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Address for all correspondence: 10 Masaba Road, Upperhill, Nairobi, Block ¼

Email: info@nyanzapbc.com

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**The Cabinet Secretary
Ministry of Energy and Petroleum
State Department for Energy
Kawi Complex, Off Red Cross Road
Nairobi, Kenya**

**The Cabinet Secretary
Treasury and Economic Planning
Treasury Building, Harambee Avenue
Nairobi, Kenya**

**The Cabinet Secretary
Ministry of Environment, Climate Change
and Forestry
State Department for Environment and
Climate Change
12th Floor, NHIF Building
Ragati Road, Upperhill
Nairobi, Kenya**

**Mr Felix Kosgei, EGH,
Chief of Staff and Head of Public Service
Harambee House, Harambee Avenue
Nairobi, Kenya**

**The Cabinet Secretary
Ministry of Health
Afya House, Cathedral Road
Nairobi, Kenya**

**Ms Mercy Kiiru Wanjau, EGH,
Secretary to the Cabinet
Executive Office of the President
Harambee House, Harambee Avenue
Nairobi, Kenya**

WITH COPY TO:

**The Director General
The National Environment Management Authority (NEMA)
Popo Road, South C (Off Mombasa Road)
Nairobi, Kenya**

**The Chief Executive Officer
Nuclear Power and Energy Agency (NuPEA)**
Block C, Kawi House (off Red Cross Road)
Nairobi, Kenya

Chairperson, National Land Commission
316 Upperhill Chambers
2nd Ngong Avenue (off Ngong Road)
Nairobi, Kenya

Chairperson, the Council of Governors
2nd Floor, Delta Corner
Chiromo Road (Off Waiyaki Way)
Nairobi, Kenya

Chairperson, Parliamentary Committee on Energy
Parliament Buildings
Parliament Road (Off Harambee Avenue)
Nairobi, Kenya

Chairperson, Parliamentary Committees on Environment
Parliament Buildings
Parliament Road (Off Harambee Avenue)
Nairobi, Kenya

The Executive Secretary, Lake Victoria Basin Commission
Nkrumah Road (Off Kisumu-Busia Highway)
Kisumu, Kenya

Chairperson, Agriculture, Tourism and Natural Resources Committee
East African Legislative Assembly
EAC Headquarters, EALA Wing
Africa Mashariki Road
Arusha, Tanzania

**The Director General
National Environment Management Council**
6th Floor, Kambarage Tower
PSSSF Road
Dodoma, Tanzania

**The Director General
National Environment Management Authority**
NEMA House
Plot 17/19/21, Jinja Road
Kampala, Uganda

The Director General, Secretariat of the International Atomic Energy Agency (IAEA)
Vienna International Centre
Vienna, Austria.
Via Email: official.mail@iaea.org

Dear Esteemed Cabinet Secretaries and all the distinguished Offices cited Herein;

RE: CRITICAL CONCERNS AROUND THE PROPOSED NUCLEAR POWER PROGRAMME AROUND THE LAKE VICTORIA REGION AND IN KENYA AT LARGE

We write as independent professionals and on behalf of the communities living within and around the Lake Victoria basin to object to the Government of Kenya's pursuit of a Nuclear Power Programme that has been outlined in the National Energy Policy 2025–2034, advanced by the Nuclear Power and Energy Agency (NuPEA) and announced in various public forums. This letter is submitted in our collective capacity as some of the region's professionals, rights-holders, affected communities, and as citizens committed to the sustainable and equitable development of Kenya.

We commence by notifying you that this objection builds directly upon the foundational work of the Center for Justice, Governance and Environmental Action (CJGEA); the Kenya Anti-Nuclear Alliance (KANA) and the Uyombo community in Kilifi County, who were among the first communities in Kenya to face the practical reality of this programme and who documented at great personal cost, the procedural failures that defined the project. Their sustained advocacy, supported by independent legal analysis from the University of Essex Human Rights Centre Clinic and a science-based review of the Strategic Environmental and Social Assessment (SESA) by the Öko-Institut (<https://www.oeko.de/en/>) on behalf of CJGEA, identified critical gaps in public participation, access to information, environmental assessment, and constitutional compliance that remain wholly unresolved.

The subsequent and sudden designation of a new preferred site at Lwanda K'Otieno in Rarieda Constituency, Siaya County, on the shores of Lake Victoria does not cure those afore-mentioned failures. In fact, it compounds them, extending the same unacceptable process to a new community that has been given even less notice, less information, and no genuine opportunity for consent.

