2025.

**Hon. Speaker:** Very good. Now you can go and say the things you were trying to say.

**Hon. David Gikaria** (Nakuru Town East, UDA): Sorry, Hon. Speaker. First of all, let me thank the Members of the Departmental Committee on Energy for the good job they did. They dedicated their time to dispense with this very important matter that is before the House. This enquiry had been tabled on 25<sup>th</sup> November last year, but its Motion lapsed pursuant to the Standing Orders, and that is why I am moving it again. I want to bring to the attention of the House that Kenyans have been complaining a lot regarding the cost of electricity. This country generates around 2,300 megawatts of power per day, which is not enough. The required demand is roughly 3,000 megawatts. The President pronounced himself on how his administration wants to industrialise this country. We want to go into manufacturing. We cannot become a developed country if we cannot generate enough power to attract investors to invest in our country.

In the past, we had so many investors who wanted to come to the country. However, they became discouraged due to a moratorium that was passed by this House some time ago. They could have improved our economy to help us transition from a Third-World country to a developed one. One of the biggest enablers of the development of the economy of a country is energy.

This House has budgeted a lot of money for energy generation. Previously, we have been concentrating on energy transmission. I want to inform the House that over the last two years, we have allocated sufficient funds to generate enough energy to propel the country's economic activities. However, that has not been easy because we sometimes depend on donor funding. Much of the donor funds are directed to renewable energy. Now that global warming is the talk of the whole world, we need to go to renewable energy, where we can talk about using the various resources that God has blessed this country with, like the sun. We can do a lot with solar and wind power. The Turkana wind power generates over 110 megawatts of power in a day from the wind.

As a Committee, we discussed ways to reduce the cost of electricity, and some suggestions were proposed. Most investors interested in energy generation are foreigners, not Kenyans. Therefore, the Committee proposed a hybrid financial system to support the energy sector. We proposed that if an investor is a Kenyan, we should use the Kenyan shilling denomination, and if it is a foreigner, we should use a foreign denomination, so that we encourage both local and foreign investors to invest in the country.

We noted that most of these agreements have not been passing through the office of the Attorney-General. We discussed that matter and agreed that the office of the Auditor-General must be involved in every agreement that has to be signed. The Ministry of Energy raised a concern about bureaucracy in the office of the Auditor-General. Following our deliberations, we agreed on a timeframe. The Report stipulates that, for example, if an energy auction is to be conducted, the office of the Auditor-General should provide its concurrence or advice within a maximum of 30 days, along with any necessary legal advice.

On whether these agreements should be coming to Parliament, the Committee discussed the two options that the House has of either waiting for the office of the Auditor-General to audit and present its Report before the Parliamentary Accounts Committee, or the Departmental Committee on Energy requesting the Ministry to give it the annual Report on these kinds of issues pursuant to the Energy Act. Therefore, Parliament will have the opportunity to review the agreements or make a request for them.

*[The Speaker (Hon. Moses Wetang'ula) left the Chair]*

*[The Deputy Speaker (Hon. Gladys Boss) took the Chair]*

Hon. Deputy Speaker, we have stated in the Report that the Auditor-General can make a special audit on a matter related to this public-private partnership (PPP). That is fundamental so that we do not wait until the end of a financial year or for a Report to be done. As a Committee, we agreed that the Auditor-General can be requested to do a special audit.

As a Committee, we agreed that any agreement must not go beyond the 7 cents per kilowatt hour. Some independent power producers, particularly those outside the grid areas, are exploiting Kenyans by charging nearly KSh23 per kilowatt-hour. I do not know how many times that is. It is something that we have looked into. We have agreed that any agreement signed by the Government must not go beyond the 7 cents per kilowatt hour. I say so because geothermal power is the cheapest energy around so far. We pay the Kenya Electricity Generating Company (KenGen) only 5 cents per kilowatt hour. That is the price that the Kenya Power Company (KPC) buys energy from KenGen. We also noticed that the use of diesel engines, particularly in off-grid areas, has significantly affected the cost of electricity.

Therefore, I beg to move and humbly request that the House consider and agree with the Committee's Report, and approve it. The moratorium has stopped investors from coming. I make a humble request to my colleagues that we support this Report so that we can open up the space. There are many Members of my Committee who are present, who will speak to this and address issues I may not have covered.

I wish to call upon Hon. Mulanya... Hon. Elisha Odhiambo is telling me that he is more senior than Hon. Mulanya, but since we had agreed that Hon. Mulanya would be the one... I know it is true that he is a ranking Member of the Committee and in the sector as well. He used to work with the then Kenya Power and Lighting Company (KPLC). He was not sacked. He actually resigned. I will ask Hon. Mulanya to second.

**Hon. Geoffrey Mulanya** (Nambale, Independent): Thank you, Hon. Deputy Speaker. I rise to second the Motion moved by the Chairperson of the Departmental Committee on Energy for the adoption of the Addendum Report on the Inquiry into the Reduction of Electricity Costs in the Country.

As the Chairman has ably outlined the comprehensive findings and recommendations from our Inquiry, I will not belabour the details. Instead, I will emphasise why this Report deserves the full support of this House. This is not an ordinary report. It is an informative blueprint shaped through extensive stakeholder and public consultations as well as expert

analysis, all aimed at ensuring that every Kenyan accesses affordable, reliable, and sustainable electricity by addressing inefficiencies across the energy sector.

Building on the Chairman's presentation, I would like to highlight a few pivotal aspects that show the urgency and impact of our proposals. First, regarding power purchase agreements (PPAs), we propose lifting the moratorium on new PPAs, but with strong safeguards. These include competitive auctions inspired by South Africa's successful model, integration of battery storage systems to stabilise the grid, and hybrid currency contracts. The hybrid currency, as the Chairman mentioned, will involve both the United States Dollar and the Kenyan Shilling, with a preference for the Kenyan Shilling for local investors.

Second, we must deal decisively with power losses, which cost Kenyans billions of shillings each year. This can only be achieved by fast-tracking key transmission projects through Public-Private Partnerships and deploying smart grid technology. We can reduce these losses to 14.5 per cent within three years, leading to lower costs and a more efficient grid system.

Third, we need to operationalise reforms that optimise geothermal energy as a baseload, complete the Kenya Off-Grid Solar Access Project, and deliver the Kenya Power Company from Government project management. This will strengthen efficiency and restore commercial discipline in our utility.

The Report also calls for the creation of an independent IPP office to bring order and transparency to private power contracting. A forensic audit on pricing, licensing, and major projects such as the Lake Turkana Wind Power Project will ensure accountability and fairness. Where necessary, non-compliant contracts will be reviewed or even terminated. At this point, EPRA must tighten its role. This will help enforce supply standards, review tariffs for night use and special economic zones, and adhere to strict timelines in decision-making.

On heavy fuel oils, the Report recommends standard procedures, bulk procurement, and a shift to liquefied natural gas through the Mombasa–Dar es Salaam pipeline. This will reduce costs and support our transition to cleaner energy. Looking ahead, Kenya must also embrace emerging technologies, such as captive solar with net metering, green hydrogen, and strong consumer education. This will position us as a regional leader in sustainable energy innovation.

This Report is unapologetically pro-consumer, pro-reform, and pro-Kenya. It exposes inefficiencies, dismantles opaque deals, and lays the foundation for affordable power and lasting energy security. As pointed out by the Chairman, we noted from our Inquiry that one of the major problems was the opaqueness of previous contracts. We recall that during one of our sittings, the then Attorney-General of the Republic of Kenya admitted that he was not even aware of the content of existing Power Purchase Agreements (PPAs), which were charging excessive prices at that time. That is why we say these contracts must now go through the Attorney-General, the country's legal advisor, to ensure proper safeguards.

In conclusion, I second and urge all Members to support and adopt this Report. In doing so, we reaffirm our commitment to powering Kenya's growth through affordable, sustainable, and transparent energy. Now, with your permission, Hon. Deputy Speaker, I allow the senior ranking Member, Hon. Elisha, to proceed.

I second.

*(Question proposed)*

**Hon. Deputy Speaker:** Leader of the Majority Party, you may proceed.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, I rise to support this addendum and thank the Chairman and Members of the Departmental Committee on Energy for the great work they have done. This addendum is very important for this country, as the

Chairman, Hon. Gikaria, has said. For those who joined us for the Kenya Private Sector Alliance (KEPSA) retreat in Mombasa, you will recall that one of the topical issues cutting across all sectors, whether infrastructure, energy, or tourism, was the cost of energy in this country. You cannot address the cost of energy without addressing its generation. I want to thank the Chairman and the Committee for addressing these issues extensively to encourage investors to sign new PPAs and generate more power, and for allowing the country to have sufficient supply to bring down electricity costs. This will drive industrialisation and expand power connectivity to rural areas.

Whenever and wherever you connect power to people, you transform their lives in a big way. Beyond lighting homes or charging phones, access to electricity also improves health outcomes. Those relying on paraffin lamps, especially schoolchildren studying under tin lamps, expose themselves to harmful fumes that endanger their health. Therefore, as leaders, we have an obligation to support this addendum.

Second, on the issue previously raised by the Committee and now revised, every Power Purchase Agreement signed must be denominated in our local currency. Many investors in the power sector come from abroad. It would be wrong to restrict them to our local currency. It is only fair to allow people to transact in a currency of their choice, even as we work with the National Treasury to ensure we have a stable exchange rate and that any fluctuations reflected in the bills are not excessive. During these fluctuations, if the cost of power generation is low and there are more players in the sector, prices are bound to drop.

Hon. Deputy Speaker, I support this addendum and thank the Committee. Indeed, as we promised, the private sector in Mombasa, under the auspices of the Kenya Private Sector Alliance (KEPSA), we have addressed issues within a few days. I hope KEPSA has seen our seriousness regarding the matters we engage in. I am certain that when the sectoral committees on energy, both at KEPSA and the National Assembly, conduct their quarterly review, they will report this as one of the achievements that emanated from the Mombasa engagement.

I support. Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Mawathe.

**Hon. Julius Mawathe** (Embakasi South, WDM): Thank you, Hon. Deputy Speaker. I wish to contribute to this very important Bill for our country. We have started seeing rationing, but as we lift the moratorium to allow us to enter into contracts with additional Independent Power Producers (IPPs), my humble request to the IPPs, the drafters, and the oversight team, as indicated by the Chairman, is to stay as close as possible to the rate of Ksh6 to the USD given by KenGen. Contracted IPPs should not charge us Ksh28 or Ksh32 to the USD. We should stick to the correct and fair price. When you sign a 20-year contract, you should be able to recover at a rate of about Ksh6 or Ksh7 within the next 10 to 12 years.

I support.

**Hon. Deputy Speaker:** Member for Kuria East, I can see that you are second. Are you here? Next is the Member for Chepalungu. Let us keep it brief, as there is a lot of interest in this matter.

