




PARLIAMENT OF KENYA  
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - THIRD SESSION

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

REPORT ON PARTICIPATION IN THE COLLABORATION AND PARTNERSHIPS  
MEETINGS IN THE UNITED KINGDOM ON 21<sup>ST</sup> - 28<sup>TH</sup> MAY 2024

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 12 NOV 2024	
DAY: TUESDAY	
TABLED BY:	Hon. GATHONI WAMUCHINGA, MP (CHAIRPERSON)
CLERK-AT THE-TABLE:	INZOFU MWALE

The Directorate of Audit, Appropriations and  
Other Select Committees  
Clerk's Chambers  
Parliament Buildings  
**NAIROBI**

November, 2024

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## **ABBREVIATIONS**

M.P	-	Member of Parliament
CIOC	-	Constitutional Implementation Oversight Committee
PISF	-	Parliamentary Intelligence Security Forum
NA	-	National Assembly
CF	-	Commonwealth Foundation
COMMSEC	-	Commonwealth Secretariat
RDN	-	Riana Development Network

## **CHAIRPERSON'S FOREWORD**

The Constitutional Implementation Oversight Committee derives its mandate from Schedule Six section 4 of the Constitution of Kenya which provides for the Parliamentary Select Committee. The Committee is responsible for overseeing the implementation of the Constitution.

The Committee was invited to the United Kingdom to participate in partnerships and collaboration consultative meetings with United Kingdom institutions including Commonwealth Foundation, the Commonwealth Secretariat, Riana Development Network and London Boroughs. The meetings were held in the United Kingdom from **22<sup>nd</sup> – 26<sup>th</sup> May, 2024**.

A delegation of the Committee comprising of the following members and staff attended the meetings: -

- (i) Hon. Augustine Kamande M.P, Leader of Delegation
- (ii) Hon. Peter Oscar Nabulindo M.P.
- (iii) Hon. Ruth Odinga M.P.
- (iv) Ms. Hellen Masiyoi –First Clerk Assistant /Delegation Secretary

The main objectives of the partnerships and collaboration meetings included:

- (i) Strengthen the understanding of processes and institutions of oversight;
- (ii) Implementation of the legislative agenda and monitoring tools;
- (iii) Visit various offices to review the global best practices and build relationships; and
- (iv) Hold informal meetings with Kenyans living in the United Kingdom (Diaspora) and consult with them regarding their involvement and support for development in Kenya

In the United Kingdom, the Committee met high level leaders of the Commonwealth Foundation, Commonwealth Secretariat, Kenyans living in the United Kingdom and Riana Development Network Organisation working in the United Kingdom and in Kenya. These meetings provided an opportunity for delegates to learn from best practices, share experiences, and build wider networks for future activities and joint work.

The Committee wishes to express special gratitude to the offices of the Speaker and the Clerk of the National Assembly for the support accorded to Members of the Committee in fulfillment of their mandate.

Finally, I wish to express my appreciation to the Honourable Members of the Committee and Staff for their contribution towards the preparation of this Report.

On behalf of the Constitutional Implementation Oversight Committee, it is my pleasant privilege and honour to present to this House the Report of the Committee on its Participation in Collaboration and Partnerships Meetings with United Kingdom institutions between 21<sup>st</sup> and 28<sup>th</sup> May, 2024.

**HON. DR. GATHONI WAMUCHOMBA, HSC, MP**  
**CHAIRPERSON**

## 1.0 PREFACE

### 1.1 Mandate of the Committee

- a) The oversight of State organs is amongst the roles assigned to the National Assembly under Art 95 of the Constitution, in fulfillment of this role the Committee adopted a work plan to engage with commissions and independent offices on matters related to their mandates in implementation of the Constitution.
- b) The Constitutional Implementation Oversight Committee derives its mandate from Schedule Six section 4 of the Constitution of Kenya which provides for the Parliamentary Select Committee.
- c) The Constitutional Implementation Oversight Committee is responsible for overseeing implementation of the Constitution and which, among other things-
  - (a) received regular reports including reports concerning-
    - (i) the preparation of the legislation required by this Constitution and any challenges in that regard;
    - (ii) the process of establishing the new commissions;
    - (iii) the process of establishing the infrastructure necessary for the proper operation of each county including progress on locating offices and assemblies and establishment and transfers of staff;
    - (iv) the devolution of powers and functions to the counties under the legislation contemplated in section 15 of this Schedule; and
    - (v) any impediments to the process of implementing this Constitution;
  - (b) coordinate with the Attorney-General and relevant parliamentary committees to ensure the timely introduction and passage of the legislation required by this Constitution; and
  - (c) take appropriate action on the reports including addressing any problems in the implementation of this Constitution.