Our objections are further anchored on the obligations under the Constitution of Kenya 2010; the Environmental Management and Coordination Act (EMCA, 1999 and 2015 amendments); the National Energy Policy 2025–2034; the Strategic Environmental and Social Assessment for the Nuclear Power Programme (SESA, June 2024); and the independent Review of the SESA by the Netherlands Commission for Environmental Assessment (NCEA, November 2024). Based on these considerations, we respectfully demand that the Government must halt any further advancement of the nuclear power programme until the concerns raised herein are adequately and transparently addressed:

1. CONSTITUTIONAL AND LEGAL FOUNDATIONS FOR OUR OBJECTIONS

The Constitution of Kenya 2010 confers on every citizen enforceable rights that are directly implicated by the proposed nuclear programme:

Article 10 on National Values and Principles of Governance: Public participation, transparency, accountability, and sustainable development are constitutional obligations. The NCEA review (2024) found that stakeholder engagement in the current SESA process *'does not meet the principles of good stakeholder engagement and public participation.'* Communities in the Lake Victoria region, and other national and regional stakeholders have received no meaningful consultation whatsoever.

Article 35 on Right to Access Information: Every citizen has the right to access information held by the State, and the State is obligated to publish and publicise information affecting the nation. The Access to Information Act 2016, enacted to operationalise this right, requires public entities to proactively disclose information on matters affecting the public interest within 21 days of request. NuPEA has systematically failed to meet this obligation in the past. The Centre CJGEA sought information from NuPEA regarding the nuclear project initially fronted for Kilifi, but received no response until the Office of the Ombudsman was engaged and issued an ultimatum. Even following the Ombudsman's intervention, crucial details, including the exact location of the proposed nuclear power plant, were withheld. There has been no information on the upcoming nuclear plant in Siaya, and this pattern of denying access to information constitutes a clear breach of Article 35 and the Access to Information Act 2016.

Article 40 on the Right to Property: The Constitution permits the State to acquire land compulsorily only where it is "of public interest." However, such an acquisition requires consultation and adequate compensation. Any displacement of lakeside communities for nuclear infrastructure without full, prior and meaningful community engagement would violate Article 40. The concept of "public interest" necessarily involves the public as actors and beneficiaries, and cannot be used to justify denying community rights to participation and information.

Article 42 – Right to a Clean and Healthy Environment: Every person has the right to a clean and healthy environment, including the right to have the environment protected for the benefit of present and future generations. The proposed nuclear programme, with its attendant risks of radioactive contamination, thermal pollution, chemical discharge, heavy metal leaching from construction and operational activities and airborne particulate emissions, raises grave concerns regarding this right, particularly for communities whose livelihoods, water supply, and food security depend on Lake Victoria.

Article 43 On Economic and Social Rights: Every person has the right to the highest attainable standard of health, adequate food of acceptable quality, and clean and safe water. Lake Victoria is a critical source of water, food through fisheries, and livelihoods for millions of Kenyans. Any nuclear incident or even routine operational thermal, chemical, and effluent discharges, low-level radioactive releases, heavy metal runoff and biocide-treated cooling water could irreparably damage these rights.

Article 69 On Obligations Relating to the Environment: The State is obligated to ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure that the environment and natural resources of Kenya are managed, used and conserved to meet the needs of the current generation without compromising the needs of future generations. To the best of our knowledge, no comprehensive environmental baseline study, transboundary assessment, or full SESA meeting IAEA standards has been completed for any Lake Victoria site.

Article 174 On Objects of Devolution: Devolution protects the right of communities to manage their own affairs and further their development. Any decision affecting the Lake Victoria region must respect County and community authority and not be imposed from the centre without genuine consent. This principle has direct and tangible application in the present case. Siaya County has now been publicly confirmed by the Ministry of Energy and Petroleum as the preferred site for Kenya's first nuclear power plant, specifically at Lwanda K'Otieno in Rarieda Constituency. On the other hand, Siaya county has an operative County Integrated Development Plan (CIDP) 2023–2027, anchored on an agriculture-led development model focused on food and nutrition security, fisheries expansion, and investment in the blue economy of Lake Victoria. The Siaya County Spatial Plan formally designates the Lake Victoria lakefront (including Rarieda Constituency) as an exclusive Tourism Promotion Zone with a 5km inland buffer for ecotourism, marinas, lodges and water sports, and as a Fisheries Development Zone for the development of fish landing beaches and aquaculture. A nuclear power plant is not a permitted or compatible use under either designation. Furthermore, the Spatial Plan's energy strategy identifies solar, wind, biogas and small hydropower as the County's energy development pathways, with no reference whatsoever to nuclear energy. Neither the CIDP nor the Spatial Plan makes provision for, or contemplates, a nuclear power facility at any location within Siaya County. Imposing a nuclear plant without alignment with these duly adopted County planning instruments is a direct violation of the Objects of Devolution and an affront to the County's constitutionally-protected right to determine its own development trajectory.

