



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

11th March 2026

Vol. V No. 18

THE HANSARD

Wednesday, 11th March 2026

The House met at 2.30 p.m.

*[The Temporary Speaker
(Hon. Martha Wangari) in the Chair]*

PRAYERS

QUORUM

The Temporary Speaker (Hon. Martha Wangari): Serjeant-at-Arms, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Order, Hon. Members. We now have quorum. Clerk-at-the-Table, read out the Orders. Before I deliver the Messages, allow me to recognise learners and teachers from J.M. Kariuki Memorial Secondary School in Bahati Constituency, Nakuru County; and members of the ACK Gatwe Church in Kirinyaga Central Constituency, Kirinyaga County, who are seated in the Public Gallery. You are welcome to observe the proceedings of the House.

MESSAGES

MESSAGES FROM THE SENATE ON THE CONSIDERATION OF FIVE BILLS

Hon. Members, pursuant to the provisions of Standing Order 41(4), I wish to report to the House that I have received five Messages from the Senate regarding its consideration of the following four Senate Bills and one National Assembly Bill:

1. The Mediated Version of the Coffee Bill, (Senate Bill No. 10 of 2023).
2. The County Library Services Bill, (Senate Bill No. 40 of 2024).
3. The Meteorology Bill, (Senate Bill No.45 of 2023).
4. The Cancer Prevention and Control (Amendment) Bill, (National Assembly Bill No.45 of 2022).
5. The Election Offences (Amendment) (No. 2) Bill, (Senate Bill No. 28 of 2024).

The first Message conveys that on Wednesday, 25th February 2026, the Senate considered and approved the mediated version of the Coffee Bill, (Senate Bill No.10 of 2023), in the form proposed by the Mediation Committee. You will recall that the said Bill was committed to a Mediation Committee pursuant to the provisions of Article 112(1)(b) of the Constitution, following the Senate's rejection of the National Assembly's further amendments to the Bill. You will further recall that on 3rd December 2025, the National Assembly considered and approved the mediated version of the Coffee Bill, (Senate Bill No.10 of 2023).

In this regard, the approval of the mediated version of the Coffee Bill (Senate Bill No. 10 of 2023) by the Senate, therefore, concludes its bicameral consideration. I will now proceed to present the Bill to His Excellency the President for assent in accordance with the provisions of Article 113(3) of the Constitution.

Hon. Members, the second Message conveys that on Wednesday, 27th February 2026, the Senate passed the County Library Services Bill, (Senate Bill No.40 of 2024) with amendments. Having passed the said Bill, the Senate now seeks the concurrence of the National Assembly, pursuant to the provisions of Article 110(4) of the Constitution.

You will note that the Standing Orders require the Speaker to cause a Bill received from the Senate to be read a First Time upon conveyance of its Message to the House. In view of this, I direct the Clerk to schedule the County Library Services Bill, (Senate Bill No. 40 of 2024) in the Order Paper for First Reading in the next sitting. Thereafter, the Bill will stand committed to the Departmental Committee on Sports and Culture for consideration.

I note that before the House is the Kenya National Library Services Bill, (National Assembly Bill No.20 of 2023), which is awaiting Committee of the whole House. In view of this, the Departmental Committee on Sports and Culture is encouraged to consider the Senate Bill in light of the National Assembly Bill and advise the House on how to proceed with the two Bills.

Hon. Members, the third Message conveys that, on Tuesday, 3rd March 2026, the Senate considered and agreed to the National Assembly amendments to the Meteorology Bill, (Senate Bill No.45 of 2023). You will recall that this House passed the said Bill on 13th August 2025, with amendments, following which I referred the Schedule of the National Assembly amendments to the Senate for consideration in accordance with Article 112(1)(b) of the Constitution.

The approval of the National Assembly amendments to the Bill by the Senate now concludes the bicameral consideration of the Bill in accordance with the provisions of Article 112 of the Constitution. The Speaker of the Senate will present the Bill to His Excellency the President for assent in accordance with Article 112(2)(a) of the Constitution.

Hon. Members, the fourth Message from the Senate conveys that, on Tuesday, 3rd March 2026, the Senate considered the Cancer Prevention and Control (Amendment) Bill, (National Assembly Bill No.45 of 2022) and passed it with amendments fully accommodating the President's recommendations. You will recall that His Excellency the President, in exercise of the powers conferred by Article 115(1)(b) of the Constitution, referred the said Bill back for reconsideration by Parliament, upon its submission for assent.

You will further recall that on 25th September 2025, this House reconsidered the Bill in light of the President's Reservations. Thereafter, I referred the Memorandum of His Excellency the President's Reservations on the Bill to the Senate for consideration in accordance with Article 115(1)(b) of the Constitution.

For clarity, His Excellency the President expressed reservations on and recommended the deletion of Clauses 2, 3 and 4 of the Bill which, as a matter of fact, contained the primary content of the Bill. Consequently, the import of the non-concurrent decisions of the National Assembly and the Senate is that the Bill is lost. In this regard, I will proceed to notify the President of this fact.

(Hon. Robert Basil entered the Chamber)

Hon. Basil, you are totally out of order.

Hon. Members, the fifth and final Message from the Senate conveys that, on Tuesday, 3rd March 2026, the Senate considered and rejected the National Assembly's amendments to the Election Offences (Amendment) (No.2) Bill, (Senate Bill No.28 of 2024). You will recall that this House considered and passed the Bill with amendments on 14th August 2025. Thereafter, I referred the Schedule of the National Assembly amendments to the Senate for consideration in accordance with Article 112(1)(b) of the Constitution.

The decision of the Senate on the National Assembly's amendments to the Election

Offences (Amendment) (No.2) Bill, (Senate Bill No.28 of 2024) effectively commits the Bill to a mediation committee pursuant to the provisions of Article 112(2)(b) of the Constitution. To enable the constitution of the mediation committee, the National Assembly is required to appoint nine Members to sit in the committee. I, therefore, call upon the Leadership of the Majority and Minority Parties in the House to expeditiously nominate Members to represent the National Assembly in the Mediation Committee. At an appropriate time, I will communicate to the House the Members of the National Assembly and the Senate appointed to the mediation committee. The House is accordingly guided.

Next Order by the Deputy Whip of the Majority Party. Do you have any Papers?

PAPERS

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

1. Reports of the Auditor-General and financial statements of Butere Technical and Vocational College for the years ended 30th June 2020, 30th June 2021, 30th June 2022, 30th June 2023, 30th June 2024 and 30th June 2025 and the certificates therein.
2. Reports of the Auditor-General and financial statements for the year ended 30th June 2025 and the certificates therein in respect of the following institutions:
 - (a) Agricultural Finance Corporation.
 - (b) Bukura Agricultural College.
 - (c) Communist Party of Kenya.
 - (d) Consolidated Fund Services – Public Debt, National Treasury.
 - (e) Federal Party of Kenya.
 - (f) Gatanga Technical and Vocational College.
 - (g) Green Thinking Action Party.
 - (h) Independent Electoral and Boundaries Commission.
 - (i) Information and Communication Technology Authority.
 - (j) Infrastructure and Public-Private Partnership Project – Additional Financing (IDA Credit No. 6121-KE), National Treasury.
 - (k) Jubilee Party.
 - (l) Kenya Advanced Institute of Science and Technology.
 - (m) Kenya African Democratic Union-Asili (KADU-Asili).
 - (n) Kenya Forest Service.
 - (o) Kenya Seed Company Rwanda Limited.
 - (p) Kenya Utalii College.
 - (q) Kiharu Technical and Vocational College.
 - (r) Lamu East Technical and Vocational College.
 - (s) Murang'a University of Technology.
 - (t) National Cohesion and Integration Commission.
 - (u) National Environment Management Authority.
 - (v) National Police Service.
 - (w) Office of the Deputy President.
 - (x) Pamoja African Alliance.
 - (y) Pwani University.
 - (z) Receiver of Revenue – Financial Statements (External Resources), National Treasury.
 - (aa) Service Party.

(bb) Shirikisho Party of Kenya.

(cc) State Department for Public Service and Human Capital Development.

(dd) State Department for Forestry.

The Temporary Speaker (Hon. Martha Wangari): Very well. The next one is the leader of a delegation, Hon. Millie Odhiambo-Mabona.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you. I beg to lay the following Paper on the Table:

Report of the Kenya Delegation to the 151st Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland, from 19th to 23rd October 2025.

The Temporary Speaker (Hon. Martha Wangari): Very well. Chairperson of the Committee on Delegated Legislation, Hon. Chepkong'a.

Hon. Samuel Chepkong'a (Ainabkoi, UDA): I beg to lay the following Paper on the Table:

Report of the Committee on Delegated Legislation on its consideration of the Public Finance Management (Public Prosecution Fund) Regulations, 2025, published as Legal Notice No169 of 2025.

The Temporary Speaker (Hon. Martha Wangari): Very well. Before we proceed to the Notices of Motions, allow me to recognise Ms Truphena Muthoni, who is a Kenyan environmental conservationist and an advocate for climate action, sustainability and mental health awareness. Ms Truphena, a student at Mount Kenya University, is a Guinness World Record holder for the longest marathon hugging a tree and currently serves as Kenya's ambassador for the 15 billion Trees Campaign. She is seated in the Speaker's Gallery. Allow me to welcome you to the House as you observe the proceedings of Parliament. I also indulge Hon. Mark Mwenje for one minute to do a formal recognition as your Member of Parliament.

Hon. Mark Mwenje (Embakasi West, JP): Thank you. I believe Truphena needs no better introduction than what you have said. I congratulate her for what she has achieved. She comes from my Kariobangi South Ward. Her Personal Assistant (PA) accompanies her. Hon. Members, this is a 22-year-old with a PA. Think of where you were at 22 years old.

Truphena will be travelling to Brazil on 22nd March 2026 to engage indigenous communities. She will also attempt to set another record of hugging 1,172 trees within one hour. It means hugging a tree every two to three seconds. That is what she will be doing. More importantly, she is the Government's ambassador appointed by His Excellency the President for the campaign to plant 15 billion trees by 2032.

I will be introducing her to various offices of Members of Parliament so that she can work with Members to help achieve that target through initiatives such as the Kenya Rural Roads Authority (KeRRA), the National Government Constituencies Development Fund (NG-CDF) and other constituency programmes that support tree planting. Assist her to achieve her targets. This 22-year-old needs your support.

Once again, I welcome her to this House.

The Temporary Speaker (Hon. Martha Wangari): Very well. Hon. Members, I know most of you are asking me whether they can be hugged. Truphena only hugs trees. Hon. Members, please do not lose focus.

(Laughter)

Hon. Donya, take a minute.

Hon. Dorice Donya (Kisii County, WDM): I felt nostalgic and compelled to speak about the great Mount Kenya University when you talked about it. I schooled there.

Regarding the impressive act of hugging trees, I know one does not hug a tree for nothing. There is symbolism behind it. That is why it extends to trees. I am proud of Mount Kenya University. I am proud of her.

The Temporary Speaker (Hon. Martha Wangari): Very well. Hon. Members, I do not want this to turn into a debate. We still have a lot of work to transact.

(Loud consultations)

However, I will indulge the Whip of the Minority Party.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker. Many of us are eager to speak because it is rare to see a 22-year-old young woman come to Parliament and be recognised for doing a noble task. I have seen many naysayers. They wonder why she has to hug trees. You may miss the point if you do not understand the symbolic meaning behind it.

I have travelled across the country as an environmentalist. Indeed, we are losing much of our forest cover. I encourage her to continue. There are many people without vision but she clearly has one. She is our new Wangari Maathai. We encourage other young people to find their purpose in life and pursue it with the same passion.

We support you. We are proud of you.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. *Jalas*.

Hon. Phelix Odiwuor (Langata, ODM): Thank you. Recently, Truphena mentioned that she had not been given a clear mandate regarding her role as a brand ambassador for the 15 billion trees campaign. I urge the officers in charge of the project to clearly outline her responsibilities. She has asked; “Yes, I am an ambassador but, what exactly is my role?” She has not been to any office or connected anywhere. Maybe, this is a chance for us to ask the people in charge of the 15 billion trees project to engage this young lady and clearly define what she is expected to do as a brand ambassador.

Ahsante sana.

(Applause)

The Temporary Speaker (Hon. Martha Wangari): The Chairperson, Departmental Committee on Environment, Forestry and Mining, where are you? The Chairperson and Vice-Chairperson are not present. Hon. Emathe, are you a member of that Committee? I think what Hon. Jalang’o has raised is quite critical so that it is not just by pronouncement, but by action. Give Hon. Emathe the microphone.

Hon. Joseph Emathe (Turkana Central, UDA): Thank you, Hon. Temporary Speaker. I congratulate the lady. At 22 years, this is remarkable. Keep it up. The Committee welcomes your idea. Actually, we are targeting to accomplish the 15 billion trees by 2036 and that work is already being done. At the Committee level, we are pushing the Ministry to ensure that everything is open and that everyone is participating in ensuring that this is done and we are also committed to reducing desertification.

The Temporary Speaker (Hon. Martha Wangari): Thank you. Finally, on this, Hon. Kathambi.

Hon. Charity Chepkwony (Njoro, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I am a member of the Departmental Committee on Environment, Forestry and Mining. Apart from what my colleague has said, we also raised that matter in the Committee. We have also informed the CS and the Principal Secretary (PS) that our beautiful girl, who is a hero in this country on matters of conservation, and the role she is playing is actually what we are saying every day that climate change is real. Being a girl who has become

a hero in this country, for us, as a Committee, there is something special we are pushing and we are going to surprise people very soon in relation to rewarding that beautiful girl. As I stand here, let us all take action. Climate change is real. Let us do something. Thank you.

The Temporary Speaker (Hon. Martha Wangari): Very well. The Leader of Delegation, Hon. Millie to give a notice of motion.

NOTICES OF MOTIONS

NOTING OF REPORT ON KENYAN DELEGATION TO THE 150TH ASSEMBLY OF THE IPU

Hon. Millie Odhiambo–Mabona (Suba Norh, ODM): Thank you, Hon. Temporary Speaker. I know there are many Members who would want to congratulate Truphena, but I have summarised all their good words and congratulatory messages on your behalf.

Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, this House notes the Report of the Kenya Delegation to the 151st Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland, from 19th to 23rd of October, 2025, laid on the Table of the House on Wednesday, 11th March, 2026.

Hon. Temporary Speaker, even as we are congratulating Madam Truphena, I just wanted to say that you are exceptionally smart today.

The Temporary Speaker (Hon. Martha Wangari): Thank you, Hon. Millie. Next one is the Chairperson of the Committee on Delegated Legislation, Hon. Chepkong'a.

Hon. Samuel Chepkong'a (Ainabkoi, UDA): Thank you very much, Hon. Temporary Speaker. I am just wondering where Hon. Millie got the eyes to see the way you are dressed. I thought it was...

The Temporary Speaker (Hon. Martha Wangari): It is in the public domain, Hon. Chepkong'a.

Hon. Samuel Chepkong'a (Ainabkoi, UDA): No! It is only given to the men. She has no business commenting on that but, it is true you are well-dressed. This is the more relevant one. You should have ruled the other one out of order.

APPROVAL OF PUBLIC FINANCE MANAGEMENT (PUBLIC PROSECUTION FUND) REGULATIONS

On a concrete note, Hon. Temporary 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 Public Finance Management (Public Prosecution Fund) Regulation 2025, laid on the Table of the House on Wednesday, 11th March 2026 and, pursuant to the provisions of Section 24(2) of the Public Finance Management Act, Cap 412(A), this House approves the Public Finance Management Public Prosecution Fund Regulations published as Legal Notice No.169 of 2025.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Very well. Hon. Mbeyu, Member for Kilifi County.

PROVISIONS OF SUPPLEMENTARY SECURITY SERVICES BY NYS GRADUATES

Hon. Gertrude Mwanyanje (Kilifi County, ODM): Thank you, Hon. Temporary Speaker. I beg to give notice of the following Motion:

THAT, aware that approximately 18,000 youth graduate from the National Youth Service (NYS) annually; further aware that Article 55 of the Constitution requires the State to take measures, including affirmative action programmes, to ensure that the youth access training, employment and opportunities to participate fully in the social, economic and political life of the nation; appreciating that the Government has in the recent years rolled out deliberate programmes aimed at equipping NYS graduates with skills for employment into the disciplined services and key sectors which include agriculture, construction and security; noting that Government institutions continue to engage private security firms to supplement uniformed officers in providing security services thereby incurring significant recurrent expenditure; further noting that the NYS graduates possess fundamental training in disciplined security awareness, public service, ethics and emergency response, making them suitable for deployment within Government institutions; recognising that there is need to have a balanced approach that promotes youth employment through structured engagement of the NYS graduates while preserving opportunities for private security firms to continue to operate and partner with Government institutions; this House, therefore, resolves that the National Government develops and implements a policy framework and guidelines to steer Government ministries, departments and agencies on:

1. Prioritisation of engagement of the NYS graduates to provide supplementary security services to public entities.
2. The criteria for determination of a formula for allotment of a quota of the provision of security services in public entities to the NYS graduates and private security services firms.
3. Modalities for structured recruitment, deployment and terms of service, including remuneration, training and career progression for NYS graduates who will be engaged to provide supplementary security to Government entities.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Very well. Before we go to the next Order, allow me to recognise, in the Speaker's Gallery, learners and teachers from St. Monica Munyaka Girls' Secondary School from Kieni Constituency, Nyeri County.

In the Public Gallery, we have Gikoe Secondary School from Mathioya Constituency, Murang'a County and Kianyaga Boys High School from Gichugu Constituency, Kirinyaga County. We join in welcoming you to observe the proceedings of the House. I will indulge the Member for Gichugu for one minute to welcome the learners not just from Gichugu, but all the students and learners.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Temporary Speaker. I take this opportunity to welcome all the learners in both the Galleries and specifically Kianyaga Boys, which is one of the most improved schools in Kirinyaga this year. They had a 2-point something improvement in their last year Kenya Certificate of Secondary Education (KCSE) exams. It is one of the best schools. A number of Members of Parliament in this House also went to Kianyaga Boys, including Hon. Wachira from Laikipia West and very prominent people.

Let the learners learn the best and I believe in future we shall have some of them as leaders in this House to represent the people. Let them maintain their discipline and obedience. We wish them all the best in their studies. We love them and we will support them through the

National Government Constituencies Development Fund (NG-CDF) bursaries and other programmes that support schools.

Thank you very much.

The Temporary Speaker (Hon. Martha Wangari): We welcome all the learners.

Next Order! Hon. Members, we will start with Requests for Statements. The one who goes first is Hon. Kakuta Maimai

STATEMENTS

REQUESTS FOR STATEMENTS

STATUS OF INVESTIGATIONS INTO SHOOTING INCIDENT IN KITENGELA

The Temporary Speaker (Hon. Martha Wangari): Is he in the House? That will be deferred.

(Request for Statement deferred)

Is Hon. Ariko in the House? Prosecute yours.

STATUS OF INVESTIGATIONS INTO KILLING OF NPRS IN TURKANA SOUTH

Hon. Ariko Namoit (Turkana South, 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 status of investigations into the killing of two National Police Reservists (NPRs) in Logum, Kapitur Ward, Turkana South Constituency.

On 22nd October 2025, a tragic shooting incident occurred at Logum, Kapitur Ward, Turkana South Constituency, which resulted in the deaths of two NPRs namely Mr Eyapan Loluk Engyalan and Mr Lowas Ikari. Reports indicate that the two officers were returning home from duty when they encountered a patrol of Kenya Defence Forces (KDF) officers stationed at Loyapat Camp in Lobokat Ward, along the Loyapat-Kainuk axis.

Eyewitness accounts from members of the local community indicate that the two officers were in full NPR uniform and were armed with Government-issued firearms at the time of the incident. It is alleged that despite identifying themselves during the encounter, the two officers were fatally shot by the KDF patrol. The presence of multi-agency security operations in the region is intended to enhance security and restore peace in areas affected by insecurity.

However, the unfortunate loss of lives has raised serious concerns among residents of Turkana and has also caused grief to the families of the deceased officers. Additionally, the people of Aroo Sub-County have continued to experience repeated incidents of livestock raids, including several attacks reported in January and February 2026, which resulted in the loss of livestock and heightened insecurity among residents.

Hon. Temporary Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations on the following:

1. A report on the status of investigations into the circumstances surrounding the killing of the two NPR officers on 22nd October 2025 in Logum, Kapitur Ward, Turkana South Constituency.

2. Measures put in place by the Ministry of Defence, in collaboration with the Ministry of Interior and National Administration, to strengthen the coordination mechanisms and identification protocols between the Kenya Defence Forces, the National Police Service and National Police Reservists in multi-agency security operations to prevent similar incidents in future.
3. Measures being taken by the Ministry to provide support to the bereaved families, including compensation, psycho-social support and other welfare assistance.
4. A report on the number of livestock recovered by KDF during the numerous raids that have been conducted in Aroo Sub-County, including the six consecutive raids reported on 25th and 31st January 2026 and 25th and 28th February 2026, including the number of livestock stolen.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations.

Hon. Nelson Koech (Belgut, UDA): Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): You have the response?

Hon. Nelson Koech (Belgut, UDA): I do.

The Temporary Speaker (Hon. Martha Wangari): Perfect.

Hon. Nelson Koech (Belgut, UDA): Hon. Temporary Speaker, I hope it is in regard to Hon. Tandaza.

The Temporary Speaker (Hon. Martha Wangari): No, Hon. Koech.

Hon. Nelson Koech (Belgut, UDA): Sorry, my apologies.

The Temporary Speaker (Hon. Martha Wangari): The question is by Hon. Ariko. I would have been surprised that you have a response unless it is a repeat question. How long do you need?

Hon. Nelson Koech (Belgut, UDA): I will give a response next week on Tuesday.

The Temporary Speaker (Hon. Martha Wangari): We will be on recess. Let the response come the first week after we resume, on a Tuesday.

Hon. Nelson Koech (Belgut, UDA): Thank you.

The Temporary Speaker (Hon. Martha Wangari): The next request for a Statement is by the Hon. Member for Turkana Central.

POOR STATE OF INFRASTRUCTURE
AT LODWAR NATIONAL SCHOOL

Hon. Joseph Emathe (Turkana Central, 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 Education regarding the poor state of infrastructure at Lodwar Boys National School in Lodwar, Turkana County.

Lodwar Boys National School is a public national boarding secondary school located in Lodwar Town, Turkana County. It is among the few national schools serving learners from the northern and historically marginalised regions of our country. The institution was established to expand access to quality education and continues to play a critical role in promoting educational opportunities for students from Turkana County and beyond. However, despite its status as a national school and its strategic importance in advancing equitable access to education, the institution is currently facing serious infrastructure challenges that undermine the quality of the learning environment and well-being of students.

Reports from parents, teachers and members of the local community indicate that several facilities at the school, including classrooms, dormitories, laboratories, dining facilities and sanitation amenities, are either inadequate or in a deteriorating condition. The existing infrastructure has not kept pace with the growing student population and the standards expected of a national school. Those challenges not only compromise the quality of teaching and learning, but also raise concerns regarding student safety, health conditions, teachers' morale and the ability of the institution to sustain competitive academic performance.

Improving infrastructure at Lodwar Boys National School is not only essential for the students who are currently enrolled in the institution, but also critical in advancing equitable access to quality education in marginalised and arid regions of the country in line with the national commitment to inclusive development.

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

1. The current status of infrastructure at Lodwar Boys National School including the adequacy and condition of classrooms, dormitories, laboratories, dining facilities, staff housing and sanitation infrastructure.
2. Report on any recent infrastructure assessment or audit conducted by the Ministry of Education at the school and the findings of such assessment.
3. The plans that have been put in place by the Ministry to rehabilitate, expand and modernise infrastructure at the institution in line with its national school status, including budgetary allocations under the Financial Year 2026/2027 to support urgent infrastructure development at the school.
4. The long-term measures that are being implemented to strengthen learning conditions and academic outcomes at Lodwar Boys National School and other national schools located in arid and semi-arid regions of the country.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): I will give a joyride of one minute. Hon. Ariko.

Hon. John Namoit (Turkana South, ODM): Thank you, Hon. Temporary Speaker. Turkana County has only three national schools namely: My school, Lodwar High School, Turkana Girls and currently we have Katilu Girls, the Green Angels of Turkana South.

