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THE HANSARD

Wednesday, 7th October 2026

(The House met at 2.30 p.m.)

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

PRAYERS

QUORUM

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

(The Quorum Bell was rung)

Hon. Members, we now have quorum to transact business. Clerk-at-the-Table, call out the next Order.

PAPERS

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

1. Resolutions of the 13th Ordinary Session of the National and County Governments Coordinating Summit from the Intergovernmental Relations Technical Committee (IGRTC).
2. Draft Orders relating to Host Country Agreements and their Explanatory Memoranda from the Office of the Prime Cabinet Secretary between the Republic of Kenya and—
 - (a) The African Confederation of Cooperative Savings and Credit Association (ACCOSCA).
 - (b) The African Agricultural Technology Foundation (AATF).
3. Reports of the Auditor-General and Financial Statements of the National Government Constituencies Development Fund (NG-CDF) for the year ended 30th June 2026 and the certificates therein in respect of the following Constituencies:
 - (a) Lagdera
 - (b) Likuyani
4. Reports of the Auditor-General and Financial Statements for the year ended 30th June 2026 and certificates therein in respect of the following:
 - (a) Capital Markets Authority
 - (b) County High School – Garissa
 - (c) Dadaab Secondary School
 - (d) Ethics and Anti-Corruption Commission Staff House Mortgage and Car Loan Scheme
 - (e) Ethics and Anti-Corruption Commission
 - (f) Kenya Electricity Generating Company PLC
 - (g) Rift Valley Technical Training Institute
 - (h) The Kenya Power and Lighting Company PLC

- (i) The Office of the Director of Public Prosecutions Staff Housing Mortgage and Car Loan Schemes Fund
- (j) Turkana University College

Hon. Speaker, I beg to lay.

Hon. Speaker: Thank you, Hon. Owen.

Next Order!

QUESTIONS AND STATEMENTS

REQUESTS FOR STATEMENTS

NON-PAYMENT OF DEATH GRATUITY TO THE ESTATE OF THE LATE DORCUS NANZALA CHAMI

Member for Malava, Hon. David Ndakwa. Give Hon. Ndakwa the microphone. There you are Hon. David.

Hon. David Ndakwa (Malava, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Education regarding the non-processing and non-payment of death gratuity due to the estate of the late Dorcus Nanzala Chami.

The late Dorcus Nanzala Chami of TSC No. 437133, who passed away in 2015, as evidenced by Death Certificate No. 0691500214, is yet to be paid the death gratuity due to her estate by the Teachers Service Commission. The prolonged delay has caused considerable hardship to her family and beneficiaries, who have continued to await settlement of the benefit arising from her service.

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

1. The total amount of death gratuity due to the estate of the late Dorcus Nanzala Chami, including any other benefits outstanding to her lawful beneficiaries.
2. The reason for the prolonged delay in processing and payment of the gratuity for the late Dorcus Nanzala Chami.
3. The measures being undertaken by the Teachers Service Commission to resolve the claim and the specific timeframe within which the gratuity will be processed and paid to the lawful beneficiaries.

Thank you Hon. Speaker.

Hon. Speaker: Thank you, Hon. Ndakwa. Chairperson of the Departmental Committee on Education. Any Member of the Committee? Hon. Owen Baya, the Chairperson of the Departmental Committee on Education is not here. Hon. Taitumu, that is a very simple request. Can you do that next week?

Hon. Julius M'anaiba (Igembe North, UDA): Hon. Speaker, as you direct.

Hon. Speaker: Bring a response on Wednesday, next week.

Hon. Joseph Emathe, Member for Turkana Central, go ahead.

CONTINUITY OF PROGRAMME AT THE TURKANA UNIVERSITY COLLEGE

Hon. Joseph Emathe (Turkana Central, UDA): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Education regarding the continuity of the Master of Science in Human Evolutionary Biology Programme at the Turkana University College.

Turkana County is a global centre of groundbreaking archaeological discoveries and is internationally recognised as one of the most important regions for understanding human origins. As a result, in 2018, the Turkana University College, in collaboration with the Turkana Basin Institute, established a Master of Science in Human Evolutionary Biology Programme, designed to equip students with scientific and technical skills to study, conserve, interpret and understand the heritage of human origins. Some graduates of this programme have progressed to post-graduate doctoral studies training, including engaging in research opportunities at leading universities in the world. However, there have been concerns regarding the continuity of the programme due to inadequate permanent academic staff, limited funding, insufficient teaching and research facilities. Additionally, there is reported absence of an independent academic department to coordinate the programme and support its long-term development.

In July 2026, the Government initiated the Kenya Home of Human Origins Museum and Science Park Project, set to be established in the Lake Turkana Basin. The Project is expected to position Kenya as a global centre for human-origins research, scientific education and sustainable tourism. The success of this project calls for investing in the people who will conduct research, manage collections and interpret their scientific significance.

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

1. Plans by the Ministry of Education to revitalise the Master of Science in Human Evolutionary Biology programme at the Turkana University College including:
 - (a) establishment of an independent academic department for the programme; and
 - (b) provision of financial, infrastructural and technical support to facilitate adequate teaching and research facilities and permanent academic staff.
2. The specific budgetary allocation for the programme and implementation timelines for revitalising the programme and establishing the proposed department of Human Evolutionary Biology.
3. Measures by the Government to establish formal collaboration between Turkana University College, the National Museums of Kenya and the Turkana Basin Institute, to provide students and graduates with field training and research opportunities within the museum and science park project.
4. Plans by the Government to partner with other institutions to expand scholarship and training opportunities for qualified students, particularly needy students from Turkana County and other marginalised communities.

Thank you.

Hon. Speaker: Thank you, Hon. Namuar. Chairperson, Departmental Committee on Education, when can you respond to this? Hon. Taitumu, again, when can you respond to this?

Hon. Julius M'anaiba (Igembe North, UDA): In two weeks' time, Hon. Speaker.

Hon. Speaker: Two weeks' time. Thank you.

Hon. Daniel Manduku, Member for Nyaribari Masaba.

ACCIDENTS ALONG THE KISII-KISUMU HIGHWAY

Hon. Daniel Manduku (Nyaribari Masaba, ODM): Hon. Speaker, I rise to request for a Statement regarding the unauthorised operation of a roadblock at...

Hon. Speaker: You said that your statement is in relation to?

Hon. Daniel Manduku (Nyaribari Masaba, ODM): Hon. Speaker, I have two statements.

Hon. Speaker: You have only one on frequent road accidents along the Nairobi-Kisumu Highway at Kisii Town.

Hon. Daniel Manduku (Nyaribari Masaba, ODM): Hon. Speaker, can I please indulge you to give me just five minutes to reorganise myself?

Hon. Speaker: Yes, go ahead. I do not know if the Nairobi-Kisumu Highway passes through Kisii.

Hon. Daniel Manduku (Nyaribari Masaba, ODM): It does, Hon. Speaker. I wish you visited Kisii. I would show you where it passes.

Hon. Speaker: I worked in Kisii in my early life.

Hon. Daniel Manduku (Nyaribari Masaba, ODM): Kisii is where I come from and I think I understand Kisii very well.

Hon. Speaker: You could have just said the Kisii-Kisumu Highway. Have you got the correct one? Proceed.

Hon. Daniel Manduku (Nyaribari Masaba, ODM): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the frequent road accidents along the Kisii-Kisumu Highway between Daraja Moja and Daraja Mbili in Kisii Town.

There have been persistent and fatal road accidents along this specific highway, specifically the section between Daraja Moja and Daraja Mbili in Kisii Town. The road traverses Kisii Town, a densely populated urban centre characterised by heavy pedestrian traffic, boda boda operators and roadside commercial activities. Reportedly, 19 people have lost their lives along this section of the road in 2026, while 22 fatalities were recorded in 2025.

On 16th September 2026, four people were killed and several others injured in an accident at Daraja Moja. Further, on the 6th August 2026, two people were killed and 11 others injured after a lorry rammed into a stationary vehicle at Daraja Mbili Market. Concerns have been raised regarding the underlying structural shortcomings, including inadequate pedestrian crossings, footbridges and walkways, and speed control measures. The continued loss of life calls for urgent intervention by the relevant authorities.

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

1. A report on the number of accidents, fatalities and injuries recorded along the Nairobi-Kisumu Highway between Daraja Moja and Daraja Mbili in Kisii Town over the last two years, and measures taken to prevent the accidents.
2. The status and timelines of implementation of road infrastructure improvements, including pedestrian footbridges and walkways.
3. The measures the Government has put in place to enhance enforcement of traffic and road safety rules within Kisii Town, particularly regarding speed limits, public service vehicles conduct and boda boda operations.

I thank you.

Hon. Speaker: Thank you, Hon. Manduku. Chairperson, Departmental Committee on Transport and Infrastructure. Is Hon. GK in the House? Yes, Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Hon. GK has told me that he is on his way.

Hon. Speaker: Can you inform him to bring a response to Dr Manduku in the next two weeks?

Hon. Owen Baya (Kilifi North, UDA): Much obliged, Hon. Speaker.

STATEMENTS

Hon. Speaker: Thank you. Is the Chairperson, Departmental Committee on Energy in the House? Hon. Gikaria, do you have your response to Hon. Edith Nyenze?

Hon. David Gikaria (Nakuru Town East, JP): Yes, Hon. Speaker.

Hon. Speaker: Is Hon. Edith Nyenze in the House? She is absent. Table the response.

Hon. David Gikaria (Nakuru Town East, JP): Hon. Speaker, I had another one.

Hon. Speaker: You have two. I am calling out the second one. Table the response for Hon. Nyenze. She will read it from the Table Office.

Do you have a response to Hon. Kazungu Tungule?

Hon. David Gikaria (Nakuru Town East, JP): Yes, Hon. Speaker.

Hon. Speaker: Go ahead.

ELECTROCUTION OF MS RITA MAPENZI

Hon. David Gikaria (Nakuru Town East, JP): Thank you, Hon. Speaker. The following are the submissions as requested.

The first question was a report on the incident involving Ms Rita Mapenzi Kenneth, the findings of the investigation conducted by the Kenya Power and Lighting Company (KPLC), and action taken against any officer found to have been negligent.

The KPLC established that the incident occurred on 23rd May 2026 along Katotherni, which is supplied from the Baricho feeder from Kilifi 132/33KV Sub-Station. Preliminary findings indicate that the electricity pole had fallen and the affected conductors were not fully isolated at the time of the incident. The company deeply regrets the incident and its consequences for the pupil and her family. A safety team visited the scene immediately, engaged the family, and initiated an incident reporting and claims documentation process. The technical and administrative review is being conducted in accordance with the company's safety management and accountability procedures. Should the review establish a negligence or non-compliance by any officer, appropriate action will be taken in line with the applicable human resource and disciplinary procedures.

The second question was on the steps taken by KPLC to ensure that Ms Rita Mapenzi Kenneth receives adequate medical care, rehabilitation services, assistive support, and fair and timely compensation. The KPLC has maintained engagement with the family since the initial safety team visit. A further company team visited the family on 14th August 2026 to review her recovery process, offer reassurance, and confirm the company's continued support throughout the recovery and compensation process. The matter has been referred to the company's insurance department, which is fast-tracking the claim in accordance with the applicable legal, medical, insurance and claims management requirements. The assessment will take account of the documented medical and rehabilitation needs arising from the incident. The timing of settlement will depend on the completion of the requisite investigations, medical assessments, supporting documentation and insurer evaluation. The KPLC remains committed to facilitating the process so that the claim is concluded fairly and expeditiously.

The third question was on the immediate interventions undertaken to inspect, repair and secure damaged electricity infrastructure, particularly fallen poles and exposed conductors, in Ganze Constituency. The incident location was secured and the affected network inspected. Katotherni has already had all poles identified as deteriorated replaced under the Rotten Pole Replacement Programme. Corrective works have also included making the affected lines safe and addressing defects identified during the inspection. A wider Baricho feeder, which extends for more than 200 kilometres, has been fully inspected. Approximately 30 per cent of the deteriorated poles identified through that inspection were replaced by 17th August 2026, with the balance being addressed through the ongoing maintenance programme on a risk-prioritised basis.

The fourth question was on the long-term measures put in place by KPLC to strengthen maintenance, inspection and monitoring of electricity infrastructure across the country and prevent recurrence of similar incidents. The KPLC is strengthening its preventive maintenance and public safety framework through systematic inspection of distribution lines, risk-based replacement of deteriorated poles and other defective components, vegetation management, timely isolation and repair of unsafe infrastructure, and closer monitoring of maintenance completion. The company is also reinforcing incident reporting and escalation, improving the targeting and tracking of maintenance work, and sustaining public electrical safety awareness. Priority is being given to long feeders and locations presenting heightened public safety risks, including completion of corrective works identified on the Baricho feeder and other networks within Kilifi County.

The KPLC regrets this unfortunate incident and remains committed to supporting the affected family and concluding the claims process expeditiously and continuously strengthening the safety, inspection and maintenance of its electricity work.

I submit.

Hon. Speaker: Hon. Tungule.

Hon. Kenneth Tungule (Ganze, PAA): Thank you, Hon. Speaker. Yes, I can confirm that Kenya Power is in touch with the affected family. Something is being done to assist the victim. I ask that they expedite the process so that the victim can get the necessary help.

Thank you very much, Hon. Speaker.

Hon. Speaker: *Sawa.*

Hon. Members, in the Speaker's Gallery, I acknowledge the presence of Kiuini Primary and Junior Secondary School from Mavoko Constituency, Machakos County and Kaheho Senior School from Ndaragwa Constituency, Nyandarua County. In the Public Gallery, we have a delegation from Mavoko Constituency office.

On my behalf and that of the House, we welcome our visitors to the House of Parliament. I have been requested by the Member for Mavoko to give him a minute to welcome his delegation and the school.

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Speaker, for giving me this chance. Allow me to welcome the students of Kiuini Senior School to Parliament. This is the House of legislation. I hope you have always wanted to come here. I heard some of you saying they want to be politicians, when they grow up. Feel welcome. This is the August House. The delegation from Mavoko Constituency, *karibuni sana*. This is where we do our stuff.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you. Is Hon. Dorothy Ikiara in the House?

Chair of the Departmental Committee on Labour, Hon. Ken Chonga, are you ready?

Hon. Ken Chonga (Kilifi South, ODM): Yes, I am ready, Hon. Speaker.

Hon. Speaker: Go ahead.

HARMONISATION AND STRENGTHENING OF MATERNITY LEAVE

Hon. Ken Chonga (Kilifi South, ODM): Hon. Speaker, the Member had requested for a Statement regarding harmonisation and strengthening of maternity leave.

There were two issues in this Statement. The Member needed to know:

1. Measures being considered to address the disparity in maternity leave entitlements for employees in the public and private sector.
2. Consultations being done by the Public Service Commission, employers and employees' organisations and other relevant sector holders towards the harmonisation and strengthening of maternity protection for employees.

3. Measures being considered to address disparity in maternity leave entitlement for employees in the public and private sector.

Hon. Speaker, the statutory minimum maternity leave guaranteed under Section 29 of the Employment Act (Cap. 226) for all female employees in formal employment is three months, that is 90 calendar days, of fully paid maternity leave. The Section provides as follows:

1. A female employee shall be entitled to three months maternity leave with full pay.
2. On expiry of a female employee's maternity leave, as provided in subsections one and three, the female employee shall have the right to return to the job which she held immediately prior to her maternity leave, or to a reasonable suitable job on terms and conditions not less favourable than those which would have applied, had she not been on maternity leave.
3. Where—
 - (a) The maternity leave has been extended with the consent of the employer or;
 - (b) Immediately on expiry of maternity leave before resuming her duties, a female employee proceeds on sick leave or with the consent of the employer on annual leave, compassionate leave or any other leave, the three months maternity leave, under subsection (1), shall be deemed to expire on the last day of such extended leave.

Public institutions adhere fully to these provisions. Some institutions allow for additional leave, where circumstances warrant. For instance, the Teachers Service Commission (TSC) has enhanced internal guidelines that extend maternity leave. The guidelines provides that the female employees shall be entitled to 120 calendar days, with full pay, with effect from the date of delivery. The teacher shall not forfeit her annual leave on account of having taken maternity leave.

The Public Service Commission, therefore, proposes that:

1. The issues of harmonisation of maternity leave can only be undertaken through legislation. The National Assembly is better placed to undertake this legislation. This should include standardisation of other parental leaves, including expansion of paternity leave and pre-adoptive leave concurrently to promote shared caregiving responsibilities.
2. There is need for continuous enforcement for strengthening compliance with mandatory workplace locations, stations and nursing beds required under the health and labour laws to bridge the gap between policy and practise, and even impose penalties where the same is not adhered to. The enforcement should be undertaken by the Ministry of Labour and Social Protection.
3. Consultations to be undertaken with the Public Service Commission, employers and employees, organisation and other relevant stakeholders towards harmonisation and strengthening of maternity protection for employees. The Public Service Commission regularly approves human resource instruments for public agencies that are under its purview. These include ministries, state departments, state corporations and public universities.

The Public Service Commission has ensured that the provisions of the Employment Act on maternity leave are embedded in the human resource policies and procedure manuals of these agencies. Its position is that consultation for harmonisation and strengthening of maternity leave can only be effectively undertaken during review of the provisions of the Employment Act and the legislative process in Parliament. During the legislative process, the provisions of the Maternity Protection Convention, 2000 should be considered, including the requirements to:

1. Promote equality of all women in the workforce, and the health and safety of the mother and child.
2. Ensure the consideration of provisions of the Universal Declaration of Human Rights 1948, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women Rights of 1979, the United Nations Convention on the Rights of the Child of 1989, the Beijing Declaration and Platform for Action of 1995, the International Labour Organisation Declaration on Equality of Opportunity and Treatment of Women Workers of 1975, the International Labour Organisation Declaration on Fundamental Principles and Rights at Work and its follow up of 1998, as well as International Labour Convention recommendations aimed at ensuring equality of opportunity and treatment of men and women workers, in particular the Workers with Family Responsibilities Convention, 1981.
3. Recognise the concerns of women workers and the need to provide protection for pregnancy which is a shared responsibility of the Government and society.
4. Provide for application of resolutions of the Convention on Employed Women, including those in typical forms of dependent work.
5. Each member which ratifies the Convention may, after consulting the representative organisation of employers and workers concerned, exclude wholly or partly from the scope of the Convention limited categories of workers, when its application to them raises special problems of substantial nature, with the reasons for the exclusion. The member shall describe the measures taken with a view to progressively extend the provisions of the Convention to these categories of workers.
6. That each member shall, after consulting the representative organisations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child.
7. That upon the production of a medical certificate or other appropriate certification as determined by the national law and practice, stating the presumed date of childbirth, a woman to whom the Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks; and finally,
8. Clarify that, in the case of illness, complication or risk of complication arising out of pregnancy or childbirth, a maximum duration of such leave may be specified in accordance with national law and practice.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Dorothy.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Speaker. I want to thank the Chairperson for that response. However, I am not convinced, and I am not satisfied with the response. Hon. Chairperson, I asked for harmonisation.

Hon. Speaker: Address the Speaker, not the Chair.

Hon. Dorothy Muthoni (Nominated, UDA): Sorry, Hon. Speaker. I was distracted by the Chairperson. I asked for harmonisation among all the workforce working for the Government, private sector and all other sectors where the Government reigns. It is the purview of the Public Service Commission to look at where there are discrepancies and harmonise.

I want to state to this House that giving birth is not an activity. It is a life-threatening process that a mother goes through. In most cases, the mothers who go through this process know what it is. It is for this reason that I was seeking this for the women of this country, so

that they can be in tandem with the WHO requirement that a mother is supposed to exclusively breastfeed the child for six months. As she recovers and gets back on her feet, she can be able to serve meaningfully.

I am not satisfied, Hon. Speaker.

Hon. Speaker: Hon. Dorothy, you are making a long speech. Ask for clarification. If you listen to him, he said what you are asking for is legitimate. He also said it is doable, but through legislation. Is that not what you said, Hon. Chonga? I would encourage you to liaise with the Chairperson of the Committee. You can both engineer legislation to amend the relevant statutes to achieve what you are talking about.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Speaker. I take that guidance, and I will pursue this matter so that the women of this country can be able to take care of their children after birth.

Hon. Speaker: Thank you, Hon. Dorothy. Is Hon. Joyce Kamene in the House? She is not. Hon. Ken Chonga, table the response to Joyce Kamene. She will find it at the Table Office.

Is Hon. Dorice Donya in the House? Chairperson, Departmental Committee on Trade, Industry and Cooperatives. Hon. Kitany, do you have the response?

(Hon. Marianne Kitany shook her head)

Shaking your head does not help the Speaker.

Hon. Marianne Kitany (Aldai, UDA): Hon. Speaker, yes, I have the response.

Hon. Speaker: If you have the response, table it. Hon. Dorice Donya is not in the House. She will find it at the Table Office. Next Order.

Hon. Patrick Makau (Mavoko, WDM): On a point of order, Hon. Speaker.

Hon. Speaker: Hold on. Commissioner Makau.

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Speaker. Yesterday, in your ruling, you requested that today the Chairperson of the Departmental Committee on Administration and Internal Security respond to my request for a Statement.

Hon. Speaker: Hon. Tongoyo, you remember my direction yesterday? You tabled a response to Hon. Makau, the Commissioner, and he sought my permission to seek one or two clarifications on the response. Hon. Patrick, you can go ahead.

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Speaker. I want to thank you for giving me this chance. When I requested this Statement, the family of Jimmy Mutava Mwanzia was in pain. It is a family in fear, and a family that is suffering because the breadwinner was abducted. When I look at this response, I call it a joke.

I want to thank you for the guidance you gave yesterday. I saw how fair you are when you are dealing with the bandits that killed the livestock in Samburu. You saw the pain in the faces of those Members of Parliament and how their people are suffering because their livestock was shot dead.

When I brought this Statement here, it was because people, Kenyans, parents, the wife and children of Mr Jimmy Mutava, sent me to this House to request this Statement. The gentleman, from my Statement, had requested the whereabouts of Mr Jimmy Mutava Mwanzia, including the circumstances surrounding his abduction and the status of investigations. If you see this response, there is nothing they are talking about.

I want the Chairman to elaborate on what they mean by saying they only use CCTV cameras to look at and investigate the whereabouts of Jimmy Mutava Mwanzia while in my evidence, I had said that the same Mr Jimmy Mutava was in the company of the OCS, Mlolongo Police Station. Again, I went ahead and requested a Statement from the Cabinet Secretary to tell us what action was being taken against the OCS, the Officer Commanding Mlolongo Police Station. In this report, they are only saying the OCS was given other duties from that county.

Going by this, I find that the Cabinet Secretary and the security agencies have not done justice to the family of Jimmy Mutava, to the people of Mavoko, to the people of Machakos and to Kenyans at large. It is in public knowledge that abductions in this country have become common.

Hon. Speaker: Ask about Jimmy Mutava. Do not make a general statement.

Hon. Patrick Makau (Mavoko, WDM): I am guided. However, you know, when we bring matters to this House, we expect answers that can help the people we represent. How I wish the Chairman could give a better reply to the Statement and the concerns.

Otherwise, from where I sit, abductions must be declared a national disaster in this country. We have too many abductions in this country, and if this small case, this is from July this year to date. Can you imagine a breadwinner not known where he is, yet he was in the company of a very respected Officer Commanding Mlolongo Police Station? He was in the company of a policeman. We need to know who abducted him because if he was in the company of security officers, then clearly they know where he went. Can we be told?

Hon. Speaker: Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Speaker.

By the time of writing the report, that was the status. The investigation was ongoing. As much as we know it pains and is disturbing to have a lost or missing loved one. We must also appreciate the efforts of our security agencies. Nevertheless, I will still...

Hon. Speaker: Do you want more time to bring a progress report?

Hon. Gabriel Tongoyo (Narok West, UDA): Yes, I would. Hon Speaker, I request your indulgence. Let us not make conclusion that any missing person is as a result of an abduction by police officers. Our police officers do not abduct. It is on record that our security officers do not abduct. Therefore, we should treat those cases as missing persons. Otherwise, it is an allegation. However, on this issue, I can give progress report next week as you guide.

Hon. Speaker: Hon. Makau, can I indulge him to bring progress report next week?

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Speaker.

Hon. Speaker: There is a joyrider here in Hon. Kibagendi. Let me hear him first. Hon. Kibagendi, are you joy riding on this?

Hon. Antoney Kibagendi (Kitutu Chache South, ODM): Yes.

