



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

THE HANSARD

Thursday, 4th December 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 for 10 minutes. Hon. Murugara and Hon. Oundo, can you be constructive Whips? Please, go and whip Members to come in.

(The Quorum Bell was rung)

Hon. Members, we now have quorum to transact business.

(Several Hon. Members were upstanding)

Members on their feet, take your seats.

(Hon. Gertrude Mwanyanje stood up in her place)

Mama Kilifi, take the nearest seat.

Welcome back, Hon. Members. I have a communication on suspension of Committee sittings during the long recess.

COMMUNICATION FROM THE CHAIR

SUSPENSION OF COMMITTEE SITTINGS DURING THE LONG RECESS

Hon. Speaker: Hon. Members, as notified in today's Order Paper, at the rise of today's sitting, the House is scheduled to proceed on its long recess from tomorrow, Friday, 5th December, 2025 to Monday, 9th February 2026, in accordance with the Calendar of the House. Today will, therefore, mark the conclusion of regular sittings of the Fourth Session of the Thirteenth Parliament and the beginning of a well-deserved break.

Hon. Members, during this Session, the House transacted various key businesses including Bills, Treaties, inquiries and appointments of persons to State offices. The House also undertook its oversight and representation roles through questions to cabinet secretaries, constitutional commissions and independent offices as well as statements which continue to elicit great interest not just in the House but also from the general public.

In line with the established practice, the Clerk is preparing a more comprehensive report detailing the activities of the House in the Fourth Session, which will be made available in due course. In line with the Calendar of the House, Committee sittings will also stand suspended from 15th December, 2025 until 25th June 2026.

Hon. Members: 25th January 2026.

Hon. Speaker: Sorry. They have written it badly. It is 25th January 2026. You cannot have such a long recess because it would amount to suspension of Parliament.

In this regard, all Committee activities shall stand suspended during the stated period. This will allow Members to attend to constituency engagements and for our parliamentary staff to take their annual leave. However, you will recall that I had earlier allowed two Committees to resume their sittings earlier to undertake extensive public hearings on Sessional Paper No. 3 of 2025 on the partial divestiture in Safaricom PLC by the Government of Kenya. Any other Committee that may need to conduct any activity during the said period should obtain express permission from the Speaker, upon written request.

In order to safeguard parliamentary business with statutory timelines from lapsing or taking effect without parliamentary approval and in keeping with established practice, the counting of days for such business shall cease effective today and resume when the House first sits for the Fifth Session on Tuesday, 10th February 2026. Nonetheless, should need arise for the House to transact any urgent business, the House will be recalled pursuant to the provisions of Standing Order 29 for that purpose.

Having said that, I wish to thank the Leadership of the House, Members, and staff for the diligence and commitment exhibited during the Session, which enabled the House to transact business, both in plenary and in Committees. Specifically, I wish to commend all of you for your active participation, which has seen the consideration and conclusion of key priority business by the House.

As you proceed to spend valuable time with your families and constituents during the holiday season, I take this early opportunity to wish you all a happy festive season and a prosperous New Year, 2026. I also take the opportunity to wish Team Kenya, proceeding to Uganda from tomorrow, not to visit the humiliation they visited on us in Mombasa by making your Speaker sit there helplessly watching Uganda collect all the trophies. I am sure that this time around, our teams are well prepared and well psyched to compete in these friendly games. Furthermore, we take the opportunity, as we always say, to widen, deepen, and tighten the relationship of the East African nations so that we can continue with our integration in every sphere.

Thank you. Yes, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, allow me to join you in wishing Members success for those who are proceeding to Kampala, Uganda, for the EALA games. I wish them all the best. I also take this opportunity to wish them a Merry Christmas, a happy festive season, and definitely a prosperous 2026.

Again, bearing in mind your Communication, as you have rightly said, you did exempt the two Committees, the Departmental Committee on Finance and National Planning and the Committee on Public Debt and Privatisation, in the earlier sitting, to consider that session on the partial divestiture from Safaricom by the Government of Kenya.

I take this opportunity to ask all Members of Parliament, and members of the public, that you have given a very generous period for public participation: from 8th of December up to 8th of January. This is very good because it will give Kenyans time to internalise the intent of what the Government intends to do in this divestiture. It will also give Kenyans, who are stakeholders in Safaricom and citizens of our country, time to engage with the two Committees logically and with reason. Moreover, it will help them understand the intent of that divestiture, because many of us over the years have been asking the Government to divest from some of these well-to-do companies and re-invest that money in public good.

If you remember, during the State of the Nation address, the President did detail his desire to set up an infrastructure fund that will help to fund many of the development projects in our country. I am saying this to invite Members to actively participate in the Committee, whether it is joint sittings or individual sittings of the Committee on Public Debt and

Privatisation or the Departmental Committee on Finance and National Planning. At times, we have a penchant to address press conferences and speak on issues that are before this House out there.

Indeed, today I have seen a Member of Parliament, even before the session on the partial divestiture is stable, already out there pontificating, or seemingly wanting to look intelligent, and misleading Kenyans this early. If you have something important to educate the people of Kenya, please, take your time to appear before the Departmental Committee on Finance and National Planning, bring your facts, and lay out your facts there. In press conferences, nobody is there to challenge you; it is you and the microphone to pontificate and lie to the people of Kenya. I have seen somebody telling Kenyans that all Safaricom shares are trading at Ksh45 today.

I looked at the trading of Safaricom shares yesterday, because I am an investor in Safaricom. They closed at about Ksh28.20. The facts will speak for themselves when the time comes for the Government to divest. Kenyans will be able to know the Government is divesting and for how much whoever is buying the shares will buy them. I remember, only last year, Safaricom shares were trading at KSh17. From the indications I have gathered from the National Treasury, they will be selling these shares at about Ksh34 or Ksh35. If they are sold even at Ksh30, it is twice the price.

I saw some people say in a Committee of this House, and give the example of Safaricom, that if you divested in Safaricom today, instead of borrowing you would raise so much money at Ksh17 a share. The same people have a problem today with the Government divesting when the share is at Ksh34. However, because you will eat your own words, you call press conferences and other forums to lie to Kenyans. I just plead that if you have something substantive that will inform, educate the people of Kenya, and add value to the process, please, make an appearance before the two Committees. There is adequate time. You have been very generous to give 30 days because you know the ordinary seven to 14 days are adequate for public participation. Considering that we are also going on recess, 30 days is a good time. We invite Kenyans to have their say, and we reason together for the sake of our country. Let us not allow bitterness and desire for revenge to override common sense and logic.

I beg to support as I wish all of us Merry Christmas and a happy festive season. Please take care of your families; take time to spend time with your families. Including myself, I just came from a funeral in Nyandarua to condole with a good friend of mine who lost their mum. As you attend funerals, you get to know the real value of families. I encourage all of us to spend time with our families, including our newly elected Members of Parliament, Hon. Wamuthende, my good friend Hon. Boyd, and Hon. Rander. I can see they are all geared and psyched up. I hope they will also take time...

We will be joining you for your thanksgiving to come and thank the people of Ugunja, the people of Kasipul, the people of Mbeere, and the people of Banisa. This includes my good friend from Malava, the Hon. Ndakwa, and *Mhe. Kombe* here, as much as he is not very new. We will also go to Magarini to thank the people of Magarini for re-electing him to the House.

Hon. Speaker: Thank you, Leader of the Majority Party. Since I know no sport that you play, you can join the Hon. Millie in coming to dance for the winners.

(Laughter)

Hon. Speaker: Hon. Members, I encourage you, as I have always done. You have an open platform on the Floor of this House with live coverage. I salute the young Member of Parliament from Kajiado North. Is the Hon. Ngogoyo from Kajiado North? He came to see me today and said, "I have some issues with this Safaricom issue. I am preparing a statement; I will come and issue it on the Floor of the House." That is as it should be. I have told him that

once we resume, I will give him the first opportunity to make his statement so that he enjoys the live coverage.

As Members of Parliament, you represent various interests. Maybe workers of Safaricom are talking to some of you; bring the issues here. Maybe members of the public who benefit from trading Safaricom have issues; bring them here.

This is the National Assembly, the Assembly of the people of Kenya. Article one of the Constitution states the people of Kenya would all be represented here, but the Constitution allowed them to donate their authority to you to come to this House and represent them.

Next Order. We will first lay the papers by the Leader of the Majority Party. When he finishes, Members, I will give the new Members five minutes each. Hon. Millie, can you bring me their names in the order we swore them in so that I can give them chance. Hon. Kombe is not going to be treated as a new Member. He has no maiden speech to make; in fact, he was in one of the Parliaments with me in the 90s.

(Hon. Speaker consulted the Clerk-at-the-Table)

Hon. Kombe has been in and out of Parliament.

Leader of the Majority Party, can you lay your Papers?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. The Annual Report of the National Assembly for the Financial Year 2024/2025.
2. The Intergovernmental Partnership Agreement between the National Government through the Ministry of Education and the County Government of Garissa.
3. Reports of the Auditor-General and the financial statements for the year ended 30th June 2025 and the certificates therein in respect of:
 - (a) Business Service Registration—Official Receiver.
 - (b) Chuka Technical and Vocational College.
 - (c) Commission for University Education Staff Car Loan and Mortgage Scheme Fund.
 - (d) Cooperative Societies Liquidation Account.
 - (e) Ijara Technical and Vocational College.
 - (f) Jeremiah Nyaga National Polytechnic.
 - (g) Kenya Marine and Fisheries Research Institute.
 - (h) Kenya Medical Practitioners and Dentists Council.
 - (i) Kenya National Commission for UNESCO.
 - (j) Kenya Tsetse fly and Trypanosomiasis Eradication Council.
 - (k) Kiirua Technical Training Institute.
 - (l) Kisii National Polytechnic.
 - (m) Micro and Small Enterprises Authority.
 - (n) North Rift Valley Water Works Development Agency.
 - (o) Nyandarua National Polytechnic.
 - (p) Nyeri National Polytechnic.
 - (q) Pharmacy and Poisons Board.
 - (r) Policy Holders Compensation Fund Car Loan and Mortgage Loan Scheme.
 - (s) Privatisation Commission Car Loan and Mortgage Scheme Fund.
 - (t) Public Procurement Regulatory Authority Staff Loans Scheme Fund.
 - (u) Revenue Statements of the Business Registration Service.
 - (v) Sigalagala National Polytechnic.

- (w) State Department for Arid and Semi-Arid Lands and Regional Development.
- (x) State Department for Higher Education and Research.
- (y) State Officers Mortgage Scheme Fund, State Department for Housing and Urban Development.
- (z) The Kenya Scouts Association.

Thank you, Hon. Speaker.

Hon. Speaker: Chairperson, Committee on Delegated Legislation, Hon. Chepkonga. Yes, Vice-Chairperson, Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Committee on Delegated Legislation on Consideration of the Privileges and Immunities (Global Centre for Adoption) Order, 2025.

Hon. Speaker: Is it adoption or adaptation?

Hon. Gichimu Githinji (Gichugu, UDA): Sorry, let me repeat.

Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Committee on Delegated Legislation on its Consideration of the Privileges and Immunities (Global Centre for Adaptation) Order, 2025.

Hon. Speaker: Chairperson of the Departmental Committee on Transport and Infrastructure, Hon. GK, did you say you would take three minutes?

Hon. George Kariuki (Ndia, UDA): Yes, Hon. Speaker, but I cannot see the Member for Machakos County.

Hon. Speaker: Then, stay your Statement.

Hon. George Kariuki (Ndia, UDA): Thank you.

Hon. Speaker: I will now go to our new Members who are making their maiden speeches. You know the rules. No interruption. Even if there is something you do not like, you just listen until a Member finishes what they are saying.

Yes, Hon. Gikaria, what is it?

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Speaker. I beg to indulge you on a Statement that I was supposed to deliver as you directed on Tuesday.

Hon. Speaker: We will come to Statements later.

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

Hon. Speaker: Let me start with the youngest of them all, Hon. Boyd Were.

(Applause)

You have five minutes. Since I do not want to interrupt you, obey the rules and spend five minutes.

Hon. Boyd Ongondo (Kasipul, ODM): Thank you, Hon. Speaker and Hon. Members.

Let me state that I am deeply honoured and privileged to be part of this great House. Today, I rise not only with the pride of victory, but also with the solemn weight of destiny. I stand before you as the youngest Member of Parliament, a son of Kasipul, whose journey has been shaped by pain, promise and profound responsibility.

(Applause)

My election is not only a triumph of youth but also a testament of the resilience of our people, the power of democracy and the belief that leadership belongs to those who are willing to serve with integrity and courage.

Hon. Speaker, this victory carries both joy and unbearable sorrow. I stand here with two fresh graves behind me. My father paid the ultimate price for public service. There is also Baba, His Excellency Raila Amolo Odinga, whose guidance I longed for as I began this journey. Today, I walk forward holding only their memories. May the soil rest lightly upon them. May their spirits go before me with the fierce grace of ancestors who never bowed to fear.

I offer my deepest gratitude to the Almighty God. His hand has carried me through mourning, battle and a campaign that tested every fibre of my being. May my service reflect His wisdom, humility and justice.

I am nothing without those who stood with me. To our party leader, Hon. (Dr) Oburu Oginga, his steady hand anchored me when the ground beneath my feet felt uncertain. To the loyal friends of *Ogai Mami Lambo*, led by our ODM Chairperson, Her Excellency Gladys Wanga, you believed in a young, grieving orphan when many had written me off. You wrapped me in courage, loyalty and a shield of protection when grief and duty collided. I will forever be indebted.

(Applause)

I extend heartfelt appreciation to the broad-based fraternity, our Members of Parliament and Members of the County Assembly for standing firmly with me and the people of Kasipul. To the many leaders, friends and pillars of strength whose names cannot all be mentioned today, please know that I am profoundly indebted. I thank my family for their love, sacrifice and strength.

Hon. Speaker, I rise on the shoulders of generations before me, but I also rise carrying the fire of a new generation that refuses to be silent. Generation Z is rising, grateful for the Government's commitment to growing our Gross Domestic Product (GDP) and strengthening our economy, yet yearning for something deeper. A Kenya where national progress is measured not only in numbers but also in human dignity. We dream of a country where every young person can access decent work, earn a fair income and support their family with pride.

We seek accountability, transparency and zero tolerance to corruption. We need a country where public institutions are trusted, integrity is non-negotiable and justice is not a privilege but a right. We long for a nation where opportunities are fair, governance is humane, the environment is protected and where success is guided by a gross happiness index. We long for a society where citizens are not only economically active but also emotionally safe, socially supported and able to breathe freely in their own country. This is the Kenya that Generation Z believe in. This is the Kenya we are ready to build.

Hon. Speaker, my father was not simply taken by fate. He was killed. As his son, I stand here with a heart that still seeks answers. When he was taken from us, the wound cut deep. But that was not the first grave I learnt to stand beside. I lost my mother, the late Immaculate Adhiambo Amoth, a long time before I became the man I am today. I grew up knowing the weight of absence, the ache of needing a parent who is no longer there to guide you, pray for you and dream for you. Yet, I stand here as the orphan they thought would break and the boy they expected to fade quietly into grief. But I rise today, carrying their names on my shoulders and their strength in my bones.

(Applause)

To my late mother, your son did it. Even when they killed our father, your son still stood and fought. Your son kept going. I hope today, wherever you rest, you feel proud of the man I am becoming and the service I am stepping into.

I long for truth, closure and justice not of retaliation, but the justice that restores dignity, honours life and heals broken communities. I seek no revenge. It cannot raise the dead, comfort a grieving family, and build a nation. Instead, I seek healing, reconciliation, and an end to the cycles of violence that have stolen too many fathers, mothers, and children from this country. Today, I honour not only my father but all those who lost their lives in the violence witnessed during campaigns.

Hon. Speaker: Give him one minute.

Hon. Boyd Ong'ondo (Kasipul, ODM): Their memories must strengthen our resolve to build a Kenya where no family loses a loved one because of politics. Where elections never again leave empty chairs at dinner tables. May their memories become seeds of peace, not bitterness.

The levels of violence we witnessed where even an honourable Member of Parliament like Hon. Peter Kaluma was attacked on voting day clearly show that we must act and act urgently. I thank him for standing with me throughout the campaigns and for standing for democracy firmly during its most trying hours.

(Applause)

I invite Kenyans, the government, faith leaders, civil society, and our international partners to walk with me on this journey of healing. Let us build a country where political competition never again demands human blood, where democracy is defended by ideas, not intimidation, and where every family, regardless of tribal party, can live without fear.

(Applause)

To the people of Kasipul, I am fully aware of the immense responsibility you have placed upon my shoulders. I promise to be the voice of the widowed mother, the struggling youth, the farmer turning hope into hard soil, and the child yearning for opportunity. I recognise the work before us. I know the urgency of electricity, clean water, modern road networks, and sustained development. These are not ambitions; they are necessities. The foundation upon which dignity and progress stand.

Together, we shall walk a transformative journey, one that will redefine Kasipul. A journey where our Constituency will no longer be associated with violence, but celebrated as a hub of development, a centre of peaceful coexistence, and a thriving economy driven by unity and purpose. This is not just my assignment; it is a covenant with my people, my generation, and the ancestors who walked before us. God bless Kasipul. God bless Kenya.

I thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you. Hon. Njeru Leo Wa Muthende.

Hon. Leo Wa Muthende (Mbeere North, UDA): Thank you, Hon. Speaker. I stand here humbled and deeply honoured to have been elected as a Member of Parliament for Mbeere North. It was not easy. I thank God for the opportunity to serve the people of Mbeere North. He stood with me and defended my will and that of the people of Mbeere North.

I thank my family, starting with my wife, who stood with me and by my side throughout the campaigns. She stood before women and told them they could have me. I am so happy that I came back to her in one piece and unscathed.

(Laughter)

I thank the President of the Republic of Kenya for his exemplary leadership. It inspires people like me to get out of our comfort zones to join him in leadership. I thank the Deputy President who came and brought fire to Mbeere North.

(Laughter)

By the time he was done, *mbwegze* was actually a greeting in Mbeere North. It still is today.

I thank Hon. Cecily Mbarire, Her Excellency the Governor of Embu County who walked with me throughout the journey. She even led the opposition to call me the medicine she is carrying around in Mbeere. I accepted to be that medicine for the problems of Mbeere North. I want to pay tribute to my predecessor, Geoffrey Kiringa Ruku, who was a Member in this House, who, you know, served well with distinction. He actually made it very easy for me to sail through, because of the good things he had done for the Mbeere people and the way he performed in this Parliament.

To the people of Mbeere North, I thank you. I am deeply honoured. I made pledges and promises. I will stay focused on leading you to achieving the goals we set together: equitable distribution of bursaries; free day secondary school; roads; and legislation. I did fight for our roads this morning when I visited the Director General of the Kenya Rural Roads Authority (KeRRA). As you can see, I am here today, ready to serve you and oversight even the National Government Constituency Development Fund (NG-CDF).

I will be a good steward and ensure that every shilling is spent well to your benefit. I want to appreciate the people of Mbeere North again, for sustaining a good campaign period, despite provocation by opponents who came and left a trail of insults and injuries. But we stood firm. I stand here today as a testament of a peaceful people who are ready to be served, and who are ready to stay within government.

To my colleagues in this honourable House, I promise to work with you, be a good Member, and contribute to debates. As we break, I want to wish you all good holidays with your families, even as we take a rest, and come back ready to serve our people. Hon. Speaker, my campaigns were not easy. In fact, if you noticed, a man who served in your seat was filmed while almost decapitating a young man. In as much as we have opposition that we differ, it is good to apply restraint, especially for Members of this House. We are called Hon. Members. As a man who witnessed that before elections and post-election, I will stand firm to ensure that that does not happen. I promise to serve my people and fulfil the promises I made, which were many, so that all who voted for me and those who did not find fairness in my leadership. Thank you, Hon. Speaker.

(Applause)

Hon. Speaker: Thank you, Wa Muthende. That man you are referring to was not only my classmate, but also my roommate. I have absolutely nothing with what he did.