## 1.2 Membership of the Committee

1. The Constitutional Implementation Oversight Committee was constituted on 27<sup>th</sup> October 2023 as follows:

<b>Chairperson</b> <b>Hon. Dr. Wamuchomba Gathoni, HSC, MP</b> Githunguri Constituency <b>UDA Party</b>	
<b>Vice-Chairperson</b> <b>Hon. William Kamket, MP</b> Tiaty Constituency <b>KANU – Party</b>	
<b>MEMBERS</b>	
<b>Hon. Sylvanus Osoro, MP</b> South Mugirango Constituency <b>United Democratic Alliance</b>	<b>Hon. Aramat Lemanken, MP</b> Narok East Constituency <b>United Democratic Alliance</b>
<b>Hon. Benjamin Langat Kipkirui, MP</b> Ainamoi Constituency <b>United Democratic Alliance</b>	<b>Hon. Jesica Mbalu Nduku Kiko, CBS, MP</b> Kibwezi East Constituency <b>Wiper Democratic Movement</b>
<b>Hon. George Risa Sunkuiya, MP</b> Kajiado West Constituency <b>United Democratic Alliance</b>	<b>Hon. Patrick Ntwiga Munene, MP</b> Chuka, Igambang'ombe Constituency <b>United Democratic Alliance</b>
Hon. Peter Oscar Nabulindo, MP Matungu Constituency <b>Orange Democratic Movement</b>	Hon. Lawrence Aburi Mporu, M.P Tigania East Constituency <b>NOPEU</b>
Hon. Ruth Odinga, MP Kisumu (CWR) <b>Orange Democratic Movement</b>	Hon. Hamisi Kakuta Maimai, MP Kajiado East Constituency <b>Orange Democratic Movement</b>
Hon. John Murumba Chikati, MP Tongaren Constituency <b>United Democratic Alliance</b>	Hon. Geoffrey Ekesa Mulanya, MP Nambale Constituency <b>Independent</b>
Hon. Patrick Osero Kibagendi, MP Borabu Constituency <b>Orange Democratic Movement</b>	Hon. Daniel Karitho Kiili, MP Igembe Central Constituency <b>Jubilee Party</b>
Hon. Ali Abdisat Kalif, MP Nominated Member <b>United Democratic Alliance</b>	Hon. Betty Njeri Maina, MP Muranga(CWR) <b>United Democratic Alliance</b>
Hon. John Mukunji Mwaniki, MP Manyatta Constituency	Hon. Augustine Mwafrika Kamande, MP Roysambu Constituency

<b>United Democratic Alliance</b>	<b>United Democratic Alliance</b>
Hon. Jackson Lentoijioni Lekumontare, MP Samburu East	Hon. Charles Ngusya Nguna, MP Mwingi West
<b>Kenya Africa National Union</b>	<b>Wiper Democratic Alliance</b>
Hon. Harun Mohamed Umulkher, MP Nominated Member	
<b>Orange Democratic Movement</b>	

### 1.3 Committee Secretariat

2. The Committee secretariat is as follows-

<b>Mr. Oscar Namulanda Deputy Director Committees Lead Clerk</b>	
Ms. Masiyoi Hellen <b>Clerk Assistant I</b>	Ms. Kafuyai Wamae <b>Clerk Assistant III</b>
Ms. Emma Esendi <b>Senior Legal Counsel</b>	Mr. Alvin Ochieng <b>Research Officer III</b>
Ms. Pauline Sifuma <b>Hansard Reporter</b>	Ms. Lilian Kiende Mburug <b>Media Relations Officer</b>
Anthony Kariuki <b>Sergeant -at- Arms</b>	Mr. Kelvin Lengasi <b>Audio Officer</b>



## **2.0. GENERAL OVERVIEW OF THE VISIT**

3. This section of the report offers an overview of the visited institutions, emphasising their significance for benchmarking and establishing enduring partnerships, networking, and collaboration.
4. During the visit, the delegation engaged with various institutions to establish partnerships and foster collaboration. The primary objectives included strengthening the understanding of oversight processes and institutions to reinforce good governance, as well as advancing tools and strategies for the effective implementation and monitoring of the legislative agenda.
5. Additionally, the delegation visited various offices to observe global best practices and build strategic relationships that could support mutual goals. Informal meetings were also held with members of the Kenyan diaspora in the UK to discuss their involvement and potential support for ongoing development efforts in Kenya.