Furthermore, the 'Integrated National Energy Plan Regulations 2025 gazetted by the Ministry of Energy and Petroleum now requires every county government to establish a County Energy Planning Committee and prepare county energy plans aligned with the Integrated National Energy Plan (INEP). No County energy plan for Siaya or any other lakeside County has incorporated nuclear energy as a component, nor have communities been meaningfully consulted on such inclusion. A nationally-imposed nuclear siting decision that bypasses these newly established

County energy planning processes is fundamentally inconsistent with both the letter and spirit of devolution and the 2025 energy planning regulatory framework.

Protocol for Sustainable Development of Lake Victoria Basin: Kenya is a signatory to the Protocol for Sustainable Development of Lake Victoria which establishes a regional legal framework for the joint management of Lake Victoria as a shared natural resource with social, economic and cultural significance for several Partner States of the East African Community. The development of a nuclear power plant in the close proximity of Lake Victoria has serious potential ramifications given the attendant risks we have already highlighted. Yet, the decision to develop the proposed nuclear facility has been made without any formal notification to EAC Partner States. This is a clear violation the principle of prior notification articulated in Article 4(2)(d) of the Protocol, requiring Partner States to notify other Partner States of any planned activities that may have adverse effects on those other States.

2. LAKE VICTORIA IS A MAJOR SOURCE OF LIVELIHOODS FOR A HUGE LOCAL POPULATION

Lake Victoria is the world's largest tropical lake and Africa's largest freshwater lake by surface area. For communities in the Kenyan lakeside counties including Kisumu, Homa Bay, Migori, Siaya, and Busia, the lake is not merely a body of water; it is the foundation of life, culture, and economic survival. We submit the following specific concerns:

Fisheries and Food Security: Lake Victoria supports one of the most productive freshwater fisheries on the continent. The fishing industry provides direct and indirect livelihoods for 1.5 million people, including fishermen, fish traders, processors, transporters, net-makers, boat-builders, fuel suppliers, and fish market vendors, whose livelihoods are wholly dependent on the health and reputation of the fishery. The Lake Victoria Fisheries Organization has found that the true annual economic value of the revenue for the Kenyan sector alone is estimated at over USD 297 million. The East African Community has formally designated the Lake Victoria basin as an 'economic growth zone,' recognising its status as one of the most significant regional economic assets in East Africa. Radioactive or thermal contamination, even at levels deemed 'safe' by regulators, poses an unacceptable risk to fish stocks, fishing communities, and regional food security. Beyond physical contamination, the mere association of Lake Victoria with a nearby nuclear facility will trigger severe market stigmatisation of its fish: international buyers, national urban markets, and export partners will avoid or discount Lake Victoria fish products on the basis of perceived contamination risk, devastating an already vulnerable fishing economy even before any actual contamination is proven thereby undermining the area's economic mainstay.

Drinking Water and Public Health: Lake Victoria serves as a primary drinking water source for lakeside communities and nearby urban populations. The absence of any existing policy framework for radioactive waste management in Kenya as highlighted by community groups in Kilifi and confirmed by the NCEA review makes it impossible to guarantee the safety of this water supply in the event of a nuclear facility operating anywhere within the lake's catchment.

Agriculture and Irrigation: Communities in the Lake Victoria basin rely on the lake and its feeder rivers for irrigation. Contamination of the lake or its tributaries whether through radioactive leachate, thermal discharge, chemical effluents, or accidental release of cooling water additives would devastate smallholder farmers and undermine food sovereignty. Equally damaging would be the market stigmatisation of agricultural and livestock products from the region. Dairy, and meat from Lake Victoria basin counties would face rejection or steep price discounts in domestic markets, as buyers associate proximity to a nuclear facility with contamination risk, regardless of actual safety testing. The economic harm from perceived contamination can be as severe and as lasting as physical contamination.