(Laughter)

Hon. Omondi Moses Okoth.

Hon. Moses Omondi (Ugunja, ODM): Thank you, Hon. Speaker.

I rise with deep gratitude to the people of Ugunja for entrusting me with their mandate in the recently completed by-election, which was conducted in a peaceful and democratic manner. Their confidence in me is both humbling and inspiring. It has also taught me a lesson

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in resilience and inclusivity. I also want to extend my appreciation to my nine opponents. Their participation enriched the democratic process and ensured that the campaigns were vibrant, competitive, and reflective of the will of the people.

Our Constitution envisions dialogue, collaboration, and coalitions as instruments of unity. The broad-based coalition that brought together my party (Orange Democratic Movement (ODM), and our President exemplifies this vision. It steered our Republic away from the moments of uncertainty and reset the path toward peace and stability, paving the way for transformative development across the country.

We are already witnessing tangible progress in Ugunja. I must mention to this House that the President, a few months ago, was in Ugunja and launched a mega water project, the Ukwala-Sega Water and Sanitation Project. It has really brought a lot of changes in the two constituencies it is serving. As you are aware, water is a basic utility or commodity. As I stand here today, there are quite a number of projects that have been marked by the National Government for implementation. There is the ongoing construction of a modern market in Sidindi. We also have a road known as Sidindi–Sigomere–Masiro, which has equally been earmarked for tarmacking. Therefore, as the Member of Parliament for Ugunja, I have no reservation whatsoever in supporting this Broad-Based Government. These initiatives will spur economic growth, enhance accessibility, and uplift livelihoods.

The Broad-Based Government also elevated my former boss, the Cabinet Secretary for Energy and Petroleum, Hon. Opiyo Wandayi, who was a dedicated and development-oriented leader with national responsibilities in clean and sustainable energy programs. His example sets a standard for me. I am determined to uphold and build upon that legacy in Ugunja. For the record, Hon. Members, Hon. Omondi, who is now before you, has been the constituency manager since 2013 and that has given me leverage on the development agenda.

In conclusion, I pledge not to disappoint the people of Ugunja. My mission is to shape a vision that promotes continuous development, strengthen my oversight and administrative roles and ensure that the sustainable development goals are localised and realised within our constituency.

Hon. Speaker: Well, done, Hon. Omondi. Hon. Ndakwa David Athman.

Hon. David Ndakwa (Malava, UDA): Thank you, Hon. Speaker, for the opportunity. I rise today with deep humility and profound gratitude to deliver my maiden speech in this August House. I thank the Almighty God for granting me the opportunity and privilege to serve in this House. I also have the honour of standing here as the representative of Malava Constituency. I extend my sincere appreciation to the voters of Malava Constituency from all wards: West Kabras, East Kabras, South Kabras, Chemuche, Shimbuli, Shirugu-Mugai, Manda-Shivanga and Butali-Chegulo. I am deeply honoured by their confidence. I commit myself to serving with integrity, diligence and unwavering dedication. I also acknowledge the County Assembly of Kakamega, led by the Speaker, Hon. Namatsi James, where I served as a Member of the County Assembly for West Kabras and as the Hon. Leader of the Minority Party for eight years.

I further acknowledge my family for their support; my party leader, His Excellency (Dr) William Samoei Ruto; the dedicated Hon. Speaker of the National Assembly; the Prime Cabinet Secretary, who has been a mentor to me; the leadership of the United Democratic Alliance (UDA) Party; my campaign team; and, the entire Broad-Based Government whose sacrifices made this journey possible. I also acknowledge my predecessors: Hon. Welangai Masinde, Hon. Burundi Nabwera, Hon. Joshua Angatia, Hon. Soita Shitanda, and the late Hon. Malulu Injendi (may his soul rest in eternal peace). They served this Constituency before me. I recognise their contributions and pledge to build upon the foundation they laid.

Hon. Members, I stand here not merely as an individual but as a voice for the aspirations, struggles and hopes of the people of Malava Constituency. My constituents face

challenges that require urgent and collective action. These include poor educational facilities, impassable roads, struggling agriculture, especially in the sugar sector, lack of electricity, poor health facilities, lack of piped water, youth unemployment and vulnerable groups such as women and persons living with disabilities. It is my firm commitment, to champion legislation, policies and development initiatives that uplift living standards of our people and contribute to national prosperity.

My vision is anchored in transparency, accountability and service delivery. I affirm my commitment to be a servant leader to the people of Malava. I promise to remain accessible to my constituents, to uphold the dignity of this House and to work tirelessly for the unity and progress of our nation. I pledge to approach my duties with humility, to listen more, to learn from those who have walked this path before me in legislation, oversight and representation. I thank you Hon. Members and I thank the people of Malava for electing me. May God bless Kenya.

Hon. Speaker: Thank you, Hon. Members for Mbeere North, Malava, Ugunja and Kasipul for your maiden statements in the House. When we resume, you will now be at liberty to participate in any and every debate in the House, subject to relevance. At that time, you will also be open to points of order and any other interruptions that your colleagues may raise if they feel you have gone the wrong way. I wish you a good journey in the politics of this House. I was once where you are, back in 1992. I wish you a long and fruitful journey.

When you all came to see me, I told you, in this House, identify people who can mentor you. We have seniors here who can guide you and help you understand the Standing Orders. Do not pick up negative habits such as howling in the House or resisting when the Chair gives direction. Persisting in standing and gesturing menacingly at colleagues is not how you grow in politics. I am not pointing at any Member. I am simply saying that I expect nothing less from you. To whom much is given, much is expected.

Next Order.

NOTICE OF MOTION

ADOPTION OF REPORT ON PRIVILEGES AND IMMUNITY

Hon. Speaker: Hon. Gichimu.

Hon. Gichimu Githinji (Gichugu, UDA); Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House adopts the Report of the Committee on Delegated Legislation on its consideration of the Privileges and Immunities (Global Center for Adaptation) Order, published as Legal Notice No. 82 of 2025, laid on the Table of the House on Thursday, 4th December 2025 and declares that the Privileges and Immunities (Global Center for Adaptation) Order, Legal Notice No. 82 of 2025, is null and void for failing to comply with Section 17 of the Privileges and Immunities Act, Cap. 179, which requires the regulatory-making authority to submit the draft order for approval by Parliament before publication and for infringing Article 94(6) of the Constitution relating to the principles of Section 13A of the Statutory Instrument Act Cap 2A.

Hon. Deputy Speaker: Hon. Members, I shall re-arrange the Order Paper. We will skip Order No.7 on Questions and Statements and go to Orders Nos.8 and 9 because they are rather brief. We will come back to Order No.7 later. Read out Order No.8.

SPECIAL MOTION

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APPROVAL OF MR ALI ABDULLAHI SURRAW FOR APPOINTMENT AS
SECRETARY/CHIEF EXECUTIVE OFFICER OF THE SRC

Hon. Peter Kihungi (Kangema, UDA): Hon. Deputy Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the findings of the Departmental Committee on Labour in its report on the approval hearing of a Nominee for Appointment as the Commission Secretary/Chief Executive Officer of the Salaries and Remuneration Commission, laid on the Table of the House on Thursday, 4th December 2025, and pursuant to provisions of Section 16(1) of the Salaries and Remuneration Commission Act, Cap 412D, and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, Cap 7F, this House approves the appointment of Mr Ali Abdullahi Surraw as the Commission Secretary/Chief Executive Officer of the Salaries and Remuneration Commission.

Hon. Deputy Speaker, on Thursday, 27th November 2025, the Speaker of the National Assembly relayed a Message from the Chairperson of the SRC to the Members and referred the nominee's name together with his curriculum vitae to the Departmental Committee on Labour for an approval hearing, vetting and reporting to the House. Noting that the House would be proceeding for the long recess on 5th December 2025, the Committee was expected to conduct the approval hearing and report to the House before the commencement of the recess.

In fulfilment of Article 118(1)(b) of the Constitution, Section 6(4) of the Public Appointments (Parliamentary Approval) Act, Cap 7F, and National Assembly Standing Order 45(3), the Clerk of the National Assembly facilitated the placement of an advert in the print media on 28th November 2025 notifying the public of the date, time and place of the approval hearing of the nominee.

In compliance with Section 6(9) of the Public Appointments (Parliamentary Approval) Act, Cap 7F, the Clerk invited the public to submit memoranda by way of written statement on oath or affidavit, with supporting evidence contesting the suitability of the nominee to hold the aforementioned office. The memoranda were to be received by Wednesday, 3rd December 2025 at 5.00 p.m. By the close of the deadline, the Committee had not received any memorandum in support or in contestation of the suitability of the nominee.

Further, on 27th November 2025, the Clerk wrote to the nominee notifying him of the date, time and place of the approval hearing, which was scheduled to be conducted on Thursday, 4th December 2025, in the Mini-Chamber, First Floor, County Hall, Parliament Buildings at 10.00 a.m. The nominee appeared before the Committee on Thursday, 4th December 2025, and was orally interviewed under oath pursuant to Article 250(12) of the Constitution, the Public Appointments (Parliamentary Approval) Act, Cap 7F, the SRC Act, Cap 412D, and the National Assembly Standing Orders.

The Committee observed that the nominee met the integrity threshold, and demonstrated knowledge of the topic and administrative and technical issues touching on the position to which he had been nominated. He had the requisite abilities, academic qualifications and professional experience to be approved for appointment as the Commission Secretary and Chief Executive Officer of the SRC.

Further noting the recruitment process and subsequent recommendation for appointment, as detailed in the Report of the Selection Panel, the nomination of Mr Ali Abdullahi Surraw as the Commission Secretary/Chief Executive Officer of the SRC was in compliance with the Constitution, the SRC Act, Cap 412D and the Public Appointments (Parliamentary Approval) Act, Cap 7F.

Emanating from the above observation, the Committee recommends that the House approves the appointment of Mr Ali Abdullahi Surraw as the Commission Secretary/Chief Executive Officer of the SRC.

Hon. Deputy Speaker, I beg to move and request Hon. Dido Raso to second.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Deputy Speaker. I rise to second the Special Motion. The SRC is very important. At one point, this House fought with it because of the people who were heading that institution. They were trying to stonewall when they should have been negotiating, canvassing, communicating and explaining why they should increase or decrease salaries and allowances.

I know Mr Ali from Mandera. He is very qualified for this position. He is well educated in the field of public administration, and is a certified human resource professional. That puts him in the best position to understand how to look after public officers in different categories, whether low or high ranking. He understands how paying officers a certain amount of money will fairly or unfairly affect them. I am happy that the Committee thoroughly considered the nominee.

He was previously the Deputy CEO of the Political Parties Disputes Tribunal and has a knack for understanding politics' influence on employment and salaries. He also understands that salaries are not a standalone issue; they are affected by the economy. It is not just a stand-alone thing; it is about the economy. I think the mover has spelled out clearly that this particular individual is well versed and well qualified. I thank His Excellency the President for identifying minorities and marginalised groups to come to the centre of his Government.

With those remarks, Hon. Deputy Speaker, I beg to second.

Hon. Deputy Speaker: Thank you.

(Question proposed)

Hon. Deputy Speaker: Hon. Members, is it the mood of the House that I put the question?

Hon. Members: Yes.

*(Question, that the Question
be now put, put and agreed to)*

Hon. Deputy Speaker: I will now put the question.

(Question put and agreed to)

MOTIONS

RATIFICATION OF THE AGREEMENT ESTABLISHING THE SHELTER AFRIQUE DEVELOPMENT BANK

THAT, this House adopts the Report of the Departmental Committee on Finance and National Planning on its consideration of the Agreement for establishing the Shelter Afrique Development Bank, laid on the Table of this House on Tuesday, 2nd December 2025, and pursuant to the provisions of Section 8(4) of the Treaty Making and Ratification Act (Cap. 4D) approves the ratification of the Agreement establishing the Shelter Afrique Development Bank.

(Moved by Hon. David Mwalika on 3.12.2025 – Afternoon Sitting)

(Resumption of debate interrupted on 3.12.2025 – Afternoon Sitting)

(Question proposed)

Hon. Deputy Speaker: Members who want to debate this, kindly press the intervention button. Hon. Beatrice Elachi? Okay, she is not interested. Hon. Sylvanus Osoro? Hon. Ndindi Nyoro. I think those are the only Members who want to contribute.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, for this chance. I will take a very short time. It is important for a country like Kenya, in a region like Africa, to have as many sources of revenue and financing as possible. Shelter Afrique, like many other peers that deal with regional matters, is important, especially in providing financing needed to take the economies of Africa forward. It is important for our country to have subscriptions and to keep increasing the number of shares and subscriptions we have in regional development bodies, especially institutions like Africa Export-Import Bank (Afrieximbank), which has always come through for a country like Kenya. Another entity like African Development Bank (AfDB), has played a great part in the development of infrastructure in Kenya. One notable example is the Thika Road project, which was co-funded by the AfDB.

Hon. Deputy Speaker, when we talk about bodies like these, bodies that address the same issues we are grappling with as economies in the Global South, especially the African continent, we must stop giving lip service and provide the necessary support to grow the capitalisation of these institutions, their core capital, and their shareholders' funds. That way, these resources can come back to the continent in the terms of funding of critical infrastructure.

It is also important for these bodies to emphasise merit in their leadership so that there is versatility in their growth. Many times, when choosing leaders of these institutions, we focus more on regional representation, that is, where they come from, rather than their competencies.

As I conclude, we have seen across many countries and continents that economic growth is not a coincidence. When Asian Tigers grew, neighbouring economies followed. When one country leaps, others follow, often catapulted by regional banks that provide financing both to sovereigns and the private sector for big-ticket private sector financing requirements.

Hon. Deputy Speaker, in China, beyond commercial banks, there are development banks owned by the Government of China, similar to the one we are discussing today, which provide finances that the commercial banks would necessarily not afford. With the abundance of the core capital, they are able to fund huge ticket projects in both the public and private sector, and that goes a long way in growing economies.

Hon. Deputy Speaker, I call upon us, as Kenyans, to examine growth models. Nigeria probably has the highest per capita concentration of Black billionaires in Africa. Entrepreneurs like Aliko Dangote, the entrepreneurs in Globacom in Nigeria, the founders of the United Bank of Africa (UBA), Access Bank, and the BUA Group, have grown through substantial involvement of regional financing bodies, especially Afrieximbank. Afrieximbank has shaped entrepreneurship in Nigeria by financing big-ticket private-sector projects. It is important for Kenya to not only subscribe but also to look inwards so that private entrepreneurs, people launching huge projects, find avenues of getting not-so-exorbitantly-priced financing from these bodies. We have seen it work in regions like Asia and in countries that are robustly entrepreneurial. We have also seen how the economy of a country like Nigeria can get transformed out of the financing by bodies like Afrexim, ADB and African Finance Corporation. Subscription and injection of additional capital by Kenya to bodies like Shelter Afrique is important because the money bridges the existing infrastructure gaps.

Lastly, the speaker gave a way forward with regard to the news Kenyans woke up to today on the sale of Safaricom shares. I am mentioning it because we have seen such companies being funded by the kinds of bodies we are discussing. I am happy the Speaker has already given a way forward that we need a robust public participation on the sale of Safaricom shares. Selling the shares at Kshs.34 each is grossly undervalued. Given the fact that Safaricom shares traded at Kshs.45 in 2021, with a valuation of Kshs.8 trillion, it will be a gross injustice to the Kenyan people for the government to undersell such a priced asset.

The Government is even going further by trying to securitise future dividend that will come from Safaricom. Beyond the consideration, the government is asking for dividend in advance. Kenya exists now and it will exist in the next two and five years. We must stop creating political clubs today by securitising future revenue. Kenya is a going concern. We still need the revenues in the future. The entire deal of selling 15 per cent stake in Safaricom that the Government of Kenya is trying to do must be looked into further, especially with regard to valuation. The current amount grossly undervalues Safaricom and it cannot be tolerated.

Thank you, Hon. Deputy Speaker.

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

[The Temporary Speaker (Hon. Farah Maalim) in the Chair]

The Temporary Speaker (Hon. Farah Maalim) Hon. Adan Keynan, are you interested on this Motion? I can see your name on the screen. Who else is interested in the Shelter Afrique issue? Under the circumstances, I call on the mover to reply.

Hon. Julius Rutto (Kesses, UDA): Thank you so much, Hon. Temporary Speaker. I rise to reply to this Motion. I thank all Members who made contributions to this Motion. I appreciate the fact that Kenya and Africa have matured enough to rise and have a discussion on the financial architecture of development, starting with the Shelter Afrique that focuses on housing. It focuses on urban areas, cities and the needs of our people.

On behalf of the Committee, allow me to thank stakeholders that came forward and made substantive and informative contributions. Their proposals informed this Report. It indicates that Kenyans are ready to have an institution in which Kenya is a stakeholder, owner and decision maker. The governance body of this financial institution will comprise directorship made up of Ministers of all member States. Kenya has hosted the institution in Nairobi. This Agreement is a demonstration of confidence that Kenya is ready to contribute to the growth of Africa.

I appreciate all Members and members of the Departmental Committee on Finance and National Planning, starting with the Chair and Vice-Chair. They devoted their time to ensure this Agreement is subjected to the proper legislative process to the point where the House is adopting it. This will ensure that Shelter Afrique is established as a development bank. It is an indicator that Kenya and Africa are rising up.

Thank you so much, Hon. Temporary Speaker. I beg to reply.

(Question put and agreed to)

Hon. Members, I am rearranging business because of a demand that has been considered and approved. I call upon the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations to move Order No. 14.

ADOPTION OF REPORT ON INQUIRY INTO THE CONDUCT OF BATUK

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. (Rtd) Abdullahi Sheikh (Mandera North, UDM): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on the inquiry into the conduct of the British Army Training Unit in Kenya (BATUK), laid on the Table of the House on Tuesday, 25th November 2025.

The Report arises from an inquiry conducted by the Committee into the alleged unethical, illegal and harmful conduct of BATUK. The inquiry was prompted by a rising public concern and allegations of misconduct brought to its attention during its consideration of the Defence Cooperation Agreement between the Republic of Kenya and the United Kingdom. These concerns were further supported by historical accounts contained in volume 2A of the Truth, Justice and Reconciliation Commission (TJRC) report.

The main objective of the inquiry was to conduct a comprehensive investigation into the alleged malpractices by BATUK since its inception under the following terms of reference:

1. To investigate the alleged ethical breaches related to ethical misconduct, including corruption, fraud, discrimination, abuse of power and other unethical behaviours.
2. To investigate allegations of human rights violations, including mistreatment, torture, unlawful detention and killings, or any other violations of internationally recognised human rights standards.
3. To assess BATUK's operational integrity, especially recognised safety protocols, compliance with legal requirements and adherence to established military standards.

The Committee conducted public hearings from 28th to 30th May 2024 in Laikipia East and Laikipia North in Laikipia County, and in Samburu County. Subsequently, the Committee held multiple stakeholder engagements from May 2024 through October 2025. During these sittings, the Committee received oral and written submissions from affected civilians, victims, community leaders, civil society organisations and relevant public agencies. The inquiry was consistently undermined by the refusal of BATUK officials to cooperate with the Committee. Despite repeated summons issued under Article 125 of the Constitution, BATUK officials declined to appear before the Committee, and instead routed all communication through the Ministry of Defence and the Ministry of Foreign and Diaspora Affairs. After a month of evasion, a written submission was finally sent, it was unsigned, a gesture far below the standards of intergovernmental accountability and one that reflects a troubling disregard for the authority of this House. Such conduct sets a dangerous precedent for foreign forces operating within our borders. Parliament cannot and must not be treated as a ceremonial body.

Despite these challenges, the Committee conducted extensive stakeholder engagements with affected communities, government agencies, civil society organisations and independent experts. The Committee also reviewed the legal framework governing the Kenya-United Kingdom Defence Cooperation Agreement (DCA) and evaluated British Army Training Unit, Kenya (BATUK) compliance with Kenyan law and international and bilateral obligations.