Hon. Speaker: Go ahead.

Hon. Antoney Kibagendi (Kitutu Chache South, ODM): Thank you, Hon. Speaker. When a citizen is in the hands of security officers and they disappear then when questioned, the Member is told that investigations are ongoing, that is a little casual. We request that you summon the Cabinet Secretary for Interior and National Administration because this has been a common case.

There is an individual from my constituency who disappeared some time back from a police station. To date the matter has not been resolved. Each time we go to the police station, we are told that investigations are ongoing, yet he disappeared in the hands of security officers.

Hon. Speaker: Hon. Tongoyo, you can note that and at an appropriate time respond to Hon. Kibagendi.

Hon. Patrick Makau, can he give you a progress report on the ongoing investigations next week?

Hon. Patrick Makau (Mavoko, WDM): I thank you, Hon. Speaker. There is one famous thing about sightings. For example, if I am the last person seen with you and you disappear, I will be the first point of call. Therefore, the concern of these citizens is that the gentleman was last seen in the company of a senior ranking officer. As much as I listen to the Chair, he is casual about his reporting.

I request that the Cabinet Secretary comes to the House. All other abductions, including Mr Jimmy Mutava, must be audited.

Hon. Speaker: I hear you. Let us get a progress report next week then I will give you further direction. You are also being contradictory in saying that the missing person was in the company of a police officer whom you are treating as a suspect. In the same breath, you are calling the same police officer a very respectable man.

(Laughter)

He cannot be very respectable and then you are casting aspersions at him.

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Speaker. Where I come from, Officers Commanding Station are very respected. That is what I meant.

Hon. Speaker: I will come back to you. You already indicated what you wanted. Let me finish this first. We are actually done. Hon. Kitur.

Hon. Benard Kitur (Nandi Hills, UDA): Hon. Speaker, I want to seek your direction. Yesterday, during the afternoon debate, Kiharu Member of Parliament, Hon. Ndindi Nyoro, made some wild allegations while he was making his contributions. The Temporary Speaker asked him to substantiate the statements and allegations that he made or withdraw and apologise. He said that he will substantiate. The Temporary Speaker directed that he comes today in the afternoon and substantiates. Our Sitting starts at 2.30 p.m. I have been trying to look around to see if Kiharu Member of Parliament is here. So that it becomes firm on what the Temporary Speaker directed, I seek your guidance over the same.

Hon. Speaker: Is Hon. Ndindi Nyoro in the House? I was following the proceedings from my Chamber and I saw the exchanges and the direction of the Temporary Speaker, Hon. Farah Maalim.

In the absence of a substantiation as promised, I direct and order that those remarks be expunged from the *Hansard* and will further seek Hon. Ndindi Nyoro to apologise to the House when he comes. His absence indicates inability to substantiate in accordance to his own promise. We will deal with it when he comes.

Next Order.

Hon. Benard Kitur (Nandi Hills, UDA): Is it just to only expunge from the *Hansard* whenever Members make wild and grievous statements like those he made?

Hon. Speaker: I have said two things. First, the offensive remarks that you are complaining about be expunged from the *Hansard*. Secondly, having been expunged, they become non-existent and they are false. Therefore, he will apologise to the House.

Next order.

SPECIAL MOTION

Hon. Speaker: Commissioner Makau.

APPOINTMENT OF NOMINEE AS A MEMBER OF THE PARLIAMENTARY SERVICE COMMISSION

Hon. Patrick Makau (Mavoko, WDM): Thank you, Hon. Speaker. I stand to move the Motion. Article 127(2)(d)...

Hon. Speaker: Order Hon. Patrick Makau. You are senior. Move the Motion.

Hon. Patrick Makau (Mavoko, WDM): I wish to move the Motion that the female non-Member of Parliament be member of the Parliamentary Service Commission...

Hon. Speaker: Order, Hon. Makau. Say, "Hon. Speaker, I beg to move the following Motion..." Read the Motion as it is on the Order Paper then go on to say the things you want to say.

Hon. Patrick Makau (Mavoko, WDM): Hon. Speaker, I wish to move the Motion to consider the nominee for appointment as a member of the Parliamentary Service Commission. Hon. Speaker, the Parliamentary Service Commission according to Article 127...

Hon. Speaker: Move the Motion, Hon. Patrick Makau. I have given you direction. You say, “Hon. Speaker, I beg to move the following Motion”. Then read the Motion that taking into consideration the recommendations of the Parliamentary Service Commission up to the end then say what you want to say.

Hon. Patrick Makau (Mavoko, WDM): Hon. Speaker, I beg to move the following Special Motion:

THAT, taking into consideration the recommendations of the Parliamentary Service Commission in its Report on the Recruitment of a Parliamentary Service Commissioner who is not a Member of Parliament, laid on the Table of the House on Tuesday, 29th September 2026 and noting the Resolution of the Senate of 1st October 2026 approving the appointment of the nominee, conveyed by way of a Message to the House on 6th October 2026, now therefore, pursuant to the provisions of Article 127(2)(d) of the Constitution, this House appoints Hon. Fatuma Ibrahim Ali as a Member of the Parliamentary Service Commission.

Hon. Speaker, let me now give the background of the Motion. This Report represents the process undertaken by the Commission to fill the vacancy of a female non-Member of Parliament of the Parliamentary Service Commission under Article 127(2)(d) of the Constitution. The process involved advertisement of the vacancy, receipt and consideration of applications, shortlisting, public participation and verification, followed by interviews of 12 shortlisted candidates. Following the interviews conducted on 10th September 2026, Hon. Fatuma Ibrahim Ali emerged as the highest-scoring candidate with a mean score of 80.48 per cent. The Commission consequently resolved to recommend her to both Houses of Parliament for consideration and approval.

On the legal and constitutional framework, this vacancy arose under Article 127(2)(d) of the Constitution following the expiry of the term of the former female non-Member commissioner. This recruitment and the appointment process was undertaken in accordance with the Constitution, the Parliamentary Service Act, 2019 and the First Schedule to the Act. The process included advertisements and applications. This vacancy was advertised on 14th August 2026 through the *Kenya Gazette*, two newspapers under national circulation and the parliamentary website. By the closing date of 28th August 2026, 83 applications had been received. After removing eight duplicate applications, a total of 75 applications remained.

During the short-listing process, the Commission considered the statutory eligible requirements including academic qualifications, which required 10 years’ experience in public affairs, Chapter 6 requirements and experience or interest in advanced parliamentary democracy. In short-listing, the Commission also considered regional and ethnic diversity, including representation of minority communities and persons with disabilities. Twelve candidates were short-listed for the interview.

A public participation and verification process was done, where the names of all applicants and the short-listed candidates were published on 3rd September 2026, with the public invited to submit information concerning the suitability of the short-listed candidates. Verification requests were subsequently sent to the Directorate of Criminal Investigations (DCI), the Ethics and Anti-Corruption Commission (EACC), the Higher Education Loans Board (HELB), the Kenya Revenue Authority (KRA) and the National Intelligence Service (NIS), concerning information or records relating to the short-listed candidates. All clearance bodies responded accordingly and no adverse reports regarding any of the candidates were presented.

On the oral interviews, the Commission, on 10th September 2026, assessed the candidates' academic qualifications, relevant experience, understanding of Parliament and the Commission's leadership and management, Chapter 6 requirements and personal attributes including integrity, accountability, communication, and interpersonal skills. During the interview outcomes, Hon. Fatuma Ibrahim Ali emerged as the highest-scoring candidate with a mean score of 80.48 per cent. She was followed by Prof. Jacqueline Oduol at 61.6 per cent and Amina Ali Abdalla at 56.19 per cent in that order.

After the interviews, the Commission, at its Special Meeting held on 10th September 2026, resolved to recommend Hon. Fatuma Ibrahim Ali to the National Assembly and the Senate for consideration and approval. The recommendations were based on her having attained the highest score in the oral interviews. It is against this background that I confirm to this House that the same Motion was passed in the Senate. I request this House to consider and approve this candidate.

Hon. Speaker, I beg to move and request the former Commissioner, Hon. Keynan, to second.

Hon. Speaker: Hon. Keynan.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Speaker. I beg to second this very important Motion.

Having been part of the history of this Commission in its earlier days, I am aware of the role it plays in enhancing and taking care of the welfare of both Members of Parliament and staff. I commend the current Commission for thinking outside the box and ensuring that some of the things that we thought were unachievable are being achieved. As a long-serving Member of Parliament, a former Commissioner, and as someone who knows Hon. Fatuma Ibrahim, I can confidently say that she will add value to the Commission,

A vacancy was declared by the Commission in accordance with the law, advertisements were done, applications were made, short-listing was done, public participation and interviews were carried out, and the Parliamentary Service Commission, under your leadership, made recommendations to the Houses. The Senate was first seized of this matter and referred it to the Senate Standing Committee on Justice, Legal Affairs and Human Rights, which came up with a favourable report that the Senate debated. The Senate adopted the same report. From the Senate, the same Message came to the House, through you, to the House Business Committee, which scheduled this business today for debate.

For those who do not know Hon. Fatuma, she is a former public servant. She is a pioneer. Those who come from pastoralist regions know that Hon. Fatuma is a household name. She worked in the public service, after which she served very briefly as a member of the Constitution of Kenya Review Commission (CKRC), the statutory body that ultimately laid the foundation for the current Constitution. She is also a founding member of the League of Pastoralist Women of Kenya that focuses on women rights and empowerment. She has ably served as the Member of Parliament for Wajir County. She has also served as a Member of the East African Legislative Assembly (EALA), a member of the Kenya National Commission on Human Rights (KNCHR), and is currently a member of the Implementation of the Ten-Point Agenda Committee, which is the basis of the Broad-Based Government.

Hon. Speaker, I want to thank you and urge the Members to support her. She is one of the two non-Member Commissioners, and their work is clearly cut out in the Constitution. I want to thank you and your commissioners for going through this very important process, and finally settling on Fatuma. The entire Northern Kenya region did not feel represented in the Commission. Having recommended Fatuma, we now feel we have one very able lady from that region. I am not saying ladies are disadvantaged, but she is among the pioneer women education activists. She has struggled over the years to put the role of women, particularly pastoralist women, in perspective.

I have had an opportunity to talk with my colleagues and I want to plead with all of them to approve her appointment. I know my good friend, Hon. Wamboka, will empathise with the highly qualified lady from the region, put aside those small issues, and support her appointment. I am sure we will benefit from her membership on this Commission.

This is our Commission. Hon. Speaker, I am sure that someone like you who has been around understands the genesis of the formation of the Commission. We fought hard for it. We fought hard for the entrenchment of the Commission's role in the Constitution. The roles of the two non-Member Commissioners are clearly enshrined in the Constitution. Hon. Fatuma will add value to the Commission and support the cause of Members of Parliament.

Finally, even as we approve her nomination, we need an all-rounded commissioner. She has been a Member of Parliament and of the Executive. She understands governance dynamics. I can bet she will be at the forefront in pursuing our interests as Members of Parliament and staff.

I beg to second the Motion and plead with my colleagues to support Hon. Fatuma's appointment to the Commission.

*(Hon. Mugambi Rindikiri and several
Members stood in the aisle)*

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

(Question proposed)

Do I put the Question?

Hon. Members: Yes.

Hon. Speaker: Is that the mood of the House?

Hon. Members: Yes.

(Hon. Yusuf Adan raised his hand)

Hon. Speaker: Hon. Yusuf, what do you want to say?

Hon. Yusuf Adan (Mandera West, UDM): Thank you, Hon. Speaker, for giving me the opportunity. I have known Hon. Fatuma for many years. We were together at Egerton University. Since she was a student, she has excelled and proved reliable. She has passed through many stages and has vast experience. I am sure the Commission has thoroughly scrutinised her qualifications. Hon. Speaker, defend me from some of this...

(Loud consultations)

Hon. Speaker: Ignore and go on.

Hon. Yusuf Adan (Mandera West, UDM): Okay. The Commission has scrutinised everything that is required. I am sure her appointment to the Commission will benefit this House. She has been a Member of Parliament and a Member of the East African Legislative Assembly (EALA). Hon. Fatuma understands the needs and aspirations of this job. Therefore, I support Fatuma's appointment.

Thank you, Hon. Speaker.

Hon. Members: Put the Question.

Hon. Speaker: I put the Question? Somebody has to move the Chair to put the Question. Yes, Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, I rise on Standing Order No. 95 and request that you put the Question.

Hon. Speaker: I will hear Hon. Caroli Omondi, then I will put the Question.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Speaker. I rise to oppose and take great exception to the quality of the Report presented to this House. I will briefly address the issues.

The Report, as presented to this House, outlines the scoring of the various candidates interviewed. If you look at the score sheet, the best candidate scored 80 per cent, the next 61 per cent, while the rest scored between 56 and 45 per cent. In an interview, such a wide gap may indicate inconsistent scoring, with one candidate scoring significantly higher than the rest. It could result from unconscious or conscious bias. These are serious Human Resource (HR) issues that this House must take cognisance of.

(Applause)

Secondly, it could result from subjective decision-making, improper influence or bias. We, therefore, need to ask: Were the candidates asked the same questions? Was the interview format consistent? Was the scoring system standard?

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

Hon. Speaker: There is a point of order, Hon. Caroli. Yes, Hon. Ichung'wah.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, I do not know if you heard what Hon. Caroli Omondi said, that it could be the result of improper bias or undue influence. The Parliamentary Service Commission (PSC), which you, Hon. Speaker, chairs, vetted these people. By imputing improper motive on commissioners who are Members of this House, Members of the Senate, and the Speaker, he is completely out of order.

(Applause)

The commissioners scored the candidates in their capacity as an independent constitutional commission. Under the Public Appointments Act, you are required to consider the suitability of the candidates nominated by the Commission for appointment to that office. I have not heard the Hon. Member address the suitability or non-suitability of any candidate, other than imputing improper motive on the commissioners.

Thank you, Hon. Speaker.

Hon. Caroli Omondi (Suba South, ODM): Hon. Speaker...

Hon. Speaker: Yes, Hon. Caroli.

Hon. Caroli Omondi (Suba South, ODM): Very far from it. I was explaining why interviews can produce inconsistent scores.

Hon. Speaker: Hon. Omondi, hold your horses. For fairness, all interviewees answer the same questions before the panel. There is, therefore, no inconsistency. You will be shocked by how professors appear before our panels, and some do not even know what the East African Community (EAC) is.

Go ahead and finish.

Hon. Caroli Omondi (Suba South, ODM): Yes. I have also examined the Curriculum Vitae (CV) of the lady being recommended. Section 9 of the Parliamentary Service Act requires a person serving in the PSC to have a degree. Her CV indicates that she has a master's degree.

(Hon. Antoney Kibagendi raised his hand)

Hon. Speaker: What is your point of order, Hon. Kibagendi? Is Hon. Caroli Omondi out of order?

Hon. Caroli Omondi (Suba South, ODM): However, there is a gap. She has a diploma, a postgraduate degree obtained in 1997 and a Master of Science degree obtained in the same year. It, therefore, appears she was pursuing two parallel courses in 1997. In our system, one ordinarily progresses from an undergraduate degree to postgraduate studies. The Commission and those who prepared this Report should have presented verification of the academic qualifications and a letter from the Commission for University Education (CUE) certifying their recognition. We have a situation where somebody appears to have moved from a postgraduate diploma to a degree within one year and then to a master's degree. That is a legitimate question that the Kenyan people should get an answer to.

Hon. Speaker, I oppose and request that the matter be stepped down so that the House can debate it properly. If the lady is qualified, we should not deny her the opportunity. If she is not, we should make the correct decision.

(Applause)

That is what I am asking this House to do rather than adopt a Report with these deficiencies. Thank you, Hon. Speaker.

Hon. Speaker: Yes, Hon. Junet.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, this is not the first time this House is processing a nominee who has passed through a parliamentary committee. The substantive interview takes place at the committee level or before a panel such as the PSC.

The Hon. Member's concerns, including those relating to the degrees, are in the Report. The candidate also clarified her qualifications.

Hon. Caroli Omondi (Suba South, ODM): On a point of order.

Hon. Junet Mohamed (Suna East, ODM): He had his time. I was quiet and listened. I have hardly made any point.

(Hon. Caroli Omondi stood in his place)

Hon. Speaker: Order, Hon. Caroli Omondi. Take your seat.

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, the position required a degree. It did not specify whether it should be a bachelor's degree, master's degree or PhD. The lady has a higher diploma and a master's degree from a reputable university in the United Kingdom (UK). She has served in this House, the EALA, the Kenya National Commission on Human Rights (KNCHR) and in constitutional reform processes.

(Applause)

This is a lady who has served this country for over 50 years. These are people who have served this country for their entire lives. Hon. Speaker, let us not besmirch people because they do not have an opportunity to defend themselves on the Floor of the House. This is a lady who was our colleague two years ago. In this House, we have approved people who do not have any papers.

Hon. Speaker: Two wrongs do not make a right.

Hon. Junet Mohamed (Suna East, ODM): The courts have declared that you do not have to have any papers including a driving licence to become a Member of Parliament. The Floor of the House is not a vetting committee. We do not vet people, we make decisions based on the report that has been tabled by the vetting committee. We have agreed that the Committee

has done a good job, the Committee has interviewed the nominee, sought public participation and considered the matter.

With those few remarks, I urge Members to approve this lady, Hon. Speaker. She is more than qualified. Put the Question Hon. Speaker.

Hon. Speaker: Hon. Wamumbi, do you have something different? I promise to put the Question after Hon. Caroli Omondi. Hon. Wamumbi, what is it?

Hon. Eric Wamumbi (Mathira, UDA): Yes, Hon. Speaker. Is Hon. Caroli Omondi in order to impute improper motive against Hon. Yusuf? Hon. Yusuf indicated that he went to school with the lady. Is Hon. Caroli Omondi in order?

Hon. Speaker: What did he say? The Speaker did not hear.

Hon. Eric Wamumbi (Mathira, UDA): Hon. Yusuf said that he went to school with the lady while Hon. Caroli Omondi says that the lady has not gone to school. This is not about the empty *Linda Mwananchi* narratives. This is about the intellect of that lady.

Hon. Speaker: Those are oxymorons. Hon. Members, I will first put the Question on the request by Hon. Junet.

(Question put and agreed to)

I will now proceed to put the Question. As I do so, Members, it is important for all of you to know that this Motion has been passed by the sister House, the Senate and has come to this House for concurrence. Ordinarily, we could even have voted after moving and seconding. That is what concurrence means.

(Question put and agreed to)

Next Order.

MOTION

ADOPTION OF REPORT ON INSPECTION VISIT TO SPECIAL NEEDS SCHOOLS

THAT, this House adopts the Report of the Select Committee on National Cohesion and Equal Opportunity on the Inspection Visit to fourteen (14) special needs schools in specified counties, laid on the Table of the House on Tuesday, 30th July 2024.

(Moved by Hon. Yusuf Aden on 6.10.2026)

(Resumption of debate interrupted on 6.10.2026)

Hon. Speaker: Who was on the Floor? Hon. Yusuf are you replying or moving? Go ahead.

Hon. Yusuf Adan (Mandera West, UDM): Thank you, Hon. Speaker. You have given me 15 minutes. I will continue from where I stopped yesterday due to time. The Committee also established that there is significant mismatch between demand and capacity with many schools reporting long waiting lists due to limited infrastructure and resources thereby denying many eligible learners access to education. The institution-specific findings further reinforce these systemic challenges, including the non-operational status of some institutions such as the Kiunga School for the Blind in Nyeri and overcrowding in schools such as Ngala Secondary School for the Deaf in Nakuru. There is also high enrolment and pressure in the Karatina

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Special School in Nyeri and widespread infrastructure and staffing deficiencies across multiple institutions.

These findings point to broader policy and governance concerns including gaps in the implementation of existing laws, weak inter-agency coordination among key actors such as the Ministry of Education, the Teachers Service Commission and insufficient prioritisation of the special needs schools within the national budgeting and planning framework.

(Hon. Members consulted in low tones)

Hon. Speaker: Order, Members. Order! Can we hear Hon. Yusuf?

Hon. Yusuf Adan (Mandera West, UDM): The Committee, therefore, is of a considered view that special needs education schools are not a privilege but a constitutional right and that the current challenges facing these institutions amount to systemic inequalities that require urgent intervention. The Committee urges this House to recognise the critical importance of special needs education as a means of promoting national cohesion, social justice and inclusive development to support the implementation of the recommendations contained in the Report.

I, therefore, urge the Hon. Members to adopt the Report and commit to ensuring that all learners regardless of their abilities are accorded equal opportunities to access quality education and realise their full potential.

With this, Hon. Speaker, I beg to move and call upon Hon. Mathenge to second the Motion.

Hon. Speaker: Hon. Mathenge.

Hon. Duncan Mathenge (Nyeri Town, UDA): Thank you, Hon. Speaker. I rise to second the Report of the Committee on National Cohesion and Equal Opportunity on the state of special needs education schools in our country. Hon. Speaker, Article 54 of our Constitution provides and guarantees access to educational institutions for persons living with disabilities. However, there is no visible funding for these institutions. The financing structure remains fragmented and critical infrastructure, staffing, assistive learning technology and support services are not funded with the visibility that they require.

Hon. Speaker, whereas in the 2026/2027 Budget some money has been allocated to special needs education schools in the primary sector and some money to resource centres, the secondary school sector suffered a three per cent reduction. Equity requires that we make greater investments in children who are much more disadvantaged. Therefore, it is important that this country conducts a comprehensive audit of the needs of our special needs education institutions. The question that we must ask ourselves is whether a blind, deaf, autistic or an intellectually challenged child can walk into an educational institution today and receive appropriate education.

Hon. Speaker, Article 24 of the United Nations Convention on the Rights of Persons with Disabilities recognises the right of persons with disabilities to education. Therefore, it is important that we remove the barriers to access education for persons living with disabilities. We need to right the wrong that this country has visited on the weakest members of our society: the persons with disabilities. The Persons with Disabilities Act, 2025, requires that 5 per cent of employment be reserved for persons with disabilities. In the audit of all government institutions and Semi-Autonomous Government Agencies (SAGAs), none of the institutions has met this threshold. The regular excuse is that they are unable to find adequately qualified persons with disabilities applying for vacancies when they are advertised.

I second the Motion and urge this House to adopt the recommendations and the Report of the Committee. Most importantly, we need to remove the barriers to the constitutional rights which are enjoyed and guaranteed to persons with disabilities.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. Mathenge. Hon. Members on their feet, take your seats.

(Question proposed)

Hon. Speaker: Do I put the Question?

Hon. Members: Yes.

Hon. Speaker: I can see a hand there. Who is that? Is it Hon. Lekumontare.

Hon. Jackson Lekumontare (Samburu East, KANU): Thank you, Hon. Speaker. I would like to add my voice to this Report. The special needs schools have some challenges. I remember there was a time when the Ministry of Education tried to bring inclusive education to all our schools. However, there are limitations for these learners. They lack proper materials like assistive devices in the case of learners with walking difficulties.

Very many teachers do not even have the skills to handle special learners. Unless there is proper training for the teachers who handle the learners, they may not be assisted. There are children with disabilities. If the teachers are not trained to handle them, they cannot cope with them. Because of the severity of their disabilities, these learners in special needs schools need special care.

The Ministry of Education has one role which is to fund these special needs schools properly. They are not given enough funds. The challenges mostly lie with the funding and lack of human resources, especially the teachers who handle them. When they are put in the regular schools, they have challenges because there are no people to attend to them.

This is a very good Report. It is very important for us to look into the challenges that these students have and allocate some money in the Budget. This will enable them to get the materials and aids they need so that they can cope with the challenges they have.

Thank you, Hon. Speaker. I support the Motion.

Hon. Speaker: Thank you, Hon. Lekumontare.

(Debate on Motion suspended)

COMMUNICATION FROM THE CHAIR

DELEGATION FROM THE ELLEN JOHNSON SIRLEAF
PRESIDENTIAL CENTRE FOR WOMEN AND DEVELOPMENT

Hon. Speaker: Hon. Members, before we move on, allow me to recognise a delegation from the Ellen Johnson Sirleaf Presidential Centre for Women and Development. I wish to introduce to you a delegation of members of Next Gen Fellows from the Ellen Johnson Sirleaf Presidential Centre for Women and Development who are seated in the Speaker's Gallery.

Hon. Members, the delegation, accompanied by staff from the Regional Leadership Centre East Africa at Kenyatta University, is in the country on a pre-placement induction that prepares them to be placed with leaders from different countries as part of their fellowship.

