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REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026

DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES

REPORT ON:

THE INVESTMENT AND EXPORT PROMOTION AUTHORITY BILL (*NATIONAL ASSEMBLY BILL NO. 37 OF 2026*)

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 24 NOV 2026 DAY. Tuesday
TABLED BY: Hon. Shinali Masoke, MP Chairperson
CLERK-AT THE-TABLE: A. Shibuko

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DIRECTORATE OF DEPARTMENTAL COMMITTEES
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LIST OF ABBREVIATIONS AND ACRONYMS

AfCFTA	-	African Continental Free Trade Area
AGOA	-	African Growth and Opportunity Act
ANC	-	Amani National Congress
BKB	-	Brand Kenya Board
BETA	-	Bottom-Up Economic Transformation Agenda
Cap.	-	Chapter
CAK	-	Competition Authority of Kenya
CBK	-	Central Bank of Kenya
CBS	-	Chief of the Burning Spear
CEO	-	Chief Executive Officer
CIO	-	Chief Information Officer
COFEK	-	Consumer Federation of Kenya
COMESA	-	Common Market for Eastern and Southern Africa
CPA	-	Consumer Protection Act
CRA	-	Commission on Revenue Allocation
CoG	-	Council of Governors
DCI	-	Directorate of Criminal Investigation
DDC	-	Directorate of Departmental Committees
Dtic (SA)	-	Department of Trade, Industry and Competition (SA)
EAC	-	East African Community
EACC	-	Ethics and Anti-Corruption Commission
EGH	-	Elder of the Golden Heart
EPC	-	Export Promotion Council
EPZ	-	Export Processing Zone
FDI	-	Foreign Direct Investment
ICT	-	Information, Communication and Technology
KAFOSA	-	Kenya Association of Front Office Service Activities
KAM	-	Kenya Association of Manufacturers
KANU	-	Kenya African National Union
KEPROBA	-	Kenya Export Promotion and Branding Agency
KEPSA	-	Kenya Private Sector Alliance
KENINVEST	-	Kenya Investment Authority
KENTRADE	-	Kenya Trade Network Agency
LSK	-	Law Society of Kenya
MSMEs	-	Micro, Small and Medium Enterprises
ODM	-	Orange Democratic Movement
SEZA	-	Special Economic Zones Authority
SMEs	-	Small and Medium Entreprises
TIC	-	Trade, Industry and Cooperatives
UDA	-	United Democratic Alliance
UK	-	United Kingdom
USA	-	United States of America
WDM-K	-	Wiper Democratic Movement Kenya

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CHAIRPERSON'S FOREWORD

This report presents the proceedings of the Departmental Committee on Trade, Industry and Cooperatives on its consideration of the Investment and Export Promotion Authority Bill (*National Assembly Bill No. 37 of 2026*), which was published on 5th June 2026. The Bill underwent its First Reading on 1st July 2026 and was subsequently committed to the Departmental Committee on Trade, Industry and Cooperatives for consideration and reporting to the House, pursuant to the provisions of Standing Order 127.

Comprising forty-four (44) clauses, the Bill seeks to provide for the merger of Kenya Investment Authority and Kenya Export Promotion and Branding Agency to modernise and strengthen Kenya's international trade and investment framework.

In considering the Bill, the Committee observed that the proposed amendments seek to streamline and strengthen the institutional framework governing investment and export promotion in Kenya. The Committee noted that the proposed merger of the Kenya Investment Authority and the Kenya Export Promotion and Branding Agency was intended to enhance coordination, eliminate duplication of functions, promote efficiency in the utilisation of public resources and provide a more coherent approach to investment attraction, export development and international trade promotion.

The Committee however observed that KEPROBA promotes Kenyan exports, develops export markets and coordinates national branding while KenInvest promotes and facilitates domestic and foreign investments, assists investors and advocates for improvement in the investment climate. Merging the two institutions is therefore likely to dilute their specialised mandates by placing export promotion, nation branding and investment facilitation under a single structure. It is for this reason that the Committee resolved to separate the two entities by deleting all provisions on investment and adding them to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026) which addresses matters investment promotion through economic zones. This therefore means that this Bill remains a standalone law for matters export promotion and nation branding.

In accordance with Article 118 (1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly placed advertisements in the print media on 7th July 2026 requesting for comments on the Bill from the public and stakeholders. Further, through a letter Ref: NA/DDC/TIC/2026/069, dated 17th August 2026, the Committee invited stakeholders to a public engagement session on Tuesday, 25th August 2026. During the meeting, seventeen (17) stakeholders drawn from Government agencies, regulatory agencies, professional bodies, private sector associations and industry players submitted both oral and written submissions before the Committee.

In their submissions, some stakeholders observed that investment promotion and export promotion are complementary but involve different operational approaches, target groups and institutional competencies. They expressed concern that merging the two institutions is likely to dilute their specialised mandates, particularly the functions relating to export market development, exporter capacity building, nation branding and investment facilitation.

Some stakeholders raised concerns on the need for a comprehensive assessment of the proposed merger, including evidence of duplication of functions, anticipated financial savings, transition costs and expected improvements in service delivery. Some stakeholders proposed that enhanced institutional coordination and collaboration could achieve the intended objectives without necessarily merging the two institutions.

In its deliberations, the Committee went through all the amendments and views submitted by stakeholders and adopted some, which form part of the amendments proposed by the Committee.

The Committee extends its sincere appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during consideration of the Bill. We also acknowledge all the stakeholders that submitted their memoranda and attended the stakeholder engagement meeting. Lastly, I express my gratitude to the Honourable Members of the Committee and the Committee Secretariat for their dedication and contributions to the development and production of this report.

Having considered the Investment and Export Promotion Authority Bill (*National Assembly Bill No. 37 of 2026*), the Committee recommends that the House approves the Bill with amendments as will be moved during the Committee Stage.

On behalf of the Departmental Committee on Trade, Industry and Cooperatives, and pursuant to Standing Order 127(4), it is my privilege and honour to present to this House the Committee's Report on the Investment and Export Promotion Authority Bill (*National Assembly Bill No. 37 of 2026*).

Hon. Benard Masaka Shinali, CBS, MP
Chairperson,
Departmental Committee on Trade, Industry and Cooperatives

CHAPTER ONE

1.0 PREFACE

1.1 Establishment of the Committee

1. The Departmental Committee on Trade, Industry and Cooperatives is one of the twenty Departmental Committees of the National Assembly established under Standing Order 216 whose mandate pursuant to Standing Order 216 (5) is as follows:

    i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
    ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
    iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
    iv. ***To study and review all the legislation referred to it;***
    v. *To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
    vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
    vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
    viii. *To examine treaties, agreements and conventions;*
    ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
    x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
    xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 Mandate of the Committee

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider trade, including securities exchange, consumer protection, pricing policies, commerce, industrialisation including special economic zones, enterprise promotion & development including micro, small & medium enterprises (MSMEs), and small and medium enterprises (SMEs), intellectual property, industrial standards, anti-counterfeit policies and cooperatives development.

3. In executing its mandate, the Committee oversights the Ministry of Investment, Trade and Industry; and the Ministry of Cooperatives and MSMEs Development.

1.3 Committee Membership

4. The Departmental Committee on Trade, Industry and Cooperatives was reconstituted by the House on 5th March 2025 and comprises the following Members:

Chairperson
Hon. Bernard Masaka Shinali, CBS, MP
Ikolomani Constituency
ODM Party

Vice-Chairperson
Hon. Marianne Jebet Kitany, MP
Aldai Constituency
UDA Party

Hon. Adhe Wario Guyo, MP
North Horr Constituency
KANU

Hon. Adams Korir Kipsanai, MP
Keiyo North Constituency
UDA Party

Hon. Anthony Tom Oluoch, MP
Mathare Constituency
ODM Party

Hon. Alfred Kiprono Mutai, MP
Kuresoi North Constituency
UDA Party

Hon. (Dr.) Beatrice Kahai Adagala, MP
Vihiga County
ANC Party

Hon. Amos Maina Mwago, MP
Starehe Constituency
Jubilee Party

Hon. Joshua Mbithi Mutua Mwalyo, MP
Masinga Constituency
Independent Member

Hon. John Okano Bwire, MP
Taveta Constituency
WDM-K Party

Hon. Joyce Kamene, MP
Machakos County
WDM-K Party

Hon. Samuel Parashina Sakimba, MP
Kajiado South Constituency
ODM Party

Hon. Robert Githinji Gichimu, MP
Gichugu Constituency
UDA Party

Hon. Michael Wainaina Wambugu, MP
Othaya Constituency
UDA Party

Hon. (Dr.) Wilberforce Ojiambo Oundo, MP
Funyula Constituency
ODM Party

1.4 Committee Secretariat

5. The Committee is facilitated by the following Secretariat:

Ms. Laureen Omusa Wesonga
Senior Clerk Assistant/Head of Secretariat

Ms. Carolyne Musyoka
Hansard Reporter II (Clerk Assistant)

Ms. Doreen Karani
Principal Legal Counsel II

Mr. Peter Barasa
Legal Counsel I

Ms. Priscilla Wangu
Fiscal Analyst II

Ms. Pauline Sifuma
Hansard Officer II

Ms. Priscilla Saidi
Research Officer III

Mr. Ambrose Nguti
Media Officer III

Ms. Margaret Wainaina
Protocol Officer III

Ms. Peris Kaburi
Assistant Serjeant-at-Arms II

Mr. Kelvin Lengasi
Audio Assistant II

CHAPTER TWO

2.0 BACKGROUND OF THE INVESTMENT AND EXPORT SECTOR IN KENYA

2.1 Introduction

6. The Investment and Export Promotion Authority Bill (*National Assembly Bill No. 37 of 2026*) arises from a broader Government effort to reform and modernise Kenya's investment and export sector, which has grown significantly but continues to face structural and regulatory weaknesses. It seeks to establish a single national authority responsible for promoting investment and exports which will be a successor of Kenya Investment Authority (KenInvest) and Kenya Export Promotion and Branding Agency (KEPROBA).

2.2 Situational Analysis

7. Since the early 2000s, Kenya has undertaken a series of legislative, policy and institutional reforms aimed at strengthening its investment and export promotion framework and positioning the country as a leading commercial, manufacturing and logistics hub in East Africa. Key reforms included the enactment of the Investment Promotion Act, 2004, which established KenInvest to promote and facilitate both domestic and foreign investment.

8. The Government also strengthened the Export Promotion Council (EPC) to enhance Kenya's export competitiveness and established the Brand Kenya Board (BKB) to promote Kenya's national image internationally; the Board was later merged with the Export Promotion Council to form KEPROBA.

9. In addition, Kenya established Export Processing Zones (EPZs) to promote export-oriented manufacturing and subsequently enacted the Special Economic Zones Act, 2015, which created the Special Economic Zones Authority (SEZA) to facilitate industrialisation, attract strategic investments and promote value-added exports. Collectively, these reforms were intended to increase Foreign Direct Investment (FDI), diversify Kenya's export base, improve the ease of doing business, enhance industrial development and strengthen the country's competitiveness in regional and global markets.

10. Kenya has also implemented successive national development blueprints including Vision 2030, the Big Four Agenda, and the Bottom-Up Economic Transformation Agenda (BETA), all of which identify investment and export promotion as critical drivers of industrialization, employment creation and economic growth.

11. Kenya has further leveraged regional and international trade arrangements such as the East African Community (EAC), Common Market for Eastern and Southern Africa (COMESA), the African Continental Free Trade Area (AfCFTA) and preferential access under the African Growth and Opportunity Act (AGOA) to expand market opportunities.

12. Kenya's import and export sector remains a key pillar of the country's economic growth, accounting for a significant share of trade, industrial development and foreign exchange earnings. The country's exports are largely driven by agricultural commodities and light manufactured products. Kenya

continues to maintain a diversified export market through regional and international trade agreements, including the EAC, COMESA, AfCFTA and AGOA.

13. Kenya's major exports include tea, which remains the country's largest foreign exchange earner, followed by horticultural products such as cut flowers, fresh vegetables and fruits, coffee, apparel and textiles exported mainly under AGOA, titanium ores, petroleum products, iron and steel products, animal and vegetable oils, and various manufactured goods destined primarily for regional markets.

14. The country's principal export destinations include Uganda, the United Arab Emirates, Pakistan, the Netherlands, the United States and the United Kingdom. Despite efforts to diversify exports, Kenya's export basket continues to be concentrated in agricultural commodities, making export earnings vulnerable to fluctuations in global commodity prices and climatic conditions.

15. On imports, Kenya relies heavily on petroleum crude and refined petroleum products, industrial machinery, electrical equipment, motor vehicles, iron and steel, pharmaceuticals, fertilizers, chemicals, plastics, cereals such as wheat and rice, and other manufactured goods.

16. The majority of these imports originate from China, India, the United Arab Emirates, Saudi Arabia and Japan. These imports are essential for supporting Kenya's manufacturing sector, infrastructure development, energy needs and household consumption but contribute significantly to the country's persistent merchandise trade deficit.

2.3 Challenges Experienced in the Investment and Export sector in Kenya

17. **Fragmented institutional arrangements for investment and export promotion:** Investment and export promotion functions are spread across institutions, including KenInvest and KEPROBA, the overlapping mandates have resulted in duplication of functions and weak institutional coordination.

18. **Regulatory duplication and multiple licensing requirements**: Investors are required to obtain numerous licences and permits from national and county governments as well as sector regulators. Multiple regulatory approvals increase the cost and time required to establish and operate businesses. Regulatory complexity discourages investment and reduces Kenya's competitiveness. Further regulatory harmonization and simplification are required to improve the ease of doing business.

19. **High logistics and energy costs affecting manufacturing competitiveness**: High electricity tariffs continue to increase the cost of manufacturing. Transport costs remain high due to congestion, inadequate last-mile connectivity and logistics inefficiencies. Elevated production costs reduce the competitiveness of Kenyan products in regional and international markets.

20. **Limited export diversification and heavy dependence on primary commodities**: Kenya's exports remain concentrated in tea, horticulture, coffee and other primary agricultural commodities. Limited diversification exposes the country to commodity price fluctuations and climate-related risks.

Manufactured and high-value exports remain relatively low. Greater diversification is needed to improve export resilience and foreign exchange earnings.

21. **Inadequate value addition in agriculture**: A significant proportion of agricultural products are exported in raw or minimally processed form. Limited agro-processing reduces export earnings and employment opportunities. Low value addition constrains industrial growth and rural economic development. Increased investment in agro-processing would enhance competitiveness and export value.

22. **Infrastructure bottlenecks outside major economic corridors**: Rural and remote production areas continue to experience poor road connectivity, limited storage facilities and unreliable electricity. Infrastructure gaps increase transportation costs and reduce market access. Uneven infrastructure development limits investment outside major urban and industrial centres. Expanded infrastructure investment is necessary to support inclusive regional development.

2.4 Legal and Policy Framework in the Investment and Export Sector

Some of the legal provisions that touch on the Kenya investment and export sector include:

The Constitution of Kenya

23. It provides the overarching legal framework for investment, trade and economic development in Kenya. Article 10 establishes the national values and principles of governance, Article 40 guarantees the right to acquire and own property, thereby providing legal protection to both domestic and foreign investors. Article 46 promotes consumer protection and fair-trade practices, while Article 186 and the Fourth Schedule allocate functions relating to trade development between the National Government and County Governments.

The Investment Promotion Act, 2004

24. The Investment Promotion Act, 2004 is the principal legislation governing investment promotion in Kenya. The Act established KenInvest as the national agency responsible for promoting and facilitating both domestic and foreign investment. It provides for investor facilitation, issuance of investment certificates, dissemination of investment information, investor aftercare services and coordination of government agencies involved in investment approvals.

The Special Economic Zones Act, 2015

25. The Act establishes SEZA and provides for the establishment, development, operation and regulation of Special Economic Zones in Kenya.

The Export Processing Zones Act, Cap. 517

26. The Act provides the legal framework for the establishment and management of EPZs and establishes EPZA. The Act promotes export-oriented manufacturing by providing fiscal and non-fiscal incentives to investors operating within designated EPZs.

The State Corporations Act, Cap. 446

27. It provides the legal framework for the establishment, governance and oversight of State corporations in Kenya. Pursuant to this Act KEPROBA was established to promote exports and strengthen Kenya's national image respectively.

The Companies Act, 2015

28. The Act governs the incorporation, registration, administration and regulation of companies operating in Kenya. Domestic and foreign investors intending to establish companies in Kenya must comply with the provisions of this Act.

The Citizenship and Immigration Act, 2011

29. Provides the legal framework governing entry into Kenya, issuance of visas, work permits and residence permits for foreign nationals. Foreign investors and expatriate employees intending to establish or work in businesses in Kenya must comply with the provisions of this Act. The proposed Investment and Export Promotion Authority is expected to coordinate with immigration authorities to facilitate investor entry, work permit processing and investor aftercare services, thereby enhancing the ease of doing business.

The Kenya Vision 2030

30. Kenya Vision 2030 is the country's long-term development blueprint aimed at transforming Kenya into a newly industrializing, middle-income economy. The Vision identifies investment promotion, industrialization, manufacturing, trade expansion and private sector development as key drivers of economic growth. It emphasizes improving the investment climate, attracting foreign direct investment, promoting exports and strengthening Kenya's global competitiveness. The proposed Investment and Export Promotion Authority Bill supports the realisation of Vision 2030 by establishing a unified institution to coordinate investment and export promotion activities.

The Bottom-Up Economic Transformation Agenda

31. It serves as the Government's medium-term economic development strategy and prioritizes manufacturing, industrialization, export promotion, private sector growth and job creation. The Agenda seeks to improve the ease of doing business, increase investments, promote value addition and expand access to international markets. The proposed Bill aligns with these objectives by creating a single authority responsible for promoting investment, facilitating exports, coordinating nation branding and implementing business environment reforms.

The National Trade Policy

32. The Policy provides the strategic framework for promoting domestic, regional and international trade. It seeks to enhance Kenya's trade competitiveness by diversifying exports, improving market access, eliminating non-tariff barriers and strengthening trade facilitation.

The National Investment Promotion Strategy

33. The Strategy provides the framework for attracting, facilitating and retaining quality domestic and foreign investments. The Strategy identifies priority investment sectors, promotes investor facilitation, encourages public-private partnerships and seeks to improve Kenya's competitiveness as an investment destination. The proposed Authority will serve as the primary institution responsible for implementing many of the Strategy's objectives through coordinated investment promotion and investor support services.

2.5 Comparative Analysis

34. The Investment and Export Promotion Authority Bill, 2026 introduces significant institutional reforms aimed at improving Kenya's investment and export promotion framework. A comparison with China's Foreign Investment Law, 2019 and Rwanda's Development Board (RDB) framework highlights key lessons for Kenya in designing an effective investment promotion system. The comparison focuses on institutional structure, investment promotion, export development, nation branding and ease of doing business.

Institutional Model

35. The Bill proposes the establishment of a single Investment and Export Promotion Authority through the consolidation of the functions of the Kenya Investment Authority and the Kenya Export Promotion and Branding Agency. The objective of this institutional restructuring is to create a unified agency responsible for investment attraction, export promotion and investor support services.

36. China's investment framework is based on a centralised approach where foreign investment administration is coordinated through national government institutions under the Foreign Investment Law, 2019. The law provides a unified legal framework governing foreign investment and establishes clear national guidelines for investment management.

37. Rwanda provides a closer comparison to Kenya through RDB model, which integrates investment promotion, export development, business registration, tourism promotion and other economic development functions under one institution.

Investment Promotion

38. The Bill assigns the proposed Authority the responsibility of promoting and facilitating both domestic and foreign investment. It will provide investor facilitation services, investment information, support

in establishing businesses and investor aftercare services aimed at retaining and expanding investments.

39. China's Foreign Investment Law, 2019 focuses on creating investor confidence by providing legal protection for foreign investors, ensuring equal treatment between domestic and foreign enterprises and encouraging investment in priority sectors.

40. Similarly, Rwanda's RDB operates as a one-stop investment centre that assists investors in business registration, obtaining approvals and accessing government services efficiently.

Export Promotion

41. The Bill recognises export promotion as one of the core functions of the proposed Authority. By integrating investment and export promotion, Kenya seeks to ensure that investment attracted into the country contributes directly to export growth, industrialisation and economic diversification.

42. China manages export promotion through specialised trade and commerce institutions, focusing on expanding international markets, supporting exporters and increasing global competitiveness.

43. Rwanda integrates export promotion with investment attraction through the Rwanda Development Board, supporting export-oriented industries and improving access to international markets.

Nation Branding

44. The Bill expressly recognises nation branding as one of the functions of the proposed Authority. This seeks to enhance Kenya's global image as an attractive destination for investment, trade and economic opportunities.

45. Unlike Kenya, China's Foreign Investment Law does not expressly provide for nation branding as a statutory function. However, China promotes its investment attractiveness through broader government strategies, international economic engagement and national development policies.

46. Rwanda has incorporated international promotion into its development strategy by coordinating investment, tourism, trade and national image promotion through institutions such as the Rwanda Development Board.

Ease of Doing Business

47. The Bill seeks to improve Kenya's business environment by reducing institutional fragmentation, eliminating duplication of roles and creating a more efficient system for investors to interact with government.

48. China has improved investment facilitation through a unified foreign investment framework, including the use of the Negative List approach, which identifies sectors where foreign investment restrictions apply while allowing greater openness in other sectors.

49. Rwanda has gained recognition for creating an investor-friendly environment through streamlined business registration, digital government services and efficient investment facilitation mechanisms.

Overall Assessment

50. The Investment and Export Promotion Authority Bill, 2026 represents a major shift from Kenya's existing fragmented investment and export promotion framework towards a more coordinated and integrated institutional model. The Bill reflects international best practices by establishing a single agency responsible for attracting investment, promoting exports and enhancing Kenya's global economic image.

51. Rwanda provides the most relevant institutional lesson for Kenya due to its integrated development agency model, while China provides important lessons on investor protection, legal certainty and strategic investment management. However, the effectiveness of the proposed Authority will depend on successful implementation, adequate resources, strong governance structures, digital transformation and measurable performance targets.

52. If effectively implemented, the Authority has the potential to improve Kenya's competitiveness, increase foreign and domestic investment, expand exports, create employment opportunities and contribute to long-term economic growth.

CHAPTER THREE

3.0 OVERVIEW OF THE INVESTMENT AND EXPORT PROMOTION AUTHORITY BILL (*NATIONAL ASSEMBLY BILL NO. 37 OF 2026*)

3.1 Introduction

53. The Investment and Export Promotion Authority Bill (*National Assembly Bill No. 37 of 2026*), is sponsored by Hon. Kimani Ichung'wah, EGH, MP, Leader of the Majority Party. The Bill was published on 5th June 2026, underwent First Reading on 1st July, 2026 and was thereafter committed to the Departmental Committee on Trade, Industry and Cooperatives for consideration and to facilitate public participation pursuant to Standing Order 127.