### **2.1 Meeting with the Commonwealth Secretariat**

6. The meeting was held on 22<sup>nd</sup> May 2024 and was convened by Mr. Shem Ochola the Deputy Director General of the Commonwealth Foundation. In his presentation, Mr. Ochola highlighted the following:

#### **The Commonwealth Foundation**

7. The Commonwealth Foundation was founded in 1931 and it is one of the oldest international groupings of nations. It is an association of 56 independent states and represents almost one-third of the world's population.
8. Its ideals and objectives which are espoused in the Charter as core values and principles are the binding factor for its members. The Charter expresses the commitment of member states to the development of free and democratic societies and the promotion of peace and prosperity to improve the lives of all peoples of the Commonwealth.
9. The Commonwealth is involved in a wide spectrum of activities towards the greater goals of good governance, respect for human rights, peace and co-operation, rule of law, and alleviation of poverty through sustainable economic and social development.

#### **The Commonwealth Secretariat**

10. The Commonwealth Secretariat was established in 1965. It is headed by the Secretary General who is appointed every two years by the supreme body of the Commonwealth, the Commonwealth Heads of Government meeting (CHOGM) held biennially.
11. The Secretariat serves as the international headquarters for the Commonwealth, an association of 56 independent and equal nations that have voluntarily joined together, representing a combined population of 2.5 billion. The Secretariat actively supports member countries in achieving the Commonwealth's shared goals. This diverse association

includes both advanced economies and developing nations, with 33-member states classified as small states, including many island nations.

12. The Commonwealth's member governments are united by a commitment to shared objectives, such as development, democracy, and peace, as articulated in the Commonwealth Charter, which reflects their values and guiding principles.
13. Although the Commonwealth's origins trace back to the British Empire, today, membership is open to any nation that aligns with these principles. The most recent additions to the Commonwealth family were Gabon and Togo, which joined in 2022.
14. The combined Gross Domestic Product (GDP) of Commonwealth countries reached \$13.1 trillion in 2021 and is expected to surge to \$19.5 trillion by 2027, nearly doubling from \$10.4 trillion in 2017. Bilateral trading costs between Commonwealth nations are, on average, 19% lower than those between non-Commonwealth countries, highlighting the economic benefits within the association. Notably, half of the world's top 20 emerging global cities are located within Commonwealth countries, including major cities such as New Delhi, Mumbai, Nairobi, Kuala Lumpur, Bangalore, Johannesburg, Kolkata, Cape Town, Chennai, and Dhaka.
15. Additionally, many small and developing Commonwealth nations have some of the world's lowest ecological footprints, emphasizing their commitment to sustainable development. Commonwealth countries also rank prominently in the Ibrahim Index of African Governance, with seven of the top ten countries being Commonwealth members. Within Sub-Saharan Africa, seven of the top ten nation's leading in gender equality are also Commonwealth members, underscoring the Commonwealth's commitment to inclusive governance and social progress.

#### **Areas of corporation between Kenya and the Commonwealth Foundation**

16. The Commonwealth Foundation has actively collaborated with Kenya in numerous areas to support the nation's development and governance objectives. These cooperative efforts have included:
17. **Legal and Legislative Support:** The Commonwealth provided legal drafters to assist Kenya in drafting various bills necessary for implementing its new constitution. This support has played a key role in advancing the government's legislative agenda.
18. **Scholarships and Fellowships:** The Commonwealth has awarded scholarships and fellowships to Kenyan government officials, enabling them to pursue postgraduate studies, thereby enhancing Kenya's professional capacity in critical areas.
19. **Electoral and Constitutional Reforms:** The Commonwealth has supported Kenya in electoral and constitutional reforms, institution-building, and promoting national reconciliation. This includes deploying a Commonwealth Election Observer Team for General Elections and providing legal drafters to help create necessary legislation.