On my behalf and that of the National Assembly, I extend a warm welcome to the delegation and wish them a fruitful and memorable visit to our Parliament.

I thank you. You may take your seats.

(Applause)

(Debate on the Motion resumed)

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Hon. Speaker: Hon. Ndakwa. Give him the microphone.

Hon. David Ndakwa (Malava, UDA): Thank you, Hon. Speaker, for giving me the opportunity to contribute. I support the special needs schools Report by the Committee on National Cohesion and Equal Opportunity.

Special needs education cannot be funded using the ordinary school formula. They need extra measures. Unlike regular education, there are special needs requirements for teachers, special assistive devices, therapy and specialised learning materials. This is a cost which we need to consider as the Committee Report states. The extraordinary attention to special learners means the standards should be above board, unlike in regular education development. We should have early childhood identification and intervention centres because the disabilities should be identified at the early stages. We should have early childhood development education centres, health centres and even schools that should be earmarked, so that children can receive early attention and intervention before disability becomes a barrier in their education and normal life.

The Report gives the details. We should ask ourselves what happens after these learners leave these special needs centres and colleges. We need to have pathways in Technical and Vocational Education and Training (TVET) institutions that give additional learning and vocational training as they prepare to be employed. Entrepreneurship should be taken on board to enable them to live normal lives. The Report gives the details on how they should transition after school. It also gives a good remark on medication. We need to have free medication and therapeutic services because they are very expensive. They are also done in a special way and need high medical care which this class of vulnerabilities cannot afford. So, we require to have free medical healthcare for these learners because of the special attention they need. Our special attention on the same is not a favour from the Government; it is an investment that is equal to the opportunity for the dignity and the constitutional rights of education for our children.

Hon. Speaker, with those few remarks, I support the Report. Thank you.

Hon. Speaker: Hon. Suleka Harun.

Hon. Suleka Harun (Nominated, UDM): Thank you Hon. Speaker.

Hon. Speaker, I rise on Standing Order 95 that the Mover be now called upon to reply.

Hon. Speaker: Mover. There is little interest, you can reply. Mover, hold on. I need to put the Question.

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

Hon. Yusuf Adan (Mandera West, UDM): Hon. Speaker, I stand to reply to the Motion on the Report on the 14 Special Schools that the Committee visited. The Committee found conditions in the special schools extremely horrible. This Government and this House need to give special education needs special attention. In law, we are supposed to have one teacher for one student. However, in the special schools, you find one teacher handling 15 special needs students whose conditions are just terrible.

Therefore, I ask the House to seriously adopt and recommend that our report recommendations be considered for implementation to the letter.

Hon. Speaker: Members. Hon. Yusuf.

Hon. Yusuf Adan (Mandera West, UDM): Hon. Speaker, I beg to reply. Thank you.

Hon. Speaker: Thank you. That is better.

(Question put and agreed to)

Hon. Members, I will direct some reorganisation of the Order Paper. After Order No.9, we will go straight to Order No.11 on the Committee of the whole. In the Committee of the whole House, we will only deal with Item (i), the Kenya Revenue Authority (Amendment) Bill. The County Assembly Services (Amendment) Bill will be stepped down. I am told there are some consultations still going on. After we finish with Order No.11 in the Committee of the whole House, we will go back to Order No.10, Strategic Goods Control Bill.

Leader of the Majority Party Leader.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, before you call out the next Order, I beg your indulgence because I see the Hon. Member for Kiharu Constituency is in the House. You had given certain directions earlier when he was away. Unfortunately, I was also in the office.

While there, I received a communication from the Chief Executive Officer (CEO) of the Public Service Superannuation Fund (PSSF) regarding the allegations that were made by the Hon. Member for Kiharu Constituency yesterday. The long and short of the communication from the CEO of the PSSF is that they invested in the Kenya Pipeline shares in strict compliance with the Retirement Benefit Regulations of 2000 that allows them to invest up to 70 per cent of a scheme's assets in listed ordinary and preferential shares of companies listed on East African community securities exchanges, including approved collective investment schemes and Exchange-Traded Funds (ETFs) in that category.

In conclusion, he says that PSSF investment in Kenya Pipeline Company (KPC) was lawful, made within the delegated mandates of its licence fund managers and the investment statement approved by the trustees and the investment limits set by the Retirement Benefit Authority (RBA). The investment was grounded in the commercial merits of a profitable strategic infrastructure business. As at 30th June, at the end of the financial year, the investment had gained Ksh665.2 million. That is a 5.1 per cent gain in a period of just four months since they invested, which is equivalent to 15.3 per cent annualised, demonstrating a clear benefit to members of PSSF.

I beg to lay this Paper because of allegations that were made by the Hon. Member for Kiharu. He could not substantiate. Hon. Speaker, you directed that the allegations be expunged from the record of the House.

Let me put it on record that PSSF invested in Kenya Pipeline Company in line with the statutory guidelines by RBA without reference to any other considerations other than commercial viability. Indeed, as they reported in their last financial year's books, they had gained that 5.1 per cent, a figure of Ksh665 million. That is for record purposes and to inform the Hon. Member for Kiharu Constituency. Hon. Speaker, you directed that the allegations be expunged from the record of the House since he could not elaborate them.

Hon. Speaker, you also need to guide the House after the expunge has been made whether the Member for Kiharu ought to apologise. This is because the apology does not just go to the House, but also to the professionals. They watch from their offices when we make all manner of weird allegations that injure professionals who are diligently working in public offices to the best interest of the members that they work for. They feel injured when we make allegations that we cannot substantiate that they are informed by phone calls from high offices. There are no high offices in this country other than an office you serve and you are informed by what your call to service calls you to do.

Therefore, I beg to lay this Paper for public record and for information to the House, including informing the Hon. Member for Kiharu Constituency.

(Hon Ichung'wah laid the document on the Table)

Hon. Speaker: Hon. Ndindi Nyoro, I had directed that having failed to be in the House at the appropriate time to substantiate what you alleged, and I was watching the proceedings, those allegations to be expunged and have since been expunged. They are not part of our record. I further directed that having done so, they are now presumed to have been false and ordered you to apologise to the House and we carry on with our business. So, will you go ahead and do so?

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much Hon. Speaker.

For perspective just before I follow the directive, I have listened to Hon. Kimani Ichung'wah laying the Paper and the information therein.

Hon. Speaker, it confirms why such organisations must always take advisory from competent teams as they make investment decisions. He has stated clearly that the investments of the PSSF have got in the upwards of 10 per cent of their investments. However, if you look at...

Hon. Speaker: Order, Hon. Ndindi! I am not opening debate. You said phone calls from high office. Your substantiation would include not what you are saying but call logs and affidavits from the people who were called that they were indeed called, tabled on the Floor of the House as proof. For you to say there were phone calls to the investors, you must have got a complaint from those investors. So, we need an affidavit from them to the House that they were called. In the absence of all those, let us not open debate; tender your apology to the House and we move on. I told you when you came to consult with me here that, the greatest word in human dignity and human relationship is a very simple word called 'sorry'. When you say sorry after you have mis-stepped, it does not lower your stature and it does not demean you. It just shows how responsible you are. Go ahead.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Speaker, I was headed there. I was just clarifying.

Hon. Speaker: Do not take a long route, just get there.

Hon. Ndindi Nyoro (Kiharu, UDA): Please give me a minute, Hon. Speaker. The investment in terms of superannuation has got an upwards of 10 per cent. However, if you look at the investments in the Kenya Pipeline, the share is currently 9.02...

Hon. Speaker: Order, Hon. Ndindi! Just take your seat. Whether you are factually correct or not is not the issue. You are challenged to show and prove to the House that phone calls were made before investments and to prove that, I have told you what we require. It is as simple as that. Just tender the apology and we move on.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you, Hon. Speaker. I am just putting things into perspective as I conclude that the investment in the Kenya Pipeline was at Ksh9. Today it is at 9.02. That is 0.02 per cent, clearly showing it was an inferior investment. If your account for inflation, which is...

Hon. Speaker: Yes, Hon. Junet

Hon. Junet Mohamed (Suna East, ODM): Hon. Speaker, first, I want to thank you because if you do not manage the House the way you are doing, every Tom, Dick and Harry will come here and say whatever they want to say. You know, I need to remind the new party leader in town that there are matters that he can say in funerals and there are matters that he can say on the Floor of the House. If you say something on the Floor of the House, it is sacred; you must have evidence to substantiate it. He said that on investment in the Superannuation Fund phone calls were made from high office. I do not know whether it is from God or from the world.

What you are asking for is just for him to give us evidence of those phone call logs or something to show that the NSSF CEO and the rest were called to invest in Kenya Pipeline. If he has no substantiation, he should just apologise. I know he was talking to the gallery out

there. He was not talking to the House. He should just apologise and withdraw then we move forward.

Hon. Speaker: Hon. Ndindi Nyoro, just...

Yes, the Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Speaker, you know Hon. Ndindi Nyoro is further misleading the House. All he needs to do is to get hold of the document that I have tabled that shows and reports that, as at 30th June, at the end of the financial year, the PSSF invested in KPC had made a 5.1 per cent gain on that share. They gained Ksh665.1 million. It is not even the 10 per cent he is talking about. So, he does not even listen to what we say.

Two, yesterday he said that it was a suboptimal investment. He is further confirming today that even months beyond June, that share is still at Ksh0.2 above the Kshs it was sold. So, it was not suboptimal. The PSSF and any investor who invested in KPC, including myself have not lost any money. The PSSF and all the other investors will report at the end of the next financial year their returns to the people we are investing on their behalf. Therefore, the most honourable thing for the Member for Kiharu to do is... He should not to try and lecture us. He can lecture those he lectures in small hotels in town. In this House, he has to give us facts and evidence based on what he said. The CEO of PSSF is injured because he has cast aspersions on his integrity and professionalism, and the professionalism of the board of trustees who he claimed refused to approve that investment and phone calls were made. So, all he needs to do is apologise.

Hon. Speaker: Point made. Hon. Ndindi.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Speaker, I was just requesting...

Hon. Speaker: There is a book by Jeffrey Archer who died yesterday called: "*To Cut a Long Story Short*." I do not know if you have read it. It is *To Cut a Long Story Short* by Jeffrey Archer. Live to that title.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you, Hon. Speaker. It is Hon. Junet and Hon. Ichung'wah who are actually cutting the story long. I am trying to cut it short. The Kenya pipeline share as of today is Ksh9.02. That is 0.2 per cent increment. In a country where inflation is 6.8 per cent, that is 6.72 per cent.

Hon. Speaker: Order, Hon. Ndindi! I am a very patient person. The issue is not... In fact, every investment you make does not have a foolproof guarantee of profit. You can invest and where you invest can be struck by lightning the next day or whatever other reasons can be there. You can make a very prudent decision to invest and end up losing. What you alleged is that phone calls were made. That is what you are challenged. Nobody challenged you to rationalise the economics of how the shares grew or dipped and so on, having failed to justify that there was any phone call from any quarter. When you said high office, it could have been my office because it is higher than where you are sitting or any other place. Having not done so, please tender the apology I move to the next Order. I will not give you any other minute. Tender the apology or I rule you out of order.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Speaker, I was concluding by saying that in a country where inflation is 6.8 per cent, it means that the investment has actually lost 6.78 per cent.

Hon. Speaker: Order, Hon. Ndindi! Do I take it that you have declined to apologise? Do I take it that you have declined to apologise?

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Speaker, what I stated is the truth, and the truth rides higher than the rules. Therefore, I cannot apologise for the obvious.

Hon. Speaker: Hon. Ndindi Nyoro...

(An Hon. Member spoke off the record)

I will deal with him without help.

Hon. Ndindi Nyoro, I am giving you one last chance. You made an allegation. You know, you can grandstand but it is not helpful in this House. You made an allegation and I have told you the parameters of substantiation, which you do not have. I am very sure even if I gave you a week, you will not bring those call logs. Go ahead and tender an apology. When you say truth and whatever, those superlatives have no place here; none whatsoever. You said something that is not true. Tender an apology – I have already expunged them from *The Hansard* – we go on. The Speaker still has options of punishment if you do not tender the apology. Go ahead.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Speaker, I request for two weeks to bring the evidence.

Hon. Speaker: Order Hon. Ndindi Nyoro! I have already expunged the allegations from *The Hansard*. So, there is nothing to bring to the House. I have already expunged those allegations. So, there is nothing to bring to the House.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Speaker, I respectfully request that you exercise your authority because I cannot apologise for saying the truth.

Hon. Speaker: What you will do, Hon. Ndindi Nyoro, I will not exclude you from the House, but you will not transact any business until you tender the apology. You may take a year, a month, or a day; it is entirely up to you.

Those who sit on this Chair with me are duly advised. This House is a House of rules. The Standing Orders are your Standing Orders. Common decency must be separated from grandstanding. I am speaking to the gallery. When you change your mind, I shall give you the first opportunity to tender your apology. If you do not, you will be in this House, but you will be a stranger.

Hon. Jared Okello (Nyando, ODM): On a point of order.

Hon. Speaker: Yes, Mr Jared.

Hon. Jared Okello (Nyando, ODM): Hon. Speaker, I wish to thank you for exercising leniency of the greatest order in this matter. You have shepherded this House in the right direction. You have exercised restraint and shown great patience with all of us. For that, as a House, we must reciprocate with respect to you as our Hon. Speaker. We have never fathomed a situation where you give direction as the custodian of the House and some of us blatantly refuse to take your orders. If somebody else who was not you had presided, he would have expelled the Member for the entire Session, yet you have still exercised restraint. It is a lesson for all of us that as the Speaker exercises due diligence and carries himself with dignity, the House must return that dignity. Dignity begets dignity. Arrogance only begets arrogance.

Even as we enter the electoral cycle, there are those who want to milk political intonations here for the public gallery out there. We do not want to fall into that trap. You saw it and avoided it. As you have said, only fools never change their minds. My very good dear friend, Hon. Ndindi Nyoro, and I want to acknowledge that since leaving the Budget Office, he has had certain personal problems with both this House and the Government of the day... I implore him, as he is still young. Where he is going, you are already there, Hon. Speaker. He can only learn from the best, who is you, Hon. Speaker. He still has a future. We have seen people who have capitalised on regional blocs fall by the wayside. When one exercises higher dignity, the future remains bright. Respect authority, and authority will respect you in return.

I thank you.

Hon. Speaker: Thank you, Hon. Jared. Hon. Rindikiri, what is it?

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Speaker, I stand here because Hon. Ndindi is a good friend of mine. Once bitten, twice shy. Hon. Ndindi Nyoro has previously apologised in this House for making such allegations—during the Finance Bill and now the

PSSF. It is on record. It seems to becoming a tradition for him to make such allegations, placing himself as the authority on everything. I think it is advisable that, as you move out there, once you come here, relieve your mind from the intoxications of the politicking out there.

We are wasting valuable time on someone who does not care about what we are transacting, merely making allegations to speak to the public gallery. Please, Hon. Speaker, save us from this situation.

I thank you.

(Hon. Ndindi Nyoro raised his hand to speak)

Hon. Speaker: Hon. Ndindi, you are a stranger in this House. You are present, but you are a stranger. I told you, you may apologise now, tomorrow, or next week. If you do not, you are excluded from transacting any business, including rising on a point of order.

I want us to go to the next order.

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

Hon. Speaker: Yes, Hon. Kaluma.

Hon. Peter Kaluma (Homa Bay Town, ODM): Hon. Speaker, I am sorry to take you back. This is not to seek a review of your decision, but to uphold the dignity of the House. Standing Order 107A provides that:

(1) A Member commits an act of gross disorderly conduct if the Member—

(a) defies a ruling or direction of the Speaker or Chairperson of Committees;

With respect, Hon. Ndindi Nyoro, as my colleague, has committed gross disorderly misconduct. The punishment therefore is set out in subsection 4 of the Standing Orders. It states that:

“The Speaker may call a Member whose conduct is grossly disorderly to order, and shall order the Member to withdraw immediately from the precincts of the Assembly for a minimum of five days and a maximum of twenty-eight days, including the day of suspension.”

Hon. Speaker, I emphasise “shall.” I know you are patient and wish to treat Members collegially. But this is a House of rules and these are our Standing Orders. Against your patience and reluctance to pronounce the punishment, the Standing Orders mandate that once a Member commits gross disorderly conduct, as Hon. Ndindi Nyoro has done, you have no other option in terms of punishment. The choice is exclusion from the House for a minimum of five days or the maximum stipulated in the law.

This is about the integrity of the House. Do not be patient around it. We can be seeking who to go and speak with out there. Those people are still there. He can go there. We cannot distract from the Standing Orders by allowing a Member to sit as a stranger. Let him suffer the punishment. Hon. Speaker, I urge you to follow the Standing Orders and make the pronouncement they stipulate.

I thank you.

Hon. Speaker: Hon. Ndindi Nyoro, what Hon. Kaluma has drawn my attention to is in your Standing Orders. I was dealing with you under Standing Order 88 on retraction and apology. When a Member fails to retract, Standing Order 107 applies. When 107 is not obeyed, as you have done, 107A applies. That is gross disorderly conduct. The Standing Order has been read to you. I give you the opportunity to correct your misconduct and tender an apology to the House and proceed with the business of the day. Go ahead.

Hon. Ndindi Nyoro (Kiharu, UDA): Hon. Speaker, I respectfully decline to withdraw.

Hon. Speaker: In that case, Hon. Ndindi, you are guilty of gross disorderly conduct. I shall give you the most lenient punishment provided and exclude you from the House for five

sitting days. You are now a stranger in the House. I can assure you Hon. Members, that many of us in my position have seen it all. This kind of conduct is totally unhelpful; completely unhelpful. There is a book by V.I. Lenin known as *Infantile Disorder*. You may leave now.

(Hon. Ndindi Nyoro withdrew from the Chamber)

Next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

[The Chairlady (Hon. Gladys Boss) in the Chair]

THE KENYA REVENUE AUTHORITY (AMENDMENT) BILL (National Assembly Bill No. 28 of 2026)

Hon. Chairlady: Hon. Members, we are now in the Committee of the whole House for the Kenya Revenue Authority (Amendment) Bill, National Assembly Bill No. 28 of 2020.

Clause 2

Hon. Chairlady: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Chairlady, I beg to move: THAT, Clause 2 of the Bill be amended—

(a) in the introductory words by deleting the words “Kenya Revenue Authority Act (in this Act referred to as the “principal Act)” and substituting therefor the words “principal Act”;

(b) in paragraph (a) by inserting the words “and substituting therefor the words “appointed under section 6(2)(a) or (e)”” at the end of the paragraph;

(c) in paragraph (b)—

(i) by deleting the expression “subsection (1)” and substituting therefor the expression “subsection (2)”;

(ii) inserting the words “and substituting therefor the words “appointed under section 6(2)(e)” at the end of the paragraph;

(d) by inserting the following new paragraph immediately after paragraph (b)—

“(c) by inserting the following new subsection immediately after subsection (2)—

(3) The Chairperson of the Board may resign his office by written notification addressed to the President.”

The import of this amendment lies in three key aspects. First, it aims to clarify the distinction between the tenure of the appointive members of the Board and that of the ex-officio members. Secondly, it specifies the relevant subsection of the Act that the Bill seeks to amend. Thirdly, it ensures that a member of the Board appointed by the Cabinet Secretary, upon wishing to resign, must submit their resignation to the appointing authority. The same applies

to the Chairperson of the Board, who, being appointed by the President, must also resign to the appointing authority, namely, the President.

Thank you.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 2 as amended agreed to)

Clause 3

Hon. Chairlady: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Chairlady, I beg to move: THAT, the Bill be amended by deleting Clause 3 and substituting therefor the following new clause—

Amendment of section 8 of Cap. 469. **3.** Section 8 of the principal Act is amended—

- (a) in the opening statement—
 - (i) by deleting the words “other than an *ex-officio* member”;
 - (ii) by deleting the words “any other member” appearing immediately after the words “and in the case of” and substituting therefor the words “a member of the Board appointed under section 6(2) (e)”.
- (b) in paragraph (d), by deleting the word “six” appearing immediately after the words “absent from” and substituting therefor the word “three”.

The import of this is to ensure that the application of Section 8 regarding the termination of the appointment of the chairperson and members is limited solely to appointive members of the Board. Given that the Board convenes on a quarterly basis rather than monthly, it is necessary to implement a consequential amendment stipulating that if a Board member misses three consecutive meetings within a year without justifiable cause, this shall form grounds for termination. In the current scenario, missing six meetings serves as grounds for termination, as the meetings occur monthly.

Thank you.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in

place thereof be inserted, put and agreed to)

(Clause 3 as amended agreed to)

Clause 4

Hon. Chairlady: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Chairlady. I beg to move: THAT, the Bill be amended by deleting Clause 4 and substituting therefor the following new clause—

- | | |
|---|---|
| Amendment of
the First
Schedule to
Cap.469.
LN 136 of 2025

Cap.280

(L.N. 113 of
2025);

Cap.197

Cap 245A.
Cap. 343 | 4. The First Schedule to the principal Act is amended in Part II—
(a) by deleting paragraph 10 and substituting therefor the following new paragraph—
10. The Standards (Standards Levy) Order, 2025
(b) by deleting paragraph 11 and substituting therefor the following new paragraph—
11. The Lands Act.
(c) by deleting paragraph 12 and substituting therefor the following new paragraph—
12. The Sugar (Sugar Development Levy) Order, 2025
(d) by inserting the following new paragraph immediately after paragraph 15—
16. The Retirement Benefits Authority Act.
17. The Tobacco Control Act
18. The Tea Act. |
|---|---|

The justification for this is to provide the proper reference to the written law that imposes the Sugar Development Levy, specifically the Sugar Development Levy Order. Additionally, it aims to offer the correct citation for the Standards Levy Order of 2025. Furthermore, it is necessary to update the current law, which is the Land Act, Cap. 280, and not the Government Land Act, Cap. 280, which has since been repealed.

Lastly, it includes the Tobacco Control Act, Cap. 245A, and the Tea Act, Cap. 343, as additional laws applicable to the collection of the Solatium Levy and the Tea Levy by the Kenya Revenue Authority (KRA).

Thank you.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 4 as amended agreed to)

New Clause 1A

THAT, the Bill be amended by inserting the following new clause immediately after clause (1)—

Amendment of section 6 of Cap. 469. 1A. Section 6 of the Kenya Revenue Authority Act (in this Act referred to as “the principal Act”) is amended in subsection (2) by inserting the following new paragraph immediately after paragraph (d)—
(e) the Managing Director of Kenya Ports Authority or a designated representative;

(The new clause was read a First Time)

Hon. Chairlady: Leader of the Majority Party, move Second Reading.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Chairlady, I beg to move that the new clause 1A be now read a Second Time.

The justification for this amendment is to include the Managing Director of the Kenya Ports Authority (KPA) as a Board Member of the KRA. This representation on the Board is important for two reasons. Firstly, it will provide close operational linkages between the KRA and the KPA, not only at the management level but also at the board level. Secondly, it will create synergies between the two authorities regarding port management, the movement of cargo, and customs revenue mobilisation. The Customs and Border Control Department accounts for nearly 35 per cent of the revenue collected by the KRA, and more than 85 per cent of customs revenue is generated through the Kilindini Port in Mombasa. The Lamu Port is also set to become a significant player in this sector.

Given that the KPA and KRA are almost like Siamese twins in matters of port management and revenue mobilisation, particularly in customs, we believe this inclusion is essential. The committee proposed that the Managing Director of the KPA be incorporated into the Board of KRA to help ease congestion at the port, especially during bottlenecks between the two systems.

Thank you.

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 3A

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 3—

Amendment of section 13 of Cap. 469. 3A. Section 13 of the principal Act is amended by deleting subsection (1A).

(The new clause was read a First Time)

Hon. Chairlady: Mover.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Chairlady, I beg to move that new clauses 3A, 3B, 3C, and 3D be now read a Second Time...

(Hon. Chairlady consulted with Clerks-at-the Table)

Apologies, Hon. Chairlady. When you prompted me on the three new clause, I was moving for all. However, because they are different, allow me to move each on its own.

I beg to move that the new clause 3A be now read a Second Time.

This amendment seeks to delete the provision that requires the Commissioner-General to appoint Deputy Commissioners subject to the approval of the Board. This is based on three reasons: Firstly, Deputy Commissioners are technical staff, and their appointment should therefore be made at the level of the Commissioner-General as provided for under Section 13(3).

Secondly, the Board will have adequate time to focus on strategic appointments such as that of the Commissioner-General and Commissioners, rather than appointments relating to operational staff.