Biodiversity, Key Biodiversity Areas, and Ecosystem Integrity: Lake Victoria is one of the most biologically significant freshwater ecosystems on Earth. The lake and its surrounding wetlands constitute an irreplaceable biodiversity hotspot whose destruction would represent a permanent and unrecoverable loss to Kenya, East Africa, and the global natural heritage. The Lake Victoria basin contains 39 freshwater Key Biodiversity Areas (KBAs) identified by the IUCN. The NCEA review found that among the most serious omissions is the complete absence of any biodiversity impact assessment. The SESA contains no inventory of the KBAs, Important Bird Areas, or endemic species in the nuclear impact zone. This is not a minor oversight. Kenya is a signatory to the Convention on Biological Diversity (CBD) and the Ramsar Convention on Wetlands. Under the CBD, Kenya has committed to protect its biodiversity, prevent species extinction, and integrate biodiversity considerations into sectoral planning, including in the energy sector, to avoid damaging ecologically sensitive areas. No such assessment has been conducted for the proposed Lwanda K'Otieno site. A nuclear siting decision that ignores 39 identified freshwater KBAs, a globally threatened wetland (The Yala Swamp Complex) of international importance, and the last refugia (Satellite Lakes Kanyaboli, Sare and Namboyo) for species already extinct elsewhere, is in direct breach of Kenya's international biodiversity obligations and of Article 69 of the Constitution of Kenya 2010, which requires the State to ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources for the benefit of both present and future generations.

Tourism and the Blue Economy: Lake Victoria supports a growing tourism and blue economy sector, a vital source of employment and county revenue across all five lakeside counties. Eco-tourism, sport fishing, boat tourism, lakeside hospitality, and water-based recreation are established and expanding industries, with investment in hotels, guesthouses, cultural tourism, and

nature-based experiences on and around the lake. The Lake Victoria basin is central to the blue economy strategy referenced in Siaya County's CIDP 2023–2027 and other lakeside county development plans, which identify the lake as a cornerstone of economic transformation. The presence of a nuclear power plant on the shores of Lake Victoria would irreparably damage this sector, as domestic and international tourists would avoid the lake due to perceived safety risks. International travel advisories could be triggered, and the social licence required to attract continued investment in hospitality and leisure would be destroyed. The reputational harm to Lake Victoria as a tourism destination cannot be undone by subsequent safety certifications. These are established economic assets that lakeside communities have built over generations, and their protection is a legitimate and constitutionally enforceable interest

Cultural Heritage: Lake Victoria holds profound cultural, emotional and historical significance for the Luo, Luhya, Kuria, and other communities of the region. This heritage cannot be assigned a monetary value, and its destruction would be irreversible.

Climate Resilience: As climate change increasingly threatens Kenya's water towers and rainfall patterns, Lake Victoria's role as a climate moderator and freshwater reserve gets more important. A nuclear facility, with its 60–80 year operational lifespan is therefore likely to operate during a period of increasing climate stress, a matter of great global concern today. The SESA already referenced above, wholly fails to assess or even consider climate change scenarios as noted by the NCEA review.

3. THE UNDERTAKEN SESA IS FUNDAMENTALLY INADEQUATE AND CANNOT FORM THE BASIS FOR ANY DECISION

The independent NCEA review of Kenya's SESA (November 2024), commissioned by NEMA itself, reached the unambiguous conclusion that **“the SESA Report does not meet IAEA standards of good practice and therefore does not constitute a basis for well-informed decision-making”**. The NCEA identified the following critical shortcomings, each of which is directly relevant to our communities:

- No site-specific impact assessments have been conducted for the Lake Victoria region or any specific site. The SESA provides only a preliminary regional screening exercise, which the NCEA found to be incomplete, not traceable, and weakly justified.
- Transboundary impacts have not been assessed. Lake Victoria is shared by Kenya, Uganda, and Tanzania. Any nuclear facility in the lake's catchment area could affect the shared ecosystem and waters of all three nations. The SESA makes no reference whatsoever to transboundary environmental risks to Lake Victoria, the Nile Basin, or neighbouring countries a fundamental omission given Kenya's obligations under international environmental law and the Nile Basin Initiative framework.
- The justification for nuclear energy is inadequate and unbalanced. The NCEA found that arguments used to justify nuclear power in the SESA are **'incomplete, discussion of benefits and risks is not balanced, and benefits are over-emphasised.'** No meaningful

comparison with Kenya's abundant renewable energy alternatives, particularly geothermal, solar, and wind, has been conducted.