*(Hon. Mugambi Rindikiri spoke off the record)*

Hon. Mugambi, you are next. I am just following the list.

**Hon. Victor Koech** (Chepalungu, CCM): Thank you, Hon. Deputy Speaker. At the outset, I support the Report tabled and conveyed by our Chairman. We sat through several Committee meetings, interrogating and seeking clarity regarding what happened in the past, where some IPPs were contracted, costing the common *mwananchi* a lot of money. Upon scrutiny, we realised that some of the contracts signed carried obligations. Kenya Power Company was forced into a 'take or pay' agreement, where it was expected to purchase

produced power, even when it was not being used. This eventually transfers this cost to the common *mwananchi*.

Hon. Deputy Speaker, there was the issue of currency, where only foreign currency was allowed to dominate. The Committee considered this and agreed to adopt a hybrid system, allowing Kenyans to bid in Kenyan currency. If this House approves this Report—and we encourage all Hon. Members to approve it—it will address the issues in the contracts signed with IPPs.

Allow me to support my Chairman and encourage Hon. Members of this august House to approve this recommendation by the Departmental Committee on Energy.

**Hon. Deputy Speaker:** Member for Buuri, Hon. Mugambi.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Deputy Speaker. KEPSEA is not the only party interested in the cost of energy in this country. Our Government's agenda of manufacturing is dependent on the availability of affordable energy. We are putting up so many ICT hubs. We also have the National Youth Opportunities Towards Advancement (NYOTA) programme, manufacturing, and e-commerce. Almost everything currently revolves around the availability of affordable energy. As I support this Report, one of the things I expected to see is the timelines, because we cannot wait forever. We need to be very specific because we promised Kenyans that during our reign, the cost of energy would be reduced. That deficiency in this Report...

**Hon. Deputy Speaker:** We are not a monarchy. Therefore, you cannot say “during our reign”. It is “during our term”.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Thank you, Hon. Deputy Speaker. You are so gracious. If you look at the Energy Bill, you will find something called the Fuel Levy and VAT. There is an element of double taxation in the Bill that I have not seen addressed in this Report. I am happy that the tariff of the agreement has been addressed. It is very important to note that there are so many pending alternative sources of energy agreements. There are solar and wind energy proposals, which many people want to invest in. This Report should have made it clear that the Government policy is now to enhance or annex the potential of wind and solar energy. All old agreements were based on hydropower, which was supplemented by diesel generators.

Hon. Deputy Speaker, we must reach a point where we stipulate what we want to see enhanced, where every Committee on energy comes with a report showing that five solar or wind power projects have been implemented. If we continue to rely on and sign agreements for the same old hydropower, we will not bring the cost of electricity down. This is good. We can at least see something. So many attempts were made. We hope that when we progress... I know there is a lot of interest out there, and that the Committee is under a lot of influence because very serious cartels have invaded this sector. I am happy that this Committee has now gone against them and confronted them to give Kenyans the best option.

**Hon. Elisha Odhiambo** (Gem, ODM): On a point of order.

**Hon. Deputy Speaker:** What is your point of order, Hon. Elisha? You just walked in.

*(Hon. Elisha Odhiambo spoke off the record)*

Okay, but you are only on a point of order because I am following the queue. What is your point of order? Give him the microphone.

**Hon. Elisha Odhiambo** (Gem, ODM): Hon. Deputy Speaker, I listened to the Member for Buuri, and his last statement was that this sector is full of cartels. He should withdraw that because he has not substantiated it. He said that the Committee is under influence. Which influence? From where?

**Hon. Deputy Speaker:** Very well, Member for Buuri. This is a serious allegation to make against the Committee.

**Hon. Elisha Odhiambo** (Gem, ODM): We are not being influenced.

**Hon. Deputy Speaker:** Give Hon. Mugambi the microphone. Hon. Mugambi, use the microphone behind you.

**Hon. Mugambi Rindikiri** (Buuri, UDA): Hon. Deputy Speaker, I did not say the Committee is under influence aimed at negating progress; that is merely my interpretation. It is true, as they have stated themselves, that many agreements were made outside the legal framework. That is what I meant. I cannot blame Hon. Elisha for misunderstanding it, as he had not settled. He previously worked for KPLC and is aware of how agreements were drawn up outside the Attorney-General's office. Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** What is your point of order?

**Hon. Geoffrey Mulanya** (Nambale, Independent): Thank you. My problem is that you had ordered the Member for Buuri to withdraw the statement alleging that the Committee is under influence. His repetition of the same, even with an interpretation, does not fit any interpretation. Therefore, when he states, and it goes on record, that the Committee is under influence, it is essential to clarify that the previous agreements were not made by the Committee. We do not draft power purchase agreements; we merely oversee the Ministry. Which influence is he referring to that the Committee is under? That statement is troubling.

**Hon. Deputy Speaker:** Hon. Mugambi, do you want to withdraw that statement?

**Hon. Mugambi Rindikiri** (Buuri, UDA): Hon. Deputy Speaker, I still maintain that it could be a misinterpretation of the statement. I am actually congratulating the Committee for indicating that they have negated any influences, if they indeed existed. That is all I am saying.

**Hon. Deputy Speaker:** Hon. Mugambi, you should clarify that you do not mean negative influence.

**Hon. Mugambi Rindikiri** (Buuri, UDA): The dictionary defines the word "influence" as either negative or positive. In this context, the influence is positive. This is not to implicate the Committee in any wrongdoing.

**Hon. Deputy Speaker:** Let us proceed. Next is Hon. Robert Mbui,

**Hon. Robert Mbui** (Kathiani, WDM): Thank you, Hon. Deputy Speaker, for this opportunity. I support the Report of the Committee on Energy regarding the Inquiry into the matter of reducing electricity costs in the country. We cannot achieve economic development in a nation without adequate and affordable electricity. The Committee is responding to a plea from the Kenyan public, particularly the manufacturing sector, because manufacturing cannot occur without sufficient and affordable power. This is indeed a step in the right direction.

However, it is also important to reflect on how we arrived at this point. As a nation, we need to establish proper plans and policies that can stand the test of time. When His Excellency Mwai Kibaki was President, and my party leader was the Vice-President, they introduced Vision 2030, which envisioned Kenya for many years to come. However, it seems that, from regime to regime, we address our challenges with a short-term focus. Each administration comes forth with promises, stating that they will uplift the bottom tier, like the *mama mboga* and boda boda operators, yet we continue to face these persistent problems. We must develop policies that are sustainable enough to resolve these issues once and for all.

One of the problems contributing to high electricity costs lies within the regime's taxation policy. You will recall that, prior to the current regime taking office, the VAT on fuel was 8 per cent. This regime increased it to 16 per cent. Our Road Maintenance Levy Fund (RMLF), which is applied to the cost of fuel per litre, was Ksh17, and now it stands at Ksh25. What happens is that when the cost of fuel rises, the cost of electricity inevitably increases as well. Perhaps we ought to explore alternatives for generating electric power beyond just diesel fuel. We can examine options such as hydroelectric, solar, and wind energy to help reduce

costs. As several members have pointed out, many individuals still benefit from agreements made long ago, which the Committee is now suggesting we address.

Hon. Deputy Speaker, as we discuss electricity, we must also address the issue of fair distribution of electricity across the country. It is not only the urban areas that require attention; even in the rural regions, some individuals need electricity to run their businesses. Manufacturing is not exclusively for large corporations. There are also individuals operating small businesses, such as barbershops and welding workshops in the villages, all of which require electricity. However, there has been a skewed distribution of electricity connectivity throughout the country. Some areas have been overlooked, and this Committee must ensure every corner receives its fair share of electricity connectivity. If these problems cannot be resolved, we have less than two years until this regime completes its term, at which point we will take over and offer proper solutions.

Thank you.

**Hon. Deputy Speaker:** That is somewhat irrelevant, though.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Hon. Deputy Speaker, I was listening to Robert, and he presented excellent arguments and points. As I mentioned yesterday—and Robert, you should listen carefully—there has been a skewed roll-out of development projects in this country over the years. This spans back to the time when Kalonzo Musyoka, your party leader, served as Vice President. There was a very uneven distribution of development projects across the country.

**Hon. Deputy Speaker:** Now you are all bordering on irrelevance.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): This morning, the President, speaking from Ukambani, assured the people of Ukambani that they shall not be left behind in the roll-out of development projects, whether it concerns electricity, housing, or roads.

**Hon. Deputy Speaker:** Leader of the Majority Party, you have made your point.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): Hon. Robert Mbui is aware that since the Kenya-Kwanza government came to power, the roll-out of development projects in the Ukambani region has increased tenfold compared to the nearly 30 years that his party leader has been in leadership in Ukambani and nationwide.

Thank you.

**Hon. Deputy Speaker:** Leader of the Majority Party, that is not a point of order. Let us move on. Members wish to speak on this issue, but we do not want to dwell on irrelevance. Let us focus on the Motion. Hon. Makilap.

**Hon. Joseph Makilap** (Baringo North, UDA): Thank you. I wish to approach this matter objectively and not be drawn into the politics of regimes. I want to focus on the betterment of the people of Kenya. The beginning of progress for the industrial revolution, or take-off in Kenya, hinges on electricity and the cost of production. This Report represents the beginning of progress to ensure that we attract investors and manufacturers to our country, who will subsequently create jobs and foster an economic boom for Kenya.

This country cannot become an industrial nation if the cost of power remains this high. Let us be very clear and objective about what led to the high cost of power that resulted in the power purchase agreements in Kenya. How did we end up engaging independent power producers? We are in this situation because we have not fully developed our own electricity-generating power houses in Kenya. If we were to maximise the production of geothermal power in Olkaria, Naivasha and Paka, we could generate around 7000 megawatts of energy. If we achieved that and combined it with the 2,300 megawatts current power supply in the country, that would be almost 10,000 megawatts. This would lower the cost of electricity in Kenya.

We should enhance the supply so that the demand goes down, hence reducing the cost. We should do this by encouraging investors in solar, geothermal energy, and, in the worst-case

scenario, nuclear energy. If we have mass production in Kenya, it goes without saying that the cost of power will go down.

Levies and taxes on electricity have also contributed to the high cost of electricity. If we do away with those levies, the cost of power will go down. If we do away with taxes for those who want to invest in the manufacturing or importation of cables, transformers and other tools used to transmit power, the cost of electricity will go down.

Additionally, the way we live as a country has contributed to the high cost of electricity. Kenyans are scattered all over, making providing electricity a big problem. In other countries, people live in nuclear and linear settlements, which makes the provision of electricity, health and other services easy. This is not the case in Kenya, making the cost of electricity very expensive. Affordable housing will be a game-changer. People live in aggregation, making supplying electricity easier.