Thirdly, the Bill proposes to reduce the number of Board meetings from monthly to quarterly. Therefore, retaining the requirement for the appointment of Deputy Commissioners to be approved by the Board may delay such appointments. Therefore, the amendment seeks to provide that the appointment of Deputy Commissioners be done at the management level, rather than the Board.

I beg to move.

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 3B

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 3—

Amendment of section 13A of Cap. 469.

3B. Section 13A of the principal Act is amended by deleting the words “with the approval of the Cabinet Secretary” appearing immediately after the words “The Commissioner-General may,” and substituting therefor the words “with the approval of the Board”.

(The new clause was read a First Time)

Hon. Chairlady: Mover.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Chairlady, I beg to move that the new clause 3B be now read a Second Time.

Again, this amendment seeks to shift the approval of the transfer of functions and the merger of departments of the Authority from the Cabinet Secretary to the Board. Currently, the provision states that, “the Commissioner-General may, with the approval of the Cabinet Secretary, transfer the functions of departments of merged departments of the Authority”.

The proposed amendment seeks to vest this approval in the Board in order to enhance operational efficiency. If such operational matters are vested in the Cabinet Secretary, who is not involved in the day-to-day running of the Authority, it will create bottlenecks in the operations of the Authority.

The Cabinet Secretary is represented on the Board and, therefore, when the Board approves, the Cabinet Secretary's input is also there.

I beg to move.

*(Question, that the new clause be read
a Second Time, proposed)*

*(Question, that the new clause be read
a Second Time, put and agreed to)*

*(Question, that the new clause be added
to the Bill, put and agreed to)*

New Clause 3C

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 3—

Amendment of section 15
of Cap. 469.

3C. Section 15 of the principal Act is amended—

- (a) by inserting the words “after deducting such amounts as will have been determined under section 16(1)(a) of this Act” immediately after the words “into the Consolidated Fund”;
- (b) in the proviso—
 - (i) by inserting the word “other” immediately after the words “in respect of any;
 - (ii) by inserting the word “other” immediately after the words “shall be paid into that”.

(The new clause was read a First Time)

Hon. Chairlady: Mover.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Chairlady, I beg to move that the new clause 3C be now read a Second Time.

New Clause 3C is a very consequential amendment in the manner in which the Kenya Revenue Authority (KRA) operates. It seeks to actualise the provisions of Article 206(1)(b) of the Constitution, which deals with public finance and matters relating to revenues going into the Consolidated Fund, and provides that:

- (1) There shall be established a Consolidated Fund into which shall be paid all money raised or received by or on behalf of the national government, except money that--
 - (a) that is reasonably excluded from the Fund by an Act of Parliament, this includes funds that we create here through Acts of Parliament.
 - (b) may, by an Act of Parliament, be retained by the State organ that received it for the purpose of defraying the expenses of that State organ.

Hon. Temporary Speaker, that is what we are seeking to actualise in light of that provision of the Constitution, by allowing all revenues collected by due date and payable to the Authority under this Act to be paid into the Consolidated Fund. The amendment seeks to allow KRA to appropriate such amounts as are necessary to fund its operational expenses. This gives the Authority greater flexibility in accessing funds for its operational expenses.

At times KRA collects the money. It is the Authority that goes through all the rigours of collecting the revenue, but the money goes into the Consolidated Fund and KRA has no access to the Consolidated Fund other than through the Cabinet Secretary for the National Treasury and Economic Planning. It takes them ages to get Exchequer Issues yet they are the ones bringing this money into the pot. This amendment, therefore, gives them operational efficiency and is a very consequential amendment. Now that KRA is going to have this kind of financial autonomy, the Commissioner-General must ensure that we must see results in terms of the revenue mobilization that we expect from the Authority

Thank you, Hon. Chairlady.

I beg to move.

*(Question, that the new clause be read
a Second Time proposed)*

(Hon. Emmanuel Wangwe spoke off the record)

Hon. Chairlady: Proceed, Hon. Wangwe.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Chairlady. Mine is just to indicate that I support the amendment. However, I would like to put a caveat that there should be a limit on the percentage to be appropriated. It should not be an open cheque, such that when the Commissioner-General receives the collections, he can haphazardly allocate himself any amount. They should not have an open cheque that they can raid and get more money for the Authority.

I support the amendment.

Hon. Chairlady: Thank you.

*(Question, that the new clause be read
a Second Time, put and agreed to)*

*(Question, that the new clause be added
to the Bill, put and agreed to)*

New Clause 3D

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 3—

Amendment of section 16
of Cap. 469.

3D. Section 16 of the principal Act is amended

- (a) in subsection (1)—
 - (i) by deleting the words “not exceeding two percent” appearing in paragraph (a) and substituting therefor the words “not less than two percent”;
 - (ii) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) three percent of the revenue actually collected in any Quarter of the financial year in excess of the amount estimated to be collected in respect of that Quarter;”
- (b) in subsection 2(b) by deleting the words “shall be payable to the Authority within one month after the end of that three month period” and substituting

therefor the words “shall be retained by the Authority at the end of the month following the end of the Quarter.”

(The new clause was read a First Time)

Hon. Chairlady: Mover.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Hon. Chairlady, I beg to move that new clause 3D be now read a Second Time.

I am glad to be moving this amendment on behalf of the Chair. With regard to the initial amendment relating to this particular clause, I am the one who moved in the last Parliament, around 2022, as a Private Member to allow KRA to access an amount not exceeding two per cent of what it collects. We are now changing this to allow the Authority to receive an amount that shall not be less than two per cent of the projected estimates in the Financial Estimates, instead of an amount not exceeding two per cent of the revenue estimates.

This amendment is intended to create certainty in the percentage of funding that KRA is to receive from the amount estimated in each financial year. It seeks to address the perpetual under-funding of KRA. What happened when we passed my initial amendment providing for not more than two per cent of the projected revenue, it meant anything from zero up to two per cent. You know the way many of us accountants and economists operate when things are worded that way. We always opt for the lower figure.

We are changing that provision to make sure that KRA gets at least two per cent of the estimated revenue. This becomes an incentive for the Authority because the more money they collect, the more they get for their operational expenses and also to be able to motivate their staff. Just as I said, once we do this, the challenge goes to the Commissioner-General and all the staff of KRA to know that they must now deliver. They will have no excuse whatsoever not to deliver because they will have adequate money for their digitisation programme, which has stalled for years.

The former Commissioner-General could not deliver the digitisation programme at all, largely on account of not having adequate resources to fund it as they had envisaged. The new Commissioner-General and the staff at KRA should have no excuse. They must digitise KRA, and we must see greater mobilisation of revenue without necessarily going for taxpayers in an unfair manner, justifiably, fairly and with certainty so that every taxpayer knows how much is due from them when it is due, and the means and ways of payment using digital platforms. This is a very consequential amendment and very good for KRA. Again, this is in line with what is happening in the region. Rwanda has similar provisions. Uganda and other countries that are progressing with us have similar provisions.

I beg to move.

(Question, that the new clause be read a Second Time, proposed)

(Question, that the new clause be read a Second Time, put and agreed to)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 5

THAT, the Bill be amended by inserting the following new clause immediately after Clause 4—

Amendment of the
Second Schedule to Cap.
469.

5. The Second Schedule to the principal Act is amended by deleting paragraph 1(1) and substituting therefor the following new subparagraphs—

(1) The first meeting of the Board shall be convened by the Chairperson.

(1A) The subsequent meeting of the Board shall be on a quarterly basis.

(1B) Despite subsection (1A), the Board may hold a special meeting when the Chairperson, in consultation with the Commissioner-General, decides a meeting is necessary.

(The new clause was read a First Time)

Hon. Chairlady: Mover.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairlady, I beg to move that the new clause 5 be now read a Second Time.

This is an amendment that seeks to align the frequency of KRA's committee meetings of the Board with that of the whole board meetings in order to ensure optimal utilisation of the Board's functions. We propose that the Board meetings be held on a quarterly basis instead of monthly. Quarterly meetings will enable the Board to focus on long-term goals, performance trends, risk management, and major decisions instead of focusing on short-term operational issues when they have very frequent monthly meetings.

Global and local corporate governance standards generally consider quarterly meetings to be the most effective cadence for established organisations, and KRA being such a big corporate organisation may not need to have very frequent monthly meetings that would interfere with the day-to-day operations of management since management is also involved in preparing for Board meetings. When they have meetings quarterly, the Board is then left to deal with strategic issues, review of management performance, risk management, and also make major decisions instead of being bogged down by operational short-term issues.

I beg to move.

*(Question, that the new clause be
read a Second Time, proposed)*

*(Question, that the new clause be read
a Second Time, put and agreed to)*

*(Question, that the new clause be added
to the Bill, put and agreed to)*

(Title agreed to)

(Clause 1 agreed to)

Hon. Chairlady: Mover, move to report.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Chairlady, I beg to move that the Committee do report to the House its consideration of the Kenya Revenue Authority

(Amendment) Bill (National Assembly Bill No. 28 of 2026) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House resumed)

IN THE HOUSE

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

MOTION

CONSIDERATION OF REPORT ON THE KENYA REVENUE AUTHORITY BILL

The Temporary Speaker (Hon. Peter Kaluma): The Chairlady to report to the House.

Hon. Gladys Boss (Uasin Gishu County, UDA): Hon. Temporary Speaker, I beg to report that the Committee of the whole House has considered the Kenya Revenue Authority (Amendment) Bill (National Assembly Bill No. 28 of 2026) and approved the same with amendments.

The Temporary Speaker (Hon. Peter Kaluma): Mover to move agreement with the report.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the House do agree with the Committee in the said report.

I request Hon. Owen Baya to second the Motion for agreement with the report of the Committee of the whole House.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): I second for agreement.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Ibrahim Saney, do you want to contribute? Hon. Joseph Oyula, Hon. Emmanuel Wangwe, not at this stage. Hon. Suleka Harun. There is no interest to contribute further at this stage.

(Question put and agreed to)

BILL

Third Reading

THE KENYA REVENUE AUTHORITY (AMENDMENT) BILL (National Assembly Bill No. 28 of 2026)

The Temporary Speaker (Hon. Peter Kaluma): Mover to move Third Reading.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the Kenya Revenue Authority (Amendment) Bill (National Assembly Bill No. 28 of 2026) be now read a Third Time.

I request Hon. Emmanuel Wangwe to second.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Emmanuel Wangwe.

(Technical Hitch)

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I think we have a challenge with technology. May I request Hon. Owen Baya to second.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, I do second.

The Temporary Speaker (Hon. Peter Kaluma): Leader of the Majority Party, you remember that I did not comment when you requested Hon. Owen Baya to second you. I am not sure whether you can request two different Members to second.

I am still waiting for Hon. Emmanuel Wangwe to second.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, we are afraid of switching off this microphone because it seems only two microphones are working. Hon. Wangwe can go through the back route and I can donate my microphone to him.

The Temporary Speaker (Hon. Peter Kaluma): There is a portable microphone.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Temporary Speaker. I second. Thank you.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): Is it the mood of the House that I put the question?

Hon. Members: Yes.

The Temporary Speaker (Hon. Peter Kaluma): I have confirmed that the House is properly constituted for purposes of making a decision.

(Question put and agreed to)

*(The Bill was accordingly read
a Third Time and passed)*

Thank you. Next.

BILL

Second Reading

THE STRATEGIC GOODS CONTROL BILL (National Assembly Bill No. 15 of 2026)

The Temporary Speaker (Hon. Peter Kaluma): Leader of the Majority Party, please proceed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, I beg to move that the Strategic Goods Control Bill (National Assembly Bill No. 15 of 2026) be now read a Second Time.

Hon. Temporary Speaker, this is a very huge Bill basically because it covers a lot of items that were initially covered under very many other statutes. We do not have a particular law in this country that deals with strategic goods. I know many people listening would be wondering what these strategic goods are. Probably, we should just begin by defining what strategic goods are.

Strategic goods are goods that can be used for military use. They include items, software or technologies that have military applications, or can be used to develop weapons of mass destruction and their delivery systems. For instance, something like a fertiliser which can be used to produce a bomb is a strategic good. It could be a drone that you can use to deliver items or even a software or technology that can be for military use. Those are strategic goods which ought to be controlled. The trade of such goods ought to be controlled.

Over the years, we never had a single law on trade in such strategic goods. We have been relying on separate sector laws, which have led to duplication, weak information sharing and regulatory gaps. For instance, things that are biohazard in nature that are being dealt with by the biohazard authorities without the knowledge of other authorities. The military, the police or even the port authorities may not know who is bringing what goods into the country or taking them out of the country.

The same thing applies to other items like dual-use items. Such technologies also have the capacity to be used for military purposes but some are largely used for domestic use. In the recent past, you have seen even young kids flying drones in our neighbourhoods. Nobody is able to tell whether these drones are of military grade. Are they things that can be used to deliver weapons of mass destruction in our neighbourhoods? Therefore, it is important that we have a specific law that puts all the statutes that deal with these strategic goods under one Act.

The primary objectives of this Bill are, first, to control trade in strategic goods and related services. Second, to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery. This is because if we do not control chemical and biological weapons and their means of delivery, we will end up with people trading in such strategic goods without the knowledge of authorities. The third objective is to domesticate the United Nations (UN) Security Council Resolution 1540 and meet Kenya's obligations under the Nuclear Non-Proliferation Treaty (NPT), the Biological Weapons Convention (BWC), the Chemical Weapons Convention (CWC), and the Treaty of Pelindaba.

The fourth objective is to create one national legal framework for inter-agency coordination and information sharing. This will ensure that we do not have duplicity of laws. There are those laws dealing with nuclear energy issues that will deal with weapons that have nuclear capability. There are also the Pharmacy and Poisons Board statutes dealing with chemicals and pharmaceuticals that could have the potential of being used as weaponry. Even Kenya Plant Health Inspectorate Service (KEPHIS) deal with plants and other biological things that could be used to develop biological weapons.

We want to consolidate all these statutes under one statute. That is why this Bill is actually one of the biggest Bills that we have had to deal with in this Parliament, with close to 700 pages. I know many Members have gone through it because many were keen to know what these strategic goods are. There is no rice, maize, fish, or cattle. The Member from Mwea was very keen. She came to my office looking for this Bill, telling me, "I want to see that Bill, and see whether these strategic goods have anything to do with Mwea rice farmers." I told her, "My dear, Mwea rice farmers are very safe". I know she has been very keen even in ensuring that farmers in Mwea are paid their dues. She followed up until farmers in Mwea were paid. The kind of diligence I have seen with the Member for Mwea in being able to stand and speak for her people, is the kind of diligence I would like to see in Members of the 13th Parliament. Were it not for the Member from Mwea, the Exchequer to pay farmers in Mwea would not have been released. I remember going with her to Wang'uru Stadium, where she asserted that before the

end of the week, people should be paid. The following day, money was flowing in Mwea Town. Only that she never invited me when there was money flowing in that town, even after assuring her that strategic goods do not include rice. She is now bearing witness because she went through this Bill, almost letter by letter trying to confirm. She asked me, “Is there a soft copy where I can quickly search rice?” I told her that this is about weapons.

That is why these strategic goods are being considered by the Committee that deals with national security, led by Hon. Tongoyo, who I must commend. Hon. Tongoyo and Hon. Raso are seasoned parliamentarians. They are very diligent people. Their Committee has conducted very extensive public participation to ensure that we are not just dealing with nuclear weapons or other weapons of mass destruction, but that even biological warfare in this day and age cannot be advanced in our country without the knowledge of security agencies. I was saying this to communicate that we will now be able to protect our national security while also facilitating legitimate trade and investor confidence. This is because some of the strategic goods are things that we use on a day-to-day basis. They include fertilisers, as I mentioned. There are biological organisms that are used in laboratories for manufacture of pharmaceuticals and chemicals, but which could also be used as weapons of mass destruction. As much as they are beneficial in our day-to-day lives, they can also be used as weapons. It is, therefore, important that we guarantee our security and the security of our nation and the world at large while also facilitating legitimate trade. That is why this Bill is very important.

Some of the core contents of this Bill, on the national control list in Clause 4 and the Schedule, is a list of the strategic goods covered under the Act. They including nuclear materials, chemicals, biological agents, toxins, electronics, telecommunications and information security, sensors and lasers, marine systems, and aerospace propulsion systems. It is important for it to be clear on what are strategic goods and what are not strategic goods. This is because some might be very simple electronics like drones that people use to shoot videos and take photos, but one that can be used to convey weapons that can destroy humanity. Others could be simple things such as sensors and lasers. The lasers you see our *fundis* using to measure distance could also be used as weapons, or used to trigger bombs. Even sensors can be used to trigger bombs that could destroy the security and safety of our people. Therefore, we have a list of these things.

Clause 4 and the Schedule of the Bill list all the strategic goods. That will allow Kenyans to be aware when trading in them and to seek all the relevant approvals to shield them from being caught unawares.

Clauses 5 and 6 of the Bill propose the establishment of the Strategic Goods Control Committee, a multi-agency body which will coordinate and oversee strategic trade regulation in Kenya. Again, this Committee will bring together key Government institutions responsible for national security, trade regulation, law enforcement, and international cooperation. It will bring together defence, finance, ICT, health, trade industries, as well as the Solicitor-General, the Kenya Defence Forces (KDF), the National Intelligence Service (NIS), the National Police Service (NPS), the Kenya Revenue Authority (KRA), as I had mentioned earlier, the Kenya Ports Authority (KPA), the private sector through the Kenya Private Sector Alliance (KEPSA) and the Kenya National Chamber of Commerce and Industry (KNCCI). This is meant to ensure that all stakeholders within the trade spectrum are factored into the Committee, so that items that are not necessarily strategic goods are not classified as such and curtail trade. That is why the KNCCI and KEPSA have been incorporated in that Committee.

Clauses 7 and 8 mention the Secretariat and the Director who are also hosted in the Ministry responsible for internal security. The Secretariat maintains a database, monitors strategic trade and inspects the end use of such strategic goods.

I do not want to belabour all these things because as I said, this is a huge Bill. Therefore, I do not need to go into every item provided for by each clause in the 1,700-page Bill. However,

consequential amendments in Clauses 44 to 53 align firearms, explosives, nuclear regulatory, pharmacy and poisons, mining, fertilisers, animal foodstuffs and the pest control products acts with this law. As I said before, many statutes were touching on potentially strategic goods. Therefore, consequential amendments are necessary. We will incorporate them during the Committee of the whole House, over and above what has already been provided for in the Bill.

During public participation, the Committee engaged with the public on many key issues. I will allow my seconder, the Chairman of the Committee, to touch on some of the issues that were raised by the public. Going through the Report, I could see that Kenyans in Nyeri, Laikipia, Kisumu, Uasin Gishu, Mombasa and Kwale counties supported this Bill. I raised several issues, which they also raised. Part of what stood out was the public asking whether the Bill would raise the cost of living and that of doing business. They asked whether the cost of items such as gas, fertiliser or electronics would go up. I just want to assert to Kenyans that the Bill does not seek to set any new taxes or prices on these strategic goods. It is basically just seeking to control and regulate what and how we trade.

The Pharmacy and Poisons Board (PPB), the Kenya Nuclear Regulatory Authority (KNRA) and other regulatory bodies feared the overlap with existing regulators. During public participation, the Committee assured them that there would be no overlap once we consolidate all these regulations into one parent Act.

This is a huge Bill, and I know Members will debate it. I urge all of us to support it. It is a very important Bill, because as I said, dual-use items are strategic goods that, on a day-to-day basis, may look very harmless, but have the potential to be militarised and become weapons of mass destruction that could destroy humanity, and in return destroy the peace and tranquility that we enjoy. That includes some small aviation items.

As I was watching CNN or CBC News last night, I came across the unfortunate incident of the attempted hijacking of the Flydubai Airline flight. The criminal co-pilot or First Officer who attempted to injure and kill the captain of that flight used a very simple gadget that is usually behind the captain's seat. That highlights the danger that small items that are otherwise meant to be put to good use can pose. The item that I saw looked like a small axe and is supposed to help you get out of a plane if you get stuck in a cockpit or if there is an emergency landing or an unfortunate crash and you are unhurt. It is supposed to enable you to break out or even break a window. However, an insane person tried to use it to kill many people.

We all use public transport, whether it is aeroplanes or buses. Small items can be used to break the window of a bus. For those who use buses that do not have windows that can be opened, a weapon can be used against a driver to cause an accident. We must be very careful to ensure that we guard the people that we represent.

Now that I have spoken about the aviation sector, I will also speak to our brothers and sisters in the Gulf Region. Many of us use Gulf Airlines like Emirates, Flydubai, Etihad and Qatar Airways. They are good. In fact, I was a very regular and frequent flyer on Qatar Airways until this summer, when I was confronted by a very unfortunate incident. It was very careless of that airline, and I have since written to them. We were booked on a flight from Nairobi through Doha and onwards to Los Angeles.

As we were leaving Nairobi, there was a slight delay, whose cause the airline did not inform us about. We were told that we would have to stop in Doha for 24 hours to connect to our flight to Los Angeles. I asked the airline staff at the airport whether they had an immediate connecting flight. We were to land at about 5.00 a.m. or 6.00 a.m. and take off for the United States of America (USA) at 7.30 a.m. However, they told us that we had to spend a whole day and night in Doha and take off the following day. I told them not to take off from Nairobi if they were not sure that they would get us a flight out of Doha in the morning. I was with my entire family. To my dismay, I found out that the Qataris had information that there would be

missile attacks in Doha. In fact, there were missile attacks in Doha, yet they were putting all of us in jeopardy because they wanted to protect their country and the image of their airline.

We flew from Nairobi, and it took us another painstaking eight hours in Doha before we got a flight out of Doha. It was not until I was in Doha for four hours that I found out that the delays were due to missile attacks the night before. They knew about it, but they did not inform their passengers. That was very irresponsible of Qatar Airways. I ceased flying with Qatar Airways since then. I have written to them because it was irresponsible. It is okay to protect your economy, but it is not justifiable to put other people in danger.

Yesterday, our country reported its first Ebola case. A responsible administration, government or entity shares information. Today, Jambojet Airlines, which ferried that passenger from Uganda to Nairobi, is helping the authorities with contact tracing. That helps in stemming the spread of the disease. I wondered if Qatar Airways were this careless that they could jeopardise the safety of over 200 passengers on one aeroplane from Nairobi, how many other airlines were flying into and out of Doha that night? They want to remain silent because the negative news would affect the Qatari economy. I must say it is not fair to the rest of the world. We sympathise with them because they are a friendly nation, but we must ask them to treat other people in the world, including Kenyans and other Africans, with the respect for human life that they would want for their own nationalities.

I sought to divert to that because it is not a weapon of mass destruction in terms of strategic goods, but to say there could be strategic information there. If you know you are about to be hit by the Iranians or others, it is only fair to share that information with your passengers so that you do not jeopardise their safety. Therefore, when you talk about strategic goods, that is why we are saying it is not just items, it also speaks to software, to technology that can be used and to information that can be used to destroy humanity or to encourage the proliferation of weapons of mass destruction.

Hon. Temporary Speaker, allow me to move and request the Chairperson of this Committee, who put in a lot of work moving around the country explaining to Kenyans what these strategic goods are and why it is important to control their trade, to second this Bill.

I beg to move.

The Temporary Speaker (Hon. Peter Kaluma): Chairperson of the Departmental Committee on Administration and Internal Security.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker.

Before I second this, I really want to commend the good work done by the Leader of the Majority Party in moving this.

At the outset, I want to commend the good job done by the Members of this Committee, who include yourself, Hon. Temporary Speaker, for doing justice and burning the midnight oil to make this Bill reach this stage.

As the Leader of the Majority Party rightfully put it, it is a very voluminous and complex Bill. In fact, you remember, from the very start, even our own Members were really confused about what this strategic Bill is. I really want to commend the good job done by them, including the Secretariat, because they put in all their time, their energy, and their commitment, despite the fact that, of course, it is an electioneering cycle. I commend them.

The regulation of strategic goods is currently dispersed among various sector-specific institutions, as well put by the Leader of the Majority Party, established under different laws. These institutions independently licence, register, supervise, inspect, monitor and enforce compliance within their respective sectors. However, the absence of a centralised national coordination framework, which this Bill intends to establish and to cure the gaps that currently exist, has resulted in several problems, including duplication of regulatory functions and limited information sharing, as the Leader of the Majority Party said including even the airline. His experience with Qatar Airways was very unfortunate. Information sharing is limited

because of the lack of a centralised framework. There is also a lack of regulation; I mean, of course, there are obvious and glaring regulatory gaps which this Bill intends to cure.