- There is no Kenyan National Policy on radioactive waste management. The SESA acknowledges only a draft policy from 2016/2017. There is no adopted, functional policy for radioactive waste management, no remediation policy, and no agreement with any county or country for spent fuel management, a problem that will span 200,000 years.
- Emergency preparedness is wholly inadequate. The status of the National Emergency Response Plan is unclear, and no site-specific emergency preparedness plans exist. Kenya's track record in managing other disasters, including floods and drought, does not inspire confidence.
- Stakeholder engagement has been politicized, exclusionary and inadequate. The NCEA found evidence of incomplete information, premature closure of public meetings, inadequate notice given to community groups, and reports of intimidation. Communities around Lake Victoria have received no engagement at all.
- The SESA did not consider Free, Prior and Informed Consent (FPIC) as required under the UN Declaration on the Rights of Indigenous Peoples (2007), which Kenya has endorsed.
- The SESA was prepared by SGS Kenya Limited for NuPEA, an agency with a statutory mandate to promote and implement nuclear power. The NuPEA, therefore, cannot be regarded as a neutral arbiter that is capable of conducting a balanced assessment of the pros and cons of nuclear power. This fundamental conflict of interest undermines the credibility of the entire SESA process. The independent review by the Öko-Institut e.V. (commissioned by CJGEA, July 2024) confirmed that the SESA makes claims about nuclear power being “cost competitive” and “safe” without supporting evidence, and fails to honestly assess the economic, safety, security, and waste management consequences of introducing nuclear power in Kenya.
- There are seven nuclear power impact areas as per the IAEA guidelines (2018): (1) main siting and technological considerations; (2) power plant construction, operation and decommissioning; (3) nuclear fuel cycle; (4) spent fuel management strategy/radioactive waste storage and disposal; (5) physical protection and security; (6) emergency preparedness and response; and, (7) wider physical infrastructure requirements. We note that the SESA fully covers only one (1) area. The remaining six areas are inadequately addressed or entirely absent.

4. NUCLEAR ENERGY CANNOT BE A NATIONAL PRIORITY WHEN YOU CONSIDER KENYA'S FISCAL REALITY AND THE ENERGY CONTEXT

We respectfully submit that the pursuit of nuclear energy is inconsistent with Kenya's current fiscal position and energy realities:

- (i) **Kenya's Renewable Energy Achievement:** Kenya already generates approximately 90% of its electricity from renewable sources, a remarkable achievement that is internationally applauded and recognized. The National Energy Policy itself celebrates Kenya's geothermal, solar, wind, and hydropower potential. There is no energy deficit justifying the extraordinary cost and risk of nuclear power.
- (ii) **Public Debt Crisis:** Kenya is currently navigating a severe public debt burden that has required painful austerity measures affecting public services and ordinary citizens. Nuclear power plants rank among the most capital-intensive infrastructure investments in the world. The National Energy Policy (2025–2034) acknowledges that 'high capital cost is required to develop and sustain a nuclear power programme' and lists lack of financing as a key challenge. At a time when Kenyans are facing increased taxation and cuts to essential services, committing 500 billions shillings to nuclear infrastructure with costs that routinely overrun and timelines that stretch decades is fiscally irresponsible.
- (iii) **Nuclear Power Is the Most Expensive Source of Electricity:** International analysis by independent organisations confirms that new nuclear power plants are today the most expensive means of producing electricity, more expensive than coal and far more expensive than renewables. The unsubsidised levelized cost of energy (LCOE) which represents the lifetime cost (capital, operation, fuel, decommissioning) for nuclear new build is estimated at US\$131–221 per megawatt-hour (MWh), compared to US\$24–96/MWh for utility-scale solar photovoltaics (US\$46–102/MWh including storage), and US\$25–75/MWh for onshore wind (US\$42–114/MWh including storage). Historically, the cost of nuclear electricity has increased by approximately 47% between 2009 and 2023, while solar PV costs fell by 83% and onshore wind costs fell by 63% over the same period. Nuclear power is not the affordable energy solution Kenya needs. It is among the most expensive options available.
- (iv) **Opportunity Cost:** The same fiscal resources directed toward nuclear power could, instead, dramatically accelerate geothermal development, off-grid solar access in rural areas, energy storage solutions, and clean cooking technologies, all priorities identified in the National Energy Policy. These alternatives carry far lower capital costs, shorter implementation timelines, lower risks, and greater benefits for marginalised communities.
- (v) **Huge Public Expenditure by NuPEA Without Commensurate Outcomes:** NuPEA has been funded from public resources since its establishment. NuPEA's Strategic Plan 2023–2027

projects a total resource requirement of Ksh 36.2 billion over five years, of which Ksh 8.4 billion is earmarked for recurrent expenditure: staff costs, operations, and administration and a further Ksh 11.2 billion for the research reactor programme alone. In the preceding strategic plan period (2020–2025), NuPEA itself acknowledged that budgetary constraints, inadequate staffing, and COVID-19 delayed implementation of several planned milestones. Despite years of sustained public expenditure, Kenya has not yet licensed a nuclear site, does not have an adopted radioactive waste management policy, does not have a dedicated owner-operator for any plant, has not met IAEA SESA standards, and has not secured financing for any nuclear facility. The public investment to date has produced studies, workshops, and preparatory assessments, but no construction-ready infrastructure, no independently verified cost-benefit analysis, and no demonstrated community social licence. At a time of fiscal austerity and acute competing developmental needs, Kenyans are entitled to ask whether the continued appropriation of billions of shillings to a programme that the NCEA’s own review confirms has not yet met Phase 1 standards, notwithstanding the government’s public claims of Phase 2 status, represents sound and accountable use of scarce public finance.