We need to revise the power purchase agreements to ensure they do not include the time when we are not consuming their power; the independent power producers are paid even when they are not supplying. This makes it expensive for our country. I support the Committee. We need an overhaul in the electricity production sector in Kenya.

**Hon. Deputy Speaker:** Hon. Omboko Milemba. Hon. Makilap, you should not act surprised. You saw the orange light, which signals that you should be winding up. Hon. Milemba, proceed.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Deputy Speaker. The issue of power, particularly electricity, is at the heart of many Kenyans, not only for the industrialist, but also for the domestic consumers. If the measures in this Report mitigate some of the challenges aimed at reducing the cost of power, it will be very good.

During the late President Moi's era, there was general panic after experiencing a drought, which made it impossible for us to have enough power. Additionally, power connectivity was going up, and we did not have enough to reach many Kenyans. This resulted in power rationing. To mitigate the challenges, the President got into a panic mode, and the quick fixers brought around the idea of the independent power suppliers, who are still there to date. However, the agreements that were made were not good, and they remain bad for this country.

Picking up from what the previous speaker left, the agreements included paying the suppliers even when they are not producing power. Later on, agreements were signed in regard to alternative power generation, like solar and wind, but they did not include batteries. The companies have always complained that the batteries were too expensive for them to purchase. The Chairman should listen to this. It is core to the recent agreement that we have, particularly on solar and wind.

When you speak with the authorities in the sector, they claim that they produce power, but by evening, they cannot supply to the main grid since the power was not stored. It is just drama during the day. Additionally, authorities in the batteries industry say that during the day, there is no much demand for power. The Kenya Electricity Generating Company PLC (KenGen) produces enough power that can be used during the day. We need the independent suppliers to supply power at night. They also cut off supply since they do not store the power they produce during the day. I hope this Report puts a requirement for the independent power producers to have backup batteries, so that they can supply to the grid when it really needs power.

Hon. Chairman, during the day, KenGen produces enough power. I know you are aware of this since you have done extensive research. However, when we need the grid to be connected by independent suppliers, they cannot. They supply during the day when we do not need the power. These are the salient issues about these agreements that should be seriously looked into.

Further, the agreements also included that when the contracts lapse, they go away with their machines. Sometimes you realise that the machines taken away can continue to produce power. We visited Kipevu II, and they were taking away all the machines and generators that were there to one of the western African countries. You must have met that west African country. They carried everything, yet it could have continued to produce power for this country.

Future agreements must not only include the social corporate responsibility, but must also ensure that once the contract lapses, the machines remain with the Government. The profits they accumulate are usually more than enough. They should just go away. If we make good agreements with these institutions, we will manage the cost of power. Those who will be making the agreements must not get involved in deal fixing that can break the country in terms of the cost of power.

Thank you, Hon. Deputy Speaker. I beg to support.

**Hon. Deputy Speaker:** Hon. Robert Basil, Member for Yatta.

**Hon. Robert Basil** (Yatta, WDM): Thank you, Hon. Deputy Speaker. At the outset, allow me to thank the Chairman of the Departmental Committee on Energy for this Motion regarding the inquiry into the matter of the reduction of electricity costs in the country.

Allow me to shed light on the importance of the reduction of the cost of power in Kenya. We know very well that our country cannot become an industrial country unless we work on reducing power costs. Today, Kenya is one of the leading producers of geothermal power and hydro power in Africa. Ironically, the cost of power in Kenya is very high. We have to understand that job creation can only be realised in Kenya through investors, and establishment of factories and industries. That can only be possible if the cost of power is affordable or reduced to a meaningful rate. Therefore, Hon. Deputy Speaker, it is important to understand that reduced cost of power in Kenya will make it possible to export competitive products. We cannot compete with the rest of the world currently simply because our cost of power is quite high. Value addition in agricultural input can only be done if power is affordable to most households.

It is important to understand that connectivity and access to electricity in Kenya is quite low, particularly in the rural areas. This is in reference to my constituency where connectivity is below 15 per cent since Kenya attained its self-rule 62 years ago. Therefore, we need to look into this and ensure there is enhanced access to power for most households in the country through reduced cost of power.

*[The Deputy Speaker (Hon. Gladys Boss) left the Chair]*

*[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]*

Hon. Temporary Speaker, the Report is timely because it will give us evidence when coming up with legislation to make electricity affordable in Kenya thus putting the country at the same level with other countries that have affordable electricity. It will make it easier to do business in the country. Most importantly, this Report will promote options for other sources of power like renewable energy that will boost the available grid to connect electricity to businesses and households. Additionally, the Committee's Report will bolster regulations and governance within the energy sector and make the cost of electricity realistic.

Therefore, I support the Report on reduction of electricity cost in the country. I urge all the Members to think forthright and come up with proper legislations that eliminate hidden costs on power and make power affordable to all Kenyans.

Let us also look into the distribution of electricity. Other Members talked about skewed distribution of electricity which has been ethnicised and politicised in the country. It is unfair to have certain areas with 98 per cent electricity connectivity while others have less than 15

per cent. New connections to the grid mean new customers who will pay taxes and as a result generate more revenue for Government.

I support the Motion and look forward to the Bill that will put forward proper legislation within the energy sector. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. There is much interest in this, Leader of the Majority Party. Hon. Ibrahim Saney is next on the list. I will follow the list. All of you will speak on this. Proceed.

**Hon. Ibrahim Saney** (Wajir North, UDA): I support the Committee's Report. It indicates that the current power output in the country is 2,300 megawatts.

*(Hon. Elisha Odhiambo spoke off the record)*

That is what I have heard from the presentation of the Chairman. That is what appears in the Report. If I may be allowed to continue, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Nobody has stopped you. You should not listen to every sound around you. You may proceed.

**Hon. Ibrahim Saney** (Wajir North, UDA): Well guided, Hon. Temporary Speaker.

As the Departmental Committee on Energy indicates, the current energy output stands at 2,300 MW and the demand is at 3,000 MW.

**Hon. Elisha Odhiambo** (Gem, ODM): On a point of order.

**The Temporary Speaker** (Hon. Omboko Milemba): That is proper now. What is your point of order, Hon. Ochieng? Give him the microphone.

**Hon. Elisha Odhiambo** (Gem, ODM): Power generation capacity of this country is 3,300 MW. The effective capacity is 2,600 MW. Consumption is 2,347 MW when *mama mboga* is cooking in the evening.

**The Temporary Speaker** (Hon. Omboko Milemba): What is out of order?

**Hon. Elisha Odhiambo** (Gem, ODM): He has said that the generation capacity is 2,300 MW. That is a shortfall of our consumption when *mama mboga* is cooking in the evening. That is an important correction.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. However, I am not sure that the correction you are giving is correct. You will speak on this and we shall hear what you will have to say. Proceed, Hon. Saney.

**Hon. Ibrahim Saney** (Wajir North, UDA): I want to quote the Chairman of the Committee verbatim, as he said on the Floor of this House.

He indicated that our production stands at 2,300 MW and the demand is at 3,000 MW. That is infinite if we are to industrialise and lure more investors into this country. In my opinion, reduction of electricity costs revolves around three pillars. It is behavioural for energy users, infrastructural, and most importantly, around investments.

Behavioural means using energy-efficient appliances at home. These are energy saving mechanisms and efficient cooking systems by the end user. Infrastructural means how much energy we use from the efficiency of our national grid or off grid. Are we upgrading our infrastructure that supplies energy? I am sure our power infrastructure is as old as Independence and we need to upgrade it.

Further, the cost of power in this country is about supply and demand. Demand shall be met and the cost of energy by unit shall come down if we inundate our market with more supplies of energy and investment in the sector. However, we do not invest in the sector yet we have the opportunity.

For instance, look at the northern Kenya's potential. Seventy per cent of Kenya's land mass is endowed with solar energy. We can have off grid solar power stations all over northern

Kenya. We can also have mega solar power stations that can inject into the grid, but they are not yet done. Unless we do so, we will be importers and not exporters of energy.

There are other potential non-renewable energy sources like water. Based on seasons, we have potential to generate hydroelectric power even in arid and semi-arid lands (ASALs) when water is not available for household use. There has been massive flooding in the ASALs when it rains. Suppose we harvest this water and put up mega dams in northern Kenya?

Every year, there has been subsequent flooding in Wajir, Mandera, parts of Baringo, Isiolo and Marsabit. We can diminish these disasters by creating bigger dams. Harvest the waters for domestic and agricultural use, and hydroelectric power. It is our lack of investment in the sector that is making power expensive. Otherwise, we have capacity and ability to generate power for export.

I am happy the Chairman has given compliments to the only source of power from Marsabit County, the wind power. Where does this wind come from? As much as wind movement is a function of atmospheric pressure, these winds pass through my constituency, Wajir North. That is the path of this wind. If it goes to Marsabit County and we generate such colossal amounts of energy, why is it that the Government does not invest in wind power in Wajir North? The race is about legal regime. It has been the niche of the Individual Power Providers (IPP) who have taken advantage of previous regimes. I am sure this Committee has taken stock of the changes. The Committee should ensure that any new agreements will no longer exploit Kenyans. I encourage them to make sure that any IPP is in tandem with the needs of the country.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. You have also told us that you own the winds. That is great. Hon. David Mboni.

**Hon. David Mwalika** (Kitui Rural, WDM): Thank you, Hon. Temporary Speaker. Everybody knows that the country cannot industrialise without enough and affordable energy. Energy is the input in manufacturing. As the Leader of the Majority Party said earlier, when we were in Mombasa last week, most of the companies complained that power is very expensive in our country. It makes our goods and services very expensive and uncompetitive compared to the rest of the world. We need to make power cheaper. Connecting power in this country is very expensive. If you construct a building, Kenya Power takes time to connect you to power. It is surprising that at times you have to buy a transformer yet you are giving Kenya Power business, pay for transmission lines and pay for power consumption. To make power cheaper, the Committee needs to look at why somebody who needs to be connected to power pays Kenya Power for a transformer. We need to address these issues.

For many years, we have initiated very few power projects. Apart from the wind power in Marsabit and Turkana, there is no other major power project in the country yet the demand for power is increasing because the economy is expanding. There were proposals to build Grand Falls Dam and core deposits in Mua in Kitui County, but the projects are yet to be done. If we did the Grand Falls Dam, we would have enough power. Surprisingly, Ethiopia has built a mega power plant and they even export power to Kenya. One Member said that we do not import power. We import power from Uganda on the Busia side and from Tanzania on the Lungalunga side yet this country has potential to produce enough power.

Independent power producers and power purchasing agreements have killed this country. The agreements are skewed towards the power producers and not the country. At one point, I was informed that the agreement for the wind power in Turkana was that even when the producers do not supply power, because the Government was supposed to build the transmission line, we were paying around Ksh1 billion every month for power that we were not using. That is a cost to this country. Some of these agreements need to be addressed. We need to review the power purchasing agreements which are not conducive to our country.