There are also weak inter-agency coordination, inconsistent enforcement standards and reduced capacity to detect and respond to emerging threats involving strategic goods, among many others. The Strategic Goods Control Bill (National Assembly Bill No. 15 of 2026), which is being considered, having been sponsored by our able Leader of the Majority Party, seeks to address these challenges by establishing a Strategic Goods Control Committee to facilitate inter-agencies coordination, information sharing and harmonisation of regulatory measures, strategic monitoring and national oversight over strategic goods activities.

Strategic goods, as earlier alluded to and rightfully put by the Leader of the Majority Party, include dual-use technologies, advanced communication systems, hazardous materials, military equipment and sensitive software, which may pose significant national security threats if inadequately monitored and issues highlighted by the stakeholders are many. During the public participation process, the Committee, beyond engaging the public, had very extensive and productive engagements and interactions with key stakeholders. Among them was the Ministry of Interior and National Administration, the Office of the Attorney-General (OAG), the Embassy of the United States of America, Kenya Airports Authority (KAA), Kenya Airways (KQ), Public Benefit Organisations Regulatory Authority (PBORA), Kenya Revenue Authority (KRA), Kenya Law Reform Commission (KLRC), the State Department for Trade, State Department for Mining, Kenya Nuclear Regulatory Authority, which is among the state agencies that have been managing such strategic goods that will be directly affected by this law, Pharmacy and Poison Boards (PPB), Kenya Association of Manufacturers (KAM) among many others.

Hon. Temporary Speaker, through the deep interaction and discussion with these stakeholders, very many critical and important security issues of this country came out that buttress that this Bill is long overdue. Among them, just to mention a few, were issues of the proliferation of dangerous technologies, terrorism financing and support, illicit trafficking, cyber threats, diversion of strategic materials and unlawful cross-border transfers. Different regulatory authorities oversee strategic goods independently under separate statutes and this creates overlapping mandates, inconsistent regulatory standards, weak coordination and regulatory loopholes exploitable by criminal actors. Considering the era we are in, that becomes an issue of urgency that needs to be addressed.

The Bill establishes a national coordination framework without interfering with sector-specific mandate, and I say this without fear of contradiction. We were very keen lest we interfered with the issue that was already assigned to another institution; probably, assigned by the Constitution and governed by the statutes of this House. We were also very clear from the start that we wanted to coordinate the performance of these strategic goods and services in an efficient manner. Technological evolution in Artificial Intelligence (AI), cyber-crimes by chemicals and drones, quantum technologies, and digital trade expanded the scope and complexity of strategic goods regulation. The Bill creates institutional mechanisms for coordinated monitoring of this emerging threats. Therefore, we all have to appreciate the era that we are in.

Kenya has an obligation. I heard very clearly the Leader of the Majority Party trying to explain in length, the obligations that we are assigned to as a country, and which we must at all times comply with. Kenya has an obligation under various international instruments relating to non-proliferation, anti-terrorism strategic goods controls, customs cooperation, and trans-national crimes prevention. The Bill that is being considered before this House strengthens Kenya's capacity to meet these international obligations through a coordinated national implementation framework.

A coordinated framework enhances efficiency, transparency, investors' confidence, trade facilitation, and administrative accountability. The overall intention of this Bill, to just emphasise, Hon. Temporary Speaker, is to regulate the end-use and the end-users of the strategic goods for a safety and security perspective. This does not in any way stifle trade. I also heard the Leader of Majority Party talking about increased cost of living and so on.

This Bill is long over-due. It is extremely critical and important at this time in this era. Therefore, we need to pass it as a House so that our strategic goods, explosives, and other products can have a framework that is wholistic in terms of control. That way, we can ensure safety at all time as we meet our obligations as a country. Of course, I do not want to belabour too much because the Report is available. It is voluminous; about 700 pages. I call upon this House to take time to read it and interrogate the Bill.

With those few remarks, Hon. Temporary Speaker, I second.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Chairperson, Departmental Committee on Administration and Internal Security, with that information you have given, I doubt the Members need to do any much reading.

(Question proposed)

(An Hon. Member spoke off-the record)

You will speak after Hon. Dido Raso. These are strategic goods. Unfortunately, people think they are rice for famine.

(Laughter)

You must recognise the status that Hon. Dido Raso carries to this Floor. Hon. Dido Raso will contribute.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. At the outset, I thank the Leader of the Majority Party, my Chairman, and all the members of our Committee. This is, indeed, a landmark Bill for the Republic of Kenya. For many years, Kenya lacked a unified statute governing strategic goods.

The Leader of the Majority Party simplified what strategic goods are. These are goods that could serve a dual purpose. It can be as simple as a detonator used in mining, but also used to make explosives. That is why this Bill is long overdue in Kenya, but it is better late than never. We must catch up with the rest of the world.

I attended a short course on strategic goods management and control in Washington, United States of America (USA). It was sponsored by the US Department of State courtesy of my Committee and the House. The course was held at the University at Albany, the Centre for Strategic Studies and the Middlebury Institute of International Studies.

My first take, as far as this is concerned, is that as soon as we enact it into law, all individuals, particularly from the Executive, who will be vested with this responsibility, must have the necessary training. During our public participation, two issues emerged. One was national security. The other was whether this Bill would delay trade. There were also concerns about overlaps in the different institutional mandates, as well as double licensing and taxation. The Bill will provide for control and coordination to ensure accountability and transparency in our trade.

Currently, the main issue concerning strategic goods is end-use and end-users. When you purchase equipment from the US, the United Kingdom (UK), or the European Union, you know how it will be used. But where will it eventually end up? Do you have control over the movement of that equipment? Even when it becomes obsolete and is parked in a garage, it can

still be converted for another use that may eventually harm the population. With the current wars in the Middle East and Europe, particularly in Ukraine, the issue of strategic goods control has become more pronounced and important than ever. Today, drones that farmers use to apply fertiliser in their *shambas* can also carry payloads and be weaponised. There are parts of an aircraft that can be used in the making of missile technologies and in the manufacture of warlike material. This Bill is important because it seeks to safeguard many things.

The Bill also talks about licensing, regulation, transit and transshipment. Kenya today is a gateway to East Africa, Horn of Africa, and many countries through our airports and ports. Strategic goods arrive at our airports which are entry points into the region. Therefore, we have to be concerned that these materials are not diverted by non-State actors. The Chairperson also talked about terrorism, where, at any point, non-State actors will try to prey on States to see whether they will lax their controls on the movement of these strategic goods.

Emerging technologies, AI, supercomputing, and supply-chain security all bring alive the need for us to do things differently from the way we have been conducting trade. We tend to look at the Ministry of Trade, the National Treasury, and the ports in a very simplistic manner, yet as far as national security is concerned, many things could go wrong if we have criminal elements and syndicates involved.

I wish to talk about the law, particularly the United Nations Security Council Resolution 1540. Kenya is a signatory to the Biological Weapons Convention, the Non-Proliferation Treaty, the Chemical Weapons Convention, and the African Nuclear Weapon Free Zone. The United Nations Security Council Resolution 1540 is the genesis of the strategic goods control system or structure. Its attempt is to make sure that proliferation weapons of mass destruction to non-State actors is not compromised by any State. For that reason, the United Nations Security Council Resolution 1540 is an obligation for all States to implement it. Having signed it at the United Nations Security Council, Kenya has no alternative but to ensure that the resolution becomes part of the municipal law of this land.

What are the economic benefits of this law? First, we have trade flows. Countries that have signed the Specific Trade Concern (STC) are able to trade with each other. There is confidence, predictability, security, and accountability of those goods. Bilateral trade flows are reported by different States that have signed this law. Second, Hon. Temporary Speaker, is about Foreign Direct Investment (FDI). Recently, we have had the case of...

The Temporary Speaker (Hon. Peter Kaluma): Do you need two minutes, or more?

Hon. Ali Raso (Saku, UDA): If you give me two minutes, I will be okay.

The Temporary Speaker (Hon. Peter Kaluma): Because of the depth of contributions you are making, and to elaborate further on the good contributions made by the Chairperson of the Committee, and because I am very generous today, I will give you three more minutes.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Temporary Speaker. You are very gracious. Foreign Direct Investment is the aggregate investment from all sources to recipient States. If a major company in the United States or in the European Union, or even in Africa, like our brother from Nigeria, invests in this country, that is the level of confidence. All countries that have signed the Strategic Trade Control Treaty have developed that confidence among themselves. That you can invest in my country; your trade is safe, and the goods that you are producing are safe. Post-STC adoption, among what has been seen for export-import, is that all these states have had exponential growth in their economies.

Approximately 95 per cent of global strategic trade occurs among STC countries, which form a self-reinforcing network of trading partners. When FDI occurs in your country, it is a signal of regulatory maturity, governance capability, and a commitment to secure sustainable growth. Those are factors that attract higher-quality investment. In Vision 2030, we foresee that Kenya will be a middle-income country. Also, we go further to say that by 2030, Kenya should be an industrialised country. If we do not sign the STC, then the companies or the major

conglomerates that can invest in our country are not likely to bring their resources here. That confidence must be created by all of us, as a House, agreeing to pass this Bill and have it become the law of the land.

Finally, is the emerging technologies. They are the reason why the STC is necessary. At this point in time, Kenya wants to move forward. Kenya is getting new technology every day. If we do not invest in it, and if we do not have the right laws in place, then it means we are likely to lose the country through some carelessness. That can be stopped by having clear statutes in place.

With those many remarks, I want to say that this Bill is about protection and control. At the same time, we safeguard security, but it does not, in any way, increase taxation or cause any problem in terms of the standard of living and all those things people think about. We would like to ensure that what we are doing is orderly and under one roof. We would also like to ensure that the hazardous materials that come into our country are properly managed.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Deputy Leader of the Majority Party, a Fulbright Scholar, Hon. Owen Baya is recognised to make his contributions.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute. I support the Strategic Goods Control Bill (National Assembly Bill No. 15 of 2026).

At the outset, let me state that the world has changed and trade is more complex. Technology is advancing very quickly. Terrorism, transnational crime and cyber threats are growing. There are dual-use goods which serve both civilian and military purposes. They are strategic goods because they serve both civilian and military purposes. These are dual-purpose goods. When a civilian comes into contact with them and decides to use them for destructive purposes, then we lose the world. That is why we need a law to control the dual-purpose goods.

I would like to give you a very good example. Nuclear energy is very important for our everyday life. Today, cancer patients are treated through nuclear devices. Scanning for certain diseases uses nuclear knowledge. We produce energy. I heard that Siaya County— where my friend, Hon. Atandi, comes from— is building a nuclear plant for generating energy but not for weapons of mass destruction. Nuclear energy is dual-purpose good. While it is good for use by civilians, it can also be used for destruction because it can be turned into a weapon.

As a country, how do we control this kind of trade? What happens if Hon. Owen Baya decides to be a businessman and sells energy to Kenya Power? He develops a nuclear reactor that can generate energy and gets a Power Purchase Agreement (PPA) with Kenya Power. I will be in possession of a good or commodity. If I decide to be rogue, I can use it for destruction, but at the same time I can use it for the development of the country in the energy sector. That is what we call strategic goods.

This law is not new in the world. If you go to England and United States of America, you will find it. If you go to other places that are advanced, you will find it. What is its purpose? It ensures that there is control on goods that have dual purposes which can sometimes be very good or bad. We do not have one single strategic law on strategic trade. We rely on separate laws which leads to duplication, weak information sharing, and regulatory gaps. If you go to the National Intelligence Service Act, you will find it there.

If you go to other laws, the law on strategic trade is scattered. We do not have one law. This proposed law is huge or humongous. In my life in this august House, I have not seen a law which is this huge, but it is necessary.

What is the primary objective of the Bill?

The Temporary Speaker (Hon. Peter Kaluma): Hon. Owen, you forgot something.

Hon. Owen Baya (Kilifi North, UDA): Yes.

The Temporary Speaker (Hon. Peter Kaluma): With your support, we passed the Companies Act and the Insolvency Act which were voluminous.

Hon. Owen Baya (Kilifi North, UDA): They were very voluminous.

The Temporary Speaker (Hon. Peter Kaluma): Maybe this proposed law is among the most voluminous ones in the 13th Parliament.

Hon. Owen Baya (Kilifi North, UDA): Probably, it is the second voluminous Bill in the 13th Parliament.

(Laughter)

What is the purpose of this law? Why are we passing it? One, it will provide control in strategic goods and related services, the way I have said it. Trade in these commodities must be controlled.

Two, prevent the proliferation of nuclear, chemical, and biological weapons and their means of delivery. We have seen that fertiliser is good for agriculture. However, you can do other things with fertiliser, like using it as bomb material. So, we need to prevent that. If you find someone with a certain tonnage of fertiliser or uranium, you should be worried. So, it is very important to control this trade.

Three, we need to domesticate the UN Security Council Resolution 1540 and meet Kenya's obligation under the Treaty on Non-Proliferation of Nuclear Weapons (NPT). The Biological Weapons Convention, the Chemical Weapons Convention, and other treaties need to be domesticated so that we do not just protect ourselves as a country but also protect the world. We have an obligation as a country to also protect the world against weapons of mass destruction or weapons and goods that can be misused to destroy the world.

Lastly, we need to create one national framework for interagency coordination and information sharing. I heard the Majority Leader talk about what happened to him. What lacked was just one thing, information sharing. If information had been properly shared, probably it would not have delayed. That is why the Americans always issue travel advisories although sometimes people think that these travel advisories are bad.

One day I asked why Americans issue travel advisories and I was told – if you remember the Lockerbie bombing – that somebody had information that would have saved the Lockerbie bombing, but because he was bound by law not to release the information to any other person apart from his government and the people on his chain of command, he withheld that information. Even though he knew that the information could have saved the world, he did not share it. After that bombing, the gentleman came out and said he had the information. It is from that background that America passed a law that such information must be shared. That is why they issue travel advisories. Even if the likelihood of danger is only 10 per cent, they must share that information. So, information sharing is very important.

I just want to say a few things that are in the Bill. One, the Bill lists the strategic goods covered under this Act which include nuclear materials, chemicals, biological reagents and agents, toxins, electronics, telecommunication and information security sensors and lasers, marine systems, aerospace and propulsions. I know someone else was looking for rice. I can see the Member of Parliament from Mwea. She was looking for rice. There is no rice here. I want to restate that what is here is nuclear materials, chemicals, biological reagents and agents, toxins, electronics, telecommunications and information security sensors, lasers, marine systems, aerospace and propulsion. These are the goods that we are talking about. These goods can be put to good use but if they fall in the hands of wrong people, they can be dangerous to the world.

In the Bill, a committee called “the Strategic Goods Control Committee” will be formed to ensure that it controls trade in these areas. That is found in clauses 5 and 6. The Bill proposes

the establishment of the Strategic Goods and Control Committee. This multi-agency body will coordinate and oversee strategic trade regulation in Kenya. So, an important body will be formed. Who will be the members of this body? The Committee will bring together key Government institutions responsible for national security, trade regulation, law enforcement, and international cooperation. It will also bring together defence, finance, ICT, health, trade, the Solicitor-General, KDF, the NIS, the National Police, Kenya Revenue Authority (KRA), the private sector through the KEPSA, and the National Chamber of Commerce. This is what will form the Strategic Goods Control Committee that will regulate trade in strategic goods.

Hon. Temporary Speaker, the Secretariat is actually provided for in Clause 7 and is hosted by the Ministry responsible for internal security. That is why the Hon. Tongoyo's Committee took care of this Bill. The Secretariat will maintain the database, monitor strategic trade, and inspect end-use.

I can see the red light is on, Hon. Temporary Speaker, but you can see I am doing something good. And any man doing something good deserves a favour.

The Temporary Speaker (Hon. Peter Kaluma): How many more minutes?

Hon. Owen Baya (Kilifi North, UDA): If you give me three minutes, I will finish.

The Temporary Speaker (Hon. Peter Kaluma): I will give you four.

Hon. Owen Baya (Kilifi North, UDA): Thank you. So, if you are a trader in this business right now, and if you deal with telecommunication equipment or marine equipment, what happens after this Bill is passed? One, you do not get out of business, but you must re-register. You are required to register now with the Committee so that they know that you deal in that trade. You do not lose your licence. You continue to trade, but now you must register. So, if you are an importer of heavy telecommunication equipment that is used, for example, by Safaricom, Telkom and other companies, you now register afresh, but you do not lose your licence.

Again, under this legal framework, no person would be permitted to engage in the export, import, transfer, transit, trans-shipment, brokering or financial provision of related services involving strategic goods without proper authorisation from the relevant authority. So, today, if you are running a reactor for nuclear energy, for energy purposes, we know that that energy can be improperly used. Now, you are required by law to seek permission to engage in that export trade. That is what this law says.

There is something called end-use control, which you will find in Clause 12. End-use certificates must state the end-user. For example, if I am importing uranium, I must state why I want it, what you call the end-user. You must bear an end-user certificate. If I have imported telecommunication equipment or marine equipment, then I have to have an end-user licence for me to be able to receive the goods, so that the Committee knows who is holding what kind of strategic goods, so that strategic goods in this country are not just held. Today, you may walk out of there. I see around here, and especially among us politicians, every politician these days has a team that carries walkie-talkies all over. You have seen that. Everybody has a walkie-talkie, and they walk around wearing those things on their ears, and you wonder, what are they trying to coordinate if it is only just to look flashy? But then, if I am importing equipment like that in bulk, the question is, why am I importing that kind of telecommunication equipment? I need an end-user licence to be able to do that. I hope the Speaker does not have to have walkie-talkies around him as he walks in Homa Bay Town. I know Hon. Tongoyo, probably, because he holds a big portfolio in this Parliament, has walkie-talkies in his entourage.

On compliance and enforcement, which is in clauses 24 to 34, strategic goods inspectors may enter premises and search conveyances with a warrant. We suspect that you have strategic goods. We suspect. The law provides that compliance and enforcement must be done, and, therefore, a police officer or someone can obtain a warrant to search your premises. The law

permits that. They can come to your house and find out what kind of equipment you have, and this law permits that.

The Temporary Speaker (Hon. Peter Kaluma): Is that warrant obtained *ex parte*?

Hon. Owen Baya (Kilifi North, UDA): Now, this warrant can be obtained in court.

The Temporary Speaker (Hon. Peter Kaluma): Just check the provisions, maybe later on...

Hon. Owen Baya (Kilifi North, UDA): From clauses 24 to 34, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): You will look at that provision later and ensure that, now that a warrant is required for a search even where there are reasonable grounds to suspect somebody has strategic goods in a premises. If warrants are required, they should be *ex parte*. I gave Hon. Owen Baya more time because, if you recall, the bomb that was used against the US Embassy in Nairobi and simultaneously in Dar es Salaam was said to be assembled from materials ordinarily used to make fertiliser. Anyone who saw those individuals bringing in those materials could have thought they were merely carrying fertiliser. If you have information that someone possesses such goods and you are required to conduct a reasonable search, then you should obtain the warrant *ex parte*.

Hon. Owen Baya (Kilifi North, UDA): I agree with you, as this will prevent delays in pre-empting an attack. If such materials are found, these inspectors may act without a warrant only where any delay would defeat the purpose of the search. There are also provisions regarding seizure, disposal, and forfeiture if the materials are found.

Concerning offences and penalties, if Hon. Tongoyo is found with fertiliser that he intends to misuse, he will be charged with a fine of Ksh50 million or face imprisonment of 10 years, or both. Lesser offences may carry lower penalties.

The Bill has many consequential amendments, and that is why it is voluminous. The consequential amendments to this Bill are many and that is why it is voluminous. These are found in clauses 44 to 53 and they will affect the Firearms Act, Explosives Act, Nuclear Regulatory Act, Pharmacy and Poisons Act, Mining Act, Fertilisers and Animal Foodstuffs Act and Pest Control Products Act. Many laws have consequently been amended as a result of this.

I have already discussed the existing law enforcement. This is a good Bill for the country, as we live in a community of nations. We must recognise that we have a responsibility not only to protect Kenya but also to protect the world. Kenya has suffered before. You gave a good example of the bomb in Nairobi, where just fertiliser—an item with dual use—was used to create a devastating bomb that destroyed many lives and caused upheaval in this country. We must stamp our authority, as Parliament and pass this law, not merely for the sake of legislation, but to protect humanity, the country, and the world against individuals who...

The Temporary Speaker (Hon. Peter Kaluma): I am being selective about the Members speaking on this matter. Hon. (Dr) Wilberforce Oundo, do you wish to contribute to this? I am particularly choosy on this one.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Yes.

The Temporary Speaker (Hon. Peter Kaluma): Please proceed.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Hon. Temporary Speaker, allow me this opportunity to share my comments on the Strategic Goods Control Bill (2026). I would also like to inform the House that this matter has been debated in this country for many years. There have been attempts to bring this Bill to the Floor of the House, but I believe that too many vested interests have impeded its presentation. It is good that it is finally here, and it is time we conduct a thorough review to understand what it is all about.

For the benefit of the people of Kenya, when you examine Clause 2, it defines several strategic terms that Kenyans need to understand so that we know exactly what this Bill encompasses. For the record, it defines "strategic goods" to include military goods, dual-use

goods, weapons of mass destruction, or nationally controlled goods. The most important aspect, in my opinion, is the matter of dual-use goods, as military and security-related items are easy to identify. This is where the challenge arises. There are goods used for civil purposes and others for military applications.

The same Bill, therefore, defines the end-user as any owner of the strategic goods. Literally, the objective of the Bill is to control trade in strategic goods. So, it simply means that if, at any given time, one has to do any business or trade in any of the goods that have been defined as strategic goods and have been included in the national control list, one must suffer the fate of dual or multiple licensing and regulations.

The first implication of the Bill is that, truth be told, people might want to play around or try to be very clever and speak to assuage the fears of Kenyans, but it is going to cost extra to trade goods that shall enter into the list of national control lists. If you look at clauses 9 and 43 of the Bill, they impose a fee to be paid for one to be registered and given a certificate to trade in strategic goods. That is point number one. No other story will hide the truth; my job is to tell my wananchi the truth. Nothing else but the truth.

Second, it imposes a separate additional registration level. For one to do business in any strategic good, and that could even be a walkie-talkie, they must register. If one imports such a walkie-talkie and intends to sell it to politicians to communicate when they are trying to escape from genocide, as happened to some of us a few months ago, then it means one must register, prepay a fee and go through a rigorous and onerous process.

That very onerous compliance requirement is going to make it extremely difficult for local small businesses to get involved in any of the businesses. Even in the case of state capture, even a basic tool could be included in the national list and be termed a “control list” or “good of dual use”, so that they prevent, curtail, or create a kind of monopolistic trade environment.

Third, it imposes some conditions for end-use control. The way the Bill is created, even a mobile phone could easily enter into the national control list. It imposes regulations and conditions, as contained in clauses 12 and 15 of the Bill.

I urge Kenyans to get the soft copy of the Bill, and train their eyes on Part III and Part IV since it is very voluminous. That is where the devil is. They will tell you the “angel” is how they want to control to make sure Kenyans are safe by ensuring there is no proliferation of nuclear materials, all those very sound words, but the devil is in the details, which are contained in Part III and Part IV.

One can easily be shut out because the vetting committee is the one that reviews you. Such committee can deny one a licence to operate a business simply on the grounds that one is a threat to national security. Just because one was seen throwing a stone at a rally somewhere, so one is declared a threat to national security, and they are denied!

Hon. Temporary Speaker, the Bill also proposes to amend a plethora of existing legislation. In some of this existing legislation, we are becoming overcautious. The Pest Control Products Act is being amended to make all the items listed there to become strategic goods. The Fertilisers and Animal Foodstuffs Act is also being amended. The subsidised fertiliser that we are normally given will also have to go through this process. An importer, distributor or end-user might be required to register, obtain a certificate, and get licensed.

On the Mining Act, when you mine gold or the basics in Nyatike or Siaya, you will be required to register. The Pharmacy and Poisons Act, the Nuclear Regulatory Act, the Explosives Act and the Firearms Act are also affected.

I admit that I have not read the Committee Report. I do not know what members of the public said or what comments they gave. Unfortunately, Chairperson of the Committee has left, but I hope and pray that they listened to Kenyans and that public participation is not in vain. From where I sit and having had interactions, this is being driven by foreigners, not Kenyans *per se*. The fear is that some of the technologies we can develop locally can be used

to engage or deter them and therefore want to control, so that we Africans and Kenyans have no opportunity to develop those items.