20. **Direct Development Assistance through the Commonwealth Fund for Technical Co-operation (CFTC):** Established in 1971, the CFTC is the Commonwealth's main vehicle for delivering development assistance to member states. It has directly supported Kenya in building trade facilitation capacity, improving debt management and recording systems, strengthening the mining sector, developing counter-terrorism and anti-corruption capacities, supporting dairy production and management for Gacharage Self-Help Group and providing public sector development training.
21. **Hosting of High-Level Commonwealth Meetings:** Kenya has hosted significant Commonwealth meetings, fostering international dialogue and collaboration on critical issues:
22. **12<sup>th</sup> Commonwealth Women's Affairs Ministers Meeting (12WAMM):** Held on 19<sup>th</sup> and 20<sup>th</sup> September, 2022, this conference in Kenya focused on the theme "*From Commitment to Action: Accelerating Gender Equality and Women's Empowerment for Sustainable Development.*" The meeting aimed to turn the commitments made at the 2018 Commonwealth Heads of Government Meeting into actionable goals, including increasing women's leadership in public and private sectors, enhancing political engagement, and expanding economic and entrepreneurial opportunities for women.
23. **21<sup>st</sup> Conference of Commonwealth Education Ministers (CEEM):** Hosted in Nairobi on 27<sup>th</sup> and 28<sup>th</sup> April, 2022, this conference focused on the theme "*Rethinking Education for Innovation, Growth, and Sustainability Post-Covid-19.*" It emphasized the essential role of education in fostering inclusive economic growth, supporting post-pandemic recovery, and addressing global challenges such as financial crises, climate change, pandemics, and systemic shocks. The ministerial recommendations aligned closely with the UN Secretary-General's educational objectives for the Summit of the Future.

## 2.2 Meeting with Riana Development Network (RDN)


24. Riana Development Network (RDN) was established in 2004 and formalized in 2005 to operate as a charitable company which has operations in the United Kingdom and Kenya. The organization responds to the needs of vulnerable populations with complex requirements, providing immediate lifesaving and long-term support, complementing the efforts of government and other international partners.
25. Riana Development Network, networks with vulnerable members of the community in the United Kingdom and in Kenya to build capacity and hope for a better future the thematic areas include policy and governance, education, health and wellbeing, food security and livelihood, and child protection, to provide opportunities for self-reliance and sustainability.
26. In Kenya, the organization works in the Western region where the HIV/AIDs epidemic has claimed the lives of many people and left many orphaned children under the care of aging grandparents and extended families.

27. Riana Development Network, in the United Kingdom primarily focuses on the London Borough of Hounslow; a culturally and economically diverse borough with 40% of its population from an ethnic minority background. These communities experience high levels of unemployment, poor educational achievements and health inequalities compared to other communities.
  
28. The Organizations projects in Kenya include community centres where the local community can be equipped with skills and resources to set up income generating activities and community farm where local people are taught sustainable animal husbandry and crop farming techniques.

**4.0 COMMITTEE’S RECOMMENDATIONS**

28. The Committee recommended as follows: -

- (i) The Government of Kenya should actively pursue the implementation of recommendations from the 21<sup>st</sup> Conference of Commonwealth Education Ministers (CEEM), particularly those aligned with the UN’s goals for the upcoming Summit of the Future. These recommendations emphasize the vital role of education in fostering innovation, sustainable growth, and resilience to global challenges, and are crucial for Kenya’s continued advancement in these areas.
- (ii) The Committee recommends that RDN expand its valuable programs to additional counties across Kenya to increase their reach and provide greater access to their services and support for individuals in need through initiatives in education, health and well-being, food security, livelihood, and child protection for socio-economic development.
- (iii) The National Assembly should strengthen its partnership with the Commonwealth and the Commonwealth Secretariat to provide ongoing capacity-building opportunities for both Members and staff. These programs would cover critical areas such as good governance, legislative reforms, and public sector development, ensuring Kenya’s continued alignment with best practices in governance and development within the Commonwealth.

Signed .....  ..... Date 7<sup>th</sup> Nov 2024 .....