Hon. Temporary Speaker, the only enabler of education is infrastructure. Unfortunately, in those three schools in Turkana County, the infrastructure is so dilapidated that one would think they are district schools. We have a problem with infrastructure and teaching staff in the national schools in Turkana County. We do not have enough teachers. We request the Ministry of Education and the Teachers Service Commission (TSC) to accord those national schools more teachers, so that they can operate in the manner expected of national schools in this country.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): Hon. Raso, do you still want to joyride? Do it for one minute.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. The issues that my colleagues from Turkana County are raising is what is hurting this country. If we say education is the single equaliser and yet national schools do not meet even the basic standards of a day school in most parts of the country, then we are being very unfair. Going forward, what this particular statement must seek is clarification on the basic standards that qualify a school to be pronounced as a national school.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): I do not see the Chairman or Vice-Chairperson of the Departmental Committee on Education. Hon. Gisairo, are you a

member of the Committee? Bring a response after two weeks, which will be the week we resume. Member for Kanduyi, prosecute your request for statement.

NON-PAYMENT OF RETIREMENT
BENEFITS TO MR HUMPHREY NYONGESA

Hon. John Makali (Kanduyi, FORD-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 Education regarding the non-payment of retirement benefits to the late Mwalimu Humphrey Nyongesa, TSC No. 187874.

The late Mwalimu Humphrey Nyongesa was a long-serving teacher and resident of Khaweli Village, East Sang'alo Ward in Kanduyi Constituency, Bungoma County. He served at Mwikhupo Baptist Primary School until 2009, after which he was transferred to Mabusi Primary School, following allegations of financial impropriety. He was later suspended, subjected to disciplinary procedures, and subsequently reinstated by TSC to Tungelele Primary School in 2012, having been cleared of the charges.

Upon reinstatement, a monthly deduction of Ksh8,100 was effected on his salary, allegedly in connection with the earlier accusation of financial impropriety which he was cleared, despite the concluded disciplinary process and reinstatement. He sought legal redress and in 2017, he obtained a court ruling - Criminal Case No. 1790 of 2009 - directing TSC to cease any deductions. However, they reportedly continued until his retirement on 30th June 2020.

Hon. Temporary Speaker, Mwalimu Nyongesa was officially cleared by TSC, entitling him to receive his retirement benefits. However, the Commission declined to process his retirement benefits, still citing the allegations of financial impropriety, despite the court directing cessation of any salary deductions. Sadly, Mwalimu Nyongesa passed away earlier this year. Being a breadwinner, his family continues to follow up the payment of his retirement benefits dues to no avail.

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

1. Provide reasons and legal basis for the monthly deduction of Ksh8,100 from Mwalimu Nyongesa's salary, despite his reinstatement and a court order directing cessation of the deductions.
2. Expected timelines for full refund of all amounts deducted from his salary from his reinstatement to his retirement.
3. Expected timelines for processing and payment of retirement benefits to the family of the late Mwalimu Nyongesa, as well as compensation for the emotional and financial harm suffered by his family and dependants due to this unfair and unlawful treatment.

I thank you.

The Temporary Speaker (Hon. Martha Wangari): Again, the Departmental Committee on Education will bring the response during the first week after we resume from recess. Lastly on the requests for Statements is the Member for Kisauni.

CRITERIA FOR RECOGNITION AND EQUATION OF CERTIFICATES
AND DIPLOMAS FROM INTERNATIONAL CURRICULA

Hon. Rashid Bedzimba (Kisauni, 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 Education regarding the criteria for recognition and equation of certificates and diplomas obtained from schools offering international curricula in Kenya.

In 2025, I sought a statement, in this House, concerning the criteria applied by the Kenya National Examinations Council (KNEC) in the recognition and equation of certificates and diplomas obtained from institutions offering international curricula within Kenya. In its response, the Committee acknowledged the concerns raised and reported that the Ministry of Education and relevant agencies had undertaken to review the prevailing guidelines in order to address the challenges faced by students undertaking international curricula. This matter is of significant public interest, considering that thousands of learners pursue those programmes with the legitimate expectation that their academic qualifications will be recognised in the country for purposes of higher education and employment opportunities.

It is unfortunate to note that one year since the commitment was made in this House, no visible progress has been made to address the restrictive guidelines that continue to bar the equation of certain institution-based certificates and diplomas. Consequently, many affected students remain unable to access admission into local universities or secure employment within the public sector due to lack of recognised equivalency.

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

1. A status report on the progress made by the Ministry of Education, KNEC and other relevant agencies to finalise and operationalise a framework for recognition and equation of academic certificates obtained from institutions offering international curricular in Kenya, including whether the committee to undertake the task was established.
2. An explanation for the inordinate delay by KNEC in reviewing the guidelines for equation of foreign certificates and developing an equation method since undertaking to do so in 2025.
3. A report on the specific steps taken by the Ministry of Education and KNEC in the past year to implement the 2025 commitments to the House regarding recognition and equation of foreign qualifications with the Kenyan curriculum.
4. A list of foreign curricular examination boards for which the Ministry of Education and KNEC have developed equation methods and those pending, if any, specifying the reasons for the delayed development of equation method.
5. The timeline within which the Ministry of Education and KNEC intend to finalise and operationalise a clear framework for recognition and equation of certificates and diplomas obtained from international curricula to enable affected students to access local university admission and public sector employment opportunities.

I thank you.

The Temporary Speaker (Hon. Martha Wangari): Again, the Departmental Committee on Education will bring a response during the first week after resumption from recess. Hon. Members, we will now go to the responses to statements. We have one response from the Departmental Committee on Defence, Intelligence and Foreign Relations. Member for Belgut, this is your chance. Is the Member for Matuga in the House?

Hon. Members: Yes.

The Temporary Speaker (Hon. Martha Wangari): Very well. Go ahead, Member for Belgut.

RESPONSE TO STATEMENT

BLOCKAGE OF A BANK
ACCOUNT BY AL RAHJI BANK

Hon. Nelson Koech (Belgut, UDA): Thank you, Hon. Temporary Speaker. My apologies for my earlier response. Hon. Tandaza Kassim, specifically through the Committee, sought clarification on the following areas:

1. The steps taken by the Kenyan Embassy in the Kingdom of Saudi Arabia, in collaboration with relevant authorities, to facilitate the restoration of Ms Suleiman Mambo's access to her bank account and enable her to utilise the funds.
2. The measures put in place by the Government to strengthen consular support for Kenyans working in the Gulf region, including assistance in financial disputes, documentation challenges, and other forms of distress.

I would like to respond as follows:

With regard to the steps taken by the Kenyan Embassy in the Kingdom of Saudi Arabia to facilitate the restoration of access to the bank account belonging to Ms Suleiman Mambo, the Ministry of Foreign Affairs and Diaspora Affairs stated that Al-Rahji Bank is a private financial institution operating within the Kingdom of Saudi Arabia and is governed by Saudi banking laws. The bank is one of the largest financial institutions in the Kingdom, with 510 branches, and operates under Sharia banking principles.

The Ministry further notes that in order for the Government of Kenya to intervene in matters affecting Kenyan citizens abroad, a formal complaint must be lodged with the State Department for Diaspora Affairs, which is mandated to champion the welfare and rights of Kenyans abroad and will subsequently raise the matter with the Kenyan Embassy in Riyadh, and the matter will be pursued through the appropriate diplomatic channels.

However, based on the records available to the Ministry, Ms Suleiman Mambo has not lodged a formal complaint regarding the blockage of her account and, consequently, the matter has not been officially reported to the Kenyan authorities for their intervention.

But, notwithstanding the foregoing, the Ministry has indicated that for the Embassy to effectively investigate and pursue the matter with the relevant Saudi Arabia authorities and Al-Rahji Bank, additional information from Ms Suleiman Mambo will be required. That information will include:

1. The nature of her employment prior to returning to Kenya.
2. A copy of her employment contract.
3. Her Al-Rahji Bank account details.
4. Her Saudi residence permit, which is called an Iqama Number.
5. The telephone number she used while in Saudi Arabia.
6. A copy of the biodata page of her passport.

The Ministry, therefore, advises Ms Suleiman Mambo to visit the State Department for Diaspora Affairs with the mentioned documents, or forward them together with her complaint to the official consular e-mail address to enable the Ministry and the Kenyan Embassy in Riyadh to pursue the matter with the relevant Saudi authorities.

On the measures that have been put in place to strengthen consular support for Kenyans working in the Gulf region, including assistance in financial disputes and other distressed situations, the Ministry states that the Government of Kenya continues to implement various interventions aimed at safeguarding the welfare, rights, and interests of Kenyans working and living abroad. Key measures undertaken by the Government include:

1. The establishment of State Diaspora Affairs, whose mandate is to champion the protection of welfare rights of Kenyans in the diaspora, while working closely with Kenyan missions abroad to provide timely consular support.
2. The Government has also enhanced provision of mobile consular services in collaboration with the missions abroad through which essential services such as passport renewal, issuance of national identity cards, birth certificates, certificates of good conduct, and declarations of dual citizenship are offered to Kenyans residing abroad.
3. In recognition of the expansive geographical coverage of the Kingdom of Saudi Arabia, the Government established a Consulate-General in Jeddah to complement the Embassy in Riyadh, thereby enhancing Government's ability to provide timely and accessible consular support to Kenyans residing in different regions of the country.
4. The Government has also continued to negotiate and implement bilateral labour agreements with various countries like Saudi Arabia, the United Arab Emirates, Qatar, Germany, Austria, and the United Kingdom. Those agreements provide legal frameworks that define employment conditions and strengthen the protection of migrant workers.
5. The Government encourages Kenyans traveling or residing abroad to register with the State Department for Diaspora Affairs and with Kenyan missions abroad in order to facilitate accountability and enable timely assistance in cases of distress.
6. The State Department of Diaspora Affairs operates a 24-hour call-centre that allows Kenyans in Diaspora to report distress cases regardless of time zone differences.
7. Welfare Protection Officers within the State Department also conduct welfare checks on migrant workers through telephone calls and messaging platforms to confirm that their contractual rights are being upheld and to facilitate reporting of any violations to the relevant authorities for intervention.
8. The Government, through Kenyan missions abroad and the State Department for Diaspora Affairs, continue to provide consular support to Kenyans in distress, including facilitation, repatriation where necessary, issuance of emergency travel documents, evacuation during emergencies, and facilitation of repatriation of mortal remains for Kenyans who pass away abroad.
9. Labour Attachés have been deployed to selected Kenyan missions abroad to handle labour-related disputes and assist Kenyan workers facing employment challenges in foreign jurisdictions.

Hon. Temporary Speaker, as I conclude, the Ministry of Foreign Affairs notes that it remains committed to safeguarding the welfare rights and interests of Kenyan citizens living and working abroad, and will continue to work closely with relevant stakeholders and foreign governments to ensure that Kenyan nationals receive the necessary protection and consular support whenever it is required.

Hon. Temporary Speaker, I submit.

The Temporary Speaker (Hon. Martha Wangari): Very well. Member for Matuga. Any follow-up questions?

Hon. Kassim Tandaza (Matuga, ODM): Ahsante, Mhe. Spika wa Muda. Ijapokuwa amejaribu kupeana jawabu kwa suala nililozua, hilo jawabu haliridhishi kamwe. Hii ni kwa sababu vile vitu ambavyo amesema vinahitajika ni vitu ambavyo tulikuwa tumeshatoa.

Pili, ajue kwamba msichana ambaye anatatizika alitoka Saudia mwaka uliopita. Pesa yake imezuiliwa kule. Hana ndururu wala nauli. Tunavyojua ni kwamba ofisi inayohusika iko Nairobi. Amesema huyu msichana lazima aende huko. Tayari kuna tatizo la usafiri na mahali ambapo atakaa.

Tatu, hajatoa utaratibu ni ofisa gani atamuona mwathiriwa. Tunajua kwamba kawaida kwa mwananchi wa kawaida, akifika ofisi ya Serikali hata kuingia na kumpata yule afisa mhusika huwa ni tatizo. Huyu ni mama aliyefanya kazi miaka miwili na pesa yake imezuiliwa kule.

Kwa hivyo, lile jawabu ambalo tumepatiwa haliniridhishi na sioni kama litatatua hili tatizo kwa sababu kwanza, yeye kufika ile ofisi itakuwa tatizo. Ningetoa ushauri...

The Temporary Speaker (Hon. Martha Wangari): Mhe. Tandaza.

Hon. Kassim Tandaza (Matuga, ODM): Naam.

The Temporary Speaker (Hon. Martha Wangari): Unajua ninataka uulize maswali ya ziada. Na ninapokusikiliza, nasikia kana kwamba yale mambo ambayo unayaleta katika mjadala huu yanaweza kumsaidia yule mama afike kwenye ofisi husika na kuwasilisha rasmi maombi yake. Sidhani utashindwa kufika Nairobi kama Mbunge wake.

Hon. Kassim Tandaza (Matuga, ODM): Sasa haya ndiyo masuala ambayo tunaibua wakati Serikali inazungumzia suala nzima la kazi majuu. Labda ni mtu mmoja tu atakayeyasema. Jukumu ambalo Wabunge watakuwa nalo ni kuwasilisha watu wao katika ofisi hizo mbalimbali na kuwagharamia ili waweze kuhudumiwa, ilhali hili ni jukumu la Serikali! Wakati walipopeana hizi nafasi za watu kwenda kufanya kazi majuu, pia wangukuwa wamerahisisha utaratibu wa jinsi mtu atakavyosaidika anapopata matatizo kama haya.

Kwa hivyo, nashukuru. Nitajitahidi lakini bado jawabu halijatoa...

The Temporary Speaker (Hon. Martha Wangari): Kwa jumla, nafikiri tumeweza kunakili mambo ambayo umeleta. Lakini nafikiri, mkiwa na Mhe. Mbunge wa Belgut ambaye ni Mwenyekiti, hamtakosa suluhu na kumsaidia huyu mama. Najua mtahakikisha ameweza kupata pesa zake. Pia, utakuwa ukifanya kazi yako ya kikatiba, Mhe. Tandaza.

Hon. Kassim Tandaza (Matuga, ODM): Ahsante kwa hiyo amri. Mhe wa Belgut, naja kwako kufuata nauli ya huyo msichana kama Mhe Spika wa Muda alivyoagiza.

Ahsante sana, Mhe. Spika wa Muda.

(Laughter)

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, before we exit that Order for Statements, allow me to recognise, in the Speaker's Gallery, students from Chogoria Girls' High School from Maara Constituency, Tharaka-Nithi County. We welcome them to observe the proceedings of the House.

Allow me also to indulge the Member for Kajiado East, Hon. Maimai, to request for a statement.

STATUS OF INVESTIGATIONS INTO THE
SHOOTING INCIDENT IN KITENGELA TOWN

Hon. Kakuta Maimai (Kajiado East, ODM): Thank you, Hon. Temporary Speaker.

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 status of investigations into the shooting incident that occurred in Kitengela Town.

On 25th January 2026, a tragic shooting occurred at the entrance of C&M Lounge in Kitengela Town, Kajiado County, which left Mr Kelvin Shepashina Maseri of I.D. No. 33xxx210 dead and Mr Joseph Mungai Musoontu I.D. No. 34xxx14 seriously injured. The incident reportedly involved a confrontation between the two victims and another person believed to be a senior officer of the Directorate of Criminal Investigations (DCI). The matter was promptly reported at Kitengela Police Station under O.B. No. 08/25/01/26. However, despite investigations by the DCI led by the Isinya Sub-County Criminal Investigations Officer (SCCIO) in collaboration with crime scene experts and recommendations from the Independent Policing Oversight Authority (IPOA), no prosecution has been initiated to date. This delay prolongs the grief of families of the victims and necessitates the need for action to be taken to initiate prosecution and redress the grievous incident without any further delay.

Hon. Temporary Speaker, it is against this background that I request for a statement from Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. Status report on the progress of investigations into the shooting incident at C&M Lounge in Kitengela on 25th January 2026, reported under OB No. 08/25/01/26.
2. Reasons for the delay in prosecution despite recommendations by the DCI and IPOA for formal charges against the five suspects identified.
3. Measures being taken by the Ministry of Interior and National Administration to ensure impartiality and guarantee public confidence in the justice system in cases involving police officers as suspects, particularly in the current case where a senior DCI officer is implicated.
4. Internal disciplinary action taken, if any, against any accused police officer.
5. Actions being taken by the Ministry to address the ongoing trauma caused to the families of the victims as a result of delays in justice, including plans being put in place to compensate them.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Very well. Anyone from the Departmental Committee on Administration and Internal Security? Chair or Vice-Chair? Yes, Hon. Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. From his request for statement, I think a lot has been done by the DCI and IPOA. We will respond to the House in the first week after recess.

The Temporary Speaker (Hon. Martha Wangari): Very well. First week on resumption. Hon. Clive.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Temporary Speaker. Kindly allow me to raise two matters. There are issues that came to this House and have not been addressed.

Two weeks ago, we raised an issue with Kenya Rural Roads Authority (KeRRA) having deducted money that is going to the constituencies for the Financial Year 2025/2026, having reduced the 22 per cent from Ksh42 million to Kshs35 million. That is a reduction of Ksh7 million per constituency and a reduction of 10 per cent from Kshs21 million to Ksh15 million. That is a reduction of Ksh6 million. That is a total of Ksh13 million. The Speaker on that day had instructed the Leader of the Majority Party to give a response to this House last week on Tuesday, but that has not come. I would like to ask you, Hon. Temporary Speaker, to give guidance on this matter.

Secondly, there is another sensitive matter that is falling behind schedule. It has to do with the disbursement of the National Government Constituencies Development Fund (NG-CDF). There is a letter to this Parliament dated 16th of October 2025 that gave the schedule on how the monies will be disbursed, which was Ksh5.3 billion every month. For the last month of February and this month, we are now in arrears to a tune of Ksh10.6 billion and up to date, Ksh32.3 billion of Ksh58.8 billion has been disbursed, leaving a gap of Ksh23.5 billion.

Hon. Temporary Speaker, if we continue at this rate that they have started, we are likely to get to the end of this financial year without the total disbursement. Can we get guidance?

The Temporary Speaker (Hon. Martha Wangari): Was this part of the request you had made two weeks ago?

Hon. Clive Gisairo (Kitutu Masaba, ODM): This is following up on the schedule presented in this House on 16th October 2025.

The Temporary Speaker (Hon. Martha Wangari): I do not see the Leader of the Majority Party. I would direct that he comes with the response tomorrow in the afternoon.

Next Order.

MOTIONS

ADOPTION OF REPORT ON AUDITED ACCOUNTS OF JUDICIARY MORTGAGE SCHEME FUND FOR FYS 2011/2012 TO 2021/2022

*(Moved by Hon. Fatuma
Mohamed on 10.3.2026)*

(Debate concluded on 10.3.2026)

(Question put and agreed to)

ADOPTION OF REPORT ON AUDITED ACCOUNTS OF COMMODITIES FUND FOR FYS 2018/2019 TO 2021/2022

*(Moved by Hon. Fatuma
Mohamed on 10.3.2026)*

(Debate concluded on 10.3.2026)

(Question put and agreed to)

BILLS

Second Reading

THE TEACHERS SERVICE COMMISSION (AMENDMENT) BILL (National Assembly Bill No. 27 of 2024)

*(Moved by Hon. Abdul Haro on
18.2.2026 – Morning Sitting)*

*(Debate concluded on
11.3.2026 – Morning Sitting)*

(Question put and agreed to)

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

First Reading

THE SOVEREIGN WEALTH FUND
(National Assembly Bill No. 7 of 2026)

*(The Bill was read a First Time and
referred to the relevant Committee)*

SPECIAL MOTION

The Temporary Speaker (Hon. Martha Wangari): Chairman, Departmental Committee on Defence, Intelligence and Foreign Relations.

APPROVAL OF NOMINEE FOR APPOINTMENT AS
AMBASSADOR TO THE KINGDOM OF DENMARK

Hon. Nelson Koech (Belgut, UDA): Thank you once more, Hon. Temporary Speaker. I will endeavour to be as brief as possible.

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

THAT, taking into consideration the findings of the Departmental Committee on Defence, Intelligence and Foreign Relations in its Report on the approval hearing of a Nominee for Appointment as the Ambassador of the Republic of Kenya to Copenhagen, Kingdom of Denmark, laid on the Table of the House on Tuesday, 10th March 2026 and, pursuant to the provisions of Article 132(2)(e) of the Constitution, Section 20(2) of the Foreign Service Act, Cap 185E and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, this House approves the appointment of Mr Kosiom Frank ole Kibelekenya as the Ambassador of the Republic of Kenya to Copenhagen, Kingdom of Denmark.

Just for the purpose of record, he fulfilled all the requirements that had been listed. They include the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB), the Office of the Director of Public Prosecutions (ODPP) and the Office of the Registrar of Political Parties (ORPP). I will go straight to the point. The Committee conducted the oral approval hearing of the nominee on Thursday, 5th of March, 2026. Following that exercise, the Committee made the following observations regarding the suitability of Mr Kibelekenya.

The nominee is a Kenyan citizen by birth and does not hold any dual citizenship. He holds a Bachelor of Education degree from Egerton University, a Master of Philosophy in Education Administration and Management from Moi University and is currently pursuing a Doctor of Philosophy in Education Administration and Management at the Maasai Mara University. He possesses considerable professional experience in public service. He has served

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

within the education sector on the National Land Commission where he gained extensive experience in public administration, stakeholder engagement, negotiation and conflict resolution. Those competencies are directly relevant to the diplomatic responsibilities that are expected of a head of mission.

It is worth mentioning that during the approval hearing, the nominee demonstrated awareness of the existing trade imbalance between Kenya and Denmark and acknowledged that the trade balance currently favours Denmark. He proposed that Kenya should enhance the competitiveness of its exports, particularly in the sectors of tea, coffee and horticulture, while leveraging on diplomatic engagement to expand market access for Kenyan products. Further, the nominee indicated that he will strengthen collaboration within the Mission by working closely with trade officers, commercial attachés and other technical experts to advance Kenya's economic diplomacy and promote bilateral co-operation.

Regarding integrity, something was raised by one of the Members. The Committee noted that the nominee had previously faced criminal charges relating to alleged bribery during his tenure at the National Land Commission. However, the nominee told the Committee that he was acquitted by the court under Section 215 of the Criminal Procedure Code and, subsequently, integrity clearance from relevant agencies confirmed that truly he is currently facing no criminal proceedings or integrity concerns.

As I conclude, the Committee observed that the nominee expressed readiness to work collaboratively with the Ministry of Foreign and Diaspora Affairs and other Government institutions in advancing diplomatic, economic, and development interests in Denmark. In particular, the nominee emphasised the importance of promoting trade, education, partnerships and development co-operation between Kenya and Denmark while, at the same time, strengthening people-to-people relations between the two countries. Based on the nominee's academic credentials, professional experience, integrity, clearance reports, and performance during approval hearing, the Committee was satisfied that the nominee meets the constitutional and statutory requirements for appointment to the State Office and possesses the capacity to represent the Republic of Kenya with diligence and honour. The Committee, therefore, recommends that this House approves the appointment of Mr Kosiom Frank ole Kibelekenya as Ambassador of the Republic of Kenya to Copenhagen, the Kingdom of Denmark. I beg to move.

Hon. Temporary Speaker, you were to second the Motion. However, I now invite, Hon. Kwenya Thuku, a seasoned member of the Committee, to second the Motion.

The Temporary Speaker (Hon. Martha Wangari): The Member for Kinangop.

Hon. Kwenya Thuku (Kinangop, JP): Thank you, Hon. Temporary Speaker. I rise to second the Motion on the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on the approval of Mr Kosiom Frank ole Kibelekenya as the Ambassador to Copenhagen, Kingdom of Denmark.

The Mover has already outlined the legal and procedural framework that guided the Committee during the vetting exercise. Allow me to briefly highlight several key considerations that informed the Committee recommendation to approve the nominee. First, the Committee observed that the nominee demonstrated a clear understanding of Kenya's diplomatic and economic interests in relation to the Kingdom of Denmark. During the approval hearing, he articulated practical strategies for strengthening Kenya-Denmark relations, particularly through promotion of trade, investment, and development partnerships.

The Committee also took note of the nominee's appreciation of the current trade dynamics between Kenya and Denmark and his commitment to support initiatives aimed at expanding Kenya's export potential, particularly in sectors such as agriculture and value-added products. His recognition of the role of economic diplomacy in enhancing Kenya's competitiveness in international markets is an important attribute for a Head of a Mission.

Further, the nominee emphasised the importance of teamwork within the Mission and expressed his intention to work closely with officers responsible for trade, investment, promotion and development co-operation. Such collaborative leadership is essential in ensuring that Kenya's diplomatic missions effectively advance the country's foreign policy objectives.