As usual, many of the provisions in this Bill... The Bill, in general, is not a generic Bill generated by Kenya to solve any imminent danger. As we stand, we have enough laws to manage all these strategic goods. They simply want us to come together so that they can control how we manage all these items. It is just akin to the agreement we signed in December to share medical records with the United States of America (USA). We find ourselves where we are now because we have been forced to come from Social Health Insurance Fund (SHIF), and to now go to something else so that the Americans can have easy access to the medical records of Kenyans.

The most alarming thing, again, is that some items of technology have been placed on the strategic goods list. For example, wireless local area network. If you wire your office to do internal communication and email, or print wirelessly, that again can constitute a strategic good. They literally want to strangle and control our lives. I hope they will manage weapons of mass destruction so that we do not see the same weapons we saw in the Homa Bay on 16th August, of the year of the Lord, 2026.

With those few remarks, I support and I hope the views of Kenyans will be incorporated in the final Bill. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you. When you mention Homa Bay, Hon. Temporary Speaker will be incapacitated to handle the issue. That is why I cautioned against your points of order.

Hon. Memusi.

Hon. Memusi Kanchory (Kajiado Central, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I rise to support the Strategic Goods Control Bill with reservations.

Kenya needs this law. We have no single framework to control the movement of military and dual-use goods in a region like ours. This can be a risk because if these goods fall into the wrong hands, then it will be a security risk. The Bill also helps us meet our obligation under UN Security Council Resolution 1540. Security is a first duty of any State, but it must not come at the expense of trade and livelihoods. I raise three concerns. First, on the structure. The Departmental Committee has asked why we are creating a committee when we have a lean accountable regulator, or stronger existing border and security agencies that could do the same.

Second, the national control lists. This will be set by the Cabinet Secretary. Parliament must be able to scrutinise. Sorry, Speaker, I'm trying to use technology. Parliament should be able to scrutinise it and the public must be consulted before items can be added.

Third, is on farmers. The Bill amends the laws governing fertiliser and pest control products yet our farmers, especially pastoralists, depend on these inputs. They might be caught in licensing delays or extra costs meant for arms dealers. The control list must be narrow and precise, and ordinary farm inputs must be clearly protected.

With those few remarks, I support with the reservations. Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Rindikiri, do you want to contribute to this?

Hon. Mugambi Rindikiri (Buuri, UDA): Yes.

The Temporary Speaker (Hon. Peter Kaluma): Go ahead please. You will be followed by Hon. Joseph Oyula.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. This is a very important Bill, particularly because Kenya is now on this trajectory of development. A close examination of how many countries have such a Bill shows that most developed countries have strategic goods and services control Bills or action plans. They are Singapore, China, United States, United Kingdom, Netherlands, United Arab Emirates, Malaysia, India,

Japan, New Zealand, and Australia. These are some of the countries that have done it before. Why do I think they have done it and they are successful countries? It is because there are certain goods and services that are of value to their states.

This Bill is very clear. What do we define as a strategic good or service? This has been articulated by many of us. In as much as we have said these goods and services, we must be very careful because we need to state whether they are in raw material form or finished products. That is a deficiency in this Bill. This is because if we are talking about gas, we need to know whether it is raw material or refined. If it is about gold, we need to know what state of gold falls in this category. Same thing for diamond.

All in all, it is very important because people have taken advantage of Africa, specifically. Anybody can operate in Africa, and even in this country where we are. Some of these strategic goods are the focus of all businesspeople, both professional and unscrupulous businesspeople. It is, therefore, very important that we have regulations. We must have mechanisms and a deposit of all the important ingredients that we need to put in place so that we have a stable environment for doing business.

It is true that we need to be careful about our security. I was listening to the contribution about drones and one of their importers is right beside me. I am wondering what would happen if I imported unassembled drone and came to assemble it locally. This Bill also lacks a clause on assembling because I can assemble items like drones here, but you are waiting for me to go and register it with the regulator. We need to be very careful about this issue. We can rush to control the fertiliser, but we are not rushing to control the ingredients used to produce it. The fertiliser can be used as a weapon at any stage. It only depends on the technology that is being used to manufacture it. So, it is very important we control weapons.

However, if we do not have strict border controls, this might be an issue. This is because the assumption is that everything passes through Namanga, Malaba, the ports or the airports. I do not know how this will be implemented. It is good to say that we will pass the border control regulation in the Bill, but we are not saying how and where we are going to do it. It is good that we are obliged with international regulations. However, who are the biggest businesspeople in this country? Majority of them are foreigners. They are the ones controlling many of the strategic goods and services.

In the ICT sector, for example, the internet is not being controlled from Kenya. Unless we develop it ourselves, how are we going to control Artificial Intelligence, Starlink, and other facilities and services that are being provided by somebody else? These are very serious issues the Bill needs to address.

The other issue is: our local manufacturers control the goods, but can they control the money being used? We have gold, diamond and aluminium, but are we in control of the money? Yes, we can control the goods but once we import and export strategic goods, the Bill must state clearly how the money movement from these strategic goods will be managed and controlled. I agree that there is multi-agency involvement, but we also need to be very careful. Where do we place money? It is a very strategic good but, in this case, I do not know at what point we define money as a transaction value. That dollar is a good by itself. As we control gold, we should remember that money is also a valuable and strategic good. Money in a vault, it is paper, but when it is in circulation, it is a very important good. Therefore, the Bill must revisit that.

As I said earlier, there are items and even animals that face extinction, particularly rhinos and elephants. Are they defined here? The game park and other animal conservancies need to be protected and regulated. That is why my colleagues are saying, there are certain things that we need to look at because we can pass a Bill that is going stifle other institutions which are doing similar activities.

In Kenya, we are known for penalties. We will ask you to say a penalty of, say, Ksh5 million, or Ksh10,000 and all that. However, the penalties in this need to be revisited because we are dealing with very strategic items. I support the Bill, but we need to bring in some amendments to incorporate those omitted.

Even dumping is another thing. Sorry for going there. We can dump certain things here, and it is a very serious economic issue. Once those goods come here, because they are being dumped here, we do not think much about them, but they are very strategic. It is, therefore, very important that as we go through this Bill, we look at items like those ones.

The Bill is good, but we need to rethink some of those items. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Maero Oyula is recognised.

Hon. Maero Oyula (Butula, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to also contribute to this very important Bill. Having joined the Security Committee some years back, I want to thank the Committee concerned with this Bill for this very important Bill that they have brought up.

The Bill seeks to control trade and movement of goods, technology and services. It is through trade that some of these bad things enter the country. You mentioned very well some of the items that were brought into this country when we had this bomb blast that destroyed many buildings in this country.

The Bill proposes to establish a Strategic Goods Control Committee. This Committee will be very important in helping to identify some of the bad things that might come into the country. The Bill is creating a national control list which is going to identify goods and technology that require control. This identification will ensure that the public knows that if you come up with such a thing, it will be risky to the country.

The Bill will also create an inspectorate department, and the inspectors will have powers to inspect goods, premises, records and electronic information. Electronic information can be very sensitive. If left free, we might end up in a very bad shape. If we have a team that can carry out the inspectorate inspection, the country will be more secure.

One of the issues that requires control is concerned with the treatment of dual-use goods. As mentioned earlier, a product may be completely secure but could be used by other people to do bad things. The product could be used both for military and civil purposes. The control of dual-use goods is, therefore, also important. The national control list will, therefore, be important. Businesses need to be able to clearly determine whether a product is controlled and what approval is required. Therefore, the country will know the required approvals. Registration and licensing requirements are necessary for sensitive goods. Licensing of businesses will also be important, but it could increase the time and cost of doing business.

This Bill is very important as far as the security of our nation is concerned. Kenya needs strong controls over goods and technology that could be diverted for weapons proliferation, terrorism, or other security threats. The law must balance national security with legitimate trade and business activity. This Bill will create clear rules on which goods and technology are controlled; clear limits on the discretion given to the Committee; coordination with existing regulations; safeguards for inspection, search and seizure; a fair process for forfeiture of goods; penalties that reflect the seriousness of the offence; and licensing procedures that do not unnecessarily delay legitimate trade.

In conclusion, this Bill provides an important framework for controlling sensitive goods and technology. Its success will depend on how clearly and fairly the system is implemented. The Bill should protect Kenya's national security while ensuring that legitimate businesses are not subjected to unnecessary delays, costs, and uncertainty. We need to go deeper and ensure that we pass a law that will protect the security of our country and enable our businesspeople

to engage in business without any problems. We should be very careful and pass this law because it will help us with security.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Oyula, for that good contribution on balancing our trade interests with our country's security. Hon. Bernard Kitur, the Member who has fit into the shoes of Hon. Henry Kosgei. The Member for Nandi Hills is now recognised to contribute.

Hon. Benard Kitur (Nandi Hills, UDA): Thank you very much, Hon. Temporary Speaker, for giving me an opportunity to contribute to The Strategic Goods Control Bill, which was first introduced in this House in April. From the onset, I fully support the Bill because the world is changing. Trade is getting more complex and technology is quickly advancing. Artificial Intelligence (AI) is prevalent, and now Artificial Superintelligence (ASI). With technological advancements, negative aspects such as terrorism, transnational crime and cyber threats are growing.

Goods used by both civilians and for military purposes are called strategic goods. It is quite hard to differentiate and govern such goods such as fertiliser. I was recently in school. Hon. Temporary Speaker, I know you may be a bit older than me. When the NO₃ in ammonium nitrate is subjected to high pressure, it easily explodes. That is why some of those goods need to be managed. As it is right now, we do not have a single law on this strategic trade, which then brings us to say that it is important to begin to have a conversation. As the world is changing, is it possible that we can all sit together globally and have a conversation? Kenya, having positioned itself globally, as one of those countries that have made advancement in every space, it is important for us then to have a discussion on the Strategic Goods Control Bill (National Assembly Bill, No. 15 of 2026).

When I look at the objectives of this Bill, first of course is to control trade on the strategic goods and equally, prevent proliferation of nuclear chemical and biological weapons, and their means of delivery. It is also important that Kenya domesticates the United Nations Security Council Resolution 1540 and meet Kenya's Obligations under the Nuclear Non-Proliferation Treaty, the Biological Weapons Convention, the Chemical Weapons Convention, and the Treaty of Pelindaba. On this, Kenya as I said earlier, is playing a critical role in the World's stage in every aspect. Therefore, the fact that we have not been able to domesticate some of these global treaties... This is one of the spaces that we need to occupy.

Equally, Hon. Temporary Speaker, it is important then, to have one national framework that would bring inter-agency coordination, allowing various departments of government to speak one language in as far as this aspect of strategic goods trade is concerned. When I look at the national control, as I have heard several of my colleagues mention regarding Clause 4 in the Schedule, the goods that have been captured there include nuclear materials. Nuclear can be used for power generation, and the world is moving in that direction. However, how are we able to manage the power that emanates from nuclear to prevent it from falling into the wrong hands? You also hear that it is used for medical treatment. Are we able to manage it? We need to have a way to control these materials, considering we are talking about chemicals, biological agents, toxins, and electronics, as a number of us have mentioned.

Drones, for instance, can be used for good purposes. I have heard that they are used nowadays for the delivery of farm fertilisers, as well as videos and photography, but they can also be used in a harmful way. The military also uses these technologies. I was looking at what happens in some parts of the world right now, where things are remote controlled. The world is moving into the cyber-space where you just control from far and robots do their thing. So, we need to find a way of controlling the usage of these technologies. When they are being imported, what is the ultimate goal? How will we manage them? Of course, we are talking about electronics, telecommunications, information security, sensors and lasers, marine systems, aerospace and propulsion.

Hon. Temporary Speaker, the establishment of the Strategic Goods Control Bill (National Assembly Bill, No. 15 of 2026) of which I note in Clause 5, is very important so that we bring coordination. What I love about this is the fact that it has been made too broad, that it brings various agencies of Government; whether you are talking about the Kenya Defence Forces, NIS, ICT departments, finance, health, trade, Kenya Revenue Authority or National Police Service. The other interesting bit is that it is bringing in the Kenya Private Sector Alliance (KEPSA) and the Kenya National Chamber of Commerce and Industry. I have heard some of my colleagues, Hon. Temporary Speaker, speak as if this could be a way where legitimate businesses people might be strangled. I do not think that is true because we are bringing in the business community representations into this Committee. We will make sure there is fairness in it. I do not think anyone should feel that this Bill is meant to strangle anyone; I think it is right and positioned in the right place at such time as this.

Hon. Temporary Speaker, I have also noted that the Secretariat will have a director to manage its operations, with representatives from Government and the private sector. The coordinator will have a secretariat headed by a director and placed under the Cabinet Secretary responsible for internal security. The Secretariat will essentially maintain a database to monitor strategic trade and inspect end use. This is critical because when we undertake these importations, we need to understand their ultimate end use. This must be monitored.

Earlier when making this introduction, I said that Kenya is well positioned globally. When benchmarking against other countries, you will note that Singapore has a Strategic Goods Control Act, while Malaysia has a Strategic Trade Act which was passed in 2010. In fact, we are way behind. The United Kingdom (UK) enacted its legislation in 2002, while the European Union has a dual-use regulation. Countries such as South Africa have non-proliferation and arms control legislation. Equally, the USA has the Export Control Reform Act and the Arms Control Act.

What does this mean? We are positioning ourselves globally as a country where people can come and trade with confidence. We have put in place safeguards to ensure secure trade. We will also become one of the countries that others benchmark when developing similar laws.

Once this Bill is passed, the business community will have a year to align its operations. Individual licences will run for three years. This gives businesses sufficient time to operate without frequent licence applications, provided they maintain good conduct and comply with the requirements. For global companies, general licences will run for five years.

In my view, this Bill is well positioned and is addressing the issues at hand. We welcome persons with different views and perspectives. However, I believe the Bill is in the right place, and we welcome it.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): I take it that no other Member wishes to contribute to this Bill. I will, therefore, call upon the Mover to reply.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. I thank everyone for contributing to this important Bill. We have heard the criticism, fears and other issues raised, which I think we must consider as we proceed to the Third Reading. I thank the Committee for its thorough scrutiny of the Bill. This is a good piece of legislation that requires some tidying up here and there. We will pass it and make this country and the world safer.

Thank you, Hon. Temporary Speaker. I reply.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Member, the debate on this Bill is the best I have presided over this year. I congratulate all Members on their well-researched and thought-provoking contributions.

(Question put and agreed to)

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

Next Order.

MOTIONS

ADOPTION OF 10TH REPORT ON AUDITED ACCOUNTS OF SPECIFIED STATE CORPORATIONS

The Temporary Speaker (Hon. Peter Kaluma): The Chairperson of the Public Investments Committee on Social Services, Administration and Agriculture, Hon. Emmanuel Wangwe, to move.

Hon. Emmanuel Wangwe (Navakholo, ODM): Hon. Temporary Speaker. I beg to move:

THAT, this House adopts the Tenth Report of the Public Investments Committee on Social Services, Administration and Agriculture on its examination of audited Financial Statements of the following State Corporations, laid on the Table of the House on Wednesday, 1st July 2026:

1. National Youth Service for the Financial Years 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024 and 2024/2025.
2. National Syndemic Diseases Control Council for the Financial Year 2024/2025.
3. Child Welfare Society of Kenya for the Financial Year 2024/2025.
4. Public Benefit Organisations Regulatory Authority for the Financial Year 2024/2025.
5. Communications Authority of Kenya for the Financial Year 2024/2025.
6. Kenya Medical Supplies Authority for the Financial Year 2022/2023.
7. Agricultural Finance Corporation for the Financial Years 2012/2013, 2013/2014, 2014/2015, 2015/2016, 2016/2017, 2017/2018 and 2018/2019.

Hon. Temporary Speaker, in the examination of the financial statements of the various State corporations, we relied on the following instruments: the Public Finance Management Act, 2012; the Public Audit Act, 2015; the State Corporations Act, 1986; the Public Procurement and Asset Disposal Act, 2015; the National Assembly Standing Orders and the National Assembly Powers and Privileges Act, 2017.

We considered this Report in various strata. At the first level, we considered the specific and general observations and recommendations that cut across the seven agencies. One major issue that remains a thorn in the flesh of our various agencies is the lack of ownership documents, especially for land and buildings. The Communications Authority of Kenya, the National Youth Service, the Kenya Medical Supplies Authority and the Agricultural Finance Corporation have many parcels of land spread across the country. However, they do not have title deeds or other documents of title for various parcels of land. Some of these parcels of land have disputes.

Hon. Temporary Speaker, I would like to be specific. The Communications Authority of Kenya (CA) does not have the title documents for the land that hosts the Modika Radio Monitoring Station in Garissa County. The National Youth Service had not fenced its parcels of land measuring approximately 2,247 hectares located in Yatta, Mavoloni, Athi River, Mombasa Technical Institute and Mwatate, exposing them to encroachment. This is

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contravention of Section 72(1) of the Public Finance Management Act, especially Cap. 412A where the accounting officers are required to manage assets and liabilities in a manner that ensures value for money in their acquisition, use and disposal.

The Kenya Medical Supplies Authority could not provide the original title documents for six parcels of land located in Nairobi, Eldoret, Garissa, Mombasa, Kakamega Greenside and Kakamega Depot PGH. The Kenya Medical Supplies Authority (KEMSA) has a parcel of land located in Kisumu Municipality, valued at approximately Ksh25 million, which has been encroached by a private developer who acquired ownership rights over the property. The matter is under investigation by the Directorate of Criminal Investigations (DCI), pending determination.

Hon. Temporary Speaker, there is also a parcel of land in Kakamega Municipality measuring about 0.9852 hectares, valued at Ksh7.5 million. It was exchanged for a parcel of land whose value was Ksh3.3 million. However, the details of the exchange were not provided for audit review, although both parcels of land were disclosed in the financial statements.

Agricultural Finance Corporation does not possess ownership documents for the parcel of land, LR No. 110348/3, measuring 0.0622 hectares, located in Busia County. With those details, we had to make some decisions on the findings. Within a period of six months, upon adoption of this Report, the National Assembly Departmental Committee on Lands should conduct a comprehensive inquiry into the ownership of all parcels of land owned by Ministries, Departments and Agencies (MDAs). The objective of the inquiry is to ensure that all public land vests in the respective government entities, with the legal title deeds and possession. In this respect, the Departmental Committee on Lands shall propose a Bill for enactment that provides for the vesting custody of the public land title deeds in the National Treasury.

This is a practice, but it is not a law. In practice, we vest the public land title deeds in the National Treasury. MDAs have title deeds in their own names. For clean and neat National Registry, we propose the National Treasury to have it. We also propose that a comprehensive land register for all public land shall always be maintained by the National Treasury, with regular updates, when necessary.

There is also the second cross-cutting issue on the delay in availing documents to the Auditor-General. We noted and observed that the KEMSA and National Youth Service failed to provide complete and reconciled financial and accounting records and documentation in time for audit review and verification during the exercise, leading to unnecessary queries. The documents were there. When they appeared before the Committee, they produced them. However, they were missing during the audit. When they came before the Committee, where did these documents come from and why were they not availed to the auditors? This is provided for in law.

Article 226 of the Constitution constitutes the office of the Auditor-General. Failure to submit documents to the Auditor-General contravenes this Article and the subsequent Public Finance Management (PFM) Act. Section 68(2) of PMF Act, 2012 requires that financial and accounting records be presented within three months after the close of the financial year. Therefore, it is an obligation of the accounting officers to present the accounting documents. All the documents that the Auditor-General requires must be presented within three months, after the closure of the accounting period.

We made a recommendation on this. We said that all accounting officers should always comply with Section 68(2) of the PFM Act. They should submit all the required information for audit within the stipulated timelines. We also said that an accounting officer who fails to provide the required information for audit, pursuant to Section 62(1) of the Public Audit Act (Cap. 412B), should be prosecuted for the offence.

Another cross-cutting issue was on long outstanding receivables. We noted that some of these State corporations experience challenges in recovering outstanding debts. This is

coupled with the lack of collection or recovery mechanisms. They do not have any recovery mechanisms on how to recover or collect the money. There is lack of effective debt management policies, poor record systems and coordination between the debtors and recipient entities. Some of the entities which I want to highlight did not have the corresponding documentation to link the dates to the various agencies. For instance, Child Welfare Society of Kenya had long outstanding receivables amounting to Ksh6.1 million which have been outstanding for over three years. The KEMSA received Ksh1,653,753,790 which had been outstanding for more than 360 days. For an agency like KEMSA to have an outstanding figure of Ksh1.6 billion for 360 days is enormous. It has an impact on the transactions and daily running of the organisation, and therefore, KEMSA is required to up its game on the collection of funds.

Further, Communications Authority of Kenya has challenges, and up to now, as we speak, they still have challenges in recovering from Telkom Kenya Limited a whopping Ksh5,695,935,298 or US\$ 40,079,861. There was explanation, and despite all the several attempts by the Authority to pursue the debt with Telkom Kenya Limited through demand letters, emails, and holding meetings with Telkom Kenya Limited, the amount remains outstanding. This recovery is turning into a mirage, and it is upon this House to take a very strong step forward and help CA to recover this money.

What we have just been talking about in terms of security, and even what we talked about before regarding the Bill which has just been discussed now, Telkom Kenya Limited hides behind the issue that this is a security matter, claiming that it is offering a security service to CA while it is accruing Ksh5.6 billion worth of liability to pay to CA. Therefore, we made a recommendation that the accounting officer should ensure that all proper and robust debt collection mechanisms, effective debt management policies, and proper systems for the recording of the debt are put in place. There was a communication from Telkom Kenya alluding to miscalculation of figures, but it was not good enough to warrant that. These were delaying tactics towards paying the amount owed to CA. Also, we did not see that the matter had been escalated to court or arbitration. That in itself, is an indication that the mechanisms of debt collection have not been explored to the letter.

We also said that within three months upon adoption of this Report, the entities with outstanding receivables should initiate recovery mechanisms within the statutory provisions and identify any such debts that would be deemed irrecoverable.

Hon. Temporary Speaker, you do recognise that the Government of the day has explained that there should be no court cases, but that does not stop the issue of arbitration. Arbitration should be pursued so that discussions on how debts will be paid are made clear before the auditors. The other issue that cuts across is the issue of long outstanding payables. What is outstanding to the various entities to pay? For example, the Public Finance Management (PFM) Act (Cap 412A) provides that any pending bills form the first charge in the subsequent financial year of the budget. Some of the said corporations had challenges in paying outstanding debts. This was occasioned by poor budgetary controls and lack of proper documentation to support the payables. You can only pay when documentation is clear, but when documentation is in doubt, it becomes tricky. You realise that the current budget is being uploaded or has been uploaded in the last few weeks. You find that most of the Government entities are paying pending bills, but if documentation is not proper, it ends up not being paid.

We observed that the National Youth Service had an outstanding payable amount of Ksh500 million which had remained outstanding for over three years, with no evidence provided on measures taken by management to settle this obligation. KEMSA had trade payables amounting to Ksh3,989,600,611 which were outstanding for a long period for the time contrary to Regulation 42(1)(a) of the PFM National Government Regulations, 2015 that states:

“Public debt service payments shall be a first charge on the Consolidated Fund, and the Accounting Officer must ensure this is prioritised to the extent possible so that the Government does not default on its debt obligations.”

Having considered that, we said that within three months upon adoption of this Report, all the entities with outstanding payables should prepare a report detailing how the payables arose, reasons for non-payment and the measures taken to repay, and report to Parliament.

The fifth issue that cuts across the seven agencies was non-compliance with the one-third basic salary rule. It is important to note that provision of Section 19(3) of the Employment Act, 2007 states: “Total wage deductions cannot exceed two-thirds of an employee's wages at any one time.” We noted that the National Youth Service had 156 employees who received a net salary of less than a third of their basic pay in June 2023. This contravenes Section 19(3) of the Employment Act. 22 Child Welfare Society of Kenya employees earned a net salary which was less than a third of their basic salary. This also contravenes that regulation. Therefore, we made a recommendation that within three months upon adoption of this Report, the accounting officers of the two agencies should submit to the National Assembly documented measures undertaken to strengthen payroll controls through automated payroll validation checks designed to flag salary processing that violates the one-third rule prior to disbursement.