We need to bring in more power producers to the country. In North Eastern, there is a lot of wind and it is a cheaper source of power. We also need to bring in more transmission companies. Kenya Power has become a monopoly. With a monopoly comes inefficiency. We also need to address issues of high taxes and tariffs. Around 60 per cent of the cost of petroleum is taxes and tariffs.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Mwalika, you were shy of speaking about Ethiopia. It is the largest supplier of power to Kenya, with the longest-lasting agreement. Take note of that. Hon. Gitonga Murugara.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support the Report. I thank the Chairman, Hon. Gikaria. This is the right thing to do. As a country, we must look into electricity supply. Electricity is one of the key pillars of development in the country. Unless the cost of production is brought down, we cannot speak of advanced development towards our goals.

I have looked at the Report. It is elaborate. Stakeholders gave their views, which the Committee took into consideration while making the recommendation to reduce power tariffs. There has been a conversation as to how we can go about this. It goes without saying that the use of diesel or petrol in power production is what contributes to the increased cost of power in the country. If we went to hydro-production of electricity solely, the cost would definitely come down. There has been explanation from time to time as to why we cannot solely produce power through hydro-production and why we cannot move to power production through green energy sources like geothermal. All of it has to do with a very high start-up capital. We need to address that. We must bite the bullet and say once and for all that we must have more hydro-electricity production in the country.

I have listened to the Member for Yatta lament that there is just about 15 per cent electricity connectivity in his constituency. Tharaka is no better. I have spoken about this before. We are now towards 30 per cent and it is not just in rural constituencies. Some far-flung areas are less connected than what is being mentioned here.

Hon. Temporary Speaker, allow me to talk about a hydropower plant for this country. As Hon. Elisha was trying to refute, the President informed us that we are at 2,300 megawatts in terms of electricity generation in this country. We need to double it if we have to move. In fact, when the President was in Ethiopia, he went to see the largest hydropower plant in that country. As he did that, we had in mind what we call the High Grand Falls Dam which is supposed to be constructed in this country. It has been touted that it will be the second biggest in Africa, possibly after Lake Volta. It might possibly be bigger than what Ethiopia has put up. This is an idea that was conceived during the colonial times. By 1959, the colonial government was on site trying to map out how this dam would be constructed. Since then to date, we still have papers after papers being produced on why the dam cannot be constructed. The latest was when we had an agreement on the initiation of the dam.

After a short while, we were quickly told that that agreement had been cancelled and the country is now reeling under information that the High Grand Falls Dam to be located at Kibuka in Tharaka, which also borders Kitui, is not going to be done. That may be misinformation. The correct thing to do today is to move with speed and put up this dam so that we are able to produce...

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you for that information and history. Hon. Danson Mwashako.

**Hon. Danson Mwashako** (Wundanyi, WDM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to support this Motion on the inquiry into the matter of reduction of electricity costs in the country. It has been said here and I reinforce that the cost of electricity determines the growth of an economy. When you go back in history, the West literally

developed because they had coal at that time resulting in the industrial revolution because of availability of power.

Every time we speak about the cost of electricity, it is tied to our low growth, particularly, in the industrial sector. The cost of power in this country is extremely high. It has been mentioned in the Report that if you compare our cost of power to our neighbour Ethiopia, a country we are now competing with in terms of economic growth or South Africa, a country that is ahead of us, but we look forward to competing with them in terms of production of value-added goods, then there is a real problem.

Any time we stand in this House to speak about the cost of power, it must dawn on us that this is something that needs to be done like yesterday. The Government is doing mega-projects, such as roads and many other things, and we are not saying that whatever has been done is not important. But until we sort out the cost of power, the unemployment facing our youth, who are churned out of university every year, will not end. One of the reasons is that investors intending to invest in companies that will do manufacturing will not do so. We cannot talk about Kenya becoming a regional manufacturing hub if the cost of power remains as it is.

We have not only read in the dailies, but we know of companies that have relocated from Kenya to countries that have cheaper power such as Tanzania, Rwanda, Ethiopia, and even Egypt, a country that has one of the cheapest costs of power. We have been saying that we need to do more trade within ourselves in Africa, but the cost of power has negated that very good plan of our manufacturers competing within the African Continental Free Trade Area (AfCFTA). If we do not have manufactured goods to sell to our neighbours, then we cannot brag that we are supporting AfCFTA.

This Report captures a number of things, but there is one element that makes our cost of power very expensive and that is dependence on thermal power producers by IPPs. This has cost this country a lot. It is not just that thermal is expensive, but the people who sat in boardrooms to come up with IPPs cut deals. The rate at which Kenya Power pays these IPPs is not just the cost of thermal fuel or diesel, but also people who put in a markup that is extremely high. People have become billionaires in this country. They sat down in the late 1990s and early 2000 and came up with these IPPs. This corrupted the entire power system. The more time we take to get rid of these IPPs and thermal power and connect our country to geothermal and hydropower, the more we would continue facing this challenge.

Another big elephant in the room is the cost of transmission and loss of power that is not metered. The cost of transmission in this country is extremely high. Somebody here has said that we need to end the monopoly of Kenya Power.

As I finish because I see there is no time, the issue around the cost of transmission and Kenya Power reluctantly...

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. John Gitonga. Members, by looking at the lights, you can wind up.

**Hon. Gitonga Mukunji** (Manyatta, UDA): Thank you, Hon. Temporary Speaker. I also rise to support the Motion on the Report. We know very well that when this regime got into Government, one of the promises it made was to make electricity cheaper, affordable and accessible. Comparing Kenya to our neighbours, it is obvious that electricity prices here are higher than those of our neighbours.

The average price in Kenya is around Ksh33. Uganda, a landlocked country, is close to US\$0.17. This tells us that this Motion is long overdue. We speak a lot about industrialisation of this nation and improving the standards of living of our people, but have not sat down and looked at how to make it happen.

Reading this Report, it tells us that this is a sector in crisis, to say the least. This is a sector that has been taken over by cartels and unscrupulous business people whose interest is not the value they give, but the money they make. I am waiting to see the report by Kenya

Power and Kenya Electricity Generating Company (KenGen) on the IPPs, who are the owners and know exactly why they do not care about Kenyans.

I listened to the Head of State saying that we are going to start load shedding. A few months ago, I saw him attending the launch of a mega dam in Ethiopia. I have been following closely how Ethiopians are responding to that new investment they have done as a country, which will solve their power and water issues. I believe this nation should incentivise investment on power as much as possible. We are here trying to sell mega assets such as the Kenya Pipeline Company Limited (KPC), but instead, we need to incentivise and ensure that Kenyans put money in affordable power, including investments in solar energy harnessing, in storage of energy through batteries, and in our geothermal power. While we are doing this, and because it is climate change week, we can also go green on it.

We should not be talking about load-shedding in this country. As a matter of fact, Kenya has been blessed with enough rivers and sources of hydropower. I am privileged to come from Embu where we have the Seven Forks Dams. But for a fact, even Embu itself has not fully enjoyed the power...

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Caroli Omondi.

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Temporary Speaker for the opportunity to contribute to this Report. We have been on this issue on how to reduce the cost of power several times. As so, it is important that we appreciate that there are certain common commercial terms that apply to all IPPs around the world. If you want your market to be competitive, you should know that those factors are what investors consider. For example, you hear a lot of Members complaining about the fact that power producers charge even if they do not dispatch electricity. This is called capacity charge or take-or-pay principle. It is a very simple principle and common principle. It applies everywhere. That if you have invited me to invest in your country and I have put the power capacity to generate 40 megawatts, but you can only take 30 megawatts, I will be compensated for the balance of 10 megawatts. Not by charging you the energy charge, which is what you have consumed, but because of the fact that I have made the power available. This is because it is up to you to take or use it. That is just a norm in the industry. We cannot change it. I think it is important that we try and help Members understand some of these things.

The other one that people do not understand is the element of forex. Most of the power projects have foreign exchange components; either the spare parts, the fuel supply or the technology. It is therefore very important that you have a mix of foreign and local currency. There is also the concept of escrow accounts as a form of security, and political and commercial risks insurance. In fact, even the very fact that we are discussing Power Purchase Agreements (PPAs) in Parliament is itself a political risk. Any investor will assess, ‘are these people likely to interfere with my power purchase contract and revoke it?’ There are also issues like expropriation, riots, political instability, and commercial default. The investors will look at all these things. There is even another concept called the waterfall concept, where income streams from PPAs have priorities. You pay taxes, your loans, all the way down to paying dividends. Therefore, some of these concepts are so standard that we should not lament about them. We just need to be creative negotiators around them, and understand how to allocate the risks between the investors and the Government.

Let me touch on a few things that I think we should do to try and lower the cost of power in this country, which I did not hear the Report emphasising much on. Number one, I think it is time for Kenya to separate transmission from distribution fully. This is one reform that has not been done. This will help us allow economic merit order in terms of dispatch of energy. Where the cheapest power is dispatched first. In other words, we should enable consumers to choose from whom they buy power, by having an independent transmission company and a national dispatch centre that is controlled by an entity that is not the distributor

of the electricity, so that any large or small consumer will be informed the night before on how much power is available, at what price, and from which generator. Then they will choose their supplier so as to create competition.

Number two, I think we need to emphasise that we need optimal mix of sources of energy. As it is today, the reason why a lot of our power is expensive is the thermal element and the geothermal element, which were procured earlier. I will come back to that. Now that technology has improved and the renewables; solar and geothermal, are more affordable than the thermal, we need to really investigate how to get this optimal mix of sources so that we can help reduce the cost. In addition, instead of just emphasising continuously on IPPs, we should use the Kenya Electricity Generating Company PLC (KenGen) as the national Government utility to generate more power. That is what Ethiopia has done. The cheap power in Ethiopia is not by IPPs; it is by State corporations. We should give KenGen more resources to generate power at more affordable rates.

Finally, what is missing in this Report is the address on State capture of the sector. Power is expensive in Kenya because of State capture. Previous State officials have been participating in the PPAs that we have as investors, tenderpreneurs, suppliers of fuel and suppliers of transformers. We need to address the issue of State capture in the energy sector and unbundle it. If we do not, for a very long time, we will be saddled with high cost of power.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. There is a lot of interest on this. Let us go to the Woman Representative for Baringo.

**Hon. Jematiah Sergon** (Baringo County, UDA): Thank you so much, Hon. Temporary Speaker. I also rise to support the Report. I ride on the statement of the Member for Manyatta, that this is not an ordinary Report. This is a Report that gives Kenya a reprieve in energy production and reduction of cost of electricity.