54. The Bill seeks to address the several longstanding challenges in Kenya's investment and export promotion framework by merging the Kenya Investment Authority established under the Investment Promotion Act, 2004 (No. 6 of 2004) and the Kenya Export Promotion and Branding Agency established through Legal Notice No. 110 of 2019, following the merger of the former Kenya Export Promotion Council and Brand Kenya Board under the State Corporations Act, Cap. 446.

3.2 Objective of the Bill

55. The primary objective of the Investment and Export Promotion Authority Bill, 2026 is to:
    i. Promote and facilitate both domestic and foreign investment in Kenya;
    ii. Promote and coordinate Kenya's export development and international market access;
    iii. Enhance Kenya's national brand as an attractive destination for investment, trade, and tourism;
    iv. Establish a single authority to coordinate investment and export promotion activities across government;
    v. Improve investor facilitation through streamlined licensing, information sharing, and aftercare services;
    vi. Increase exports, industrialization, value addition, job creation, and economic competitiveness; and
    vii. Strengthen coordination between national and county governments in investment promotion and export development.

3.3 Potential Impact of the Bill

The Investment and Export Promotion Authority Bill, 2026 will have a significant impact on the Investment and Export promotion by creating a new, centralised framework for institutional coordination improving Kenya's investment climate, export development and the overall economic growth. This is through:

56. **Improved Institutional Coordination:** The bill establishes a single Investment and Export Promotion Authority (IEPA) by consolidating KenInvest and KEPROBA. This is expected to reduce institutional fragmentation, eliminate duplication of functions and improve coordination of investment and export promotion activities. A unified institutional framework will enhance policy

coherence, improve communication among government agencies and provide investors with a central point of contact improving administration efficiency.

57. **Increased Domestic and Foreign Investment:** The Bill seeks to create a more attractive investment environment by simplifying investment procedures, facilitating investors and strengthening investment promotion activities. If effectively implemented it could increase both Foreign Direct Investment and domestic private investment. Higher investment levels would lead to increased capital flows, expansion of productive industries, technology transfer, skills development, job creation and economic growth.

58. **Growth in Exports and Industrialization:** By integrating investment and export promotion into one authority, the Bill encourages investment that supports export-oriented industries and value addition. This may increase Kenya's export earnings, diversify export products and reduce dependence on traditional experts promoting manufacturing and encouraging value addition.

59. **Enhanced Investor Confidence:** A dedicated Authority responsible for investment promotion. Investor facilitation and after services may improve investor confidence by providing continuous support before, during and after investment. Improved investor confidence will encourage reinvestment and long-term business expansion.

60. **Stronger National Branding:** The Bill introduces nation branding as one of the Authority's statutory functions. A coordinated national branding strategy will improve Kenya's international image and strengthen its competitiveness in attracting investment, exports and business partnerships.

61. **Improved Ease of Doing Business:** The Bill intends to simplify investor engagement through improved coordination and streamlined services. Investors may benefit from reduced bureaucracy, faster approvals and more efficient access to government services. This could improve Kenya's attractiveness as an investment destination and encourage business expansion

3.4 Clause by Clause Provisions of the Bill

Part I: Preliminary Provisions

62. **Clause 1** provides for the short title of the Act.

63. **Clause 2** which is the Interpretation defines key terms and expressions used throughout the Bill.

64. **Clause 3** states the object of the Act, which is to promote, coordinate and facilitate nation branding, investment and exports.

Part II: Establishment, Powers and Functions of Kenya Investment and Export Promotion Authority

65. **Clause 4** establishes the Kenya Investment and Export Promotion Authority (KIEPA) as a corporate body with perpetual succession as the successor to the Kenya Investment Authority and the Kenya Export Promotion and Branding Agency.

66. **Clause 5** establishes the Authority's headquarters in Nairobi and allows establishment of regional offices.

67. **Clause 6** outlines the Authority's functions, including investment promotion, export development, one-stop investment services, nation branding, investor registration, export facilitation, and policy advice.

68. **Clause 7** establishes the Board of the Authority and specifies its membership.

69. **Clause 8** prescribes qualifications, appointment criteria, tenure and eligibility requirements for Board members.

70. **Clause 9** specifies the circumstances under which a Board member ceases to hold office, including resignation, expiry of term, conviction for certain offenses, bankruptcy, incapacity, or death. It also provides for replacement of vacant positions to ensure continuity of governance.

71. **Clause 10** sets out the powers of the Board, including financial management, asset administration, partnerships and fee collection. These powers enable the Board to provide strategic oversight over the Authority's operations.

72. **Clause 11** provides for the conduct and regulation of Board meetings in accordance with the First Schedule while allowing the Board to regulate its internal procedures where the Act is silent.

73. **Clause 12** provides that the Board may delegate most of its functions to committees or officers, except its power to borrow money. This enhances administrative efficiency while ensuring accountability remains with the Board.

74. **Clause 13** empowers the Board to establish committees and delegate responsibilities to them.

75. **Clause 14** provides for the competitive recruitment of the Chief Executive Officer (CEO), prescribes the qualifications for appointment, outlines the CEO's responsibilities, and provides for a five-year renewable term. The CEO is responsible for the day-to-day management of the Authority and implementation of Board decisions.

76. **Clause 15** establishes the office of the Corporation Secretary; appointment, qualifications and duties who is responsible for Board administration, governance advice, custody of Board records, and coordination of Board meetings.

77. **Clause 16** regulates custody, authentication, and use of the Authority's common seal to ensure official documents are executed lawfully.

78. **Clause 17** authorises the Authority to employ professional and support staff while promoting equal opportunity, gender balance, youth inclusion, representation of persons with disabilities, and ethnic diversity.

Part III: The Investment Committee and the National Investment Advisory Council

79. **Clause 18** establishes the Investment Committee composed of senior government officials responsible for key sectors affecting investment. The Committee may also co-opt experts and establish subcommittees where necessary.

80. **Clause 19** sets out the functions of the Investment Committee, including approval of strategic investments and coordination of regulatory approvals. The Committee coordinates approvals for strategic investment projects, resolves regulatory bottlenecks, harmonizes government decisions, negotiates investment incentives, and approves projects eligible for Golden Certificates.

81. **Clause 20** establishes the National Investment Advisory Council, chaired by the President and comprising distinguished private-sector experts. The Council provides strategic leadership on investment policy and competitiveness.

82. **Clause 21** specifies the Council's advisory functions on investment policy, incentives, competitiveness and sustainable investment.

83. **Clause 22** designates the Authority as the Secretariat to the Council and outlines its support functions. The Authority serves as the Secretariat of the Council by coordinating meetings, conducting research, and facilitating stakeholder engagement on investment matters.

Part IV: Investment Facilitation

84. **Clause 23** requires registration of all foreign investors and domestic investors investing KSh. 10 million or more before undertaking investment activities in Kenya.

85. **Clause 24** provides the application procedures for investment registration, including submission requirements and payment of prescribed fees.

86. **Clause 25** provides for issuance of investment registration certificates where investments satisfy legal requirements and demonstrate economic benefits such as employment creation, technology transfer, tax generation, local sourcing, value addition, and foreign exchange earnings.

87. **Clause 26** prohibits assignment or transfer of investment registration certificates to another person, ensuring certificates remain specific to the approved investor.

88. **Clause 27** allows amendment of investment registration certificates upon application by the holder and subject to regulations.

89. **Clause 28** provides grounds and procedural safeguards for revocation of investment registration certificates, including fraud, false information, breach of conditions, and violation of the law while guaranteeing due process. Investors must be given notice and an opportunity to be heard before revocation. This reinforces the principles of fair administrative action.

90. **Clause 29** establishes an independent review panel appointed by the Cabinet Secretary to hear appeals against decisions of the Authority. The panel has powers similar to those of a court in conducting reviews.

91. **Clauses 30 to 33** introduce the Golden Certificate, a special certificate granted to strategic investments approved by the Investment Committee. These clauses regulate its issuance, amendment, non- transferability, and revocation. The Golden Certificate is intended to grant qualifying investors enhanced incentives and faster government approvals.

92. **Clause 34** requires the Authority to maintain comprehensive registers of investors, exporters, buyers, certificates issued, amendments, revocations, and related records to improve transparency and regulatory oversight.

93. **Clause 35** establishes a centralised one-stop service centre where investors and exporters can access services from multiple government agencies, including business registration, immigration, taxation, environmental approvals, county licensing, electricity, construction approvals, and export compliance.

Part V: Financial Provisions

94. **Clause 36** identifies the sources of funds for the Authority and governs their use.

95. **Clause 37** establishes the Authority's financial year ending on 30 June.

96. **Clause 38** requires preparation, approval and implementation of annual estimates and budgets.

97. **Clause 39** provides for maintenance of accounts, auditing and reporting by the Auditor-General.

98. **Clause 40** Allows investment of surplus funds with approval from the National Treasury.

Part VI: Provisions on Delegated Powers

99. **Clause 41** empowers the Cabinet Secretary, in consultation with the Authority, to make regulations necessary for implementing the Act. The delegated powers are limited by the Constitution and the Statutory Instruments Act, ensuring that regulations remain consistent with the objectives of the Act and established legislative principles.

Part VII: Miscellaneous Provisions

100. **Clause 42** creates offences for submitting false information, failing to register where required, obstructing Authority officers, and misusing benefits obtained under the Act. Penalties include substantial fines, imprisonment, suspension of registration, or cancellation of investment registration. These sanctions are intended to promote compliance and safeguard the integrity of the investment regime.

101. **Clause 43** repeals the Investment Promotion Act and revokes the Kenya Export Promotion and Branding Agency Order, 2019, thereby replacing the previous legal framework with a unified institutional arrangement.

102. **Clause 44** provides for the orderly transition from the former institutions to the new Authority. It transfers staff, assets, liabilities, contracts, legal proceedings, certificates, and pension schemes to ensure continuity of operations and avoid disruption during implementation of the Act.

CHAPTER FOUR

4.0 STAKEHOLDER ENGAGEMENT ON THE INVESTMENT AND EXPORT PROMOTION AUTHORITY BILL (NATIONAL ASSEMBLY BILL NO. 37 OF 2026)

103. Following the placement of advertisements in the print media on 7th July 2026 requesting for memoranda from the public and stakeholders and vide a letter Ref: NA/DDC/TIC/2026/069 dated 17th August 2026, inviting stakeholders for a meeting, the Committee received memoranda from the following stakeholders on the Investment and Export Promotion Authority Bill (*National Assembly Bill No. 37 of 2026*):

i. State Department for Trade;
ii. State Department for Investment Promotion;
iii. Kenya Investment Authority (KenInvest);
iv. Kenya Export Promotion and Branding Agency (KEPROBA);
v. Mr. Jason Ondabu;
vi. Council of Governors (CoG);
vii. Kenya Association of Manufacturers (KAM);
viii. Competition Authority of Kenya (CAK);
ix. Kenya Private Sector Alliance (KEPSA);
x. Mr. Peter Omollo Ochieng;
xi. Kenya Trade Network Agency (KenTrade);
xii. Commission on Revenue Allocation (CRA);
xiii. Law Society of Kenya (LSK);
xiv. My IP Legal Studio;
xv. Mr. Peter Kibet arap Biwott;
xvi. Dr. Bethuel Kinyanjui Kinuthia; and
xvii. Anonymous Submission

The stakeholders submitted as follows on the Bill:

4.1 State Department for Trade

In a meeting with the Committee held on Tuesday, 25th August 2026, Ms. Regina Ombam, PS, proposed the following amendments to the Bill:

100. Amend the Long Title and clause 1 to rename the Authority appropriately and give a brand-attractive name.

Committee's Observation/Recommendation

The Committee recommended that all substantive provisions on investment promotion were proposed to be deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026. The name of the Authority and the title of the Bill should accordingly reflect the export promotion and nation branding mandate. The Authority

succeeds the Kenya Export Promotion and Branding Agency established under the Kenya Export Promotion and Branding Agency Order, 2019, and the name should maintain continuity with that body. It was recommended that the long title be amended to read, "AN ACT of Parliament to provide for the promotion, coordination and facilitation of exports and nation branding; to establish the Kenya Export Promotion and Branding Authority; and for connected purposes".

101. Amend clause 2 (Interpretation) to insert new definitions:

(i) 'Nation Brand' means the strategic identity, image, reputation, values, culture, products, services, and investment attractiveness through which Kenya is positioned internationally;

(ii) 'African Continental Free Trade Area (AfCFTA)' means the free trade area established under the Agreement Establishing the African Continental Free Trade Area, adopted by Member States of the African Union, aimed at creating a single continental market for goods and services, with free movement of business persons and investments, and the progressive elimination of tariffs and non-tariff barriers to trade;

(iii) 'Business climate reform' means measures aimed at improving the legal, regulatory, administrative and institutional environment for investment and business in Kenya;

(iv) 'Climate-smart investment' means an investment that promotes climate resilience, adaptation or mitigation while supporting sustainable economic development;

(v) 'Competent institution' means ministry, department, agency, county government or other public body having statutory responsibility to issue, approve, recommend or determine any licence, permit, consent, authorization, incentive or other matter relating to an investment under this Act or any other written law;

(vi) 'ESG-aligned investment' means an investment that integrates environmental, social · and governance considerations into its planning, implementation or operation;

(vii) 'Golden investment certificate' means a certificate issued by the Investment Committee to a registered investor conferring additional investment incentives, priority treatment, concessions or other investment support measures as may be granted by the Investment Committee;

(viii) 'Investor grievance' means a complaint or concern raised by an investor relating to an administrative action, omission, decision, delay or other matter affecting an investment;

(ix) 'National investment pipeline' means the portfolio of investment opportunities, priority investments and strategic investment projects identified, developed, facilitated or monitored by the Authority;

(x) 'Priority investment' means an investment identified by the Authority requiring coordinated facilitation or accelerated implementation on account of its economic, strategic or national development significance;

(xi) 'Qualifying investment' means an eligible investment that has been certified by the Authority under section 25;

(xii) 'Registered investor' means an investor registered by the Authority under section 25;

(xiii) 'Strategic investment project' means priority investment approved by the Investment Committee as meeting the criteria prescribed under this Act or the regulations for strategic investment status;

(xiv) 'Prescribed form', in relation to the register maintained under clause 34, means such manual, digital, electronic, or other form as the Authority may, from time to time, determine to be necessary for the proper administration of this Act.

Committee's Observation/Recommendation

The Committee observed that:

a) the substantive provisions of the Bill on investment are proposed for deletion, so that the Bill is confined to export promotion and nation branding;

b) the proposed definitions in paragraphs (iii) to (xiii) relate to investment and would have no application in the Bill as amended;

c) the proposed definition of "prescribed form" in paragraph (xiv) is unnecessary and not adopted, since matters required to be prescribed under the Bill are provided for by regulations made by the Cabinet Secretary;

d) the term "AfCFTA" defined in paragraph (ii) is not used in any substantive provision of the Bill; and

e) the term "nation brand" is used in the Bill but is not defined, and a definition would give clarity to the nation branding functions of the Authority.

102. Delete clause 3 and substitute with the following new clause, '*The object of this Act is to: (a) create an enhanced, transparent and responsive environment that encourages, promotes and facilitates domestic and foreign investment; (b) promote, coordinate, facilitate nation brand initiatives that foster and sustains an authentic, credible and unique nation brand; (c) promote, coordinate and facilitate Kenya's exports of goods and services; and (d) support economic growth, employment and competitiveness arising from enhanced nation brand, increased investment and exports facilitated under this Act, without prejudice to the mandate of the Cabinet Secretary responsible for matters relating to trade and industry, or the National Treasury, in respect of national economic and fiscal policy*'.

Committee's Observation/Recommendation

The objects of the Bill to be amended to reflect the mandate of the Authority which is export promotion and nation branding.

103. Delete clause 5: '(1) *The headquarters of the Authority shall be in the Capital City of the Republic of Kenya; (2) The Authority may establish offices in and outside Kenya; and (3) The Authority shall ensure access to its services in all parts of the Republic of Kenya in accordance with Article 6(3) of the Constitution*'.

Committee's Observation/Recommendation

There is no need to replace "Nairobi" with "the Capital City", since Nairobi is the capital and the existing wording is clear. The proposal to establish offices outside Kenya was rejected by the Committee since the Authority can discharge its mandate internationally through Kenya's diplomatic and consular missions and any commercial attaché's deployed there. Further the committee proposed the PS responsible for foreign affairs as a member of the board to link the Authority with Kenya's missions abroad. The proposal to provide for access to the Authority's services in all parts of Kenya gives effect to Article 6(3) of the Constitution, which requires a national State organ to ensure reasonable access to its services in all parts of the Republic.

104. Delete clause 6 and substitute as follows:

Functions of Invest Kenya Proposal: (a) *'identify and develop investment opportunities, at the national and county levels, for domestic and foreign investors in collaboration with the private sector and other relevant public institutions; (b) promote, both locally and internationally, the opportunities for investment in Kenya; (c) establish, maintain and operate a national investment delivery mechanism for the coordination, facilitation, monitoring and implementation support of priority and strategic investments; (d) develop and maintain, in consultation with relevant public institutions, a list of sectors or activities in which investment is prohibited or restricted under the Constitution or any other written law; (e) appoint agents within or outside Kenya to undertake such activities on behalf of the Authority as may be necessary for the performance of its functions under this Act; (f) facilitate access to investment sites, industrial estates and other investment infrastructure, in collaboration with the relevant institutions; (g) promote coordination and facilitate collaboration among ministries, departments, agencies, county governments, regulators, investment promotion bodies, private sector institutions, development finance institutions and regional bodies in matters relating to investment promotion, investment facilitation and investor aftercare; (h) develop, in consultation with the relevant public institutions, service standards, facilitation protocols, investor journey maps, coordination frameworks and escalation procedures for investment facilitation; (i) advise investors on procedures and processes for setting up investment; (j) undertake investment research, export research, investment climate analysis and market intelligence to inform investment promotion, facilitation and business climate reform; (k) monitor the business climate, identify investment barriers, coordinate business climate reforms, and enhance Kenya's investment competitiveness; (l) collect, collate, analyse, maintain and disseminate investment data and information, including developing, maintaining, reviewing and publishing the national investment pipeline, in accordance with this Act and any other written law; (m) act as the national focal point for investment promotion and facilitation under the Protocol on Investment to the Agreement Establishing the African Continental Free Trade Area, and coordinate implementation of Kenya's obligations relating to investment promotion and facilitation under other regional and international agreements; (n) advise and assist investors in accessing tax incentives and exemptions; (o) coordinate ministries, departments, agencies and county governments in the development and implementation of investment plans and programmes at the national and county level, convene regular multi-stakeholder reviews of the investment environment, and facilitate structured public-private dialogue on investment matters; (p) serve as Secretariat to the Presidential Dialogue on Investment and Business Climate and its Implementation Committee; (q) act as the principal advisor on investment promotion, business climate reform and Kenya's competitiveness, including through research dissemination and policy advocacy, both locally and internationally; (r) maintain the register under section 34, in its*

prescribed form, for the collection, storage, analysis and dissemination of data relating to investment, exports and the nation brand, in accordance with this Act and the Data Protection Act, 2019; (s) establish and operate a grievance redress mechanism for the receipt, registration, investigation and resolution of complaints by investors and exporters arising from their interactions with the Authority or other public institutions in the course of investment or export facilitation; (t) administer the procedures for the settlement of investment disputes under this Act, including the receipt of notices of dispute, the facilitation of negotiation and mediation between an investor and the Government, and the coordination of the Government's participation in arbitration or other dispute resolution proceedings arising from an investment; and (u) prepare and publish periodic reports on the status and impact of business climate reforms, and convene consultative forums with public and private sector stakeholders to review, prioritise and report on the implementation of such reforms'.

Committee's Observation/Recommendation

All provisions on investment promotion were deleted and provided for in the Kenya Economic Zones Bill, 2026. Some of the above functions were carried by the Committee.

Functions of KEPROBA Proposal are: (a) '*to develop and coordinate implementation of harmonised public service branding guidelines; (b) to develop the national mark of identify and regulate its application on Kenya's goods and services; (c) to provide real-time market intelligence, export forecasts, competitor analysis, trade dashboards, and export market trends and opportunities; (d) to develop and implement a Kenya Nation Branding, Investment, and Export Promotion Digital platform to create an online repository of all investment opportunities and exports available in Kenya to global marketplace; (e) to identify and recommend to relevant government entities export promotion incentives and/or schemes to foster exports competitiveness; (f) to facilitate the establishment of distribution infrastructure in key export markets for enhanced product visibility and distribution; and (g) to establish export promotion and facilitation offices in key strategic export markets*'.

Committee's Observation/Recommendation

Some of the above functions were adopted by the Committee.

105. Amend subclause 18(1) to add the Principal Secretary responsible for Agriculture.

Committee's Observation/Recommendation

This proposal was rejected. The PS for Agriculture can be co-opted when required. This clause was however deleted and provided for in the Kenya Economic Zones Bill, 2026.

106. Retain the existing subclause 18(2) and (3) co-option mechanism, under which any other Principal Secretary may be co-opted for a specific sector-relevant matter. Let the name of the Committee be derived from its overall mandate, with the Chairperson being the Principal Secretary responsible for Finance, co-chaired by the Principal Secretary responsible for Trade and Investment.

Committee's Observation/Recommendation

The Bill already provides for co-option of Principal Secretaries under subclause 18(2). This clause was deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026.

107. Amend paragraph 19(1)(b) to read as follows, '*act as decision-making body to resolve inter-agency regulatory bottlenecks affecting investment projects, export development and promotion, and nation branding initiatives*'.

108. Insert the following new paragraph 19(1)(e), '*provide a coordinated approach to export development and promotion, and nation branding, by harmonising the roles of relevant public institutions, eliminating duplication of effort, fostering inter-agency collaboration and ensuring the efficient and effective utilisation of public resources*'.

109. Insert the following new subclause 19(4), '*a lawful decision made by a duly authorised representative participating in the Committee binds that institution and is to be implemented within timelines determined by the Committee*'.

110. Insert the following new subclause 19(5), '*an institution that declines, varies or delays implementation must provide written reasons to the Committee within a prescribed period*'.

111. Insert the following new subclause 19(6), '*where an institution fails to implement a lawful decision within the agreed timeline, the Committee may take measures necessary to facilitate implementation*'.

112. Insert the following new clause 19A '*The Chief Executive Officer shall designate Authority staff to serve as secretariat to the Committee.*'

113. Insert the following new clause 20A, '(1) *There is established the Presidential Dialogue as the apex public-private forum for investment and export promotion, business climate reforms and Nation Branding; (2) The Presidential Dialogue shall be co-chaired by (a) the President; and (b) a private-sector representative elected by the private-sector members of Dialogue*'.