The Committee was also satisfied that the nominee demonstrated composure, clarity of thought, and a strong sense of public service during the approval hearing. Those qualities are essential for a diplomat interested with representing the Republic of Kenya abroad and engaging with international partners on matters of mutual interest.

On the basis of the Committee's observations and the overall assessment of the nominee's suitability for the position, the Committee was satisfied that Mr Kosiom Frank ole Kibelekenya possesses the necessary qualities to effectively represent the Republic of Kenya in the Kingdom of Denmark.

Allow me to say this: You know, the background of this nominee is teaching. Unfortunately, this Parliament has been legislating against certain cadres or professions being appointed in the position of an ambassador. We have been shooting ourselves on the foot as Members of Parliament. That, once we retire, we cannot take up even a board position. We recently legislated and passed the Government-Owned Enterprises (GOE) and the National Infrastructure Fund laws. We provided that we have to take a break of five years before we serve anywhere in the Republic. That is something that we need to reconsider because after vetting this nominee, we realised that there is a lot of potential even in nominees with a different background.

In seconding this Motion, I wish to commend the Committee for the diligence with which it undertook the vetting exercise and for a thorough Report that has been tabled before this House.

I, therefore, second this Motion and urge all Members to support the Committee's recommendation for approval.

I thank you.

(Question proposed)

Hon. Members: Put the Question!

The Temporary Speaker (Hon. Martha Wangari): Is that the mood of the House?

Hon. Members: Yes.

(Question put and agreed to)

The Temporary Speaker (Hon. Martha Wangari): Before we go to the next Order, allow me to recognise, in the Public Gallery this afternoon, students from Vyulya Girls Secondary School from Mwala Constituency, Machakos County. They are visiting Parliament to observe the proceedings.

Next Order.

SPECIAL MOTION

The Temporary Speaker (Hon. Martha Wangari): Chairperson, Departmental Committee on Lands.

APPROVAL OF NOMINEES FOR APPOINTMENT
TO THE NATIONAL LAND COMMISSION

Hon. Joash Nyamoko (North Mugirango, UDA): Thank you, Hon. Temporary Speaker. I beg to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Lands in its report on the approval hearing of Nominees for Appointment as Chairperson and Members of the National Land Commission, laid on the Table of the House on Wednesday, 11th March 2026, and pursuant to the provisions of Article 250(2)(b) of the Constitution, Section 12 of the National Land Commission Act, Cap. 281 and sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, this House approves the appointment of the following persons to the National Land Commission—

- | | | |
|-----------------------------------|---|-------------|
| 1. Dr Abdillahi Saggaf Alawy | - | Chairperson |
| 2. Ms Susan Khakasa Oyatsi | - | Member |
| 3. Mr Daniel Murithi Muriungi | - | Member |
| 4. Mr Kigen Vincent Cheruiyot | - | Member |
| 5. Hon. (Dr) Julie Ouma Oseko | - | Member |
| 6. Hon. Mohamed Abdi Haji Mohamed | - | Member |
| 7. Hon. Mary Yiane Seneta | - | Member. |

The National Land Commission is a constitutional commission established under Article 67 of the Constitution of Kenya, 2010. The Commission was operationalised through the National Land Commission Act, 2012, the Land Act, 2012, and the Land Registration Act, 2012. The Commission is mandated by the Constitution to perform the following functions:

1. Manage public land on behalf of both the national and the county governments.
2. Investigate, on its own initiative or on a complaint, present and historical land injustices and recommend appropriate redress.
3. Assess tax on land and premiums on immovable property in any area designated by law.
4. Monitor and have oversight responsibilities over land use planning throughout the country.

The Commission is led by a chairperson and eight commissioners who serve for a single, non-renewable term of six years. Following the operationalisation of the Commission through the enactment of the relevant statutes, the inaugural group of commissioners were gazetted in February 2013 and began their term on 23rd February 2013. The second group of commissioners took office on 15th November 2019, with their term coming to an end in November 2025. This is, therefore, the third cohort of commissioners that are being presented to this House for approval.

The Report contains a record of the proceedings of the Departmental Committee on Lands during the approval hearings for nominees for appointment as Chairperson and Members of the National Land Commission. The nominations were forwarded by the Selection Panel and communicated to the House by the Speaker of the National Assembly on Tuesday, 25th February 2026.

The recruitment process leading to the nomination was conducted by a duly constituted Selection Panel through Gazette Notice No.112 of 15th August 2025. The process attracted 93 applicants for the position of Chairperson and 609 applicants for the position of Members of the Commission. For the position of Chairperson, the Selection Panel shortlisted 10 candidates, while 51 candidates were shortlisted for the position of members of the

Commission. All proceeded to the interview stage. Interviews were held between 1st and 14th October 2025, with a pass mark set at 70 per cent.

In accordance with Article 252 of the Constitution, Section 12 of the National Land Commission Act, Section 6 of the Public Appointments (Parliamentary Approval) Act, and Standing Order No. 216(5)(g) of the National Assembly Standing Orders, the Speaker referred the nominations and the accompanying curricula vitae of the nominees to the Departmental Committee on Lands for approval hearings and reporting to the House.

The Speaker directed the Committee to undertake the approval hearings and ensure that the report was tabled on the Floor of the House during the sitting of Wednesday, 11th March 2026, which is today. Subsequently, the Speaker further directed the Clerk of the National Assembly to notify the nominees and the public of the date and venue for the approval hearings and to invite submissions of memoranda regarding the suitability of the nominees.

Hon. Temporary Speaker, pursuant to Article 118 of the Constitution, Sections 6(3) and 6(4) of the Public Appointments (Parliamentary Approval) Act, and Standing Order 45(3) of the National Assembly Standing Orders, the Clerk of the National Assembly notified the nominees and placed an advertisement in the print media on Thursday, 26th February 2026, informing the nominees and the general public that the Departmental Committee on Lands would conduct approval hearings on Monday, 9th March 2026, in the Mini Chamber, County Hall, Parliament Buildings.

Additionally, pursuant to Section 6(9) of the Public Appointments (Parliamentary Approval) Act, the advertisement by the Clerk of the National Assembly invited the public to submit memoranda, by way of written statements on oath, on the suitability of each of the nominees. The advertisement indicated that submissions were to be received by Thursday, 5th March 2026, at 5.00 p.m.

Further, the Clerk of the National Assembly, through a letter dated 26th February 2026, wrote to the Ethics and Anti-Corruption Commission (EACC), the Directorate of Criminal Investigations (DCI), the Higher Education Loans Board (HELB), the Kenya Revenue Authority (KRA), the Office of the Director of Public Prosecutions (ODPP), and the Office of the Registrar of Political Parties seeking references and background checks relating to the suitability of the nominees.

By the close of the submission deadline, the Committee had received memoranda from members of the public. The three memoranda received did not comply with Section 6(9) of the Public Appointments (Parliamentary Approval) Act. The memoranda included written statements that were not made on oath, were not accompanied by supporting evidence, and did not raise objections regarding the suitability of the nominees for appointment. Consequently, the Committee resolved to consider the statements and submissions as non-compliant. The detailed analysis is contained in the main Committee Report.

The nominees appeared before the Committee on Monday, 9th March 2026, as scheduled. The Committee examined their suitability based on the criteria set out in Section 7 of the Public Appointments (Parliamentary Approval) Act. The Committee considered the constitutional and statutory requirements relating to the offices in question and the suitability of the nominees for the proposed appointments, including whether the nominees' abilities, experience, and personal qualities were suited to serve in the National Land Commission. Furthermore, the Committee examined the nominees' academic credentials, relevant professional training and experience, their knowledge of sector issues and personal integrity in accordance with Sections 6, 7 and 8 of the Public Appointments Act.

Hon. Temporary Speaker, pursuant to Section 8 of the National Land Commission Act and Sections 6, 7, and 8 of the Public Appointments Act, the Committee observed as follows: The first nominee, Dr Abdillahi Saggaf Alawy, holds a Doctorate in Agriculture, Education, Research Methods and Programme Evaluation from Ohio State University in the United States

of America (USA). He also holds a Master's of Science in Agriculture and International Development and a Bachelor of Science in Agriculture Economics from the same university, and a Diploma in Agriculture from Egerton University. The nominee has a distinguished career in land management and administration.

He also demonstrated knowledge of topical administrative and technical issues, touching on the position to which he had been nominated and has, per the Committee, the requisite abilities and professional experience in land management, administration and the management of natural resources and has what it takes to be approved for appointment.

The second nominee is Ms Susan Khakasa Oyatsi. She holds a Master's Degree in Business Administration from the University of Nairobi (UON) and a Bachelor of Arts from Kenyatta University (KU). She is also a Fellow of the Institute of Certified Public Accountants of Kenya (ICPAK), a designation she was awarded in 2021. She has a distinguished career in public accounting and administration. She demonstrated knowledge of topical, administrative and technical issues, touching on the position to which she has been nominated and has the requisite abilities and professional experience in public administration and management of resources. She has the requisite abilities to be approved for appointment.

The third nominee is Mr Daniel Murithi Muriungi. He holds a Master's of Science in Environmental Planning and Management from KU, a Postgraduate Diploma from Kenya School of Law, a Bachelor of Laws from UON, and a Diploma in Law from the Kenya School of Professionals. According to the observations made by the Committee, he also fits the bill.

The fourth nominee is Mr Kigen Vincent Cheruiyot. He holds a Master's Degree in Public Policy Administration from African International University and a Bachelor of Arts in Leadership and Management from St. Paul's University. At the moment, he is pursuing a PhD in Leadership and Governance from Jomo Kenyatta University (JKUAT). When the Committee assessed the qualifications and the experience that Vincent has, they also thought he met all the requirements to be appointed as a commissioner in the National Land Commission (NLC).

We also had the fifth nominee, Hon. (Dr) Julie Ouma Oseko. She holds a Doctorate Degree in Constitutional Law and Justice System from the University of Leicester, which is in the United Kingdom (UK), a Master's of law in Public International Law from the University of Nairobi, Postgraduate Diploma from the Kenya School of Law, a Bachelor of Laws from University of Nairobi, and a Certificate from the Institute of Certified Secretaries (ICS). She has a distinguished career as a judicial practitioner. She also demonstrated knowledge of topical, administrative and technical issues, touching on the position to which she has been nominated. The Committee feels that she also fits the bill.

The sixth nominee is Hon. Mohamed Abdi Haji Mohamed, who holds a Master's Degree in Business Administration, Health Leadership and Management from United States International University-Africa (USIU), a Bachelor of Laws from the UoN, and a Diploma in Clinical Medicine from Kenya Medical Training College (KMTTC). He has a distinguished career in public administration. He also demonstrated knowledge of the topical issues, administrative and technical issues, touching on the position for which he has been nominated. I also want to note that it so happens that he also served as a Member of Parliament for two terms, for Mandera West and later Banissa, after the two constituencies were split.

The last nominee holds a Postgraduate Diploma in Human Resource and a Bachelor of Education Arts from UoN. She also has a distinguished career in public administration. Her name is Mary Yianne Seneta. Notably, she also served as a Member of Parliament in the National Assembly. She also served as a Senator in the Senate.

Having conducted the approval hearings for the nominees, and pursuant to Article 252 of the Constitution, Section 12 of the National Land Commission Act, Section 8(1) of the

Public Appointments Act, and Standing Order 199(6) of the National Assembly Standing Orders, the Committee recommends that the House approves the appointment of:

- | | | |
|-----------------------------------|---|--------------|
| 1. Dr Abdillahi Saggaf Alawy | - | Chairperson. |
| 2. Ms Susan Khakasa Oyatsi | - | Member. |
| 3. Mr Daniel Murithi Muriungi | - | Member. |
| 4. Mr Kigen Vincent Cheruiyot | - | Member. |
| 5. Hon. (Dr) Julie Ouma Oseko | - | Member. |
| 6. Hon. Mohamed Abdi Haji Mohamed | - | Member. |
| 7. Hon. Mary Yiane Seneta | - | Member. |

I take this opportunity to thank the honourable Members of the Departmental Committee on Lands for their devotion and commitment to duty in the approval hearing for making meaningful contributions and considering that we worked under a very strenuous environment to come up with this Report.

I also want to thank the Office of the Speaker, the Office of the Clerk, and the technical staff who gave support to the Committee. On behalf of the Committee and pursuant to Article 124 (4)(b) of the Constitution, Section 8 of the Public Appointments Act, and provisions of Standing Order 199, I, therefore, move that these members be approved.

I now invite the Hon. (Rt.) Major Dekow, to second the Motion.

The Temporary Speaker (Hon. Martha Wangari): Hon. Dekow.

Hon. Dekow Mohamed (Garissa Township, UDA): Thank you very much. Hon. Temporary Speaker, I rise to second the Motion on the Report of the Departmental Committee on Lands on the Approval of Chairperson and members for Appointment as Commissioners for the NLC. As stated, they are: Dr Abdillahi Saggaf Alawy, Chairman, Ms Susan Khakasa Oyatsi, member, Mr Kigen Vincent Cheruiyot, member, Hon. (Dr) Julie Ouma Oseko, member, Hon. Mohamed Abdi Haji Mohamed, a member, and Hon. Mary Yianne Seneta, member.

Hon. Temporary Speaker, the Chairman of the Committee has briefed me that the Committee had opportunity to engage and interview each nominee. The Committee also had opportunity to interrogate their academic papers and established their diverse knowledge in their areas of expertise and the ability to undertake the offices they are being nominated to.

The nominees, generally, meet the requirements of the office. As a member of the Committee, I take this opportunity to second the Motion and urge Hon. Members to support the Committee's recommendations for approval.

The Temporary Speaker (Hon. Martha Wangari): Before I put the question, allow me to propose it.

(Question proposed)

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

Hon. Members: Yes.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members, let me indulge a few Members. Hon. Yusuf, you will go first. Let us take two minutes each. That way, many of you will get to say something.

Hon. Yusuf Adan (Mandera West, UDM): Thank you so much for giving me this opportunity. Looking through the lens of national cohesion and equal opportunity, the list seems to be very well thought out. Looking at regional distribution, I see Coast, Nyanza, Rift Valley, North Eastern and the mountain region. Therefore, the list is well balanced. Looking at the gender issue, three out of the seven commissioners are ladies. That is also well taken care of. The only concern is that I do not know whether a person living with disability is among the nominees. I am not sure since I have not read the whole Report. Hopefully, it has been taken care of. Personally, I know two out of the seven nominees. We studied with the Chairman at

Egerton University and I know him very well. He is a very responsible, hardworking, and reliable person. Also, Hon. Mohamed Abdi Mohamed Haji hails from my constituency. He has worked in the medical field and later became a lawyer. He is very responsible, indeed.

Therefore, I highly support the approval of the Chairman and the six members.

The Temporary Speaker (Hon. Martha Wangari): Very well. Hon. Katana Kahindi, Member for Kaloleni.

*(Hon. Paul Katana consulted
with a Member while seated)*

You are mobile. You have two minutes.

Hon. Paul Katana (Kaloleni, ODM): Ahsante Mhe. Spika wa Muda kwa kunipa nafasi hii. Nataka niunge mkono Ripoti ya Kamati ya Kiidara ya Ardhi.

Tume ya Ardhi inategemewa sana katika nchi yetu ili kutatua tatizo la mashamba nchini, haswa dhuluma za mashamba. Nchi hii imekuwa ikiona maskwota wengi haswa upande wa Pwani. Tunatarajia makomishna hawa wasaidie wananchi wapate mashamba yao.

Jambo jingine ni kwamba kumekuwa na unununuzi wa lazima wa mashamba, yaani *compulsory acquisition*. Watu wengi ambao miradi mikubwa ya Serikali imepitia mashambani mwao hawajapata fidia kufikia sasa. Ukiangalia mradi mkubwa wa *Standard Gauge Railway (SGR)* kutoka Mombasa mpaka Nairobi na wale ambao mashamba yao yalichukuliwa kwa mradi huu, ni mabwenyenye walilipwa pesa nyingi. Lakini mwananchi wa kawaida anayedai chini ya laki tatu au mbili hajalipwa kufikia sasa. Ni matumaini yangu kwamba hawa makomishna watafanya kazi kuhakikisha kwamba kila mtu ambaye shamba lake lilichukuliwa kwa miradi mikubwa ya Serikali amepata fidia kwa wakati ufaao.

Jambo jingine ni kwamba *lease* za mashamba ya wakaazi wengi zimeisha. Ni matumaini yangu kuwa makomishna watafanya uchunguzi kutatua tatizo la mashamba. Watu wengi, haswa wa Mkoa wa Pwani, wamekuwa wakiishi kwa hali ya uskwota. Wameishi hivyo kwa miaka mingi lakini watu kutoka nje wamepewa hatimiliki na wanawafukuza kutoka mashamba ya mababu zao.

Tunaomba tume hii iangalie haki na kuhakikisha kwamba kila mwananchi anapata hatimiliki ili watu waishi kama wengine. Ahsante sana.

The Temporary Speaker (Hon. Martha Wangari): Mbunge wa Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker.

From the onset, let me make it very clear that I am a member of the Institution of Surveyors of Kenya (ISK) and a senior valuer in this country. The National Land Commission (NLC) operates within the realm of the land sector. Obviously, the ISK has some expectations on the appointing authority. There are very valid reasons for that.

Section 5 of the National Land Commission Act of 2012 clearly lists the functions of the commission. Among many other functions, it establishes the NLC to manage public land on behalf of the national Government and county governments, to recommend national land policy to the national Government, to assess tax and premiums on land and immovable property in areas designated by law.

Section 8(1)(b) provides requirements for qualification as chairperson. One must have a university degree, at least ten to fifteen years' experience in matters of land and have knowledge in any of the following fields: Public administration, land management and administration, management of natural resources, land adjudication and settlement, land law, land survey, spatial planning or land economics, or social sciences. The same requirements are repeated for members.

I have nothing personal. Amongst all these people, nominee number two is the only person I know. I do not know the rest. I have nothing personal against them. I would have

easily stood up here and said I oppose, but the Commission has to run. We might argue it is just a commission and yet, it is a full-time commission. It is not a part-time commission. It holds executive powers. When appearing before Committees, the commissioners plus the Chief Executive Officer (CEO) must appear.

We are populating a commission with Kenyans who, at all, have no qualifications that have been repeatedly required and indicated in this Act and the Constitution of Kenya. What are we doing? What are we saying? Many of us here know the central role land plays in this country. Many know the very many skirmishes, wars, confrontations and land disputes in this country. Are we serious as a country or are we creating a situation where we perpetuate malpractices in the land sector? What kind of disservice are we doing to this country?

It is a sad day. I do not want to say anything about my colleagues in the Committee. Honestly speaking, you should have had the courage to go back to the appointing authority and clearly tell them, “You have handed us...” I do not want to use the word ‘an incompetent commission’. That is exactly what it is. It does not meet the required qualifications as set out in the Constitution and in the law.

I know the operations of the Committee. They said they had thematic areas, and that each member of the commission is given an area of expertise in the thematic areas. I wonder how somebody who has no experience in land matters, and has never practised land law, will handle any thematic area. I know that Madam Oseko was a magistrate.

Hon. Kimani Ichung’wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Are we really being...

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Leader of the Majority Party?

Hon. Kimani Ichung’wah (Kikuyu, UDA): You know, we have a duty to substantiate any allegations that we make here, especially when they touch on persons who cannot defend themselves here. I heard Hon. Oundo assert that the nominees do not meet any of the constitutional qualifications. We would benefit from his knowledge, or lack of it for that matter, if he would inform us what qualifications those nominees do not meet under the Constitution. Because as he said, it would have been easy for him to just oppose. It is also very easy to claim that this is unconstitutional, but he must be able to substantiate and show us what threshold they have not met. This is just disparaging people without any substantiation. It is not fair because the nominees are not here to defend themselves. They may not be able to defend themselves. The Committee that considered them is a very honourable Committee of 15 Members of this House, and they considered all those things.

Therefore, Hon. Oundo can substantiate that. What qualifications are these that they do not meet?

The Temporary Speaker (Hon. Martha Wangari): Member for Funyula, apart from not knowing them, what is unconstitutional?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): He has asked me to substantiate. None of those members are members of the Institute of Surveyors of Kenya (ISK), the professional body that regulates all the professionals in the land sector. I can go on record on this. None of them. Secondly, by the repeated...

(Loud consultations)

I have the Bill with me here. By the so many repeated instances of...

Hon. Joash Nyamoko (North Mugirango, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Chairperson of Departmental Committee on Lands? Hold on, Member for Funyula.

Hon. Joash Nyamoko (North Mugirango, UDA): I think Hon. Oundo is totally out of order. You do not expect the National Land Commission (NLC) to have a composition of only lawyers. The lady you have just mentioned, the nominee, Madam Julie, is a very competent person. Having served as a magistrate, she is very competent in even solving land matters. She has a lot of knowledge about it. The other thing is that Hon. Oundo has not even taken time to go through the Report that was tabled here this morning. In fact, you do not have it. There are times when you just rise to speak because you just want to speak...

The Temporary Speaker (Hon. Martha Wangari): Do not cast aspersions, Chairman.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, we have interacted with these nominees. They are not being disclosed for the very first time on the Floor today. Their names were bandied and presented here. We have had our own time to do background checks. You cannot populate a purely professional commission...

Hon. Peter Kaluma (Homa Bay Town, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Hon. Kaluma, what is out of order?

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, the matter raised by the Leader of the Majority Party concerning the academic qualification requirements has not been responded to by Hon. Oundo. There is no requirement in terms of qualification to serve in this commission, that you should be a member of ISK. Could he withdraw that; being a matter which he cannot substantiate?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): The framers of the Act were not out of the moon. They knew the mandate of the commission as set out in the Constitution. That is why in their framing and their language, they have repeatedly used land professionals. Repeatedly! It would have been expected, as has happened in the past two commissions, that there must have been adequate representation of the various professionals...

Hon. Ali Raso (Saku, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Hon. Raso?

Hon. Ali Raso (Saku, UDA): Thank you very much. I think Hon. Oundo should not be misleading the House. The principal law of this land is the Constitution. When we come to this House, we stand on the Floor of this House and take an oath. Any other thing that comes about is really corollary. It is not that binding for anybody to say that the National Land Commission must be manned by lawyers, surveyors and land administrators. I think the basic requirement is a university degree. As for who should run the National Land Commission, there is a secretariat comprising of technical persons who run that institution. He is misleading the House...

The Temporary Speaker (Hon. Martha Wangari): Member for Saku, you have made your point.

(Loud consultations)

Hon. (Dr) James Nyikal (Seme, ODM): On a point of information, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): Member for Funyula, do you want to be informed by the Member for Seme?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Of course. You know, Dr Nyikal and I are the veterans in this House. So, we understand these matters. I can, therefore, allow him to inform me.

The Temporary Speaker (Hon. Martha Wangari): Proceed, Hon. Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Temporary Speaker, my information is actually helping him. As much as I support this Motion, what Dr Oundo is saying actually makes sense. There was a memorandum from the Architectural Association of Kenya - Town Planners Chapter (AAK-TPC). In paragraph 92, there was limited representation of co-built environment professionals among the nominated commissioners and the members. The stakeholders further stated that the absence of registered physical planners, land surveyors, land economists or professionals at the level of the commission leadership raised serious questions regarding the substantive adherence to the constitutional principles of merit and professionalism. The Committee itself actually goes on to comment on paragraph 373. It says that it observed that their concerns were valid, and there is a need to incorporate a wider spectrum of professionals, including land and environmental professionals and other related fields in future nomination for appointment.

Therefore, he actually has a point and the Committee observed the same, but there is also...

(Loud consultations)

Let me finish. But there is also the... That is a point of information...

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): That is a point of information from Hon. Nyikal.

(Loud consultations)

The Temporary Speaker (Hon. Martha Wangari): Member for Funyula.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker...

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Martha Wangari): What is out of order?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Member for Funyula, just a minute. The Member for Seme, Dr Nyikal, a very good Member of this House, sought to inform the Member for Funyula but actually misinformed him because he simply read the report for him. He read the observations of the Committee based on what was submitted by an association – the sort of associations that the Member for Funyula is speaking on behalf. As a member of the public, I come and submit my views because those are merely views. That is why I have proposed that the Member for Funyula should tell us where, in the National Land Commission Act or in the Constitution, that is stated. That is because he said that those people do not meet any of the constitutional threshold. The statute does not say that there shall be a member of this or that institute. Neither does the Constitution state that there shall be such representation.