**Hon. Dr. Gathoni Wamuchomba, HSC, MP**

**CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE**

### 3.0 COMMITTEE'S OBSERVATIONS

27. The delegation made the following observation:

- (i) The Commonwealth's membership spans approximately two billion people across Africa, Asia, the Americas, the Caribbean, Europe, and the South Pacific. This diverse community includes various cultures, languages, and racial backgrounds comprising a global network of cooperation and shared values.
- (ii) Since joining the Commonwealth in 1963, Kenya has remained an active member, committed to values and objectives of the Commonwealth. Through the Commonwealth Fund for Technical Co-operation (CFTC) and the Commonwealth Secretariat's Regular Fund, Kenya has benefited from various forms of support. These include training courses, technical assistance, policy and advisory support, seminars, and consultancy services focused on enhancing good governance, democratic practices, trade and investment, economic and financial management, poverty reduction, and public sector reforms.
- (iii) The CFTC and the Commonwealth Secretariat's Regular Fund have sponsored a range of initiatives that have directly benefited Kenya. These include capacity-building programs such as training courses, technical assistance, policy support, and consultancies. The support has particularly strengthened Kenya's governance, democracy, and public sector reform, as well as bolstered trade and investment initiatives, economic management, and poverty alleviation efforts.
- (iv) Riana Development Network (RDN) was established by a group of Kenyans residing in the UK to address the unique challenges faced by Swahili-speaking communities, including poverty, homelessness, unemployment, substance abuse, health, and well-being. Over the past 15 years, RDN has focused on capacity-building and empowering vulnerable community members, with a strong emphasis on education, health and well-being, food security, livelihood development, and child protection. The organization's goal is to create pathways to self-reliance and sustainability for those it serves.
- (v) Riana Development Network has actively worked to uplift disadvantaged individuals, equipping them with essential skills and confidence to enable their independence and positive contribution to society. Through its programs, RDN supports individuals to transition into self-sufficiency, fostering a sense of empowerment and community engagement among its beneficiaries.



Participants at the Commonwealth Secretariat London UK May 2024

**MINUTES OF THE 46TH SITTING OF THE CONSTITUTIONAL IMPLEMENTATION  
OVERSIGHT COMMITTEE HELD ON SATURDAY 12<sup>TH</sup> OCTOBER, 2024 AT 2:00PM  
AT STONI ATHI RESORT-MACHAKOS COUNTY.**

**PRESENT**

1. Hon. Dr. Wamuchomba Gathoni, HSC, M.P –**Chairperson**
2. Hon. William Kamket, M.P- **Vice Chairperson**
3. Hon. Jessica Mbalu Nduku, CBS, M.P
4. Hon. Aramat Lemanken, M.P
5. Hon. Charles Ngusya Nguna, M.P
6. Hon. George Risa Sunkuyia, M.P
7. Hon. Peter Oscar Nabulindo, M.P
8. Hon. Jackson Lentoijoni Lekumontare, M.P
9. Hon. Patrick Osero Kibagendi, M.P
10. Hon. Augustine Mwafrika Kamande, M.P
11. Hon. Hamisi Kakuta Maimai, M.P

**ABSENT**

1. Hon. Silvanus Onyiego Osoro, CBS, M.P
2. Hon. Geoffrey Ekesa Mulanya, M.P
3. Hon. Benjamin Langat Kipkirui, M.P
4. Hon. Daniel Karitho Kiili, M.P
5. Hon. Patrick Ntwiga Munene, M.P
6. Hon. Lawrence Aburi Mpuru M.P
7. Hon. Ruth Odinga, M.P
8. Hon. John Gitonga Mukunji Mwaniki, M.P
9. Hon. John Murumba Chikati, M.P
10. Hon. Ali Abdisirat Khalif, M.P
11. Hon. Betty Njeri Maina, M.P
12. Hon. Harun Mohammed Umulkher, M.P

**IN ATTENDANCE**

**SECRETARIAT**

- |                        |   |                         |
|------------------------|---|-------------------------|
| 1. Ms. Lucy Kimathi    | - | Principal Clerk         |
| 2. Ms. Hellen Kina     | - | Clerk Assistant I       |
| 3. Ms. Kafuyai Wamae   | - | Clerk Assistant III     |
| 4. Ms. Emma Essendi    | - | Legal Counsel           |
| 5. Mr. Alvin Ochieng   | - | Research Officer        |
| 6. Ms. Beatrice Auma   | - | Executive Secretary     |
| 7. Ms. Lilian Mburugu  | - | Media Relations Officer |
| 8. Mr. Anthony Kariuki | - | Sergeant at Arms        |