The inquiry revealed consistent patterns of gross negligence in the handling of unexploded ordnance leading to multiple civilian injuries and fatalities. BATUK's clearance protocols were found to be dangerously lax, often leaving hazardous remains in public spaces. Kenyan workers hired to assist with debris clearances were not provided with protective equipment or training exposing them to lethal risks.

The inquiry also revealed a trend of sexual misconduct by BATUK official personnel marked by rape, assault and abandonment of children fathered by soldiers. Survivors of sexual violence reported cases were dropped or mishandled by local authorities, with many victims

denied access to justice. These cases were compounded by the absence of any mechanism within either the United Kingdom (UK) or the Kenyan justice system to hold BATUK soldiers accountable for child support or other consequences of such misconduct. With no independent reporting or accountability mechanism in place, BATUK's immunity from Kenyan law has fostered impunity for sexual and gender-based violence.

The inquiry further revealed serious environmental degradation, including the Lolldaiga fire incident, illegal dumping of military waste and toxic materials. The Committee noted credible community concerns that chemical contaminations, including white phosphorus, may have polluted local soils and water sources. These ecological harms have disrupted wildlife corridors and endangered local biodiversity. The Kenyan Wildlife Service is observing increased animal displacement and injury during BATUK's training sessions. Despite the scale of the disaster, BATUK has not provided any substantial remediation or compensation for this.

The inquiry also highlighted opaque and incapable compensation practices by BATUK. The Committee noted cases in which ex gratia payments were offered without transparency or fair assessment of liability. In one case, BATUK claimed only 50 per cent responsibility for an injury suffered by Lisoka Lesasuyan, despite compelling evidence to the contrary.

For instance, the African Centre for Corrective and Preventive Action noted that Kenyan courts have awarded damages in similar cases such as Kshs.7 million judgment for Mr Longoro Mutunge, who was injured by a buried explosive, but only a fraction of such payments have been made.

Hon. Temporary Speaker, considering the foregoing, the Committee made a number of recommendations.

1. Amendments to the Kenya Defence Force Act to incorporate:
 - (a) A visiting force code of conduct.
 - (b) A provision on zero tolerance for Sexual and Gender-Based Violence (SGBV) with survivor support and child support enforcement.
 - (c) Environmental obligations.
 - (d) Social responsibility.
 - (e) Civilian oversight mechanisms.
2. Negotiations with the UK Government to implement mechanisms to hold BATUK soldiers accountable for child support to children born out of consensual relations.
3. Continued collaboration between the Office of Attorney-General and the UK Central Authority in the extradition proceedings of Mr Robert James Purkiss, the suspect in Mrs Agnes Wanjiru murder case, pursuant to the Mutual Legal Assistance Act, Cap 75A, and the Extradition Act, Cap 4(1) of the UK Public General Act.
4. Initiation of an inquest into the murder of Mr Robert Swara Seurei.
5. Investigation of the alleged cases of murder of Kenyan citizens by BATUK soldiers reported by the Kenya National Commission on Human Rights.
6. Restorative justice measures, including compensation and psychosocial support for historical victims of sexual offences perpetrated by BATUK members.
7. Investigations of the alleged cases of sexual offences by BATUK soldiers, including a historical case documented in the Truth, Justice and Reconciliation Commission report dated 3rd May 2013.
8. Establishment of a survivor liaison unit in Isiolo, Laikipia and Samburu counties in line with the Legal Aid Act, Cap 16A, to offer legal aid to victims of offences and other civil claims linked to BATUK personnel.

9. Measures to assist victims in the settlement of civil claims, including cases of injuries sustained and loss suffered as a result of BATUK operations or activities reported by the Kenyan National Commission on Human Rights.
10. Establishment of a military-linked crimes task force to oversee evidence preservation, case tracking and expedited investigations and prosecution of offences committed by foreign military personnel.
11. Development of a land-use register of all parcels utilised by BATUK, indicating tenure, legal basis, duration and community compensation arrangements, and an audit of historical and current BATUK land-use agreements.
12. BATUK to undertake an environmental impact assessment on its training grounds and thereafter, the National Environmental Management Authority (NEMA) to conduct an environmental audit in line with the Environmental Management and Coordination Act, Cap. 387.
13. Development of a wildlife displacement and damage report for areas affected by BATUK training with policy recommendations for mitigation and restriction.
14. Operationalisation of a written range safety and ordnance clearance standard operating procedure requiring 100 per cent accounting of expended ammunition. UXO clearances are required within two weeks after each exercise.
15. Publication of clearance completion reports with the local authorities, and adoption of multi-agency emergency response plans supporting nearby health facilities and fast responders.

We also made a recommendation on the issue of DCA. Right now, the status of that agreement certainly is in limbo and that is what has guided the presence of the BATUK in Kenya. I just want to elaborate on a few issues of the DCA between Kenya and the UK. In 2015, the UK and Kenya signed a DCA to strengthen defence ties and address common security challenges. This agreement was entered into force on 11th October 2016 pursuant to Article 26(2) of the agreement. This remained in effect for a period of five years.

On 27th July 2021, Kenya and the UK signed another DCA, which replaced a previous DCA signed in 2015, and expired on 6th October 2021. Pursuant to a Treaty Making and Ratification Act, the agreement was submitted to the National Assembly on 6th September 2021 for ratification. However, the agreement was not concluded by the end of the term of the 12th Parliament.

The agreement was resubmitted on 22nd November 2022 and after consideration, the Departmental Committee on Defence, Intelligence and Foreign Relations recommended approval of the agreement with two main reservations.

1. Article 6(5) of the agreement should be amended by inserting a new paragraph immediately after Paragraph (h) to include murder as one of the offences which are under the jurisdiction of the host nation.
2. Article 23 of the agreement should be amended to include Corporate Social Responsibility.

This Report was tabled in the House on 21st March 2023, and was thereafter debated and adopted by the House on 13th April 2023, thereby approving the ratification of the DCA with the aforementioned reservations. The DCA, however, is yet to be ratified by Kenya due to unresolved issues that arose between the UK and Kenya after the National Assembly approved ratification with aforementioned reservations.

The 2015 DCA expired in 2021 and the 2021 DCA is yet to be ratified. This raises a legal issue regarding the framework under which BATUK is training and operating here in Kenya. An analysis of the 2015 DCA revealed that Article 26(5) provided for a savings provision on jurisdiction, civil claims and liabilities, the protection of information and the financial arrangement between the parties for as long as necessary.

However, the Agreement is ambiguous as to whether these provisions provide a lifeline for the entire expired provisions. Therefore, it is crucial that the legal status of the Defence Cooperation Agreement (DCA) between the United Kingdom (UK) and Kenya is swiftly resolved.

I have seen something on BATUK's non-cooperation with the Departmental Committee on Defence, Trade and Foreign Relations on social media. Throughout the inquiry, the Committee faced considerable obstacles in securing cooperation from BATUK. Despite multiple correspondences, they reported a pattern of unresponsiveness and evasion, frustrating the Committee's constitutional mandate to establish the facts surrounding serious allegations made by citizens.

The BATUK consistently invoked immunity, citing provisions of the DCA, and evaded direct engagement with the Committee. Instead, they channelled their communication to the Committee through the Ministry of Foreign and Diaspora Affairs and the Ministry of Defence, thereby undermining the inquiry. After months of non-responsiveness, BATUK ultimately responded via an undated written memorandum transmitted through the Ministry of Foreign and Diaspora Affairs. The response comprised of unsigned submissions, presented without an official letterhead, lacking any authentication or attribution to BATUK or any competent authority legally mandated to speak on its behalf. This response falls short of the standards of official government-to-government or institutional communication and demonstrates total disregard for the authority of this House. The manner in which BATUK engaged the Committee reflects not only on institutional contempt, but also a broader disregard for the sovereignty of Kenyans whose will is expressed through Parliament.

The dismissive attitude of BATUK sets a dangerous precedent that undermines Kenya's legislative authority, public accountability and the rights of affected communities. The Committee documented a Report with 94 pages and annexures that were tabled in this House. While we recognise the fact that BATUK, in one way or the other, contributes to both the economy and training of our soldiers and theirs as well, the misconduct and misbehaviour outweigh some of the advantages they have brought to this country.

I know that we have a DCA that is in limbo. Its legal status needs to be looked into so that we know where both countries stand at this point in time. It is important that the Executive also resolves that matter of the DCA so that we do not have a situation where a foreign force is here in the country without any legal backing.

With those few remarks, I beg to move and urge the House to adopt this Report. I now call upon Hon. Martha Wangari to second this Motion. I thank you.

The Temporary Speaker (Hon. Farah Maalim): Hon. Martha, second the Motion.

Hon. Martha Wangari (Gilgil, UDA): Thank you very much, Hon. Temporary Speaker. I rise to second this Motion, ably moved by the Vice-Chairperson of our Committee.

Right from the start, this Report is not an easy matter. We have gone to the ground for the last six months and conducted hearings. This House has been presented with 94 pages of a Report. Let me also make it clear that the Report is not anti-cooperation rather it is pro-accountability. We are not saying that the cooperation should be ended, but it must be accountable to Kenyans. The issues that have been raised in this Report are weighty.

The Principal Secretary for the Ministry of Foreign and Diaspora Affairs commented on Twitter about this Report. The British High Commission has also posted something on Twitter on this Report. It is very unfortunate and contemptuous to this House to comment on a Report when we have not even moved it on the Floor of the House. This demonstrates what you have seen; the opaqueness which these matters are dealt with and tiptoeing around it.

We took a lot of time to listen to stakeholders, state and non-state actors, and everyone who was invited in that public notice. Among them were victims, survivors of Gender-based Violence (GBV), families of fallen victims, including Agnes Wanjiru's family; ex-Mau Mau

veterans, the office of the Director of Public Prosecutions, the Directorate of Criminal Investigations (DCI), National Police Service (NPS), Federation of Women Lawyers in Kenya (FIDA), the Kenya National Commission on Human Rights (KNCHR) and many others.

The issues that are raised here are weighty. We have seen a lot of bias, in terms of how they are addressed. One, BATUK clearly avoids engaging with the Committee. Article 1 of the Constitution, read together with Article 125, gives this House the powers to summon anyone of importance. To see them respond in the media that they were not given that chance is not only true but also a misrepresentation of facts. Some of these issues touch on lives of Kenyans.

I will pick the death of Ms Agnes Wanjiru. The DCA exempts murder from being dealt with in this Country. How can you be accused of killing a 21-year-old woman, and then you are shipped out to the UK with no responsibility? It is only recently that we were told it would be done. But even today, that suspect— one Mr Robert James Purkiss— has still not been prosecuted. We have explored how British Army Training Unit works in other jurisdictions. One case is how one Canadian was killed in Canada by a British soldier. It also happened in Japan. They were prosecuted in those countries. If you kill someone in Kenya, you are under the law of this country. You cannot use immunity to escape justice and criminal responsibility.

First all, we have recommended that DCA must be amended. The are issues that are exempted. As a Committee, we said that the Agreement must include murder as one of the offences which are under the jurisdiction of the host nation. This is not optional. The fact that we continue to operate as if this House speaks in vain and futility, it is actually stepping on the sovereignty of our country and people. I know there have been arguments which we even listened on the ground. Some leaders joined us in Laikipia and Samburu who said that BATUK does so much in the community. We do not disagree. However, this tokenism cannot cover responsibility, transparency and accountability of the actions of the BATUK soldiers.

There are children born out of BATUK relations with the Samburu, Maasai or local women— whether consensual or otherwise. It is not optional to take care of them. Anytime the issue of Deoxyribonucleic Acid (DNA) was raised, they rejected and resisted any testing as it would make us now lift the veil on rape accusations. Even if it is consensual, the rights of a child under the Constitution cannot be ignored. These soldiers do not run away from their parental responsibility in their country. Because there are no clear channels here, they get away with so much. This is demonstrated. If a Committee of this House, which has the mandate of the people, has struggled to get communication from BATUK, tell me how a hapless woman out there will lodge a complaint? Will the family of Ms Agnes Wanjiru get a clear channel of communication from them?

These are a few of the issues that have been brought to fore. The death of Tilam Leresh was still not investigated. There was a formal inquest on this death, No. 2 of 2014. A soldier, Sergeant Maddison, was actually directed to be charged for the death of this herder.

There is also the issue of environmental degradation. Even National Environment Management Authority (NEMA) getting a chance to engage with BATUK has also been a problem. This is an institution that represents this country. They are not able to engage them. This inquiry did not spring from nowhere. It sprung out from the Truth, Justice and Reconciliation Report that enumerated the sexual offences that have been committed as well as environmental degradation.

Hon. Temporary Speaker, this inquiry did not spring from anywhere. It emanated from the Truth, Justice and Reconciliation Commission (TJRC) report that enumerated sexual offences and the environmental degradation that had been committed.

More importantly, when we were discussing the Defence Cooperation Agreement (DCA), the County Government of Laikipia made a submission and spoke to the same issues. That is why we felt that we would not just sweep the matter under the carpet. We would go to the ground and listen because the law did not guide disposal of ordnance. There are water

bodies near the area where the British Army Training Unit in Kenya (BATUK) operates. The community there has complained of a significant increase in respiratory diseases. Women have also complained of miscarriages because of drinking water and the waste being disposed into the rivers. These issues must be considered. We must get to their bottom.

These are ethical breaches, violations of human rights, environmental degradation and labour concerns. We have workers there who have worked as casual labourers for 17 years. It is not a favour even if they say they have employed locals. You are fired if you raise any question. These are some of the issues that we have unearthed through this inquiry.

Therefore, the submissions and recommendations that we have made, including proposed changes in the law, are matters that this House must consider. We emphasise that this is pro-accountability, not anti-corporation.

One of the national issues I wish to speak to is the Directorate of Criminal Investigations (DCI). We recommended that the Directorate of Criminal Investigations should investigate the alleged cases of sexual offences by BATUK soldiers. It includes historical documented cases, because they exist.

You will see over 2,000 documented cases if you read the Truth, Justice and Reconciliation Commission (TJRC) report. Those are only the reported ones. Sometimes we also make careless comments. I wish they would focus on what needs to be done for this country. The Ministry of Foreign and Diaspora Affairs should initiate negotiations with the Government of the United Kingdom. They should take restorative justice measures, including compensation within three months after the adoption of this Report by the House.

We have had courts pronounce themselves on people who have suffered injury. The court awarded Ksh7 million but BATUK paid Ksh100, 000. The question is: To whom are they answerable? They have acted as though they are above the law. It is time for this House to put its foot down because the people donated their sovereign power to us to protect them. That is where our focus should be as we review this operation.

Allow me to end there since my time is up. I second.

Hon. Yusuf Hassan (Kamukunji, JP): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Are you on a point of order?

(Hon. Yusuf Hassan spoke off the record)

Hon. Hassan, this is your fourth time in Parliament. The Question has to be proposed first.

(Laughter)

The microphone is there, unless it is not working. Is it working? Hon. Members, I will now propose the question.

(Question proposed)

We will hear Hon. Millie Odhiambo and then we will go to Hon. Keynan.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity. I am a Member of the Committee. I have run out of class to come and speak on this issue.

The first time I heard of Archer's Post was in 1997, when my employer at the time, the International Federation of Women Lawyers (FIDA), undertook a fact-finding mission on the issues surrounding BATUK. The same allegations being raised today were already being raised

in 1997. In fact, a British lawyer took up the matter on behalf of the women who were complaining then and went to the United Kingdom.

Unfortunately, the case was lost due to challenges relating to distance, evidence and other factors. However, what I can state as a fact is that if you go there today, where BATUK is based, there are many mixed-race children. They did not appear there by osmosis. When you have mixed-race children, it means that a black and a white person had a child, and this was not occasional. They are many, and they are now adults. They were either born of rape or of consensual sex.

If they were born of rape, those who violated their mothers must be held accountable. If it was consensual, then the fathers must take responsibility in accordance with Article 53 of the Constitution of Kenya, which recognises children born out of wedlock. Even in the United Kingdom, fathers take responsibility for their children. Kenyans have accused Parliament of abdicating its oversight role. I want to challenge Kenyans to listen carefully, because this is one case where we are following and exercising our oversight role properly. If you listen to what the Principal Secretary for the Ministry of Foreign and Diaspora Affairs said today, you will note that the Ministry is more sympathetic to BATUK.

As Parliament, we will not be sympathetic to BATUK. We will stand for the human rights of our people. That does not mean that we do not like the British. The British are protective to their own citizens, and it is embarrassing for us as Kenyans to allow people to come to our soil on friendly terms and then violate the human rights of our women, our children, and our environment.

I first heard of this in 1997. We are now in the year 2025. I do not know how many years those are. It is for this House to deal with these issues conclusively so that not only the British, but any other foreign agency that comes to this country, can respect the laws of the land. We recently saw comments from the United States of America regarding Somalis in the USA, which is unfortunate. I saw the representatives there responding fairly well. The USA is known for their democratic ideals. Therefore, singling out a community for discrimination is wrong, but you can see what they are planning to do to protect their citizens at home. In the same vein, Kenya must protect her own citizens. We cannot accept benefits in exchange for turning a blind eye to what is happening in our own country.

I am proud to have sponsored the Bill that became The Treaty Making and Ratification Act. I did so for reasons like these ones. As treaties are negotiated and ratified in this country, Parliament must have a say. I urge that they bring that treaty here for review for us to make sure that issues of human rights protection, environmental protection, and injuries arising from military training are well taken care of so that Kenyans are not exploited.

My time is up, but I want to say that I am fully in support. This Committee undertook over one year of research and consultations. I confirm that we did not receive anything from BATUK even though there are now claims in the media that the Committee did not give them a chance. The Committee gave them a chance, but they did not respond. Let them be honest and protect Kenya. They are our friends, but they are only our friends to the extent that they protect our rights.

With those remarks, I support.

The Temporary Speaker (Hon. Farah Maalim): For your benefit and the rest of the membership of this House, the matter of unexploded ordnances was raised in earlier Parliaments, including the Seventh and Eighth Parliaments. There was also a case where a Kenyan lady was killed by a marine during those earlier years.

Anyway, Hon. Keynan, have you considered the possibility of taking DNA samples of the mixed-race children and give them to a lawyer in the United Kingdom? All British citizens have their DNA bank. That responsibility is there.

Yes, Hon. Millie.

Hon. Millie Odhiambo-Mabona (Suba South, ODM): Hon. Temporary Speaker, I can respond to that question. When a matter was brought up to the Federation of Women Lawyers (Kenya Chapter) in 1997, there was limited access to DNA. However, it is something that we need to consider right now. The culprits cannot get away with making young ones. One of the cases we dealt with was of a 14-year-old girl. There is no consent for sex with a 14-year-old girl.

The Temporary Speaker (Hon. Farah Maalim): If you take the DNA of all the mixed-race children and engage the UK DNA banks, you will get everybody who is responsible.

Proceed, Hon. Kenan.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Temporary Speaker. Being the Chairman *emeritus* of this Committee, I had the opportunity to go through their 98-page Report. From the outset, the Committee highlighted issues on violation of human rights, sexual abuse allegations, environmental destruction, employment and labour concerns, accountability deficit, and communal and social impact projects. That is the gist of the Report.

Allow me to say that for the first time, under the current Constitution, Kenya has a written foreign policy with a number of pillars – Economic, peace, environmental, cultural, diaspora; ocean and blue economy; science, technology and innovation; and global governance and militarisation pillars.

Hon. Temporary Speaker, as a seasoned lawyer, you are aware that Kenya is a signatory to the Vienna Diplomatic Convention of 1961, which was ratified by over 190 countries, including Kenya. I empathise with Kenyans who have been affected. I sympathise with them. However, Kenya is a responsible member of the international community. As a diplomatic practitioner, I know that there are methods of diplomatic communication. There has to be some form of negotiation. There has to be some communication, building of relationships and promotion of interests. That is the gist of having diplomatic engagements.