The Member for Funyula knows the language used in legislation. If you want to make something mandatory, as that gentleman from somewhere in Nyanza said, it is mandatory to say “shall.” So, unless the law says ‘shall’....

The Temporary Speaker (Hon. Martha Wangari): Thank you, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Mandatory “shall”.

The Temporary Speaker (Hon. Martha Wangari): Hon. Members...

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Let me wind up.

The Temporary Speaker (Hon. Martha Wangari): Member for Funyula, hold on. Hon. Members, this is not the first time this conversation has come in this House during proceedings on appointments. We have had this discussion repeatedly. However, we have to

be guided by the Constitution, particularly Article 252; and by the National Land Commission Act, Cap 281. That is why I will implore the Member for Funyula to also be guided by Standing Order 91 on statement of fact so that you give the right information. There is an issue I would like you to clarify. Even though the nominees are not from the institutions you prefer, are they qualified? You cannot impute that they are incompetent and yet it is not against the law. Can you clarify that?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, this is a very good debate we could have...

The Temporary Speaker (Hon. Martha Wangari): You have two minutes.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): This is a very good debate we could have in other forums so that we conclude this matter. Stakeholders have raised valid concerns. I am surprised that the Chairman does not seem to know the observations of the Committee. Those observations appear in Chapter 373 of the Report, pages 57 to 67, yet we are being asked to approve the report. The report is here in its entirety. Honestly speaking, as much as...

Hon. Peter Kaluma (Homa Bay Town, ODM): On a point of order.

The Temporary Speaker (Hon. Martha Wangari): What is out of order, Hon. Kaluma?

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): As much as we want to fall back into technicalities and shouting matches, the fact remains that we have been presented with what appears to be an incompetent Commission. Period!

The Temporary Speaker (Hon. Martha Wangari): Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Temporary Speaker, the issue here is very simple. We do not disagree with what the Committee has observed. The point being made by Hon. Oundo is that even if nobody from the particular association he referred to has been nominated, the law does not state that the absence of a person from that profession disqualifies the team or renders the Commission improperly constituted. We must distinguish between matters of desire and matters of legal requirement. Hon. Oundo should just apologise and say...

The Temporary Speaker (Hon. Martha Wangari): That was my direction.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Oundo should just apologise and say that, in as much as the Committee observed that someone from that profession could have been included, the absence of such a person does not disqualify the nominees from being constituted into the Commission.

Hon. Irene Mayaka (Nominated, ODM): Point of information.

The Temporary Speaker (Hon. Martha Wangari): Do you want to be informed?

*(Hon. Kimani Ichung'wah
spoke off the record)*

(Laughter)

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, it is good that I conclude so that other Members can contribute. These interventions are unnecessary even though they are very good for the debate. I will reiterate. We might have examined the law and concluded that since the provision uses the word "or", we could as well have picked all social scientists but, looking at the functions of the Commission and the intention of the drafters of both the Constitution and the Act, there was clearly an expectation that the Commission would be composed of a spectrum of professionals within that field. What we have may satisfy the letter of the law, but it does not satisfy the spirit of the law.

Thank you.

The Temporary Speaker (Hon. Martha Wangari): We shall make progress. Let us hear the Member for Wundanyi.

Hon. Danson Mwashako (Wundanyi, WDM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this important Motion on the consideration of nominees for appointment to the NLC. I would like to state that the context of my contribution is that I come from a region that has been bedevilled by numerous land issues. If you were to talk about the landless, absentee landlords, evictions and inhumane treatment of people who have settled on land only to be told many years later that they are squatters, you would definitely think of the Coast Region. Therefore, when nominees for appointment to the NLC are presented to this House for vetting and approval, some of us examine the list keenly. We scrutinise the names and the entire process so that the spirit of the framers of the Constitution, who found it necessary to establish the NLC, remains alive.

When we passed the Constitution and subsequently enacted the National Land Commission Act, we thought our land problems would become a thing of the past. However, as we speak today, we are confronted with the reality that our people continue to suffer in areas we never expected them to suffer. Therefore, when we sit or stand here to approve nominees to the NLC, we must emphasise that the people who are entrusted with running the NLC must be individuals of the highest integrity. They must be beyond reproach. They must be people who have the interests of Kenya at heart.

Even the matter being raised by Hon. Oundo, suggesting that the composition of the nominees may not have met the expected threshold, raises a lot of eyebrows. Allow me to give a clear example. We expected the NLC to resolve historical land injustices from 2012 to date. I am referring to the people who were evicted at Mukamenyi in Voi, whose great-grandfathers were buried on that land and yet, when leases which were renewed fraudulently expire, the NLC goes ahead to perpetrate an illegality where an expired lease is renewed against the wishes of the people. We have been engaging the NLC trying to push very hard to ensure that the people living on the land where the sisal estates were in Mwatate, are recognised when leases expire. But obtaining justice in land matters remains extremely difficult. This is because the people running the Commission do not want to be on the *mwananchi's* side but on the *bwenyenye's* side.

If land issues are not addressed adequately, they will become another time bomb. We often say that youth unemployment is a time bomb, but the failure to address historical land injustices is equally dangerous. Recently, we passed an amendment to the NLC Act allowing the Commission to reopen historical land injustice claims dating back to before 2010. I want to emphasise that the commissioners we approve today must make this one of their first priorities. They must address every outstanding matter, especially those relating to historical injustices.

In Taveta, there are serious land issues. At a place called Mkocheni, people were evicted at around 2.00 a.m. It is extremely disturbing. We had hoped that the NLC would address such matters. We have land at a place called Kidai in Paranga Mlilo in Taita Taveta. To date, we have people, churches and schools there. We have been trying to talk with the NLC to see how they can settle the people in that area. Similarly, that happened in Likoni some years back. We do not get people to listen to us. Therefore, the NLC must wake up and do its work.

Today is a great day because we are approving these nominees. The Committee did a good job and wrote a good Report. We need to oversee the NLC more because they are not doing their job. Honestly, they are very good at writing letters. If you write a letter to them, they respond after a week. They are very fast at that, but they use very difficult English without substance. Therefore, Parliament must rise to its calling.

The Departmental Committee on Lands of this House must rise up to its billing and hold the NLC to account because we appropriate a lot of money to the Commission. However, they

do not help Kenyans. It is a tragedy that we will continue suffering. It is not only the people of Taita Taveta who are suffering. People across the country are suffering. We cannot continue having people who have land that is untitled. We cannot continue having absentee landlords. We cannot continue having people being evicted at night.

I support the approval of these nominees, but with the rider that we must rise to the occasion and make sure that we settle our people across the country.

With those remarks, I support.

*[The Temporary Speaker
(Hon. Martha Wangari) left the Chair]*

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

The Temporary Speaker (Hon. Farah Maalim): Let us hear the Leader of the Majority Party.

(Loud consultations)

Order, Hon. Members. You cannot rush the debate.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker. I beg to support this Motion for approval of six nominees to the NLC.

I have been listening to the debate and heard the issues that were being raised by Hon. Oundo. We are not being asked to approve the entire eight commissioners of the Commission. These are only six out of the eight commissioners. Therefore, the argument that was advanced earlier here – that, there are certain professionals who have not been nominated into this Commission – cannot stand because we are not considering all the eight nominees. So, even if what Hon. Oundo has said was true, we would still have an opportunity later to appoint another two commissioners from other professions.

More importantly, let us look at what the mandate of this Commission is, and whether or not the commissioners are required by law to possess certain qualifications. It is true, the Commission has a lot of technical work to do but that technical work is not vested singularly on commissioners. The Commission has a secretariat. As much as the commissioners serve a full-time term, or rather it is a full-time Commission, they have a secretariat headed by the CEO, Ms Kabale, from Marsabit. She is quite competent. She also has very competent assistants within the secretariat.

If we were to argue that every profession should be represented, I could also argue as an accountant or as an economist that land is the first factor of production. Therefore, as an economist, we must have economists in this Commission. Accountants will argue about valuation and say it is not just land valuers like those I see here today speaking for land valuers, who can value land. It is about monetary value and, therefore, we may need accountants in the Commission. The same will apply with lawyers. We have heard Hon. Kaluma argue that lawyers are learned. I do not know who said that only lawyers are learned. They are only learned in law. Let me not get in that direction because Hon. Kaluma is looking at me with very menacing eyes.

Lawyers could also argue that probably this Commission should have more lawyers than anybody else because of issues to do with conveyancing but, if we look at the Commission’s mandate as stipulated in the Act, it is to manage land, especially on behalf of the national and county governments. What we need to ask ourselves is whether the nominees meet the

minimum academic threshold that has been set out in the Act. I am aware that all meet that minimum academic threshold. I welcome back Hon. Oundo because I am speaking about the issues in respect of which he was accused of misleading the House and the country. Maybe, he was speaking to other people out there who we know have gone to court. Even those who have gone to court, it is within their right to do so because they represent associations that believe that it is only them who can sit in such commissions, and not any other persons. Even teachers should sit in such commissions because land surveyors are taught by teachers. I am told that one of the serving commissioners, Hon. Esther Murugi, is a land surveyor. Hon. Esther Murugi is a former Member of Parliament for Nyeri Town Constituency. The Member for Nyeri Town can affirm. I am told she is a land surveyor. I did not know. I have just been told by the Chairperson that she is a land surveyor.

Apart from that, we must inform these nominees that, as they come into office, they should appreciate that they have a very important mandate under the Constitution and under their own Act to protect public land and also safeguard private interest in private land. I am saying this because I have raised issues here before. I have a petition by some gentlemen from Kiambu County and Nairobi County, whose land next to Windsor was forcefully taken away from them by some criminals some years back. The company is M/s Langton Investments Limited. The land was taken by criminals who are being protected by police on site. They went ahead and subdivide the land and people started building on private property. Those people have gone to court and from the papers they have submitted to my office, they allege that the Inspector General of Police is unable to remove the squatters on that land, and those people continue building on private land despite the court having issued an eviction order. Therefore, this Commission has a very important mandate to protect not just private land, but also public land.

Wherever we go in this country, we see people taking over public land and converting it into private hands. The Commission must protect public land in our counties as well as land belonging to parastatals. We passed the Government Owned Enterprises Act. A lot of land belonging to parastatals, be it Kenya Broadcasting Corporation (KBC) or East Africa Portland Cement and other parastatal, has been appropriated to individuals. Some people proceed to acquire fake titles deeds and sell it to innocent third parties. Therefore, we have a duty to make sure that this Commission acts in the best interest of the public.

This Commission also has a duty to ensure that the sanctity of the title deed is protected by all means. That is why I agree with Hon. Kaluma. To some extent; it is important to have lawyers in this Commission. The Commission needs people with a legal background. Most of the land theft that is happening in this country, be it of public land or private land, is being done by twisting the law. People who have a legal background sitting in this Commission will help in dealing with land issues that are very prevalent in the country.

This Commission must take stock of all the land that was vested to our county governments. Many governors assumed that the land belonged to them and, therefore, they could subdivide and allocate certain people so much land at will without regard to the mandate of the NLC in allotment of land. I am saying so because I have seen this happen in my own constituency. In Karai Ward, a swamp has been stolen by the county government officers and is being dished out to individuals. They keep lying to people that they are going to get titles. You can never get land title deeds on a swamp or a wetland, a place where there is a water reservoir. Unfortunately, those people are being conned by crooks within the county government. They will end up moving out of that land during the rainy season because the whole of that area is a swamp. They bought the land during the dry season, when it looked very green – what the Kikuyus call *plot maguta*. There is no *maguta maguta* in that land because those people are sitting on a swamp.

Therefore, the Commission must ensure that our county governments protect public land that is vested in them. Public land in the counties does not belong to governors. No

governor, including the one in Kiambu, should be selling public land in the name of allotting it to purported squatters. The purported squatters are county government officials who subsequently sell it to innocent third parties.

All the gentlemen and ladies who have been nominated to sit on the NLC meet the threshold provided for in the Act and in the Constitution, unlike what Hon. (Dr) Oundo wanted us to believe. Looking at the provisions of Article 250 of the Constitution, and the approval hearings conducted by the Departmental Committee on Lands, there is absolutely nothing that can be raised against those nominees in terms of meeting the constitutional threshold.

The two-thirds gender rule has been adhered to. The nomination has met the two-thirds gender requirement. On the question of the individuals' suitability for appointment in terms of their academic qualifications, all of them have met the threshold. On matters dealing with leadership and integrity, none of the submissions that were made by members of the public through public participation touch on the integrity of any of those nominees.

The requirement of regional and ethnic diversity has also been very well achieved. Those nominees are not from one community. Dr Abdillahi Saggaf Alawy is a Bajuni from Malindi and Lamu. Ms Susan Khakasa Oyatsi could be someone from Western Kenya. Mr Daniel Murithi Muriungi is a Meru from Mount Kenya East. Mr Kigen Vincent Cheruiyot is from the Rift Valley. Hon. (Dr) Julie Ouma Oseko is from the lakeside. Hon. Mohamed Abdi Haji Mohamed is from the Northern Region of Kenya. Hon. Mary Yiane Seneta, from Kajiado County, is a former Senator and Member of this House.

Therefore, those nominees represent all the regions of Kenya, and they are ethnically diverse. All of them have the requisite qualifications. That is why I was challenging Hon. (Dr) Oundo on what he was saying. It is very easy to stand here and oppose, but he was careful not to oppose. Instead, he went ahead to say that the nominees do not meet the constitutional threshold without elaborating. Thank God, the Hon. Temporary Speaker directed him to restrict himself to the provisions of the Constitution. It is easy to claim unconstitutionality. Those who go to court today run to the Human Rights Division courts to claim unconstitutionality of anything. Even your name, Hon. Kaluma, could be declared unconstitutional. Someone can claim that it is unconstitutional in the way you spell it or pronounce it.

It is up to those who allege to prove. I know some have gone to court. It is up to them to prove to the court that the Constitution or the Act that created the National Land Commission has in any way been offended by the nomination of those six people for appointment. I posit that nothing in the Act or Constitution has been offended. We must not speak in a way that suggests we are trying to help those who are in court. Let those who are in court speak for themselves in court and argue their cases. What we are required to do is look at the constitutional and statutory provisions to see whether the appointment of those people meet the threshold, which they do.

I urge Members that we support the appointment of those gentlemen and ladies so that we can have a functional Commission. Even Hon. Oundo told us that we need a functional Commission. The absence of a Commission only enables the thieves who steal public land left, right and centre to continue playing the monkey games they play in public offices to misappropriate public land.

With those remarks, I beg to support and urge the House to support those nominees.

The Temporary Speaker (Hon. Farah Maalim): Let us hear the Member for Saku.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. I rise to support these nominations. I want to remind Hon. (Dr) Oundo of two important English words – 'desirable' and 'necessary.' It is desirable to have those qualifications, but it may not be necessary. The bottom line of what the Departmental Committee on Lands did, which is important, is that they have stuck to the Constitution. Those individuals meet the basic

threshold that the Constitution has set. This particular Commission is very important. It is a constitutional commission which acts as the gate-keeper on issues of land in this country. Land is a major factor of production.

Hon. Temporary Speaker, Land is a major factor of production. Those who rely on livestock keeping like yourself, Hon. (Dr) Ariko and myself, know that land is a major source of conflict in our regions. There are so many interests by communities, individuals and sometimes even the public or the Government comes in and tries to seize some land. Under Article 63 of the Constitution, going forward, this Commission has its job well cut out.

We will not expect a Commission to run for six years and then, as they finish, they leave a lot of matters pending. A good example is what happened in Kilgoris, where several commissions left an issue that was burning. Communities were fighting and killing each other year-in, year-out. For that reason, we expect our Committee to clearly sit with this Commission to say annually what they are going to achieve. I am sure the Chief Executive Officer is going to sign a performance contract. The Commission, within a year, or even by the time they finish six years, must tell us what they will have achieved.

Those seven individuals represent the face of Kenya. The spread is good, but more than what we are seeing, is that individuals end up representing their tribes, their communities and their interests. Kenya has almost 50 different communities. You are just seven or eight. Who is going to represent the other 42 communities? For that reason, as soon as commissioners are appointed, it should not matter which part of the country they come from. Let them represent all the people of the Republic.

Today, I came across an article written by a young man from my community, who stated that in the Kenya Bureau of Standards, not a single person from my community is represented. I will take up the matter with the Leader of the Majority Party and others so that we continuously have this thing called ‘face of Kenya.’

With those remarks, I support the Motion.

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

Hon. Peter Kaluma (Homa Bay Town, ODM): Thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute. I support the Committee’s Report and appointment, if this House approves them, of the nominated people. I do so because this nomination meets the requirements of Article 250 of the Constitution and the relevant Statutes.

I also support the Motion because I know that this nomination meets the requirements of Article 232 of the Constitution. I know many of us do not remember what it is, but it deals with the values and principles of public service. It emphasises that in all public offices, we should have what Kenyans ordinarily call the ‘face of Kenya.’ We should have ethnic, regional and gender balance. We should mainstream minorities, marginalised communities and persons with disabilities. This is a single nomination that takes all those points beyond academic qualifications.

Article 232(1) (i) and (g) of the Constitution states that merit will be a secondary consideration when you consider those other considerations. This does not mean that merit is not important. It is an acknowledgement that we are at a point in our country, after independence, when every part of Kenya, gender, category of Kenyans and region can produce a person with the necessary qualifications to be in those bodies.

The first nominee is Dr Abdillahi Saggaf Alawy. I have looked at the Committee’s Report. This gentleman has a PhD in agriculture. I do not know whether he was farming on air or land, but his profession aids those people who still doubt his qualifications. They are appropriate to chair the Commission. The Report says that, that gentleman comes from Kwale County. We know the land problems at the Coast. Who would be the best person to chair this Commission at a point in time, if not a person from that part of the country, the marginalised

and the ignored Kwale County? Therefore, this is a person who meets all the qualifications, and most of the academic ones.

We also have Ms Oyatsi, Hon. (Dr) Julie Ouma Oseko and Hon. Mary Yiane Seneta. This composition and nomination meet the requirements of gender balance. This is a nomination of seven people, and you can mention straight away three very distinguished ladies. So, it is a straight tick on that one also.

Hon. Temporary Speaker, hear their names: Alawi, Oyatsi, Muriungi, Cheruiyot and Oseko. Hon. Haji Mohammed was our colleague here. He must be a former Member of Parliament for either a constituency in Mandera or Wajir. He is a very qualified person who was very passionate on land issues in this House.

Hon. Mary Seneta was also our colleague here. I do not know how we forgot her. This is the lady who was the County Woman Representative for Kajiado County. She was here and was later nominated to be a Senator in our sister House across there. She served for two terms as a Member of Parliament. I remember when she was nominated as a Senator. I told her: "Wah! It goes with your name." Hon. Mary Seneta is a very passionate leader who speaks very strongly about Maasai land rights, and how the Maasai of Kenya are, with time, being pushed away from this country into Tanzania. She fights for their land rights and those of all marginalised groups in the country. All the nominees are qualified.

There is the nominee appearing as number five, Hon. (Dr) Julie Ouma Oseko. How many magistrates have a doctorate? Despite that, this lady was discriminated against so much. She was under attack so much that at some point, some people even wanted to remove her from the Judiciary. It was not because of any reason of integrity, but because her academic exploits were a threat to her bosses, who had lesser qualifications and learning. I remember we intervened and told her to appeal those bad decisions, and she went back. Even when she went back, she was not appointed a judge, despite several applications. This is the discrimination and marginalisation that is based on gender, ethnic and regional considerations, which have mistreated so many people. We have many magistrates who can serve as judges in the Supreme Court, but they stagnate and retire as magistrates. Some of them end up even leaving, simply because the space is not good. That is why I constantly thank President Ruto.

Today, the nomination is seen unlike before. You see the face of Kenya coming afloat on them. Hon. (Dr) Julie Ouma Oseko is a highly qualified lady. She is of utmost integrity. This is a lady who meets the magistrates and judicial officers out here. There is even a time when she was elected by all magistrates to be their representative in the Kenya Magistrates and Judges Association (KMJA). She is a very good person. She is before us. I assure you without doubt or any reservations that this is a lady who is landing in a rightful place to serve. Look at her name and where she comes from. I know her very deeply. I signify my approval for her nomination as well as the nominations of the other people who are mentioned here. Therefore, I join those Members who have said we should approve the appointment of these nominees to serve in the Commission.

Let me remind them that if the House agrees and approves their appointment, there is a lot of work to be done at the NLC. When we promulgated the current Constitution, we put all community land under the remit of the NLC. There are leases which are for 999 years and 99 years. They are expiring, and people are taking those parcels of land. They are being converted into private plots.

I have been dealing with a matter for a widow for two years now. She went to succeed her husband who owned land somewhere in Karen across here. During digitisation, we were told that a piece of land they have had title deed for over 30 years had been indicated as public land. Converting that land to go back to them, despite court orders allowing confirmation of the grant and distribution, has taken two years. One of the beneficiaries in the grant has since died. The lady is unwell. I have travelled to the Ministry of Lands, Housing and Urban

Development until I am exhausted. Such mistakes must be addressed by the NLC. We must also address theft of public land and its privatisation by individuals.

Land fraud is a very big issue in this country. Hon. Temporary Speaker, your plane failed to land at Kabunde Airstrip in Homa Bay County when you had travelled for official duty last time because it was being constructed. For those who have gone to Kabunde Air Strip, the land to the south of it. I have fenced it because it is my land. Unknown to me, a Member of Parliament, the representative of Homa Bay Town, bought the land genuinely. While I was waiting for the owner to transfer it, some people “killed” him. They forged succession papers, confirmed the grant and issued the title deed to themselves. When the owner of the land went to transfer the land to me, he was surprised that he was long dead, a succession had been done, and the land was grabbed.

If this Commission is favoured by this Parliament, we urge them to work. I am the Member for Homa Bay Town. You can imagine what land grabbers are doing in other places. Those are the cases you get mostly in the Kikuyu Law Courts here – forgery of succession documents and divestiture of land. My colleagues, this is a very qualified team. Let us give them an opportunity to serve. Such issues should not take so long to be addressed. Issues of land fraud, sanctity of the title deed and a valid title deed should be upheld. Through their work, they can help the Judiciary to expedite their matters.

I signify my approval and support of the nominees. I urge my colleagues to support this Motion.

I thank you, Hon. Temporary Speaker.

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

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Speaker. I am a member of the Committee. I want to speak to two things and do away with many other things because I have had the chance to go through them. One is the whole issue of the process. Sometimes, even in Parliament here, we say that a committee is as good as the Chair. We may need to tweak a little bit the process through which we take the interviews on nominees, from application to shortlisting and selection panels. By the end of the day, chairs are interviewed and recruited first. Later, members are interviewed. If you look at this clearly, you realise that sometimes you end up with some stronger qualified members than the chairs, because the process was done differently, and in a parallel manner. I think this is something we may want to look at as we move forward.

The second thing I wanted to talk about here is what the Leader of the Majority Party has alluded to. If you look at the commissions that we have had, like the NLC, it has had two cohorts. The first and the second cohorts did not do much, in my view. The commission that we are coming up with has some job cut out for it. In our land tenure system, we basically have three clear interests – private, community, and public land. If you look at it in terms of the geography and the overall coverage of land that we have in this country, over 60 per cent is basically public land.

I do not know if the Leader of the Majority Party may want to hear this. None of the two commissions we have had before had an inventory of public land in this country. What is it that is happening that a manager of public land, given the function by the commission, ends up in six years without an inventory of public land? That means they do not know where the public land is. How do you work when you do not know where the public land is, yet you are the manager? So, we realise that public lands are either those with leases, with public institutions, or all kinds of things.

Looking at schools that have money to have their title deeds, their title deeds are with the National Treasury. The NLC has no idea which schools have title deeds and which ones do not have. So, what I am trying to say is that the third cohort of the NLC commissioners have to get out to work to help this country. We have a big problem. There is no way the Agricultural

Development Corporation (ADC) or any other public institution can dispose of land. Under what law are they disposing of land when the disposal arrangements are supposed to be approved the NLC? The third cohort of the NLC must sit down and look at the issue of public land properly.

On the issue of disputes, the Constitution of Kenya allows for alternative dispute settlement arrangements. Some disputes do not need to be settled in court. There are things that can be sorted out easily, but then we have allowed this to go on. A dispute gives birth to other land disputes that do not make sense. We end up with lands that are not in use. So, I do not have any doubt in terms of the qualification of the nominees. There are still two spaces to be occupied in time. I also want to confirm that our Committee made the arrangement that the concerns of the nominees, particularly from the surveyors' institution, were valid. They have the space so that when the next appointments come in, they will need to be looked at. Those are the main concerns.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Member for Kajiado West, followed by Hon. Mayaka. I think you can make a very comprehensive presentation in even three minutes so as to give more opportunities to more Members of Parliament.