- (vi) **Small Modular Reactors are Unproven at Scale:** While the National Energy Policy references small modular reactors (SMRs) as a potential pathway, SMR technology remains largely unproven at scale and raises unresolved questions about waste management, safety, and cost. It is not a ready solution. Independent analysis demonstrates that SMRs' cost structure is and will remain unfavourable. Russia’s single operational floating twin-reactor plant produces electricity at an estimated US\$200/MWh. The Carem reactor in Argentina (32 MW) is estimated to cost US\$23,500 per kilowatt of installed capacity. In the United States, the flagship NuScale SMR project was abandoned in 2023 after its cost estimate for a 462 MW plant rose to US\$9.3 billion. Studies show that the median LCOE for SMRs ranges from US\$116/MWh to US\$218/MWh, meaning none are economically competitive with existing renewable technologies, even accounting for storage costs. It is therefore untenable to present SMRs as a cost-effective or readily available solution for Kenya.

- (vii) **Kenya’s Transmission Grid Cannot Safely Absorb a Nuclear Plant:** A nuclear power plant of the scale proposed (1,000 MW) cannot safely or efficiently operate without a robust, modern, and stable national transmission grid. The National Energy Policy 2025–2034 candidly acknowledges that Kenya’s existing transmission system *“is constrained due to voltage and frequency regulation challenges, adversely impacting on system stability.”* Documented transmission deficiencies include: insufficient transmission and transformation capacity, leading to line overloading and generation curtailment; inadequate funding for infrastructure operation and maintenance, affecting supply reliability; high technical losses due to long transmission lines from generation sources to load centres; and inadequate technical

capacity for infrastructure management. System operations further suffer from *“inadequate transmission, system operation and control infrastructure resulting in unreliable grid services,”* reduced system inertia, and insufficient ancillary services.

Injecting 1,000 MW of inflexible nuclear baseload into a grid with these documented constraints creates serious technical and safety risks. KETRACO’s Transmission Master Plan 2024–2043 projects approximately 9,000 km of additional transmission lines to be completed by 2041, a separate, enormous, and costly undertaking. The true fiscal cost of Kenya’s nuclear programme must therefore be understood to encompass not only the plant itself (estimated at Ksh 305–500 billion) but the scale of grid investment required to safely absorb its output a dimension entirely absent from the SESA and from any public cost-benefit analysis presented to date.

- (viii) **Kenya Already Has Sufficient Baseload Capacity:** Kenya’s Ministry of Energy has publicly stated that there is currently sufficient baseload capacity and identified a need to incentivise industrial consumers to absorb the existing vented geothermal steam during off-peak periods. If baseload supply already meets or exceeds demand, the entire premise for building a 1,000 MW nuclear baseload plant is fundamentally undermined. An oversized nuclear baseload plant in such conditions would face reduced load factors, further increasing the already high cost of nuclear electricity.

5. LEGAL GAPS AND MISSING REGULATORY FRAMEWORKS

We note the following critical legal and regulatory gaps that must be resolved before any nuclear programme can lawfully proceed:

- Kenya has not signed the Vienna Convention on Civil Liability for Nuclear Damage, leaving communities with no international legal recourse in the event of a nuclear accident causing cross-border harm.
- EMCA's provisions on risk assessment, liability, and compensation are inadequate for nuclear hazards. The Act requires the application of the precautionary principle for projects with potential for serious and irreversible environmental damage, a standard that has clearly not been met.
- There is no adopted National Policy and Strategy for Radioactive Waste Management.
- There is no comprehensive Health Impact Assessment framework for nuclear projects.
- There is no remediation policy in Kenya applicable to nuclear contamination.
- The Kenya Nuclear Regulatory Authority (KNRA), though established in 2020, lacks the depth of regulatory precedent, technical expertise, and independence required to oversee a full nuclear power programme.

- Kenya has not ratified the International Joint Convention on the Safety of Spent Fuel and on the Safety of Radioactive Waste Management, a fundamental international treaty that establishes binding obligations for countries operating nuclear power plants. Ratification of this Convention is a prerequisite for a credible nuclear waste management framework.
- Kenya has no domestic Nuclear Liability and Compensation framework aligned with international standards. Without such a framework, communities affected by a nuclear accident, including Lake Victoria basin communities, would have no clear legal basis for compensation.