I have gone through the Report. The dictum, observations and recommendations are contradictory. If you go through the Report, the dictum – I can see seasoned lawyers here – is injurious, undiplomatic and unfriendly. In diplomatic engagements, there are different types of relations – bilateral, multilateral and triangular relations. They are all anchored under five diplomatic formats. We have formal engagement, informal diplomatic engagement, citizen-based diplomatic engagement, conference-based diplomatic engagement, and silent diplomatic engagement, which is also called ‘ice diplomacy.’

I have gone through the Report. It says that they have issued summons. They have invited... There are different methods of interacting with any diplomatic institution. We have a *Note Verbale*, which is an informal, unsigned communication that is allowed in law unless Kenya is in breach of the Vienna Convention. We have a Diplomatic Note, which is written formally and signed by whoever is engaged in that format. We also have something called *Aide-mémoire*.

Therefore, with the *Note Verbale*, if there is a mistake, the mistake will squarely lie with the Ministry of Foreign Affairs, which is the interface between the outside community and Kenya. So, what is our endgame? Our endgame is to correct injustices while promoting the historical relations that we have with the British Government. On one side, the Report is attempting to address the historical issues affecting the Kenyan people and on the other side, it is injuring the bilateral relations that exist between Kenya and the UK. BATUK did not find themselves in Kenya by force. They can simply be told, one morning, to go away. You know the understanding. They are here as a result of a memorandum of understanding. I want to correct my friends, that this is not the correct way of handling this matter. We should have gone in camera to discuss this matter. That should have been the first step. I entirely subscribe to the position taken by the Permanent Secretary for Foreign Affairs. This is not the way to deal with diplomatic issues...

(Hon. Adan Keynan's microphone went off)

The Temporary Speaker (Hon. Farah Maalim): Give him two minutes.

(Loud consultations)

Order, Hon. Members. The Speaker commands the House. When the Speaker says one or two more minutes, you cannot question that decision.

Proceed, Hon. Keynan.

Hon. Adan Keynan (Eldas, JP): Hon. Temporary Speaker, I want my friends to take note. Do not act in anger. You are all diplomats. All of you subscribe to the principles of parliamentary diplomacy. Our officers are in Haiti as part of our peace building diplomacy. Our officers have served in the United Nations as some of the best peace and security diplomats. We cannot purport to destroy the historical relationship that we have built with the British people, the British Government, and the international community, because of a problem we can solve. As much as I empathise with the Committee, and as much as there is need for correcting this anomaly, this is not the way diplomatic engagements are conducted. I request my colleagues that this report be withdrawn and subjected to other forms of diplomatic engagements. I can tell you this, write it somewhere; this is going to injure our diplomatic engagement not only with the United Kingdom but with other partners.

I agree with the Principal Secretary, Dr Korir Sing'oei. If you say so, then what? Kenya is not a banana republic. We need foreign direct investment. We need diplomatic engagement. We need to protect our image of being a premier republic. That image cannot be protected if we destroy everything that we have built because of our politics. I am aware that this is very popular. I am aware that this is sentimental. I am aware that many feelings arise from it, but we also have an image to protect. We have a country to protect.

I stand here as a person who has been Chairman of this Committee to totally oppose this report and have this matter subjected to other methods of communication between the Government of Kenya and the United Kingdom Government.

(Hon. Adan Keynan spoke off the record)

The Temporary Speaker (Hon. Farah Maalim): Order!

Hon. Catherine Omany (Busia County, ODM): On a point of order.

The Temporary Speaker (Hon. Farah Maalim): You are on a point of order on what? You rise on a point of order when a contributor is on his or her feet.

Let us listen to Hon. Murugara, the Chair of the Departmental Committee on Justice and Legal Affairs.

Hon. George Murugara (Tharaka, UDA): Thank you, Hon. Temporary Speaker...

(Hon. Catherine Omany spoke off the record)

The Temporary Speaker (Hon. Farah Maalim): Order! Are you on a point of order?

Hon. Catherine Omany (Busia County, ODM): I want to ask him...

The Temporary Speaker (Hon. Farah Maalim): No. You should have asked him when he was on his feet.

Proceed, Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Speaker, please, she is going to debate, actually. She is simply differing with the other Member.

(Hon. Catherine Omanyo spoke off the record)

The Temporary Speaker (Hon. Farah Maalim): You will have your moment.

Hon. George Murugara (Tharaka, UDA): She is going to debate and will put across her points.

The Temporary Speaker (Hon. Farah Maalim): Proceed.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Speaker, this is a very emotive matter. The history of BATUK dates back to just after independence. In fact, those who have studied history know very well that in 1964...

(Hon. Adan Keynan and Hon. Catherine Omanyo consulted loudly)

The Temporary Speaker (Hon. Farah Maalim): Order! Hon. Madam Emaase and Hon. Keynan, consult in very low tones.

Hon. Mary Emaase (Teso South, UDA): On a point of order.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order?

(Hon. Mary Emaase spoke off the record)

Oh, I am sorry, it was Hon. Omanyo. I am sorry, Hon. Emaase.

Hon. George Murugara (Tharaka, UDA): That is Hon. Omanyo. Hon. Emaase is seated over there.

The Temporary Speaker (Hon. Farah Maalim): Hon. Omanyo, yes.

Hon. George Murugara (Tharaka, UDA): Hon. Temporary Speaker, the history dates back to just after independence. The British Army was granted leave to train in Kenya after the 1964 mutinies by the national armies across the East African countries. The mutinies never succeeded anywhere apart from Zanzibar, where mercenary Okelo overthrew the Sultan. That is how Tanzania eventually came into existence. Although this matter is emotive, we must be reminded of what these soldiers have been doing in the country – and not just the British soldiers but also the American Marines. I will refer to the case you have alluded to. In 1980, a young American naval officer called Joseph Sundstrom took a trip to town when the naval ship docked in Mombasa. He came across a young Kikuyu girl called Monica Njeri and after whatever happened, he killed her using broken bottles. He was taken to court in 1980 and at the time, there was not much Africanization for reasons best known to all of you.

There were hindrances from the then Attorney General, who said that only whites would have run courts. He was taken before a white judge by a white prosecutor, and represented by a white advocate. At the end of it all, they advised him to plead guilty and the remarks of the judge were that the young naval officer was sentenced to six months imprisonment, a suspended sentence to be served outside the country and to be of good conduct. This is because the life of a young naval officer from the USA, which to him was expansive, could not be destroyed because of the murder of a mere African prostitute. That was the judgement in the murder case involving the young white man, Mr Sundstrom, whose life was deemed expansive. Sundstrom was a USA naval officer, and Ms Monica Njeri was a “prostitute.”

If you look at the contents of this report, despite everything that Hon. Keynan has said, the fact remains that the British Army has not been conducting itself very well. We took time in the last Parliament to amend the treaty in order to make them accountable and answerable to our laws but these malpractices still continue. It is high time Kenya puts down its foot and compels them to obey the law. They are not above the law. They must be subject to our

jurisdiction and act within the law at all times. Where compensation is ordered, the British Government should make prompt compensation to Kenyans in respect of the atrocities they commit towards our people.

Despite whatever reasons we may have against it, this Report is good, especially for the sovereignty of the people of Kenya.

With those remarks, I support.

The Temporary Speaker (Hon. Farah Maalim): Next is Hon. Kombe, who will be followed by the Member for Kamukunji.

Mhe. Harisson Kombe (Magarini, ODM): Asante, Mhe. Spika wa Muda, kwa kunipa nafasi niweze kuchangia. Lakini, kwanza, naomba nitoe shukrani kwa Mwenyezi Mungu na wananchi wa Magarini walionichagua tena kurudi katika Bunge hili.

(Applause)

Vilevile, nawashukuru wote walioungana nami katika maombi na wale waliojitolea kwa hali na mali. Nisimsahau pia Mheshimiwa Rais wa Jamhuri ya Kenya kwa msaada wake na kwa kunishikilia kikamilifu na kuona kwamba ninaweza kutembea katika hali ya kutafuta kura. Vilevile, namshukuru kiongozi wa chama changu cha ODM, Seneta Oburu Odinga alivyojitolea kufika Magarini ili kunifanyia kampeni. Nisiwasahau pia Gavana wa Mombasa, Mhe. Abdullswamad Sherrif Nassir na Gavana wangu wa Kaunti ya Kilifi, Mhe. Gideon Maitha Mung'aro, alivyojitolea na kuongoza harakati zote za kampeni mpaka mwisho. Nawashukuru pia Wabunge wote wa Kenya waliokuja kushiriki nami.

Nikichangia Hoja hii, kwa hakika, huu sio wakati wa Waafrika kunyemelea na kuramba ramba mataifa mengine. Nikinukuu aliyekuwa Rais wa Jamuhuri ya Kenya, hayati Mzee Jomo Kenyatta, *"Huu sio wakati wa kuramba ramba matako ya wazungu tena."* Wakati huu ni lazima tusimame kama Wakenya na kutetea watu wetu. Hatuwezi kamwe...

The Temporary Speaker (Hon. Farah Maalim): Tunayo hoja ya nidhamu kutoka kwa Mhe. Oundo.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. I do not wish to compete with owners of the language. Allow me to raise my point of order in the language I was taught at Starehe Boys Centre School and Bujwang'a Primary School. I understand a bit of Kiswahili, and in any case, I passed very well in Kenya Certificate of Primary Education (KCPE) and Kenya Certificate of Secondary Education (KCSE). The Member has used some words which, in my view, are unparliamentary: *"Kuramba ramba matako."* I believe those words are unparliamentary and you should ask him to withdraw.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. (Dr) Oundo. Order, Members. Mhe. Kombe amesema kuwa ananukuu matamshi ya hayati Mzee Jomo Kenyatta.

Endelea Mhe. Kombe.

Hon. Harrison Kombe (Magarini, ODM): Asante, Mhe. Spika wa Muda, kwa kunisaidia kufahamisha mbunge mwezangu ambaye namuheshimu sana. Kwa hakika, wakati umefika kwa sisi Wakenya kuwadhamini Wakenya wetu na pia kuzingatia Katiba yetu. Tusije tukawaruhusu watu wengine watutendee mabaya na bado tuendeleo kuwabembebeza. Hakuna wakati wa kubembelezana. Kama kosa limetendeka, limetendeka. Kama mtu amenajisi mtoto, kama vile Mkenya anavyonaswa na sheria, mzungu pia anaswe na sheria. Kwanza, mtu huyo alinajisi mtoto wa miaka 14. Hiyo ni dhambi hata mbele za Mungu. Mtu huyo anafaa kubanwa na sheria za nchi. Kwa hali yoyote ile, hakuna haja ya kubembelezana.

Kama inawezekana, napendekeza Mkataba unaowapatia nafasi ya kufanya mazoezi yao hapa nchini urekebishwe na kujumuisha maswala ya nidhamu. Ikiwa hawataweza kutii na kuwa na nidhamu ya kijeshi, basi wakabiliwe na sheria za nchi hii. La sivyo, basi tutakuwa watu wakubembelezana na wazungu. Tulipata uhuru wa nini? Kwa nini tulipata uhuru kama hadi

sasa bado tunabembelezana na wazungu? Hakuna haja ya kuendelea katika hali hii. Ni lazima tusimame wima na kutetea wananchi wetu sawia na vile Katiba yetu inavyolinda wananchi wa Kenya.

Asante Mhe. Spika kwa kunipa nafasi kuchangia. Kama ndugu amekwazika, basi pole kwake.

The Temporary Speaker (Hon. Farah Maalim): Kabla Mbunge wa Kamukunji kuchangia Hoja huu, ningependa kuwatambulisha bungeni wanafunzi kutoka eneo Bunge la Bura, Kaunti ya Tana River, waliohitimu chuo kikuu leo. Namwalika Mhe. wa Bura awakaribishe pia.

Hon. Yakub Adow (Bura, UPIA): Asante, Mhe. Spika wa Muda, kwa kunipa fursa hii ili niweze kuwakaribisha rasmi wanafunzi waliohitimu katika vyuo tofauti tofauti. Wanafunzi hawa wanatoka eneobunge langu la Bura, Kaunti ya Tana River.

Karibuni katika Bunge la Taifa, ambapo sheria za nchi huundwa, na maslahi ya wananchi hutathminiwa. Nyinyi ni viongozi wa kesho. Wakati wenu ukifika, nanyi pia muiongoze Kenya vizuri.

Ahsante sana, Mhe. Spika wa Muda.

(Applause)

The Temporary Speaker (Hon. Farah Maalim): *Nawapongeza wanafunzi waliohitimu.* I now call upon the Member for Kamukunji to weigh in on this Motion. He will be followed by Hon. Rozaah Buyu.

Hon. Yusuf Hassan (Kamukunji, JP): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to the Motion. I also speak as a Member of the Committee.

Firstly, I would like to comment on the negative views against the Report and the situation. If there is any Kenyan parliamentarian who has not been moved by the catalogue of murders, maiming and rape of Kenyans, that person has no empathy for Kenyans.

(Applause)

This situation reminds me of the words of the famous scholar, Frantz Fanon, on the issue of colonialism. He says that colonialism inflicts a deep psychological trauma on the colonised, leading to the colonisation of the mind. Our own philosopher, the late Ngugi wa Thiong'o, also wrote about the decolonisation of the mind, saying that we are a long way from achieving it. We have an inferiority complex when it comes to outsiders. We do not value the lives of our own citizens. Any senior Member of Parliament or Government official who values an abusive partnership above the lives of Kenyans needs to question himself. There is no convention or agreement that can justify the abuse and harm done to Kenyans by an outside force, not even by a friendly force.

I participated in the inquiry. This Report contains disturbing revelations about the conduct of the British soldiers, and the many horrific atrocities that they have committed against innocent Kenyan civilians. The Report indicates point by point, the killings, injuries, rape of girls and women, degradation of the environment, and destruction of the ecosystem. We found that the partnership between Kenya and the United Kingdom (UK) is an unequal one. Kenyans are in an abusive relationship in which British troops have the monopoly of violence and can do whatever they deem fit to Kenyan civilians.

The Kenyans we spoke to, who live in fear and feel terrorised, do not enjoy the protection and security of the Kenyan Government. That is one of the casualties of this Report. The atrocities have been committed right under the Government's nose, and none of the soldiers has been charged in court or brought to book by whatever means.

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When we arrived in Laikipia and Samburu to conduct the inquiry, we were surprised to find out that the British soldiers could do whatever they want and get away with it. It was hard to believe because some of the stories we heard could only happen in an area undergoing conflict or war, yet here is a peaceful part of Kenya where a friendly foreign force was present under a defence agreement but was more or less out of control and was engaging in some brutal activities without any repercussions or consequences whatsoever.

As the Report indicates, the British troops in Kenya have often behaved like a band of outlaws and bandits operating in a disorderly and unregulated territory with total impunity rather than as a disciplined armed force of a civilised nation. In all the incidents we investigated, the BATUK operate out of control. That is why we are calling for a review of our relationship and agreement, and tightening of the agreement. There should also be a review of the agreement to insert key elements that are missing. These are elements which have not been included as agreed by this Parliament when we last reviewed and approved the agreement.

In conclusion, we urgently seek justice for the lives lost, and the environmental degradation. We also need to have real accountability. More importantly, we need to know the status of the agreement between Kenya and the United Kingdom because the current agreement has lapsed. The United Kingdom had rejected the Kenyan Parliament's amendment of the defence agreement. The question is: Under which arrangement does BATUK operate on in Kenyan territory today without an agreement approved by the Kenyan Parliament as required by our Constitution? That is the big question that this House needs to address and take action on.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Hassan, are you sure that Parliament had taken a serious Kenyan position anytime in the past on this matter?

Proceed, Hon. Rozaah Buyu.

Hon. Rozaah Buyu (Kisumu West, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity. No relationship is cast in stone, even if it is diplomatic relations. Our Constitution is very clear that regardless of race, discipline or social class, we are all equal. It is the responsibility of the government to protect all of its citizens regardless of who they are. A Member who spoke earlier said that Wanjiru was a prostitute. If that prostitute is Kenyan, then she must be protected under the Laws of Kenya because she is Kenyan.

It does not matter what goes with that relationship. If it is abusive, it is abusive. The relationship must be reviewed. There is no way we will turn a blind eye to atrocities that have been mentioned by the Committee just because of the aid or purported relationships that we have with some foreign superpower. We must stand up as Kenyans if we really mean to protect our people.

In the recent past, a politician said that some parts of this country cannot benefit from development programs because they are not shareholders. The President and Kenyans came out gun blazing and said that every Kenyan, regardless of the side they voted, is Kenyan and must partake of everything that is in Kenya. What is different now? I thank the Committee for the very detailed Report.

With those remarks, I support.

The Temporary Speaker (Hon. Farah Maalim): Hon. Leo, Member for Mbeere North.

Hon. Leo wa Muthende (Mbeere North, UDA): Thank you, Hon. Temporary Speaker, for giving me this chance. I rise to support the Report in its entirety. This is because I have encountered cases of rape, maiming, discrimination and abuse of all sorts. For example, a young male Kenyan student in the United Kingdom has a consensual sex with a British girl. They break up and the girl reports that she has been raped. Even without investigation, the young Kenyan man is deported. Why do we have double standards? Earlier on, a Member cited that laws were signed in 1961. Who signed on behalf of Kenya? We cannot stand here and

purport to defend something that involves rape, murder and maiming of Kenyan citizens. We are not second-class, and neither are there first-class human beings. These people must be brought to justice on our soil. We need them put in Kenyan jails since they are not above the law.

I support this Report, and insist that it is long overdue because we have been reading about these cases for a very long time. I thank the Committee for taking its time to investigate. Let these soldiers not purport that they were not given time to respond. They treat us as second-class citizens. This is post-independence. We are a sovereign state.

I support the Report.

Hon. Temporary Speaker (Hon. Farah Maalim): They do not treat you as second-class citizens because they are not citizens of this country but as second-class human beings.

Member for Nandi County.

Hon. Cynthia Muge (Nandi County, UDA): Thank you, Hon. Temporary Speaker. I appreciate the Committee for this very detailed Report that has painted a deeply disturbing picture of the situation in BATUK and the general areas of Nanyuki. This is not just a question of our dignity as Kenyans. It also says a lot about the integrity of our sovereignty as a country, and the credibility of the partnership we have entered into over the years.

The issues raised are not minor breaches. These are abuses that have affected families. I would have loved to be very diplomatic in this House today and on this Report, but the tribe that I belong to – a woman – is the most affected tribe in this case. Tell me how a woman who has mothered a “*pointee*” child explains to that child who their father is or how that woman living in Nanyuki and the areas around BATUK explains to her son or daughter that comes back and asks why the children in the playground ask him or her why they have that particular colour? This is unacceptable.

As a country, we must support and stand with this Report given to us by the Committee. We cannot continue to remain quiet because of the benefits. As Kenyans, we must accept to die on our feet rather than on our knees. Part of dying on our knees is accepting this utterly abusive relationship that we have in the name of a partnership. For the record, this has changed from a partnership to some sort of an occupying presence, because it appears that the British Army, or whatever it is that has camped in BATUK, is the one calling the shots.

When we were dealing with the escalation of Gender-Based Violence (GBV), where girls were killed, we all stood up without caring where the perpetrator came from. We, therefore, cannot apply double standards today simply because they are British. The rule of the British must come to an end. Part of the remainders of what the British did to us are exactly what BATUK is now perpetrating. This must come to an end.

I appreciate the Committee because they have been bold enough to speak on behalf of the people living around the area – people living in a very hazardous environment because of the pollution and the things that the people there are releasing into the environment. I also appreciate them on behalf of the women who cannot report to anyone because they will be victimized instead of being given solutions.

I thank the Committee for standing strong on behalf of Kenyans and representing them, and for going out there to listen to the people. These are the stories that must be told in broad daylight so that we make informed decisions. We have no problem with diplomatic relationships. We would really like to keep them, but what is the essence of a good diplomatic relationship when we are dying? What happens to the relationship when we are no longer breathing? We must put Kenyans first, then we can consider diplomatic relationships so that it can foster the livelihoods of Kenyans and not the other way around. If the partnership is abusive, the people will die and there will be no partnership.