Hon. George Sunkuyia (Kajiado West, UDA): Thank you, Hon. Temporary Speaker. I want to take this opportunity to thank you and appreciate the nomination of this team to the NLC. This team reflects the face of Kenya. They represent almost all the communities, and especially, the marginalised, who are in this list. At the same time, I appreciate the President of the Republic of Kenya for acknowledging that most communities, and especially the Maa Community, are among the communities that are facing a lot of challenges on issues of our lands.

Hon. Mary Senata, who was the Woman Representative for Kajiado County from 2013 to 2017 and a Senator from 2017 to 2022, is a very qualified administrator and a leader who demonstrates leadership in many positions. I want to take this opportunity to appreciate her appointment and that of Hon. Mohamed Abdi, who is also a pastoralist, and Mr Kigen Vincent, among others.

There are so many issues in Kenya, and especially in the marginalised communities. You find a place in my constituency with a whole ward called Mosiro of 240,000 acres of land. Some groups got into that area years ago and took all the title deeds against the wishes of the people living in that place. When President William Ruto was campaigning in 2022, he took a whole team to the area with him. Even the late Hon. Kibaki and Hon. Uhuru Kenyatta visited the area. It is a very well-known place, where every election period, every politician must find themselves in that place. I concur with these nominations. I know that they will sort out many issues across the country. The problems our people are facing will be dealt with. Almost 100 per cent of the secondary and primary schools in the country have no title deeds. That is an issue that this Commission needs to deal with.

With those remarks, I support.

The Temporary Speaker (Hon. Farah Maalim): Next is Madam Mayaka, who will be followed by Hon. Rindikiri. As I put it, create opportunity for your colleagues to also speak on this Motion by taking a few minutes.

Hon. Irene Mayaka (Nominated, ODM): I will be very brief, Hon. Temporary Speaker. I thank you for giving me an opportunity to also add my voice to the debate on this particular Report. I support the Motion.

I thank Hon. Joash Nyamoko, the Chair of the Departmental Committee on Lands, for giving us this particular Report. I support these nominees. We are not casting aspersions on this particular Commission. The National Land Commission Act, Cap 281, and specifically Section 8 in Part III, lays down the required qualifications for a person to be nominated and

appointed as a chairperson and a member of the NLC. I want to inform the House that the Committee, having considered the Report, took into account the requirements of that particular Act.

Secondly, I wish to acknowledge that these appointments have taken into consideration the diversity of our nation. Inclusivity comes from across the country. Yesterday, when we were presented with the report on the 10-point agenda, I recall that one of the things our ODM Party Leader, Dr Oburu Oginga, mentioned was that some of these issues, for example, point number two, which speaks about inclusivity in public life, are continuous processes.

They are not things that have an expiry date. Therefore, ensuring that all appointments that come through this House adhere to the principles of fairness and equal distribution across the country is very important. On point five, which addresses leadership and integrity, we must ensure that the appointees are individuals of good integrity and have demonstrated leadership experience.

Thirdly, Hon. Temporary Speaker, is the issue of gender. I also wish to acknowledge that this nomination list meets the gender requirements. Therefore, I wish the nominees the very best and urge them to remember that land issues in this country are extremely sensitive, urgent, and require significant work. We encourage them to put on their working boots and get straight to work once they are officially sworn into office.

With those few remarks, I support and submit.

The Temporary Speaker (Hon. Farah Maalim): Hon. Rindikiri, then the Member for Kesses.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. I stand to support this Report. For the first time, we have seen nominations that reflect representation from across the country. The issue of qualifications is not in doubt at this time, as the Committee has deliberated on the nominees and presented a clear picture of their qualifications, which I fully agree with. I personally know Mr Daniel Muriungi, a very astute lawyer and a well-versed land expert. I also know Ms Mary Seneta and Mr Kigen Vincent Cheruiyot. I do not doubt that they will be part of a capable team, as their backgrounds demonstrate their capacity to serve effectively.

I also wish to emphasise the following: land matters in this country are extremely emotive. They require serious, capable individuals to address them for the short and long-term benefit of our economy. Land is essentially the most constant asset we have. As the population continues to grow, more people continue to depend on and occupy land. We have witnessed many conflicts arising from land disputes. Families and communities fight over land, largely because we do not yet have an efficient enough system for resolving land disputes.

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

*[The Temporary Speaker
(Hon. Peter Kaluma) in the Chair]*

It is through the intervention of the NLC (NLC) that we have seen a reduction in interference with private property. As I speak, a private developer has closed a public road and claimed it as private property. The NLC has been called upon because it is the custodian of public land in this country. I come from an area where we border Laikipia and Isiolo. Were it not for the NLC's constant intervention, many communities would be fighting. The NLC stood firm and ensured that the beacons demarcating the two counties were observed.

As I speak, we have a serious dispute with a private developer who has encroached on and seized community land. It is only through the NLC that the community has found hope.

This private developer, who claims to come from a powerful family in this country, has taken over 70 acres of land that was supposed to be developed as a municipality for our people in Timau.

Hon. Temporary Speaker, if we do not have a qualified land dispute resolution mechanism, we will open many fronts for conflict. I do not doubt that this Commission, with the qualifications of the individuals nominated, will be able to deal with such matters. Land grabbing is a very serious issue. The custodian of public land is the NLC. I have experienced situations where private developers, in several cases, have been issued titles by the Ministry of Lands for land that belongs to schools.

In Buuri, we have schools called Jotene, Nkiriya, and Sirimoni; all are public institutions. When we want to resolve such issues, we must go through the NLC, which has helped recover this land and return it to the public. Therefore, what we are discussing is a serious matter, and we need serious people to handle these land issues.

I am also happy to note that Dr Julie is among the nominees. I know her because I studied with her husband in college. I know what she has gone through, just as you mentioned earlier. These are people of high integrity; a person can be qualified but lack integrity. A person can also be qualified but lack the experience needed to handle such matters.

I believe that, for the first time, we have commissioners ready to solve these issues head-on and move on. The President is trying to bring this country into order. What the Committee has done is to help bring order to the NLC by forwarding the names of qualified, courageous, and of integrity. We believe this is the right time, and we should support this Committee and thank them for giving us a Commission that will help solve the serious land problems in this country. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Julius Ruto, Member for Kesses.

Hon. Julius Ruto (Kesses, UDA): Thank you very much, Hon. Temporary Speaker. I join my colleagues in commending the work done by the Committee on Lands in vetting and submitting the nominees to this honourable House for approval to serve in office.

Earlier, there was a debate about the qualifications of these particular commissioners. On behalf of those raising concerns, I say that the provided instruments guide every vetting and appointment. One of these is the Constitution, particularly Chapter 6, which lays down grounds that every person must meet before being appointed or called upon to hold public office.

To the best of my knowledge, and based on the Committee's report, all the nominees met the requirements of Chapter 6. Therefore, there should be no question of their competence or doubt about their integrity, as the Committee carried out its work thoroughly. Therefore, no questions or doubts arise as to their competence and integrity. The Committee did its work thoroughly. I congratulate them on qualifying for this level. I also want to appreciate the appointing authority for considering the face of Kenya. The nominees reflect all of our country's dimensions, ethnic groups and geographical distribution.

I have heard many Members speak about protecting public land. That is a thorny issue. The founders of this nation knew very well that as the population grew, demands would change. Land, as a critical factor of production, had to be preserved. Many towns across the country, including Eldoret, are experiencing the loss of public land due to crooks allocating it to themselves or rogue administrations.

I want to single out a few areas in Eldoret, especially within my constituency. Many perimeter walls are being raised on known public facilities along the old Nairobi Road in Eldoret Town. I previously served as a County Executive Committee Member for Finance in Uasin Gishu County, and I was privileged to have access to information on our assets.

Hon. Charles Nguna (Mwingi West, WDM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Hon. Charles Ngusya?

Hon. Charles Nguna (Mwingi West, WDM): Hon. Temporary Speaker, I rise under Standing Order 95 to note that Members are just repeating what others have said. Based on the mood of the House, can the Mover be called upon to reply?

Hon. Members: No!

The Temporary Speaker (Hon. Peter Kaluma): I will put the Question after Hon. Julius Rutto completes his submission. It is ultimately up to the House to decide.

Hon. Julius Rutto (Kesses, UDA): Thank you, Hon. Temporary Speaker. As residents of Eldoret, we are witnessing an embarrassing and perplexing situation in which protected facilities set aside by past administrations for future use are being taken over by private citizens who are constructing new structures on them. It has instilled fear in the citizens about the future utility of such facilities.

Eldoret Town is expanding. Many businesses are coming up, and the Moi University School of Law is also located in the town. The population is growing. The East African Tanning Extract Company (EATEC) had provided almost 30,000 acres of land for public use. Currently, unknown persons are engaging in activities on the land. We fear that we may lack space to provide basic services to the population.

We do not have space to construct police stations, schools, health facilities and markets. The NLC should visit that area and reclaim those land parcels. They did so before, when a big man grabbed the land on which the Eldoret District Hospital lies. We now have a facility in the town that can attend to accidents and emergencies. Thanks to the NLC's good work.

I call upon the new commissioners to preserve public utilities; otherwise, future generations will have none. The current administration may be sleeping on the job, or it may be facilitating the theft of public land. I support the commissioners and urge them to be decisive and protect the available land.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, Hon. Charles Ngusya stood up in his place and invoked Standing Order 95 that the Mover be called upon to reply.

(Question, that the Mover be now called upon to reply, put and agreed to)

The Temporary Speaker (Hon. Peter Kaluma): Mover.

Hon. Joash Nyamoko (North Mugirango, UDA): Again, thank you for giving me the chance to reply.

(Loud consultations)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the Mover will be heard in silence. Remember, there is a way we raise points of order. I am not seeing any on the screen here.

Hon. Joash Nyamoko (North Mugirango, UDA): I take this opportunity to thank all the Members who have given their contributions and views on this Motion. I assure them that we have taken notes. I know the expectations are many, especially on the NLC. We will try to ensure they are escalated. Otherwise, I ask Members to support the Motion so that we move to the second level. I beg to reply.

The Temporary Speaker (Hon. Peter Kaluma): Can the Mover approach the Chair?

(Hon. Joash Nyamoko approached the Chair)

(Hon. Geoffrey Wandeto spoke off record)

May those who are standing take their seats? Hon. Wandeto, you cannot raise a point of order when the Speaker is on his feet.

(Question put and agreed to)

The Temporary Speaker (Hon. Peter Kaluma): Next Order.

MOTION

APPROVAL OF PARTIAL DIVESTITURE OF SAFARICOM PLC BY THE GOVERNMENT OF KENYA

The Temporary Speaker (Hon. Peter Kaluma): Mover.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Temporary Speaker. We had prepared some slides. I will ask the ICT team to put them up on the screens.

The Temporary Speaker (Hon. Peter Kaluma): The ICT team, please proceed. Hon. Members, this is a big one.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Speaker, it is also important to mention that we have also prepared...

The Temporary Speaker (Hon. Peter Kaluma): This is the famous Sessional Paper No. 3 of 2025 on the proposed divestiture of some shares owned by the Government in Safaricom PLC.

*(The Temporary Speaker (Hon. Peter Kaluma)
consulted with the Clerk-at-the-Table)*

I direct that you move as the ICT team works.

Hon. Kuria Kimani (Molo, UDA): We can move together.

The Temporary Speaker (Hon. Peter Kaluma): You want what you are moving to be displayed? The Member for Molo is requesting that it be displayed. Proceed, and it will be shown.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Speaker, I have also prepared a summary of the printed notes I have distributed to Members for their convenience.

I beg to move the following Motion:

THAT, this House adopts the Joint Report of the Departmental Committee on Finance and National Planning and the Public Debt and Privatization Committee on the consideration of Sessional Paper No. 3 of 2025 on Partial Divestiture in Safaricom PLC by the Government of Kenya, laid on the Table of the House on Tuesday, 10th March 2026 and—

- (a) resolves that, pursuant to the provisions of section 87(A) of the Public Finance Management Act, Cap. 412A, the House approves the Sessional Paper No. 3 of 2025 on Partial Divestiture of Safaricom PLC by the Government of Kenya; and

- (b) further resolves as follows—

Effective date—

- (i) That, the effective date for the approval shall be 1st April 2026 or such later date when all regulatory approvals that form condition precedent in paragraph 4.1 of the Share Purchase Agreement shall have been obtained;

Completion upon obtaining all regulatory approvals—

(ii) That, the Cabinet Secretary for the National Treasury shall upon obtaining all regulatory approvals in line with condition precedent in paragraph 4.1 of the Share Purchase Agreement undertake and complete the transaction through the Block Trade Platform of the Nairobi Securities Exchange;

Upfront payment to be made instead of future dividends—

(iii) That, the Government of Kenya shall receive Kenya shillings Forty billion and two hundred million (Ksh. 40.2B) as upfront payment in lieu of future dividends on the residual twenty (20) percent shareholding as per the Dividend Purchase Agreement;

Proceeds to be paid into the National Infrastructure Fund—

(iv) That, notwithstanding anything contained in the Share Purchase Agreement and the Dividend Purchase Agreement, the proceeds of the divestiture shall be paid into the National Infrastructure Fund;

No redundancy of existing staff—

(v) That, to safeguard against loss of jobs for existing staff, there shall be no acquisition-related redundancies in Safaricom PLC; and

Preserve the existing business model with Safaricom PLC dealers, agents and other business partners—

(vi) That, the Cabinet Treasury for the National Treasury shall ensure that, within ten (10) years of the divestiture, there shall be no material change to the current shared prosperity business model in Safaricom PLC that will prejudice the existing Safaricom PLC dealers, agents and other business partners.

Hon. Temporary Speaker, the Sessional Paper was tabled before this House on 4th December 2025 and subsequently committed to consideration by a Joint Committee of Finance and National Planning and that of Public Debt and Privatisation. The matter before this House concerns the proposed partial divestiture of the Government of Kenya's shareholding in Safaricom PLC, one of the country's most valuable and strategically significant listed companies.

*[The Temporary Speaker
(Hon. Peter Kaluma) left the Chair]*

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

On the 4th of December, the Government entered into an agreement with Vodacom Group under which Vodacom would acquire 15 per cent of the government's 35 per cent shareholding in Safaricom PLC. This transaction involves the sale of 6,009,406,980 ordinary shares at a negotiated price of Ksh34 per share, translating to a total sale value of Ksh204,300,000,000. In addition, the Government is proposing to monetise part of its future dividend rights on the 20 per cent shareholding through an upfront payment arrangement ...

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Kimani. I know you, being a brilliant finance person, have your notes. We have some basic rules of the House. First of all, move the Motion verbatim as it is in the Order Paper. Once you have moved it, you can then add all the additional notes, logical substantiations, and clarifications. But first, move it as is.

MOTION

APPROVAL OF PARTIAL DIVESTITURE OF SAFARICOM
PLC BY THE GOVERNMENT OF KENYA

Hon. Kuria Kimani (Molo, UDA): Thank you for your guidance, Hon. Temporary Speaker.

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

THAT, this House adopts the Joint Report of the Departmental Committee on Finance and National Planning and the Public Debt and Privatization Committee on the consideration of Sessional Paper No. 3 of 2025 on Partial Divestiture in Safaricom PLC by the Government of Kenya, laid on the Table of the House on Tuesday, 10th March 2026 and—

- (a) resolves that, pursuant to the provisions of section 87(A) of the Public Finance Management Act (Cap. 412A), the House approves the Sessional Paper No. 3 of 2025 on Partial Divestiture of Safaricom PLC by the Government of Kenya; and
(b) further resolves as follows—

Effective date—

- (i) That, the effective date for the approval shall be 1st April 2026 or such later date when all regulatory approvals that form condition precedent in paragraph 4.1 of the Share Purchase Agreement shall have been obtained;

Completion upon obtaining all regulatory approvals—

- (ii) That, the Cabinet Secretary for the National Treasury shall upon obtaining all regulatory approvals in line with condition precedent in paragraph 4.1 of the Share Purchase Agreement undertake and complete the transaction through the Block Trade Platform of the Nairobi Securities Exchange;

Upfront payment to be made in lieu of future dividends—

- (iii) That, the Government of Kenya shall receive Kenya shillings Forty billion and two hundred million (Ksh. 40.2B) as upfront payment in lieu of future dividends on the residual twenty (20) percent shareholding as per the Dividend Purchase Agreement;

Proceeds to be paid into the National Infrastructure Fund—

- (iv) That, notwithstanding anything contained in the Share Purchase Agreement and the Dividend Purchase Agreement, the proceeds of the divestiture shall be paid into the National Infrastructure Fund;

No redundancy of existing staff—

- (v) That, to safeguard against loss of jobs for existing staff, there shall be no acquisition-related redundancies in Safaricom PLC; and

Preserve the existing business model with Safaricom PLC dealers, agents and other business partners—

- (vi) That, the Cabinet Treasury for the National Treasury shall ensure that, within ten (10) years of the divestiture, there shall be no material change to the current shared prosperity business model in Safaricom PLC that will prejudice the existing Safaricom PLC dealers, agents and other business partners.

The Temporary Speaker (Hon. Farah Maalim): Proceed. Now you can provide all the clarification and additional information you want, and explain yourself.

Hon. Kuria Kimani (Molo, UDA): Thank you, Hon. Temporary Speaker. I will continue from where I left off. Upon completion of the transaction, the PLC's shareholding structure will change significantly. Vodacom Group's stake will increase from 39.9 per cent to

approximately 54.9 per cent, thereby giving it majority ownership of the company. In comparison, the government shareholding will reduce from 35 per cent to 20 per cent.

The remaining 25.1 per cent shareholding held by other investors will remain unchanged, thereby preserving broad public participation through the Nairobi Securities Exchange. This structure allows the government to unlock capital for strategic investments while maintaining a significant stake in Safaricom PLC and preserving the company's status as a publicly listed enterprise.

On public participation and stakeholder engagements. At the outset, Hon. Temporary Speaker, allow me to briefly take members through the journey of the government's divestiture of shares in Safaricom. Safaricom was established in 1997 as a subsidiary of Telkom Kenya with the Government of Kenya as the principal shareholder. In the year 2000, a strategic partnership was formed with the Vodacom Group, which acquired a 40 per cent stake.

In 2000, a strategic partnership was formed with the Vodacom Group, which acquired a 40 per cent stake, with the government retaining a 60 per cent shareholding. In 2008, the Government undertook the first major divestiture through an Initial Public Offering (IPO). During this process, 25 per cent of the company's shares, which is around 10 billion shares, were offered to the public for five shillings per share, thereby raising Ksh50 billion.

Following this transaction, the Government's shareholding reduced to 35 per cent. Vodacom retained 40 per cent, while the public held 25 per cent. We must mention that this is not the first time that the Government of Kenya has offset its shares. In the 2008 IPO, the Government of Kenya issued Ksh10 billion in shares at a cost of Ksh5 per share, reducing its shareholding to 5 per cent. Between 2010 and 2021, the Government maintained its 35 per cent shareholding. However, in 2021, Vodacom Group transferred part of its Safaricom stake to itself, thereby strengthening Vodacom's role as a strategic investor in the company.

In compliance with Article 118 of the Constitution, the Joint Committee engaged extensively with stakeholders to ensure that Kenyans' views informed its deliberations. The Committee engaged at least 68 stakeholder institutions drawn from Government entities, regulators, professional associations, private sector entities, civil society organisations, labour representatives and key industry players.

Further, the Joint Committee held public participation forums in at least 30 counties, enabling citizens to present their views on this particular session of the paper. These engagements were critical in helping the Committee understand the broad societal, economic, and fiscal implications of this transaction and in capturing the views of the common mwananchi.

Chapter 4 of our Joint Committee Report identifies the main concerns that were raised from the public in relation to this proposed divestiture as among others, the evaluation process of shares, the physical implications of the transactions to Kenyans, governance safeguards upon Vodacom assuming majority shareholding, employment protection of the current Safaricom PLC staff, dangers of change of business model with Safaricom PLC to the disadvantage of firm business partners such as dealers and agents, consumer protection from review of service tariffs and data sovereignty and national security implications.

It is imperative to explain that the green shops we see when we move around the country, called "Safaricom shops", are not owned by Safaricom PLC. They are investments made by businesspeople called "Dealers."

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

*[The Temporary Speaker
(Hon. Peter Kaluma) in the Chair]*

When you buy a SIM card... You know, some of those SIM cards are given for free. The current contractual arrangement between the dealers and Safaricom PLC is that they will receive what is called “Residual Income” from airtime purchased on those SIM cards or M-Pesa transactions made through those SIM cards. Therefore, there were several key concerns from Kenyans and Safaricom dealers and agents who have really invested in this business. The Safaricom dealers and agents are the drivers of Safaricom products in the country. So, it is very important that, as we approve this particular divestiture, we ensure these business people’s interests are taken care of.

At this juncture, let me dwell on the valid public concerns. Regarding the valuation of Safaricom PLC shares, the Joint Committee observed that the National Treasury engaged Kenya Commercial Bank (KCB) Investment Bank Limited in November 2025 to undertake an independent valuation. In undertaking the valuation, several recognised economic methodologies were applied, including, but not limited to, discounted cash flow, the discounted dividend model, the EV/EBITDA ratio (Enterprise Value to Earnings Before Interest, Taxes, Depreciation, and Amortisation), and price-to-earnings multiples.

The resulting valuations ranged from approximately Ksh10.62 per share to Ksh33.5 per share, depending on the methodology used. It therefore suffices to say that the final negotiated price of Ksh34 per share reflects a value above the upper end of several valuation benchmarks. Where this methodology was technically robust, the Committee emphasised the importance of better disclosures in future transactions, including disclosure of key assumptions and independent fairness confirmations.

All the methods and economic models available worldwide for valuing shares are known. They are, as outlined, the discounted cash flow method, EBITDA multiples, and price-to-earnings multiples. All these methods, when applied by KCB Investment Bank, gave a Safaricom share price range of Ksh10.62 to Ksh33.5 per share. It is therefore the considered view of the Joint Committee that the price being negotiated in this transaction is a premium price and is well above the upper range of any of the prices derived through the various economic valuation models used by KCB Investment Bank.

Regarding pricing, it will be recalled that when the Session Paper was tabled, the six-month volume-weighted average price (VWAP) of Safaricom PLC shares as of December 2025 stood at approximately Ksh27.50 per share. What is meant by the six-month volume weighted average price? This is calculated by taking the cumulative Kenya shillings value of all trade prices x volume over the six months and dividing it by the total volume of shares traded during that same period. This indicator is important because it helps investors and analysts determine whether a stock is trading above or below its average price, providing a long-term dynamic for evaluating a security. It is therefore important to note that this weighted average price placed the share price at Ksh27.5 per share.

Following the tabling of the Session Paper, the share price rose significantly to approximately Ksh31 per share on 11th March 2026, closely aligning with the proposed transaction price. Notwithstanding this upward movement, the six-month volume weighted average price as of 26th February 2026 remained at approximately Ksh29.95 per share, whereas the negotiated transaction price is Ksh34. This therefore represents a premium of about 15.2 to 15.8 per cent above the prevailing market rate.

Hon. Temporary Speaker, it is the view of the Joint Committee that the negotiated price still reflects a reasonable premium over historical trading levels, aligns with subsequent market movements, reinforces investor confidence, and minimises undervaluation risks. It is also important to note that the price increase from Ksh27 to a high of Ksh31 is due to information signalling. When an institution such as Vodacom invests over Ksh200 billion in Safaricom, it signals confidence in its shareholding, confidence in the business, and in the Kenyan market.

The information, therefore, signalled to the market, and demand for Safaricom shares increased beyond the available supply. This is what raised the price to Ksh31 per share.

It is important to mention this because there have been discussions suggesting that the value of these shares could be higher, perhaps Ksh40 or Ksh50. I want to challenge everyone in this House. The fact that these shares are trading freely on the Nairobi Securities Exchange means that if any investor were to go to the Nairobi Securities Exchange and signal to the market that they are willing to buy shares at, say, Ksh40 per share, many shareholders would be willing to sell to that investor because the current market value is significantly lower than that. Regarding whether other investors can buy these shares at a higher price, they are encouraged to visit the Nairobi Securities Exchange or their nearest agent to buy them at whatever price they believe is a reasonable market price.