Allow me to look at the various individual cases on the seven agencies. Most of the issues are in the Report but I want to sample a few peculiar issues that the Committee came up with. I want to begin with the National Youth Service, especially regarding the Financial Year 2022/2023. We noted underutilisation of land as a peculiar issue that came up in the report. The Committee observed that the NYS has 96,124.62 hectares of service land, out of which only 2,456.5 hectares, which is just three percent of that land, is under productive use. That means that approximately 97 percent of the land remains idle, despite the NYS having the necessary manpower. This raises serious concerns about whether value for money is being realised, as there is no effective utilisation of the land. In our submission to you, we recommended that within three months upon adoption of this Report, the Accounting Officer should submit to the National Assembly a comprehensive plan demonstrating how the Service will effectively utilise its land to generate additional income and improve liquidity.

In the Financial Year 2023/2024, in the same agency, there was an issue on sustainability of service. The Committee observed that the agency recorded a deficit of Ksh211,675,213 during that year. That eroded the retained earnings resulting in a negative working capital of Ksh550,179,508 without the inclusion of historical pending bills amounting to Ksh16,390,237,695. This financial position indicates that the Service is technically insolvent and its continued ability to discharge its core mandate is heavily reliant on creditors and Government grants. These are the figures from the Auditor-General. Therefore, it is important to note that, where need be, this is a very important Government agency, and all Kenyans look upon NYS. My people from Navakholo are observant and would want to see NYS grow.

This is an issue that even the Cabinet Secretary for the National Treasury and Economic Planning should consider sitting down with the Director-General and discuss how to clean up the balance sheet of NYS. Let this fund get its status improved but not in this kind of situation. Therefore, we made a very conclusive recommendation that within three months upon adoption of this Report, the Accounting Officer should develop a comprehensive turnaround strategy to improve its financing and budgeting process that will ensure the Service operates efficiently. As you can see from the figures, even after subtracting the pending bills which have already been incurred, the Service is already in the red at Ksh550 million. It requires total support, and the Director-General, who is a very strong officer whom I observed, needs a lot of support.

The National Syndromic Disease Control Council, especially in the 2024/2025 Financial Year had one peculiar issue of unutilised deferred revenue. My Committee observed that the Council received Ksh100 million on 4th December 2017 for the purpose of acquiring and developing the Maisha Plaza Project. However, the construction of the Plaza had not commenced seven years after receipt of the funds due to the challenge of acquiring land, implying a lack of feasibility study. The management did not demonstrate how the Council received the funds before acquiring the land.

We did make a recommendation as follows: that the accounting officer ensures at all times that a robust feasibility study is undertaken before a capital renewal project is budgeted for. This was after the Chief Executive Officer tabled the roadmap to acquisition. The initial plan for this agency was to get land from a sister agency, Kenyatta National Hospital, whose work did not go well, and now they are in procurement mode to get a proper site to build the head office.

On the issue of Child Welfare Society of Kenya for Financial Year 2024/2025, there was an issue on deposits held in collapsed banks. The Committee observed that the recoverability of the Society's deposit amounting to Ksh14,374,766, held in Imperial Bank, which went under receivership in 2015, remained highly doubtful. The management had lodged claims with the Kenya Deposit Insurance Corporation (KDIC). However, the progress made to recover the deposit since 2015 had been minimal. Consequently, this exposed the Society to the risk of losing public funds.

We now make the following recommendation. The Committee recommends that within three months of the adoption of this report, the accounting officer should liaise with the Chief Executive Officer of KDIC in order to fast-track the recovery of the Ksh14.3 million held in Imperial Bank, which collapsed. This was because there was no evidence of communication other than explanations that were there at one point, an engagement between them to get the funds back. In the case of the Public Benefit Organisations Regulatory Authority (PBORA), there was one issue in the Financial Year 2024/2025 regarding non-compliance with affirmative action on persons living with disabilities. It is by law that members of society living with disabilities should be considered in our formal employment. The Authority does not have any staff members with special needs, which is contrary to Section 21(2)(a) of Kenya's Persons with Disabilities Act, 2025, which requires that at least five per cent of staff, be persons with disabilities.

This is the law, and we need the PBORA to enforce it. We recommend that the accounting officer ensures compliance with the provisions of this law and the relevant applicable laws and regulations herein. Our persons with disabilities must have a place and must be supported by all of us, especially in this House. Regarding the Communications Authority of Kenya (CA), I would like to cite an issue for the Financial Year 2024/2025 concerning long-outstanding receivables. The issue of Telkom Kenya having an outstanding balance of Ksh5.6 billion with respect to spectrum fees is significant. We must all support CA in recovering this money. The National Treasury wrote a letter to CA, Reference No. TNT/ZZ/331/02, dated 28th June 2020, on behalf of Telkom Kenya Limited, regarding frequency spectrum fees, suggesting that they continue utilising the frequency spectrum. However, to date, between the time of the audit and my time of reporting, that money has not been settled. We recommend the following.

That within three months of the adoption of this Report, the Accounting Officer at CA, the Principal Secretary at the National Treasury, the Principal Secretary for the State Department for Broadcasting and Telecommunications, and the Attorney-General should form an *ad hoc* committee comprising representatives from the four entities. This committee should aim to develop legally binding and documented modalities for settling the outstanding amount and addressing future obligations that may arise from their engagements. The legally binding

memorandum signed by the parties should be presented to the National Assembly and the Auditor-General for review.

Hon. Temporary Speaker, we pushed CA to provide us with any binding memorandum reflecting their relationship with Telkom Kenya, but none was forthcoming. We felt it is now important to involve the mother ministries and state departments to formalise engagement aimed at recovering this money.

Having considered the several issues raised in the six agencies, the last being the Agriculture Finance Corporation (AFC), I wish to report as follows: Agriculture Finance Corporation has an issue concerning land and buildings that we must examine and support. The balance reported on land and buildings excludes from the financial statements land located in Busia, Nanyuki, and Kerugoya, whose ownership has been disputed, thereby exposing public assets to the risk of loss through repossession by the respective county governments, legal disputes, and the misstatement of assets in the financial statements.

Hon. Temporary Speaker, AFC mainly engages in providing funds for agricultural purposes, including the purchase of land. If AFC can prepare a financial statement and still fail to capture the figures for the land in Busia, Nanyuki, and Kerugoya, this raises concerns. We are on the verge of legislating the financial position of AFC as a whole. The repossession of land in Nanyuki and Kerugoya indicates weak monitoring of development conditions, exposing the corporation to avoidable loss of public assets.

The third issue is the delayed titling of land affecting valuation and financial reporting. There are various parcels of land belonging to the Agricultural Finance Corporation (AFC) that were presented to us without valuation and were also not reflected in the financial statements. Failure to secure ownership documents in a timely manner prevented the inclusion of the assets in the revaluation exercise, potentially understating the value of the assets and weakening the reliability of the financial statements.

When we look at the financial statements of the AFC, and there is no valuation of its assets, particularly the land, it presents the land with a value dating back approximately 10 to 14 years. That means that the financial statement is not correct.

Further, the risk arising from continued non-compliance, with 16 parcels of land still untitled, the Corporation remains exposed to future disputes, repossession and audit queries if corrective action is not taken. This is a serious issue. Imagine having 16 parcels of land without proper valuation; that position becomes very dangerous for the Government to have such an investment in our agency.

Therefore, we recommend as follows: That within six months of the adoption of this Report, the National Assembly Departmental Committee on Lands should conduct a comprehensive inquiry into the ownership of all parcels of land owned by the Agency. The objective of this inquiry is to ensure that all public land is properly vested in the Government entity. This is also in light of the earlier conditions of inquiry into the land issue.

Why should this responsibility be assigned to the Departmental Committee? It is because the law provides that Ministries, Departments and Agencies should report to the National Assembly on a quarterly basis. Therefore, if the Departmental Committee supervising this Agency can undertake this exercise, rather than leaving it entirely to the Audit Committee, we will gradually ensure that all the assets of the Agency are properly captured in its books, as required.

With that, allow me to conclude by saying that I thank you and your Office, Hon. Temporary Speaker. I would also like to thank my colleagues, the Members of my Committee, including my Vice-Chairperson, Hon. Caleb Amisi, and the very able Bishop Jackson Kosgei, who is with us here today, for the tireless time that he devoted to this work. He is a very great Member, a serious Kenyan and a very good Member of the other side of the House.

I also wish to thank the Hon. Joshua Kimilu, and my great friend and Member for Nandi Hills, for sitting for long hours to draft and evaluate this Report. I also wish to thank the Clerk of the National Assembly, through the Directorate of Committees. My Committee Clerk made a significant input in terms of manpower and excellence. I wish to register my appreciation, as the Chairperson, for the good work.

I also wish to thank each and every person who supported this course until we were able to come up with this Report, including the agencies, for making themselves available whenever we invited them. They provided us with the information, and all that information has been incorporated into this Report. It is a well-discussed Report between the Committee, the Agencies and their Chief Executive Officers (CEOs).

I submit this Report to the House. I request Members to support me in passing this Report. I further request Hon. Jackson Kosgei to second.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Chair, Parliament is honoured to have you as the leader of this Committee and this team. Thank you for that detailed Report. You do this in virtually all your reports, and I wish that all Audit Committees would have their Members seated whenever you are moving

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Who did you say should second? Oh, Hon. Jackson is also in the House. Please proceed Bishop.

Hon. (Dr) Jackson Kosgei (Nominated, UDA): Thank you very much, Hon. Temporary Speaker. Thank you Chair for representing us very well. On that basis, I second the Report.

I request to make a few observations in backing the presentation of the Hon. Chairperson. There are some agencies that are underfunded, which in our observation are very important to the country, like the Child Welfare Society of Kenya. We request Members of this House that when the time comes, this entity requires two things: First, legal recognition that domiciles this within the framework of the State ensures that children will be paid attention to because they are our future. It will be necessary to have a law to this effect, and existing laws amended. At one time, they existed under a trust and then it was moved. At another time, it was a corporation. In our interactions with the entity, which has appeared before us many times, we request this House to relook at the architecture of this entity with a view to giving it the powers and capacity to manage issues relating to our children. Second, is about financing. It is underfunded, and therefore, lacks capacity to run. Other issues were common across, including land, governance, and others that have been summarised by Hon. Chairperson. We stand by the views presented in the recommendations by the Committee.

Thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Bishop Kosgei.

(Question proposed)

Hon. Bernard Kitur is recognised to make his contributions.

Hon. Bernard Kitur (Nandi Hills, UDA): Thank you very much, Hon. Temporary Speaker, for giving me the opportunity to make this contribution.

In the upshot, allow me to sincerely thank the support of the leadership of Parliament, and mainly the Hon. Chairperson, Hon. Emmanuel Wangwe. I have grown in leaps and bounds to understand how institutions work. Under the leadership of Hon. Wangwe, when we were auditing most of these institutions and they would appear before us, we were able to understand the workings within the organisations, and the hard work and discipline of Hon. Wangwe. Many Kenyans do not understand. They might be thinking that sometimes being in Parliament, appearing on this Floor of the House, is just this simple debate. The real work truly happens in

committees. Hon. Wangwe, would be coming in on time. We would sometimes start sitting at 8.00 a.m. all the way to almost 6.00 p.m. continuously, analysing these reports and the discussions.

Equally, allow me to really thank the officers of Parliament. Those are the clerks and the secretariat of that Committee. They would really burn the midnight oil to be able to work with the speed with which we were carrying them through. In fact, I would challenge the leadership of Parliament, that if today a record of performance is placed, I am very sure the Committee on Public Investment Committee (PIC), which Hon. Wangwe leads, would not miss in the top two in terms of work delivery.

The Report that has been presented today is about the audit of the NYS for the Financial Years 2019/2020 to 2024/2025; the National Syndemic Disease Control for Financial Year 2024/2025; Child Welfare Society for 2024/2025, Public Benefit Organisations Regulatory Authority for the Financial Year 2024/2025; Communications Authority of Kenya for Financial Year 2024/2025; KEMSA for Financial Year 2022/2023; and of course AFC for Financial Years 2012/2013 to 2018/2019. There are issues that we found cross-cutting in all of them. I love the way the secretariat and we, under the leadership of our able Chair, were able to cluster the issues that came up. The guiding principles were the Public Finance Management (PFM) Act of 2012, the Public Audit Act 2015, State Corporations Act 1986, Public Procurement and Asset Disposal Act, National Assembly Standing Orders, and the National Assembly Powers and Privileges. These were the nets that we used to craft this Report that we brought here today.

The cross-cutting issues were as follows. One, we noted that a couple of the land and buildings in these institutions do not have title deeds. This is a very serious issue because in the past and even in the present, we have witnessed the land corruption that involves taking of Government properties by individuals. There is no active action towards recovery of those properties. That was our key concern. We noted that the Communication Authority of Kenya, NYS, KEMSA and AFC had several parcels of land spread across the country that did not have documentation.

I will touch on the NYS. It will interest the House to note that they have comparatively about 2,000 hectares that are not fenced and have been encroached upon. Only 2,400 acres of the National Youth Service are being utilized out of the over 96,000 acres of land. The entire over 93,000 is fallow, and yet, NYS has young people whom they can engage to participate in various activities whether they want to lease those lands, grow food, or carry out other productive activities. They have these huge tracts of land but they have not protected or secured them. It is, therefore, open that these parcels of land can easily be stolen from them.

At the same time, the utilisation of such huge tracts of land should be a concern of this House. In fact, based on some of the recommendations that have been provided here, I would be keen to see if the Committee on Implementation will be able to follow up. I also like the proposal that Hon. Wangwe gave. That at some point, he would want the Departmental Committees to also participate in this audit. This is because at the Departmental Committee level, you can demand to know how they are utilising this huge truck of land that they have. Generally, we noted that most of these organisations have not been able to title all their land.

Something that will also interest this House is the issue of KEMSA. They have a title deed worth Ksh220 million that has been cancelled by National Land Commission (NLC). They are now in court spending a lot of public money in a dispute between the NLC and KEMSA. At some point, there was a government position that government institutions should not take each other to court; they need to resolve such issues amongst themselves. They are now in court spending a lot of public money between NLC and KEMSA. At some point, there was a government position that government institutions should not take each other to court. They need to resolve such issues amongst themselves. I call upon this House to affirm itself

that such high value properties should not have a tussle in between where one is cancelling the title deed while the other is still claiming ownership of the property. That is a concern that I was able to pick on the aspect of land ownership.

Hon. Temporary Speaker, the other serious issue that happens is where the Auditor-General goes to audit an institution, but is not provided with all the documentation required. Of course, this is contrary to the provisions of Article 226 of the Constitution and Section 68(2) of the Public Finance Management (PFM) Act. There are institutions that we found to have not provided the necessary documentation so that the Auditor-General could do proper audit of the institutions. These institutions include KEMSA and the NYS. I want these recommendations that have been tabled here to be taken extremely serious by the accounting officers. Let it also be known by all other government agencies that they need to provide documentation for audit because public money has been used in the projects.

We need to have zero fault. If you know the parameter, why are you not able to provide these documents? Are you trying to hide something? Up to this moment, they have not been able to provide the documents when it is clearly stated that within three months, at the end of the financial year, you are supposed to provide these documents for audit. Therefore, this House must take this Report seriously so that there is a serious follow-up on the recommendations that have been tabled by this Committee.

I would also like to pick on the issue of non-compliance with one-third of the basic salary rule. There were two institutions: the NYS, which had 156 of its staff being paid less than a third of what they earn, which is contrary to Section 19(3) of the Employment Act, 2007, and the Child Welfare Society (CWS). Government institutions must know that they should not pay their staff less than a third of their basic salary because the staff will be suffering with a little salary to take home. Therefore, this is a serious issue. They know the requirement, but they still go against it.

As I rush to conclude, I also note that the National Syndemic Disease Control Council (NSDCC) had a proposal where they were given...

(The microphone went off)

Hon. Temporary Speaker, I ask you to add me three more minutes to finish important points that I want to make.

The Temporary Speaker (Hon. Peter Kaluma): You have been added two minutes.

Hon. Bernard Kitur (Nandi Hills, UDA): Thank you. The NSDCC had requested for Ksh100 million in December 2017 to acquire the Maisha Plaza Project. To date, that project has not taken off. We wanted to confirm whether those monies are still in the accounts. Why would an institution request money if you have not identified a property that you want to buy? That was a matter of great concern.

Regarding the issue of the Child Welfare Society of Kenya, there was money that was deposited in Imperial Bank that went down. There needs to be closure on whether this money can be recovered or not. We encourage that there should be a conversation with the Kenya Deposit Insurance Corporation to affirm whether it is possible to get this money back. There should be closure.

Another very important issue is the CA and Telkom Kenya. You find that Telkom Kenya has a huge debt owed to the Communications Authority of Kenya, running into billions. We all know where Telkom Kenya is. I would encourage that there be a discussion between the mother ministries, that is, the National Treasury and Economic Planning and the Ministry of Information, Communications and the Digital Economy, so that this is resolved. We do not need to keep increasing the debts that are there. If it needs to be netted out or written off, it has

to be done so that we do not keep having huge debts believing that they will be recoverable, yet there is no future in the same.

With those few remarks, allow me to salute Hon. Emmanuel Wangwe and the team that participated in doing this fantastic Report. I encourage the House to adopt it and the Implementation Committee to follow up on every recommendation that has been made to the letter.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Bernard Kitur. Hon. Joshua Kimilu is now recognised to make his contribution.

Hon. Joshua Kimilu (Kaiti, WDM): Thank you, Hon. Temporary Speaker, for the opportunity. I thank my Committee, led by our able Chairman, Hon. Wangwe, who is a father of many children. When we were doing this report, we took our time. Most of us, as Members of this Committee, were very keen to make sure that we got it right. This is because, when doing this work, it is not for our benefit but for all Kenyans.

I have learnt a lot from some of these organisations while making this report. As Members of Parliament, we need to tell the country what is happening in some of these organisations. I want to thank Hon. Kitur, who was previously a Member of this Committee, only to wake up one day and find out that he was no longer a Member. He did a good job when he was one. We wrote some of these reports together.

I wish to congratulate all the Committee Members, from the Chairman, Vice-Chairman and the Members, including Hon. (Dr) Kosgei, who is here with us. Some days, we were sitting up to midnight, trying to make sure that we give the country the best.

If you go to the report, some of the things which caught my eye, once you see organisations like the Communications Authority of Kenya, is that they had no title for Modika Radio Monitoring Station in Garissa for all those years. One wonders, this is a Government organisation. From Government to Government, how long should it take for an organisation to get a title deed for land? Some of these things, we found that it is as if people do not want to get the title deeds because maybe they have plans to grab these parcels of land or to misuse the land. Misuse of public land denies Kenyan people their right to access Government services. That is why, as a Committee, we gave our recommendations on such issues and gave them only three months to comply because we found that there is a lot of work to be done by these organisations.

The KEMSA failed to provide the original title deeds for its six parcels of land located in Nairobi, Eldoret, Garissa and Mombasa for audit. They had time to get all those title deeds. Hon. Temporary Speaker, you asked why an organisation like KEMSA can fail to produce title deeds for those parcels of land. The Committee had no choice but to recommend that they produce the title deeds and follow the law as required.

The National Syndemic Disease Control Council (NSDCC) was given Ksh100 million seven years ago to develop the Maisha Plaza Project. They could not produce bank statements showing how they used the allocated funds or explain why the project has taken too long. We recommended that the accounting officer submit a bank statement within three months. These organisations should ensure transparency and make it known to Kenyans that they are working and not hiding nefarious things behind the curtain. The Committee recommended this because we want transparency.

The House should adopt this Report because action is needed. In the future, we will amend the law so that once the House adopts any report, we implement it as quickly as possible, so that we can take action against the culprits before they leave office. We need to act quickly so that Kenyans can appreciate the important work we are doing.

We discovered that the Child Welfare Society of Kenya (CWSK) was underfunded. Our ministries need to support Semi-Autonomous Government Agencies (SAGAs). A State corporation like the CWSK is a very sensitive organisation. We need to extend great care to

our children. The Ministry should not underfund an organisation that does such good work for our country. That is why we also recommended that the Ministry takes immediate action to ensure that this organisation is well funded. Child welfare should not be taken lightly.

I had a case in my constituency - Kaiti, where a 12-year-old child was raped. The CWSK faced challenges in handling the issue because of limited funds. When I followed up, I discovered the organisation was struggling. This Parliament approves huge budgets for ministries. You cannot tell one hand not to support the other because both hands are parts of the same body. Likewise, we need to ensure that ministries take care of the SAGAs which fall under their mandate.

I do not want to take much time because I also want my colleagues to contribute to the Report. I request this House to adopt this Report so that action can be taken and implementation can take place.

The Temporary Speaker (Hon. Peter Kaluma): Thank you very much. Hon. Paul Biego

Hon. Paul Biego (Chesumei, UDA): Thank you, Hon. Temporary Speaker, for this opportunity. At the outset, let me join my colleagues in congratulating the Hon. Chairperson and his team, as well as the clerks who worked on this Report. I have read the Report, and I heard the Hon. Wangwe giving the findings and recommendations. If all committees gave these kinds of reports, which are straightforward and make a lot of sense, then we would go to the next level as a country. So, let me congratulate all the Hon. Members of that Committee.

Mine will be a bit short because many of the issues have been raised, but I must say it is a pity that organisations do not have recovery mechanisms. It is really a pity because if an organisation like the AFC and others mentioned give out public funds and do not have recovery mechanisms. It is very sad. This 'I do not care' attitude in entities and parastatals should end. That is why I support implementing the recommendations of this Report to the letter, so that others will follow and do the right thing. Just imagine, as per the Report, we have been told very clearly that a parastatal like AFC, which should have a system to develop and implement a land management and security framework, does not have that kind of framework. So, it becomes very difficult for them to operate well, track their debts and recover them.

AFC is an entity many people have lost their land to in the past. I really do not think the people who have been given loans default on them, and if they do, they will be caught. But the entity itself is reporting losses, even though it is supposed to be the one developing that framework. This is unacceptable. Just imagine amounts running into billions; we have heard of over USD40 million, and that is more reason we need to take the Committee's recommendations seriously. Even at KEMSA in 2023/2024, it is a pity that trade payables rose to around Ksh4 billion; I think it was Ksh3.989 billion, which was outstanding under these regulations. If the PFM Act was followed to the letter, then things would be very easy, but these accounting officers, once in office, want to do their own thing, contravening Section 42 (1) (a) of the PFM Act.

We need to do something in the future. Otherwise, we are going to lose too much; we will be crying that no infrastructure is being done well, and that we do not have money to pay workers, yet a few people will be enjoying it. I am even surprised that Telkom owes the Communications Authority of Kenya over Ksh5.6 billion in spectrum fees, yet Telkom goes scot-free and fails to pay. How would they expect a parastatal like CA to continue?

We have also raised more serious issues, and that is why I applaud the Committee. Although the National Treasury has committed to pay the money, it has not. These are not small amounts. We are not talking about a few thousand shillings or millions, but billions.

The PBORA and all the other authorities mentioned require attention. It is time to strengthen safeguards against encroachment on public land. We have heard that much public

land lacks title deeds, leading to encroachment. How can we become a developed country if basic matters such as the issuance and accountability of title deeds remain unresolved?

I, therefore, support the Committee's recommendations for their full implementation. This will also help other entities avoid wastefulness. Kudos to the Committee.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): Hon. Timothy Toroitich, Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for the opportunity to comment on this important Report. I rise to comment on the Public Investments Committee Report on Social Services, Administration and Agriculture on the consideration of the Audited Financial Statements of selected State corporations.

This Report raises several common issues, and I do not wish to delve into each. However, the outstanding issues are not new. This is not the first time I have heard a PIC report on various State corporations. The outstanding issues include title deeds, Government officers borrowing beyond the one-third limit, the five per cent requirement for persons with disabilities (PWDs), and many others.

I have read the Report which recommends giving the accounting officers three months. I have considered that recommendation against Standing Order 201 on reports on House resolutions. Whatever this House adopts becomes a resolution of the House.

Standing Order 201 provides:

“Within 60 days of a resolution of the House or the adoption of a report of a select committee, the relevant Cabinet Secretary under whose portfolio the implementation of the resolution falls shall provide a report to the relevant committee of the House in accordance with Article 153(4)(b) of the Constitution.”

I do not know where the Committee got the three months, because the Standing Orders are clear. Within 60 days after the House resolves, the Cabinet Secretary shall table a report on its implementation.

Therefore, as a House, the problem is not passing and adopting these resolutions but implementing them. That is why we have the important Committee on Implementation. Standing Order 209 is consequential in this regard. It sets out the role of the Committee on Implementation.

Standing Order 209 provides:

“(1) There shall be a select committee to be known as the Committee on Implementation.