I was going through this Report and realised that for the first time, we have a report that is very balanced. If it is taken seriously, it will give us a big relief on cost of electricity in this country. Kenyans consume so much electricity every day thus incurring a lot of expenses in our day-to-day activities. The tokens we pay in our houses are so expensive to the extent that we are looking for options that can help us, especially in the rural areas. This Report of the Committee is giving us some alternatives, but there is still more we can do. For instance, some of us come from very hot areas where we can use solar power. The Government can zone these areas that can fully utilise the solar power systems to generate power and put it into the electricity grid. This will ease the cost of power.

I am a manufacturer in Kenya, and I can tell you for free that most of the bills that manufacturers pay every day are electricity bills. This causes business people to make huge losses.

You cannot run a business in Kenya and make helpful profit margins because the cost of electricity consumes everything. You cannot break even because of the cost of electricity.

I also join my colleagues in saying that institutions like REREC should be strengthened by giving them enough resources to put up proper infrastructure in solar energy to reduce the cost of power. We need to do the same with geothermal energy. As Hon. Saney said, infrastructure is the biggest problem. The more we put more resources into infrastructure development, the more we will tackle these problems and the country will take care of its citizenry. We should specifically give more resources to energy-generating institutions. We should also encourage Kenyans to live in areas where they can access better sources of energy.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Is Hon. John Kaguchia in the House?

*(Hon. Geoffrey Wandeto spoke off the record)*

Are you Hon. Kaguchia? Allow Hon. Kaguchia to speak. What is your point of order, Hon. Wandeto?

**Hon. Geoffrey Wandeto** (Tetu, UDA): Hon. Temporary Speaker, those of us who come to the House believing in merit and sit patiently waiting for our turn to speak get a little frustrated when we see a different method being introduced. Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Wandeto, you are out of order. I am a religious follower of the requests list. I have been able to map everyone who was on the list. You were not on it. Please, come and talk to the Clerks-at-the-Table to see whether you are on the list or not. We are following merit. Please, do not try to derail the moderators, especially myself. I am a very experienced moderator and Chair. Thank you.

Proceed, Hon. Kaguchia.

**Hon. Kaguchia John** (Mukurweini, UDA): Thank you, Hon. Temporary Speaker, for protecting me from that sibling rivalry. The cost of power in Kenya is prohibitive. There is a very serious connection between the cost of power and ease of doing business in this country. The cost of power has caused business suffocation, especially on start-ups and small and medium-sized enterprises (SMEs). People who want to start businesses in this country have to contend with the high cost of power, capital and taxation. For that reason, many people cannot make reasonable profit margins. In fact, many businesses collapse within the first 18 months instead of breaking even. This is partly caused by the high cost of power.

I am quite shocked that the Report by the Departmental Committee on Energy proposes opening up the space for IPPs. This will strangle an already dying cow. I wonder why we have the habit of creating problems and crises in this country. You have heard of people talking about load shedding in Kenya all of a sudden, from nowhere. People bring new issues that we all know do not exist.

It is clear that this country has become a deal-making company. Everyone is coming up with a report or strategy on how to squeeze Kenyans further. The only interesting thing is how this is covered up in some sweet narratives and language to try and hoodwink Kenyans. You title this Report: "How to Reduce the Cost of Power" but what you propose will actually make the cost of power increase in the country. Why are we lying to Kenyans? Let us get to the truth. We have deals...

**Hon. David Gikaria** (Nakuru Town East, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Omboko Milemba): What is your point of order?

**Hon. Kaguchia John** (Mukurweini, UDA): We have deals...

**The Temporary Speaker** (Omboko Milemba): Hon. Kaguchia, you can just take a seat and then we will hear the point of order.

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Temporary Speaker, is Hon. Kaguchia in order to say that we are proposing to reduce the cost yet the outcome will be in the contrary, without giving me any facts regarding the Report? He should, for instance, indicate that on this page, this should not be a reduction. It is an increase. Hon. Kaguchia should stop politicising a very important initiative that has been brought to the House. He speaks about taxes yet he is a Member of this House. If you look at that bill of electricity, it is true that it has taxes, but where are these taxes passed? They are approved in the same House he sits! He should be the one bringing proposals to reduce these taxes and bring down the cost of electricity. Is it in order for him to insinuate that we are doing the reverse without giving facts?

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Omboko Milemba): Very well, Hon. Kaguchia. The only thing you have to deal with is the facts of the Report.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Temporary Speaker, I am on the Floor, and I cannot be guided on what to say on the Floor.

**The Temporary Speaker** (Omboko Milemba): Order, Kaguchia. The only thing that you could speak on in terms of orderliness is to say, “On this page, it proposes to increase.” Two, use parliamentary language. Avoid words like “lying”.

Proceed.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Temporary Speaker, I have been a Speaker of an Assembly, and I can assure you that...

**The Temporary Speaker** (Omboko Milemba): Order! This is the National Assembly.

**Hon. Kaguchia John** (Mukurweini, UDA): I know this is the National Assembly.

**The Temporary Speaker** (Omboko Milemba): Order! This is the National Assembly. This is not a regional or small assembly. This is the National Assembly.

Proceed.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Temporary Speaker, I am not one of those Members of Parliament that other Members, including whoever, can direct on issues that I raise on the Floor. The issues I am raising on the Floor are factual. The Chairperson was not listening to me. I said opening up IPPs will be strangling an already dying cow. That is in his Report. The Chairperson of the Committee is speaking on an old and tired line that is often given at political *kamukunjis*, where Members are told to go and challenge others, that things are passed in Parliament where they sit. I am now in Parliament, and I am challenging the Chairperson

**The Temporary Speaker** (Omboko Milemba): Order!

**Hon. Kaguchia John** (Mukurweini, UDA): I am challenging the Chairperson.

**Hon. David Gikaria** (Nakuru Town East, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Omboko Milemba): Order! What is your point of order, Hon. Chairperson?

**Hon. David Gikaria** (Nakuru Town East, UDA): Hon. Temporary Speaker, with a lot of humility, this is the National Assembly, where we table reports. Where are the stories of lying coming from? If he does not agree with a certain proposal or recommendation, that is what he should be saying. Let him not use this platform to continue with whatever shenanigans they do out there.

**The Temporary Speaker** (Omboko Milemba): Very well. He has heard you on that one.

Proceed.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Temporary Speaker, I am surprised...

**The Temporary Speaker** (Omboko Milemba): Do not waste your time. Speak to the matter on the Floor.

**Hon. Kaguchia John** (Mukurweini, UDA): We may be dealing with a Chairperson who is presenting a Report that he has not read. The reason I am standing here is to challenge his Report. I am challenging your Report, Hon. Chairperson of the *Departmental Committee on Energy*. I am telling you that the Report you have presented to the people of Kenya today is not helping them to lower the cost of electricity. Instead, it is a deal-making arrangement. It is a Report that is based on a deal-making arrangement to prepare how people can come and bring in IPPs.

**Hon. Naomi Waqo** (Marsabit County, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Omboko Milemba): Hon. Kaguchia, you are out of order. Let me hear the point of order from the Deputy Majority Whip.

**Hon. Naomi Waqo** (Marsabit County, UDA) Thank you, Hon Temporary Speaker. I would not want to distract my good friend, Hon. Kaguchia, but is it right for him to say that this very good and progressive Report, which is there to help Kenyans progress and help them to overcome the current challenges we have, is a deal-making Report? Is it in order, surely?

**The Temporary Speaker** (Hon. Omboko Milemba): I have already cautioned Hon. Kaguchia about parliamentary language. Please, be orderly and speak to the Report because Kenyans want to hear you.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Temporary Speaker, I dare say that this Report, if followed, will be like lighting a matchstick in a gas station. We have many ways to lower the cost of power in this country. Let us not talk about IPPs anymore because they have held back this country. When we get such reports and start hearing about load shedding, then we know very well that we are preparing Kenyans for new IPPs.

Kenyans, I want to warn you to watch out. The reason why I am here as a Member of Parliament is to be your eyes and exercise oversight. I am not here to speak the language of the Executive or to endorse reports just because they have been brought to the House. We are here to protect the interests of Kenyans. We must interrogate these reports and ensure that we are helping our people. Let us talk about developing and harnessing geothermal and solar energy in Kenya. However, when it comes to bringing IPPs to the people again, we know that we are investing in a conspiracy to defraud our countrymen once more. This House must resist this attempt by all means possible.

Thank you very much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Naomi Waqo.

**Hon. Naomi Waqo** (Marsabit County, UDA): Thank you very much, Hon. Temporary Speaker. I support this Report because it is a transformative blueprint that has been shaped through extensive stakeholder and public consultations as well as expert analysis. This is what guides this House, where Members represent different constituencies and the interests of our people.

I support this Report because it aims at ensuring that every Kenyan access affordable, reliable and sustainable electricity. For example, in Marsabit, in the far northern part of Kenya, we are not connected to the national grid and power goes off every hour. Sometimes you can stay for 24 hours without power. Many businesses have been closed down because we do not have affordable and reliable power. Other counties like Wajir, Garissa and Mandera are also struggling. By passing this Report, we will be improving efficiency across the energy sector, which is what we need in this country today.

Hon. Temporary Speaker, the cost of electricity is very high and that has interfered with the manufacturing sector in this country. Many manufacturers have relocated from this beautiful country, which is growing very fast economically, to neighbouring countries. As leaders, we should see how best to improve this sector so that we can retain businesses and create job opportunities for our people.

The Report proposes lifting the moratorium on new Power Purchase Agreements (PPAs) with strong safeguards. It has been looked into to take care of the interests of our country. That is all we need today, and that is why I support this Report. The Report says that operational reforms are key, with geothermal energy optimised as base load. This is one of the things that makes me support this Report. We need to expand off-grid solar access. If you look at the areas where some of us come from – the semi-arid areas – where we have a lot of sun throughout the year, we can harvest solar energy and every homestead, including even small huts, can be connected to electricity. We can alternatively come up with something that can provide light and help students to be taught even at night or study on their own.

I have gone through this Report. We need to grow, and grow very fast. Yes, the Turkwel Wind Power is in my county, but sincerely speaking, the people of Marsabit are not benefiting a lot from it. We need to come up with ways of ensuring that local people benefit.

With those few remarks, I support the Report and pray that Kenyans get out of the dilemma we are in.

**The Temporary Speaker** (Hon. Omboko Milemba): The last Member to speak on this debate in terms of interest is Hon. Geoffrey Mwangi.

**Hon. Geoffrey Wandeto** (Tetu, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to also contribute to this addendum on the cost of power in the country. Power competitiveness is very, very important in any economy. I have heard someone say that he wants to move this country to a fast-growing economy to become like Singapore. Sadly, in the same week, the same person talked about switching off power, which is a huge contradiction which shows that we still do not have the formula for moving this country forward from electric power point of view. Be that as it may, the Report presented here is very progressive. I hope it can be taken seriously and be implemented.