114. Insert the following new clause 20B, '*The Presidential Dialogue shall comprise the co-chairs; the Cabinet Secretary responsible for Industry, Trade and Investment; such other Cabinet Secretaries as the President may designate; and not more than twenty private-sector representatives designated annually by the Authority of whom not fewer than five shall be reserved for representatives of labour, consumer and civil society organisations. Private-sector seats shall rotate across sectors annually in accordance with the criteria prescribed by the Authority*'.

115. Insert the following new clause 20C, '*The Presidential Dialogue may establish not more than five thematic Technical Working Groups*'.

116. Insert the following new clause 20D, '*The Presidential Dialogue shall (a) drive the business climate reform and export competitiveness agenda; (b) consider and prioritise business climate and export competitiveness*

reforms proposed by the Technical Working Groups and the private sector; (c) resolve high-level bottlenecks affecting priority and strategic investments and export competitiveness constraints not resolved through ordinary institutional channels; and (d) issue recommendations to the Cabinet Secretary and competent institutions'.

117. Insert the following new clause 20E, '*The Authority shall serve as Secretariat to the Presidential Dialogue and its Technical Working Groups, and shall be responsible for agenda-setting, implementation monitoring and record-keeping*'.

118. Insert the following new clause 20F, '(1) *the Presidential Dialogue shall convene in full session at least twice a year; (2) the Technical Working Groups shall meet at least quarterly; and (3) The Co-Chairs may convene an extraordinary session*'.

119. Insert the following new clause 20G, '*The Authority shall, on behalf of the Presidential Dialogue, submit an annual report on its proceedings and outcomes to the President and the National Assembly*'.

120. Insert the following new clause 20H, '(1) *private-sector membership shall be for a term prescribed by the Authority; and (2) at the end of each term, the Authority shall review the Dialogue's performance, informing the succeeding term's priorities*'.

121. Insert the following new clause 20I, '*the Cabinet Secretary may make regulations for the better carrying out of this Part*'.

Committee's Observation/Recommendation

The above clauses were deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026.

122. Amend clause 23 by extending mandatory registration to exporters on the same basis, and removing criminal penalties for failure to register in favour of administrative measures.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

123. Insert the following new subclause 25(3), '*A holder of a registration certificate shall, prior to obtaining requisite approvals, permits or licences, be entitled to carry out investment in Kenya for a period of twelve months, provided that the holder remains in compliance with all applicable environmental, health and safety laws and requirements*'.

124. Insert new the following new subclause 25(4), '(4) *A holder of an investment registration certificate shall be entitled to: (a) use of the centralised investment facilitation facility; (b) access to financial linkage services; (c) expedited processing of approvals by competent institutions; (d) investor matchmaking and partnership facilitation; and (e) referral of qualifying projects to the Investment Committee*'.

125. Insert the following new subclause 25(5), '(5) *An investment registration certificate shall not confer any additional benefit, exemption or entitlement other than those expressly provided for under this Act or any other written law*'.

126. Insert the following new subclause 25(6), '(6) *The Authority may suspend an investment registration certificate for a period not exceeding ninety days, pending investigation, where the Authority has reasonable grounds to believe that: (a) the certificate was issued on the basis of incorrect or misleading information; (b) the holder of the certificate is under investigation for a breach of any condition of the certificate or a contravention of this Act or any other written law relevant to the investment; (c) the continued operation of the investment poses a risk to public health, public safety, national security, or the environment; or (d) suspension is necessary to prevent further harm pending the outcome of a review under section 28*'.

127. Insert the following new subclause 25(7), '(7) *Where the Authority suspends or revokes an investment registration certificate under this section or section 28: (a) the Authority shall notify, in writing, every Ministry, State Department, State Corporation, County Government entity, or other public body ('relevant MDA') that has issued a licence, permit, approval, or authorisation to the holder of the certificate in connection with the investment; (b) the Authority may recommend to a relevant MDA that a licence, permit, approval, or authorization issued to the holder be suspended or cancelled, where the grounds for suspension or revocation of the investment registration certificate are relevant to the licence, permit, approval, or authorization concerned; (c) a relevant MDA that receives a recommendation under paragraph (b) shall, within thirty days of receipt, consider the recommendation and communicate its decision, together with reasons, to the Authority; (d) nothing in this section compels a relevant MDA to suspend or cancel a licence, permit, approval, or authorization issued under a written law for which that MDA is the licensing authority, and the exercise of that power shall remain subject to the procedures and safeguards, including any right of representation, prescribed under the written law governing that licence, permit, approval, or authorization; and (e) upon the lifting of a suspension or the setting aside of a revocation under section 29, the Authority shall promptly notify every relevant MDA notified under paragraph (a), and any recommendation made under paragraph (b) shall be deemed withdrawn*'.

Committee's Observation/Recommendation

Provisions on investment promotion were deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026.

128. Delete clause 30 and substitute as follows, '(1) *Subject to the Investment Committee approving a strategic investment under section 19(3), the Authority may issue an investor with a Golden Investment Certificate in the prescribed form; (2) The Authority shall charge such fees for issuance of a Golden investment Certificate as shall be prescribed under Regulations; and (3) Every commitment, approval or undertaking recorded in a Golden Investment Certificate shall be binding on the relevant public authorities*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee and provided for in the Kenya Economic Zones Bill, 2026.

129. Insert the following new subclause 33(3), (3) '*Where the Authority revokes a Golden Investment Certificate under this section: (a) the Authority shall notify, in writing, every Ministry, State Department, State Corporation, County Government entity, or other public body ("relevant MDA") that has granted a licence, permit, approval, incentive, or other benefit to the holder pursuant to the negotiated investment agreement executed under section 19(3) or the Golden Investment Certificate; (b) the Authority may recommend to a relevant MDA that a licence, permit, approval, incentive, or other benefit granted to the holder be suspended or cancelled, where the grounds for revocation of the Golden Investment Certificate are relevant to the licence, permit, approval, incentive, or benefit concerned; (c) a relevant MDA that receives a recommendation under paragraph (b) shall, within thirty days of receipt, consider the recommendation and communicate its decision, together with reasons, to the Authority; (d) nothing in this section compels a relevant MDA to suspend or cancel a licence, permit, approval, incentive, or benefit issued under a written law for which that MDA is the granting authority, and the exercise of that power shall remain subject to the procedures and safeguards, including any right of representation, prescribed under the written law governing that licence, permit, approval, incentive, or benefit; and (e) where a revocation of a Golden Investment Certificate is set aside on review under section 29, the Authority shall promptly notify every relevant MDA notified under paragraph (a), and any recommendation made under paragraph (b) shall be deemed withdrawn*'.

130. Amend clause 34 by inserting the following new paragraphs, '(a) *investment opportunities identified by the Authority; (b) the National Investment Pipeline; (c) priority and strategic investments; (d) investment facilitation requests received by the Authority; (e) Kenya's nation brand identities; (f) licences, permits, approvals and authorisations processed under the Act; (g) Investment/Technical Committee decisions; (h) Golden Investment Certificates issued; (i) investor aftercare matters; (j) investor grievances; and (k) No separate system or platform clause is required; the single register, in its prescribed form as defined in Clause 2, carries this expanded scope*'.

131. Insert the following new clause 34A, '*There shall be designated ministerial focal points for investment and export matters, as the Cabinet Secretary responsible for a Ministry, Department or Agency may from time to time determine*'.

Committee's Observation/Recommendation

All clauses on investment promotion were deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026.

132. Delete subclause 35 (1) and substitute as follows, '35(1) *In promoting and facilitating investment and exports in Kenya, the Authority may, in collaboration with the County Investment and Export Units and International offices, establish and operationalize a physical and digital centralized facility for purposes of providing government services and regulatory requirements for investors and exporters*'.

Committee's Observation/Recommendation

The Committee observed that:

a) **providing the centralised facility in both physical and digital form would improve access to government services for exporters, including those outside Nairobi and abroad;**

b) **since the substantive provisions on investment are proposed for deletion, the reference to investors and investment in the proposed subclause would have no application in the Bill as amended;**

c) **export promotion and international trade are functions of the national government under paragraph 1 of Part 1 of the Fourth Schedule to the Constitution, so a requirement to collaborate with county investment and export units is not necessary; and**

d) **county governments may nonetheless participate in the facility, including in respect of county services, through agreements entered into under the Intergovernmental Relations Act.**

133. Insertion the following new subclause 35(4), '*The Authority may charge such fees as may be prescribed in the regulations for the provision of services at the centralised facility*'.

Committee's Observation/Recommendation

The Committee observed that:

a) **the centralised facility hosts government agencies that provide services and approvals to exporters under their own laws, each charging fees under those laws;**

b) **requiring exporters to make separate payments to each agency is cumbersome and defeats the purpose of a centralised facility;**

c) **the payment process should be seamless, allowing an exporter to pay a single consolidated amount for all the services obtained at the facility;**

d) **the consolidated payment should comprise only the fees payable under the law governing each service, with each fee remitted to the agency entitled to it, so that no additional charge is imposed on exporters; and**

e) **the payment system should be integrated with the existing government electronic payment platforms and the national electronic single window system.**

134. Insert the following new Clause 35A, (1) '*The Authority shall periodically assess and publish the regulatory compliance burden imposed on investors and exporters and shall make recommendations for the reduction of unnecessary regulatory and administrative burdens affecting investment and exports; (2) The Authority shall submit an annual report to the Cabinet Secretary on the status of the business climate and the progress made in reducing regulatory and administrative burdens affecting investment and exports; (3) A public institution proposing to introduce or substantially revise an investor and exporter-facing licence, permit, approval, return, declaration, information requirement or other regulatory obligation shall consult the Authority on the likely impact of the proposed measure on investment and export facilitation, regulatory coherence and investor and exporter compliance; (4) Public institutions shall periodically review investor and exporter-facing regulatory requirements with a view to eliminating duplication, simplifying compliance requirements and reducing unnecessary regulatory burdens affecting investments and exports; (5) In developing, reviewing or administering investor and exporter-facing regulatory requirements, public institutions shall have regard to the nature, scale and stage of the investment and/or exports and shall, where appropriate, adopt proportionate and simplified compliance measures in accordance with this Act and the Regulations; and (6) The Authority shall act as the Secretariat to convene periodically a national business climate forum bringing together the private and public organisations*'.

Committee's Observation/Recommendation

The Committee observed that:

a) **business environment reform policy is a function of the State Department responsible for investment promotion, and the Authority's role should be confined to the regulatory burden on exporters;**

b) **the duties to consult the Authority and review requirements should apply to national government ministries, departments and agencies, and should complement, not duplicate, the regulatory impact assessment and public consultation already required under the Statutory Instruments Act;**

c) **a statutory national business climate forum is not necessary, since the Authority may consult exporters and other stakeholders in the performance of its functions; and**

d) **the substantive provisions on investment are proposed for deletion, so the acceptable proposals should be modified to apply only to exporters.**

135. Amend clause 36 to provide that in addition to annual appropriations by Parliament, the Authority shall receive a percentage of the Export and Investment Levy collected under Section 7A of the Miscellaneous Fees and Levies Act, Cap. 496C, as guided by the Public Finance Management (Industrialization, Export and Investment Promotion Fund) Regulations, 2026, which are being finalised.

Committee's Observation/Recommendation

The export and investment promotion levy under section 7A of the Miscellaneous Fees and Levies Act is to be paid into a Fund whose regulations under the Public Finance Management Act are to be made by the Cabinet Secretary. A defined share of the Fund would give the Authority predictable funding for export promotion and nation branding, and reduce its reliance on annual appropriations. The Committee adopted this proposal and proposed the apportionment of 20% of the Fund for export promotion and nation branding and 20% for investment promotion.

136. Amend the Bill by inserting a new Part IVA on Investor Grievance Mechanism and Tribunal.

137. Insert the following new clause 40A, (1) *'The Authority shall establish and operationalise an investor grievance mechanism for the receipt, facilitation and resolution of grievances submitted by investors relating to investments in Kenya; (2) An investor may submit to the Authority a grievance in relation to: (a) investment registration under section 24; or (b) investment facilitation under section 35; (3) A grievance submitted under subsection (2) shall contain: (a) particulars of the grievance; (b) the public institution or agency to which the grievance relates; (c) the relief sought by the investor; (d) any other information that the Authority may require; (4) the Authority shall (a) acknowledge receipt of a grievance within 5 working days; (b) facilitate engagement between the investor and the relevant public institution; (c) endeavour to resolve the grievance within ninety days; and (d) communicate its recommendations or decision in writing to the investor and the relevant institution; (5) A public institution to which a grievance relates shall cooperate with the Authority and provide such information as may reasonably be required for purposes of resolving the grievance; (6) The Authority shall maintain records of grievances received and actions taken under this section; (7) A grievance submitted under this section shall not preclude an investor from pursuing any remedy available under any other written law; (8) the Authority may prescribe procedures for the management and resolution of investor grievances under this Act; and (9) a person who is dissatisfied with the decision of the Authority may appeal to the Tribunal'.*

138. Insert the following new clause 40B, (1) *'There is established the Kenya Investment Tribunal comprising of: (a) a chairperson, who shall be a person qualified to be appointed as a judge of the High Court of Kenya, appointed by the Chief Justice; (b) an advocate of the High Court of Kenya, with professional qualifications in trade, investment and industry law, nominated by the Law Society of Kenya; (c) three persons, who are not public servants, with demonstrated competence in trade, investment and industry affairs; and (d) a secretary to the Tribunal, who shall be an ex officio member; (2) The Judicial Service Commission shall appoint the members and the secretary of the Tribunal; (3) The chairperson and members of the Tribunal shall hold office for a term of three years and shall be eligible for reappointment for one further term; (4) The office of a member of the Tribunal shall become vacant; (a) at the expiration of three years from the date of his appointment; (b) if he accepts any office the holding of which, if he were not a member of the Tribunal, would make him ineligible for appointment to the office of a member of the Tribunal; or (c) if he resigns the office of member of the Tribunal; (5) There shall be paid to the Chairperson and members of the Tribunal such remuneration and allowances as the Chief Justice, on the recommendation of the Salaries and Remuneration Commission, shall determine; (6) The Chairperson and members of the Tribunal shall serve on such terms and conditions as determined by the Judicial Service Commission; (7) The Tribunal shall have jurisdiction to hear and determine matters relating to investment, including: (a) appeals emanating from*

the internal grievance process; (b) appeals from decisions of the Investment Committee; (c) investment grievances relating to MDA administrative decisions; and (d) the revocation, suspension or modification of a person's registration or licence under this Act or its regulations; (8) The Tribunal may— (a) make such orders for securing the attendance of any person, or the discovery or production of any document, concerning a matter before the Tribunal or the investigation of any contravention of this Act, as it deems necessary or expedient; (b) take evidence on oath and administer oaths for that purpose; or (c) on its own motion summon and hear any person as a witness; (9) The Chairperson of the Tribunal may appoint persons with special skills or knowledge on trade, investment and industry matters to act as assessors in an advisory capacity where such skills or knowledge are required for the proper determination of a matter; (10) Upon any appeal, the Tribunal may: (a) confirm, set aside or vary the order or decision in question; (b) exercise any of the powers which may have been exercised by the Authority in the proceedings connected with the appeal; (c) make such other order, including an order to enhance the principles of sustainable development and an order for costs, as it may deem just; (d) if satisfied upon application by any party, issue orders maintaining the status quo of any matter or activity that is the subject of the appeal until the appeal is determined; or (e) if satisfied upon application by any party, review any orders made under paragraph (a); (11) A person aggrieved by a decision or order of the Tribunal may, within fourteen days of the decision or order, appeal to the High Court, whose decision shall be final, save that where the Chief Executive Officer is satisfied that immediate action must be taken to avert serious injury, the Chief Executive Officer may take reasonable action to stop, alleviate or reduce such injury, including closing down any undertaking, until the appeal is finalised or the time for appeal has expired; (12) The Judicial Service Commission may appoint such other staff as may be necessary for the proper discharge of the Tribunal's functions, to be remunerated as the Chief Justice, on the recommendation of the Salaries and Remuneration Commission, shall determine; and (13) The Chief Justice may make rules prescribing the manner and fees for appeals to the Tribunal, its hearing procedure and records, the manner and place of its sittings, and generally for the better carrying out of the provisions of this Act relating to the Tribunal and appeals thereto'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee and a dispute resolution mechanism provided for under the Kenya Economic Zones Bill, 2026.

139. Amend paragraph 44(2)(a) by either deleting the phrase '*except where otherwise directed by lawful authority with cause*' or by defining the words '*lawful authority*' and '*cause*'.

Committee's Observation/Recommendation

The Committee observed that the provision is clear, as it allows for situations where an employee may not transfer to the Authority for a justifiable reason, on the direction of a person or body authorised by law, and any such direction remains subject to the law.

140. Amend paragraph 44(2)(e) to provide for amalgamation of the two existing pension schemes under the Retirement Benefits Act.

Committee's Observation/Recommendation

Provisions on investment promotion were deleted from this Bill and provided for under the Kenya Economic Zones Bill, 2026. This Bill only provides for export promotion and nation branding and this amendment is therefore not necessary.

141. Amend subclause 42(3) to remove the criminal fine and custodial exposure for failure to register, substituting an administrative consequence, for example, linking continued access to the Authority's centralised facility and services to registration status, or a fixed administrative penalty payable on demand, with escalation to suspension of Authority-conferred benefits for continued non-compliance.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

142. Amend the Bill by inserting a new Part VII A

143. Insert the following new clause 42A, '(1) *The Government shall accord fair and equitable treatment, and full protection and security, to every registered investor and investment made in Kenya; (2) Subject to reciprocal arrangements under any treaty or agreement to which Kenya is a party, the Government shall accord every registered investor treatment no less favourable than that accorded to Kenyan investors in like circumstances; (3) No investment shall be expropriated or nationalised except: (a) for a public purpose or in the public interest; (b) under a procedure established by law; (c) in a manner that is not discriminatory; and (d) subject to prompt payment of full and fair compensation in accordance with Article 40 of the Constitution, and the investor may apply to the High Court to contest the legality of the expropriation or the adequacy of the compensation offered; (4) Subject to the Constitution and any other written law, a registered investor shall be entitled to transfer out of Kenya, in a freely convertible currency and without unreasonable delay: (a) profits, dividends and other income derived from the investment; (b) proceeds from the sale or liquidation of the investment; (c) the principal and interest on any loan related to the investment; and (d) any compensation payable under subsection (3)(d) or otherwise in respect of the investment; (5) Nothing in this section shall derogate from any protection available to an investor under the Foreign Investments Protection Act, Cap. 518 or any bilateral or multilateral investment treaty to which Kenya is a party, and where a provision of such an instrument is more favourable to the investor, that provision shall prevail; (6) The Government hereby gives its advance and self-executing consent to the submission of any dispute concerning the protections set out in this section to arbitration in accordance with the Settlement of Investment Disputes section and any treaty or agreement to which Kenya is a party; and (7) Nothing in this section shall be construed as limiting the sovereign regulatory powers of the Government exercised in accordance with the Constitution and any other written law*'.

Committee's Observation/Recommendation

All provisions on investment promotion were deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026.

4.2 State Department for Investment Promotion

In a meeting with the Committee held on Tuesday, 25th August 2026, the Principal Secretary, Mr. Abubakar Abubakar proposed the following amendments to the Bill on behalf of the State Department:

144. Amend the Long Title by deleting the words '*business environment reforms*'.

Committee's Observation/Recommendation

The long title was amended to only provide for export promotion and nation branding. Provisions on investment promotion were deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026.

145. Delete paragraph 6(m).

Committee's Observation/Recommendation

The Committee observed that business environment reform policy is a function of the State Department responsible for investment promotion. identify the regulatory and administrative constraints affecting exporters and propose reforms.

146. Amend paragraph 7(a) to include the Principal Secretary responsible for Trade and the Principal Secretary responsible for Investments.

Committee's Observation/Recommendation

The Committee observed that since the substantive provisions on investment are proposed for deletion, membership of the Principal Secretary responsible for investment promotion is not necessary

147. Amend paragraph 18(1)(a) to have the Principal Secretary responsible for Trade and the Principal Secretary for Investments as members of the investment committee.

Committee's Observation/Recommendation

This proposal was adopted by the Committee and the amendment carried in the Kenya Economic Zones Bill, 2026.

148. Amend subclause 18(1) to add the Principal Secretary responsible for Immigration as a member of the Investment Committee.

Committee's Observation/Recommendation

Subclause 18(2) provides for the co-option of Principal Secretary. The Principal Secretary for immigration can therefore be co-opted when he is required to attend meetings of the Committee.

149. Delete subclause 23(2).

Committee's Observation/Recommendation

This proposal was adopted by the Committee and the amendment effected in the Kenya Economic Zones Bill, 2026.

4.3 Kenya Investment Authority

In a meeting with the Committee held on 25th August 2026, Mr. John Mwendwa, CEO, submitted a written memorandum proposing the following amendments on behalf of KenInvest:

150. Change the Short Title to read, '*This Act may be cited as the Invest Kenya Act, 2026*'.

Committee's Observation/Recommendation

All provisions on investment promotion were deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026. This title therefore does not speak to the provisions of this Bill as it only addresses export promotion and nation branding.

151. Amend the Long Title to read, '*AN ACT of Parliament to provide for the promotion, coordination and facilitation of investment, exports, nation brand and business environment reforms, to provide for the establishment of the Invest Kenya Authority, and for connected purposes*'.

Committee's Observation/Recommendation

Provisions on investment promotion were deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026.

152. Amend/insert the following definitions:

(i) Amend the definition of '*Authority*' to read: '*Authority means the Invest Kenya Authority established under section 4*'.
(ii) Insert new definition for '*African Continental Free Trade Area (AfCFTA)*' to mean the free trade area established under the Agreement Establishing the African Continental Free Trade Area, adopted by Member States of the African Union, aimed at creating a single continental market for goods and services, with free movement of business persons and investments, and the progressive elimination of tariffs and non-tariff barriers to trade.
(iii) '*Board*' means the Board of the Authority established under section 7.

(iv) '*Business climate reform*' means measures aimed at improving the legal, regulatory, administrative and institutional environment for investment and business in Kenya.

(v) '*Climate-smart investment*' means an investment that promotes climate resilience, adaptation or mitigation while supporting sustainable economic development.

(vi) '*Competent institution*' means a ministry, department, agency, county government or other public body having statutory responsibility to issue, approve, recommend or determine any licence, permit, consent, authorization, incentive or other matter relating to an investment under this Act or any other written law.

(vii) '*Duly authorised representative*' means a person designated in writing by a competent institution and authorized to represent that institution, communicate its position, make decisions within the person's delegated authority, agree implementation timelines and commit the institution to actions within its lawful mandate.

(viii) '*ESG-aligned investment*' means an investment that integrates environmental, social and governance considerations into its planning, implementation or operation.

(ix) '*Green investment*' means an investment that contributes to environmental sustainability, resource efficiency or the transition to a low-carbon economy.