The Joint Committee also considered public concerns regarding whether alternative strategic investors, Kenyan or international, were evaluated before selecting Vodacom Group. The Committee noted that negotiating with an existing strategic shareholder reduces execution risks, preserves governance stability, and minimises market volatility. Alternative disposal options, including public offerings and cross-listings, were considered but found to carry risks, such as downward pressure on share prices and exposure to foreign market volatility. The Committee therefore concluded that engaging Vodacom as a strategic investor provides greater certainty and stability. It is recommended that future divestitures should clearly document the rationale for buyer selection to enhance transparency and public confidence.

Hon. Temporary Speaker, on the issue of dividends entitled for the 25th Financial Year, the Joint Committee observed that the Sessional Paper does not clearly specify entitlement to dividends declared for the 2025 Financial Year, particularly if the divestiture is approved and completed before Safaricom's PLC Financial Year, which ends on 31st of March 2026.

Also, the Sessional Paper does not clarify whether the transaction is on an ex-dividend or cum-dividend basis. This lack of explicit clarification creates uncertainty regarding the implication of the effective transaction value. Dividend entitlement materially affects the net consideration to the government and, therefore, requires clear disclosure to avoid ambiguity and unintended revenue loss or post-completion disputes.

Under Section 142 of the Companies Act (Cap. 486), dividends declared by a company are payable to shareholders registered in the company's register at the time of declaration unless the company's articles of association provide otherwise. Accordingly, the government, as a shareholder for the 2025 Financial Year, is legally entitled to any dividends declared for that year, even if the divestiture is completed before the transaction year closes. The transaction must also clearly specify whether it is on an ex-dividend basis, where the buyer does not receive the dividend or a cum-dividend basis, where the buyer is entitled to the dividend.

The Joint Committee position is that the government should receive all dividends declared for the 2025 Financial Year, as it held the shares throughout this period. This entitlement is in addition to the proposed transaction consideration of the Ksh204 billion, which does not include the 2025 Financial Year dividends. Clearing structuring on this matter will safeguard public revenues and prevent post-completion disputes.

As you may note in our recommendation as per the Order Paper, we have recommended that this transaction can only be completed on or after 1st April 2026, so that we ensure that the Government of Kenya (GoK) is paid full dividends for this particular Financial Year, because we have held these shares for the whole Financial Year.

On the issue of national security, members of the public have raised concerns because Safaricom holds a lot of data and is used to transmit data during elections, and because it is one of the largest investors in the technology used in SHA, which contains our medical records. Additionally, M-Pesa has the highest transaction value in Kenya, even surpassing several banks. The Joint Committee noted that this is a key concern for national security. It also noted

that its networks and platforms support government communications, payment, and financial flows, all of which are critical to the smooth functioning of public services and the stability of the economy. Notably, the M-Pesa platform serves over 32 million active users and processes approximately 95 per cent of all retail payment transactions in Kenya, underscoring the systemic importance of Safaricom's infrastructure.

The Committee further observed that under Section 4 of the Computer Misuse and Cybercrime Act, Cap 79(c), Safaricom PLC, as an owner and operator of critical information infrastructure, is required to report any imminent threats to the systems to the National Computer Cybercrime Coordination Joint Committee (NC4). The NC4, in turn, reports to the National Security Council, which provides technical assistance and guidance to mitigate such threats. The intended partial divestiture will not reduce Safaricom's responsibilities under these legal frameworks, nor will it negatively impact the protection and resilience of critical infrastructure.

The Joint Committee position is that all necessary safeguards must continue to be maintained to ensure uninterrupted operations, protect systemically important networks, and preserve national stability. The Joint Committee notes that the partial divestiture will not compromise the security and reliability of Safaricom PLC's network, which remains vital to Kenya's economic and national security interests.

Regarding data sovereignty and digital infrastructure, as raised during public participation, the Joint Committee noted that Safaricom's digital infrastructure, particularly the M-Pesa platforms, is of systemic importance and underpins Kenya's entire financial ecosystem. Given its role in facilitating financial transactions, digital payments, and access to financial services for millions of citizens, protecting digital data and adhering to data sovereignty principles are critical.

Public concerns have been raised about the risk that sensitive citizen information may be processed offshore or fall under foreign jurisdiction, potentially undermining national security and privacy. The Joint Committee emphasised that the principle of data sovereignty will continue to be fully upheld following the partial divestiture. All digital data generated by Safaricom will remain subject to Kenyan law, including Article 31(c) and (d) of the Constitution, which guarantee the right to privacy, and the Data Protection Act that this House passed in 2019. It governs the processing of personal data. It also outlines the rights of data subjects and the obligations of data controllers and processors. Compliance with these laws—alongside Sections 25, 26, and 41 of the Data Protection Act (Cap. 411C)—ensures that citizens' data remains securely protected within the Kenyan jurisdiction. The change in shareholding does not change the need to comply with Kenyan laws.

Regarding the legal and constitutional frameworks, the Joint Committee observed that the proposed partial divestiture is firmly grounded in Kenya's existing legal and regulatory frameworks. This ensures that the transaction is conducted transparently, with accountability, and with safeguards for public resources, in particular in accordance with Section 87A of the Public Finance Management (PFM) Act (CAP. 412A).

The Temporary Speaker (Hon. Peter Kaluma): I have granted you five more minutes under the provisions of the relevant Standing Order.

Hon. Kuria Kimani (Molo, UDA): Thank you very much. Section 87A of the PFM Act (CAP. 412A) provides the Government with the legal authority to invest in shares of state corporations. This section ensures that all divestiture transactions are executed in a manner that maximises the value for the public, while adhering to sound financial management principles. It is very important to note that this divestiture does not fall under the Provisional Collection of Taxes and Duties (Repeal) Act of 2025. Section 4 of the Act excludes certain types of transactions, which include this partial divestiture of government shareholding.

The legal framework, therefore, permits the Government to undertake a partial divestiture while retaining a strategic stake in Safaricom PLC. It ensures continued influence over corporate governance, protects national interests and provides a clear basis for conducting the transaction in line with Kenya's constitutional and statutory requirements.

On business continuity and the shared prosperity model, we urge this House to approve this transaction, subject to the condition that the share purchase agreement ensures shared prosperity protection for the over 855 direct employees of Safaricom. That is why we say there should be no acquisition-related redundancies. We will ensure the protection of all businesspeople who invest in this infrastructure, including M-PESA agents and Safaricom shops across the country.

Hon. Temporary Speaker, on payment in lieu of future dividends and the matter of monetised dividends, the Joint Committee noted that the Sessional Paper refers to an upfront payment of Ksh40.2 billion by Vodacom in lieu of future dividends on the Government's residual 20 per cent shareholding. This arrangement provides immediate fiscal benefits, while deferring the Government's entitlement to dividends over the next six years.

Regarding the rationale of the Ksh40.2 billion figure, the Joint Committee observed that negotiations appeared to have considered several factors, including the residual value of the company's 20 per cent stake, the premium offered by Vodacom and timing considerations for cash flow. The Government is obligated to pay Ksh55 billion over six years, representing the future dividend liability on the residual stake. From a fiscal perspective, the upfront dividend provides immediate liquidity that can be employed to fund strategic infrastructure projects, support government programmes and strengthen cash flow management.

The Committee observed that receiving Ksh40.2 billion now and repaying Ksh55 billion in six years implies a funding cost of 5.6 per cent, which is significantly lower than the prevailing sovereign yield of 11.3 per cent for the same tenor. Receiving Ksh40.2 billion now and repaying Ksh55 billion in six years at an interest rate of 5.6 per cent is way lower than the prevailing sovereign yield of Ksh11.3. On the present value basis, the future repayment of Ksh55 billion, discounted at the current market rates, is worth approximately Ksh29.3 billion today.

When the government receives Ksh40.2 billion upfront, this represents a net gain of Ksh10.9 billion. In short, receiving Ksh40 billion now in lieu of dividends, the present value of that money over the next six years would be Ksh29.3 billion. Therefore, the net gain is Ksh10.9 billion. Further, if the Ksh10.2 billion is invested at prevailing market rates, it could grow to approximately Ksh75 billion in six years, which means that the retirement obligation of Ksh55 billion is Ksh20 billion below the fair future value. Effectively representing a financial concession by Vodacom.

The Joint Committee therefore noted that Safaricom PLC's strong historical performance and projected growth trajectory make it possible that the Ksh55 billion repayment could be realised even before the end of the six years, reinforcing the adventurous nature of the transaction for the government. Therefore, the Joint Committee is of the view that the proposed upfront dividend arrangement is financially favourable, both from present- and future-value perspectives. It provides the government with immediate fiscal resources, ensures a repayment obligation below market term and cost of funds, and offers a strategically advantageous mechanism for unlocking liquidity while maintaining future dividend rates.

On ringfencing these funds, I thank this honourable House for passing the Infrastructure Fund Bill last week, now the Infrastructure Fund Act. We have expressly provided that the total Ksh244.2 billion shall be deposited into an account of the National Infrastructure Fund at the Central Bank of Kenya (CBK). This will ensure that this process is spent only in accordance with the mandate approved by this honourable House under the Infrastructure Fund Act.

With respect to various parties' commitments contained in the Sessional Paper, the Joint Committee observed that several commitments made by Vodacom in the Sessional Paper are not expressly reflected in the share price agreement. Therefore, we are recommending that for this House to approve this sale, there must be express provisions in the sale-purchase agreement for the following:

1. That the effect of this transaction will be on 1st April 2026. That will ensure that we get the dividends for this financial year.
2. That the trade will be done through the Block Trade Platform of the Nairobi Securities Exchange.
3. That there must be safeguards to protect the interests of the employees, shared prosperity for the dealers and agents. Most importantly, to ensure that the M-Pesa Foundation and Safaricom Foundation Corporate Social Responsibility (CSR) projects are managed.

In addition, although the Sessional Paper on the appointment of board members states that the leadership of Safaricom must remain with a Kenyan, this is not explicitly stated in the sale and purchase agreement. We therefore ask that this House agree to approve that this be expressly provided for in the share price agreement between Vodacom and the Government of Kenya.

With all those remarks, I want to thank the Joint Committee for tirelessly travelling through 30 different counties. I must single you out, Hon. Temporary Speaker, for leading a team. I must also single out Members in this House. Hon. CPA Ruto, Hon. (Dr) Ariko and Hon. Kwenya, who all led different teams. And all those Members of the Committee who devoted themselves to moving around this country asking for the views of the public. I also acknowledge the great secretariat team that facilitated this. That ensured this historical moment was done within the law, was done effectively and efficiently, and that the views of our stakeholders and members of the public were reflected in the report we tabled this afternoon.

I beg to move. I request the great man, the Member of Parliament for Kinangop, to second. You know, I always tell the Member for Kinangop, Hon. Zach Kwenya, that he is not serving a second term but a third. That is because being elected on a Jubilee Party ticket in Nyandarua in the last election was a very tall order. I ask him to second this Motion. I also thank the great people of Kinangop for giving us such an astute man, who is also the chairman of our SACCO. He made sure that we got good dividends this year.

Thank you. I beg to move and ask Hon. Zach Kwenya to second.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Thuku Kwenya.

Hon. Kwenya Thuku (Kinangop, JP): Hon. Temporary Speaker, with those kinds of accolades coming from the Chairperson of the Departmental Committee on Finance and National Planning, I should do justice by seconding this very important Motion on the divestiture of 15 per cent of Safaricom shares.

I rise to second the Motion for the adoption of the Report of the Joint Committee on its consideration of Sessional Paper No. 3 of 2025, which seeks the approval of this House for the Government's proposal to dispose of a 15 per cent stake in Safaricom PLC to the Vodacom Group at an estimated value of Ksh204 billion, receive an upfront dividend payment of Ksh40.2 billion, and retain approximately 20 per cent shareholding in the company. This proposal is anchored within the Government's broader fiscal consolidation agenda and divestiture strategy, which seeks to unlock value from public assets, ease financing constraints, and create additional fiscal space for priority national programmes.

The structure of the proposed transaction is important for a number of reasons. To begin with, it is expected to provide immediate fiscal support to the Government at a time when public finances remain under pressure. Further, by retaining a minority interest in Safaricom PLC, the State will continue to have a role in the governance of the company and preserve its

stake in an enterprise of strategic national importance. This remains particularly relevant given Safaricom's critical role in Kenya's digital economy, telecommunications infrastructure and financial inclusion system.

In addition, the proposed partial divestiture seeks to strike a prudent balance between fiscal imperatives and the need to protect strategic national interests. It also demonstrates the Government's intention to deepen private sector participation, enhance confidence in Kenya's capital markets, and show that divestiture of public assets can be undertaken in a structured, measured and responsible manner without entirely giving up public interest considerations.

The Committee further observed that the Government intends to apply the proceeds from this transaction towards key national priorities. These include supporting the budget to address financing gaps, strengthening fiscal stability, and financing long-term development objectives. Importantly, the Committee has recommended that the proceeds realised from the divestiture be paid into the National Infrastructure Fund, which has already been established, so that the resources can be directed towards transformative investments in sectors such as roads, energy, water, digital infrastructure, and airports.

This is consistent with the wider policy objective of ensuring that resources realised from strategic public assets are not merely consumed but are instead deployed in ways that promote sustainable economic growth, strengthen national competitiveness, and advance intergenerational equity. In this regard, we encourage the Government to continue developing policies that can mobilise public resources, especially idle public assets, and redirect them towards clearly identified areas with greater economic and fiscal impact.

In the course of considering this Sessional Paper, the Joint Committee undertook public participation forums in 30 counties to gather views from members of the public on the proposed divestiture. The engagement provided citizens with the opportunity to express their views on issues such as valuation, fiscal implications, governance, employment, competition, consumer protection, data sovereignty, and national security concerns arising from this transaction.

In total, the Joint Committee held 32 sittings comprising both internal deliberations and stakeholder consultations to interrogate the Sessional Paper and consider both written and oral submissions. Together with the written memoranda and the views presented by participants who appeared before the Committee, I sincerely thank all those who took part...

(Hon. Kwenya Thuku's microphone went off)

The Temporary Speaker (Hon. Peter Kaluma): Give him three minutes so that he can second.

Hon. Kwenya Thuku (Kinangop, JP): Thank you, Hon. Temporary Speaker. Together with the written memoranda and views presented by participants who appeared before the Committee, I wish to sincerely thank those who took part in contributing to this important process.

Their perspectives, including the differing opinions presented before the Committee, were carefully considered and helped to inform the decision that we have now reached. Having carefully examined the Sessional Paper and submissions placed before it, the Joint Committee recommends that this House approve the Sessional Paper, subject to several important resolutions. Among these, the Committee recommends that approval takes effect as from 1st April after the dividends have been paid.

The Committee has also recommended that the Government receives Ksh40.2 billion as an upfront payment in lieu of future dividends on the remaining 20 per cent shareholding. Further, the Committee was deliberate in safeguarding the broader public interest. In this regard, it recommends that there should be no acquisition-related redundancies affecting existing staff of Safaricom PLC so as to protect jobs and preserve stability.

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

In addition, the Committee recommends that the National Treasury develops an appropriate legal framework for determining the fair value of Government enterprises, including a clear valuation methodology. This will be essential in strengthening future divestiture processes, enhancing public confidence, and ensuring that public assets are neither undervalued nor disposed of in the absence of a transparent and defensible valuation framework.

Finally, I wish to commend Members of the Joint Committee for their dedication to this process. I want to bring to the attention of the House that all the issues that were raised during our engagement have been met, especially the establishment of the National Infrastructure Fund and the issue of the payment of dividends so that the Government benefits from the proceeds of dividends during the Financial Year 2025, which is ending on 31st March.

With those few remarks, I second.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): Members, before I sit, I have a Communication to make in regard to a Motion previously moved and passed by the House under Standing Order No. 97 (1) relating to debates for Sessional Papers. This House orders, as it was so ordered, that each speech in a debate on any Sessional Paper shall be limited as follows: a maximum of 2 and a half hours, with no more than 20 minutes for the Mover in moving and five minutes for any other Member speaking, including the Leader of the Majority Party and the Leader of the Minority Party and the Chairperson of the relevant Committee, if the Sessional Paper is not moved by the Chairperson of the relevant Committee. Then ten minutes before the expiry of the time, the Mover shall be called upon to reply, and further, that priority in speaking shall be accorded to the Leader of the Majority Party and the Leader of the Minority Party, in that order. I am reminding you of that Motion relevant to this particular one.

(Several Members raised their hands)

Why are you raising your arms? Hon. Julius Rutto is at the top of the list.

(Laughter)

Hon. Julius Rutto (Kesses, UDA): Thank you so much, Temporary Hon. Speaker. You can take note that these Members have an interest in this particular Sessional Paper, which also culminates in the interest of the public.

I rise in support of the recommendation by the Departmental Committee on Finance and National Planning in approval of the Sessional Paper No. 3 of 2025 on the proposed partial divestiture of Safaricom shares. As I speak, it is good for you to know that I am one of the Members of the Departmental Committee on Finance and National Planning, jointly with the Committee of Public Debt and Privatization, which undertook this task to go around the country, as per the provision of Article 118 of our Constitution that has guided this House to seek the views of the members of public, especially on critical matters like this.

Why am I standing to support this? I want to bring to your attention the debt level of our country. Whereas we appreciate the fiscal responsibility of our nation, we all know that every expenditure that promotes our economic growth is guided by the revenues that we generate and the debt that we source to finance our budgets. But as we speak, our debt level has grown to Ksh12.5 trillion, accounting for more than 70 per cent of our Gross Domestic Product. This shows a critical risk that the nation is facing. If we do not come out and think outside the box, and have a clear thought on how to move forward as a nation, we risk shutting

down the nation from every developmental agenda and to sort out the risk that we have put in place.

Right now, we do not have enough room. We do not have the fiscal space to adjust and borrow to fund critical development agendas that this nation requires to move forward. All of us remember the State of the Nation Address by the President. He mentioned our country's deficits in terms of how far we should be compared to where we are since Independence. He stated the lags that needed to be addressed by the current administration and this honourable House.

We will then be able to fast forward due to the challenges we went through such as lack of space or excessive domestic borrowing to service debts. Around Ksh1.3 trillion is set aside in our Budget under the Consolidated Fund Services (CFS) to service our debts and provide for our pensions. If we continue in that direction without coming up with alternative mechanisms of generating funds to address our nation's needs, we will slowly shrink our economy's growth. We will be overtaken by the demands of expenditure on social needs and supporting our nation.

This is not the first time that the Republic of Kenya is disposing of its own assets. It has happened before such as when the Kenya Commercial Bank (KCB), which was a fully Government-owned bank, and the Kenya Electricity Generating Company (KenGen) were privatised. The Government initially owned 60 per cent of Safaricom PLC but it was later privatised and members of the public were given an opportunity to own 29 per cent of the shares. The Government retained 35 per cent of the shares. The Government has also disposed of the Kenya Power and many other companies and entities. The proceeds from those sales are utilised to finance the budget needs. However, we cannot critically evaluate the effect of those sales on our balance sheet, which is currently at a risky level. Therefore, it is high time that we appreciate and support this divestiture.

As I wind up, I want to appreciate this honourable House for approving the National Infrastructure Fund, where funds from this sale will be directed. The Board of the National Infrastructure Fund will oversee the development of the investment policy, which will ensure equitable distribution of funds, as guided by Article 10 of the Constitution. The framers of the Constitution had a vision of the equitable development of our nation. The situation on the ground is different in the sense that parts of our nation are more developed than others.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ndindi Nyoro.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker. I rise to state my reservations on the Government's sale of its 15 per cent stake in Safaricom PLC. I have listened to my brother, the Chairperson of the Committee. I also had the opportunity to appear before the Committee. One reservation that stands out very strongly is the valuation. I have listened to the officials from the National Treasury talking about basing the sale of Safaricom's Ksh34 share price at the market price. Our market has been bearish from 2023 up to now. Therefore, it would be wrong for Kenya to sell Safaricom shares at Ksh34 per share when it was selling at Ksh45 per share in 2021, and especially at a time when the company has already invested in Ethiopia, which has been bleeding cash for the last two years, but is now breaking even operationally.

Looking at Safaricom's financial statements, they made a 52.1 per cent jump in net profit in the first half of this year, making over Ksh40 billion in net profit. We anticipate that Safaricom PLC will make over Ksh80 billion in this financial year. In all consideration, it is possible that Safaricom will make Ksh100 billion in bottom line from next year. The sale price and the reasons given are incompetent. It is inept to base the argument on 'market price'. As we purport to sell our stake in Safaricom PLC at "market price", we have two transactions in the Nairobi Securities Exchange (NSE). First is the 66 per cent buyout of the National Commercial Bank of Africa (NCBA) Group by the Nedbank Group.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Ndindi Nyoro. What is out of order?

Hon. Kuria Kimani (Molo, UDA): This is a House of records. It would be very wrong if we do not challenge misleading information my good brother, the Member of Parliament for Kiharu, is giving.

Our Reports clearly stipulate we used globally recognised economic models of valuation of shares. We did not base it on market value. Hon. Ndindi Nyoro should tell us if he has come up with his own formula outside established economic principles. There are several globally recognised methods used in valuing shares. For instance, methods such as the Price-to-Earnings (P/E) ratio and Enterprise Value divided by EBITDA were used. These models gave a share price ranging between Ksh10.96 and Ksh33.50 as outlined in my Report. Unless Hon. Ndindi Nyoro has invented his own formula, which he should prove to all experts of economics and finance globally and perhaps patent, what he is saying is just hearsay. It is important he goes on record and not use formulas that are not recognised within the established domain of share valuation.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ndindi Nyoro.

Hon. Ndindi Nyoro (Kiharu, UDA): I also see people moving around inviting Members to raise points of order during my contribution. I hope this filibustering is not meant to take away my time. I just want to teach my brother some formula.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ndindi Nyoro, you know your Temporary Speaker.

You will be given all the time you need if any point of order has taken part of your time. Just give your explanation. I hear the point of order. I have guillotined your time deliberately. Your presentation was that the share value here in pricing this transaction was based on market price. I hear the Chair of the Departmental Committee on Finance and National Planning say this was not the case. That other valuation formulas were used. Could you respond to that before you proceed?

Hon. Ndindi Nyoro (Kiharu, UDA): That is exactly the incompetence I was referring to. Using the same formula the Chair put forth, he finished with the P/E ratio. I want to inform my brother that the P/E ratio of Safaricom by the close of this financial year will be around Ksh16. The market average is actually higher. The highest P/E ratio buyers of Safaricom shares have ever had is Ksh40, in 2022.

Currently, their P/E ratio is negative because they make losses. The P/E ratio of Etisalat is over Ksh30. The P/E ratio of Orange and Airtel are high. Therefore, it is proper that Kenyans are watching the total incompetence at which you are selling our Safaricom stake. Even our own arguments are against us.

I want to bring forth the second thing.

The Temporary Speaker (Hon. Peter Kaluma): Did you say that the price at which the shares are proposed to be sold is inadequate or incompetent? What did you say?

Hon. Ndindi Nyoro (Kiharu, UDA): When it comes to a business transaction, one is either competent enough to secure value for money or incompetent enough to give value away to the other party.

I am saying something on the P/E formula of the telecommunication companies (Telcos) the Chairman is proposing. The anticipated profit by the close of this financial year is Ksh80 billion. Safaricom's P/E ratio will be around 16.1 years. Telcos competitors such as Etisalat, Airtel and other have much worse P/E ratios. It is glaringly evident that we are giving away value.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kimani Kuria, what is out of order? This is now turning into a competition of finance minds. It is beneficial for our debate.

Hon. Kuria Kimani (Molo, UDA): I challenged my good brother, the Member of Kiharu, to give us one formula he used to arrive at his price. As we calculated and as shown by the Kenya Commercial Bank (KCB), which is the firm that carried out the valuation of these shares... The price earning multiples, as we calculated and as shown by KCB which is the firm that was valuing these shares, gives it a low of 10.62, an average of 17.08 and a high of 25.01. Those are facts. For Hon. Ndindi to call us incompetent, let him tell us which economic formula he is using so that he does not sound like he is selling oranges. He is talking about other telcos. We are not talking about other telcos. What valuation model are you going to use to support the price that makes him call us incompetent? Until he answers that question, he should withdraw the word 'incompetent' and all the other aspersions he is casting on the National Treasury and this honourable House.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ndindi Nyoro, what is asked of you should be very easy. Please proceed to address them.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Speaker, it is laughable. I wish the Chair was listening to himself. He is talking about the P/E ratio and I am....

The Temporary Speaker (Hon. Peter Kaluma): Order. Hon. Ndindi Nyoro, have you looked at the report of the Committee?