I support the Report.

The Temporary Speaker (Hon. Farah Maalim): I now give the opportunity to the most senior veteran military man in this House, none other than Colonel Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker for indulging me.

(An Hon. Member spoke off the record)

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, the same way you think that we should not be despised by the British or the whites in the West, is the same way every Member is an equal Member of this House.

(Loud consultations)

Order. Nobody should complain that an opportunity is being given to another Member of Parliament. That is the basic rule.

Proceed, Hon. Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I do not know why Members are complaining. I am almost like an authority on this particular matter.

The Temporary Speaker (Hon. Farah Maalim): Absolutely.

Hon. Ali Raso (Saku, UDA): I trained in the United Kingdom. I am very versed with BATUK training in Kenya. They have been offered the best training facility in the world, unfettered. They have total access, without any limitation by any Kenyan authority. That particular fact should not be abused by anybody. The historical relationship between Kenya and the United Kingdom is one thing, but troops behaving badly is another thing altogether. We cannot say that this will affect our diplomatic relationship. Not at all. The forces that train in Kenya, whether Americans, British or others, are visiting forces which deploy liaison officers. That is so that any visiting forces do not do anything that contravenes the laws of this country.

What I read in this Report by a Committee of the Kenya National Assembly is the issue of responsibility, accountability, transparency, rule of law and respect for the municipal laws of this country. The Committee is telling BATUK to do exactly what they do in their own country.

(Applause)

If we do not do such things when we train in the United Kingdom, in the Salisbury Plains, then they must not do such things at Hitchcock Post in Laikipia or anywhere else. The law limits you. When firing bombs, mortars and all kinds of lethal ammunition on the ranges, if they do not explode, the basic tenets in military training and doctrine is to look for those devices and dispose of them. The Kenyan rangelands that are in Arid and Semi-Arid Lands (ASALs) are less populated. There are very few people there but that does not give anybody an opportunity to leave undisposed lethal ammunitions that are likely to injure civilians who may stray on those rangelands with their livestock.

The Defence Cooperation Agreement (DCA) between Kenya and the United Kingdom must serve in equal measure. When seeking equity, you must come with clean hands. People can talk but there are two important articles that even new Members joining this House must interact with – Articles 95 and 94(5). These Articles provide that on a matter of concern to the people; nothing will have the force of law unless it is passed by this House. My worry, and the greatest one for that matter, is that the British have one of the best armies in the world. They are very well trained, disciplined, commanded and managed. They should not come to Kenya

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and do things which they do not do in their country. For that reason, I think this matter does not affect any diplomatic relations between our two countries. The commanders who bring their forces to Kenya for training...

The Temporary Speaker (Hon. Farah Maalim): You have one more minute.

Hon. Ali Raso (Saku, UDA): Thank you, Hon. Temporary Speaker. I was saying that commanders who bring their forces to Kenya for training must take full responsibility. Command responsibility will eliminate what we are witnessing. Some soldiers kill civilians, rape or engage in sex with youngsters, acts that they would not be allowed to engage in in their own country. No one should escape scrutiny, especially after breaking the law.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Raso, you trained in the United Kingdom, just as British soldiers train in our country. You did not have any immunity from criminal activities. You should educate Members on that. Did you have any immunity?

Hon. Ali Raso (Saku, UDA): I trained in the UK, the US, Pakistan and Germany. Whenever you arrive in the respective country for training, you are taken through an induction of the dos and don'ts, so that you stay within a straitjacket of the municipal laws of the host country. That is why you will never go against the law.

Thank you, Hon. Temporary Speaker.

(Hon. George Murugara spoke off the record)

The Temporary Speaker (Hon. Farah Maalim): You never know.

(Laughter)

Hon. Oundo, followed by Hon. Beatrice Elachi, and then the Member from Turkana.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. I have keenly listened to the experts in this field, Hon. Raso and Hon. Bashir. I have also listened to a diplomat, who is probably a student of diplomacy. But let me get to the point. I primarily align with the Committee's recommendations.

There is a historical reason why BATUK trains in Kenya. The gentlemen from the military, who are in this House, will tell you that the presence of BATUK, American Marines and other foreign military units in this country has been a good deterrent to any of our rogue neighbours who had harboured any intention or idea of invading or coming to destabilise Kenya. I want us to draw parallels with the war between Ukraine and Russia at the moment. The war started because Ukraine had no formidable military ally that could assist it in the event of an invasion. That is why Russia is very uncomfortable with Ukraine joining the North Atlantic Treaty Organisation (NATO).

The presence of BATUK and other military units in this country is an advantage to some extent. I agree with the Report. Where a criminal offence has been committed, military personnel who come to this country to train are not accredited diplomats. They do not have diplomatic immunity. Whenever a crime has been committed, I totally agree with the recommendation that the laws of the country, unless there is any other agreement between Kenya and the UK, require that those who commit crimes within the soil of Kenya should be tried here in Kenya, so that they face the law as needed here in Kenya. This matter has elicited a lot of attention and interest in the UK. The BBC, Sky News, and all the mainstream news outlets in the UK have reported on it. They seem to agree that there should not be any immunity for those who commit crimes. So that is a settled matter.

I have listened to the numerous recommendations. There are just too many. You see, again, once the recommendations are just too many, it becomes difficult to get the best out of them. I would request the Committee to go ahead and concretise, and ensure that one of the best recommendations, one of the most important recommendations, is to have the new cooperation agreement signed as soon as practically possible. Because at the moment, nothing binds, nothing holds them anywhere.

Finally, I conclude on the issue of civil matters. I am a man. I am a man, and allow me now to talk as a man. On the matter of a civil matter.

The Temporary Speaker (Hon. Farah Maalim): Proceed, proceed. You have always talked like a man. I have never seen you speak as a woman.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): On a civil matter, of child support, it is not a criminal matter. It is a personal matter between two consenting adults. Where there is a case of rape or defilement, that would fall within the realm of the law. But the mere fact that there is a consensual agreement between a consenting adult woman and a consenting adult man, whatever comes was expected. There must be an arrangement between the two of them to sort out their issues.

You know, even going to court with the child support department in this country is a lengthy and laborious process and does not guarantee success. I want to ask the ladies who are here, and also to educate our ladies in that area, that as you engage in other consequences, the man can die or disappear. We must learn to carry the burden. We must learn to be careful.

Usually, the joke was that when the Thika Superhighway was being constructed, many ladies bore children with the Chinese. Typically, Chinese things do not last long; the children used to die as soon as they were born, because Chinese things do not last long.

With those many remarks, I support the report.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Members. Hon. Millie is on a point of order. You do not shout point of order from behind the Chair. What is your point of order?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): My apologies, Hon. Temporary Speaker. I am multitasking. In the age of technology, I am both in class and in Parliament. But I could not fail to listen to Hon. (Dr) Oundo, implying that when a child is born, we blame the woman because she was responsible. You will blame both the man and the woman because nothing is dormant. Both sides are active. But you can never blame a child. Do not purport or imagine it. Do not even try.

(Applause)

When two adults are involved, the result is a child. Both the Convention on the Rights of the Child and our Constitution protect the child. Is he to go against the Constitution?

The Temporary Speaker (Hon. Farah Maalim): He is not in order, basically. The responsibility has always been there. Hon. Members, Hon. Murugara, for the benefit of the House, for those of you who were not around at that time, and I am glad Hon. Murugara was around at that time. There was a mutiny in 1964. The mutiny was done by the King's African Rifles (K.A.R.) 11th Battalion. The Jonnies put that one down. The British forces who were here were called the Jonnies. From then on, they were fully established here, although I did not see them in action on the coup attempt in 1982. I do not doubt that if the coup had begun to succeed, they would have taken action.

(Hon. George Murugara spoke off the record)

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The Temporary Speaker (Hon. Farah Maalim): Yes, Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much. I was not present in 1964 because I had not been born. However, the 1964 mutiny in Lanet and Gilgil was put down by the 'Johnnies'. That is how they secured the agreement to remain here to protect their interests. This had nothing to do with Kenya; it was purely to protect the British interests. They continue with their operations unabated. In 1982, they were not involved.

The Temporary Speaker (Hon. Farah Maalim): Fair enough. Let us have Hon. Elachi.

Hon. George Murugara (Tharaka, UDA): Therefore...

The Temporary Speaker (Hon. Farah Maalim): Let us have Hon. Elachi. The 11th Battalion, Kenya Rifles, was dissolved.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker. I rise to support the Committee's Report. It comes at a time when...

The Temporary Speaker (Hon. Farah Maalim): I do not doubt that Hon. Aden Daudi was present at that time. Proceed, Hon. Elachi.

(Laughter)

Hon. Beatrice Elachi (Dagoretti North, ODM): The Report comes within the 16 days of activism. It is an unfortunate report, even as we support it, because it brings back the memories of the late Agnes Wanjiru in 2012.

The Temporary Speaker (Hon. Farah Maalim): Yes.

Hon. Beatrice Elachi (Dagoretti North, ODM): This Kenyan girl was found in a septic tank in Nanyuki. The investigations resurfaced in 2021, and at that time, we thought the ex-soldier, James Robert Purkiss, would have faced trial. May her soul rest in peace, along with the many others who suffered rape and other human rights violations.

As Parliament, we know that this is a sensitive matter because it concerns justice for local citizens, environmental protection and the presence of foreign military forces. While bilateral agreements have been signed, they should not take away our country's sovereignty, rules and regulations, or the Constitution.

While in Kenya, the BATUK in Nanyuki cannot claim to be a British Territory. The Ministry of Foreign Affairs must take this issue very seriously. When BATUK is here training, as with any foreign army worldwide, it must respect and comply with Kenya's environmental regulations and all other laws. Parliament needs to recognise the severe imbalance in the bilateral negotiations.

While this Report calls for justice and accountability for victims, there must be a fair balance of sovereignty and cooperation through disciplined diplomacy. That is what we are asking. If there is an extradition protocol, the accused must be produced when requested. It is important to cooperate in investigations and allow full joint access to the evidence. That is what we are saying as Parliament. There must also be mandatory disclosure, including the names of BATUK personnel coming into the country. This is very important for the country, so that we understand how to engage as we go through this.

Hon. Temporary Speaker, there must be deployment and rotation logs for investigation where required. We cannot run away from that. We must also provide legal assistance for survivors. We are recommending a co-funded support fund between Kenya and the United Kingdom. We must have a very clear engagement.

You have seen what His Excellency President Trump has done in the United States of America (USA). What is wrong with us, Kenya? Anyone afraid to talk about this in Kenya at this time will be doing a very bad injustice to our people.

As we debate the Report, the Ministry of Foreign Affairs and Diaspora Affairs must see how we will work around this matter. I beg to support the Motion.

The Temporary Speaker (Hon. Farah Maalim): Member for Turkana Central.

Hon. Joseph Emathe (Turkana Central): Hon. Temporary Speaker, my name is Joseph Emathe Namuar, Member for Turkana Central.

The Temporary Speaker (Hon. Farah Maalim): Hon. Namuar, I know you.

Hon. Joseph Emathe (Turkana Central): Thank you, Hon. Temporary Speaker. At the outset, I support the Report. When you visit Laikipia and Nanyuki, you see mixed-race children burning charcoal and riding motorbikes. You know what it means to have white skin in such an environment. When these children are asked about their fathers, they do not know them.

We have the United Nations (UN) in the World. They provide governing principles and request that when we are doing our business, we must obey all human rights, which are not negotiable. We cannot say it is a diplomatic issue that we have to postpone. I thank the Committee for producing this Report. It should look into the Defence Cooperation Agreement (DCA) or the Status of Forces Agreement (SOFA) between Kenya and the United Kingdom (UK) to see whether it can accommodate an investigation and its prosecution in any court of law worldwide. What is happening is very damaging.

The Report talks about land, environment, rape and lack of compensation for the victims. Parliament has a bilateral function with the KDF. This House approves an emergency and war. The National Security Council of Kenya, including the President, can recommend something, but it must come to Parliament for approval.

Therefore, when we are talking about what is happening, we must say that there is a time when a country becomes greater than an individual. Whichever the status, whether you are white or black, the country becomes greater than the individual. As we put this across, individuals must take responsibility for what they do, but not for the countries they belong to, such as Kenya or the UK. I talked to a friend who worked in Ethiopia. He messed up there and impregnated a lady. The Government of Ethiopia waited until he boarded a plane back to Kenya. He was given a bill to pay. It provided for the child's upkeep and compensation for the damage he had caused to the mother.

Hon. Mark Mwenje (Embakasi West, JP): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Mwenje?

Hon. Mark Mwenje (Embakasi West, JP): Thank you, Hon. Temporary Speaker. I rise under Standing Order 95. I believe we have contributed enough to this Motion. It is time that we call upon the Mover to reply after the Hon. Member completes his contribution.

The Temporary Speaker (Farah Maalim): Hon. Emathe.

Hon. Joseph Emathe (Turkana Central, UDA): We must bring each United Kingdom army officer on record as an individual, not as a country. No one is superior when it comes to human rights. I beg to submit.

(Question put and agreed to)

The Temporary Speaker (Farah Maalim): Proceed.

Hon. Major (Rtd.) Abdullahi Sheikh (Mandera North, UDM): Thank you, Hon. Temporary Speaker. I appreciate the many Members who have debated this matter robustly.

I want to clarify that this Report, in no way, is undiplomatic or uncooperative on the part of Kenya and the United Kingdom. We have several agreements with the UK Government that this Report does not touch. This Report specifically touches on the BATUK, which is only one facet of our engagement with the United Kingdom. The Report requires BATUK to be

responsible and accountable and to ensure that its activities and operations comply with the laws of the Republic of Kenya. That is all.

The recommendations we have made are meant to help improve their operations and activities while operating in Kenya. Second, the DCA is still in limbo. All we ask is that it be concluded so that we have a legal basis for these troops to operate in Kenya. Otherwise, our cooperation and diplomatic status with the United Kingdom remains intact. This Report injures nothing.

I beg to reply.

(Question put and agreed to)

The Temporary Speaker (Farah Maalim): Next Order.

MOTION

ADOPTION OF REPORT ON INQUIRY INTO THE PROPOSED SALE OF SHARES IN EAST AFRICAN PORTLAND CEMENT PLC

Do we have the Departmental Committee on Trade, Industry and Cooperatives here? The Chair? Are you there?

Hon. Bernard Shinali (Ikolomani, ODM): Yes, I am here.

The Temporary Speaker (Farah Maalim): Proceed and move that Motion?

Hon. Bernard Shinali (Ikolomani, ODM): It had already been moved. It is a discussion.

The Temporary Speaker (Farah Maalim): Is it a discussion?

Hon. Bernard Shinali (Ikolomani, ODM): Yes.

The Temporary Speaker (Farah Maalim): Who was on the Floor at the time?

(Several Members spoke off-record)

The Temporary Speaker (Farah Maalim): It has not been moved. Order, Hon. Members. You do not run the House with me. The Order Paper indicates any matter moved. I am now informed that it has not been moved. Move it and get somebody to second you, then we open it up for discussion. The rest goes on in the usual way.

Hon. Bernard Shinali (Ikolomani, ODM): I beg to move the following Motion:

THAT this House adopts the Report of the Departmental Committee on Trade, Industry and Cooperatives on the inquiry into the proposed sale of shares held by Holcim Group in East African Portland Cement (EAPC) PLC, to Kalahari Cement Limited, laid on the Table of the House on Wednesday, 12th November 2025.

The Committee held several meetings during the inquiry. It received submissions from the East African Portland Cement, the Competition Authority of Kenya, the Capital Markets Authority, the National Treasury in its capacity as a major shareholder in EAPC, the Office of the Attorney-General as the principal legal adviser to the government, and the Principal Secretary for Industries. The enquiry was occasioned by heightened public interest and the potential implications for corporate governance, market competition, public investment, and the National Industrial Policy. The Committee examined in particular the possible shift in corporate control arising from Kalahari Cement Limited's proposed acquisition of a combined 41.7 per cent shareholding in East African Portland Cement through the purchase of shares

held by a wholly-owned subsidiary, namely Associated International Cement Ltd and Cementia Holdings AG.

[The Temporary Speaker (Hon. Farah Maalim) left the Chair]

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

The Committee also interrogated the proposed sale price of Kshs.27.30 cents per share, a valuation substantially below the prevailing market price, which averaged Kshs.58 per share during the period under review. The report is structured as follows for the benefit of Members perusing through:

1. Terms of reference
2. Submissions from witnesses
3. Findings
4. Committee observations and recommendations.

Hon. Temporary Speaker, the Committee made the following key findings:

1. The Committee finds that the proposed transaction and the approval process were subjected to multi-layered regulations under the Capital Markets Act, CAP 485A, the Competition Act, CAP 504, the Companies Act, CAP 486 and the Mining Act, CAP 306, which seek to protect investors, ensure fair competition and safeguard national mining resources.
2. The transaction therefore required approvals or exemptions from the Capital Markets Authority (CMA), including approvals under Section 31A of the Capital Markets Act and the relevant subsidiary legislation.
3. The Competition Authority of Kenya (CAK) and the Cabinet Secretary for Mining and Sections under Section 51(6) and 7 of the Mining Act, for the transfer of controlling interest in licences. CAK did not conduct a merger review under Sections 42 to 47 of the Competition Act, having concluded that the transaction was notifiable.
4. Consequently, no public interest or competition assessment was undertaken. Kalahari Cement Ltd, through its combined interest in Bamburi Cement, would command a substantial share of Kenya's cement production and distribution capacity.
5. This could lead to horizontal coordination and collective dominance, where two or more undertakings acting in concert control the market even if neither individual holds over 50 per cent plus market share.
6. CAK has determined market concentration in the cement sector or risk of dominance in production, distribution and pricing.
7. The transaction price of Kshs.27.3 cents per share rests substantially below the prevailing NSE market price of approximately Kshs.58.75, suggesting possible undervaluation and erosion of shareholder value, including the Government's owned equity stake.
8. No independent valuation report on fairness opinion has been furnished to justify the transaction.

Reliance on the principle of willing buyer, willing seller is inadequate when a listed company of strategic national importance is concerned, as public interest extends beyond the immediate parties to encompass capital market integrity, investor confidence, and the protection of public assets.

As major shareholders, the National Treasury and Economic Planning, and the National Social Security Fund (NSSF) have a fiduciary duty to safeguard public investments and

pensioners' money by ensuring that any future capital restructuring, disposal or sale of assets such as land is properly disclosed and approved in accordance with Sections 158 and 238 of the Companies Act. Whereas the entry of a long-term strategic investor can benefit the company by injecting capital, providing technical support, and improving operational efficiency, the absence of a publicly disclosed strategic plan from Kalahari Limited raises uncertainty about employment stability, operational strategy, and alignment with national industrial policy.

Furthermore, the absence of a public-interest review by the Competition Authority of Kenya (CAK), as required under Sections 42–47 of the Competition Act, means that no safeguards or conditions have been imposed to protect public interest and consumer welfare. This leaves potential risks of market concentration, dominance and pricing control in the cement sector unmitigated.

The East African Portland Cement PLC has expressed its desire to buy back the shares proposed for sale in the interest of the company and the broader public. A buyback is permissible under Section 447 of the Companies Act, 2015, which provides that a company limited by shares may purchase its own shares out of distributable profits, or through a fresh issue of shares, subject to shareholder approval by special resolution and compliance with disclosure, approval and solvency requirements prescribed by the Act.

The Committee also noted that the existing legal framework governing off-market share transfers, takeovers, and mergers of publicly listed companies under the Capital Markets Act and the Capital Markets (Take-Overs and Mergers) Regulations, 2002, lacks explicit provisions for the exercise of pre-emptive rights by existing shareholders in private sale transactions, or for competition-hiding and transparent sale mechanisms where significant shareholding in listed public companies is disposed outside the exchange.

From the submissions proposing that the EAPC buy back its shares, the Committee observed that, with respect to the strategic economic benefits, the proposed transaction supports the objectives set out under Section 6 of the Privatisation Act No. 18 of 2025. It will broaden economic ownership by encouraging private investment under Section 6(c) of the Privatisation Act, and it will enhance and develop the capital markets under Section 6(f) of the Privatisation Act through new public shareholding and increased market activity.