(x) Amend the definition of '*golden certificate*' to mean a certificate issued by the Investment Committee to a registered investor conferring additional investment incentives, priority treatment, concessions or other investment support measures as may be granted by the Investment Committee;" aligning with the proposed renaming and expansion of Section 30.

(xi) '*Investor grievance*' means a complaint or concern raised by an investor relating to an administrative action, omission, decision, delay or other matter affecting an investment.

(xii) '*National investment pipeline*' means the portfolio of investment opportunities, priority investments and strategic investment projects identified, developed, facilitated or monitored by the Authority.

(xiii) '*Priority investment*' means an investment identified by the Authority as requiring coordinated facilitation or accelerated implementation on account of its economic, strategic or national development significance.

(xiv) '*Qualifying investment*' means an eligible investment that has been certified by the Authority under section 36.

(xv) '*Registered investor*' means an investor registered by the Authority under s25.

(xvi) '*Strategic investment project*' means a priority investment approved by the Investment Committee as meeting the criteria prescribed under this Act or the regulations for strategic investment status.

Committee's Observation/Recommendation

The Committee observed that the Authority is renamed the Kenya Export Promotion and Branding Authority, and the definition of "Authority" should reflect that name rather than "Invest Kenya Authority". The term "Board" is used throughout the Bill but is not defined. The substantive provisions on investment are proposed for deletion, so the definitions in which relate to investment, would have no application in the Bill as amended and the term "AfCFTA" defined in paragraph (ii) is not used in any substantive provision of the Bill.

153. Delete clause 3 and substitute as follows, *'The object of this Act is to: (a) create an enhanced, transparent and responsive environment that encourages, promotes and facilitates domestic and foreign investment; (b) develop, promote and safeguard Kenya's investment and nation brand identity; and (c) improve economic growth, employment, exports and competitiveness through sustainable development'.*

154. Delete subclause 4(1) and substitute as follows, *'There is established an authority to be known as the Invest Kenya Authority, which shall be a successor of the Kenya Investment Authority established under section 14 of the Investment Promotion Act and the Kenya Export Promotion and Branding Agency established under paragraph 3 of the Kenya Export Promotion and Branding Agency Order'.*

Committee's Observation/Recommendation

Provisions on investment promotion were deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026.

155. Delete clause 5 and substitute as follows, (1) *'The headquarters of the Authority shall be in Nairobi. (2) The Authority may establish offices in and outside Kenya. (3) The Authority shall ensure access to its services in all parts of the Republic of Kenya in accordance with Article 6(3) of the Constitution'.*

Committee's Observation/Recommendation

The proposal to establish offices outside Kenya was rejected by the Committee since the Authority can discharge its mandate internationally through embassies.

156. Delete clause 6 and substitute as follows, (a) *'Identify and develop investment opportunities, at the national and county levels for domestic and foreign investors in collaboration with the private sector and other relevant public institutions; (b) promote both locally and internationally, the opportunities for investment in Kenya; (c) establish, maintain and operate a national investment delivery mechanism for coordination, facilitation, monitoring and implementation support of priority and strategic investments; (d) develop and maintain, in consultation with relevant public institutions, sectors or activities in which investment is prohibited or restricted under the Constitution or any other written law; (e) appoint agents within or outside Kenya to undertake such activities on behalf of the Authority as may be necessary for the performance of its functions under this Act; (f) facilitate access to investment sites, industrial estates and other investment infrastructure in collaboration with the relevant institutions; (g) promote coordination and facilitate collaboration among ministries, departments, agencies, county governments, regulators, investment promotion bodies, private sector institutions, development finance institutions and regional bodies in matters relating to investment promotion, investment facilitation and investor aftercare; (h) develop, in consultation with the relevant public institutions, service standards, facilitation protocols, investor journey maps, coordination frameworks and escalation procedures for investment facilitation; (i) advice investors on procedures and processes for setting up investment; (j) undertake investment research, export research, investment climate analysis, market intelligence, to inform investment promotion, facilitation and business climate reform; (k) monitor the business climate, identify investment barriers, coordinate business climate reforms and enhance Kenya's investment competitiveness; (l) collect, collate, analyse, maintain and disseminate investment data and information, including developing, maintaining, reviewing and publishing the national investment pipeline, in accordance with this Act and any other written law; (m) act as the national focal point for investment promotion and*

facilitation under the Protocol on Investment to the agreement establishing the African Continental Free Trade Area and coordinate implementation of Kenya's obligations relating to investment promotion and facilitation under regional and international agreements; (n) advise and assist investors in accessing tax incentives and exemptions; (o) coordinate ministries, departments and county governments in the development and implementation of investment plans and programmes at the national and county level, convene regular multi-stakeholder reviews of the investment environment, and facilitate structured public-private dialogue on investment matters; (p) serve as the secretariat to the Presidential Dialogue on Investment and Business Climate, and its implementation committee; (q) act as the principal advisor on investment promotion, business climate reform and Kenya's investment competitiveness, including through research dissemination and policy advocacy both locally and internationally; (r) develop, manage and maintain the National Investment Information Management System for the collection, storage, analysis and dissemination of data relating to investments, exports and the nation brand, in accordance with this Act and the Data Protection Act, 2019; (s) establish and operate a grievance redress mechanism for the receipt, registration, investigation and resolution of complaints by investors and exporters arising from their interactions with the Authority or other public institutions in the course of export facilitation; (t) administer the procedures for the settlement of investment disputes under this Act, including the receipt of notices of dispute, the facilitation of negotiation and mediation between an investor and the Government, and the coordination of the Government's participation in arbitration or other dispute resolution proceedings arising from an investment; and (u) prepare and publish periodic reports on the status and impact of business climate reforms, and convene consultative forums with public and private sector stakeholders to review, prioritise and report on the implementation of such reforms'.

Committee's Observation/Recommendation

Provisions on investment promotion were deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026.

157. Insert the following paragraphs under subclause 18(1), '(a) *the Head of Public Service, who shall be the Chairperson; and (f) the Principal Secretary responsible for immigration*'.

Committee's Observation/Recommendation

The Head of Public Service has no role in the Committee while the PS responsible for immigration can be co-opted in the Committee when required.

158. Insert the following paragraph under subclause 19(2), '(e) *promotes green, climate-smart, ESG-aligned or sustainable investment, or contributes to environmental sustainability or climate resilience*'.

Committee Observation/Recommendation

This is an administrative function that doesn't need to be provided for in law.

159. Insert the following new subclause 19(4), (5) and (6), '(4) *A lawful decision made or communicated by a competent institution through its duly authorized representative participating in the Committee shall, subject to the Constitution and any other written law, bind that institution and shall be implemented within*

the timelines determined by the Committee. (5) A participating institution that declines, varies or delays implementation of a decision of the Committee shall provide written reasons to the Committee within the prescribed period. (6) Where a represented institution fails to implement a lawful decision of the Committee within the agreed implementation timeline, the Committee shall take such measures as may be necessary to facilitate implementation'.

Committee Observation/Recommendation

The Committee observed that the Investment Committee is proposed for deletion from the Bill and relocation to the Kenya Economic Zones Bill (National Assembly Biii No. 46 of 2026), so the proposal has no application in the Bill as amended and in considering a similar provision under that Biii, a decision of the Committee may bind a participating institution only within the powers conferred on that institution by the law governing it. It may not bind a commission or independent office under the constitution.

160. Insert the following new clause immediately after clause 19, '*The Chief Executive Officer shall designate such staff to serve as the secretariat to the Committee*'.

Committee's Observation/Recommendation

The Committee observed that the Investment Committee is being moved from this Bill to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026), so the proposal no longer applies to this Bill. In addition, clause 18(1)(i) already makes the Chief Executive Officer the secretary to the Committee. The Committee observed that the Investment Committee is being moved to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). The Committee further observed that while clause 18(1)(i) makes the Chief Executive Officer the secretary to the Committee, designated staff are needed to provide secretariat services and to act in the Chief Executive Officer's absence, and that persons co-opted to the Committee should not vote.

161. Delete clause 20.

Committee's Observation/Recommendation

The Committee observed that the National Investment Advisory Council relates to investment, and that the provisions on investment are proposed for deletion from the Bill and relocation to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

162. Insert a new Part III A on Presidential Dialogue on Investment and Business Climate.

163. Insert the following new clause 20A, '(1) *There is established the Presidential Dialogue on Investment and Business Climate as the apex public-private forum for investment promotion and business climate reform.*

(2) The Presidential Dialogue shall be co-chaired by: (a) the President; and (b) a private-sector representative elected by the private-sector members of the Dialogue'.

164. Insert the following new clause 20B, '(1) *The Presidential Dialogue shall comprise the Co-Chairs; (2) the Cabinet Secretary responsible for Industry, Trade and Investment; (3) such other Cabinet Secretaries as the President may designate; (4) not more than twenty private-sector representatives designated annually by the Authority. (5) Of the private-sector seats under sub-section (1), not fewer than five shall be reserved for representatives of labour, consumer and civil society organizations. (3) Private-sector seats shall rotate across sectors annually in accordance with criteria prescribed by the Authority*'.

165. Insert the following new clause 20C, (1) '*The Presidential Dialogue may establish not more than five thematic Technical Working Groups, each co-chaired by a public and a private-sector representative. (2) The Technical Working Groups shall draw on the Business Climate Reform Register maintained by the Authority*'.

166. Insert the following new clause 20D, '*The Presidential Dialogue shall: (a) provide strategic direction on investment promotion and business climate reform; (b) consider and prioritise business climate reforms proposed by the Technical Working Groups and the private sector; (c) resolve high-level bottlenecks affecting priority and strategic investments not resolved through ordinary institutional channels; and (d) issue recommendations to the Cabinet Secretary and competent institutions*'.

167. Insert the following new clause 20E, '*The Authority shall serve as Secretariat to the Presidential Dialogue and its Technical Working Groups, and shall be responsible for agenda-setting, implementation monitoring and record-keeping*'.

168. Insert the following new clause 20F, '(1) *The Presidential Dialogue shall convene in full session at least twice a year. (2) The Technical Working Groups shall meet at least quarterly. (3) The Co-Chairs may convene an extraordinary session*'.

169. Insert the following new clause 20G, '*The Authority shall, on behalf of the Presidential Dialogue, submit an annual report on its proceedings and outcomes to the President and the National Assembly*'.

170. Insert the following new clause 20H, '(1) *Private-sector membership shall be for a term prescribed by the Authority. (2) At the end of each term, the Authority shall review the Dialogue's performance, informing the succeeding term's priorities*'.

171. Insert the following new clause 20I, 'The Cabinet Secretary may make regulations for the better carrying out of this Part'.

Committee's Observation/Recommendation

The National Investment Advisory Council that is established under clause 20 will discharge the roles proposed to be discharged by the Presidential Dialogue. This proposal was rejected by the Committee.

172. Insert the following new subclause under clause 25, '(3) *A holder of a registration certificate shall, prior to obtaining requisite approval, permits licenses, be entitled to carry out investment in Kenya for a period of twelve months, provided that the holder remains in compliance with all applicable environmental, health and safety laws and requirements. (4) A holder of an investment registration certificate shall be entitled to: (a) use of the centralized investment facilitation facility; (b) access to financial linkage services; (c) expedited processing of approvals by competent institutions; (d) investor matchmaking and partnership facilitation; and (e) referral of qualifying projects to the Investment Committee. (5) An investment registration certificate shall not confer any additional benefit, exemption or entitlement other than those expressly provided for under this Act or any other written law. (6) The Authority may suspend an investment registration certificate for a period not exceeding ninety days, pending investigation, where the Authority has reasonable grounds to believe that: (a) the certificate was issued on the basis of incorrect or misleading information; (b) the holder of the certificate is under investigation for a breach of any condition of the certificate or a contravention of this Act or any other written law relevant to the investment; (c) the continued operation of the investment poses a risk to public health, public safety, national security, or the environment; or (d) suspension is necessary to prevent further harm pending the outcome of a review under section 28. (7) Where the Authority suspends or revokes an investment registration certificate under this section or section 28: (a) the Authority shall notify, in writing, every Ministry, State Department, State Corporation, County Government entity, or other public body ("relevant MDA") that has issued a licence, permit, approval, or authorization to the holder of the certificate in connection with the investment; (b) the Authority may recommend to a relevant MDA that a licence, permit, approval, or authorization issued to the holder be suspended or cancelled, where the grounds for suspension or revocation of the investment registration certificate are relevant to the licence, permit, approval, or authorization concerned; (c) a relevant MDA that receives a recommendation under paragraph (b} shall, within thirty days of receipt, consider the recommendation and communicate its decision, together with reasons, to the Authority; (d) nothing in this section compels a relevant MDA to suspend or cancel a licence, permit, approval, or authorization issued under a written law for which that MDA is the licensing authority, and the exercise of that power shall remain subject to the procedures and safeguards, including any right of representation, prescribed under the written law governing that licence, permit, approval, or authorization; and (e) upon the lifting of a suspension or the setting aside of a revocation under section 29, the Authority shall promptly notify every relevant MDA notified under paragraph (a), and any recommendation made under paragraph (b) shall be deemed withdrawn*'.

Committee's Observation/Recommendation

The Committee observed that:

a) **the provisions on investment registration are being moved from this Bill to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026), so the proposal no longer applies to this Bill;**

b) **if the proposal is considered under that Bill, subclause (3) should not be adopted, since allowing an investor to operate for twelve months before obtaining approvals conflicts with existing laws such as the Environmental Management and Co-ordination Act etc, which require approvals to be issued before a project starts; and**

c) **subclauses (4) to (7) improve investor facilitation and set out a fair process for suspension, while leaving the licensing decisions of other public bodies to those bodies under their own laws.**

173. Delete clause 30 and substitute as follows, '(1) *Subject to the Investment Committee approving a strategic investment under section 19 (3), the Authority may issue an investor with a Golden Investment Certificate in the prescribed form. (2) The Authority shall charge such fees for issuance of a Golden Investment Certificate as shall be prescribed under Regulations. (3) Every commitment, approval or undertaking recorded in a Golden Investment Certificate shall be binding on the relevant public authorities*'.

Committee Observation/Recommendation

This proposal was adopted by the Committee and provided for in the Kenya Economic Zones Bill, 2026.

174. Insert the following new subclause 33(3), '(3) *Where the Authority revokes a Golden Investment Certificate under this section: (a) the Authority shall notify, in writing, every Ministry, State Department, State Corporation, County Government entity, or other public body ("relevant MDA") that has granted a licence, permit, approval, incentive, or other benefit to the holder pursuant to the negotiated investment agreement executed under section 19(3) or the Golden Investment Certificate; (b) the Authority may recommend to a relevant MDA that a licence, permit, approval, incentive, or other benefit granted to the holder be suspended or cancelled, where the grounds for revocation of the Golden Investment Certificate are relevant to the licence, permit, approval, incentive, or benefit concerned; (c) a relevant MDA that receives a recommendation under paragraph (b) shall, within thirty days of receipt, consider the recommendation and communicate its decision, together with reasons, to the Authority; (d) nothing in this section compels a relevant MDA to suspend or cancel a licence, permit, approval, incentive, or benefit issued under a written law for which that MDA is the granting authority, and the exercise of that power shall remain subject to the procedures and safeguards, including any right of representation, prescribed under the written law governing that licence, permit, approval, incentive, or benefit; and (e) where a revocation of a Golden Investment Certificate is set aside on review under section 29, the Authority shall promptly notify every relevant MDA notified under paragraph (a), and any recommendation made under paragraph (b) shall be deemed withdrawn*'.

Committee's Observation/Recommendation

The Committee observed that:

a) **the provisions on golden certificates are being moved from this Bill to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026), so the proposal no longer applies to this Bill; and**

b) **the proposal ensures that public bodies are informed when a golden certificate is revoked and may act on the Authority's recommendation, while leaving the decision on each licence, incentive or benefit to the body that granted it under its own law**

175. Delete clause 34 and substitute as follows, '(1) *The Authority shall establish, maintain and administer a secure National Investment Information Management System ("the System") for the management of information relating to investment, export and nation brand under this Act. (2) The System shall serve as the register of the Authority and shall include information relating to: (a) investment opportunities; (b) all investments and investors registered by the Authority; (c) the National Investment Pipeline; (d) priority and strategic investments; (e) investment facilitation requests; (f) licences, permits, approvals and authorizations processed under this Act; (g) bottlenecks affecting investments; (h) decisions of the Investment Committee; (i) Golden Investment Certificates issued; (j) investor aftercare matters; (k) investor grievances; (l) all applications for investment registration certificates and amendments or revocations thereof; (m) registered exporters and buyers of Kenya's export products; (n) the nation-brand repository; and (o) export procedures, and such other information as the Authority may deem fit. (3) The Authority shall manage the System in accordance with the Data Protection Act, 2019 and any other applicable written law. (4) The Authority may, in accordance with this Act and any other written law, share information contained in the System with relevant public institutions for the purposes of investment promotion, facilitation, coordination and implementation*'.

Committee's Observation/Recommendation

The Committee adopted the proposal to put in place an information management system and provided for it in the Kenya Economic Zones Bill, 2026.

176. Insert the following new clause 34A, '(1) *The Cabinet Secretary responsible for a ministry, department, agency, or public institution whose functions relate to investment promotion and export, facilitation, regulation or implementation shall nominate a focal person for the purposes of coordinating with the Authority. (2) Every Governor shall nominate a focal person for the purposes of coordinating with the Authority. (3) The Cabinet Secretary shall, by notice in the Gazette, appoint the focal persons nominated under subsections (1) and (2)*'.

Committee's Observation/Recommendation

The Committee observed that focal persons in public institutions would improve coordination between the Authority and the bodies whose functions affect exporters. However, since the substantive provisions on investment are proposed for deletion, the proposal should apply only to institutions whose functions relate to exports. It was also observed that export promotion is a function of the national government, so the nomination of focal persons by county governments is not necessary. In addition, the nomination of focal persons may be done by way of administrative arrangements and a written communication to the relevant MDA would suffice.

177. Delete subclause 35 (1) and substitute as follows, '*In promoting and facilitating investment and exports in Kenya, the Authority may, in collaboration with the County Investment Units and International offices, establish and operationalize a physical and digital centralised facility for purposes of providing government services and regulatory requirements for investors*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee because providing the centralised facility in both physical and digital form would improve access to government services for exporters across the country. The collaboration with County Investment Units was however rejected by the Committee since this Bill seeks to provide for international trade and exports which are functions of the National Government under paragraph 1 of Part 1 of the Fourth Schedule to the Constitution.

178. Insert the following new subclause 35(4), '*The Authority may charge such fees as may be prescribed in the regulations for the provision of services at the centralised facility*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

179. Insert a new Part IV A on Business Climate.

180. Insert the following new clause 35A, '(1) *The Authority shall periodically assess and publish the regulatory compliance burden imposed on investors and shall make recommendations for the reduction of unnecessary regulatory and administrative burdens affecting investment. (2) The Authority shall submit an annual report to the Cabinet Secretary on the status of the business climate and the progress made in reducing regulatory and administrative burdens affecting investment. (3) A public institution proposing to introduce or substantially revise an investor-facing licence, permit, approval, return, declaration, information requirement or other regulatory obligation shall consult the Authority on the likely impact of the proposed measure on investment facilitation, regulatory coherence and investor compliance. (4) Public institutions shall periodically review investor-facing regulatory requirements with a view to eliminating duplication, simplifying compliance requirements and reducing unnecessary regulatory burdens affecting investment. (5) In developing, reviewing or administering investor-facing regulatory requirements, public institutions shall have regard to the nature, scale and stage of the investment and shall, where appropriate, adopt proportionate and simplified compliance measures in accordance with this Act and the Regulations. (6) The Authority shall act as the Secretariat to convene periodically a national business climate forum bringing together the private and public organisations*'.

Committee's Observation/Recommendation

The Committee observed that the substantive provisions on investment are proposed for deletion from the Bill, so the proposal, which relates only to investors, has no application in the Bill as amended. The Committee has adopted a similar provision on the regulatory burden on exporters under the new clause 35A.

181. Insert the following new paragraph 36(1)(f). '*thirty per cent of the export and investment levy collected under section 7 A of the Miscellaneous Fees and Levies Act Cap 496C*'.

Committee's Observation/Recommendation

The Committee adopted this proposal and provided for 20% of the Fund for export promotion and nation branding and 20% for investment promotion.

