

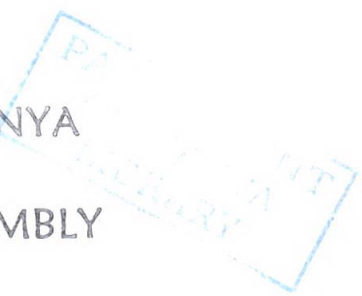
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PARLIAMENT OF KENYA  
THE NATIONAL ASSEMBLY  
THIRD SESSION  
ELEVENTH PARLIAMENT  
2015



THE DEPARTMENTAL COMMITTEE ON ENERGY, COMMUNICATION  
AND INFORMATION

REPORT ON THE BENCHMARKING VISIT TO THE FEDERAL REPUBLIC  
OF GERMANY ON 29<sup>TH</sup> MARCH TO 5<sup>TH</sup> APRIL 2014

Clerk's Chambers,  
Parliament Building  
Nairobi

MARCH, 2015

*Vol. 6*

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## 1.0 PREFACE

Hon. Speaker,

On behalf of the Members of the Departmental Committee on Energy, Communication and Information, and pursuant to the provisions of Standing Order No. 199(5), it is my pleasure to present to the House the Committee's Report on the Study Visit to the Federal Republic of Germany from 29<sup>th</sup> March -5<sup>th</sup> April, 2014.

## 1.1 COMMITTEE MANDATE

The Committee on established under *Standing Order 216* and mandated pursuant to the *Standing Order 216 (5)* to:

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- b) study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;
- c) study and review all the legislation referred to it;
- d) To study, access and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objective;
- e) investigate and inquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a Cabinet Secretary;
- f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No.204 (Committee on appointments); and
- g) Make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

In accordance with Second Schedule of the Standing Orders, the Committee is also mandated to oversight:-

- a) Fossil fuels exploration
- b) Development of energy
- c) Production of energy
- d) Maintenance and regulation of energy
- e) Communication
- f) Information
- g) Broadcasting
- h) Information Communications Technology (ICT) development and management

## 1.2 Committee Membership

The Committee comprises of the following Members:

1. The Hon. Jamleck Kamau, EGH, MP.....Chairperson
2. The Hon. Jackson Kiptanui, MP..... Vice –Chairperson
3. The Hon. Mohammed Elmi, MP
4. The Hon. James Rege, MP
5. The Hon. (Eng) Nicolas Gumbo, MP
6. The Hon. Mithika Linturi, MP
7. The Hon. Aramat Lemanken, MP
8. The Hon. Athur Papa, MP
9. The Hon. Banticha Abdullahi, MP
10. The Hon. Daniel Kazungu, MP
11. The Hon. Esther Gathogo, MP
12. The Hon. Fathia Mahbub, MP
13. The Hon. James Lomenen, MP
14. The Hon. Aburi Mpuri, MP
15. The Hon. Joe Mutambu, MP
16. The Hon. Junet Sheikh, MP
17. The Hon. Kanini Kega, MP
18. The Hon. Mary N. Mbugua, MP
19. The Hon. Mati Munuve, MP
20. The Hon. Mike Wanjohi, MP
21. The Hon. Nicholas Ngikor, MP
22. The Hon. Onesmus Njuki, MP
23. The Hon. Rachael Amolo, MP
24. The Hon. Roba Duba, MP

25. The Hon. Ndungu Githingi, MP
26. The Hon. Vincent Musau, MP
27. The Hon. William Kisang, MP
28. The Hon. Richard Tongi, MP
29. The Hon. Moses Kuria, MP

### 1.3. Objectives of the Trip

The Committee undertook a five days visit to the Federal Republic of Germany from 29<sup>th</sup> March, -5<sup>th</sup> April 2014. The objective of the visit were as follows:

1. To study the workings and operations of the equivalent Committees in the German Parliament (**The Bundestag**).
2. To study the solar energy infrastructure and other forms of renewable energy in Germany.
3. To study the changing trends in ICT in relation to governance.

The following Members were nominated to undertake the visit on behalf of the Committee.

- 1) Hon. Jamleck Kamau, EGH, MP –Chairperson/ Leader of Delegation
- 2) Hon. (Eng).Nicholas Gumbo MP
- 3) Hon. Mary Njoki Mbugua, MP
- 4) Hon. James Lomenen, MP
- 5) Hon. Banticha Abdullahi, MP
- 6) Hon. Mike Wanjohi, MP
- 7) Hon. Richard Tongi, MP
- 8) Hon. Aramat Lemanken, MP
- 9) Hon. Onesmus Njuki, MP.