Hon. Ndindi Nyoro (Kiharu, UDA): I have.

The Temporary Speaker (Hon. Peter Kaluma): In the report of the Committee, there are five models of the share valuation demonstrated there, not only P.E ratio. What I hear the Chair of the Committee to be asking is that if you say as a nation, we would have yielded a better price than this and you are tagging it to a price, what formula do you use to arrive at your price so that they be justified mathematically to seek more?

Hon. Ndindi Nyoro (Kiharu, UDA): Give me time because every Member will have time to contribute and I do not need any help. I will also not purport to help them. I would rather contribute and the other Members will have their time. Let me put it correctly. The formula I am using is the same that the Chairman used.

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Ndindi Nyoro. The Leader of the Majority Party is on a point of order.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I am one of those people who rarely interject when Members are contributing but Hon. Nyoro has a duty and responsibility to respect other Members. He has used very unparliamentary language and those are the issues that the Chair has stood up on a point of order. You cannot call people incompetent because he said the valuation model that has been used here and the Committee that considered it are incompetent.

(Hon. John Namoit spoke off the record)

Hon. Ariko is interrupting me because he is also a Member of that Committee. This is a Committee of 30 Members.

Secondly, Hon. Temporary Speaker, you have alluded to what Hon. Ndindi Nyoro is being challenged to substantiate. You must substantiate things you allege. The easiest thing you can do here is to come and say this thing is incompetent or this share is undervalued. You must give us the alternative and that is what I heard Hon. Kuria asking. What is that other model that you can give the country so that we may benefit from your intellect? You are probably more intelligent than all the other people that you consider to be incompetent. In your competence, show us that other alternative valuation model other than the five valuation

models that the Committee considered here that gives a better price than the price that was negotiated of Ksh34.

Hon. Ndindi Nyoro has been out there in marketplaces and lecture halls, saying how incompetent people are and how this share has been undervalued or at times overvalued. In fact, at one point, he said the share was overpriced and at another point he said it was underpriced when the market became bullish. He has also told us here that the market is bearish.

For all intents and purposes, I am also an observer and a trader in this market. I may not be a stockbroker like Hon. Ndindi Nyoro but I buy shares. I know when the market gets certain information, it reacts according to that share price. When information about this Sessional Paper spread, the market reacted. In fact, long before the news that the Government intended to divest, the market reacted to it and the Safaricom share became very bullish. That is why that share price rose. At the time this Sessional Paper was brought to this House, the share price was trading at around twenty-something shillings. It rose significantly due to speculation. Kenyans also know that the financial year of Safaricom is about to come to an end. I think it closes in March.

Hon. Temporary Speaker, protect me from Hon. Makali Mulu. He knows I respect him. Let him address me through you. He is now becoming like Hon. Kalonzo Musyoka just shouting in rallies. Let him not address me like Kalonzo Musyoka.

(Hon. (Dr) Makali Mulu spoke off record)

It is Kalonzo Musyoka who is ...

The Temporary Speaker (Hon. Peter Kaluma): Order, Leader of the Majority Party. You will not mention Kenyans who are not before the House in a manner that does not enable them to defend themselves. Hon. Makali Mulu, you are old enough to know you cannot talk at the Speaker when the Speaker is giving a ruling.

(Hon. (Dr) Makali Mulu stood in his place)

Take back your seat. Yes, Hon. Ndindi, are you done? I order the Leader of the Majority Party to secure, as the leader of the House, and ensure that the House is on the path of good debate. Anything that besmirches is taken out of record.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Temporary Speaker, I have to apologise to Hon. Makali Mulu for obvious reasons. He is nowhere close to the people I mentioned in terms of intellect and how they articulate issues. He is nowhere close and therefore I profusely apologise to Hon. (Dr) Makali Mulu.

(Laughter)

He is an economist of repute and that is why I know he will agree with me that the market, especially, around the Safaricom share, cannot be said to be bearish. These are things a few people want to say here to get clips to circulate on social media. I ask that you direct Hon. Ndindi Nyoro to stop looking for clips to circulate on social media but to substantiate how bearish the market is. How is the Safaricom share undervalued in his own valuation model? What economic valuation model is he using? There is no Ndindi valuation model. We have valuation models that have been used by the Committee.

The Temporary Speaker (Hon. Peter Kaluma): Leader of the Majority Party, your point is made. Hon. Ndindi Nyoro, I guillotined the time. You will have two minutes. The total time is five minutes. Hon. Ndindi has been upstanding due to the interventions. I request we

stop them. It has been for over ten minutes now. I am not going to allow any further interventions. You will have your time for contributions.

Hon. Nyoro, there is offense taken with your use of the word incompetence more so as it relates to the Committee and your phrase that the Chairperson's submissions before the House are laughable. I request you withdraw those and deal with the issue if you can. If there is a formula in economics that you know by which we can land at a better price, as a country, it would also be beneficial to the House, otherwise, just proceed and conclude. You have two and a half minutes.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Speaker, I do not find merit in responding to the filibustering from the previous Member.

To respond to the Chairperson who earlier asked about my formula, I have been repeating and I am repeating that I am not introducing a new one. I am using their own. The Chairperson stood here and talked about Price over Earning (P/E) ratio. I am not even going to the others that I can use and they are many. I am just concentrating on his P/E ratio of Safaricom. By close of this year, it will be 16.1 years. Our buyers, Vodacom, their best P/E ratio is 40 periods.

A Member: On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): No, please. I will not allow more points of order. Let me direct this debate. Hon. Ndindi, P/E ratio is one of the four models. They are in the report demonstrating how each model arrives to what figure.

Hon. Ndindi Nyoro (Kiharu, UDA): Precisely.

The Temporary Speaker (Hon. Peter Kaluma): So, it is not only P/E ratio which has been proposed. I have not heard the Chairperson say that the model that was used to price these shares was P/E ratio. There were four models that they demonstrated there. The ask is that you demonstrate how you arrive at a share value that would be different from this.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Speaker, I am repeating for the umpteenth time that I know there are even more than four formulas. There are more, but I want to zero in on to their own. P/E ratio is Price over Earnings ratio. We are talking about a price of Ksh34 so, the price is integral. Earnings per share are also integral and it measures periods. The period at which you may return your money using bottom line in Safaricom is 16.1 years. Companies such as Etisalat, Airtel and Orange S.A. are trading at Price-to-Earnings (P/E) Ratio in the ranges of 30. On that basis alone, our Safaricom share is undervalued by more than half.

I also want us to consider the block trade happening at the Nairobi Securities Exchange (NSE). It exposes what we are doing to Kenyans. Take the example of NCBA Group buyout by Nedbank Group. Before the announcement that there was an imminent buyout by a certain bank in the last quarter of last year, the price of NCBA was around Ksh70, but the transaction price was Ksh105. There is also a current transaction happening at the NSE involving East African Breweries Limited (EABL). Diageo is selling to Asahi Group Holdings. The current market share price of EABL today is about Ksh259, but the transaction price is about Ksh590. It is very wrong for anyone to bring semantics around market price. It exposes how unpatriotic we can be.

The other thing I want to highlight is called conditions precedent. They were given to our buyers by Communications Authority of Kenya (CAK) regarding licensing where Kenya will lose over Ksh70 billion.

The other issue is information asymmetry. We are selling to one buyer instead of floating to the global market to get the best value. The current person we are selling to is already an insider, meaning there is information asymmetry. The Chief Financial Officer of the company we are selling to is proposed by the current buyers, which cannot be allowed to pass in a mature market.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Ndindi Nyoro. Hon. Daniel Manduku. We want to listen to people who know about finances.

Hon. Daniel Manduku (Nyaribari Masaba, ODM): Thank you, Hon. Temporary Speaker. I was privileged to be one of the Members of Parliament who accompanied the Committee to various counties across the country. I can confirm that I visited eight counties. When I listened to the public, there were three main concerns. The first concern was ensuring that the funds realised from this sale are directly put in a kitty that would enhance development across the country. The second concern related to data and privacy. The third concern was the issue of valuation.

I will not belabour the issue of valuation. Having listened to various stakeholders, including the Institute of Certified Public Accountants of Kenya which is headed by a professor, the Committee concluded that a valuation of Ksh34 was fair value. Any other models showed lower valuations.

On the issue of data protection, it was realised that there already exist laws that safeguard the public against cyber security threats and inherent data safety. Existing laws protect citizens against infringement of data protection.

There has never been a moment in this country when the Government has sought a more innovative method of funding infrastructure than through the creation of the National Infrastructure Fund, where these funds will be deposited. If look at other jurisdictions that have succeeded, you realise that they have taken this route. I support this venture and confirm that this is what the public wants.

Lastly, markets, by their nature, are very volatile. They can be bullish or bearish. You cannot look at the technology industry the same way you look at beverage or motor industry. Technology by its very nature is very involving. In fact, every nine months, knowledge in technology doubles. If anything disruptive happens to Safaricom today, there could be a very big fall or rise in the price. You cannot use that as a basis to compare Safaricom and other non-related industries. I think that this was a good move and I support the Report of the Joint Committee of Finance and Planning together with the Select Committee on Public Debt and Privatization.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Irene Mayaka.

(Hon. (Dr) Makali Mulu raised his hand)

Hon. (Dr) Makali, your turn will arrive. Let lady Members also speak.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker, for the opportunity to support this particular Report.

From the outset, I would like to register my support of it. We have listened to the Chairperson of the Departmental Committee on Finance and National Planning giving us a detailed report of the history behind this, what exactly happened and why we are where we are with this particular matter.

First of all, before I even give my contribution, I just like to make an observation of the report from the Committee in terms of the valuation methodologies that were used because they used five different methodologies. It is also very important to mention to the House that the National Treasury actually used an independent valuer by the name of KCB Investment Limited, which has a reputation of having done valuation for different companies that have been very successful in different areas, including outside of this particular country.

When you look at the transactional overview of this particular divestiture, which gives us a figure of 15 per cent of the total 35 per cent shareholding of the Government, with Ksh40.2 billion, which is going to be an upfront payment that goes into the into the famous

Fund that is now called the National Infrastructure Fund (NIF). This is also one methodology that is being used to ensure that we earn non-tax revenue of a total of Ksh244.5 billion. If you also look at the engagement that the Committee had with different stakeholders, the 78 public participation forums in 30 different counties, the sentiments that came through the different sectors was in support of this particular divestiture.

Looking at the issue of the legal and constitutional framework that was used by the Committee, we look at the Public Finance Management (PFM) Act, especially section 87(4) which allows divestiture of different organizations. A fellow CPA, Hon. Rutto, gave us other examples of where the Kenyan Government has been able to do this. So, this is not the first time this has been done.

Also, looking at some of the business continuity model, we see that it has taken into consideration the fact that there will be no interference with the dealers and agencies of Safaricom, the service, stability and also consumer protection.

Important to note is the fact that the Committee was very keen to ensure that the data protection aspects in the digital space have been taken into consideration. Some of the advantages of why it is important and why we support partial divestiture, one that I have already mentioned is the revenue aspect. The other is the funding of strategic infrastructure projects, notably the National Infrastructure Fund (NIF). This is going to be one of the sources of that particular Fund that is going to go into major infrastructure and critical sector infrastructure for this particular country.

Also very important to note is the retention of value in terms of the fact that the Government is still retaining 20 per cent so they are not entirely giving out their stake in Safaricom but rather, they will be retaining some of it.

Another important advantage is enhancing corporate efficiency because if you look at a comparison between public and privately run organisations, we all see the corporate and efficiency of the privately run organisations.

With those few remarks, I would like to just once again thank the Committee for this and give my full support to the to this Sessional Paper. I thank you and I submit.

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr) John Mutunga is recognised.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you, Hon. Temporary Speaker. I will restrict myself to the divestiture of Safaricom because that is the subject matter today. I rise to support the adoption of Sessional Paper No. 3 of 2025 on the Partial Divestiture in Safaricom PLC.

The first reason why I support this is that it aligns with the Government's long-term strategy for fiscal consolidation. We have belaboured in this House on how to ensure that we have fiscal consolidation. It is not very interesting to factor in a huge budget deficit every time. It is also not the best to be guided by other institutions or countries that advise us to restrict our fiscal deficit to a certain proportion. We need to look inwards and I think this is a good idea. To look inwards and come up with possibilities of addressing our own issues. This is a homegrown solution to reduce the accumulation of debt.

Whenever we factor in debt and seek to develop this country, it appears that the resources used for development must be borrowed. As a result, we keep borrowing every time. Even if we say that the Government should not borrow, but we do not offer a good solution, that is still not good enough. Therefore, reduced borrowing is better for us and self-driven development is very important.

The second reason that I want to bring up is that such an initiative leads to long-term fiscal sustainability. There are issues of consolidation and sustainability. Their attributes are very clear. First, there is sustained debt servicing. If we are able to take care of other demands for money, then we can sustainably service our debt. There is also a reduction in the risk of

insolvency. As a country, if we take care of our debts and obligations, we reduce the risk of insolvency. The risk of defaulting on our obligations is also reduced, as well as the disruption of development initiatives. As a country, we are looking at the possibility of developing without over-reliance on money from outside. We do not have to keep discussing long-term debt rescheduling, long-term borrowing, concessional loans or even very expensive commercial loans, whether local or international.

The third reason why I support the adoption of this Sessional Paper is that the divestiture is partial, not complete. If we were talking about a complete sale of Safaricom, many of us would be worried. However, the Government of Kenya will still retain a significant proportion of Safaricom. Therefore, the Government will retain the critical component of infrastructure within the Safaricom network, especially the critical communication services that are important for the country. The Government will still have a hand in it.

Initially, there was a lot of fear that Safaricom operates like a huge bank, especially when you look at M-Pesa. M-Pesa moves a lot of money and more than 32 million Kenyans are already enrolled. It is therefore a huge transaction platform and cannot simply be wished away. There will be no effect on the legal obligations of the company itself and the security responsibilities will still be sustained. This option is therefore good and it offers immediate liquidity. In this case, money will be realised immediately, which will help relieve the strain we have in financing development.

The fourth reason why I support this is the issue of ring-fencing the divestiture proceeds. It is clear in the Committee report that the investment will go into commercially viable infrastructural projects. These projects are important and are also anchored within the framework of the National Infrastructure Fund. When I look at the future, I ask myself if my children found me with a house, they would feel better than if they did not find one. Rarely will you find a road that is tarmacked turning into an earth road completely if a Government is responsible. If we can develop this country now, it will be better for the future generations. They will find it better, they will be happier and they will realise that we made better decisions. I support adoption.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Leo Njeru, the Member of Parliament from Mbeere North.

Hon. Leo Wa Muthende (Mbeere North, UDA): Thank you, Hon. Temporary Speaker for sporting me. I have been desiring to contribute to the Motion. I rise to support it. I may not be an expert in finance but I have run successful businesses and I have started and sold businesses. So, it is very irresponsible for some Members to mislead the public and this House. If you stand here and say that you have used a valuation and you have a better price, we need to hear that price. We need to know who is out there willing to buy Safaricom at a higher price. I believe if we are talking of Safaricom being undervalued, there are businesses that would be willing to spend to buy it. That should not be hearsay. In fact, we do not know what will happen by December. We are talking of things looking good now but we do not know how they will look by December. People in my constituency need to have the National Infrastructure Fund funded from this sale, so that areas that have been forgotten like Mbeere North can benefit for the first time in 63 years. In 63 budgets we have had since Independence, my constituency with 780 square kilometres of roads has only 48 kilometres of the roads tarmacked and yet we are being told to wait because of wishful thinking that there are people out there who may buy Safaricom at a better value. So, I support the divestiture.

If the divestiture succeeds, I will urge Members that we come back next year to sell another 5 per cent so that each constituency gets some money for development of roads and classrooms. Kenyans should stop waiting for development. We actually subject some constituencies like mine into a poverty trap. You know, we never get out of poverty because we have poor infrastructure. We have areas that have no roads and areas that have arable land

have got no water for irrigation. Once we have such a divestiture – I believe more corporations will be coming – we will make sense when we go and tell Kenyans that we have a new model that we do not have to wait for development for the 63 years that have relied on the budget. Change is coming.

I support the divestiture and I want to ask Members to consider coming next year to divest another 5 per cent whose proceeds we can take directly to our constituencies. If we were to ask our constituents whether we can sell more shares to bring Ksh300 million for development, I am very sure that they will tell us to go and divest 5 per cent. I urge Members who are opposing to do so with facts and tell us if we have Etisalat Group. I have heard about Etisalat Group. Any company willing to buy Safaricom should table its offer now. Let us not engage in wishful thinking. Let us not talk about good numbers and yet there is nothing to show on the table. Safaricom is a good company. If there is anyone out there with a good price, let us hear about their price. It should not be just wishful thinking.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Let us have Hon. Ariko who will be followed by Hon. Caroli Omondi.

Hon. John Namoit (Turkana South, ODM): Thank you, Hon. Temporary Speaker. I want to start by supporting this divestiture of Safaricom shares by the Government. The journey to Canaan through Singapore is here with us. It started long time ago with the creation of the Housing Levy Fund and we have seen many buildings coming up across the country, including in Turkana. The second enabler of this journey to Canaan is the National Infrastructure Fund. This Fund came as a result of the Departmental Committee on Finance and National Planning, when the Cabinet Secretary for the National Treasury and Economic Planning appeared before it and pronounced that he had created a company which, in the thinking of the Committee, was not properly placed to handle these funds. The Departmental Committee on Finance and National Planning pushed the National Treasury to create a National Infrastructure Fund to take care of all the funds that will be needed for critical and viable infrastructure projects.

I am privileged to be a member of the Departmental Committee on Finance and National Planning that traversed these counties. What the members of the public are saying is that, yes, they can support the divestiture of these shares, but there are some conditions that they have placed before the Committee.

First, it appears that public trust is the problem. There is no public trust in the Government. The members of the public raised concerns on the usage of these funds. They wanted the funds to be ring-fenced. Ring-fencing of this fund is the establishment of the National Infrastructure Fund. The second issue they raised is how these critical and viable infrastructure funds will be distributed across all the counties, without the perception that there are only major projects in certain areas, while others are neglected, even though projects are needed to grow the economy of this country. This is what we refer to as viable and critical infrastructure projects. The public also requested the need to have oversight of this Fund. That is why this House has an oversight role, and the two-tier structure in the National Infrastructure Fund also serves that oversight purpose.

I was in Kiambu during this public engagement, and one retired civil servant asked the other stakeholders one question. The question was: Were you engaged? Were you asked whether the Government should invest in Safaricom? Why are you asking the Government not to sell these shares? That was the question raised by a retired civil servant in Kiambu County where my good friend, Hon. Ndindi Nyoro was. He was just around that area. We thought he would join us so that we could all enlighten members of the public.

The objective of this divestiture is to relieve the national budget from financing viable and critical infrastructure projects, and to pave way for the Government to support other

marginalised areas. Economically productive areas have been receiving a lot of money, thereby denying opportunities to other parts of this country.

On the issue of the methods of divestiture, the three methods I understand are: private placement, an Initial Public Offering (IPO), and the sale of assets. This depends on the entity that is selling the shares to make an informed...

(Hon. John Namoit's microphone went off)

The Temporary Speaker (Hon. Peter Kaluma): I will give you a minute to conclude that point.

Hon. John Namoit (Turkana South, ODM): Hon. Temporary Speaker, the National Treasury decided to proceed with a private placement, where there was one investor who was ready to pay more than the prevailing market prices that were there. When Hon. Ndindi Nyoro appeared before the Committee, I asked him what model he was using and how much it would give us. But up to now, he has not given us the model, yet he is going against other scholars who came up with their own.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Caroli Omondi.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Temporary Speaker. This has been a very useful debate. I thank Hon. Ndindi Nyoro for the very articulate contributions. Safaricom's shareholding structure is currently as follows: Government of Kenya (GoK) is at 35 per cent while Vodacom is at 40 per cent. However, by their own disclosure at the London Stock Exchange, 5 per cent of that is warehoused as a corruption deal for Mobitelea Ventures. Retail and institutional investors at Nairobi Securities Exchange (NSE) own 25 per cent.

It is important when you are selling an asset to ask yourself whether it is the right time. And that is what Hon. Ndindi Nyoro talked about. The market is bearish. It is the wrong time to sell. We are desperate; that is why we are selling. The reason I am saying this is because we have just had another transaction involving the Kenya Pipeline Company (KPC) and these are the results if you want to know the market situation. We were selling 65 per cent. 20 per cent was reserved for foreign investors.

However, only 0.02 per cent of foreign investors subscribed, meaning that they do not have confidence. Five per cent was reserved for the staff of KPC, those who should know the business better than anybody else, but only 0.06 per cent subscribed. Additionally, 15 per cent was reserved for oil marketing companies, but only 0.014 per cent bought. Then there was 20 per cent reserved for retail investors but only 2.56 per cent bought. It is the wrong time to offload. *Mhe.* Ndindi Nyoro was quite right. That is the first question we have.

Secondly, we are being told that this effective date has now been revised to 1st April 2026. In the Sessional Paper, it was a date that was going to exclude in excess of Ksh9 billion in terms of dividends that would have gone to the government. Nobody knew where that was going to go, and now we are being told it is 1st April. The correct phraseology should be that "the effective date is the date on which the Ksh9 billion is paid under the current Financial Year", the dividends that are due to GoK, which by design, were left opaque and undisclosed. And to make matters worse, we are not even being told, and the report itself admits, that the shares are being sold ex-dividend or cum-dividend. You could own all shares, but they come with certain benefits that have not been crystallised, and we need to deal with that.

Thirdly, we are told...

Hon. Julius Rutto (Kesses, UDA): On a point of order.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Hon. Julius Rutto?

Hon. Julius Rutto (Kesses, UDA): Thank you so much, Hon. Temporary Speaker. Hon. Caroli Omondi is my good friend, and I like listening to him. However, is it in order for him to state to this honourable House and castigate the report that the Joint Committee on Finance and National Planning and Committee on Privatisation and Public Debt, which aims to address the risk he is raising? He appears to castigate a report that clearly states the effective date will be 1st April, immediately after the closure of a Financial Year. You know, the moment the balance sheet date is drawn, any liabilities and obligations are assigned accordingly. So why proceed to castigate a doubt on a formal report that has taken care of that risk he is raising?

The Temporary Speaker (Hon. Peter Kaluma): You have made your point. Hon. Caroli Omondi, the question is, when are dividends due?

Hon. Caroli Omondi (Suba South, ODM): I will not even answer that. Let me go on with my presentation. The second thing...

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): No, Hon. Caroli, we need to take the House seriously. The point you are making is that the 1st of April 2026, which according to the Committee, is a condition imposed in terms of when the transaction should be done, so that we save on Ksh9 billion dividends, which you say would have been lost. You are saying there could be a danger that some...

Could you then tell us the date when the dividends are due?

Hon. Caroli Omondi (Suba South, ODM): Hon. Temporary Speaker, there is a phraseology, "due and payable", which may not be payable. That is law. The shares could have crystallised, but that does not mean you will be paid. That is why I suggest that it should be very clear that the effective date is when the Ksh9 billion is paid. We are lawyers. We know this. Let us go on.

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Leader of the Majority Party?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, Hon. Caroli is trying to argue semantics on the phrase "due and payable". When the financial year closes and one is listed as a shareholder as at that date, are you due to be paid your dividends? The straight answer is yes. Therefore, the Member for Kesses was highlighting the Committee's diligence. If the Committee was not as diligent as Hon. Caroli alludes, it would not have listed 1st April 2026 as the effective date. That date is premeditated and deliberate because the financial year closes on 31st March. Therefore, anybody who was a shareholder as at 31st March 2026 will be paid their dividends. It is common sense.

The Temporary Speaker (Hon. Peter Kaluma): I want to allow Hon. Caroli Omondi to proceed. I do not want to allow many interventions.

Hon. Ndindi Nyoro (Kiharu, UDA): On a point of information, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Are you on a point of information?

Hon. Ndindi Nyoro (Kiharu, UDA): Yes.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Caroli, do you want Hon. Ndindi to inform you?

Hon. Caroli Omondi (Suba South, ODM): Of course. That is my future running mate.

(Laughter)

The Temporary Speaker (Hon. Peter Kaluma): Proceed, Hon. Ndindi.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Temporary Speaker, I urge my brothers in this House to stop misleading Kenyans and to stop parading their ignorance before Kenyans. Dividends are not paid out to any shareholder who was in the books by the closure of the financial year. Dividends are paid out when you close the books and announce the said dividends.