182. Insert the following new clause 40A, '(1) *The Authority shall establish and operationalize an investor grievance mechanism for the receipt, facilitation and resolution of grievances submitted by investors relating to investments in Kenya. (2) An investor may submit to the Authority a grievance in relation to: (a) investment registration under Section 24; and (b) investment facilitation under Section 35. (3) A grievance submitted under subsection (2) shall contain: (a) particulars of the grievance; (b) the public institution or agency to which it relates; (c) the relief sought; and (d) any other information the Authority may require. (4) The Authority shall: (a) acknowledge receipt of a grievance within five working days; (b) facilitate engagement between the investor and the relevant public institution; (c) endeavour to resolve the grievance within ninety days; and (d) communicate its recommendations or decision in writing to the investor and the relevant institution. (5) A public institution to which a grievance relates shall cooperate with the Authority and provide such information as may reasonably be required for purposes of resolving the grievance. (6) The Authority shall maintain records of grievances received and actions taken under this section. (7) A grievance submitted under this section shall not preclude an investor from pursuing any remedy available under any other written law. (8) The Authority may prescribe procedures for the management and resolution of investor grievances under this Act. (9) A person who is dissatisfied with the decision of the Authority may appeal to the Tribunal'.*

183. Insert the following new clause 40B, (1) '*There is established the Kenya Investment Tribunal comprising of: (a) a chairperson, who shall be a person qualified to be appointed as a judge of the High Court of Kenya, appointed by the Chief Justice; (b) an advocate of the High Court of Kenya, with professional qualifications in trade, investment and industry law nominated by the Law Society of Kenya; (c) three persons, who are not public servants, with demonstrated competence in trade, investment and industry affairs; and (d) a secretary to the Tribunal, who shall be an ex officio member. (2) The Judicial Service Commission shall appoint the members and the secretary of the Tribunal. (3) The chairperson and the member of the Tribunal shall hold office for a term of three years and shall be eligible for reappointment for one further term. (4) The office of a member of the Tribunal shall become vacant: (a)at the expiration of three years from the date of his appointment; (b) if he accepts any office the holding of which, if he were not a member of the Tribunal, would make him ineligible for appointment to the office of a member of the Tribunal; and (c) if he resigns the office of member of the Tribunal. (5) There shall be paid to the Chairperson and the members of the Tribunal such remuneration and allowances as the Chief Justice on the recommendation of the Salaries and Remuneration Commission shall determine. (6) The Chairperson and the members of the Tribunal shall serve on such terms and conditions as determined by the Judicial Service Commission. (7) The Tribunal shall have jurisdiction to hear and determine matters relating to investment including: (a) hear appeals emanating from the internal grievance process; (b) appeal from decision of the investment committee; (c) hear investment grievance on relating to MDA administrative decisions; and (d) the revocation, suspension or modification of the person's registration or licence under this Act or its regulations. (8)The Tribunal may: (a) make such orders for the purposes of securing the attendance of any person at any place where the Tribunal is sitting, discovery or production of any document concerning a matter before the Tribunal or the investigation of any contravention of this Act as it deems necessary or expedient; (b) take evidence on oath and may for that purpose administer oaths; or (c) on its own motion summon and hear any person as witness. (9) The Chairperson of the Tribunal may appoint any persons with special skills or knowledge on trade, investment*

and industry matters which are the subject matter of any proceedings or inquiry before the Tribunal to act as assessors in an advisory capacity in any case where it appears to the Tribunal that such special skills or knowledge are required for proper determination of the matter. (10) Upon any appeal, the Tribunal may: (a) confirm, set aside or vary the order or decision in question; (b) exercise any of the powers which may have been exercised by the Authority in the proceedings in connection with which the appeal is brought; (c) make such other order, including orders to enhance the principles of sustainable development and an order for costs, as it may deem just; (d) if satisfied upon application by any party, issue orders maintaining the status quo of any matter or activity which is the subject of the appeal until the appeal is determined; or (e) if satisfied upon application by any party, review any orders made under paragraph (a). (11) (1) Any person aggrieved by a decision or order of the Tribunal may, within fourteen days of such decision or order, appeal against such decision or order to the High Court, whose decision shall be final; and (2) Notwithstanding the provisions of subsection (1), where the Chief Executive Officer is satisfied that immediate action must be taken to avert serious injuries, the Chief Executive Officer shall have the power to take such reasonable action to stop, alleviate or reduce such injury, including the powers to close down any undertaking, until the appeal is finalised or the time for appeal has expired. (12) (1) The Judicial Service Commission may appoint such other staff as may be necessary for the proper discharge of the functions of the Tribunal under this Act; and (2) The staff of the Tribunal shall be paid such remuneration and allowances as the Chief Justice on the recommendation of the Salaries and Remuneration Commission shall determine. (13) The Chief Justice may make rules: (a) prescribing the manner in which an appeal shall be made to the Tribunal and the fees to be paid in respect of all appeals; (b) prescribing the procedure to be adopted by the Tribunal in hearing an appeal and the records to be kept by the Tribunal; (c) prescribing the manner in which the Tribunal shall be convened and places where and the time at which the sittings shall be held; and (d) generally, for the better carrying out of the provisions of this Act relating to the Tribunal and appeals thereto'.

Committee's Observation/Recommendation

The Committee adopted this proposal and put in place a dispute resolution mechanism in the Kenya Economic Zones Bill, 2026.

184. Insert a new Part VII A on Investment Protection.

185. Insert the following new clause 42A, (1) '*The Government shall accord fair and equitable treatment, and full protection and security, to every registered investor and investment made in Kenya; (2) Subject to reciprocal arrangements under any treaty or agreement to which Kenya is a party, the Government shall accord every registered investor treatment no less favourable than that accorded to Kenyan investors in like circumstances; (3) No investment shall be expropriated or nationalized except: (a) for a public purpose or in the public interest; (b) under a procedure established by law; (c) in a manner that is not discriminatory; and (d) subject to prompt payment of full and fair compensation in accordance with Article 40 of the Constitution, and the investor may apply to the High Court to contest the legality of the expropriation or the adequacy of the compensation offered; (4) Subject to the Constitution and any other written law, a registered investor shall be entitled to transfer out of Kenya, in a freely convertible currency and without unreasonable delay: (a) profits, dividends and other income derived from the investment; (b) proceeds from the sale or liquidation of the investment; (c) the principal and interest on any loan related to the investment; and (d) any compensation payable under subsection (3)(d) or otherwise in respect of the investment; (5) Nothing in this section shall derogate from any protection available to an investor under the Foreign Investments*

Protection Act (Cap. 518) or any bilateral or multilateral investment treaty to which Kenya is a party, and where a provision of such an instrument is more favourable to the investor, that provision shall prevail; (6) The Government hereby gives its advance and self-executing consent to the submission of any dispute concerning the protections set out in this section to arbitration in accordance with the Settlement of Investment Disputes section and any treaty or agreement to which Kenya is a party; and (7) Nothing in this section shall be construed as limiting the sovereign regulatory powers of the Government exercised in accordance with the Constitution and any other written law'.

Committee's Observation/Recommendation

The Committee observed that the provisions on investment are being moved to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026), so the proposal no longer applies to this Bill. If considered under that Bill, the protections on fair treatment, expropriation and transfer of funds may be adopted, subject to the Constitution and the financial laws. However, the advance consent to arbitration should not be adopted, since it exposes the Government to significant financial liability.

4.4 Kenya Export Promotion and Branding Agency

In a meeting with the Committee held on 25th August 2026, Ms. Floice Mukabana, CEO, KEPROBA submitted a written memorandum proposing the following amendments to the Bill on behalf of KEPROBA:

186. Define '*Nation Brand*' to mean the strategic identity, image, reputation, values, culture, products, services and investment attractiveness through which Kenya is positioned internationally.

Committee's Observation/Recommendation

The committee observed that there was need to define this term to give clarity to it's meaning as it is used throughout in the Bill. The definition should also cover how Kenya is perceived at home, not only abroad, and should include its people, who are central to the country's image.

187. Rename the Authority under subclause 4(1) to either '*the Kenya Investment, Export Promotion and Branding Authority*' or '*the Kenya International Promotion Authority (KIPA)*'.

Committee's Observation/Recommendation

Subclause 4(1) was amended to the Kenya Export Promotion and Branding Authority.

188. Amend clause 6 by including the following functions, '(a) *To develop and coordinate implementation of harmonised public service branding guidelines; (b) To develop the national mark of identity and regulate its application on Kenya's goods and services; (c) To provide real-time market intelligence, export forecasts, competitor analysis, trade dashboards, and export market trends and opportunities; (d) To develop and implement a Kenya Nation Branding, Investment, and Export Promotion Digital Platform to create an online*

repository of all investment opportunities and exports available in Kenya to the global marketplace; (e)To identify and recommend to relevant government entities export promotion incentives and/or schemes to foster export competitiveness. (f) To facilitate the establishment of distribution infrastructure in key export markets for enhanced product visibility and distribution; and (g) To establish export promotion and facilitation offices in key strategic export markets'.

Committee's Observation/Recommendation

The Committee adopted some of the above functions.

189. Amend clause 7 to include the Commissioner-General of the Kenya Revenue Authority, or a representative designated in writing, as a Board member.

Committee's Observation/Recommendation

The proposal was not adopted. The Committee observed that the Kenya Revenue Authority has an important role in exports, mainly through customs clearance, export documentation and preferential certificates of origin. However, the Bill now limits the Authority to export promotion and nation branding, and the Authority does not deal with revenue or customs administration. Adding the Commissioner-General would make the Board bigger without a clear need

190. Amend clauses 18 and 19 by renaming the Committee to rename the Committee to Investment, Export Promotion and Nation Branding Committee. Include the following principal secretaries to the Committee: Tourism; Public Service; Foreign Affairs; Sports, Culture, Arts and Heritage; and Agriculture. Additionally, include the following functions for the renamed Committee: '(a) *Act as the decision-making body to resolve inter-agency regulatory bottlenecks affecting investment projects, export development and promotion, and nation branding initiatives. (b) Provide a coordinated approach to export development and promotion, and nation branding, by harmonising the roles of relevant public institutions, eliminating duplication of effort, fostering inter-agency collaboration, and ensuring the efficient and effective utilisation of public resources*'.

Committee's Observation/Recommendation

This clause was deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026

191. Amend clause 20 to expand the Council into the National Investment, Exports and Nation Branding Council and to include additional expertise of the seven persons appointed by the President to the Council.

Committee's Observation/Recommendation

This clause was deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026.

192. Amend clause 21 by revising the functions of the Council as follows: approve measures to enhance Kenya's brand and increase investment and export growth while fostering public-private sector cooperation in the formulation and implementation of Nation Brand Development, investment and export promotion initiatives and policies; provide insights on Nation Brand Development, international investment and export promotion trends, global best practices and comparative analyses to enhance Kenya's competitiveness as a leading regional and global investment and trade hub; provide strategic recommendations to promote sustainable Nation Brand Development, investment and export promotion in key sectors, to promote job creation, technology transfer and environmental sustainability; and promote whole-of-Government alignment and support for Nation Brand Development, investment and export promotion.

Committee's Observation/Recommendation

This clause was deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026

193. Amend paragraph 22(c) to read as follows, '*coordinate stakeholder engagement of the Council on matters Nation Brand Development, Investment and Export Promotion*'.

194. Amend clauses 23 and 42(3) to state expressly that exporter registration is voluntary and facilitative, confining the criminal penalty in clause 42(3)(a) to investors required to register under clause 23.

Committee's Observation/Recommendation

The Committee observed that the Council deals only with investment matters, and its provisions are being moved, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). Adding nation brand development and export promotion would widen the Council's work beyond what clause 21 provides. These matters are already part of the Authority's own mandate under this Bill.

195. Insert the following new clauses under clause 36: '(1) *There is established a Fund to be known as the Export Development Fund. (2) The purpose of the Fund shall be to support the development, diversification, competitiveness, promotion and growth of Kenya's exports. (3) The Fund shall be utilised for: (a) export market research and intelligence; (b) export product development and value addition; (c) export capacity building and exporter training; (d) participation in international trade fairs, exhibitions and trade missions; (e) branding, packaging and marketing of Kenyan products and services; (f) support for certification and compliance with international standards; (g) establishment of export warehouses, aggregation centres, cold chain facilities and logistics infrastructure in key export markets; (h) export incubation and acceleration programmes for MSMEs, youth and women-owned enterprises; and (i) such other export development activities as may be prescribed. (4) The Fund shall consist of: (a) monies appropriated by Parliament; (b) grants, gifts and donations; (c) monies received from development partners; (d) a proportion of fees and levies collected by the Authority as may be prescribed; (e) income generated from investments of the Fund; and (f) any other monies lawfully accruing to the Fund. (5) The Authority shall administer the Fund in accordance with the Public Finance Management Act and regulations made under this Act*'.

196. Amend clause 6 by including the following function, '*to develop the national mark of identity and regulate its application on Kenya's goods and services*'.

Committee's Observation/Recommendation

The Committee observed that a national mark of identity is a symbol showing that goods or services are Kenyan, and it forms part of the nation brand. Developing the mark is therefore a proper function for the Authority. However, the word "regulate" would require the Bill to set out rules, offences and penalties, and it does not do so. The Authority may instead license the use of the mark, so that only those who meet its conditions can use it to show that a product is Kenyan but it cannot apply as a standards/quality mark.

197. Amend clause 6 to include the following function, '*Establish and administer a 'Made in Kenya levy', to be collected by the Authority at a rate and in such manner as the Cabinet Secretary may prescribe through regulations. The levy shall be utilised for (a) undertaking promotional activities to create higher demand for Kenyan-made products; and (b) the furtherance or exercise of any function or power of the Authority*'.

Committee's Observation/Recommendation

This proposal was not adopted by the Committee.

198. Amend paragraph 44(2)(a) by either deleting the phrase '*lawful authority*' and the word '*cause*' or by defining the words.

Committee's Observation/Recommendation

The Committee observed that the provision is clear, as it allows for situations where an employee may not transfer to the Authority for a justifiable reason, on the direction of a person authorised by law, and any such direction remains subject to the law.

199. Amend paragraph 44(2)(e) by providing for amalgamation under the Retirement Benefits Act.

Committee's Observation/Recommendation

The clauses on investment promotion have been deleted and provided for in the Kenya Economic Zones Bill, 2026. This will therefore be a standalone Act for export promotion and nation branding.

200. Amend clauses 15, 42 and Part V by cleaning up renumbering, cross-references and headings.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

4.5 Mr. Jason Ondabu

201. In a meeting with the Committee held on 25th August 2026, Mr. Jason Ondabu opposed the merger of the two entities because: investment promotion and export promotion are distinct economic functions serving different stakeholders, requiring different expertise and different performance measures. Parliament should reconsider the establishment of a single Investment and Export Promotion Authority through the merger of KenInvest and KEPROBA, as the proposed structure presents significant risks to specialised expertise, accountability, and effective delivery of investment and export promotion services; clear evidence demonstrating the specific areas of duplication between the two institutions, the expected financial savings, and why enhanced coordination between the existing institutions would not achieve the same objectives should be provided before approving the merger; ensure that any institutional reform protects institutional knowledge, professional expertise, international networks and stakeholder confidence built up over time, and that transition costs of the proposed merger are quantified; and undertake further, more extensive stakeholder engagement with investors, exporters, business associations, industry stakeholders and economic experts before the merger proceeds.

Committee's Observation/Recommendation

This proposal was adopted by the Committee. All clauses on investment promotion were deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026 which speaks to investment promotion through economic zones. This Bill now provides for export promotion and nation branding.

4.6 Council of Governors

In a meeting with the Committee held on 25th August 2026, Mr. Kizito Wangalwa, Director, Committees and Programmes proposed the following amendments on behalf of CoG:

202. Amend clause 3 to read as follows, '*The object of this Act is to provide a framework for the promotion, coordination and facilitation of investment, exports, national branding and business environment reforms in accordance with the constitutional assignment of functions between the National and County Governments*'.

203. Amend clause 6 to distinguish functions of the Authority – national investment promotion, national export promotion, a one-stop centre for national government services, national aftercare policy, national advisory functions, and national-level reform, marketing and international representation – from functions retained by County Governments, including identifying and packaging county investment opportunities, developing county export products, a county-level one-stop centre, county-level capacity building and marketing, county investor aftercare, and county-level trade fairs and regulatory reforms, since investment promotion involves both national and county functions reflected in County Integrated Development Plans, County Spatial Plans and County Investment Promotion Strategies.

204. Amend paragraph 7(e) to read as follows; '*Two persons nominated by the Council of Governors, one responsible for Trade and Investment and one responsible for Finance or Economic Planning*'.

205. Insert the following new paragraph 18(aa), '*Where a strategic investment project is located within a county, the respective County Executive Committee Member responsible for Trade, Investment or Economic Planning shall participate in consideration of that project*'.

206. Insert the following new paragraph 19(aa), '*The Committee shall obtain confirmation that all applicable county statutory approvals have been complied with before approving a strategic investment*'.

207. Amend subclause 20(2) to read as follows, '(c) *The Chairperson of the Council of Governors or a nominee shall be appointed as a member of the Council*'.

Committee's Observation/Recommendation

The Committee observed that the National Investment Advisory Council is moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). The Council is meant to give the President the views of the private sector on investment. Matters that need the input of county governments can be handled through the mechanisms already provided under the Intergovernmental Relations Act and co-option where a matter before the Council needs the input of county governments.

208. Amend subclause 23(3) to read as follows, '*The Cabinet Secretary shall make regulations to prescribe the criteria for registration requirements*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

209. Amend subclause 29(6) to read as follows, '*A panel shall secure the attendance of persons for the production of documents or for the investigation and punishment of contempt*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

210. Amend paragraph 35(2)(h) to provide that the centralised facility integrates national government services only, and insert a new provision enabling county governments to establish County Investment Facilitation Centres responsible for county licences, permits, approvals and investor services.

Committee's Observation/Recommendation

The Committee observed that the centralised facility is moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). The facility "may" host agencies, and a county government is not compelled to provide its services there. A county government that wishes to set up its own service centre does not need this Bill to enable it to do so.

211. Insert the following new paragraph 41(aa), '*The regulations made under the Act shall not prescribe matters relating to county legislation, county licensing, county approvals or other devolved functions*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

212. Amend the Memorandum of Objects and Reasons to read as follows, '*The Bill concerns County Governments within the meaning of Article 110 of the Constitution because it affects county functions relating to trade development, investment promotion, business licensing, local economic development, exports and county branding*'.

Committee's Observation/Recommendation

The Committee observed that, with the investment provisions moved to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026), this Bill deals only with export promotion and nation branding. These matters fall under international trade, which is a function of the national government under the Fourth Schedule to the Constitution. In addition, Article 110(3) of the Constitution already sets out the manner in which it is determined whether a Bill concerns county governments.

4.7 Kenya Association of Manufacturers

In a meeting with the Committee held on 25th August 2026, Ms. Joyce Njohu, Head of Sustainability proposed the following amendments to the Bill on behalf of KAM:

213. Amend the definition of '*investment*' under clause 2 to expressly include the value addition processing of agricultural and horticultural produce, cold chain infrastructure, post-harvest handling facilities, and food safety certification systems.

Committee's Observation/Recommendation

The Committee observed that the definition of "investment" is general and already covers capital put into any business enterprise, including agro-processing, cold chain and post-harvest facilities. Listing particular sectors would make the definition too prescriptive, and could suggest that sectors left out are not covered. The definition is

also moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

214. Amend clause 6 by including the following functions, '(a) *provide coordination of investment and exports development policies and activities within the country under the guidance of the relevant ministry; (b) provide a mechanism to regulate all regulations and laws, including taxes and levies, affecting the cost and ease of doing business and exports, to enhance competitiveness, promotion and development; and (c) develop and maintain infrastructure supporting exports development markets*'.

Committee's Observation/Recommendation

The Committee observed that the Bill already makes the Authority the national focal point for coordinating export market development and promotion. Coordinating investment is a matter for the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026), to which the investment provisions are moving. The Authority cannot regulate laws, taxes or levies, since laws are made by Parliament and taxes are imposed only by legislation. The Authority's role is to identify the hardships that exporters face and propose reforms, which the Bill already provides for. Building and maintaining export infrastructure would fall under other agencies.

215. Amend paragraph 6(c) to require the one-stop centre to include export facilitation services for food, horticulture and agricultural exporters, specifically active support on market access requirements, Maximum Residue Limit standards, phytosanitary requirements and international certification timelines.

Committee's Observation/Recommendation

The Committee observed that the one-stop centre under paragraph 6(c) is already required to give exporters information on the standards and requirements of international markets. That includes maximum residue limits, phytosanitary requirements and certification. Singling out food, horticulture and agricultural exporters would make the provision too narrow. Phytosanitary inspection and certification are handled by the Kenya Plant Health Inspectorate Service and the Agriculture and Food Authority, and the centre will continue to work with them.

216. Insert a new Part IV(A) establishing an Exports Development and Promotion Committee, chaired by the Principal Secretary responsible for Trade, with membership comprising the Principal Secretaries responsible for Industry, Investment, East African Community Affairs, the National Treasury, Transport, Environment, Agriculture, Energy and Labour, together with representatives of associations representing manufacturers and the fresh produce/horticulture sector. The Exports Advisory Council, chaired by the President, comprising the relevant Cabinet Secretaries represented on the Committee, the Attorney-General, and representatives of the Committee, to which the Committee shall report.

Committee's Observation/Recommendation

The Committee observed that the Authority is already the national focal point for coordinating export development and promotion. Export promotion and nation branding are mainly promotional work, carried out by the Authority with the relevant ministries and the private sector. They do not need joint approvals across government, so they can be coordinated without a statutory committee or council unlike investment projects that often need approvals from many government agencies at once, and the Investment Committee was created to make those decisions jointly and quickly. Amend subclause 18(1) to add to the Investment Committee representatives of the Kenya Association of Manufacturers; and the Competition Authority of Kenya.

217. Amend subclause 19(1) by inserting the following new paragraph (e), '(e) *provide guidance on appropriate investments policy including maintenance of a level playing field and fairness within the market*'.

Committee's Observation/Recommendation

The Committee observed that the Investment Committee is a decision-making body that deals with specific investment projects, such as approvals, licences and incentives. Giving it a role in investment policy would mix its work with that of the Ministry, which is responsible for policy, and of the National Investment Advisory Council, which advises on investment. Fairness in the market and a level playing field are also already provided for under the Competition Act and enforced by the Competition Authority of Kenya. The Investment Committee is moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

218. Amend subclause 19(2) to expand it to expressly list export-oriented agro-processing, horticultural value-addition, cold chain investment, renewable energy for processing facilities, food safety certification infrastructure, and smallholder supply chain development as categories that qualify as "strategic investment projects" eligible for additional incentives.

Committee's Observation/Recommendation

Clause 19(2) sets out the criteria a project must meet to qualify as a strategic investment project: the minimum investment, the economic impact, alignment with national priorities and the creation of jobs. Any project in the proposed sectors can qualify if it meets these criteria. Listing particular sectors in the law would be too prescriptive, and the list would need to be amended every time national priorities change. The provision is moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

219. Amend subclause 19(3) to clarify that negotiated incentives must be granted in accordance with existing laws, and that such incentives should be transparent and equally available to all companies that may wish to utilise them.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

220. Amend subclause 23(2) to clarify that the Kshs. 10 million threshold for domestic investor registration under Clause 23(2) applies to a single investment project or enterprise, and that phased or incremental capital investment in an existing registered enterprise does not require fresh registration or result in loss of registered status for existing operations.

Committee's Observation/Recommendation

The provision is moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). The committee however observed that registration for local investors should be voluntary, and attractive enough that local investors choose to register.

221. Amend paragraphs 25(2)(f) and (g) to provide that utilisation of local raw materials, supplies and services and adoption of value addition in the processing of local, natural and agricultural resources be assessed across a rolling 12-month or 3-year average, accommodating seasonal variability, and that sourcing from smallholder farmers through formal aggregation models be recognised as a qualifying form of local material utilisation.

Committee's Observation/Recommendation

The provision is moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). Raw materials bought from smallholder farmers, whether directly or through aggregators, already count as local raw materials under the provision. Any detail on how these factors are assessed can be set out in regulations.

222. Require that regulations made under clause 41 (a) define strategic investment projects to include specific categories relevant to export manufacturing and agro-processing; (b) prescribe transparent, published minimum thresholds for Golden Certificate qualification; (c) require the Authority to provide written reasons for decisions to approve or reject Golden Certificate applications; and (d) specify an application timeline (e.g. a sixty-day decision period) to prevent indefinite delays.

Committee's Observation/Recommendation

The Committee observed that the provisions on strategic investment projects and Golden Certificates are moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

223. Amend subclause 35(2) to expressly require that the centralized facility include export facilitation agencies such as the Kenya Plant Health Inspectorate Service (KEPHIS), the Kenya Bureau of Standards (KEBS), and the Agriculture and Food Authority (AFA), and that these agencies be

empowered to issue approvals and certificates (not merely provide information) from the centralised facility.

Committee's Observation/Recommendation

The Bill already allows the facility to host export facilitation agencies, and those agencies may issue approvals and certificates there under their own laws. Naming particular agencies would be too prescriptive.