Hon. Temporary Speaker, the committee, having considered the submissions made by the shareholders and the evidence presented during its inquiry into the proposed sale of shares held by Holcim Limited in East Africa Portland Cement Plc to Kalahari Cement Limited, and having reviewed the applicable laws and regulatory framework, makes the following recommendations.

1. Kalahari Cement Limited should submit a written undertaking to current shareholders, business partners and staff of East African Portland Cement Plc, that it will safeguard jobs, support the company's five-year turnaround business strategic plan, including a commitment that Kalahari Cement will not cause asset stripping and disposal of non-core assets.
2. The Competition Authority of Kenya should, within 60 days, conduct a comprehensive public interest and competition assessment of the cement industry in Kenya and submit a report to the National Assembly. The review should determine market concentration levels, the risk of dominance or coordinated conduct, pricing trends, and the adequacy of existing safeguards for employment, SMEs, and consumers.
3. The Board of Directors of East African Portland Cement Plc may evaluate the feasibility of implementing a share buyback program under section 447 of the Companies Act. The evaluation may consider the buying back of shares proposed to be sold by Associated International Cement Limited (AIC) and

Cementia Holding AG as a lawful means of stabilising ownership, preserving shareholder value, and safeguarding public interest in a strategic national enterprise.

4. The Board of Directors of East African Portland Cement should, within 60 days, review its Memorandum and Articles of Association of Incorporation to align with the Companies Act, the Capital Market Act and current best corporate governance and business practices.
5. In view of the legislative gaps identified with respect to transfer of shares in public companies listed in the Nairobi Securities Exchange, the Committee recommends that the National Treasury, in consultation with the Capital Markets Authority, should undertake a legislative audit of the Capital Markets Act, the Capital Markets (Takeovers and Mergers) Regulations, 2002, and present legislative proposal to:
 - (a) provide for the exercise of pre-emptive rights in the sale and transfer of shares of publicly listed companies through private sale.
 - (b) introduce competitive bidding among existing shareholders to purchase shares.
6. Pursuant to the findings and observation of the proposal by the EAPC Plc to buy back its shares, the Committee recommends that the National Assembly resolves that EAPC Plc buys back shares from Holcim Group and offer them to the public through a fresh Initial Public Offering on the basis that the transaction aligns in the Privatisation Policy in Kenya and will deliver clear public benefits.
7. Pursuant to the recommendations under paragraph 6, the Committee recommends that the National Treasury, the Capital Markets Authority, the Privatisation Authority and any other relevant agencies give regulatory guidance and approvals to enable smooth and lawful execution of the transaction.

The National Assembly resolves that the National Treasury, CMA, the Privatisation Authority and any other relevant agencies provide regulatory guidance and approval to enable a smooth and lawful execution of the transaction. If considered and implemented, these observations and recommendations will allow a smooth and lawful execution of the transaction.

Having noted the proceedings of the Departmental Committee on Trade, Industry and Cooperatives on the inquiry into the proposed sale of shares held by Holcim Group in the East African Portland Cement PLC to Kalahari Cement, I beg to move and urge the House to adopt the Report.

I request Hon. Mary Kitany to second.

The Temporary Speaker (Hon. Omboko Milemba): Before Hon. Mary seconds, after this Order, we shall go back to Order No. 7 on Questions and Statements. Hon. Marianne, you may proceed to the second.

Hon. Marianne Kitany (Aldai, UDA): It is Marianne, not Mary. Those are two different people.

The Temporary Speaker (Hon. Omboko Milemba): Great, Hon. Marianne.

Hon. Marianne Kitany (Aldai, UDA): Thank you very much. I rise to second the Motion. From the outset, I would like to raise issues regarding mergers that were supposed to be considered by the CMA and CA during the consideration of the proposed sale of the shares. The second issue is particularly pertinent, especially in the cement industry. The cement industry faces difficulties, and many cement factories have closed. One is Savanna Cement. Athi River Mining was also affected at some point, but there was a buyback. Kalahari took over Bamburi Cement.

The issue of dominance had been raised by CA in 2014. It was about the dominance of one player, the owners of Bamburi, on EAPC. At that time, as in the present case, both

companies would command dominance in cement manufacturing. We need to address the supremacy. We are constructing many markets and affordable houses, and a lot of cement is consumed in the country. We need to ensure that no player abuses dominance.

There is also a sale being proposed by NSSF, again, to the same Kalahari. If that happens, EAPC will be about 80 per cent owned by Kalahari. That will bring out the issue of dominance. Abuse of the dominance can then easily occur in the cement industry. It is a very critical industry for our country, as we take off from the stage we are on.

I second. Thank you.

(Question proposed)

The Temporary Speaker (Hon. Omboko Milemba): I see several Members are interested. The first Member on the list is Hon. Martin Owino of Ndhiwa. The next one is Adan Keynan. Any Member interested in speaking to this Motion. Hon. Dawood.

Hon. Aden Mohammed (Wajir East, JP): Thank you, Hon. Temporary Speaker. I rise to support the Committee's Report.

Under market dominance, Bamburi Cement holds 33 per cent of the Kenyan market, while East African Portland holds 15 per cent as of today. The total market share for these two big corporations is 48 per cent.

In any sale of shares in a company, the first people to be offered the shares are the shareholders. It is called pre-emptive rights. However, one shareholder is entering into a Share Purchase Agreement (SPA) to purchase 29 per cent of the company's shares. The shares are not being offered to any other shareholder, which means it is not a competitive bidding process, but a "boys' or girls' club" way of buying something. It is a boardroom buy.

According to the Committee, the shares here have been bought at Ksh27. Today, the market value of East African Portland shares is about Ksh53. One wonders why 29 per cent of the shares are being sold at Ksh27 when an ordinary Kenyan like me would have to buy it at the market value of Ksh53 or more. This again raises eyebrows.

Thirdly, I heard the Vice-Chairperson talk about the National Social Security Fund (NSSF) selling shares to Kalahari Group. If that happens, Kalahari will own 75 per cent of East African Portland. This would give them control of 48 per cent of the cement market in Kenya. I wonder why the Competition Authority of Kenya (CAK), the Capital Markets Authority (CMA), the National Treasury and the Ministry of Mining, Blue Economy and Maritime Affairs are not seeing these very stark figures. I am surprised that CMA and CAK gave the go-ahead for this transaction.

The Committee has done a very in-depth inquiry. They have dived into the issues that needed to be addressed, and I am glad that the Board of East African Portland Cement is willing to buy back the shares. If that happens, I will support the report. Let them buy back and ensure the Kenyan public owns this company.

The Report does not include what the Vice-Chairperson talked about, NSSF selling shares to the Kalahari Group. If that is true, I urge my colleagues to be very mindful. This House should be cautious when approving such sales. The money belonging to Kenyan workers cannot be sold in boardrooms; it must be handled openly and with value. In my opinion, valuing East African Portland through the share market value is wrong. I am aware that the East African Portland sits on about 5,000 acres of land in the Athi River and Kitengela areas. Land in that area is about Ksh5 million per acre. The company's value should be at least Ksh25 billion. Therefore, selling Ksh27 per share is a rip-off. Ksh27 per share is a rip off. If we—the people in charge of making policy in this country today—allow it to continue, then we shall abdicate our duties as Members of Parliament. I support the findings of the Committee. I agree with their recommendations. I urge my colleagues to support them as well.

Thank you.

Hon. Jematiah Sergon (Baringo County, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Thank you. What is your point of order, Hon. Jematiah?

Hon. Jematiah Sergon (Baringo County, UDA): Thank you, Hon. Temporary Speaker. I rise on Standing Order 96 to propose the adjournment of this debate.

(Loud consultations)

Considering the debate on the Floor of the House, this matter raises very weighty issues. It is prudent for us to be given more time. If we continue debating at this time, we may not exhaust it. I seek your guidance.

The Temporary Speaker (Hon. Omboko Milemba): Very well, I hear you, Hon. Jematiah. Before we come to that, can we first hear what the Hon. Member wants to say on this Motion?

Hon. Kakuta Maimai (Kajiado East, ODM): Thank you, Hon. Temporary Speaker. I hear Hon. Jematiah. Although this issue is weighty, it is also important that we debate it.

I note that the sale of shares of the East African Portland Cement Company to Kalahari Cement Limited is subject to questioning. I should make it clear that the East African Portland Cement Company gets its raw materials from Kibini in my constituency. This really concerns me. When I sat during the presentation of this Report to the Committee, I expected that before the shares of this company were sold to Kalahari Cement Limited, public participation would be conducted to inform all stakeholders because this is a state corporation. I also find it questionable that the shares are being sold at a throwaway price of Ksh27.30 against a market value of Ksh58.75. Why should they be sold at a throwaway price?

I feel that the sale should be conducted on a competitive basis so that more companies can compete to buy. That way we will get better price for the shares, rather than allowing only one company to be both the only competitor and buyer. I am afraid that selling of the East African Portland Cement Company may jeopardise employment of the people of Ngama Community who have depended on it for many years. Selling of the shares should go to the East African Portland Cement Company instead of Kalahari Cement Limited because the company has the capacity to buy the shares at an even higher price.

In conclusion, I support the Report of the Departmental Committee on Trade, Industry and Cooperatives. I strongly believe that the shares should be sold to the East African Portland Cement Company which has clearly demonstrated the capacity to buy them. However, I support the Report.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Hon. Engoko, proceed.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Temporary Speaker. First of all, I rise to oppose the request by Hon. Jematiah. The Motions before this House are sensitive because they are being debated at night.

Hon. Cynthia Muge (Nandi County UDA): On a point of order, Hon. Temporary Speaker.

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

Hon. Engoko take your seat. This is a debating House. There is a point of order and we have to listen to it. Proceed.

Hon. Cynthia Muge (Nandi County UDA): Thank you, Hon. Temporary Speaker. I rise on Standing Order 96 in support of what an Hon. Member has just said that, it looks

suspicious debating this Motion at night; that is why we are asking for the adjournment of the Motion that is on the Floor of the House so that Members can have time to prepare and gather all the information that they will need to prosecute the Motion. So, I am raising a point of order pursuant to Standing Order 96 on postponement of debate that is on the Floor of the House.

The Temporary Speaker (Hon. Omboko Milemba): I have heard you, Hon. Member. What is your point of order, Hon. Ochieng? Give Hon. Ochieng' the microphone.

Hon. David Ochieng' (Ugenya, MDG): Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Order, Hon. Ochieng'! Let us be orderly.

Let us go back to Hon. Engoko before we listen to you. He was on a point of order.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Hon. Ochieng', you are a seasoned Member. You cannot have...

(Hon. Ochieng spoke off the record)

The Temporary Speaker (Hon. Omboko Milemba): Order, Hon. Ochieng'! Take your seat. Let us listen to Hon. Engoko.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Temporary Speaker. I would like to request that you protect me from interruptions. Hon. Ochieng', kindly allow me...

The Temporary Speaker (Hon. Omboko Milemba): Hon. Ochieng', there was a point of order by the previous speaker and Hon. Engoko was on the floor. Are you raising a point of order?

The Temporary Speaker (Hon. Omboko Milemba): Hon. Engoko, you may proceed.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Hon. Temporary Speaker, first of all, I believe that the House has quorum. Therefore, the House is properly constituted to debate this Motion, unless a Member has a contrary opinion. We have quorum. So, the Motion should be debated.

The Report raises serious concerns. It is an eye-opener. It is a Report of this House. Because it is a fact that the Report was brought before the House today, it should be fully debated and a vote taken on it. We cannot allow deferment of things that need to be handled expeditiously, like this Report.

The East African Portland Cement was sold at a throwaway price.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Engoko, I have given you a chance to contribute on the Motion. I do not know why you are belabouring on whether we should debate it or not. Proceed and make your contribution.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Hon. Temporary Speaker, the Report states clearly that there are shadowy figures in the whole transaction. Who is Kalahari? That is a question that could not be answered. To protect the interests of this country, I support the adoption of this Report by the House. Our work as legislators is to protect the interests of Kenyans. We cannot abscond and defile that duty. The assets of this nation must be protected by this House.

There are shadowy figures that are buying Government entities and this House cannot turn a blind eye to that. We are not going to sell our assets at a throwaway price. What will we leave behind for our children? A Hon. Member here said that there will be loss of employment opportunities for his constituents. Whose interest are we serving? Let this House adopt the Report. There should be no deferment of debate on this Report and voting. We will do it today. I support the Report.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Ochieng.

Hon. David Ochieng' (Ugenya, MDG): Hon. Temporary Speaker, my point of order was not about the merits of the Motion on the Floor. Earlier today, this House passed the sitting for this time. It is out of order for a Member of Parliament to say that our sitting at this time is suspicious. They cannot question our sitting when Parliament has decided that we are sitting until midnight. That is the time of Parliament. I would like you to request the Member who used those words to withdraw them, because this House decided to sit up to midnight today. Not on the merits of the matter, but a Member cannot stand and say that our sitting is suspicious when the sitting we passed was to go on until 9.00 p.m.

I beg your indulgence.

The Temporary Speaker (Hon. Omboko Milemba): Very well, Hon. Ochieng', you are absolutely right. This sitting is very much in order. And Hon. Member, this sitting is not suspicious. Make your contributions, if you have contributions to make. Next to contribute on this is Hon. Phylis Bartoo. Is she in the House? Could we put our interventions, if we want to contribute? Hon. Bartoo, proceed.

Hon. Phylis Bartoo (Moiben, UDA): Hon. Temporary Speaker, I was also in the mood of adjourning because I was not prepared for it.

(Laughter)

The Temporary Speaker (Hon. Omboko Milemba): Yes, can I see Hon. Timothy?

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute on this very important Motion. I take the cue of my colleagues that we have an obligation as a House to protect, defend, and respect our Constitution. We also have an obligation as a House to defend, respect, and uphold the laws that we pass. We have a very elaborate law in this country called the Privatisation Act. That legislation must be followed to the letter. We must protect the assets of our country. If, for example, Kalahari Desert...

(Laughter)

Kalahari Company. Yes, it is a desert because it is denying us growth as a country. If Kalahari has bought East African Portland Cement, which has been undervalued, then as a country we must raise concerns. We have many jobs at stake. We must also protect employment. In this country, the biggest problem we have is unemployment.

I support the Report of the Committee that, one, East African Portland Cement must buy back the shares from Kalahari PLC. Or, in the alternative, if it does not, then that entire process should be declared a nullity by this House. We have the powers. I call upon the Committee on Implementation. Sometimes we adopt reports in this House that end up on the shelves. Whatever we adopt as a House must be implemented by the Committee on Implementation.

I support the letter, intent, and spirit of the Report of that Committee. When a committee of this House sits, it has powers similar to those of the High Court to make certain decisions. They have made the decision under the Report, and as such, that Report should be adopted wholesomely by this House.

Thank you.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Gitonga Murugara.

(Hon. George Murugara spoke off the record)

Hon. Joyce Kamene.

Hon. Joyce Kamene (Machakos County, WDM): Thank you, Hon. Temporary Speaker. I would like first to thank the Departmental Committee on Trade, Industry and Cooperatives for the tremendous work that it has done in investigating and coming up with this Report. I would really want to uphold it. We are here to protect what is ours. It has come out clearly that Kalahari Cement Ltd is owned by individuals from Tanzania. How do you give foreigners the first preference to buy shares belonging to a company in Kenya, whereas Kenya Portland was ready to buy these shares? To make matters worse, the shares were sold at half price. That is why there is every need to support this Report and ensure that the shares are revoked and sold in our markets and Kenya Portland Cement is given the first priority to buy them.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Next is Hon. Cynthia Muge. Did you already speak on this or you have no interest?

(Hon. Cynthia Muge spoke off the record)

The Temporary Speaker (Hon. Omboko Milemba): Hon. Yussuf Muhammad. Is he in the House? Proceed.

Hon. Yussuf Farah (Wajir West, ODM): Thank you, Hon. Temporary Speaker, for this opportunity to add my voice in support of the Report. Without further ado, I support the Committee's recommendation.

Thank you.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Elachi, you appear on my screen on this.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Temporary Speaker.

After reading just a few of the pages of the Report, the Committee has made recommendations but it is very interesting how Kenya Portland Cement, a government institution, sold shares, and now we are back here to recall the sale. The inquiry should be how this happened, where the officers who did this are and how we can refer this back to the Ethics and Anti-Corruption Commission (EACC). When you read this Report, there is a lot of corruption. This is not just about buying and returning shares. It is about an inquiry into what really happened to a government institution. At one time, people were chased from their land and now it is being given to foreigners? No! This concealing of matters is unacceptable. As much as I want to agree with the Report, further investigations should be done in Kenya Portland Cement to uncover how things changed hands. I hope that the officers who did this will also face the law.

I support.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Wanjiku Muhia. Is she here?

Hon. Wanjiku Muhia (Kipipiri, UDA): Thank you, Hon. Temporary Speaker. I want to support the speakers before me.

First, as a very good friend of Tanzania who considers it as a second home, I know they have enough cement companies. It is scary how, every other day, we sell companies in this country. If this company acquires dominance through shares, our Kenyan employees, who are already suffering in Tanzania, will be sacked. They will not have their daily bread as before. What due diligence or research was done to conclude this sale of shares and this whole process? Kalahari is a foreign company. Kenya Portland Cement is a Kenyan company which should be fully owned by Kenyans, unless they say they do not have the capacity. But they have not. Since this regime took office, we have seen one company after another being given to foreigners. Africans, East Africans and Kenyans are not doing well. We should be building

more companies, especially in this era of unemployment of our youth. This is one way to do so.

Hon. Temporary Speaker, I support the Committee and the speakers before me.

The Temporary Speaker (Hon. Omboko Milemba): Yes, CPA.

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Temporary Speaker.

I rise pursuant to the invitation that was made to use your discretion and thereafter make comments on the Standing Order that was raised. When listening to the contributions of Members, it is clear there are weighty issues that ought to be looked into deeper than we are doing now. It is only fair that you consider Member's comments regarding the responsibility of this Honourable House. Members have commented on the responsibility of this Hon. House. If you really allow this particular debate to receive ample and adequate interrogation and time...

(Loud consultations)

Hon. Temporary Speaker, I am making my contribution, and I ask for your protection. Listening to either side, there seems to be a consensus that there are more issues that need to be addressed. I therefore call upon you to provide clarification on that Standing Order so that we can move forward. I invite your discretion on this matter. Thank you.

The Temporary Speaker (Hon. Omboko Milemba): I have heard you, Hon. Rutto. Hon. Mawathe, do you wish to contribute to this? My understanding regarding the Member rising on Standing Order 96 was informed by the observation that there was not enough interest. However, having followed the debate closely, it is important to allow those who were prepared to speak to do so. I did not find it necessary to adjourn at that point when there were Members who were ready and had been waiting to contribute. Let us hear from Hon. Mawathe before I make a ruling.

Hon. Julius Mawathe (Embakasi South, WDM): Thank you, Hon. Temporary Speaker. I wish to support the Committee's Report. This Report recommends that these shares should not be sold to Kalahari Cement Limited. Rather, East Africa Portland Cement (EAPC) should be given the first opportunity to purchase the shares instead of selling them to a foreign organisation. Recently, we have seen a trend of selling some of our parastatals to foreign entities. If this continues, we risk selling our entire country to foreigners.

(Applause)

Many shares, properties, and companies are already owned by foreigners. Here, we have a Kenyan company that is willing and able to take part in this acquisition.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Mawathe, there is a point of order. Points of orders are ordinary in debates.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, we are in the National Assembly. Hon. Mawathe has mentioned that we are selling institutions to foreigners. In the context of investments, we talk of investors. Any country in the world is always seeking foreign direct investments (FDIs). Therefore, we should not appear to disparage investors based on their country of origin. Whether from Turkey, Nigeria, or Uganda, we should encourage investments. I kindly urge Hon. Mawathe to withdraw his potentially derogatory reference to foreigners as we discuss serious matters related to investments.