These gaps raise serious concerns about the lack of critical regulatory infrastructure required for the development of nuclear power by the IAEA.

6. NUCLEAR PROLIFERATION, SECURITY, AND THE RISK OF TERRORISM

The Öko-Institut independent review has identified nuclear proliferation and security as a major omission in the SESA, and we elaborate on these concerns here:

- (i) **Nuclear Proliferation Risk:** All nuclear technologies have a dual-use characteristic: they can be used for peaceful energy production and for military purposes. The spread of nuclear technology and fissile materials necessarily increases the risk of proliferation. The Intergovernmental Panel on Climate Change (IPCC) itself has acknowledged that increasing the share of nuclear energy can increase risks of proliferation. The SESA does not adequately assess this risk in the Kenyan context, nor does it compare this risk with Kenya's abundant renewable energy alternatives, which carry no proliferation risk whatsoever.
- (ii) **Terrorism Risk in the East African Security Environment:** Kenya's proximity to unstable neighbourhoods such as Somalia and the documented threat from Al-Shabaab and affiliated groups creates a specific and elevated terrorism risk that is directly relevant to the safety of any nuclear facility. A terrorist attack on a nuclear power plant could result in catastrophic radioactive releases, with consequences including massive evacuation, permanent land contamination, and loss of life. Independent analysis estimates that a successful attack on a nuclear facility could result in casualties in the tens to hundreds of thousands. The SESA fails to assess the consequences of a potentially successful terrorist attack, leaving the full risk unevaluated. This is especially concerning given Kenya's own security services' acknowledgement of terrorism threats in candidate nuclear site regions.
- (iii) **Severe Accident Consequences Are Grossly Underestimated:** The SESA assesses severe nuclear accidents primarily in terms of direct fatalities (30 at Chernobyl, 2 at

Fukushima), presenting a highly misleading picture of the true consequences of severe nuclear accidents. Independent scientific literature demonstrates that the actual costs and consequences are far greater. The Fukushima accident displaced 160,000 people, with 27,020 still unable to return home as of May 2023. TEPCO paid US\$77.5 billion in compensation by June 2023, and total cleanup costs are estimated at US\$270–617 billion. The Chernobyl accident resulted in the evacuation of 335,000 people and an estimated 33,000 latent fatalities over 70 years across the northern hemisphere. A severe accident in a nuclear power plant on the shore of Lake Victoria, Africa's largest freshwater body, could contaminate the lake itself for decades, displacing millions of people and destroying the fisheries, agriculture, and water supply upon which the entire region depends. The SESA has not assessed this scenario at all.

- (iv) **Nuclear Safety Requires a Stable and Continuous External Power Supply:** Nuclear reactors require reliable external power to maintain cooling systems for several days after shutdown. Kenya's grid, by the government's own admission, faces challenges with voltage, frequency, and reliability. A loss of external power during a grid failure, the same triggering event as the Fukushima disaster, would represent a serious safety risk for any nuclear plant connected to Kenya's current grid.

7. TRANSBOUNDARY CONCERNS: THE NILE BASIN AND SHARED WATERS

Lake Victoria feeds into the Nile River, one of the world's most politically and ecologically significant transboundary water systems. Any nuclear programme affecting the Lake Victoria basin carries implications not only for Kenya but for Uganda, Tanzania, South Sudan, Sudan and Egypt. We call on the Government to:

- Conduct a full transboundary environmental assessment in accordance with international environmental law, including the UN Convention on the Law of Non-Navigational Uses of International Watercourses.
- Engage the Nile Basin Initiative and notify all potentially affected riparian states before any nuclear project proceeds in the Lake Victoria catchment.
- Recognise that a transboundary nuclear incident could trigger regional diplomatic and legal consequences of extraordinary magnitude.

The NCEA review noted that the SESA provides 'no discussion about transboundary risks to adjacent countries/waterbodies/coastal waters', a serious omission. For the Lake Victoria region, this omission is even more glaring given the lake's role in the Nile Basin.

8. POLITICAL DECLARATIONS AHEAD OF EVIDENCE IS A CONSTITUTIONAL VIOLATION

We are deeply concerned by reports that the Government of Kenya made statements at the 68th Session of the IAEA General Conference in September 2024, indicating that the nuclear programme had progressed to Phase 2 of the IAEA Milestone Approach before a final, adequate SESA had been completed and before NEMA had approved the SESA. The NCEA review confirmed this inconsistency, noting that the SESA itself states the programme is still in Phase 1.

Making political declarations that pre-empt the environmental and social assessment process violates the constitutional principles of transparency, public participation, and evidence-based governance enshrined in Article 10. It also undermines the very purpose of the SESA process, which is to inform, not follow, policy decisions.