224. Amend subclause 42(1) (a) require the Authority to issue a written warning before initiating prosecution for first-time administrative or procedural non-compliance; (b) provide a cure period of not less than 30 days for non-compliance that is not fraudulent or wilful; and (c) specify that fines and imprisonment under Clause 42(2) apply only where false information is knowingly and intentionally provided, not in cases of honest error or inadvertent omission.

Committee's Observation/Recommendation

The Committee observed that the offence of giving false information under clause 42(1)(a) already applies only where the person acts "knowingly", so honest errors are not covered. However, clause 42(1)(c) makes it an offence to "neglect" to give information, which could catch a person who simply overlooked a request. A person should first be given written notice and a reasonable time to comply. The Authority does not decide whether to prosecute, as that decision rests with the Director of Public Prosecutions.

225. Amend clause 41 to require that draft regulations particularly those prescribing (a) minimum investment thresholds for Golden Certificate eligibility; (b) sector-specific registration requirements; and (c) incentives attached to Golden Certificates, be subject to public participation and consultation with private sector bodies including KAM, before gazettement.

Committee's Observation/Recommendation

The Committee observed that section 5 of the Statutory Instruments Act already requires the Cabinet Secretary to consult the persons likely to be affected before making any regulations,

226. Amend subclause 42(3) to provide that the penalty for failure to register shall not apply during a transition period of not less than 12 months after the commencement of the Act, and that the Authority shall publish a public notice campaign before enforcement of registration obligations begins.

Committee's Observation/Recommendation

This proposal was adopted with modifications for exporters. Exporters and foreign investors who were already operating when the Act comes into force should have a reasonable time to register before they can be penalised. Creating public awareness is

an administrative matter that the Authority can carry out without a provision in the law.

4.8 Competition Authority of Kenya

In a meeting with the Committee held on 25th August 2026, Dr. Adano Roba, Director, Policy, Research and Quality Assurance proposed the following amendments to the Bill on behalf of CAK:

227. Amend clause 6(2) by inserting the following proviso, '*Nothing in this Act shall be construed as conferring upon the Authority any function relating to the enforcement of competition law, and the Authority shall exercise its functions consistently with the Competition Act*'.

Committee's Observation/Recommendation

The Committee observed that paragraph 6(m) only allows the Authority to identify the hardships that exporters face and to recommend reforms. "Competitiveness" in the paragraph (m) refers to how well Kenyan exports compete in international markets, not to competition law. The Bill gives the Authority no power to enforce competition law, and the Competition Act continues to apply in any case, so the proviso is not necessary.

228. Amend subclause 19(2) to include the following, (e) '*the likely effect of the investment on competition and competitive conditions in the relevant market, where applicable; and (f) the approval shall not exempt the investor or investment from any requirement applicable under the Competition Act*'.

Committee's Observation/Recommendation

The Committee observed that the provisions on investment agreements are moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). The Competition Act applies to all investment agreements whether or not the Bill says so, and an agreement cannot give an investor any right or exemption that the Act does not allow. The proviso is therefore not necessary.

229. Amend subclause 19(3) by introducing the following proviso, '*investment agreements be subject to a requirement that they (a) comply with the Competition Act; (b) not confer unlawful exclusive rights; (c) not unnecessarily restrict market entry; (d) preserve competitive neutrality; and (e) be subject to a competition assessment where they may substantially affect a market*'.

Committee's Observation/Recommendation

The Committee observed that the provisions on investment agreements are moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). The Competition Act applies to all investment agreements whether or not the Bill says so, and an agreement cannot give an investor

any right or exemption that the Act does not allow. The proviso is therefore not necessary.

230. Insert the following new subclause 21(2), '*In considering incentive structures, the Council may cause a competition impact assessment to be conducted where the incentive structure may materially affect competition*'.

Committee's Observation/Recommendation

The Council only advises, and it can seek any information or expert advice it needs, including advice from the Competition Authority of Kenya on how a proposed incentive may affect competition. Any incentive the Government adopts on the Council's advice will also remain subject to the Competition Act. The provision is therefore not necessary.

231. Insert the following new paragraph 25(2)(i), '*competition and consumer welfare*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

232. Amend paragraph 41(2)(a) to provide that regulations to be made under section 41(2) should be subject to competition impact assessment and consultation with CAK where they restrict market entry.

Committee's Observation/Recommendation

The Committee observed that the power to make regulations on activities reserved for domestic investors is moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). The Statutory Instruments Act already requires the Cabinet Secretary to consult the persons and bodies likely to be affected by the regulations, which include the Competition Authority of Kenya. It also requires a regulatory impact statement where regulations are likely to impose significant costs on any part of the community, and that statement considers how the regulations affect competition. The proposal is therefore already covered.

233. Insert the following new subclause 21(2), '*The Authority shall, in the exercise of its functions under this Act, collaborate and consult with the Competition Authority of Kenya on any matter that may materially affect competition, competitive neutrality or consumer welfare*'.

Committee's Observation/Recommendation

The Committee observed that the functions of the Authority under this Bill are limited to export promotion and nation branding. These functions are unlikely to affect competition or consumer welfare in any material way. The Authority may already work

with any public body, including the Competition Authority of Kenya, under its function of building partnerships and collaboration. The Competition Act also applies to the Authority in any case, so a specific duty to consult is not necessary.

234. Insert the following new subclause 23(4), '*Investment registration or approval does not constitute merger approval*'.

Committee's Observation/Recommendation

The Committee observed that the provisions on investment registration are moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). Registration with the Authority only records an investor and gives access to facilitation services. Nothing in the Bill makes it a substitute for approval under any other law. A merger still requires the approval of the Competition Authority of Kenya under the Competition Act.

4.9 Kenya Private Sector Alliance

In a meeting with the Committee held on 25th August 2026, Ms. Miriam Bomett, Head of Public Policy proposed the following amendments to the Bill on behalf of KEPSA:

235. Amend the long title to read: '*AN ACT of Parliament to provide for the promotion, coordination and facilitation of investment, exports, nation brand and business environment reforms, to provide for the establishment of the Invest Kenya Authority, and for connected purposes*'.

Committee's Observation/Recommendation

All clauses on investment promotion were deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026. This Bill is only providing for export promotion and nation branding.

236. Insert the following new definitions under clause 2:
   (i) '*African Continental Free Trade Area (AfCFTA)*' means the free trade area established under the Agreement Establishing the African Continental Free Trade Area, adopted by Member States of the African Union, aimed at creating a single continental market for goods and services, with free movement of business persons and investments, and the progressive elimination of tariffs and non-tariff barriers to trade;
   (ii) '*Board*' means the Board of the Authority established under section 7;
   (iii) '*business climate reform*' means measures aimed at improving the legal, regulatory, administrative and institutional environment for investment and business in Kenya;
   (iv) '*climate-smart investment*' means an investment that promotes climate resilience, adaptation or mitigation while supporting sustainable economic development;
   (v) '*competent institution*' means a ministry, department, agency, county government or other public body having statutory responsibility to issue, approve, recommend or determine any

licence, permit, consent, authorization, incentive or other matter relating to an investment under this Act or any other written law;

(vi) '*duly authorised representative*' means a person designated in writing by a competent institution and authorized to represent that institution, communicate its position, make decisions within the person's delegated authority, agree implementation timelines and commit the institution to actions within its lawful mandate;

(vii) '*ESG-aligned investment*' means an investment that integrates environmental, social and governance considerations into its planning, implementation or operation;

(viii) '*green investment*' means an investment that contributes to environmental sustainability, resource efficiency or the transition to a low-carbon economy;

(ix) '*golden investment certificate*' means a certificate issued by the Investment Committee to a registered investor conferring additional investment incentives, priority treatment, concessions or other investment support measures as may be granted by the Investment Committee;

(x) '*investor grievance*' means a complaint or concern raised by an investor relating to an administrative action, omission, decision, delay or other matter affecting an investment;

(xi) '*national investment pipeline*' means the portfolio of investment opportunities, priority investments and strategic investment projects identified, developed, facilitated or monitored by the Authority;

(xii) '*priority investment*' means an investment identified by the Authority as requiring coordinated facilitation or accelerated implementation on account of its economic, strategic or national development significance;

(xiii) '*Protocol on Investment to the Agreement Establishing the African Continental Free Trade Area*' means the Protocol adopted under the Agreement Establishing the African Continental Free Trade Area relating to investment promotion, protection and facilitation among State Parties to the African Continental Free Trade Area;

(xiv) '*qualifying investment*' means an eligible investment that has been certified by the Authority under section 36;

(xv) '*registered investor*' means an investor registered by the Authority under this Act;

(xvi) '*strategic investment project*' means a priority investment approved by the Investment Committee as meeting the criteria prescribed under this Act or the regulations for strategic investment status.

Committee's Observation/Recommendation

The Committee observed that a definition is needed only where the term is used in the Bill. "Board" is used throughout the Bill but is not defined, so a definition is needed. "Registered investor" and "strategic investment project" and the renamed "golden investment certificate' are used in the investment provisions, which are moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026), so they should be defined there. The other terms should not be defined

237. Amend clause 3 to read as follows: '*The object of this Act is to create an enhanced, transparent and responsive environment that encourages, promotes and facilitates domestic and foreign investment, develops,*

promotes and safeguards Kenya's investment and nation brand identity, and improves economic growth, employment, exports and competitiveness through sustainable development'.

Committee's Observation/Recommendation

The Committee observed that the proposed object focuses on investment, which is moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). The object of this Bill should reflect its focus on export promotion and nation branding. The proposal's reference to safeguarding the nation brand is useful and is retained.

238. Delete subclause 4(1) and substitute as follows: '*There is established an authority to be known as the Invest Kenya Authority, which shall be a successor of the Kenya Investment Authority established under section 14 of the Investment Promotion Act and Kenya Export Promotion and Branding Agency established under paragraph 3 of the Kenya Export Promotion and Branding Agency Order*'.

Committee's Observation/Recommendation

All clauses on investment promotion were deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026. This Bill is only providing for export promotion and nation branding.

239. Insert the following new subsection 4(3): '*The Authority shall be the national focal point for matters relating to the African Continental Free Trade Area Agreement*'.

Committee's Observation/Recommendation

The Committee observed that the African Continental Free Trade Area Agreement covers trade in goods and services, investment, intellectual property, competition and digital trade, and most of these areas fall outside the mandate of the Authority. Responsibility for negotiating and implementing trade agreements lies with the Ministry responsible for trade. The Authority is already the national focal point for export market development and promotion, so it can promote Kenyan exports to African markets under the Agreement within that role.

240. Delete Clause 5 and substitute as follows: (1) '*The headquarters of the Authority shall be in the Capital City of the Republic of Kenya, but the Authority may establish offices in and outside Kenya. (2) The Authority shall ensure access to its services in all parts of the Republic of Kenya in accordance with Article 6(3) of the Constitution*'.

Committee's Observation/Recommendation

The proposal to establish offices outside Kenya was rejected by the Committee since the Authority can discharge its mandate internationally through embassies.

241. Insert the following new functions under clause 6: (a) *'identify and develop investment opportunities, at the national and county levels for domestic and foreign investors in collaboration with the private sector and other relevant public institutions; (b) promote both locally and internationally, the opportunities for investment in Kenya; (c) establish, maintain and operate a national investment delivery mechanism for the coordination, facilitation, monitoring and implementation support of priority and strategic investments; (d) develop and maintain, in consultation with relevant public institutions, sectors or activities in which investment is prohibited or restricted under the Constitution or any other written law; (e) appoint agents within or outside Kenya to undertake such activities on behalf of the Authority as may be necessary for the performance of its functions under this Act; (f) facilitate access to investment sites, industrial estates and other investment infrastructure in collaboration with the relevant institutions; (g) promote coordination and facilitate collaboration among departments, agencies, county ministries, governments, regulators, Investment promotion bodies, private sector institutions, development finance institutions and regional bodies in matters relating to investment promotion, investment facilitation and investor aftercare; (h) develop, in consultation with the relevant public institutions, service standards, facilitation protocols, investor journey maps, coordination frameworks and escalation procedures for investment facilitation; (i) advise investors on procedures and processes for setting up investment; (j) undertake investment research, investment climate analysis, market intelligence, to inform investment promotion, facilitation and business climate reform; (k) monitor the business climate, identify investment barriers, coordinate business climate reforms, and enhance Kenya's investment competitiveness; (l) collect, collate, analyse, maintain and disseminate investment data and information, including developing, maintaining, reviewing and publishing the national investment pipeline, in accordance with this Act and any other written law; (m) act as the national focal point for investment promotion and facilitation under the Protocol on Investment to the agreement establishing the African Continental Free Trade Area and coordinate implementation of Kenya's obligations relating to investment promotion and facilitation under regional and international agreements; (n) advise and assist investors in accessing incentives and exemptions available to them under the Income Tax Act, the Customs and Excise Act, the Value Added Tax Act, or any other written law; (o) coordinate ministries, departments, agencies and county governments in the development and implementation of investment plans and programmes at the national and county level, convene regular multi-stakeholder reviews of the investment environment, and facilitate structured public - private dialogue on investment matters; (p) serve, through the Authority, as Secretariat to the Presidential Dialogue on Investment and Business Climate, its Implementation Committee and the International Investment Advisory Panel established under Part - Presidential Dialogue on Investment and Business Climate; and (q) act as the principal thought leader and advisory authority on investment promotion, business climate reform and Kenya's investment competitiveness, including through research dissemination and policy advocacy, both locally and internationally'*.

Committee's Observation/Recommendation

All clauses on investment promotion were deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026. This Bill is only providing for export promotion and nation branding.

242. Delete clause 14 and substitute as follows: *'A person is qualified to be appointed as the Chief Executive Officer, if that person: (a) holds a postgraduate degree from a university Kenya in leadership, recognised in management, trade, investment, industry, finance, law, or any other relevant field'*.

Committee's Observation/Recommendation

The Committee resolved that a degree in a relevant field from a university recognised in Kenya, together with ten years of working experience, five of them at a senior management level, is sufficient for appointment as Chief Executive Officer.

243. Amend subclause 18(1) by inserting the following new paragraphs, '*the Head of Public Service who shall be the Chairperson; and the Principal Secretary responsible for immigration*'.

Committee's Observation/Recommendation

Subclause 18(2) provides for the co-option of Principal Secretary. The Principal Secretary for immigration can therefore be co-opted when he is required to attend meetings of the Committee. The Head of Public Service has no role in the Committee.

244. Insert the following new paragraph 19(2)(e), '(e) *promotes green, climate-smart, ESG aligned or sustainable investment, or contributes to environmental sustainability or climate resilience*'.

Committee's Observation/Recommendation

This is an administrative function that does not require to be placed in legislation.

245. Amend clause 19 by inserting the following new subclauses, '(4) *A lawful decision made or communicated by a competent institution through its duly authorised representative participating in the Committee shall, subject to the Constitution and any other written law, bind that institution and shall be implemented within the timelines determined by the Committee. (5) A participating institution that declines, varies or delays implementation of a decision of the Committee shall provide written reasons to the Authority and the Committee within the prescribed period. (6) Where a represented institution fails to implement a lawful decision of the Committee within the agreed implementation timeline, the Committee shall take*'.

Committee's Observation/Recommendation

The Committee observed that the Investment Committee is meant to make decisions jointly and quickly. Its decisions bind the institutions represented on it, as long as each decision is within the lawful mandate of the institution concerned. An institution that cannot implement a decision on time may provide reasons for the delay. The provision on Investment Committee is moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026) and acceptable amendment may be made thereunder.

246. Delete Clause 20.

Committee's Observation/Recommendation

The Committee observed that the National Investment Advisory Council gives the private sector a formal high-level platform to advise the Government on investment at the highest level, with the President as its chairperson. The Committee considers this useful for improving the investment climate. The provisions on the Council is moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

247. Insert the following new clauses, '20A. (1) *There is established the Presidential Dialogue on Investment and Business Climate as the apex public-private forum for investment promotion and business climate reform. (2) The Presidential Dialogue shall be cochaired by: (a) the President; and (b) a private sector representative elected by the private-sector members of the Dialogue. 20B. (1) The Presidential Dialogue shall comprise the co-chairs, the Cabinet Secretary, such other Cabinet Secretaries as the President may designate, and not more than twenty private-sector representatives designated annually by the Authority. (2) Of the private-sector seats under subsection (1), not fewer than five shall be reserved for representatives of labour, consumer and civil society organisations. (3) Private sector seats shall rotate across sectors annually in accordance with the prescribed criteria by the Authority. 20C. (1) The Presidential Dialogue may establish not more than five thematic Technical Working Groups, each co-chaired by a public and a private-sector representative. (2) The Technical Working Groups shall draw on the Business Climate Reform Register maintained by the Authority. 20D. The Presidential Dialogue shall: (a) provide strategic direction on invest business climate reform; (b) consider and prioritise business climate reforms proposed by the Technical Working meant promotion and Groups and the private sector; (c) resolve high-level bottlenecks affecting priority and strategic investments not resolved through ordinary institutional channels; and Cabinet (d) issue recommendations to the Secretary and competent institutions. 20E. The Authority shall serve as Secretariat to the Presidential Dialogue, its Implementation Committee and the International Investment Advisory Panel, and shall be responsible for agenda setting, implementation monitoring and record-keeping. 20F. (1) The Presidential Dialogue shall convene in full session at least twice a year. (2) Technical Working Groups shall meet at least quarterly. (3) The co-chairs may convene an extraordinary session. 20G. The Authority shall, on behalf of the Presidential Dialogue, submit an annual report on its proceedings and outcomes to the President and National Assembly. 20H. (1) Private sector membership shall be for a term prescribed by the Authority. (2) At the end of each term, the Authority shall review the Dialogue's performance, informing the succeeding term's priorities. 20I. (1) There is established an Implementation Committee of the Presidential Dialogue to monitor and report on implementation of its recommendations. (2) There is established an International Investment Advisory Panel to advise the Dialogue on international best practice. 20J. The Cabinet Secretary may make regulations for better carrying out of this Part'.*

Committee's Observation/Recommendation

The functions above are assigned to the National Investment Advisory Council which is chaired by the President hence there is no need to establish the Presidential Dialogue on Investment and Business Climate.

248. Insert the following new subclauses under clause 25, '(3) *A holder of a registration certificate shall, prior to obtaining requisite approval, permits or licenses, be entitled to carry out investment in Kenya for a period*

of twelve months, provided that the holder remains in compliance with all applicable environmental, health and safety laws and requirements. (4) A holder of an investment registration certificate shall be entitled to: (a) use of the centralised investment facilitation facility; (b) access to financial linkage services; (c) expedited processing of approvals by competent institutions; (d) investor matchmaking and partnership facilitation; and (e) referral of qualifying projects to the Committee. (5) An investment registration certificate shall not confer any additional benefit, exemption or entitlement other than those expressly provided for under this Act or any other written law'.

Committee's Observation/Recommendation

The Committee observed that allowing an investor to operate for twelve months before obtaining the required approvals, permits and licences would conflict with laws require approval before a project starts. Compliance with environmental, health and safety laws cannot be confirmed without those approvals. However, listing the benefits of registration would make it attractive for investors, especially domestic investors for whom registration is voluntary. It is also useful to make clear that registration confers no benefits beyond those provided by law. The Authority cannot promise expedited approvals from other institutions, but it can facilitate them. The provisions are moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

249. Amend clause 30 by changing from a Golden Certificate to a Golden Investment Certificate. Insert the following new subclauses, '(2) *A Golden Investment Certificate shall constitute the official record of the decisions, commitments, approvals, facilitation measures, incentives and implementation arrangements approved by the competent public authority in relation to the strategic investment. (3) Subject to the Constitution and any other written law, every commitment, approval or undertaking recorded in a Golden Investment Certificate shall be binding on the public authority that approved or agreed to it through the investment. (4) A Golden Investment Certificate shall distinguish between: (a) decisions approved by the competent public institutions; (b) administrative actions required to implement those decisions; and (c) matters requiring further approval or compliance under any written law. (5) A Golden Investment Certificate shall contain such information as may be prescribed, including: (a) the public institutions responsible for implementation; (b) the commitments, approvals, incentives or other benefits granted; (c) the legal basis for each commitment, approval, incentive or benefit; (d) the implementation timelines; (e) the obligations of the investor; (f) reporting and monitoring requirements; (g) the validity period of the Certificate; and (h) the grounds for its suspension or revocation. (6) The issuance of a Golden Investment Certificate shall not exempt the holder from obtaining any approval, license, permit consent or complying with any statutory requirement prescribed under any written law. (7) A Golden Investment Certificate issued under this Act shall relate only to the facilitation and implementation of a strategic investment. (8) A holder of a Golden Investment Certificate shall subject to the Kenya Citizenship and Immigration Act and any other written law, be eligible to apply for residency by investment for a period not exceeding ten years. (9) The Authority shall not issue a Golden Investment Certificate unless the strategic investment is the subject of a negotiated investment agreement under Section 19(6). (10) A holder of a Golden Investment Certificate shall, in addition to benefits recorded in the Certificate under subsection (5)(b), be entitled to: (a) recognition as an Authorized Economic Operator, with fast-tracked customs status, under the East African Community Customs Management Act; (b) priority connection to power, water and telecommunications infrastructure; (c) a shortened determination*

timeline for environmental impact assessment licences; (d) priority access to industrial land and special economic zones; (e) facilitation of entry permits for the investor's staff; (f) a dedicated relationship officer within the Authority; (g) priority and shortened timelines for resolution of grievances submitted under the Investor Grievance Mechanism; (h) a fiscal stabilisation clause, within guardrails prescribed in the regulations having regard to relevant OECD guidance; and (i) such other benefits as may be prescribed. (11) The Authority may change such fee as may be prescribed for the issuance of a Golden Investment Certificate. (12) The Cabinet Secretary may prescribe additional procedures for the administration of the Golden Investment Certificate, including procedures for the mutual recognition of trade-facilitation status granted under this section with equivalent status granted by other jurisdictions'.

Committee's Observation/Recommendation

The Committee observed that the provisions on Golden Certificates are moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). The benefits attached to the certificate will be set out in regulations and recorded in each certificate, so there is no need to list them in the Act. It is also useful to make clear that the certificate does not exempt the investor from any law.

250. Delete subclause 35(1) and substitute as follows, '*In promoting and facilitating investment and exports in Kenya, the Authority may, in collaboration with the County Investment Units and international offices, establish and operationalise a physical and digital centralised facility for purposes of providing government services and regulatory requirements for investors*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee. The collaboration with County Investment Units was however rejected by the Committee since this Bill and the Kenya Economic Zones Bill, 2026 are providing for international trade and public investment which are functions of the National Government.