The biggest driver of the cost of power in this country is corruption, and it is not a new thing. If you look at the power purchase agreements that were signed with IPPs, even in the early 2000s, most of them had very punitive clauses. They were lopsided and thus, as a country, we continue to pay a heavy price for the people who led the power sector at that time. I agree with what Hon. Caroli Omondi said, that, a lot of them were vested interests. By the way, this has been continued by every successive regime. People in power have become very, very interested in these power purchase agreements.

Some of these PPAs cannot be renegotiated. I know the Chair would like to open some of these contracts, but most of them will come up at a very, very big cost. So, maybe that consideration of renegotiation, as much as we have kept talking about it as Parliament, because it is not a new thing, as a country, we do not know to what extent it is feasible. Since some of these contracts are about to lapse, how do we, as a country, transition?

I have a number of thoughts on this matter. This country has an abundance of geothermal resources. Actually, it is estimated to be upward of 10,000 megawatts, but if you look at the investment in geothermal, it has been significantly slow. We seem to be exploring other more expensive sources like solar, which is a good thing, but pretty expensive because of storage issues. How can we put more effort into geothermal?

The other thing we need to tackle is what we call the “technical and non-technical losses” which in this country stand at about 19 per cent, one of the highest in the region. This includes the fact that we transmit our electricity using a very old transmission network.

The second one is electricity theft in this country. We have so many people who are unmetered, but they are enjoying electricity through illegal electricity connections, *na kadhalika*. One of the things that we have, as a country, to consider very urgently, and again, which we have talked about for a long time without action, is unbundling the existing power distribution monopoly called the Kenya Power Company Limited. It is the single biggest source of structural inefficiency in the power sector in this country.

Hon. Temporary Speaker, we have large industries that can even tap power directly from an independent power producer today. However, the law says you have to go to Kenya Power, and then it dispatches power to the customer. It is important that we also do not shelf some of the ambitious projects on hydroelectric power that we have. Recently, we heard that the High Grand Falls Dam Project was cancelled. We do not know the reason. When you see a mega project being cancelled in this country, your guess is as good as mine. Maybe the rent-seekers could not successfully negotiate what they wanted in that contract.

Lastly, there is the cost of connectivity. People seek money to connect electricity in this country. Today people beg and say, *nimeenda kutafuta pesa ya stima* to connect my people. If

we had a fully liberalised electric power sector, electric power service providers would be coming to your people to connect them. Nobody begs people to connect their mobile phones. It happens automatically. I hope this Report can go beyond the Floor of Parliament. The next thing should be a conference to discuss power in this country.

Thank you so much, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well spoken. Hon. Mary Emaase, you do not have to leave your card here, walk away and come in. Let us hear you.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Temporary Speaker. I had an urgent matter to attend to.

**The Temporary Speaker** (Hon. Omboko Milemba): Proceed.

**Hon. Mary Emaase** (Teso South, UDA): Thank you, Hon. Temporary Speaker. I support the Report by the Departmental Committee on Energy on reducing the cost of power. It is too high for the average Kenyan today.

The Report has proposed various measures. I am happy because you have highlighted the problem. You must start by admitting that there is a problem and identifying its source. Why do we have high cost of power? I am happy because the Committee has highlighted some of the causes. I do not want to go into that aspect. We must make sure that we increase the share of renewable energy sources in our energy mix. The only way we are going to ensure that we bring down the cost of energy is by making sure that we upgrade.

I will allude to what my colleague has spoken about. We must begin by upgrading our electricity transmission and distribution infrastructure so that we reduce technical losses. Unless we do so, Kenyans will continue to suffer from the high cost of energy. We need to encourage more suppliers of energy to get into renewable energy, so that we develop strategies, manage intermittency and ensure that there is great stability.

As we speak about reducing the cost of power, I want to speak to the Departmental Committee on Energy and its Chairman. There are areas in this country that still require power connection. People in those areas have never seen electricity. Hon. Temporary Speaker, I will invite you to Teso South. Busia Town, Alupe Area, Alupe B, Aloet, Amase, Kaliwa Village in Aturet and many areas in Teso South do not have power. Let us also see equity in the distribution and connection of power across the country. When we talk about reduction of electricity costs, there are people who do not know what we are talking about because they do not have power at all. They have never seen what power is. Where I come from, people are still using small lighting instruments we call *kadoba*. Their children cannot study. They have a problem with eye sicknesses and all manner of challenges.

Hon. Temporary Speaker, as I support this Report, we must reduce the cost of power. In Teso South Constituency, I insist that more power connection should be undertaken. Only then can we continue talking about reducing the cost of power.

**The Temporary Speaker** (Hon. Omboko Milemba): Great! You have been very passionate and emotive about it and the Chair is close to you. You will continue talking to him.

Mover, please, reply.

**Hon. David Gikaria** (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker. Let me take this opportunity to thank all the Members who have contributed to this debate, including you. I will start with your contribution regarding battery storage. We canvased around this issue. As you said, we have enough energy generation, but when we really need the power in the evening hours is when load shedding happens. This is when the battery storage usage kicks in.

Hon. Temporary Speaker, we had a huge conversation around this aspect. The only issue that was brought by the Ministry is that the battery storage technology is so expensive to a point that it would cost twice as much to store, but again, we did not agree with them. I totally

agree with you. The battery storage solution would be like the one that Hon. Mbui talked about - dimmed losses that we normally pay for.

Secondly, one of your contributions, which was very key, is on building, operating and transferring of infrastructure. It is unfortunate that we have allowed IPP to put up power plants and once they are done in their contract period, they demolish the infrastructure as they leave. As a Committee, we have looked into these agreements and tried to address that issue. If you build and operate an IPP station, at the end of your contract period, you must allow the Government to take over the infrastructure. We have made it very clear in our Report that we shall not allow an IPP to demolish the infrastructure as their contract lapses. The Energy and Petroleum Regulatory Authority (EPRA) wanted to be the ones to decide on this matter but we declined.

The EPRA is a regulator. We are not going to allow you to make that decision. Allow that decision to be made by another independent person who will look at the value of money and decide whether we should transfer such facility or shut it down. As we have already heard from Hon. Mwangi, who has been in the sector for quite a while, the technology sometimes becomes obsolete. Therefore, if we allow EPRA to decide to take over an obsolete technology, it will become very expensive to operate it.

Hon. Temporary Speaker, allow me to indicate that we have heard very good comments from Hon. Members and it was summed up by Hon. Mwangi on the corruption aspect. We live in this country and we know what has been happening in the circles of the corruption sector. The Conflict of Interest Act that we passed here will go a long way in addressing most of the issues that Members have raised.

It is true that this Report has adversely mentioned people who were players or officers within the Government who were involved in some malpractices. That was during the reign of the late President Moi. Again, we are looking at it and saying that it is not fair to mention names when somebody was there during Moi's tenure. Actually, this Report had names, indicating that so-and-so was corruptly using their position to advance this and this malpractice. But again, as a Committee, it is our responsibility to make sure that going forward, no person, no officer and no Government official will craft a contract because they have an interest in the process. This has, of course, been addressed by the Conflict of Interest Act and other necessary legislation that are there. It is true that as we speak, 60 per cent of Kenya's electricity is generated from renewable energy. Therefore, the Government is looking at ways of maximising the use of geothermal energy since it is the cheapest source of renewable energy that we have.

For instance, KenGen could be producing a lot of electricity. I have been to Ethiopia thrice. You will be surprised by the connectivity percentages there. They produce so much electricity, but if you go to the rural areas of Ethiopia and even to some urban areas, there is no electricity connectivity. Actually, we did a survey and found that they were working towards transmission on how they can connect those areas. What they have is generation, but not enough transmission. That is why we also have the Kenya-Ethiopia Transmission Line, which is now complete. It is true that we now import some of our electricity to manage the off-grid areas in the neighbouring parts.

Hon. Temporary Speaker, it is true that there are technical and non-technical losses, and that is why there was this argument between Hon. Elisha and Hon. Saney. Yes, if you produce 3,000 megawatts and out of that 800 is lost through the system, then it does not reach where it is needed. So, it is not electricity generated as it is lost through the system. I want to agree with Hon. Caroli Omondi and others who are experts. I was wondering how Hon. Caroli know so much? I was a Member of the Energy and Petroleum Regulatory Authority (EPRA). He was telling us that he was a member of that committee, and I totally appreciate the experience he gained from EPRA. As we look into this, we will be asking Parliament to ensure

that Members serve in committees where they have a related experience. Like yourself, Hon. Temporary Speaker, I am not saying that you have been in the energy sector, but I know you have been in the education sector, and you have a lot of information. I think it is important for different departmental committees, when conducting inquiries, to seek input from our colleagues who may have served in respective sectors. For example, if we had known, we would have invited Hon. Omondi, my brother, Hon. Mwangi, you and others to come and help enrich the Report that we are discussing.

The issue of theft has shocked me. As we talk about the cost of energy, the theft in which some Kenyans are engaging in illegal connections is not acceptable. Just the other day, we went with the President to do a groundbreaking for a school and I was shocked that after they dug the trenches for the foundation, a whole estate went into darkness.

We were surprised, and when they came complaining, we discovered that the entire estate was being supplied with illegally connected electricity. You can imagine for how many years that has been going on. For the last 18 years. You can imagine how long Kenya Power has lost revenue there. I totally agree that illegal connections and theft from Kenya Power are serious matters that we must address.

On matters to do with the Grand High Falls Dam, which is being spoken about very much, the President has spoken to this matter. He has actually, in different forums, made it clear that we will visit. By visiting Ethiopia, it is also necessary for him to do another benchmarking, and he has instructed our Committee to look into how best we can onboard foreign financiers to help implement the High Grand Falls project. It has been there since Kibaki's time. Even President Kenyatta tried to move it forward. We believe that with the current Government's effort, we will finally start the High Grand Falls Dam.

The very last issue that has been spoken about by the Members is about fair distribution of electricity. This is the very last sentiment raised by Hon. Emaase, and it is true. My constituency, fortunately, is an urban area and I am almost at 100 per cent in terms of connectivity. You will find other places, as it has been said, at only 15 per cent or 30 per cent. That is something which the current administration has made very clear through the Committee that they are not going to allow any skewed budgetary provisions. For example, I am the Chairperson, from Nakuru Town East, which has 100 per cent connectivity, but I still put a lot of budget into my constituency. It would be inappropriate.

Hon. Temporary Speaker, I want to thank the Members and assure them that we will be looking at the budgets so that we can improve on the percentages of connectivity. We have agreed on that one. We have enough distribution lines. The Kenya Electricity Transmission Company (KETRACO) is now in place.

With those few remarks, I beg to reply.

**The Temporary Speaker** (Hon. Omboko Milemba): Thank you, Hon. Chairperson. You have, honestly and religiously, been following the contributions from Members. It is clear, listening to your reply, but as Hon. Emaase indicated, this affects virtually all Members. The equity and equality of distribution is very important.