The Kenya Commercial Bank (KCB) Group announced their financial statements today. Dividends will not be paid out to those who were in the KCB books by 31st December. The KCB Group will announce that by this time or this date, anyone in the register will be paid. That is my information. A static date can also be changed by the directors. It will...

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ndindi, the Leader of the Majority Party is on a point of order.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, it is good that Hon. Caroli Omondi has alluded to the fact that they are just playing politics; politics is politics. However, facts are facts; and you cannot change that. Why would I be paid dividends if I am not a shareholder? Dividends are paid out to shareholders. You also pay out dividends on the basis of a company's financial performance as at the end of a particular financial year. Therefore, the board can meet in December to prepare dividends, but you will be paid when the company closes the books.

The Temporary Speaker (Hon. Peter Kaluma): Leader of the Majority Party, before you sit...

(Loud consultations)

Order! He has already taken his seat. You cannot inform him. Leader of the Majority Party, when were the Safaricom dividends declared this year and when were they declared last year?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, unless I check the actual date, I am not aware when they were declared. You pay dividends to the existing shareholders in a particular financial year. That is a fact that we cannot run away from. Let us not play politics with this matter.

The Sessional Paper did not have those conditions precedent. The two Committees comprising of 30 Members of this House, including Hon. Ariko, who do not play politics, are very diligent. They sat and enumerated the conditions precedent. The Members should be telling us whether there is something wrong with those conditions precedent and whether we should have passed the Sessional Paper. I must commend these two Committees because they did a splendid job in enumerating some of those conditions' precedent.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Caroli, you have a minute to conclude your contribution.

Hon. Caroli Omondi (Suba South, ODM): I have three minutes, Hon. Temporary Speaker.

Secondly, we are told that this valuation was done by Kenya Commercial Bank (KCB); another government agency. No arm's length transaction. A big problem. Additionally, that valuation was not subjected to competition, the way it would happen in open market. Let me just give you an example why it is wrong. Their own report is saying today...

The Temporary Speaker (Hon. Peter Kaluma): Did you say KCB is a government entity?

Hon. Caroli Omondi (Suba South, ODM): There is government influence over it. In serious jurisdictions that would not happen. Let me go on. By their own report, on 31st March,

the shares of Safaricom were trading at Ksh31. They said that at the time the valuation was done, it was Ksh27.50. Then they did their calculation and got to Ksh34, and we would get a premium of 17 to 19 per cent. By that report alone, the premium they were projecting has dropped by 50 per cent even before the transaction has been completed.

(Loud consultations)

They are accepting Ksh40 billion in advance in lieu of dividends that would come over six years' period. They are telling us that the cost of that is Ksh15 billion that the government is foregoing, because we want to implement certain projects very quickly. There is no serious infrastructure project that can be implemented over a period of less than three to five years. So, what is the hurry? To make matters worse, in their own report they are telling us that if Vodafone had invested the Ksh40.2 billion over the six-year period, they would get Ksh75 billion, giving government some Ksh20 billion. Why would Vodafone be so generous to the Government of Kenya and the people of Kenya? There is something wrong there.

If you look at the documents, there is no buyback clause that should have been incorporated in the Sessional Paper in a transaction like this. They are telling us that we will safeguard our employee, yet it is only for three years. There is no golden share mechanism to protect Kenyan workers. We are only keeping the chairperson and two independent directors. What about Kenyans who can run Safaricom and who have run telecommunication companies (Telcos)? There are many problems in this transaction...

Hon. Kuria Kimani (Molo, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Kimani Kuria what is out of order.

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Speaker, it is more of a point of information. If you read the resolutions...

The Temporary Speaker (Hon. Peter Kaluma): No, Hon. Kimani Kuria...

Hon. Kuria Kimani (Molo, UDA): It is a point of order. The Member cannot mislead the House on the issue of redundancy of staff. If you read on the Order Paper, it explicitly says that we have provided that, the share price agreement must provide that there would not be any redundancy-related repercussions for the staff of Safaricom PLC. It is there on the Order Paper and also on the report. We should not allow people misinforming this House...

(Loud consultations)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Caroli Omondi, you have your 30 seconds to conclude.

Hon. Caroli Omondi (Suba South, ODM): Hon. Temporary Speaker, it is there but the time limit is three years. After three years, they can be fired. That is what the original Sessional Paper told us. That is what it did.

(Loud consultations)

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Members. Hon. Kuria Kimani, just take your seat. Do not help the Speaker on this. The Sessional Paper spoke about...

(Hon. Caroli Omondi spoke off the record)

Hon. Caroli, the Sessional Paper spoke about three years. The Committee has put a condition for further protection. I do not know whether you have read it. That is the point being made. Anyway, is this time done?

Hon. Caroli Omondi (Suba South, ODM): No. Can they tell us for how long? Hon. Temporary Speaker...

The Temporary Speaker (Hon. Peter Kaluma): Hon. Caroli, you are a lawyer. When it is recommended that there will be no redundancy or loss of job as per the Order Paper following on acquisition-related redundancies, what does it mean for a lawyer? Do you need to time it or you are giving an overall protection?

Hon. Caroli Omondi (Suba South, ODM): Of course. In transactions like this, there are time limits and time provisions. People may not be happy when Hon. Ndindi Nyoro talks of incompetence. But the word competence is also used in law and in our national values. Competence is one of them. The opposite of that is incompetence.

The Temporary Speaker (Hon. Peter Kaluma): Let us have Hon. Beatrice Elachi who will be followed by Hon. Makali Mulu as I go that way then come this way, in terms of recognitions.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, hon. Temporary Speaker. Allow me to also support the Motion for the approval of the Sessional Paper No. 3 on the proposed Partial Divestiture of Safaricom PLC by the Government of Kenya. Safaricom was a profitable company in this country. And as we sell the shares, it has to bring significant benefits to Kenya and its economy.

When I look at all the arguments we have done, the saddest thing is the way we look at issues in a very personal way. That is the challenge we face. When we have an issue with another person, we carry it and bring it here. This would just have been a very objective debate to ensure we tell Kenyans what is best in selling the shares. With it, we are able to raise funds, improve efficiency and attract investments. I also wish we expanded public share ownership. I hope we shall see more Kenyans coming to buy when it goes to the stock exchange.

Remember, it is a company that was founded in 1997. We are talking of 29 years. At that time, it was a subsidiary of Telkom Kenya. More importantly, remember the privatisation process started in 2002 when Vodacom acquired a stake in the company. We just need to tell Kenyans that we are not starting now. It has been happening over time. The question should be what happened when we started selling the shares. I even remember 2008. What did we do with the money? Is that what will happen when we sell? That is what we should be telling Kenyans. That, for the first time, we will put the funds in a dedicated Fund. That someone who drives from Kisumu to Busia on a single-carriageway road that has existed since 1963 can at least, have a better road on which trucks pass. This should be explained in very simple language when one comes here to speak about share prices.

As a person who buys shares, I know that prices fluctuate. In fact, I lost many shares in 2011 when Safaricom shares dropped to Ksh2.95. Many people lost money but we remain there. What are we saying? That it fluctuates and we know that. That is the nature of the market. The most important thing to ask the Committee is whether we will have a strategic sale if we combine the models they are proposing. Will we be able to raise the maximum revenue we are looking for? Will it ensure expertise and stability? Will it also promote ownership for all of us?

Even as we support this, those who understand economics better than many of us should explain these issues clearly. We are talking in layman's language. Many Kenyans may not be economists but they can be serious shareholders. Even more serious than some of us who are speaking this *kizungu kingi* here. We have very serious Safaricom shareholders who do not look at it in terms of economics. They have been investing in shares. This debate should be addressing those people to give them assurance that this is a good sale and that it is for all Kenyans.

As I support, I wish all of us went to ask questions to the National Treasury and the National Infrastructure Fund Authority that is coming. Corruption is the biggest concern every Kenyan is looking at. How are we going to deal with that?

I beg to support.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Makali Mulu.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you. I also want to add my voice to the Sessional Paper No. 3 of 2025. I appreciate the extensive public participation conducted over this Sessional Paper.

I have looked at the report. I would not wish to dwell on the models. It becomes very complicated for the common *mwananchi* when one begins discussing models. I must appreciate that the models are not simple. Those of us who trained in economics know it is not easy. I would like to pick three issues from this report. I believe the Committee has done well in improving the original Sessional Paper. There are still some gaps.

I want to pick three issues from this report which the Committee has done well in terms of improving the original Sessional Paper. There are still some gaps. In economics, we talk about necessary and sufficient conditions. You could be having the necessary conditions, but sufficiency is not achieved.

I want to start with the issue of buyer selection, as the report talks about buyer selection. The report says that the public did express concerns, but now the investors were evaluated, and the Committee is in agreement with that statement. Just below there, they say that, for the future, they would want that improved. Where we are today, in terms of trust of the current Government, this Government is experiencing a very serious trust deficit. That being the case, if I were the Chairperson of these two Committees, this matter would have taken time to make sure that even as we move to the future, Kenyans have a bit of confidence. To me, we achieved a necessary condition, we did not achieve a sufficient condition on that particular matter.

The second issue...

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order? Take your seat, Hon. (Dr) Makali Mulu.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I do not like to interrupt Hon. (Dr) Makali Mulu. He is saying that this Government is suffering from trust deficits. I was just wondering; may he substantiate how a government that has the trust of millions of Kenyans is suffering from any trust deficit? He can say that and say it is in his opinion, but he cannot state it as a statement of fact.

I heard Hon. Kalonzo Musyoka the other day purport to fire Hon. Junet Mohamed as the Leader of the Minority Party when, clearly, he knew he holds no capacity to fire him as the Leader of the Minority Party. In any case, the people he can fire are Hon. Robert Mbui and Hon. (Dr) Makali Mulu.

Hon. (Dr) Makali Mulu cannot purport that this Government suffers from a trust deficit. Hon. (Dr) Makali, if there was any trust deficit, you know which people Kenyans have not trusted over the years. It has not been President William Ruto's Administration.

The Temporary Speaker (Hon. Peter Kaluma): Are you done?

Hon. Kimani Ichung'wah (Kikuyu, UDA): For any Government to know whether it suffers from a trust deficit from the people, because Governments are put in place by the people, the only barometer to measure that trust, a *trustometer* you can say, is elections.

In the recent by-elections of 27th November, all the positions were taken by this Government, the broad-based Government. The recent four elections done last month, from Isiolo to Vihiga to Mbeere, all of them, were a clean sweep by the broad-based administration. This is not a government that suffers from trust deficiency or trust deficit. It is the disunited Opposition that people cannot trust with anything, even leadership positions in the Opposition.

The Temporary Speaker (Hon. Peter Kaluma): Hon. (Dr) Makali Mulu, you want to...

Hon. (Dr) Makali Mulu (Kitui Central, WDM): I have realised that when serious brains of this House start to make comments, we get these kinds of points of order so that you disorganise us, not to push our agenda. I do not know why my friend Hon. Kimani keeps on dragging the name of Hon. Kalonzo Musyoka into this House. Hon. Kalonzo Musyoka is not seated here. Every time you stand, is this an animal which scares you, or what is happening? If he does not scare you at all, why do you keep mentioning him?

I am helping this Report because I am a patriotic Kenyan. At many times when I make my recommendations here, as a scholar, I want to add value to this kind of debate so that whatever comes out, will help this country.

Even as Hon. Ndindi and I make contributions, we know very well that yesterday, there was a very clear statement that when the broad-based Government is together, this House has to say yes. We know that when you come together as a broad-based Government, this Sessional Paper will pass. We are aware of that statement. What we are going to do is go on record so that things can remain that way. We must say the truth about this Sessional Paper. We know when you come together as the Broad-based Government, this Sessional Paper will pass. However, we must say the truth about it. You may like it or not.

The second issue I want to address is the three items that have been mentioned here. Hon. Chairperson, Departmental Committee on Finance and National Planning, this is your report. It is not my report. You have discussed the issue of national security and how Safaricom contributes or plays a key role on matters national security. You have discussed the issue of the financial ecosystem and how Safaricom supports our financial ecosystem in this country. You have talked about the extensive networks Safaricom has in terms of dealers and agents. On these three items, your report says you have put a provision in this Sessional Paper that they will be safeguarded, which is a very good statement. To me, that is an unnecessary provision. It is not sufficient.

Why am I saying so? Look at Safaricom PLC. It is a company. It is a corporate entity where we have shareholders. Now, this being a corporate entity with shareholders, who is the majority shareholder? It is the Vodacom Company. It will be at 54.9 per cent. In game theory, in a situation where you are a dominant player, you call the shots. So, assuming we sell this thing and tomorrow Safaricom says: "We are not making profits in Kenya. Being the main shareholder, we want to relocate the company to Ethiopia." Will you stop them? So, some of the things you are doing are good, but we are saying they are not sufficient.

If we want to help Kenyans, we must make sure that before we finalise this Sessional Paper, we have clear provisions to ensure that what we are discussing about national security, issues of the financial ecosystem and issues of our dealers and agents are properly protected. This is because by the time this Sessional Paper and the agreements are signed, it must be very clear that this information is properly captured. Otherwise, we will be saying at that time that we did not know.

This is our company. If I do not make profits, I can decide to close my company. If I close my company, how do you ask me to employ employees when I am not making profits?

Hon. Kuria Kimani (Molo, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Take your seat, Hon. Makali Mulu. Hon. Kimani Kuria, I am really avoiding points of order so that we can keep to the time for debate. What is out of order?

Hon. Kuria Kimani (Molo, UDA): Hon. Temporary Speaker, it is very important because these are very phenomenal decisions that are being made by the people of the Republic of Kenya through this House. It is very important that we put things in order. If Hon. (Dr) Makali Mulu cared to read our report and what is provided for in the Order Paper, we are providing that there shall be express instructions in the share purchase agreement that will be contained in the Articles of Association and the Memorandum of Understanding for

Safaricom PLC to safeguard the interests of the employees and that of the agents. We have expressly provided for it, and it is one of the resolutions that this House will vote for.

We are not going to vote on the partial divestiture. We are saying we are not approving the Sessional Paper as it is. We are recommending that for it to be approved, there must be express provisions in the share purchase agreement for the interest of safeguarding the matter of security, where Safaricom is such a key infrastructure of our security, employees and the shared prosperity of M-PESA agents. It is expressly provided for in the Order Paper and this Honourable House. And if it finds merit in our report and approves, then it shall be contained in the Share Purchase Agreement that will be contained in the Articles of Association and Memorandum of Understanding between Vodacom, Safaricom PLC and the Government of Kenya (GoK).

The Temporary Speaker (Hon. Peter Kaluma): You are right, Hon. Kimani Kuria. I see what you are saying in the additional resolutions 2, 5, and 6. Let us allow Hon. Makali Mulu because, as you rightly say, he is enriching the report. He is not opposing the sale if I hear him right.

Hon (Dr) Makali Mulu (Kitui Central, WDM): Actually, what I was saying is that I am aware of what is written here but I am looking at decision-making in a corporate entity where you have shareholders. How is it done? It will get to a point where shareholders will have to make a decision and, in most cases, it is by voting. I am saying, assuming you have this Sessional Paper saying what we are saying but the decision-making in a corporate entity takes a different decision...

I am saying even before we make it official, it is important we must safeguard this: Even before we make it official, it is important we safeguard the issues indicated here. They are very important things, but the way they are now, as an economist, I see a necessary situation, not a sufficient situation.

I am pushing for the two Committees before we finalise, to put us into a sufficient position so that we are assured as Kenyans. We will therefore, get value from this document. In that case, the sale of Safaricom is not a sale of a small goat but a very big and fat cow in the market. We cannot do it in the way it is being done. It must be done in a very structured manner where Kenyans are convinced that they will be getting value for their money. Let us avoid political sideshows here, in the Plenary. This is a serious matter. Those gaps must be addressed if we want to get it right.

Thank you, Hon. Temporary Speaker.

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Speaker, I thank you very much for the opportunity. At the outset, let me make it clear that I support Sessional Paper No. 3 of 2025 on Partial Divestiture of Safaricom PLC by the Government of Kenya.

Firstly, it is important to note that we just passed the National Infrastructure Fund Bill here and it has since been assented to by the President of the Republic of Kenya. Why are we doing this? We are doing it to achieve three main things, and this is not just about Safaricom. We also have the Kenya Pipeline Company (KPC), whose Initial Public Offering (IPO) has gone into the Nairobi Securities Exchange (NSE). East African Portland Cement PLC is one such. We intend to achieve three things, which are very critical to us. One is to put infrastructure across this country without necessarily looking at the areas which are aligned to the government of the day because that is exactly what we have been treated to since time immemorial. The National Infrastructure Fund, which will be ring-fenced, will make sure that each and every part of this country is developed.

Two, we are looking at the power plants. This country only relies on 3,000 megawatts of power. We intend to move to 10,000 megawatts so that we avoid blackouts which pervade our country each and every time. We are also going to look at easing our debt burden. This

country has consistently taken debts from financial institutions, both locally and abroad. The proceeds of the debts that we take do not benefit the country in its entirety.

We have Eurobond, for example, that never made it to this country. We have money from the International Monetary Fund (IMF) and the World Bank that have been targeting particular regions to benefit from infrastructure. So, the National Infrastructure Fund, a fund that we have birthed as a House, has since been passed and is part of our laws now. It is an Act of Parliament that will now respond to these areas that have lagged behind.

Talking about Safaricom, my brother, Hon. Ndindi here, made a statement of fact that Safaricom last year generated Ksh40 billion in profits. Now, that is the collegiate; the entirety of Safaricom that brought in Ksh40 billion. We are only looking at offloading 15 per cent of that amount of money. So, if we were to do our math, 15 per cent is equivalent to Ksh6 billion that was generated by Safaricom last year. As a result of this divestiture, we are going to get Ksh244 billion out of 15 per cent of Safaricom. As a nation, if we have to wait, and this is mathematics, for the 15 per cent to generate the profits my colleague referred to, then we would wait for eight years to get Ksh244 billion. What will be the value of Ksh244 billion eight years from now?

We are offsetting mature assets so that the country can have rapid growth, instead of keeping them and they are not generating enough resources. Let us offload them. For example, look at what happened with the Kenya Pipeline Company (KPC). From the speculation of offloading shares in KPC, we already raised Ksh112 billion out of the projected Ksh106 billion. It was oversubscribed.

I request for an additional minute. The pipeline gives this country about Ksh10 billion annually. We have to wait for another 12 years to generate Ksh112 billion.

The Temporary Speaker (Hon. Peter Kaluma): You have a minute to conclude.

Hon. Jared Okello (Nyando, ODM): Thank you, Hon. Temporary Speaker. If we wait for another 12 years to get Ksh112 billion from those profits, then we will significantly delay our development. We are offloading mature assets to develop this country, provide jobs for our youth, and address the issue of power. We not only want political power but we also want our homes and factories powered. Through that, we will create jobs for the many young people who are languishing out there. Many of them have qualifications but have nowhere to take them.

If President William Ruto and his Cabinet are responding to the needs of Kenyans, then we should support such initiatives. By the way, this is not the first time the country has sold its assets. We sold Telkom Kenya. The people who are now lecturing us were part of the leadership during those administrations. We did not raise any queries.

Allow me to finish because what I want to say is critical.

(Hon. Jared Okello spoke off the record)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Jared Okello, the Rulings of the Speaker are never reviewed in the manner you are proposing. Hon. Dick Maungu will now be recognised to speak.

Hon. Dick Oyugi (Luanda, DAP-K): Thank you, Hon. Temporary Speaker. I request Hon. Jared to give me the points so that I can speak for him.

(Laughter)

I rise to support this great report that has been tabled by the Committee. I appreciate the Chairperson of the Departmental Committee on Finance and National Planning because the document before us is very comprehensive.

I have listened to the arguments being made. Unfortunately, many of them are subjective rather than objective and realistic. The sale of Safaricom shares, as it has been stated, is not being done secretly or under the cover of darkness. This matter has been subjected to public participation and people's ideas. What has been laid before this House this afternoon is a comprehensive report based on views collected from many stakeholders across about 30 counties.

Let me begin by addressing the issue of pricing. On page seven of the report, the Chairperson outlines the various valuation models that were used to determine the price that has been proposed today. Some Members claim that the shares are undervalued. However, none of them has tabled the valuation models they used to arrive at their figures.

There are market approach models in page seven of the report which include recognised methods used to determine the value of the shares. There are also income approaches which forecast the income that the shares are expected to generate in the future and determine their value today. Therefore, the price that has been proposed is competitive. What we are witnessing today is subjective argument rather than objective.

One of the key reasons I support this proposal is because of the destiny of the funds. Last week, this House debated the establishment of the National Infrastructure Fund which is very innovative. Albert Einstein once said that we cannot keep doing the same things, in the same way and expect different results. As a country, we have been doing the same thing, the same way while expecting different results. To me, this is a very creative, innovative and bold move. It will consolidate these funds into one kitty to help address some of the most pressing budgetary needs in our country.

Therefore, destiny of these funds as captured goes in the National Infrastructure Fund. Just the other day, the KPC IPO was very successful. I wonder why some people claim it was not. In fact, it recorded an oversubscription of about 5 per cent, meaning about 105 per cent. When I look at the partner being discussed here, we are talking about Vodafone, not just any company. This partner for many years has hold 40 per cent of the shares. This partner has provided strategic leadership and good governance at the board level. Therefore, looking at what the Government is offloading to this partner, I believe it is a very bold and strategic move that will go a long way to bring in the strategic thought and direction of Vodafone that will help us steer ahead. As another Member mentioned, Safaricom is not just any share. It is a very strategic and a lucrative asset.

Hon. Temporary Speaker, I also support this move because of the capitalisation of dividends. It is true that there are streams of dividends that are expected to accrue to this company. As the Chair has proposed, we will receive these dividends which have already been validated in advance to help address some of our financial needs through what we call securitisation. I am a strong proponent of securitisation because it has helped us resolve many stalled projects in this country including one in my constituency that has disturbed this country for the last 14 years. Today as we speak, because of securitisation, the contractor has been paid and the road construction is in course. Therefore, anyone who opposes the securitisation of these dividends is not helping this country.

Lastly, I want to address the issue of staff. It has been clearly stated that there will be no redundancies. The staff have been protected and secured. For these reasons, I stand to support this proposal and say that it is a good move and the country should move on to secure the same.

I support.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Timothy Toroitich. In the meantime, may the Leader of the Majority approach the Temporary Speaker.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker for giving me the opportunity to contribute to this very important

Motion. At the outset, I wish to state clearly that I support both the letter and the intent of the Government of Kenya's divestiture in Safaricom PLC. For Kenya to develop, we must adopt innovative financial models. We have always spoken about Singapore. For us to reach that level we must be creative and adopt innovative models that can take us to Singapore, as we have always said, so that we can be at the level of other Asian Tigers as we have always envied as a country.

The sale of shares in Safaricom and Kenya Pipeline is something I welcome. Recently, this House passed the Government Owned Enterprises law which requires that state owned enterprises be run as commercial entities so that they can generate profits. There is absolutely no reason as a House for us to get money from the Ex-Chequer to fund these Government owned entities.

What makes me happy is that what comes from the sale of these shares will be invested in the National Infrastructure Fund. We now have a law to ensure that these monies obtained in the shares are invested in catalytic infrastructure.

Hon. Dorothy Muthoni (Nominated, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Hon. Dorothy Ikiara?

(Loud consultations)

Order! What is out of order?

Hon. Dorothy Muthoni (Nominated, UDA): Hon. Temporary Speaker, I stand on Standing Order 95. There is no Quorum in the House.

The Temporary Speaker (Hon. Peter Kaluma): May the Quorum Bell be rung for ten minutes?

(The Quorum Bell was rung)

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Members. The Quorum Bell can be stopped. It has rung for 10 minutes.

Hon. Timothy Toroitich, you have a balance of two minutes when this matter will be next scheduled. I also commend Hon. Harrison Kombe, Hon. Wanjiku Muhia, Hon. Geoffrey Wandeto and more particularly, Hon. Millie Odhiambo the Whip of the Minority Party for staying in the House this late to contribute to the Motion.

Adjournment has been necessitated by the need to allow us as much contribution as possible against the standing resolutions. If a Procedural Motion extends time for further debate on this Motion tomorrow, I direct that the Members I have mentioned as waiting be granted priority, make their contributions to this debate.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): The time being 8.19 p.m., the House stands adjourned until tomorrow, Thursday, 12th March 2026 at 2.30 p.m.

(The House rose at 8.19 p.m.)

Published by

***Clerk of the National Assembly
Parliament Buildings
NAIROBI***