Violent Suppression of Peaceful Protest: We further note with grave concern that peaceful community protests against the nuclear programme in Uyombo in May 2024 were met with police violence, including the firing of 137 live rounds and 70 tear gas canisters near protestors. Two community members were arbitrarily detained, and 21 others were injured. This violent response to lawful civic participation is incompatible with the constitutional principles of public participation (Article 10), the right to a clean and healthy environment (Article 42), and the right to equal protection of the law (Article 27). We call for an independent investigation into these events and for accountability for those responsible.

9. OUR DEMANDS

In light of the above, we as stakeholders and community representatives respectfully, but firmly demand the following:

- 9.1. Immediate Moratorium:** The Government must immediately impose a moratorium on any further advancement of the nuclear power programme, including site selection, contracting, or international agreements, until all conditions outlined below are met.
- 9.2. SESA Revision and Re-consultation:** The SESA must be fundamentally revised to meet IAEA good practice standards as recommended by the NCEA, including full site-specific assessments, comprehensive transboundary impact analysis covering the Lake Victoria basin and Nile Basin, and assessment of all seven IAEA nuclear power impact areas. The revised SESA must be made publicly available in English and Kiswahili with adequate time for community review.
- 9.3. Genuine Community Consultation:** All communities that may be affected, including communities in the Lake Victoria region, must be afforded meaningful, accessible, prior, and informed consultation in accordance with FPIC principles and Article 10 of the

Constitution. This must include community meetings conducted in local languages with adequate notice and independent facilitation.

- 9.4. Legal Frameworks:** Before any nuclear programme proceeds, the Government must enact: a comprehensive Radioactive Waste Management Act; a Nuclear Liability and Compensation framework aligned with international standards; and ratify the Vienna Convention on Civil Liability for Nuclear Damage. The Government must also ratify the Joint Convention on the Safety of Spent Fuel and on the Safety of Radioactive Waste Management, as well as other relevant international nuclear safety treaties, before advancing the nuclear programme further.
- 9.5. Fiscal Transparency:** A full and independent cost-benefit analysis of the nuclear programme must be published, including projected costs against alternative renewable energy investment scenarios, and must be subjected to parliamentary scrutiny and public comment.
- 9.6. Transboundary Notification:** The Government must formally notify Uganda, Tanzania, and other potentially affected Nile Basin states of the nuclear programme and conduct transboundary consultations before any site in the Lake Victoria catchment is advanced.
- 9.7. Renewable Energy Priority:** The Government should reaffirm and accelerate Kenya's leadership in renewable energy, geothermal, solar, and wind, as the primary pathway to energy security, recognising that Kenya already achieves approximately 90% renewable electricity generation and has abundant untapped clean energy potential that is safer, cheaper, and faster to develop.
- 9.8. Access to Information:** The Government must ensure that all information relevant to the nuclear power programme, including site assessments, environmental impact data, cost analyses, and safety studies, is proactively disclosed to the public in compliance with Article 35 of the Constitution and the Access to Information Act 2016. NuPEA's systematic failure to respond to information requests must be investigated and corrected.
- 9.9. Accountability for Uncalled for Police Brutality:** The Government must investigate the violent police response to peaceful protestors in Uyombo in May 2024, hold accountable those responsible, and commit to non-violent engagement with communities opposing the nuclear programme.

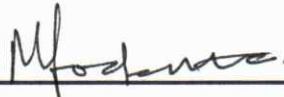
10. CONCLUSION

We write as professionals and as patriotic citizens who believe in Kenya's potential for genuine, sustainable, and just development. We do not oppose energy development: what we oppose is the irreversible endangerment of our lake, our livelihoods, our children's health, and our communities' rights in pursuit of an expensive, complex, and unnecessary technology when better alternatives readily exist.

And for the avoidance of doubt, Lake Victoria does not belong to any single generation. It belongs to our grandchildren and to the generations yet to be born. We are just its custodians for now. The Constitution places on you, as the State, the obligation to protect it. We call on you to honour that obligation.

We remain open to dialogue and further engagement through lawful, transparent and accountable processes, and we call on your offices to respond formally to this letter within 30 days of receipt.

Respectfully submitted,



Prof George Odera Outa
Chairman (Interim)



On behalf of Lake Victoria Community Representatives

cc:

Netherlands Commission for Environmental Assessment (NCEA)
Center for Justice, Governance and Environmental Action (CJGEA)
Kenya Anti-Nuclear Alliance (KANA)
UN Special Rapporteur on the Right to a Healthy Environment
Luo Council of Elders
Luhya Council of Elders