Hon. Chairperson, I would like you to listen to this. I would be very happy if we went back to the times when the budget for power, and especially for rural electrification, was per constituency. When I came to this House, the money for Emuhaya and for other constituencies was available. The model that we later on changed to is where those in the Departmental Committee on Energy and those around those places would have every budget and other constituencies would have nothing. Honestly, I am very happy to hear that you want to go back to where equity is important. Thank you.

We shall defer the putting of the Question to the next sitting.

*(Putting of the Question deferred)*

Next Order.

ADOPTION OF FIRST REPORT ON THE STATUS OF  
IMPLEMENTATION OF THE CONSTITUTION

**Hon. Caroli Omondi** (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. I really waited to present this Report to the House. Finally, we have got here.

Hon. Temporary Speaker and esteemed Members of Parliament, I rise this evening in accordance with Standing Order 199 to table before this House the First Report on the status of implementation of the Constitution by three constitutional commissions, namely:

1. Kenya National Commission on Human Rights.
2. National Land Commission.
3. National Gender and Equality Commission.

This Report is a product of the Committee's deliberations with these institutions held between the months of February and April 2024. It provides a comprehensive overview of the operations achievements and the persistent challenges they face in executing their mandates.

**The Temporary Speaker** (Hon. Omboko Milemba): Order, Hon. Caroli Omondi. Move your Report officially and deliberately as it is on the Order Paper that you beg to move that this House adopts the first Report...

**Hon. Caroli Omondi** (Suba South, ODM): Thank you Hon. Speaker. My apologies. Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts the First Report of the Constitutional Implementation Oversight Committee on the status of implementation of the Constitution by the following Independent Commissions, laid on the Table of the House on Tuesday, 12<sup>th</sup> November 2024 —

1. Kenya National Commission on Human Rights;
2. The National Land Commission; and
3. The National Gender and Equality Commission.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): Proceed.

**Hon. Caroli Omondi** (Suba South, ODM): Do I start again?

**The Temporary Speaker** (Hon. Omboko Milemba): Yes, for the record.

**Hon. Caroli Omondi** (Suba South, ODM): Hon. Temporary Speaker and esteemed Members of Parliament, I rise this evening in accordance with Standing Order 199 to table before this House the first Report on the status of implementation of the Constitution by three constitutional commissions, namely:

1. The Kenya National Commission on Human Rights;
2. The National Land Commission; and
3. The National Gender and Equality Commission.

This Report is a product of the Committee's deliberations with these institutions held between the months of February and April 2024. It provides a comprehensive overview of their operations achievements and the persistent challenges they face in executing their mandates as envisaged under Chapter 15 of the Constitution. The Constitutional Implementation Oversight Committee, established under Paragraph 4 of the Sixth Schedule to the Constitution, bears the responsibility of overseeing constitutional implementation. This Report represents our Committee's assessment of how vital institutions are discharging their constitutional mandates and the impediments they face.

The core function of Chapter 15 - independent commissions and independent offices - like the Auditor-General and the Controller of Budget, is essentially oversight of the

Government. It is envisaged that these commissions will be independent, impartial and specialised in their technical nature. Their core objectives are to ensure compliance with the Constitution, promote accountability, safeguard democratic principles, maintain the rule of law, and oversee the enforcement of national values and ethics. From our engagements with the commissions, it is clear that despite facing immense structural and financial constraints, they continue to contribute meaningfully to the implementation of the Constitution. The commissions have provided vital oversight in areas such as land governance, gender equality, protection of special interest groups, and the defence of fundamental human rights and freedoms. Their interventions have informed legislation, shaped national policy, held State institutions accountable, and given notice to the often unheard and unseen segments of our society.

While these successes are commendable, they are frequently achieved under conditions that no institution constitutionally tasked with such weighty responsibilities should be subjected to. What emerges consistently from our findings is that constitutional commissions in this country operate under a common cloud of underfunding, limited staffing and insufficient institutional support. These challenges are not just administrative inconveniences; they are constitutional impediments. Despite the constitutional guarantee under Article 249(3) that each commission shall receive adequate and distinct funding from Parliament to enable it to discharge its mandate, these institutions are persistently under-resourced. Their budgets are often collapsed within the Executive's sectoral working groups, forcing them to compete with ministries for limited fiscal space. This arrangement not only undermines their independence, but also violates the spirit and letter of the Constitution, which intended these bodies to act as counterweights and not appendages of the Executive.

Another area of serious concern is the attempt to merge constitutional commissions, such as the National Gender and Equality Commission (NGEC) and the Kenya National Commission on Human Rights (KNCHR) with statutory bodies like the National Cohesion and Integration Commission (NCIC), without adequate public participation or constitutional compliance. Such proposals, particularly as contained in the recommendation of the National Dialogue Committee (NADCO) report, risk undoing the gains made in promoting equality, inclusion and social justice. They disregard the constitutional distinctions between commissions created under Chapter 15 and those established by statute.

The country might have witnessed an attempt by the Executive to channel compensation for victims of demonstrations through a body established by an Executive Order. This is already the subject of court cases and, under the *sub judice* rule, we will not go into it. But you can see the challenges. With respect to the two-thirds gender rule, we would like to draw...

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Caroli, you are one of our most articulate Members of Parliament. Even as you go through the script reading, I need to remind you that our Standing Orders encourage you to speak to those things as much as possible and paraphrase them.

**Hon. Caroli Omondi** (Suba North, ODM): Further compounding this issue is a persistent failure to debate and act upon the annual reports submitted by these institutions as required under Article 254(1) of the Constitution. These reports are meant to inform policy direction, legislative reform and institutional accountability. The dormancy in parliamentary shelves is not just a missed opportunity. It is a dereliction of duty that erodes public confidence in constitutional oversight.

Let me also highlight that the lapse of constitutional timelines for the review of electoral boundaries by the Independent Electoral Boundaries Commission (IEBC), as provided in Article 89, has created a looming constitutional crisis. The commissions we engaged have raised red flags about this vacuum, noting the potential legal and political consequences of

delaying this vital process. Parliament must act swiftly to address this situation. We risk undermining the very foundation of representative democracy if we fail to do so. The Report also lays bare how inclusion and rights of special interest groups remain under threat due to poor prioritisation and chronic budgetary neglect by the Kenya National Commission on Human Rights. Whether it is the rights of persons with disabilities, intersex persons, women or marginalised communities, the story remains the same of lack of political goodwill, insufficient resources and low compliance with existing legal frameworks. This is not just a policy failure; it is a constitutional betrayal.

If we are to live up to the vision of the 2010 Constitution, we must place equality, non-discrimination and inclusion at the very heart of our national development agenda. This Report is, therefore, a clarion call to this House to reaffirm its role as the primary defender of constitutionalism. It calls on us to act by reviewing our Standing Orders to ensure these commissions present their budgets directly to CIOC for scrutiny, by providing their reports are scheduled for debate at the beginning of every session and by ring-fencing their funding as per the constitutional requirement. It is time to stop treating Chapter 15 commissions as peripheral to our governance framework. They are central pillars of our democratic state's architecture.

On behalf of the Committee, I wish to express sincere gratitude to the leadership and staff of the three commissions for their honest and illuminating submissions. I also thank the Members of the Committee, the office of the Speaker, the Clerk of the National Assembly and the secretariat for their dedication in the preparation of the Report.

With those remarks, I hereby lay the Report on the Table of the House and urge this honourable House to adopt its recommendations in full and, in so doing, to renew our collective commitment to the faithful implementation of the Constitution of Kenya 2010.

With those remarks, I request the distinguished Hon. Member, Geoffrey Mulanya, to second.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Mulanya.

**Hon. Geoffrey Mulanya** (Nambale, Independent): Thank you, Hon. Speaker. I rise to second this particular Report tabled before this House by the Chairman of the Constitutional Implementation Oversight Committee on the status of implementation of the Constitution by the three constitutional commissions. The independent constitutional commissions, as the name suggests, were designed by the drafters of our Constitution to have a special status under the law. They were envisaged as a quasi-fourth arm of the Government, operating independently of the traditional Executive, Legislative and Judiciary that derive their mandate from the Constitution. These commissions were established to curb the concentration of power in the Executive, which was a problem under the previous Constitution. They are, therefore, designed to operate without fear or favour.

From the Report, I wish to highlight the provisions of Article 259 of the Constitution to assert the independence of these constitutional commissions. Article 249 provides that the commissions are designed to, one, protect the sovereignty of the people, two, secure the observance by all State organs of democratic values and principles and three, promote constitutionalism. What emerged from our engagement with these commissions was the issue of underfunding, which, as the Report by the Chairperson points out, is a key concern that denies these commissions independence. In the Report, it has been pointed out that the budget for these commissions is often combined with that of sectoral working groups, forcing them to compete with ministries. I wish to point out what has come to light about the National Land Commission (NLC). The budget of the NLC is submitted through the Ministry of Lands. Yet the drafters of the Constitution wanted the Commission to be independent to guard against land-grabbing and the excesses of the Executive. Previously, the Commission could allocate its friends portions of land or hive off sections of forest or prison land in this country for them. How will this Commission execute its mandate without proper budgetary allocation?

Those are the issues we are raising. These, as the name suggests, are independent commissions that are supposed to operate independently. Article 249(3) gives this House the power to allocate adequate funds to enable each commission and independent office to perform its functions. The Constitution provides that the budget of each commission and independent office shall be a separate vote. However, from our engagement with these particular commissions, we established that they do not have a separate vote. They are collapsed into ministry sectors. As a result, they lack sufficient funds to hire adequate staff to carry out their mandates.

As the Chairman noted in the Report, this House should consider amending the Standing Orders to direct the budgets of these independent commissions through the Constitutional Implementation Oversight Committee (CIOC). This is the Committee mandated by the Constitution to oversee these commissions and ensure they maintain their independence.

With those few remarks, I beg to support the Report.

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Mulanya, you beg to second. Could you please go back on record?

**Hon. Geoffrey Mulanya** (Nambale, Independent): With those few remarks, I beg to second the Report.

*(Question proposed)*

**The Temporary Speaker** (Hon. Omboko Milemba): On the screen, the first Member to have the Floor is Hon. Timothy Toroitich, Member for Marakwet West.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me the opportunity to speak on this very important Report. I associate myself with the sentiments expressed by Members on the status of implementation of the Constitution, insofar as these three institutions are concerned. These institutions exist to give life to the Constitution of this republic. We have one of the most progressive constitutions on the African continent, and as a country, we have an obligation to protect it.