I believe the people of Embakasi South are keen to see more foreign direct investments in our country, which, in turn, will create employment opportunities for the young men and women in Embakasi South who currently have no jobs. Hon. Mawathe should consider withdrawing his direct reference to investors as foreigners. Let us maintain civility when discussing investment matters.

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The Temporary Speaker (Hon. Omboko Milemba): Hon. Mawathe.

Hon. Julius Mawathe (Embakasi South, WDM): I hope I will not lose time on the period consumed by the point of order. If there is an opportunity for a Kenyan company that is ready and willing to buy these shares, let us prioritise the local company. East Africa Portland Cement is available and eager to make this purchase.

(Applause)

We appreciate the importance of foreign direct investments, but when a local investor is ready, it should be given precedence, and this opportunity should be extended to East Africa Portland Cement. One of my colleagues indicated that the Members present do not support the idea of selling the company to a foreign company, yet there is a company that can buy it in Kenya. There are suggestions and recommendations that debate on this be set aside and brought back at a time that is favourable. Otherwise, we ought to sell this company at a throw away price of 50 per cent. Hence, let us adjourn this debate. The Members present are sufficient to conclude this matter.

Thank you.

(Applause)

The Temporary Speaker (Hon. Omboko Milemba): Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): I thank you, Hon. Temporary Speaker. I beg to reiterate the Motion initially moved by some Hon. Members. This matter is concerning a vital public asset. I am worried about time. I am worried about the substance of this matter and I am worried about our other considerations given that we are set to go on recess.

(Applause)

We have other businesses, including Questions and Statements raising matters of concern to Kenyans. Without seeking review of your previous decision, may I move that this Motion be adjourned to a future date for a more detailed consideration by the House so that we can go to Questions and Statements. This would be important, because if we are adjourning today, Kenyans would want to hear responses to matters which were raised in Questions and Statements.

(Applause)

The Standing Orders require that you make a ruling in the interest of the House and for our convenience. Adjourn this Motion. Allow some of us who have not read it, to do so, then we can come together as a House and make a decision on this important issue. Let us use this time to raise those issues before we go on recess.

The Temporary Speaker (Hon. Omboko Milemba): Thank you, Hon. Members. When the Member rose on Standing Order No. 96, there were those Members who were ready to debate this particular Motion. However, the first speaker who spoke on this, Hon. Dawood, raised very pertinent issues. He was listened to in silence. Given that this is a weighty matter and the interests are very high. Kenyans, who are the owners of that particular property are equally important. You will agree with me that this is a matter that would require that we deal with when this House is at a later date.

(Applause)

Therefore, Hon. Members, I want to defer this putting of the question and debate. Therefore, I will proceed to put the question that this particular debate be adjourned until a further sitting.

(Several Members stood along the gangways)

Hon. Members, you may take your seats.

*(Question, that debate be now
adjourned, put and agreed to)*

(Debate adjourned)

Next Order.

(Several Members spoke off record)

Order, Hon. Members. Let us move to questions and statements. We have done it very well, orderly and everyone has taken his place. Questions and Statements, Order No. 7.

Statement by Hon. Samuel Gachobe, Member of Parliament for Subukia, is he in the House? Proceed.

REQUESTS FOR STATMENTS

DEATH OF MR ERIC TANUI KOROS WHILE IN POLICE CUSTODY

Hon. Samuel Gachobe (Subukia, UDA): Thank you, Hon. Temporary Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the death of Mr. Eric Tanui Koros while in police custody at Solai Police Base.

On 7th October 2025, Mr. Eric Tanui Koros of ID NO. 23771292 was arrested on allegations of theft and detained at Solai Centre Patrol Base, which falls under the jurisdiction of Solai Police Station (Kamukunji), Rongai Sub-County, Nakuru County. He was formally booked into the holding cell at 3.40 p.m. under Occurrence Book (OB) Number 08/07/10/2025. After, approximately one hour, being around 4:40 p.m., during a routine cell check, the duty officer reportedly discovered that Mr. Koros had died while in custody. The officer promptly reported the matter to the Directorate of Criminal Investigations (DCI) and the deceased's next of kin were also informed. Subsequently, family members visited the scene and positively identified the body as that of Mr. Eric Tanui Koros.

The police at Solai Police Base claimed that Mr. Eric Tanui Koros died by suicide through hanging, using a strip torn from a blanket issued in the holding cell. The explanation has caused public outrage, with the deceased's family and the public seriously questioning the credibility of the claim, particularly given the short timeframe between the detention and death of the victim. These circumstances have fueled suspicion of foul play and a cover-up. The death in a police custody, especially within one hour of arrest, raises fundamental concerns about human rights, police accountability and public trust in the rule of law. It demands an immediate, thorough, impartial and fully transparent investigation by an independent body with

no connection to the arresting or detaining officers. Additionally, the family of Mr. Eric Tanui Koros is entitled to the truth regarding the circumstances of their loved one's death.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. A comprehensive report on the investigations into the circumstances surrounding the death of Mr. Eric Tanui Koros while in police custody at Solai Police Patrol Base.
2. A detailed account of all actions taken by police officers in relation to Mr. Koros, from the moment of his arrest, transportation to the Police Base, booking, detention, cell checks and any medical attention provided, up to the point of discovery of his lifeless body.
3. Any disciplinary, administrative or criminal measures taken against the officers who were on duty at Solai Police Patrol Base at the time of the occurrence, including whether any officer has been interdicted, suspended, reassigned or charged in connection with the death of Mr. Koros.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well. The Request for a Statement is referred to the Departmental Committee on Administration and Internal Security. The Vice-Chairperson is here.

Hon. Ali Raso (Saku, UDA): Hon. Temporary Speaker, we will respond to this Request for a Statement two weeks after we come back from recess.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Two weeks after recess. The next Request for a Statement is by Hon. Cynthia Muge, Member for Nandi County.

INSECURITY IN TINDERET CONSTITUENCY

Hon. Cynthia Muge (Nandi County, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding two tragic incidents of insecurity in Tinderet, Nandi County.

On the night of 30th November 2025, unknown armed assailants raided the Chebonet Cooperative Society. During this heinous act, Mr. Kibitok Arap Chirchir, a security guard at the Cooperative, was killed, and the attackers made away with significant quantities of coffee beans stored in the facility.

Similarly, on the night of 2nd December 2025, the Caneland Cooperative Society was attacked, leading to the tragic killing of Mr. Japhet Kurgat. These shocking incidents have caused immense fear and distress among farmers and residents in the area. Of great concern is the pattern of the incidents within days of each other, highlighting an alarming rise in insecurity targeting cooperative societies and the agricultural value chain in the region. Such incidences severely undermine the efforts of our farmers and cooperative societies, which are striving to build Nandi County's contribution to national coffee production.

There are also growing concerns regarding cartels operating outside legally recognised cooperative channels and engaging in illegal hawking of coffee beans. These cartels exploit gaps in enforcement and create porous conditions that aid the theft of coffee beans, smuggling, and other forms of illicit coffee business that destabilise the coffee sector. Their actions distort prices, sabotage cooperative structures, and expose farmers to exploitation, calling for urgent intervention to safeguard the gains made by coffee farmers in Nandi County and their contributions to advancing the coffee sector in the country.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

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1. A report on the steps that have been taken by the National Police Service to investigate the two attacks and bring the perpetrators to justice.
2. The security measures being implemented to protect cooperative societies and coffee storage facilities in Nandi County from attacks and theft of coffee beans.
3. The actions being taken to dismantle cartels involved in the illegal hawking of coffee beans and to seal loopholes that allow theft and illicit trade to flourish.
4. The long-term strategies in place or being developed to safeguard high-value agricultural commodities and protect farmers from organised criminal elements.
5. The support being provided to the families of the slain guards and Government initiatives to enhance better protection of individuals working in private security firms.

Thank you.

The Temporary Speaker (Hon. Omboko Milemba): Vice-Chairperson, Hon. Dido Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. We could respond quickly to this Request for a Statement, but because of the upcoming recess, we shall respond immediately after we resume.

The Temporary Speaker (Hon. Omboko Milemba): Are two weeks after recess sufficient?

Hon. Ali Raso (Saku, UDA): Yes.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Next is the Request for a Statement by Hon. Abdi Ali Abdi, Member for Ijara. Please give him the microphone.

STATUS OF WATER CONNECTIVITY IN IJARA CONSTITUENCY

Hon. Abdi Ali Abdi (Ijara, NAP-K): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation regarding the status of water connectivity in Ijara Constituency.

Access to clean, safe and sustainable water is a fundamental human right expressly granted under Article 43 of the Constitution, and a cornerstone of public health, food security, economic prosperity and environmental resilience. In Ijara Constituency, a region of over 300 people as per the 2025 projection, situated along the perennial River Tana, this constitutional entitlement remains gravely unfulfilled. Despite the river's abundance, reliable piped water reaches only a small minority of households.

The vast majority rely on untreated surface water, distant and frequently saline boreholes, costly water trucking or unregulated vendors, exposing communities to recurrent waterborne diseases, crippling expenditure, lost productivity and acute vulnerability to climatic shocks. The devastating 2025 drought recorded by meteorologists as the worst in fifty years, with temperatures regularly exceeding 40 °C, has intensified this crisis to a breaking point.

Nationally, per capita water consumption has fallen to 26.4 litres per day. In rural Ijara Constituency, households often survive on less than 15 to 20 litres; barely one-third of the World Health Organization's (WHO) minimum standard of 50 litres required for basic health and dignity. Persistent shortages compounded by power outages, silted intakes and chronic maintenance delays, perpetuate a vicious cycle of disease, school absenteeism; particularly among girls tasked with water collection, diminished livelihoods and deepening poverty.

This situation constitutes a systemic and continuing violation of the State's constitutional duty to progressively realise the right to water without discrimination. Immediate, large-scale and climate-resilient investment in sustainable water infrastructure for Ijara is therefore an urgent moral imperative.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation on the following:

1. The current planning, design and procurement status of Ijara Water Works that pipes from: Masalani – Sangailu – Hulugho, Masalani – Ijara – Bodhai Town, and Masalani – Hara – Kotile – Korisa – Abalatiro, through the Northern Water Works Development Agency;
2. Budgetary allocation and financing plan for the project, if any, including funds already disbursed;
3. The challenges, including technical, financial, or administrative and the strategic interventions taken by the ministry to overcome those challenges;
4. Plans put in place by the ministry to guarantee the long-term sustainability, efficiency and affordability of water supply to the people living along the Tana River corridors in Ijara. That is Masalani – Ijara – Hulugho – Sangailu, Masalani – Ijara – Bodhai Town, and Masalani – Kotile – Hara – Korisa – Abalatiro.

Thank you.

The Temporary Speaker (Hon. Omboko Milemba): The Chairperson, Blue Economy, Water and Irrigation. Very well. The request for statement is referred to that particular committee, Departmental Committee on Blue Economy, Water and Irrigation? Very well. The Statement is referred to that particular Committee. Leadership should inform the Chairperson on the same. It should be replied to two weeks after recess.

The next statement is by the Hon. Emathe Namuar, Member for Turkana Central Constituency.

DISRUPTION OF KALOKOL WATER PROJECT IN TURKANA CENTRAL CONSTITUENCY

Hon. Joseph Emathe (Turkana Central, ODM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation regarding the disruption of the Kalokol Water Project in Turkana Central Constituency due to rising water levels in Lake Turkana.

Residents of Turkana Central Constituency, particularly those in Kalokol and parts of Kang'atotha Ward, have for a long time faced chronic water scarcity due to arid climatic conditions, erratic rainfall patterns and inadequate water infrastructure. According to the Kenya Demographic and Health Survey (KDHS), 2022, only 42 per cent of households in Turkana County have access to at least a basic safe drinking-water service, compared to the national average of 68 per cent. To address this need, the Kalokol Water Project was initiated under the Central Rift Valley Water Works Agency, with water sourced from the Eliye Spring in Kang'atotha Ward. The project was designed to supply approximately 21,841 residents with water through a 35-kilometre pipeline with distribution points at Wadach, Lobolo, Loyoro, Napeget, and Nayanae-Ekalale.

However, in July 2025, rising water levels in Lake Turkana submerged the Eliye Spring, crippling the project. This disruption has adversely affected households, businesses, tourism and public institutions relying on this water supply. This situation has caused setbacks in the progress made towards addressing water scarcity in Turkana and highlights the urgent need for sustainable and climate-adaptive water systems in the region.

It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Blue Economy, Water and Irrigation on the following:

1. A report on the assessment of the damage caused by the rising water levels of Lake Turkana on the Eliye Spring and the Kalokol Water Project, including its impact on livelihoods and the community.
2. Reasons for implementation of the Kalokol Water Project by the Central Rift Valley Water Works Agency instead of the North Rift Valley Water Works Development Agency, which ordinarily has jurisdiction over Turkana County.
3. Immediate and long-term measures that the ministry has taken to salvage or rehabilitate the Eliye Water Spring, including provision of alternative and sustainable water sources to ensure uninterrupted water supply to residents of Turkana Central Constituency.
4. Specific timelines for the revival and full restoration of the Kalokol Water Project.
5. Plans put in place by the ministry to safeguard water infrastructure in low lying and climate vulnerable areas of Turkana County and other arid and semi-arid areas.

Thank you.

The Temporary Speaker (Hon. Omboko Milemba): The Statement is referred to the Departmental Committee on Blue Economy, Water and Irrigation. It should be replied to within two weeks after recess.

The next Request for Statement is by Hon. Tandaza Kassim. However, I have his letter to the Speaker of the National Assembly, asking Hon. Elachi to read the Request for Statement on his behalf.

Hon. Elachi.

BLOCKAGE OF A KENYAN CITIZEN'S BANK
ACCOUNT BY AL RAHJI BANK

Hon. Beatrice Elachi (Dagoretti North, ODM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 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 blockage of the bank account of Ms. Musawe Suleiman Mambo, a Kenyan national by the Al Rahji Bank in the Kingdom of Saudi Arabia.

Ms. Musawe Suleiman Mambo of Passport Number AK046940469, has been living and working in Saudi Arabia for two years. In which period, she opened and operated a bank account with Al Rahji Bank. On 7th September 2025, while at the airport in Saudi Arabia for her flight back to Kenya, she was able to access her bank account and transact without difficulty.

However, upon her arrival in Kenya on 8th September 2025, she has been unsuccessful in reaching the bank, which remains unresponsive, and no reasons have been given for blocking access to her account. The account holds her savings accumulated during her period of employment in the Kingdom of Saudi Arabia.

It is unfortunate that with her life savings, locked and inaccessible, she is now unable to afford basic amenities, further exacerbating the economic challenges she faces in settling back in Kenya.

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 steps taken by the Kenyan Embassy in Saudi Arabia in collaboration with the relevant Saudi Arabian authorities to facilitate the restoration of Ms. Musawe Suleiman's access to the bank account to allow utilisation of her funds.

2. The measures put in place to strengthen consular support for Kenyans working in the Gulf region, including assistance in financial disputes, documentation, challenges, and other forms of distress.

Thank you.

The Temporary Speaker (Hon. Omboko Milemba): The statement stands referred to the Departmental Committee on Defence, Intelligence and Foreign Relations. Is the Chairperson in the House? Vice Chair, proceed.

Hon. Major (Rtd.) Abdullahi Sheikh (Mandera North, UDM): Thank you, Hon. Temporary Speaker.

We recognise the urgency of the matter. We shall handle it within two weeks upon resumption from recess. However, we shall still, transmit it to the responsible ministry immediately so that they may provide an earlier response.

The Temporary Speaker (Hon. Omboko Milemba): Very well. The next statement is by Hon. Bernard Shinali, Member for Ikolomani Constituency.

DISRUPTION OF A PUBLIC PARTICIPATION FORUM
IN BUSHIANGALA, IKOLOMANI CONSTITUENCY

Hon. Bernard Shinali (Ikolomani, ODM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the violent disruption of a public participation forum convened by the National Environment Management Authority (NEMA) today, 4th December 2025 in Bushiangala area, Ikolomani Constituency.

NEMA invited members of the public from Bushiangala area, Ikolomani Constituency to a public participation forum to present their views on the Environmental Impact Assessment (EIA) Study Report by Shanta Gold Kenya Limited for the proposed Isulu-Bushiangala underground gold mining project in Musoli and Isulu Locations, Kakamega South Sub-County. However, anti-riot police were deployed to the venue, where they reportedly lobbed teargas at the members of the public and violently dispersed them from the meeting that was scheduled to commence at 10:00 a.m.

It is regrettable that the meeting turned violent, with attendees indicating that there was use of excessive force on unarmed members of the public. Three people are feared dead, while several others have sustained injuries during what was intended to be a peaceful, participatory exercise as guaranteed by Article 10 of the Constitution.

This comes barely three weeks after NEMA cancelled another widely publicised public participation that was scheduled to take place at Bushiangala Technical Training Institute, citing concerns about the security situation. The deployment of police, not to ensure security, but to use disproportionate force, not only undermines the principle of public participation but also, raises serious concerns about the conduct of law enforcement agencies in such instances. Public participation must be safe, inclusive, respectful, and protected as guaranteed by the Constitution. This comes barely three weeks after NEMA cancelled another widely publicised public participation that was scheduled to take place at Bushiangala Technical Training Institute, citing concerns about the security situation.

The deployment of the police, not to ensure security but to use disproportionate force, not only undermines the principle of public participation in activities but also raises serious concerns on the conduct of law enforcement agencies in such an instance. Public participation must be safe, inclusive, respectful and protected as guaranteed by the Constitution.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. A report on the events that happened in Bushiangala today, 4th December 2025, including the circumstances that led to the deployment of anti-riot police at a public participation forum and the reported use of excessive force.
2. Status of investigations into the alleged death and injuries suffered by members of the public.
3. Steps that the Ministry of Interior and National Administration is taking to ensure law enforcement agencies protect and not infringe on constitutional rights, particularly during such public participation.
4. The reason for NEMA exposing the public to attacks by convening a second public participation exercise in the same area before guaranteeing the safety of members of the public, given that the initial activity was cancelled due to security concerns.
5. Measures that the Ministry is taking in conjunction with NEMA to safeguard the public participation process to ensure it is free from intimidation or harm.

The Temporary Speaker (Hon. Omboko Milemba): Are you through?

Hon. Bernard Shinali (Ikolomani, ODM): Hon. Temporary Speaker, allow me to mourn my people who have died. They were exercising their constitutional right.

The Temporary Speaker (Hon. Omboko Milemba): Please, Hon. Shinali, the list of Statements is long. So, take just a minute.

Hon. Bernard Shinali (Ikolomani, ODM): Thank you very much. I wish to convey my condolences to the families, the people of Ikolomani, the people of Kakamega, and the public for the incidents that have happened in Ikolomani. They are uncalled for. Any investment that we require, or is coming to an area must be done in a civilised manner. It must not be forced onto people. The community are stakeholders. Most importantly, there are artisanal miners who must be engaged, and agree on how to work together. This is a shame that is happening today in Kenya. We believe such instances of using force and deploying police on unarmed citizens are barbaric.

Thank you.

The Temporary Speaker (Hon. Omboko Milemba): Very well. Thank you. The list of requests is overwhelming. This request is referred to the Departmental Committee on Administration and Internal Security. Chairperson.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker. We can give the response on the first Thursday on resumption from recess. But before then, considering the seriousness of the issue, once we get the response from the Cabinet Secretary, I can transmit it to the concerned Member since we will be on a long recess. I equally join the Member of Parliament to pass my condolences to the family of the lost ones.

The Temporary Speaker (Hon. Omboko Milemba): Very well. The next Statement is by the Hon. Joseph Gitari, Member for Kirinyaga Central.

REPATRIATION OF MS LILIAN NJERI NJOKI FROM OMAN

Hon. Joseph Gitari (Kirinyaga Central, UDA): Thank you, Hon. Temporary Speaker.

Pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Diaspora and Migrant Workers Committee on the repatriation of Ms Lilian Njeri Njoki from Oman.

On 8th November 2025, Ms Lilian Njeri Njoki, holder of Passport No. AK1292887, travelled to Oman under a domestic worker visa issued by her official sponsor, Mr Issa Abdullah Salim Al Maamari of Sohar, Oman. She was recruited through MOSA Placement Company, located at Kampus Tower, Nairobi. Shortly after commencing employment, Ms Njoki fell ill and sought medical attention. Subsequently, she was dismissed by her employer

and handed over to a local recruitment agency, where she was allegedly subjected to assault, verbal abuse and confinement in a hostel without access to medical care.

The agency is reportedly demanding a payment of US\$2,000 as a condition for her release and repatriation to Kenya. These actions raise grave concerns relating to labour exploitation, coercion and possible human trafficking, and require urgent intervention.

It is against this background that I request for a Statement from the Chairperson of the Diaspora and Migrant Workers Committee on the following:

1. The immediate steps that the government is taking to secure the safety of Ms. Lilian Njeri Njoki of Passport No. AK1292887, who is stranded in Oman, and facilitate her access to medical care and repatriation to Kenya.
2. A report on whether MOSA Placement Company is duly licensed in accordance with existing regulations governing foreign employment recruitment, and a track record of the company's recruitment activities from its inception.
3. Long-term measures the government is putting in place to strengthen protection mechanisms for Kenyan migrant workers to prevent exploitation and abuse by recruitment agencies and employers.

I, thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): The next Statement is referred to the Diaspora Affairs and Migrant Workers Committee. Is the Chair in the House? Hon. Dido Raso, inform the Chair that this Statement should be replied to within two weeks after recess. Hon. Dido Raso.

Hon. Ali Raso (Saku, UDA): Thank you, Hon. Temporary Speaker. Most obliged.

The Temporary Speaker (Hon. Omboko Milemba): The next Statement is by Hon. Mohamed Machele, Member for Mvita.

HARMONISATION OF HOUSE ALLOWANCE AND REVIEW OF DELOCALISATION POLICY FOR TEACHERS IN MOMBASA COUNTY

Hon. Mohamed Machele (Mvita, ODM): Thank you, Hon. Temporary Speaker. Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Education regarding the harmonisation of the house allowance and review of the delocalisation policy for teachers in Mombasa County.

Mombasa is the second-largest city in Kenya and among the most expensive to live in. Despite the high cost of housing, the Teachers Service Commission (TSC) continues to categorise Mombasa under Cluster 2 while Nairobi is classified as Cluster 1, resulting in a wide disparity in house allowances.

For example, teachers in Job Group C5 earn Ksh25,500 in Mombasa compared to Ksh35,000 in Nairobi, while those in D1–D3 earn Ksh28,000 in Mombasa against Ksh45,000 in Nairobi. This disparity has demoralised teachers in Mombasa County who struggle to afford decent housing, despite working in a city with a cost of living comparable to Nairobi City County. To make matters worse, the Teachers Service Commission (TSC) enforces the Delocalisation Policy under which teachers promoted to administrative positions such as a head teacher or a deputy head teacher is transferred outside Mombasa County. This has not only disrupted families but also reduced their house allowance when moved to a low-cost cluster, effectively turning a promotion into a financial demotion. This Policy is both unfair and counterproductive.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Education on the following:

1. A report on the reasons for the continued classification of Mombasa City under Cluster 2, despite its high cost of living comparable to Nairobi City County.
2. Clarification on the criteria for clustering house allowances and whether the TSC has conducted any recent cost of living assessment of urban areas and cities, especially Mombasa City, to inform house allowances.
3. Steps being taken by the TSC to harmonise house allowances for teachers in Mombasa County with those in Nairobi City County, given the comparable cost of living.
4. Mechanisms in place to cushion teachers affected by the Delocalisation Policy from reductions in house allowances upon promotion to low-cost cluster regions.
5. Steps being taken to repost delocalised teachers, moved through promotion, back to their previous stations in line with the Government's commitment to end punitive transfers.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well. The Statement is referred to the Departmental Committee on Education. It will be replied in two weeks, after recess.

The next Statement is by Hon. Yussuf Farah, Member for Wajir West. He was in the House.

POWER OUTAGES IN WAJIR COUNTY

Hon. Yussuf Farah (Wajir West, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Energy regarding frequent power blackouts in Wajir County.

For several months, residents of Wajir Town have endured persistent and prolonged power outages, some lasting several days. These blackouts have caused immense inconvenience and disrupted essential services, including health services, thereby, compromising cold chain systems for vaccines. Local businesses that rely on electricity have also suffered significant losses due to the power outages. Notably, the Hadado mini-grid, which was constructed to supplement power supply in the area, has experienced operational difficulties since 2022, worsening the situation.

It is against this backdrop that I request for a Statement from the Chairperson of the Departmental Committee on Energy on the following:

1. The reasons for the persistent power outages currently being experienced in Wajir County, and the immediate and long-term measures the Government will put in place to resolve the matter.
2. The operational status of the Hadado mini-grid in Wajir County.

The Temporary Speaker (Hon. Omboko Milemba): Very well, the Statement is referred to the Departmental Committee on Energy. Is the Chair or the Vice-Chair in the House? Hon. Raso, kindly inform your colleague that the Statement would be replied to, in two weeks after recess.

Hon. Ali Raso (Saku, UDA): Most obliged, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Thank you. The next Request of Statement is by the Hon. Rale Kasiwai, Member for West Pokot.

PLIGHT OF WORKERS IN KITALE – MORPUS ROAD PROJECT

Hon. Rael Kasiwai (West Pokot County, KUP): I rise to request a Statement from the Chairperson of the Departmental Committee on Labour regarding the recent protests by workers engaged in the construction of the Kitale to Morpus Road in West Pokot County. The construction of the Kitale to Morpus Road in West Pokot County being implemented by the Chongqing International Construction Corporation (CICO), the construction commenced in November 2024, and approximately 100 workers are currently assigned to the site.

However, the workers have raised serious concerns regarding poor remuneration, harassment at the workplace and exposure to unsafe and hazardous poor working conditions without adequate safety measures. With the grievances that workers on the Kitale to Morpus Road highlight, similar complaints have been reported across various work sites in the country pointing to a broader systemic challenge that requires urgent intervention.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Labour on the following:

1. Measures put in place by the Cabinet Secretary of Labour to investigate the allegations of poor pay, harassment, and unsafe working conditions affecting workers employed by CICO on the Kitale to Morpus Road project in West Pokot.
2. Steps in place to ensure that all workers engaged in the project enjoy their constitutional rights, including the freedom to join and participate in trade unions without intimidation or victimisation.
3. The mechanisms that exist at the ministry level to monitor compliance with occupational safety standards on construction sites nationwide
4. The long-term policy or enforcement actions being pursued to address the recurring national complaints relating to workers' rights, fair remuneration and protection from exploitation on public and private infrastructure projects.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Great. The Statement is referred to the Departmental Committee on Labour. Is the Chair or Vice-Chair in the House? Any Member from the Departmental Committee on Labour?

Hon. Peter Kihungi (Kangema, UDA): Okay. Thank you. I may not commit, but within the time of recess, probably in the first two weeks, we can report on the Statement.

The Temporary Speaker (Hon. Omboko Milemba): You just need to commit because you can always act. Two weeks after recess, thank you. The next Statement is by the Hon. Mark Mwenje, the Member of Parliament of Embakasi West.

GRABBING OF LAND FOR PUBLIC UTILITY IN UMOJA EMBAKASI

Hon. Mark Mwenje (Embakasi West, Jubilee): Thank you, Hon. Temporary Speaker. This is a request of a Statement regarding the alleged grabbing of land for public utility in Umoja Embakasi West.

Pursuant to the provisions of Standing Order 44(2)(C), I request of a Statement from the Chairperson of the Departmental Committee on Land regarding the alleged grabbing of a public utility land in Umoja and Embakasi West Constituency.

Hon. Temporary Speaker, the parcel land LR No.9 Nairobi/Block 109/23/80 situated along Moi Drive in Umoja area in Embakasi West Constituency, was originally designated as a public utility intended for the benefit of residents. Despite the need for essential facilities, including the provision of a bus terminus to serve public service vehicles operating in the area, the land has allegedly been occupied by a private individual. This alleged encroachment has raised concerns among residents who rely on the facility for essential social services. Such

encroachment, if not forestalled, could undermine public confidence in land administration and deny communities access to essential services.

Hon. Temporary Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Lands on the following:

1. A report on the current ownership status of LR No. NAIROBI/BLOCK 109/2380 situated along Moi Drive in Umoja area, Embakasi West Constituency, including details of any allocation or change of user that may have been undertaken and the legality of such allocations or changes.
2. The steps being taken to investigate the alleged land grabbing and restore the land to its intended public purpose.
3. The immediate measures being taken to ensure that the residents regain access to the land for its intended public benefit.
4. The long-term measures in place to safeguard public utility lands from encroachment or misuse.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Great. The Request for Statement is referred to the Departmental Committee on Lands. It would be answered to, two weeks after recess. The Chairman, Departmental Committee on Lands. Hon. Raso, again, I will refer to you, to inform the Chairman. Give Hon. Raso the microphone.

Hon. Ali Raso (Saku, UDA): Thank you, Hon. Temporary Speaker. Most obliged.

The Temporary Speaker (Hon. Omboko Milemba): Very well. The next Statement is by Hon. Joyce Kamene, Member for Machakos County. There is a microphone next to you. Yes, proceed.

STATUS OF SQUATTERS LIVING IN ATHI-RIVER MAVOKO SUB-COUNTY

Hon. Joyce Kamene (Machakos County, WDM): Hon. Temporary Speaker, I rise to request for a Statement regarding the squatters residing on the land LR No. 11895/20 in Sabaki, Athi-River, Mavoko sub-county.

Pursuant to the provisions of Standing Order 44(2) (c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Lands regarding the squatters living on a parcel of land LR No. 11895/20 in Sabaki, Athi-River, Mavoko sub-county, which is being claimed by the Numerical Machining Complex Limited.

The parcel of land LR.No. 11895/20 has been in habitation by squatters in the Sabaki area since 2006. Over the years, the residents have invested their time, resources and efforts in transforming the land, establishing homes and forming a cohesive and thriving community. However, on 26th January 2022, Numerical Machining Complex Limited issued a *caveat emptor* notice, claiming ownership of the land and indicating its intention to sell it.

The company has already hived off and sold portions of the said land to private developers. Despite numerous letters from the squatters requesting consideration for settlement or compensation for developments made on the land, the company is yet to respond. The residents now face imminent eviction and the loss of their long-established investments.

Hon. Temporary Speaker, it is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Lands on the following:

1. The current ownership status of the parcel of land LR. No. 11895/20, including what portion of it has been allocated or transferred to private individuals.
2. The immediate measures in place to protect the squatters from harassment, intimidation or evictions pending an amicable resolution of the matter.

3. The steps being taken by the Ministry to resolve the stalemate between the squatters and Numerical Machining Complex Limited.
4. The strategies that the Government intends to adopt to prevent unauthorised occupation of idle public land in future to forestall similar disputes.

I, thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well. The Request for Statement is referred to the Departmental Committee on Lands. It would be replied to, two weeks after the recess. Move faster, so that all the Requests for Statements can be read. Let us have the Request for a Statement from Hon. Suleka Harun.

DROUGHT IN MANDERA COUNTY

Hon. Suleka Harun (Nominated, UDM): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Regional Development regarding the severe and escalating drought situation in Mandera County.

Mandera County is facing one of the most severe droughts in decades following the complete failure of rainfall during the two consecutive short rains and the long rains seasons in 2025. The impact has been devastating and far-reaching. Livestock, the cornerstone of the livelihood of the county's predominantly pastoralist communities, have died in catastrophic numbers, wiping out household wealth built over generations. Thousands of families who once lived with dignity are now confronting acute hunger, severe water scarcity and the looming threat of famine.

The situation has escalated into a full-scale humanitarian emergency that now requires urgent national intervention, including a formal declaration of the drought as a national disaster. Such a declaration would unlock emergency funding, enhance inter-governmental and inter-agency coordination, and accelerate the mobilisation of both domestic and international assistance. Timely and scaled-up action is essential to prevent widespread loss of life and irreversible socio-economic collapse in Mandera County.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Regional Development on the following:

1. Emergency measures being put in place by the Ministry of East African Community (EAC), Arid and Semi-Arid Lands (ASALs) and Regional Development to supply food, water, and medical assistance to the affected communities in Mandera County.
2. Consideration, if any, to declare drought in Northern Kenya a national disaster so as to scale up interventions to address the humanitarian crisis.
3. Action being taken by the Ministry for long-term interventions to build resilience and prevent such severe impacts of drought in the future.
4. Timelines within which the Government intends to deploy adequate emergency relief to avert further loss of lives in the region.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): The Request for a Statement is referred to the Departmental Committee on Regional Development. It would be replied to two weeks after recess. Hon. Raso, undertake to inform the Chairperson of the Committee.

Hon. Ali Raso (Saku, UDA): Most obliged, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): The next Request for a Statement is by Hon. Peter Kihungi, Member for Kangema.

STRAY WILD DOGS ATTACKS IN KANGEMA CONSTITUENCY

Hon. Peter Kihungi (Kangema, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Tourism and Wildlife regarding the prevalence of stray wild dogs' attack in Kangema Constituency.

In the past few months, residents of Kangema Constituency have witnessed a worrying escalation of attacks by stray wild dogs, which has resulted in life-threatening injuries to the residents, loss of livestock, and led to widespread fear among the residents.

On 29th October 2025, Mr Julius Ngunjiri of ID No.1912235 was attacked by wild dogs in Kihuro Village and rushed to Mt Kenya Hospital where he is currently recuperating. His cow was also attacked and later tested positive for rabies on 18th November 2025. The cow, thereafter, died as a result of rabies on 19th November 2025. Similarly, on 8th November 2025, Ms Beatrice Nyambura Mwangi of ID No.12667325 was also attacked in the same village by wild dogs, barely a week after Mr Ngunjiri's incident.

On the same day, Ms Lucy Waithira Kamau of ID No.144488851 was attacked by wild dogs at Kagongo Village in Kiirathe Sub-Location, and is currently receiving treatment at Kangema Level 3 Hospital. In addition to human attacks, the wild dogs also attack livestock even in homesteads. This incident indicates a serious escalating matter of public concern, especially with the confirmation of rabies in one of the affected animals.

The residents of Kihuro, Kagongo and Keirathe villages now live in fear and feel unsafe even within their own homesteads. Although these incidents have been reported at Kangema Police Station, no action has been taken to curb these attacks. While the control of domestic animals generally lies with the county government, the incidents reported in Kangema involved packs of wild dogs and feral dogs whose behaviour and repeated attacks, pose risks associated with dangerous wildlife, which are under the mandate of Kenya Wildlife Service.

It is against this background that I request for a statement from the Chairperson, Departmental Committee on Tourism and Wildlife on the following:

1. An incident report on wild or stray dog attacks in Kangema Constituency over the past 12 months, including medical and veterinary records.
2. Measures put in place by the Ministry of Tourism and Wildlife to put down the wild dogs, including emergency response mechanisms in collaboration with the Ministry of Health.
3. Plans by the Ministry to compensate the affected residents and livestock owners, including specific timelines for the said compensation.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Great. The Statement is referred to the Departmental Committee on Tourism and Wildlife, and is to be replied to, two weeks after recess.

The last statement here is by Hon. Gideon Kimaiyo. Is the Member in the House?

DELAYED PAYMENTS OWED TO DAIRY FARMERS BY NEW KCC

Hon. Gideon Kimaiyo (Keiyo South, UDA): Thank you, Hon. Temporary Speaker.

Pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a statement from the Chairperson of the Departmental Committee on Trade, Industry, and Cooperatives regarding the delayed payments owed to dairy farmers supplying milk to the New Kenya Cooperative Creameries (New KCC).

Farmers supplying milk to New KCC have raised grave concerns over prolonged non-payments of dues amounting to approximately Ksh300 million accumulated between August

and October 2025. This delay has placed dairy farmers, particularly smallholder producers, under immense financial strain.

Many rely on timely monthly payments to purchase animal feeds, access veterinary services, meet household needs, service agricultural loans, and sustain dairy operations. As a direct consequence of these unpaid dues, farmers are now struggling to maintain their herds, with some reportedly reducing production or disposing of livestock to manage escalating costs and avoid further losses.

Farmers further contend that New KCC has reneged on its commitment to implement the cash KSh50 per litre farm-gate price for milk in line with the directive issued by His Excellency the President, aimed at cushioning farmers and promoting a fair and sustainable dairy market. This has further deepened the economic distress of farmers already contending with high production costs, inflationary pressures, and volatile market conditions. The continued financial hardships facing farmers who form the backbone of Kenya's dairy sector, pose a significant threat to agricultural productivity, food security, and rural economic stability. The plight calls for urgent redress to protect livelihoods, restore confidence in the dairy value chain, and ensure fair compensation for their labour and investment.

It is against this background that I seek a statement from the Chairperson of the Departmental Committee on Trade, Industry, and Cooperatives on the following:

1. The measures the Ministry is taking to ensure that New KCC settles all outstanding payments owed to farmers, including the delayed dues amounting to approximately Ksh300 million.
2. The steps the Ministry is taking to ensure full implementation of the Ks50 per litre farm-gate price for milk as directed by His Excellency, the President, and the mechanisms in place to monitor compliance by New KCC and other processors.
3. Mechanisms in place to monitor compliance by the New KCC and other processors.
4. The long-term interventions being put in place to prevent recurrence of delayed payments by New KCC, including oversight and regulatory enforcement and financing measures to safeguard farmers' income and stabilise the dairy sector.
5. The status report on the financial health, operational capacity and liquidity of the New KCC and whether these delays point to underlying structural or management challenges within the institution.

I, thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Omboko Milemba): Very well. The request is referred to the Departmental Committee on Trade, Industry and Cooperatives. Is the Chairperson in the House?

(Hon. Muchangi Karemba spoke off the record)

Are you a member of that Committee?

(Hon. Muchangi Karemba spoke off the record)

Then wait. This request would be replied to, two weeks after recess.

(Hon. Gideon Kimaiyo raised his hand)

Hon. Kimaiyo, what do you have to say as the owner of the request?

Hon. Gideon Kimaiyo (Keiyo South, UDA): Hon. Temporary Speaker, I know we are going for recess. Farmers have not been paid for three months. So, if we wait for this Statement to come in February, farmers will continue to suffer. I do not know what interventions can be made so that the Statement can be released within a week, even if we are on recess. We care about farmers. And you can see the interest Members have in this matter.

The Temporary Speaker (Hon. Omboko Milemba): Order, Hon. Gideon Kimaiyo. I am a religious follower of this House, and I sit right behind you. If you had brought this request much earlier, we would have already dealt with it. Now that you brought it at the last minute, we shall still have to follow the Standing Orders of the House.

Hon. Muchangi.

Hon. Muchangi Karemba (Kangema, UDA): Thank you, Hon. Temporary Speaker.

I am concerned over the issue raised by Hon. Gideon Kimaiyo. While he has brought a Request for Statement now, I am on record as having brought a request on the same issue of non-payment of dues owed to milk farmers by New KCC.

The Temporary Speaker (Hon. Omboko Milemba): Order, Hon. Muchangi. The matter concerning the payment of tea farmers is a big matter that has been discussed, not just by you but by many other Members. And I think several interventions have been undertaken. We do not usually discuss Statements. You will have a chance to have a bite on the matter when replies come.

ADJOURNMENT

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, I thank you for your resilience to undertake the many matters that concern Kenyans. I wish you the very best as we go on the long recess and also proceed for Christmas and New Year. I also join the rest of the House leadership to wish the teams going to Uganda the best.

Hon. Members, you may be upstanding.

Hon. Members, the time being 9.13 p.m., this House stands adjourned until Tuesday, 10th February 2026, at 2.30 p.m.

The House rose at 9.13 p.m.

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