The delegation was accompanied by Mr. Amos Kiangwe Sikweya as the Secretary of the Delegation.

### 1.3 Committee Observations and Recommendations

The Committee made the following observations; that:-

- i. Germany has a structured way of sharing local resources between the People, the Government and the investing firms.

3. The Government should allocate adequate funds to Embassies to enable them to execute their mandate in marketing the Country as an investment destination especially in Solar and Wind energy and the creative population in ICT.

#### 1.4 Acknowledgement

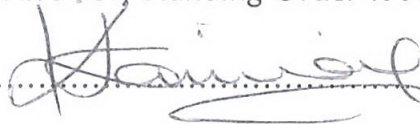
The Committee is grateful to the Honourable Speaker and the Liaison Committee for authorizing the visit, as well as the office of the Clerk for providing the necessary logistical and technical support.

The Committee would also wish to express its appreciation to the Ministry of Foreign Affairs; the staff of the Kenya Embassy in Germany led by the Ambassador, H. E. Ken Osinde for all the support given before and during the visit.

Hon. Speaker,

It is my pleasant duty and privilege, on behalf of the Committee to table this report pursuant to provisions of the National Assembly Standing Order 199.

Signed: .....



The Hon. Jamleck Kamau, EGH, MP  
Chairperson

Date: .....

23/3/2015

## 2.0 BACKGROUND

Germany is a parliamentary democracy governed under the constitution of 1949, which became the constitution of a united Germany in 1990. The federal president is the head of state but has little influence on government. The president is elected for a five-year term by a federal convention, which meets only for this purpose and consists of the Bundestag and an equal number of members elected by the state parliaments. The chancellor, elected by an absolute majority of the Bundestag for a four-year term, is the head of government.

The Parliament of Germany, the Bundesrat, or Federal Council (the upper house), has 69 seats, with each state having three to six representatives depending on the state's population. The Bundestag or Federal Assembly (the lower house), has 598 deputies who are elected for four years using a mixed system of proportional representation and direct voting; additional seats are added when a party wins more seats through direct voting than it would have by proportional representation alone.

Germany is divided into 16 states (*Länder*). Each state has its own constitution, legislature, and government, which can pass laws on all matters except on defense, foreign affairs, and finance, which are the exclusive rights of the federal government. The states are Schleswig-Holstein, Lower Saxony, Bremen, Hamburg, Mecklenburg–West Pomerania, North Rhine–Westphalia, Saxony–Anhalt, Brandenburg, Berlin Hesse, Thuringia, Saxony Rhineland-Palatinate, Saarland, Baden-Württemberg, and Bavaria.

### 3.0 COMMITTEE ACTIVITIES DURING THE STUDY VISIT

#### 3.1 Meeting with the Members of Parliament of Saxony-Anhalt

The Committee visited on 31<sup>st</sup> march 2014 -*Saxony-Anhalt* one of the *Landers, in the State of Anhalt, (an equivalent of a County in Kenya)* and met with the Committee on Science and Economics, as the substantive Committee dealing with matters of Energy in the state of Anhalt.

- 3.1.1 During the meeting the leader of delegation from Kenya, presented on the structure of the Kenyan Parliament with special attention to Committee system and the discovery of alternative sources of Energy to hydro power namely Coal and Oil.
- 3.1.2 On the other hand the Chairperson of the Committee of Science and Economy of the *Landers of Saxony* names presented on the structure of the Bundesrat or the Federal Council and the relationship of the National Government and the Federal Council in Germany. He informed the Committee that the Federal Council or the Landers legislate on matters stipulated in the Constitution for example security, Education and construction, apart from Taxes, Foreign Policy and defense.
- 3.1.3 In relation to the resource of renewable energy, the Committee was informed as follows; that:-
- a) Germany is more focused on Wind and Solar energy.
  - b) Legislation and any policy framework to be implemented depend more on the legislations by the National Government.
  - c) The process of reviewing the Energy Act was ongoing in the National Parliament (The Bundestag) with a view to include the use of renewable energy in the law.
  - d) The Federal states determine the guideline on the sharing of local resources, so

## 4.0 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

### 4.1 Observations

The Committee made the following observations that;

1. Though ahead of Kenya in terms of development, South Africa was behind Kenya in terms of technology.
2. MultiChoice was one of the best media houses in Africa and has invested heavily in the Kenyan market.

### 4.2 Recommendations

The Committee recommended that;

1. The Government should implement Digital Migration with speed to provide Kenyans with a variety of viewership and open up business opportunities to young entrepreneurs.
2. The Government should develop policies and regulation to ensure an equal share in Digital Migration and evolution of technology in Kenya.