For any functional democracy, as the scholar Montesquieu once stated, there must be three arms of Government: The Executive, the Judiciary, and the Legislature. These commissions exist to ensure that none of these arms misuse their power. Professor Okoth Ogendo once spoke of a “constitution without constitutionalism.” Sometimes, countries have constitutions, but fail to practise the constitutional principles they proclaim. Therefore, this Report is critical because it assesses whether these commissions can defend the fundamental rights and freedoms guaranteed by the Constitution. I have listened to Hon. Caroli Omondi and my colleague, Hon. Mulanya, espouse on this subject. For the avoidance of doubt, these commissions are referred to as the Chapter 15 commissions. Their first mandate is to protect the sovereignty of the people; second, to ensure that all State organs observe democratic values and principles; and third, to promote constitutionalism. Whenever the Constitution is breached, these bodies are mandated to speak up.

Further, if you look closely at Article 249(2), it provides that commissions and holders of independent offices are subject only to the Constitution and the law. Second and very important, is that they are independent and not subject to direction or control by any person or authority. I have heard Hon. Members speak here, and one of the commissions mentioned is the NLC. This is a very important commission in this country, insofar as it protects land ownership rights. If this commission is funded by the Ministry rather than directly, the question arises: How will that commission oversee the Ministry of Lands? It defies logic, and of course, if they try to oversee it, the Ministry will not release funds to this particular commission.

Hon. Temporary Speaker, Article 3 of our Constitution, in defending itself, provides that every person has an obligation to respect, uphold and defend it. But who checks whether

this Constitution is being protected and defended by the very people that are mentioned in Article 3? I submit that, pursuant to the provisions of Chapter 15, the commissions therein are mandated to ensure that our Constitution is respected and upheld. Funding is very important, as it provides these commissions with independence.

I associate myself with the sentiments of the Committee, and in line with Article 249(3), which provides that Parliament shall allocate adequate funds to enable each commission and independent office to perform its functions, and that the budget of each commission and independent office shall be a separate vote. It is mandatory. These words were not put in the Constitution to colour or beautify it. They were included for action, and Parliament has been mandated to act. The word 'shall' has been used in this Article. This House, pursuant to Article 249(3), has been mandated to allocate adequate funds to those independent commissions. This House has an obligation. When this Report is adopted, the Committee on Implementation should ensure that this article is implemented in the next budget so that it does not remain only in theory.

Hon. Temporary Speaker, as Professor Okoth Ogendo said, we must have a constitution grounded in constitutionalism, not a constitution without constitutionalism.

I submit.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Thank you for remembering the philosopher Montesquieu in the French Revolution, who, though seldom quoted, was the father of the separation of powers. Many authorities would go for Voltaire and Jean-Jacques Rousseau.

There being no more interest in this...

*(Hon. Kaguchia John raised his hand)*

**The Temporary Speaker** (Hon. Omboko Milemba): Yes, Hon. Kaguchia. Proceed.

**Hon. Kaguchia John** (Mukurweini, UDA): Thank you, Hon. Temporary Speaker. I stand to support this Report.

The Report of the Constitutional Implementation Oversight Committee (CIOC) correctly identifies several immediate operational impediments faced by Chapter 15 commissions, including inadequate budgetary allocation, insufficient parliamentary debate on annual reports, and poor representation at the Cabinet level. These are real challenges. More than a decade after the promulgation of the Constitution, Kenya's constitutional implementation issues are no longer merely technical or administrative; they are structural, political, and systemic.

The 2010 Constitution promised transformative governance, devolution, accountability, checks and balances, protection of human rights, gender equality, and land justice. Yet, the practical lived experience of many Kenyans regarding these promises remains under-implemented, selectively enforced, or quietly undermined.

When we look at the issue of the commissions' independence, the Constitution clearly states that independent commissions shall remain completely independent and not under the control of anyone or any external influences. However, we see a situation in which the independent commissions are entirely dependent; they face budget constraints and have limited autonomy. From time to time, these commissions are seen negotiating their budgets with the legislature, the body that makes budgets. The sad reality is that these same commissions often find themselves begging the Executive, led by the Ministry of the National Treasury and Economic Planning, to release funds that have already been negotiated with Parliament.

Even when these funds are allocated to them in the budget, they are still not made available. The Report indicates, for instance, that the Kenya National Human Rights Commission (KNCHR) operates at approximately 30 per cent of its capacity. This commission

has only six or seven regional offices in a country comprising 47 counties. In a situation where this Commission is supposed to be helping Kenyans with human rights issues, it is completely incapacitated.

At times, they are also reprimanded. One may recall the recent invasion of the KNCHR offices, which were raided by individuals who appeared to have been sent by the Executive arm of this Government, all under police protection. This represents a total infringement on the independence of our commissions, which are meant to operate autonomously.

**Hon. Naomi Waqo** (Marsabit County, UDA): On a point of order.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Temporary Speaker, I do not think it is right for the leadership...

**The Temporary Speaker** (Hon. Omboko Milemba): No, please, do not take it in bad faith. Just take your seat. This is procedural; it is simply a point of order. I will even add some minutes to you; you are contributing very well.

**Hon. Naomi Waqo** (Marsabit County, UDA): Is it in order for Hon. Kaguchia to claim that the Executive arm of this Government sent goons? Does the Government have any goons or any group of goons to send to people to harass them? Is it right to make such a statement?

**The Temporary Speaker** (Hon. Omboko Milemba): Very well, Hon. Kaguchia. You must not commit to statements that you cannot substantiate. Nevertheless, you are contributing well. I appreciated your colleague, Mwangi, so please, return to the matter at hand and proceed. You are doing very well; please, continue.

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Temporary Speaker, I am not aware that my good friend, Canon, Hon. Naomi Waqo, speaks for the Executive.

**The Temporary Speaker** (Hon. Omboko Milemba): No, Hon. Kaguchia, the question is: Can you substantiate that the Executive sent the goons?

**Hon. Kaguchia John** (Mukurweini, UDA): Hon. Temporary Speaker, if my good Hon. Naomi Waqo listened to my sentiments clearly, I did point out that they were 'allegedly' sent by the Executive. The reason is that they appeared to be under police protection. Even when the same issue was raised at the Kilimani Police Station, no action has been taken to date.

**The Temporary Speaker** (Hon. Omboko Milemba): I am sure you cannot substantiate all that, so please, leave it at that and continue with your contribution.

**Hon. Kaguchia John** (Mukurweini, UDA): What I am trying to point out is that the independent commissions are not independent anymore. Clearly, the Committee's Report advocates allowing the independent commissions to operate independently. For example, how many reports are filed by these independent commissions and debated in this Parliament? You realise that many of these reports are filed as a matter of routine and formality, and that they are filed away without much debate. In cases where they are debated, the discussion is controlled, and the actionable points raised are never implemented.

Firstly, I suggest that the independent commissions be staffed independently. Commissioners also need to be picked independently. If you look at our independent commissions in this country today, they are dominated by people who failed in political positions; that is the truth. In fact, in tea places, restaurants, high tables and boardrooms, you will hear the undertones of sharing of the commission positions. Some of those who did not get political positions are promised these commissioners' positions. We see that happen.

I wish we could go back to 2010, when this Constitution was promulgated. We saw vibrancy, energy, independence - and not only 'independence' as a word; there was total mind independence. A case in point is when we had Hon. Nyachae and others overseeing the implementation of the Constitution. From the word go, those gentlemen were quite independent in their minds, speech, thinking, and articulation. Sadly, today, most of the commissioners are like rained-on chicken. They do not talk. They never want to contradict the Executive simply because they have strings attached.

Let us allow the independent commissions to be independent. The reason we had independent commissions in the Constitution in the first place was simply because every Government must have checks and balances. In situations where the Executive cannot be properly overseen by the legislature or adjudicated by the judiciary, we have independent commissions. For example, the Commission on Administration of Justice (CAJ) is supposed to be such a powerful independent commission.

Ten years ago, I worked in the water sector, in a department that handled many issues from the public. If we received a letter from the ombudsman, the CAJ, we would not get sleep. We would shake. When they summoned us to the Kenyatta International Convention Centre (KICC) to answer charges brought by customers or interested parties, we would be very terrified. Today, our independent commissions raise issues for formality because they do not want to stifle their relationship with the Executive, which is the hand that feeds them. If the National Treasury were to act against the will of Kenyans, most independent commissions would be very careful to raise a finger. This is because the National Treasury is the one that gives them money, and it would only need to withhold their funds. I advocate that these independent commissions receive their funds directly and manage their budgets separately, just as the Judiciary does without interference from the Executive or the National Treasury. That would help us.

I also advocate for commissioners to be appointed independently, professionally, and completely removed from ties to the Executive and Parliament. These independent commissions are also supposed to oversee Parliament. We must restore the dignity of our Constitution and go back to where we began in 2013, when independent commissions exhibited a bit of independence. In fact, we must promote this to a higher level because the country has grown far beyond where we were.

I submit.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Hon. Rutto, I can see your hand. Do you want to contribute? Proceed.

**Hon. Julius Rutto** (Kesses, UDA): Thank you so much, Hon. Temporary Speaker, for giving me this opportunity to contribute to this Motion by the Constitutional Implementation and Oversight Committee. This Report serves as an eye-opener, providing an audit status update on our commissions. While we have only picked three commissions for this purpose, this is enough to give us an outlook on their performance against the original intention of the promulgation of the Constitution of Kenya.

The promoters of the Constitution and the people of Kenya decided to create offices and institutions that would streamline governance and achieve the purpose and objectives of Article 1 of the Constitution, which states that power belongs to the people and that every resource and revenue generated by them is geared towards providing services. This was informed by the earlier administration under the former Constitution, which, although perceived as democratic, was implemented through the administrative system that existed at the time.

Since then, I have engaged with most of the commissions we oversee through our Committee. Their main lamentations concern challenges in carrying out their mandates. One critical reason is resource allocation. In some cases, they are forced to sit with the people they are mandated to oversee to discuss and share with them. Sometimes, they are even forced to beg for resources from them.

I agree with this Report. While we pride ourselves on being one of the most democratic nations in Africa, this House must, under Article 95, rise to protect the Constitution of Kenya by ensuring that agencies established by law serve within their mandates.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Omboko Milemba): What is your point of order? Please, give him the microphone.

#### QUORUM

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Hon. Temporary Speaker, I rise pursuant to Standing Order 35 on quorum.

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. Serjeant-at-Arms, ring the Quorum Bell.

*(The Quorum Bell was rung)*

**The Temporary Speaker** (Hon. Omboko Milemba): Very well. The 10 minutes are done. The Serjeant-at-Arms can stop the Quorum Bell. Hon. Members, a Member rose in his place under Standing Order 35, which concerns quorum. I confirmed that there was no quorum at that time. Even after ringing the Quorum Bell for 10 minutes, I still confirm that there is no quorum. Let us be up standing.

#### ADJOURNMENT

**The Temporary Speaker** (Hon. Omboko Milemba): Hon. Members, the time being 7.20 p.m., the House stands adjourned until tomorrow, Thursday, 13<sup>th</sup> November 2025, at 2.30 p.m.

The House rose at 7.20 p.m.

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