(2) The Committee shall scrutinise the resolutions of the House (including adopted Committee reports), petitions and undertakings given by the National Executive and examine –

(a) whether or not such decisions and undertakings have been implemented, where implemented, the extent to which they have been implemented; and whether such implementation has taken place within the minimum time necessary.”

Having seen this Report, I note that the Committee has proposed enacting certain legislation in some sections. Standing Order 209(1)(b) reads:

“(b) whether or not legislation passed by the House has been operationalised and where operationalised, the extent to which such operationalisation has taken place within the minimum time necessary.”

Most importantly, Standing Order 209(3) provides that:

(3) The Committee may propose to the House sanctions against any Cabinet Secretary who fails to report to the relevant select committee on implementation status without justifiable reasons.

My understanding of the importance of House resolutions in our Standing Orders stems from Article 125 of the Constitution, which gives the Committee on Implementation powers similar to those of the High Court. Therefore, if you interpret it progressively, a House resolution is equivalent to a court order, which is why the Standing Order has been framed in line with Article 125 of the Constitution. This House must never pass a resolution in vain. We must ensure that the highest office in a ministry, held by the Cabinet Secretary, is accountable. In fact, the Cabinet Secretary is in charge, not junior officers or accounting officers of the ministries. As we adopt these House resolutions, I must commend the Committee. They have done an excellent job in compliance with the Constitution of this Republic and the Standing Orders. We must ensure that House resolutions, which are equivalent to court orders, are implemented to the letter.

That said, I want to state that the NYS plays a very important role in this country. Of the 96,124.62 acres of land held by NYS, only 3 per cent is currently utilised. We must think beyond fencing. We must use that land productively so that we can lease it out. We have very progressive Kenyans in this country. My friend, Hon. Kanchory, the Member for Kajiado Central, is a progressive mind in agriculture. For instance, we could lease 10,000 or 20,000 acres to him for agricultural production. This would help us find ways to utilise idle parcels of land within our country.

I have also noted that the Committee is reviewing the AFC's audited report for the 2012/2013 Financial Year. Why are we discussing an audited Report that is 14 years old? We must find a way to fast-track these reports so that they are considered within a timeframe, while remaining relevant to the accounts of the State corporations audited. In essence, as I conclude, we must implement House resolutions. This House cannot pass or adopt Committee resolutions or reports in vain. We must ensure the Committee follows up so that we find a mechanism to act on them.

Thank you. I rest.

The Temporary Speaker (Hon. Peter Kaluma): I appreciate your contributions, Hon. Timothy Toroitich. Hon. Wangwe is now called to reply.

Hon. Emmanuel Wangwe (Navakholo, ODM): Thank you, Hon. Temporary Speaker. First and foremost, allow me to thank my colleagues who have really waded into our Report. There is nothing better than producing and delivering a product and getting it to consumers. My Committee will always be indebted to my colleagues who have really waded into what we have produced and given it the critique it deserves. I have had new lessons from the great Member, Hon. Toroitich. He has taken us through Standing Order 209.

But I also want to look at the issues with respect to a few questions. When does a Chair become a Speaker? The Standing Order is couched in a way that, Hon. Temporary Speaker, while chairing, you do not chair just as a Member or as a Chair. You also take the responsibility of a Speaker. Similarly, the same Standing Order he has read to us refers to the Cabinet Secretary. But when you read the State Corporations Act and mirror it downwards, the Managing Director becomes the Cabinet Secretary for that matter. So, it looks at it differently.

Hon. Temporary Speaker, we will have to compare what I have learnt today from Hon. Toroitich, as a very good lawyer, and try to see at what stage we bring in the issues to do with two months, three months and six months. We should align ourselves and make sure the decisions we make are aligned and enforceable. I want to appreciate that input. It is something for us to keep on learning so that, in future, we always produce a better report than today.

I want to thank my colleagues. For those who do not know Hon. Paul Biego is a member of the Institute of Internal Auditors, and when he speaks, he has a keen eye, looking at things from a very narrow perspective of what is happening. I want to appreciate what you have done. Hon. Kitur, thank you for taking the time. Although you left my Committee, you are still a man

of numbers when it comes to what is happening. Allow me to thank my colleagues in their entirety, without mincing words.

Allow me to thank you, Hon. Temporary Speaker, for giving us ample time to prosecute the seven agencies. As Hon. Toroitich said, some agencies' audit reports date back to 2012. I must thank the Constitution of Kenya that, finally, the Supreme Court has given us a ruling on timelines, which we now have to enforce under Article 229(8). This must be complied with, which is why you can see most of the agencies have pulled them all through. Now we are in the Financial Year 2024/2025, a case which was not there. Allow me to thank you, Hon. Temporary Speaker, the Secretariat, and everyone for making it possible for our 10th Report to be read and passed.

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

The Temporary Speaker (Hon. Peter Kaluma): Thank you all Members for those incisive contributions.

(Question put and agreed to)

ADOPTION OF 4TH REPORT ON EMPLOYMENT
DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

THAT, this House adopts the Fourth Report of the Select Committee on National Cohesion and Equal Opportunity on the Employment Diversity Audit in Public Institutions.

The Temporary Speaker (Hon. Peter Kaluma): At the request of the Chairperson of the Select Committee on National Cohesion and Equal Opportunity to postpone consideration of this Motion to a future date, as and when it is scheduled for consideration by the House Business Committee, that request has been acceded to.

(Motion deferred)

Next Order.

ADOPTION OF REPORT ON PUBLIC PETITION ON
REDUCTION, DISTRIBUTION AND CONSUMPTION OF
ILLEGAL ALCOHOLIC BREWS

The Temporary Speaker (Hon. Peter Kaluma): The Chairperson, Public Petitions Committee, move the Motion.

Hon. Janet Sitienei (Turbo, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No. 2 of 2026 regarding production, distribution and consumption of illegal alcoholic brews in the country, laid on the Table of the House on Wednesday, 30th September 2026.

Public Petition No. 2 of 2026 was presented to this House, pursuant to Standing Order 225(2)(a), by Hon. Gladys Boss, Member for Uasin Gishu County, on behalf of the residents of Uasin Gishu County, on 25th February 2026. The petitioner specifically sought the intervention of the National Assembly, through the Public Petitions Committee, to:

1. Investigate the status of implementation of regulations in place to curb the production, distribution and consumption of illegal alcohol.

2. Determine the cause of the rampant production, distribution and consumption of illegal alcohol in the country.
3. Recommend a multi-agency approach to curb the production, distribution and consumption of illegal alcohol and make any other recommendations it may deem appropriate to address the plight of the petitioners.

Hon. Temporary Speaker, the Committee undertook a comprehensive examination of the Petition. We received both oral and written submissions from various stakeholders. The submissions received formed the basis of the Committee's observations and recommendations, as outlined in the Report.

The Committee made several key observations. The alcohol industry is a significant contributor to the economy, accounting for about 4.1 per cent of Kenya's nominal GDP in 2024, valued at approximately Ksh660.01 billion and a major contributor to tax revenue through excise and import duties, with alcoholic beverages generating approximately Ksh48.61 billion in excise revenue in 2024, beer contributing Ksh29.07 billion and wines and spirits Ksh19.53 billion.

In 2025, the total size of illicit trade in Kenya was estimated at Ksh826 billion, having risen from Ksh726 billion in 2017. Illicit alcohol comprised about 59 per cent by volume and 21 per cent by value, equivalent to Ksh67 billion of Kenya's total alcohol market in 2022.

The fiscal loss attributable to the illegal alcohol economy was estimated at approximately Ksh71 billion in 2022, with the greatest leakage emanating from distilled spirits. Worth noting is that it is not only the fiscal loss that we are having but also a generation loss through consumption of illicit alcohol. We have a generation lost through lack of procreation because of loss of procreative prowess. Somebody said that, apart from losing those who consume illicit alcohol through death, some of them lose procreative prowess, and they end up sleeping under their beds instead of sleeping on top of them.

On average, 18 per cent of products in surveyed sectors are counterfeited, with alcoholic beverages experiencing a prevalence of 19 per cent, which is second only to automotive spare parts, which is 21 per cent. Within the alcoholic drink segment, gin and vodka emerged as the most affected products at the firm level. In contrast, at the consumer level, wine, beer, whisky, and vodka were the most counterfeited categories, at 50.12 per cent for beer, 44.44 per cent for whisky, and 36.95 per cent for vodka.

Illicit alcohol is rampant due to tax evasion and illegal ethanol smuggling through porous borders with multiple recognised illicit entry points, including Isibania, Shimoni, Busia, Mbale, Malaba, Lwakhakha, Namanga, Lunga Lunga, and Moyale, and also across counties where those who brew local brews do the *koroga*'s using inter-county illicit smuggling.

Retail licensing was fragmented across the 47 county governments, with uneven enforcement of the Alcoholic Drinks Control Act, 2010, and respective county Acts, creating arbitrage opportunities for illicit traders, compounded by overlapping mandates among regulatory and enforcement agencies. The primary driver of the current crisis in Uasin Gishu County is smuggling and diversion of ethanol intended for industrial manufacturing use. However, statistics show that the matter cuts across and is a national pandemic.

In light of the observations made, the Committee recommends implementing the following within 90 days of adoption of this Report.

The Cabinet Secretary for the National Treasury and Economic Planning, in liaison with the KRA, fully operationalise the Excise Duty Remission (Remission of Excise Duty Regulations, 2026). That will generate revenue for this country. You realise the revenue lost, at Ksh71 billion, could fund about 10 counties.

The Cabinet Secretary for the Ministry of Interior and National Administration, in liaison with the Council of Governors (CoG), should submit to the National Assembly proposals to harmonise the national and county alcoholic drinks control regime on licensing.

The Cabinet Secretary for the Ministry of Interior and National Administration submits to the National Assembly draft amendments to the Alcoholic Drinks Control Act, prescribing higher penalties for breaches of the law commensurate with economic crimes. It is unfortunate that even with the loss of very many young people in this country through illicit consumption, when these people are taken to court, very many of them are released on a mere Ksh2,000 fine or a penalty of only Ksh2,000. So, we need to give penalties that are commensurate with the people who are destroying this country and causing this country to lose revenue.

The Cabinet Secretary for the Ministry of Investments, Trade and Industry, in liaison with the Anti-Counterfeit Authority (ACA), submits to the National Assembly draft amendments to the Anti-Counterfeit Act, prescribing higher penalties for breaches of the law commensurate with the economic crimes, criminal liability of beneficial owners of offending companies, and addressing enforcement gaps.

The Cabinet Secretary for the Ministry of Agriculture and Livestock Development, in liaison with the Kenya Sugar Board, submits to the National Assembly draft amendments requiring reporting by sugar millers of all molasses-based ethanol production and mandatory disclosure of buyers and users, as well as the movement of ethanol consignments, to KRA, KEBS and the SEA, and prescribes minimum quantity thresholds for sale.

The Committee further recommended that within 90 days of adoption of this Report, the Inspector-General, National Police Service and the Commissioner-General, KRA, report to the National Assembly on action taken to increase surveillance at identified and other ethanol-smuggling border points, including Isebania, Shimoni, Busia, Mbale, Malaba, Lwakhakha, Namanga, Lunga Lunga and Moyale, and on the crackdown within Kenya.

The Managing Director, KEBS, submits to the National Assembly a strategy paper on reformed enforcement, quality assurance and inspection, and market surveillance measures.

The Committee also recommended that, within 90 days of adopting this Report, the Cabinet Secretary for the Ministry of Interior and National Administration submit to the National Assembly draft legislation to anchor the multi-agency task force in law.

This task force should comprise the ministries, National Government Administrative Officers (NGAOs), NPS, NIS, KRA, KEBS, NACADA, ACA, COG, Ministry of Health, ODPP, EACC and any other relevant Government agency.

The Committee further recommends that the House debate this Report as per Standing Order 208(2)(c). This report remains open for further debate because it is a menace and a concern across the country that must be debated and addressed. I wish to express the Committee's gratitude to the petitioner and all stakeholders for their invaluable input through their submissions, which enabled the Committee to compile this crucial Report.

I also extend my sincere appreciation to your Office and the Office of the Clerk of the National Assembly. Furthermore, I thank the Members of the Public Petitions Committee for their participation in the deliberations and their commitment to the Committee's work, as well as the Committee Secretariat for their professional support in preparing this Report.

Hon. Temporary Speaker, I now call upon Hon. Paul Biego to second the Motion as I urge the House to adopt the Report.

I thank you.

The Temporary Speaker (Hon. Peter Kaluma): Thank you for the detailed moving, Hon. Vice-Chairperson. Hon. Paul Biego.

Hon. Paul Biego (Chesumei, UDA): Thank you, Hon. Temporary Speaker. I beg to second the Motion that this House adopts the Report of the Public Petitions Committee on Public Petition No. 2 of 2026 regarding the production, distribution, and consumption of illegal alcoholic brews in the country, laid on the Table of the House today.

The Temporary Speaker (Hon. Peter Kaluma): Order, Hon. Paul Biego. Hon. Janet Sitienei, kindly approach the Speaker. You may proceed.

(Hon. Janet Sitienei consulted with the Hon. Temporary Speaker)

Hon. Paul Biego (Chesumei, UDA): This Petition was submitted by Hon. Gladys Boss, the County Women Representative of Uasin Gishu County, on behalf of the residents of Uasin Gishu County and was presented to the House on 25th February 2026. It speaks to a tragedy that has touched families across the country. Illicit brews continue to cause deaths, disabilities, addiction, family breakdown, poverty, and increased crime. Despite the Alcoholic Drinks Control Act of 2010, the Committee heard from the Petitioner and several stakeholders, including the Ministry of Interior and National Administration, KRA, KEBS, NPS, the Anti-Counterfeit Authority, and the COG.

The alcohol sector accounts for about 4.1 per cent of Kenya's nominal Gross Domestic Product (GDP) and generated approximately Ksh48.61 billion in excise revenue in 2024. Yet, in 2022, illicit brews accounted for about 59 per cent of the market by volume and 21 per cent by value, resulting in a fiscal loss of about Ksh71 billion. The committee also found that law enforcers have implemented the law weakly and inconsistently. Although authorities arrested 35,700 people and seized about 1.56 million litres of illicit brew between January 2024 and May 2026, the Government Chemist has facilities in only three counties: Nairobi, Kisumu, and Mombasa.

The committee established that the proliferation of illicit alcohol is driven by a high tax regime, corruption among enforcement agencies, weak regulatory enforcement, and the smuggling of ethanol across our borders. Illicit brews are 38 per cent to 80 per cent cheaper because they evade taxes and safety regulations. In Uasin Gishu, the crisis is driven by the diversion of ethanol meant for industrial use. However, the statistics show this is a national pandemic worsened by fragmented retail licensing across the 47 county governments, with Nandi among them.

The Committee has proposed time-bound recommendations. Within 90 days of the adoption of this Report—although Wakili Timothy has indicated that it should be 60 days- the National Treasury, in liaison with the KRA, is to duly operationalise the Excise Duty (Remission of Excise Duty) Regulations, 2026.

Further, the Cabinet Secretary for Interior and National Administration, in liaison with the CoG, is to propose harmonising licensing across national and county governments. Draft amendments are to be submitted to the Alcoholic Drinks Control Act and the Anti-Counterfeit Act to prescribe higher penalties commensurate with economic crimes, and to require the Sugar Act to mandate licensing and quarterly reporting by sugar millers on molasses-based ethanol production.

On accountability, the Inspector-General of the NPS

and the Commissioner-General of the KRA are to report to the House within 90 days on the action taken to increase surveillance at ethanol smuggling points, while the Managing Director of the KEBS is to submit a strategy paper on revamped enforcement and market surveillance.

The Committee further recommends legislation to anchor the Multi-Agency Tax Force in law, bringing together the NPS, the KRA, the KEBS, the Anti-Counterfeit Authority, the CoG, the Ministry of Health and other relevant agencies. The Constitution of Kenya, 2010, guarantees the right to life under Article 26 and the right to health under Article 43. The implementation of this Report will go a long way towards curbing illegal alcohol, protecting consumers and securing revenue that is lost to illicit trade. To the families in Uasin Gishu, and across the country who have lost loved ones to poisonous brews, this Report is our assurance that this House has heard their plight.

Like any other Report laid before the House, we really want action to be taken. As the Chair has rightly put it, this topic needs maximum attention. With those remarks, I beg to second.

I thank you for the opportunity.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Paul Biego.

(Question proposed)

(A Member spoke off the record)

What is out of order?

Hon. Paul Biego (Chesumei, UDA): I request that the debate be moved to another day.

The Temporary Speaker (Hon. Peter Kaluma): The Hon. Member has moved.

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

(Debate adjourned)

Further debate on the matter appearing under Order No. 14 is adjourned to a future date, when the House Business Committee schedules it for the House's consideration. Thank you. This is a very good decision since this is a very heavy matter which requires wider and deeper consideration by the House at the best of times. I congratulate the Mover again for moving in greater detail.

Next Order.

ADOPTION OF REPORT ON INSPECTION VISIT TO
KENYAN EMBASSIES IN FRANCE AND THE UNITED KINGDOM
FROM 7TH TO 15TH APRIL 2026

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

Hon. Memusi Kanchory (Kajiado Central, ODM): Thank you, Hon. Temporary Speaker. On behalf of the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations, I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its inspection visit to the Kenyan Embassies in France and the United Kingdom from 7th to 15th April 2026, laid on the Table of the House on Thursday, 27th August 2026.

The Committee undertook the inspection visit under its oversight mandate under Standing Order 216. It sought to assess the effectiveness of the two missions, examine the management and condition of Government assets, assess the delivery of consular services, examine diplomatic and economic engagements, and identify opportunities and challenges affecting the missions.

The delegation visited the Kenyan Embassy in Paris from 8th to 9th April 2026 and the Kenya High Commission in London from 11th to 13th April 2026. The visit also provided an opportunity for the Committee to engage mission officials and the Kenyan diaspora and to inspect the chancelleries' official residences and other Government-owned assets.

On the strategic importance of the missions, the missions in Paris and London are important platforms for advancing Kenya's bilateral, multilateral and economic diplomacy. The Paris mission is accredited to Portugal, Serbia, Monaco and the Holy See, while also covering the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and other international organisations based in France. The London mission is accredited to the United Kingdom and has multilateral responsibilities involving the Commonwealth Secretariat, the International Maritime Organisation (IMO) and other international organisations.

The Committee observed that both missions have achieved significant milestones, including strengthening defence cooperation, supporting Kenya's international candidatures, facilitating high-level engagements, and promoting trade, tourism and investment.

Key findings in France. France and Kenya have maintained diplomatic relations since 1963, and the report identifies France as Kenya's fifth-largest investor. The mission has also supported Kenya's international engagements and facilitated business, tourism and multilateral activities. The mission has improved consular service delivery through an online appointment system, direct payment arrangements, and mobile consular services. It has also undertaken mobile services in Portugal and Serbia and maintains an emergency line for Kenyans in distress. The Committee, however, found that the Chancery and official residence require substantial renovation. The report estimates the renovation requirements at approximately Ksh145 million for the Chancery and Ksh88 million for the official residence.

The Chancery inspection identified structural cracks, blocked drainage, basement dampness, and general deterioration due to inadequate maintenance funding. The Committee further observed that the balance of trade remains in France's favour, with Kenya exporting US\$113 million and importing US\$235 million. This underscores the need for sustained economic diplomacy and targeted promotion of Kenyan products and services.

Key findings in the United Kingdom. The United Kingdom remains an important partner for Kenya in trade, investment, defence and security, tourism and development cooperation. The London Mission also serves a substantial and well-organised Kenyan diaspora and has multilateral responsibilities through the Commonwealth Secretariat and the International Maritime Organisation.

The Committee found that acquiring the London Chancery represents a significant government investment, with benefits including asset appreciation and reduced operational risks. However, the Mission continues to face delayed and inadequate exchequer funding, foreign exchange losses, high maintenance costs and challenges arising from differences between Kenyan procurement requirements and the United Kingdom operating environment.

The Committee also noted that coordination with Ministries, Departments and Agencies in Nairobi affects the timely delivery of some consular services, including processing of national identity cards, police clearance certificates, birth certificates and other centrally processed documents. The Mission also faces shortages of promotional materials and protocol gifts required for trade, tourism and public diplomacy engagements.

Of particular importance to the Committee is the status of the 2021 Defence Cooperation Agreement between Kenya and the United Kingdom. The Report notes that the agreement remains unratified because of unresolved issues, raising legal concerns about the framework governing BATUK training activities.

Following the inspection, the Committee made six principal recommendations:

1. The State Department for Foreign Affairs, in collaboration with the National Treasury, should ensure timely release of exchequer funds to Missions abroad.
2. The State Department for Foreign Affairs and the National Treasury should provide adequate funding in the financial year 2026/27 budget for renovation works at the Paris and London Missions.

3. Within six months of adoption of the Report, the National Treasury and the State Department for Foreign Affairs should amend the budgeting framework to cushion Missions against foreign exchange losses.
4. Within six months, the State Department for Foreign Affairs and the National Treasury should initiate measures to harmonise Public Finance Management and Procurement Laws with the legal frameworks of host countries, to facilitate compliant and efficient financial and procurement operations.
5. Through Parliamentary Diplomacy, the Committee should engage its counterpart in the United Kingdom to resolve outstanding issues and facilitate ratification of the 2021 Defence Cooperation Agreement.
6. The Ministry of Foreign and Diaspora Affairs should spearhead implementation of the recommendations and apprise the National Assembly of the implementation status within 90 days of adoption of the Report.

In conclusion, the inspection demonstrated that the Missions in Paris and London remain central to Kenya's diplomatic, economic and consular interests in Europe. The Committee's recommendations are intended to strengthen their operational capacity, protect Government assets, improve services to Kenyans abroad, support economic diplomacy and address outstanding institutional and legal challenges. I, therefore, urge this honourable House to adopt the Report and call upon the relevant ministries, departments and agencies to implement the recommendations within the stipulated timelines.

I now request Hon. Kandie to second the Motion.

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

Hon. Joshua Kandie (Baring Central, UDA): Thank you, Hon. Temporary Speaker. I rise to second the Motion for the adoption of the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on the foreign oversight inspection visit to Kenya's diplomatic missions in France and the United Kingdom, undertaken from 7th to 15th April 2026.

The inspection enabled the Committee to demonstrate and assess the operations of the two missions, inspect Government assets, review consular services and engage mission officials and members of the Kenyan diaspora. It provided an opportunity to have a first-hand experience of the challenges affecting Kenya's diplomatic representation in Europe. It demonstrated that effective diplomacy requires adequate resources, appropriate infrastructure and strong institutional support. It also highlighted opportunities to improve citizen services, strengthen economic diplomacy and deepen engagement with Kenyans abroad.

I urge the House to adopt the Report and support the implementation of its recommendations.

Hon. Temporary Speaker, I beg to second.

(Question proposed)

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the embassies in France and the United Kingdom are very critical. The one in the United Kingdom, in particular, is headed by my brother, Dr Maurice Odhiambo Makoloo. Given our history with the United Kingdom, that embassy plays a core role in strengthening our diplomatic ties with the United Kingdom.

You have mentioned the issue of BATUK, which we want sorted out as fast as possible. Let me inform the House that we hosted the Speaker of the House of Commons, Sir Lindsey Hoyle, last weekend, and that issue formed part of the discussions. Equally important is our Embassy in France. We do not want delays in facilitating these embassies to serve the country better from outside, given their importance.

For that reason, Mover, I want you to reply briefly so that I can proceed to put the question to allow these recommendations to proceed to implementation.

Hon. Memusi Kanchory (Kajiado Central, ODM): Thank you, Hon. Temporary Speaker. I stand guided.

That is a good decision because the issue of BATUK has become very sensitive. As a Committee, we continue to deliberate on how best to proceed. There are many interests to manage. Political, diplomatic, and economic interests affect the people of Laikipia County. Given that the London Chancery is one of the items in this Report, I think it is prudent to allow Members to engage further on it.

Hon. Temporary Speaker, I beg to reply.

The Temporary Speaker (Hon. Peter Kaluma): Thank you, Hon. Memusi Kanchory.

(Question put and agreed to)

Order, Hon. Members. I want to thank all Members for staying until late to serve our nation of Kenya and duly represent the people who have sent us to this House.

ADJOURNMENT

The Temporary Speaker (Hon. Peter Kaluma): Hon. Members, the time being 9.00 p.m., this House stands adjourned until Thursday, 8th October 2026 at 2.30 p.m.

(The House rose at 9.00 p.m.)

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