251. Insert the following new subclause 35(4), '*The Authority may charge such fees as may be prescribed in the regulations for the provision of services at the centralised facility*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

252. Insert the following new clause immediately after clause 35, '(1) *the Authority shall establish, maintain and administer a secure national Investment Information Management System for the management of investment information under this Act. (2) The System shall include information relating to: (a) investment opportunities; (b) registered investors; (c) the National Investment Pipeline; (d) priority and strategic investments; (e)investment facilitation requests; (f) licenses, permits, approvals and authorisations processed under this Act; (g) bottlenecks affecting investments; (h) decisions of the Investment Committee; (i) Golden Investment Certificates issued; (j) investor aftercare matters; (k) investor grievances; and (l) such other*

information as the Authority may deem fit. (3) The Authority shall manage the System in accordance with the Data Protection Act and any other applicable written law. (4) The Authority may, in accordance with this Act and any other written law, share information contained in the System with relevant public institutions for the purposes of investment promotion, facilitation, coordination and implementation'.

Committee's Observation/Recommendation

The Committee observed that a digital register would make investment information easier to manage and share, and would support the single certificate that shows all licences issued to an investor. The provisions on investment are moving to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). The specific details that the information management system should contain can be set out in regulations and in the terms of reference for developing the system, so they need not be listed in the Act.

253. Insert the following new clause, '*Every ministry, department, agency, county government and public institution whose functions relate to investment promotion, facilitation, regulation or implementation shall designate a focal person for the purposes of coordinating with the Authority*'.

Committee's Observation/Recommendation

The Committee observed that a focal person in each relevant public institution would make it easier for the Authority to coordinate investment facilitation. Designation could be done through an administrative arrangement with each institution. The Investment Committee already brings together the key institutions involved in investment approvals. The provisions on investment are moving to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

254. Insert the following paragraph 36(e), '*thirty per cent of the export and investment levy collected under section 7A of the Miscellaneous Fees and Levies Act, Cap. 496C*'.

Committee's Observation/Recommendation

The Committee adopted this proposal and provided for 20% of the Fund for export promotion and nation branding and 20% for investment promotion. Allocating a share of it to the Authority would give the Authority a steady source of funding. Since the levy serves both export and investment purposes, the Committee resolved that its proceeds be shared between this Authority and the authority responsible for investment promotion under the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

255. Insert the following new clause, (1) '*There is established the Kenya Investment Tribunal comprising of: (a) a chairperson, who shall be a person qualified to be appointed as a judge of the High Court of Kenya, appointed by the Chief Justice; (b) an advocate of the High Court of Kenya, with professional qualifications in trade, investment and industry law, nominated by the Law Society of Kenya; (c) three persons, who are*

not public servants, with demonstrated competence in trade, investment and industry affairs; and (d) a secretary to the Tribunal, who shall be an ex officio member. (2) The Judicial Service Commission shall appoint the members and the secretary of the Tribunal. (3) The chairperson and the members of the Tribunal shall hold office for a term of three years and shall be eligible for reappointment for one further term. (4) The office of a member of the Tribunal shall become vacant: (a) at the expiration of three years from the date of his appointment; (b) if he accepts any office the holding of which, if he were not a member of the Tribunal, would make him ineligible for appointment to the office of a member of the Tribunal; or (c) if he resigns the office of member of the Tribunal.(5) There shall be paid to the Chairperson and the members of the Tribunal such remuneration and allowances as the Chief Justice, on the recommendation of the Salaries and Remuneration Commission, shall determine. (6) The Chairperson and the members of the Tribunal shall serve on such terms and conditions as determined by the Judicial Service Commission. (7) The Tribunal shall have jurisdiction to hear and determine matters relating to investment including: (a) the grant of a licence, certificate of registration or a refusal to grant a licence or certificate of registration or the transfer of a licence or permit, under this Act or its regulations; (b) the imposition of any condition, limitation or restriction on the person's registration or licence under this Act or its regulations; and (c) the revocation, suspension or modification of the person's registration or licence under this Act or its regulations. (8) The Tribunal may: (a) make such orders for the purposes of securing the attendance of any person at any place where the Tribunal is sitting, discovery or production of any document concerning a matter before the Tribunal or the investigation of any contravention of this Act as it deems necessary or expedient; (b) take evidence on oath and may for that purpose administer oaths; or (c) on its own motion summon and hear any person as a witness. (9) The Chairperson of the Tribunal may appoint any persons with special skills or knowledge on trade, investment and industry matters which are the subject matter of any proceedings or inquiry before the Tribunal to act as assessors in an advisory capacity in any case where it appears to the Tribunal that such special skills or knowledge are required for the proper determination of the matter. (10) Upon any appeal, the Tribunal may: (a) confirm, set aside or vary the order or decision in question; (b) exercise any of the powers which may have been exercised by the Authority in the proceedings in connection with which the appeal is brought; (c) make such other order, including orders to enhance the principles of sustainable development and an order for costs, as it may deem just; (d) if satisfied upon application by any party, issue orders maintaining the status quo of any matter or activity which is the subject of the appeal until the appeal is determined; or (e) if satisfied upon application by any party, review any orders made under paragraph (a). (11) (1) Any person aggrieved by a decision or order of the Tribunal may, within fourteen days of such decision or order, appeal against such decision or order to the High Court, whose decision shall be final; and (2) Notwithstanding subsection (1), where the Chief Executive Officer is satisfied that immediate action must be taken to avert serious injury, the Chief Executive Officer shall have power to take such reasonable action to stop, alleviate or reduce such injury, including power to close down any undertaking, until the appeal is finalised or the time for appeal has expired. (12) (1) The Judicial Service Commission may appoint such other staff as may be necessary for the proper discharge of the functions of the Tribunal under this Act; and (2) The staff of the Tribunal shall be paid such remuneration and allowances as the Chief Justice, on the recommendation of the Salaries and Remuneration Commission, shall determine. (13) The Chief Justice may make rules: (a) prescribing the manner in which an appeal shall be made to the Tribunal and the fees to be paid in respect of all appeals; (b) prescribing the procedure to be adopted by the Tribunal in hearing an appeal and the records to be kept by the Tribunal; (c) prescribing the manner in which the Tribunal shall be convened and the places where, and the time at which, its sittings shall be held; and (d) generally, for the better carrying out of the provisions of this Act relating to the Tribunal and matters incidental thereto'.

256. Insert the following new clause, (1) '*The Authority shall establish and operationalise an investor grievance mechanism for the receipt, facilitation and resolution of grievances submitted by investors relating to decisions of the Authority. (2) An investor may, within thirty days of a decision, submit to the Authority a grievance relating to: (a) an administrative action or omission by a public institution affecting an investment; (b) delays in approvals, permits, licences or authorisations; (c) discriminatory or unfair administrative treatment; or (d) any other matter directly affecting the establishment, operation, expansion or protection of an investment. (3) A grievance submitted under subsection (2) shall contain: (a) particulars of the grievance; (b) the public institution or agency to which the grievance relates; (c) the relief sought by the investor; and (d) any other information that the Authority may require. (4) The Authority shall: (a) acknowledge receipt of a grievance within five working days; (b) facilitate engagement between the investor and the relevant public institution; (c) endeavour to resolve the grievance within ninety days; and (d) communicate its recommendations or decision in writing to the investor and the relevant institution. (5) A public institution to which a grievance relates shall cooperate with the Authority and provide such information as may reasonably be required for purposes of resolving the grievance. (6) the Authority shall maintain records of grievances received and actions taken under this section. (7) A grievance submitted under this section shall not preclude an investor from pursuing any remedy available under any other written law. (8) The Authority may prescribe procedures for the management and resolution of investor grievances under this Act. (9) A person who is dissatisfied with the decision of the Authority may appeal to the Tribunal*'.

257. Insert the following new clause, (1) '*Where a dispute arises between an investor and the Government in respect of an investment, the parties shall endeavour to resolve the dispute amicably through mutual consultations and negotiations. (2) Where a dispute referred to under subsection (1) is not resolved amicably within six months, the dispute shall be submitted to one or more of the following arbitration mechanisms: (a) any dispute resolution mechanism agreed upon by the parties; (b) arbitration under the Arbitration Act; (c) a competent court in Kenya; or (d) any other regional or international dispute settlement mechanism applicable under a treaty or agreement ratified by Kenya. (3) Nothing under this section shall be construed as limiting the sovereign regulatory powers of the Government exercised in accordance with the Constitution and any written law. (4) In the resolution of disputes under this Act, parties shall promote the use of alternative dispute resolution mechanisms in accordance with Article 159(2)(c) of the Constitution*'.

258. Insert the following new clause, '(1) *The Government shall accord fair and equitable treatment, and full protection and security, to every registered investor and investment made in Kenya. (2) Subject to reciprocal arrangements under any treaty or agreement to which Kenya is a party, the Government shall accord every registered investor treatment no less favourable than that accorded to Kenyan investors in like circumstances. (3) No investment shall be expropriated or nationalized except: (a) for a public purpose or in the public interest; (b) under a procedure established by law; (c) in a manner that is not discriminatory; and (d) subject to prompt payment of full and fair compensation in accordance with Article 40 of the Constitution, and the investor may apply to the High Court to contest the legality of the expropriation or the adequacy of the compensation offered. (4) Subject to the Constitution and any other written law, a registered investor shall be entitled to transfer out of Kenya, in a freely convertible currency and without unreasonable delay: (a) profits, dividends and other income derived from the investment; (b) proceeds from the sale or liquidation of the investment; (c) the principal and interest on any loan related to the investment; and (d) any compensation payable under subsection (3)(d) or otherwise in respect of the investment. (5) Nothing in this section shall derogate from any protection available to an investor under the Foreign Investments Protection Act (Cap. 518) or any bilateral or multilateral investment treaty to which Kenya is a party, and where a provision of*

such an instrument is more favourable to the investor, that provision shall prevail. (6) The Government hereby gives its advance and self-executing consent to the submission of any dispute concerning the protections set out in this section to arbitration in accordance with the Settlement of Investment Disputes section and any treaty or agreement to which Kenya is a party. (7) Nothing in this section shall be construed as limiting the sovereign regulatory powers of the Government exercised in accordance with the Constitution and any other written law'.

259. Insert the following new clause, '(1) *The Authority shall periodically assess and publish the regulatory compliance burden imposed on investors and shall make recommendations for the reduction of unnecessary regulatory and administrative burdens affecting investment. (2) The Authority shall submit an annual report to the Cabinet Secretary on the status of the business climate and the progress made in reducing regulatory and administrative burdens affecting investment. (3) A public institution proposing to introduce or substantially revise an investor-facing licence, permit, approval, return, declaration, information requirement or other regulatory obligation shall consult the Authority on the likely impact of the proposed measure on investment facilitation, regulatory coherence and investor compliance. (4) Public institutions shall periodically review investor-facing regulatory requirements with a view to eliminating duplication, simplifying compliance requirements and reducing unnecessary regulatory burdens affecting investment. (5) In developing, reviewing or administering investor-facing regulatory requirements, public institutions shall have regard to the nature, scale and stage of the investment and shall, where appropriate, adopt proportionate and simplified compliance measures in accordance with this Act and the Regulations. (6) The Authority shall act as the Secretariat to convene periodically a national business climate forum bringing together private and public sector organisations'.*

Committee's Observation/Recommendation

This proposal was adopted by the Committee and a dispute resolution mechanism put in place in the Kenya Economic Zones Bill, 2026.

4.10 Mr. Peter Omollo Ochieng

In a meeting with the Committee held on 25th August 2026, Mr. Ochieng proposed the following amendments to the Bill:

260. Delete subclause 43(2) insofar as it revokes the Kenya Export Promotion and Branding Agency Order, 2019, and amend clause 44 to exclude KEPROBA from the definition of '*transferring entities*' so that only the Kenya Investment Authority merges into, or is reconstituted as, the new Authority. Confine the Bill to the establishment of a reformed investment promotion authority as successor to the Kenya Investment Authority alone, addressing investment registration, golden certificates, and the Investment Committee and National Investment Advisory Council as presently drafted in Parts III and IV.

261. In place of a full merger, insert a clause establishing a joint Investment-Export Coordination Committee, co-chaired by the Chief Executive Officers of the Authority and KEPROBA, operating the one-stop centre under Clause 35 as a shared service window rather than a merged back office.

Committee's Observation/Recommendation

This proposal was adopted by the Committee. All clauses on investment promotion were deleted from this Bill and provided for in the Kenya Economic Zones Bill, 2026.

4.11 Kenya Trade Network Agency

In a meeting with the Committee held on 25th August 2026, Mr. Bernard Milewa, Corporation Secretary and Legal Affairs Manager submitted a written memorandum on the Bill proposing the following amendments:

262. Amend clause 6 to require the one-stop service framework to leverage and integrate with existing government digital platforms and systems, such as the Trade Facilitation Platform, for seamless electronic processing of investor and exporter services.

Committee's Observation/Recommendation

The Committee observed that services at the one-stop centre should be offered electronically, and that the Authority should link its systems to existing government digital platforms rather than build new ones. This would support the seamless processing and single payment the Committee has called for. However, naming particular platforms in the law would be too prescriptive, since platforms change over time.

263. Amend clause 35 to require the centralised facility be designed to promote interoperability with existing government digital platforms and systems, with a view to ensuring seamless service delivery and avoiding duplication of processes and systems.

Committee's Observation/Recommendation

The Committee observed that the centralised facility should work with existing government digital platforms rather than duplicate them, so that investors receive seamless service.

264. Provide expressly for effective inter-agency coordination and interoperability of relevant government systems and platforms in the implementation of the Act.

Committee's Observation/Recommendation

The Committee observed that the centralised facility should work with existing government digital platforms rather than duplicate them, so that investors receive seamless service.

4.12 Commission on Revenue Allocation

In a memorandum Ref: CRA/ADM/NA/03 VOL.III (142) dated 24th August 2026, CPA Roble Nuno, CEO, proposed the following amendments to the Bill on behalf of CRA:

265. Amend definition of '*investment*' to mean the contribution of domestic or foreign capital by an investor, including the creation or acquisition of business assets by or for a business enterprise and includes the expansion, restricting, improvement, reinvestment, or rehabilitation of a business enterprise.

Committee's Observation/Recommendation

The Committee observed that the proposal keeps the existing definition but removes "divesture". This is correct, since divestiture means withdrawing capital from an enterprise, not contributing it, so it does not fit a definition of investment. The word "divesture" in the Bill is also misspelt. The proposal's "restricting" appears to be a typing error for "restructuring", which should be kept. The definition is however moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

266. Amend paragraph 4(2)(d) by deleting the words '*and lending money*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee. The Committee observed that the Authority is a promotional body and has no function that requires it to lend money.

267. Amend subclause 5(2) by deleting the word '*county*' and substituting with the word '*counties*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

268. Amend paragraph 7(e) by increasing the number of county chief officers to two and provide a mode of selection for the chief officers.

Committee's Observation/Recommendation

The Committee observed that the Bill is now providing for export promotion and nation branding which are functions of the National Government hence not necessary to include counties in the Board

269. Amend paragraph 7(f) by reducing private sector membership from four two three and inserting the words '*nominated by a recognised private sector organisation*' immediately after the words '*Cabinet Secretary*'.

Committee's Observation/Recommendation

The Cabinet Secretary should appoint the members in line with Articles 10 and 232 of the Constitution and existing laws on governance of state corporations. Requiring nomination through specific organisations could force exporters to join those organisations in order to be considered for appointment, contrary to the freedom of association.

270. Amend subclause 8(1) by deleting the words '*subsection 1*' and substituting with the words '*section 7*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

271. Amend clause 12 to include other limitations to delegation in addition to the power to borrow to include e.g. some policy matters and decisions.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

272. Amend clause 14 by adding a new subclause requiring the Board to consider inclusivity of special interest groups such as persons with disabilities, marginalised groups, and gender parity, in the recruitment of the Chief Executive Officer.

Committee's Observation/Recommendation

The Committee observed that Articles 10 and 232 of the Constitution already apply to the recruitment of the Chief Executive Officer. They require fair competition and merit, and adequate and equal opportunities for men and women, members of all ethnic groups and persons with disabilities. The recruitment is also for a single position, inclusivity may be addressed across the staff and Board of the Authority as a whole than in a singular appointment.

273. Renumber clause 15 and delete the words '*subsection 15*' under subclause 15(6).

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

274. Amend paragraph 17(2)(a) by deleting the word '*opportunity*' and substituting with the word '*opportunities*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

275. Amend paragraph 18(h) by providing a mode of selection of the two chief officers.

Committee's Observation/Recommendation

The Committee observed that the Bill is now providing for export promotion and nation branding which are functions of the National Government hence not necessary to include counties in the Board

276. Amend paragraph 19(1)(a) by specifying the nature of the approvals to avoid conflict on mandate with other state agencies.

Committee's Observation/Recommendation

The Committee observed that the provisions on the Investment Committee is moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). The Investment Committee does not issue approvals in its own right. It coordinates the approvals that each agency grants under the law that governs it. Listing the approvals would be impractical, since they vary from project to project

277. Amend paragraph 19(1)(c) by inserting the word '*be*' immediately after the words '*interests to*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

278. Amend paragraph 19(1)(d) to specify the nature of unique benefits, splitting the paragraph into two after the phrase '*centralised facility*', and adding a proviso that the benefits issued should be in compliance with the law.

Committee's Observation/Recommendation

The Committee observed that paragraph 19(1)(d) combines several different functions in one sentence, which makes it hard to read, so splitting it would improve clarity. However, it is useful to state that the benefits must be granted in line with the law. The provision on Investment Committee is moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026). set out in regulations and recorded in each Golden Investment Certificate

279. Amend subclause 19(2) by providing the duration of the incentives.

Committee's Observation/Recommendation

The Committee observed that the duration of incentives will differ from project to project. It will therefore be set out in regulations and recorded in each Golden Investment Certificate, subject to the tax laws under which the incentives are granted. The provision is moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

280. Amend paragraph 20(2)(a) by inserting the phrase '*or a Cabinet Secretary designated by the President*' immediately after the word '*Chairperson*' and including the chairperson of the board of the Authority as an additional member.

Committee's Observation/Recommendation

The Committee observed that the President may not be able to attend every meeting of the Council, so a Cabinet Secretary designated by the President may chair meetings in the President's absence. Making the chairperson of the Board of the Authority a member is not necessary, since the Authority is the secretariat of the Council and can bring any matter to it. The provision on the Council is moving to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

281. Amend subclause 23(3) by deleting the word '*Board*' and substituting with the word '*Authority*'.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

282. Amend subclause 29(6) by reviewing it for legality and practicability.

Committee's Observation/Recommendation

The Committee observed that a review panel needs to be able to summon witnesses and call for documents so that it can review decisions properly. However, the power to investigate and punish contempt is a judicial power not suitable for a panel. The provision is moving to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

283. Amend subclause 30(1) by deleting the phrase '*section 19(3)*' and substituting with the phrase '*section 19(2)*'.

Committee's Observation/Recommendation

The cross-referencing error may be effected.

284. Amend clause 34 by adding a new provision requiring the Authority to retain any particulars in line with relevant data protection laws.

Committee's Observation/Recommendation

The proposal was agreed to.

285. Renumber clause 42.

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

4.13 Law Society of Kenya

In a memorandum, the Law Society of Kenya proposed the following amendments to the Bill:

286. Amend subclause 14(4) to reduce the Chief Executive Officer's term of office from five to three years, renewable subject to satisfactory performance, to promote good corporate governance without compromising institutional stability.

Committee's Observation/Recommendation

The committee did not adopt the proposal and retained the proposed five years.

287. Renumber clause 15 and correct the cross-referencing under subclause 15(6).

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

288. Amend paragraph 20(2)(a) to remove the President as Chairperson of the National Investment Advisory Council, providing instead for the Council to elect its own chairperson or for an independent chairperson appointed from the private sector, to preserve the Council's institutional independence and its ability to provide objective and impartial advice.

Committee's Observation/Recommendation

The Committee observed that the Investments Council is a high-level platform through which the private sector advises the Government on investment. Having the President as chairperson gives the Council's advice direct access to the highest level of Government. The Council is advisory and its members from the private sector are appointed for their expertise, so its advice remains independent. The provisions on the Council together with the other investment provisions are moving to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

289. Amend subclause 23(1) to remove the ten-million-shilling minimum investment threshold applicable only to domestic investors, or provide an objective policy justification for maintaining the distinction, to avoid a discriminatory threshold that disadvantages small and medium domestic investors.

Committee's Observation/Recommendation

The Committee proposes that registration be voluntary for domestic investors. The provision is moving, together with the other investment provisions, to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

290. Renumber clause 42

Committee's Observation/Recommendation

This proposal was adopted by the Committee.

4.14 My IP Legal Studio

In a memorandum dated 21st July 2026, My IP Legal Studio proposed the following amendments to the Bill:

291. Amend clause 2 to insert the following definitions:
   (i) '*intellectual property*' means the rights protected under the laws relating to copyright, trademarks, patents, utility models, industrial designs, plant varieties, geographical indications, traditional knowledge, traditional cultural expressions, trade secrets and other related rights;
   (ii) '*Kenyan brand*' means a trademark, trade name, label, business identity or other distinctive sign owned or controlled by a Kenyan person or enterprise and used in relation to goods or services originating from or substantially developed in Kenya;
   (iii) '*Kenyan-origin product*' means a product that satisfies the applicable rules of origin and is designed, grown, produced, manufactured, processed, assembled or substantially transformed in Kenya;
   (iv) '*private-label export*' means goods produced or manufactured in Kenya for sale under a trademark owned or controlled by a person other than the Kenyan producer or manufacturer;
   (v) '*producer*' includes a manufacturer, designer, craftsperson, creator, processor or other person responsible for the development or production of an export product;
   (vi) '*national origin mark*' means a certification, collective or other mark approved for the identification of goods or services originating from Kenya.

Committee's Observation/Recommendation

The Committee observed that a definition is needed only where the term is used in the Bill. Most of the proposed terms, such as "intellectual property", "Kenyan brand", "Kenyan-origin product", "private-label export" and "producer", are not used in the Bill. Intellectual property is also defined in the laws that govern it. However, the Committee has given the Authority the function of developing a national mark of

identity, which is similar to the proposed "national origin mark". That term should be defined, using the wording the Bill uses.

292. Amend clause 3 to include the following objects: (a) '*To promote, protect and enhance the international recognition, ownership and commercialisation of Kenyan intellectual property, brands, designs, geographical indications and creative products; (b) to facilitate accurate identification and traceability of Kenyan products, producers, designers, creators and intellectual-property owners in domestic and international markets; (c) to promote exports under Kenyan-owned or Kenyan-controlled brands; and (d) to increase licensing, royalty, franchise and other intellectual-property income earned by Kenyan persons and enterprises*'.

Committee's Observation/Recommendation

The Committee observed that the protection and commercialisation of intellectual property is the responsibility of other bodies. These include the Kenya Industrial Property Institute, the Kenya Copyright Board and the Anti-Counterfeit Authority, under the laws that govern them. Tracing products and producers is also outside the mandate of the Authority. The promotion of exports, including exports under Kenyan brands, is already covered by the objects of the Bill as amended by the Committee. These objects also provide for the protection of the nation brand and a national mark of identity.

293. Amend clause 6 to require the Authority to: (1) '*develop and implement a National Export Intellectual Property and Brand Strategy; (2) establish sector-specific export programmes for fashion, textiles, leather goods, jewellery, furniture, crafts, beauty, lifestyle and other design-intensive products; (3) facilitate trademark, industrial-design and other intellectual-property searches and registration in Kenya and destination markets; (4) promote Kenyan-owned and Kenyan-controlled brands in foreign markets; (5) facilitate the use of certification marks, collective marks and geographical indications; (6) assist exporters with international licensing, distribution, franchising, agency and co-branding arrangements; (7) support enforcement of Kenyan brands and designs in foreign jurisdictions; (8) promote accurate attribution of Kenyan designers, producers, creators and craftspeople; (9) protect the integrity and authenticity of community-based products and traditional cultural expressions; (10) facilitate anti-counterfeiting, customs recordation and digital brand-monitoring services; (11) develop model export, distribution, licensing, manufacturing and private-label agreements; and (12) coordinate export-facing services with KIPI, KECOBO, the Anti-Counterfeit Authority, KEBS, customs authorities and other relevant agencies*'.

Committee's Observation/Recommendation

The Committee observed that most of the proposed functions, such as the registration, licensing, enforcement and anti-counterfeiting of intellectual property, fall under other bodies. These include the Kenya Industrial Property Institute, the Kenya Copyright Board and the Anti-Counterfeit Authority, under the laws that govern them. Giving these functions to the Authority would duplicate their work. The remaining proposals are already covered by the Bill

294. Amend clause 7 to require the appointment of at least one person with demonstrated knowledge and experience in intellectual property, international brand development, fashion or product design, creative-industry exports, or international licensing and distribution. The Bill should further provide for the establishment of a Fashion, Design and Creative Export Advisory Committee.

Committee's Observation/Recommendation

The Committee observed that the four members of the Board representing the private sector may be drawn from any field relevant to export promotion and nation branding, including intellectual property, design and the creative industry. Reserving a seat for one field would limit the Cabinet Secretary's choice and could lead to similar demands from other sectors. The Board may also set up committees as it considers necessary, including one on creative exports, so there is no need to establish such a committee in law.

295. Amend clause 25 to require the Authority, when assessing the contribution of an investment to Kenya, to consider the creation and ownership of intellectual property in Kenya; establishment of research, design and product-development capacity; development of Kenyan brands; transfer of intellectual property and technical know-how to Kenyan enterprises; employment of Kenyan designers and creators; use of Kenyan creative and cultural inputs; generation of royalty and licensing income; international registration of Kenyan-origin IP; and the proportion of export value and goodwill retained in Kenya.

Committee's Observation/Recommendation

The Committee observed that clause 25(2) already requires the Authority to consider the acquisition of new skills and technology, the transfer of technology to Kenya and value addition. It also allows the Authority to consider any other factor that is beneficial to Kenya, which would cover the creation of intellectual property and the development of Kenyan brands. Listing more specific factors would make the provision too prescriptive. The provisions on the assessment of investments together with the other investment provisions are moving to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

296. Insert a new Part on Kenyan Export Brand and Origin Integrity requiring accurate origin identification on exported Kenyan-origin products, identification of the Kenyan designer or producer where practicable, prohibition of false or concealed origin claims, and a written agreement governing intellectual-property ownership in private-label export arrangements.

Committee's Observation/Recommendation

The Committee observed that false descriptions of the origin of goods are already prohibited under the Trade Descriptions Act and the Anti-Counterfeit Act. The origin of exported goods is also governed by the rules of origin under the East African Community Customs Management Act. A new Part in this Bill would duplicate those

laws. Agreements on who owns intellectual property in private-label arrangements are private commercial matters between the parties, and the Authority can advise exporters on them through its trade advisory services.

297. Amend clause 34 so that the register should include: the exporter's legal and trading name; the actual producer or manufacturer; the designer or creator, where applicable; the place of production; the applicable country-of-origin basis; the brand under which the goods are exported; the owner or authorised user of the relevant trademark; intellectual-property registration or application details; whether the product is exported under a private-label arrangement; relevant certification or collective marks; geographical-indication information; community or cultural attribution, where applicable; and an appropriate batch, lot or digital traceability identifier. The clause should expressly protect buyer information, prices, production volumes, supplier information, designs, formulas, processes, trade secrets and other confidential business information.

Committee's Observation/Recommendation

The Committee observed that the information to be kept in the register can be set out in regulations, so it need not be listed in the Act. Much of the proposed information, such as traceability identifiers and geographical indications, also falls under other laws and agencies. However, the Bill does not protect the confidential business information that exporters give the Authority, such as prices, buyers, suppliers and designs. The Data Protection Act covers personal data only, so a confidentiality provision would give exporters confidence to share information with the Authority.

298. Amend clause 35 to include trademark and design registration support, copyright and chain-of-title guidance, anti-counterfeiting support and export-contract advisory services. The one-stop centre should include access to trademark and industrial-design registration support; copyright and chain-of-title guidance; standards and conformity-assessment services; customs and rules-of-origin services; anti-counterfeiting support; export-contract advisory services; international dispute-resolution guidance; export finance; and foreign-market legal and regulatory information.

Committee's Observation/Recommendation

The Committee observed that clause 35(2) already allows the centralised facility to host agencies responsible for customs and for export facilitation and compliance. Listing every service in the Act would be too prescriptive and limiting. The agencies hosted at the facility will provide their services in line with their own mandates.

299. Amend clause 41 by empowering the Cabinet Secretary to make regulations on: the use and administration of the national origin mark; origin and producer labelling; eligibility for Kenyan-brand export incentives; international IP-registration support; private-label export safeguards; traceability requirements; protection of confidential exporter information; attribution of designers and creators; geographical indications and collective marks; community and traditional-cultural-expression safeguards; export trade missions and exhibitions; and procedures for suspension or withdrawal of national branding privileges.

Committee's Observation/Recommendation

Since the Committee has given the Authority the function of developing a national mark of identity and licensing its use, regulations will be needed on the use of the mark and on the suspension or withdrawal of a licence. Regulations will also be needed on trade missions and exhibitions, which the Authority coordinates. The other matters fall under other laws and agencies, or have been addressed elsewhere in the Bill.

300. Amend clause 42 to criminalise offences relating to: fraudulent use of the national origin mark; false claims of Kenyan origin; false claims that goods originated outside Kenya; removal or concealment of origin information; false representation of intellectual-property ownership; unauthorised use of a Kenyan exporter's brand or design; submission of false producer or brand information to the Authority; misrepresentation of community or geographical origin; and unauthorised disclosure of confidential exporter information.

Committee's Observation/Recommendation

The Committee observed that most of the proposed offences are already provided for under other laws e.g. misuse of brands, designs and intellectual property is dealt with under the Trade Marks Act, the Industrial Property Act and the Copyright Act. False claims of origin, and removing or hiding origin information are offences under the Trade Descriptions Act and the Anti-Counterfeit Act. For unauthorised use of the national mark of identity, the mark can be protected by registering it under the Trade Marks Act, and its use controlled through licensing.

4.15 Mr. Peter Kibet arap Biwott

In a memorandum dated 10th July 2026, Mr. Peter Kibet arap Biwott proposed the following amendments to the Bill:

301. Insert the following new paragraph 5(ii), '*The Authority may establish promotion offices and/or desks in Kenya's target markets for investment, export promotion and country branding as it deems fit in the discharge of its mandate*'.

Committee's Observation/Recommendation

The proposal to establish offices outside Kenya was rejected by the Committee since the Authority can discharge its mandate internationally through embassies.

302. Insert the following new paragraphs immediately after paragraph 6(r), 'Research, prepare and implement a long-term Kenya investment, exports, nation brand development and promotion strategy; Establish investment, exports and Nation branding targets for Kenya priority markets for investment, exports and nation brand promotion; Carry out feasibility studies and/or market research in order to recommend establishment of export promotion warehouses to spur Kenyan exports to traditional and new markets; and Identify and recommend to Government export

promotion incentives and/or schemes to foster exports competitiveness, including compensation schemes, manufacturing under bond (MUBs), duty remission schemes, economic partnership agreements, export insurance and guarantee schemes, an Export-Import Bank to facilitate financing of exports and import of technology, and green channel schemes.

Committee's Observation/Recommendation

The Committee observed that the proposals are either already covered by the Bill or are not suitable for the Authority

303. Amend subclause 8 by adding the following criterion, '*Be an established Kenyan exporter or investor of proven track record*'.

Committee's Observation/Recommendation

The Committee observed that requiring every Board member to be an established exporter or investor would be too restrictive. It would shut out persons with relevant expertise in fields such as branding, marketing, law and finance. It would also create a risk of conflict of interest, since members would be overseeing an Authority that serves their own businesses. The private sector members already bring the experience of exporters to the Board.

304. Amend clause 7 by including the Governor of Central Bank of Kenya or a representative designated in writing as a Board member.

Committee's Observation/Recommendation

The Committee observed that the Authority deals with export promotion and nation branding, which do not fall within the mandate of the Central Bank of Kenya. Additionally, the Authority can work with the Central Bank through administrative arrangements where a matter requires its input.

305. Increase private-sector Board representation from four to five members and expand the Board to eleven members in total, comprising the Chairperson, Principal Secretary for Trade, Principal Secretary for Treasury, the Attorney-General, the Governor of the Central Bank, a county chief officer, five private-sector representatives and the Chief Executive Officer as an ex officio member.

Committee's Observation/Recommendation

The Committee observed that the Board should be kept lean, in line with the guidelines on the governance of state corporations, and that four private sector members are enough to bring the views of exporters to the Board. The Committee has also recommended that a county chief officer does not need to sit on the Board, since export promotion and nation branding do not fall within the mandate of counties.

306. Rename the Investment Committee the '*Investment, Exports and Nation Branding Committee* 19(1) *The Investment, Exports and Nation Branding Committee shall: (a) provide coordinated technical approvals from key Government agencies to ensure timely implementation of priority investment, exports development and promotion and nation branding projects; (b) act as a decision-making body to resolve inter-agency regulatory bottlenecks affecting investment, export development, and nation branding projects and/or programmes; (c) negotiate for national interests to incorporate in the projects and/or programmes and ensure alignment of policies, incentives, and approvals for investment, exports development projects, export promotion and nation branding programmes. (2) The Investment, Exports and Nation Branding Committee shall approve strategic investment, exports and nation branding projects and/or programmes which shall qualify for additional incentives*'.

Committee's Observation/Recommendation

The Committee observed that export promotion and nation branding are mainly promotional work, carried out by the Authority with the relevant ministries and the private sector. They do not need joint approvals across government, so they can be coordinated without a statutory committee. This is unlike investment projects, which often need approvals from many government agencies at once, and for which the Investment Committee exists to make those decisions jointly and quickly. The provisions on the Investment Committee together with the other investment provisions are moving to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

307. Rename the National Investment Advisory Council the '*National Investment, Exports and Nation Branding Council*' 20(1) '*There is established the National Investment, Exports and Nation Branding Council (or The National Economic and Branding Council), which is an unincorporated body, chaired by the President. 21. The functions of the Council are to: (a) provide leadership and direction on measures to increase investment, exports development, nation branding, catalysing sustainable economic growth and development while fostering public-private sector cooperation in the formulation and implementation of investment, export promotion and nation branding strategies and overall socio-economic development policies; (b) approve incentive models and structures in critical priority sectors to enhance Kenya's comparative and competitive advantages and attractiveness as an investment destination and high-value exports source; (c) provide insights on domestic and international investment trends, trade-flow analysis, global best practices and comparative analyses to enhance Kenya's competitiveness; (d) provide strategic direction to promote sustainable investment in key sectors or value chains that promote job and wealth creation, technology transfer, and environmental sustainability; (e) provide strategic direction to promote backward and forward linkages and subcontracting frameworks from large enterprises to spur investment by micro, small and medium enterprises; and (f) provide innovative and strategic financing models to foster technology upscaling and deepen domestic investments and value-added exports*'.

Committee's Observation/Recommendation

The Committee observed that export promotion and nation branding do not need a statutory council, since the Authority coordinates them with the relevant ministries and the private sector. The proposal would also change the Council from an advisory

body into one that approves incentives and gives direction. Incentives, especially tax incentives, may only be granted under legislation, and policy direction is a matter for the Government. The provisions on the Council together with the other investment provisions are moving to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

308. Replace '*Investment Committee*' wherever it appears in the Bill with '*Investment, Exports and Nation Branding Committee*', and replace '*National Investment Advisory Council*' wherever it appears with '*The National Investment, Exports and Nation Branding Council*' or '*The National Economic and Branding Council*', removing the word '*Advisory*' since it is a high-level, decision-making body chaired by the President.

Committee's Observation/Recommendation

The provisions on the Investment Committee together with the other investment provisions are moving to the Kenya Economic Zones Bill (National Assembly Bill No. 46 of 2026).

309. Amend the Bill to provide that the Authority should be classified as a Class A commercial state corporation, to join the league of Kenya Power and KenGen, to enable it to attract and retain highly skilled professionals given its expanded mandate and direct linkage to national leadership.

Committee's Observation/Recommendation

The Committee observed that the classification of state corporations is an administrative matter, decided by the Government on the advice of the State Corporations Advisory Committee and the Salaries and Remuneration Commission. It is not set out in the Acts that establish state corporations. The Authority is also a promotional and facilitative body that does not carry on commercial activities, unlike Kenya Power and KenGen.

4.16 Dr. Bethuel Kinyanjui Kinuthia

In his memorandum, Dr. Bethuel Kinyanjui Kinuthia submitted that:

310. Separate specialised investment and export promotion institutions with separate institutional mandates for: (a) the Kenya Investment Authority, responsible for investment attraction, investment facilitation, investor aftercare and investment intelligence; and (b) KEPROBA, responsible for export promotion, exporter development, market access and trade promotion. Maintaining specialized institutions will preserve technical expertise, improve accountability, and ensure focused service delivery.

311. Establish a National Investment and Export Competitiveness Framework that aligns investment and export promotion objectives, defining national priorities, institutional responsibilities, coordination mechanisms and performance indicators.

312. Create an Investment and Export Competitiveness Council to bring together government agencies, investment institutions, export institutions, private sector representatives and relevant regulatory bodies. The Council should coordinate policy implementation, address institutional overlaps, monitor progress, and resolve implementation challenges.

313. Develop Shared Digital Systems to share information, supporting investors (through investment information, facilitation services and regulatory guidance), exporters (through market intelligence, export procedures and buyer opportunities), and Government (through performance monitoring, policy analysis and institutional coordination).

314. The Government should establish measurable indicators covering: (1) Investment Performance, investment attracted, employment creation, technology transfer, investor retention; (2) Export Performance, export growth, new exporters, market diversification, MSME participation; and (3) Coordination Performance, joint programmes, shared data systems, stakeholder satisfaction.

315. Investment and export institutions should maintain continuous engagement with manufacturers, exporters, business associations, chambers of commerce and investors. Private sector feedback should guide institutional priorities and service improvements.

316. Rather than assuming that merger automatically improves performance, government should periodically evaluate institutional effectiveness, service delivery, private sector satisfaction and economic outcomes. Future reforms should be based on evidence and performance results.

Committee's Observation/Recommendation

The Committee adopted this proposal and deleted all clauses on investment promotion.

4.17 Anonymous Submission

In an anonymous memorandum presenting a comparative institutional review, the submitter recommended that:

317. Retain the Kenya Export Promotion and Branding Agency (KEPROBA) and the Kenya Investment Authority (KenInvest) as separate statutory agencies, following the Malaysia and Ghana models, and formalise coordination through a joint trade-and-investment missions' protocol rather than a single merged board.

318. If Parliament proceeds with the merger, amend the Bill to guarantee: (a) a ring-fenced export-promotion budget line that cannot be reallocated to investment-facilitation activities without parliamentary approval; and (b) export-specific KPIs (export value diversification, number of new exporting SMEs, new markets entered) reported separately from investment KPIs, mirroring the SelectUSA and Invest Korea models of a protected sub-brand inside a larger agency.

319. In the alternative, adopt South Africa's model as a fallback compromise, locating both functions under one parent ministry with distinct directorates, budgets and staff rather than a single corporate entity

with one board and one Chief Executive Officer. Use South Africa's Department of Trade, Industry and Competition model as a fallback compromise: locate both functions under one parent ministry with distinct directorates, budgets and staff, rather than fusing them into a single corporate entity with one board and one CEO.

Committee's Observation/Recommendation

The Committee adopted this proposal and deleted all clauses on investment promotion.

CHAPTER FIVE

5.0 COMMITTEE OBSERVATIONS

Having considered the Bill, the Committee made the following observations on the Investment and Export Promotion Authority Bill (*National Assembly Bill No. 37 of 2026*):

1. Although investment promotion and export promotion are complementary functions that contribute to economic growth and development, they serve distinct objectives, target different stakeholders and require specialised technical expertise and institutional arrangements. Whereas investment promotion primarily focuses on attracting, facilitating and retaining domestic and foreign investments, export promotion focuses on developing export markets, enhancing the competitiveness of Kenyan goods and services, supporting exporters and strengthening Kenya's national brand. Consequently, the consolidation of these functions under one Authority may compromise their effectiveness.

2. The proposed merger of KenInvest and KEPROBA had not been sufficiently justified through a comprehensive assessment showing the extent of duplication of functions, anticipated cost savings, transitional costs and expected improvement in service delivery. Additionally, stakeholder submissions indicated that the intended objectives of institutional coordination and administrative efficiency could be achieved through enhanced collaboration between the institutions without necessarily merging them.

3. Export promotion and nation branding are critical to enhancing Kenya's competitiveness in regional and international markets, expanding market access for Kenyan goods and services, increasing foreign exchange earnings and supporting economic growth. It is therefore important to establish a strong and adequately resourced institutional framework dedicated to export development, market diversification, exporter capacity building and promotion of Kenya's national brand.

4. The proposed merger of KenInvest and KEPROBA could result in competing institutional priorities, particularly the allocation of financial resources, human capital and management attention. This could adversely affect the implementation of export promotion programmes like market reach, trade fairs, export market development, nation branding and support to MSMEs seeking access to international markets.

5. KEPROBA was established through the Kenya Export Promotion and Branding Agency Order, 2019 made under the State Corporations Act. It is important to strengthen the legal foundation for export promotion and nation branding through a substantive Act that clearly provides for the establishment, functions, governance, financing and accountability of the institution responsible for these functions. The legal framework will enhance institutional stability, operational effectiveness and long-term sustainability of export promotion programmes.

6. Kenya's export sector continues to experience challenges, including limited export diversification, inadequate value addition, high production and logistics costs, and barriers to accessing regional and international markets. It is therefore important to have a dedicated export promotion institution to

develop targeted interventions aimed at strengthening exporter capacity, promoting value added goods, expanding market access and supporting participation of MSMEs in international trade.

7. Following consideration of the Bill and stakeholder submissions, deletion of provisions relating to investment promotion necessitates consequential amendments to the remaining provisions of the Bill to ensure consistency with its revised legislative objectives. These include amendments to the long title, objects, establishment and functions of the Authority, governance arrangements, financing provisions and transitional clauses. The revised legislative framework focuses on strengthening export promotion and nation branding.

8. The Committee was of the view that, since the Authority is the successor of the Kenya Export Promotion and Branding Agency, the transition should ensure continuity of services and safeguard the interests of affected persons. The employees of the Agency may continue in service with the Authority or be deployed to the Public Service Commission on terms and conditions no less favourable than their existing ones. To ensure continuity in the leadership of the Authority, the Committee is of the view that the Chief Executive Officer would oversee the implementation of the Act for a period of one year pending the competitive recruitment of a Chief Executive Officer in accordance with the Act. The Cabinet Secretary may also put in place a mechanism to support the implementation of the Act during its first year, including a transition committee.

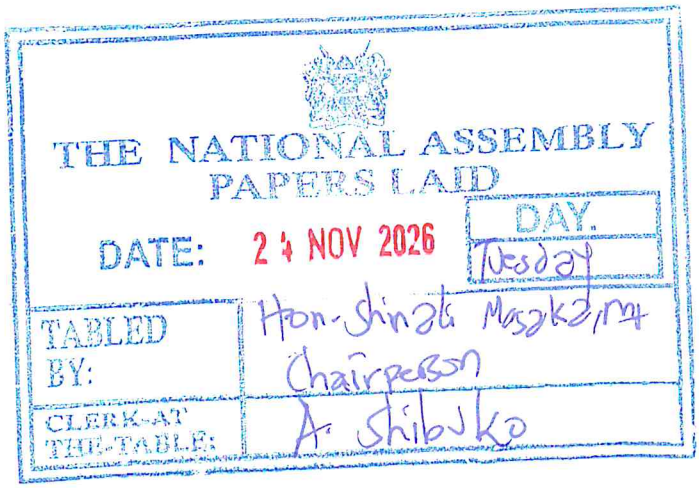
CHAPTER SIX

6.0 COMMITTEE RECOMMENDATION

The Committee, having reviewed the Investment and Export Promotion Authority Bill (National Assembly Bill No. 37 of 2026), recommends that the House approves the Bill with the amendments to be moved during the Committee of the Whole House.

SIGNED..... **DATE**.....24th November 2026

HON. BENARD MASAKA SHINALI, CBS, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES



THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026

DEPARTMENTAL COMMITTEE ON TRADE, INDUSTRY AND COOPERATIVES

ADOPTION SCHEDULE

We, the undersigned Honorable Members of the Departmental Committee on Trade, Industry and Cooperatives today, **Friday 6th November 2026** do hereby affix our signatures to this **Report on the Investment and Export Promotion Authority Bill (National Assembly Bill No. 37 of 2026)** to affirm our approval and confirm its accuracy, validity and authenticity:

S/NO.	NAME	SIGNATURE
1.	Hon. Benard Masaka Shinali, CBS, MP - **Chairperson**	
2.	Hon. Marianne Jebet Kitany, MP - **Vice-Chairperson**	
3.	Hon. Adhe Wario Guyo, MP	
4.	Hon. Anthony Tom Oluoch, MP	
5.	Hon. (Dr.) Beatrice Kahai Adagala, MP	
6.	Hon. Joshua Mbithi Mutua Mwalyo, MP	
7.	Hon. Joyce Kamene, MP	
8.	Hon. Robert Githinji Gichimu, MP	
9.	Hon. (Dr.) Wilberforce Ojiambo Oundo, MP	
10.	Hon. Adams Korir Kipsanai, MP	
11.	Hon. Alfred Kiprono Mutai, MP	
12.	Hon. Amos Maina Mwago, MP	
13.	Hon. John Okano Bwire, MP	
14.	Hon. Samuel Sakimba Parashina, MP	
15.	Hon. Michael Wainaina Wambugu, MP	