**MIN NO. CIOC/199/2024: PRELIMINARIES**

1. The Chairperson called the meeting to order at 2.00 PM followed by a word of prayer.

**MIN NO. CIOC/200/2024: ADOPTION OF THE AGENDA**

2. The agenda was adopted having been proposed by the Hon. George Risa Sunkuyia, M.P and seconded by the Charles Ngusya Nguna, M.P

**AGENDA**

1. Prayers
2. Preliminaries
3. Adoption of the Agenda
4. Consideration of the reports on participation in the parliamentary intelligence –security forum in Washington DC, United States of America and the report on participation in the collaboration and partnerships meetings in the United Kingdom
5. Any Other Business
6. Adjournment

**MIN NO. CIOC/201/2024: CONSIDERATION AND ADOPTION OF THE REPORT ON PARTICIPATION IN THE PARLIAMENTARY INTELLIGENCE SECURITY FORUM.**

3. The Committee considered and adopted the report on Participation in the Parliamentary Intelligence Security Forum, having been proposed by the Hon. Jessica Mbalu, CBS, M.P and seconded by the Hon. Patrick Osero Kibagendi, M.P with the following Observations and Recommendations.

**COMMITTEE'S OBSERVATIONS**

4. The delegation made the following observations: -
  - i. Parliamentarians are instrumental in shaping legislation and allocating government funding, which positions them as vital actors in counter-terrorism financing, cybersecurity, intelligence sharing, managing predatory foreign investments, and exploring emerging technologies such as 5G and AI.
  - ii. The forum's discussions provided practical knowledge on legislative initiatives and technology solutions to enhance collaboration between the United States and its allies, creating a unified approach to neutralize terrorist capabilities effectively.
  - iii. The forum served as a strategic dialogue on pressing security, technological, and transnational crime issues, allowing participants to identify actionable solutions and share best practices.
  - iv. Through expert-led discussions, the forum increased understanding among U.S. allies about the current global security threats posed by hostile states and terrorist networks, enabling practical countermeasures.

- v. The forum was originally established in response to the limited involvement of parliamentarians in intelligence activities, addressing a gap in understanding between the legislative and executive branches regarding intelligence operations.
- vi. Participants shared critical insights and built networks for intelligence sharing among allied nations, creating a foundation for joint efforts to confront mutual security threats.
- vii. Effective responses to today's global threats require robust cooperation, clear analyses, and honest dialogue, making collaborative approaches essential for successful threat mitigation.

#### **COMMITTEE'S RECOMMENDATIONS**

5. The Committee recommended as follows: -

- i. The National Assembly should ensure active and ongoing involvement in future Parliamentary Intelligence-Security Forums. Given the critical role of Parliamentarians in shaping legislation and securing funding for government-led security initiatives, such participation will reinforce Kenya's commitment to addressing global security issues and contribute to robust policy development.
- ii. The Parliament of Kenya should take the initiative to host a regional Parliamentary Intelligence-Security Forum for African nations. Organizing this forum will position Kenya as a leader in promoting regional cooperation on security issues, facilitating discussions on shared challenges, and aligning African perspectives on counter-terrorism, cybersecurity, and other transnational threats.
- iii. The National Assembly should strengthen its collaboration with other national parliaments to address pressing concerns surrounding privacy, civil liberties, counter-terrorism financing, intelligence sharing, cybersecurity, and the regulation of foreign investments in sensitive technologies. This collaboration will support the creation of cohesive, international standards that respect civil liberties while enhancing security protocols.
- iv. The Ministry of Interior should initiate a comprehensive review of existing national security legislation. This review should prioritize enhanced parliamentary oversight and transparency, ensuring that Kenya's security framework is resilient, aligns with international best practices, and addresses emerging threats effectively.

#### **MIN NO. CIOC/202/2024: CONSIDERATION AND ADOPTION OF THE REPORT ON PARTICIPATION IN THE COLLABORATION AND PARTNERSHIPS MEETINGS**

6. The Committee considered and adopted the report on Participation in the Collaboration and Partnerships Meetings, having been proposed by the Hon. Augustine Mwafrika Kamande, M.P and seconded by the Hon. Oscar Nabalindo M.P with the following observations and recommendations:

## COMMITTEE'S OBSERVATIONS

7. The delegation made the following observation:
- i. The Commonwealth's membership spans approximately two billion people across Africa, Asia, the Americas, the Caribbean, Europe, and the South Pacific. This diverse community includes various cultures, languages, and racial backgrounds comprising a global network of cooperation and shared values.
  - ii. Since joining the Commonwealth in 1963, Kenya has remained an active member, committed to values and objectives of the Commonwealth. Through the Commonwealth Fund for Technical Co-operation (CFTC) and the Commonwealth Secretariat's Regular Fund, Kenya has benefited from various forms of support. These include training courses, technical assistance, policy and advisory support, seminars, and consultancy services focused on enhancing good governance, democratic practices, trade and investment, economic and financial management, poverty reduction, and public sector reforms.
  - iii. The CFTC and the Commonwealth Secretariat's Regular Fund have sponsored a range of initiatives that have directly benefited Kenya. These include capacity-building programs such as training courses, technical assistance, policy support, and consultancies. The support has particularly strengthened Kenya's governance, democracy, and public sector reform, as well as bolstered trade and investment initiatives, economic management, and poverty alleviation efforts.
  - iv. **Riana Development Network (RDN)** was established by a group of Kenyans residing in the UK to address the unique challenges faced by Swahili-speaking communities, including poverty, homelessness, unemployment, substance abuse, health, and well-being. Over the past 15 years, RDN has focused on capacity-building and empowering vulnerable community members, with a strong emphasis on education, health and well-being, food security, livelihood development, and child protection. The organization's goal is to create pathways to self-reliance and sustainability for those it serves.
  - v. **Riana Development Network** has actively worked to uplift disadvantaged individuals, equipping them with essential skills and confidence to enable their independence and positive contribution to society. Through its programs, RDN supports individuals to transition into self-sufficiency, fostering a sense of empowerment and community engagement among its beneficiaries.

## COMMITTEE'S RECOMMENDATIONS

8. The Committee recommended as follows: -

- i. The Government of Kenya should actively pursue the implementation of recommendations from the 21<sup>st</sup> Conference of Commonwealth Education Ministers (CCEM), particularly those aligned with the UN's goals for the upcoming Summit of the Future. These recommendations emphasize the vital role of education in fostering innovation, sustainable growth, and resilience to global challenges, and are crucial for Kenya's continued advancement in these areas.
- ii. The Committee recommends that RDN expand its valuable programs to additional counties across Kenya to increase their reach and provide greater access to their services and support for individuals in need through initiatives in education, health and well-being, food security, livelihood, and child protection for socio-economic development.
- iii. The National Assembly should strengthen its partnership with the Commonwealth and the Commonwealth Secretariat to provide ongoing capacity-building opportunities for both Members and staff. These programs would cover critical areas such as good governance, legislative reforms, and public sector development, ensuring Kenya's continued alignment with best practices in governance and development within the Commonwealth.

**MIN NO. CIOC/203/2024: CONSIDERATION AND ADOPTION OF THE REPORT ON IMPLEMENTATION OF THE CONSTITUTION BY KENYA NATIONAL COMMISSION ON HUMAN RIGHTS**

9. The Committee considered and adopted the report on the status of implementation of the Constitution by The Kenya National Commission on Human Rights, having been proposed by Hon. Oscar Nabalindo, M.P and seconded by the Hon. Jessica Mbalu, M.P with the following observations and recommendations.  
THAT-
  - i. The timelines given in the Constitution on review of boundaries lapsed in March, 2024 and the Country is yet to have a fully constituted IEBC in place that is mandated to undertake the exercise which poses an impending Constitutional crisis.
  - ii. The KNCHR has six (6) Regional offices out of forty-seven (47) Counties and a staff capacity of 30% which is below its optimum operational capacity.
  - iii. Further to commutation of the death penalty, the KNCHR advice that Kenya **ratifies the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty** and the **Optional Protocol of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)**. The latter requires State Parties to establish independent National Preventive Mechanisms to conduct inspections of all places of detention and closed spaces.
  - iv. The Commission continues to advocate for the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. This, notably, is aligned to the Kenya Kwanza Manifesto. It is also a recommendation made severally to Kenya by the treaty body mechanisms at both regional and international levels. The Commission has previously made submissions before the Public Petitions Committee of the National Assembly calling for speedy investigations of cases of enforced disappearances.

## **RECOMMENDATIONS OF THE COMMITTEE**

10. Based on the Committee's findings and general observations, the Committee makes the following recommendations.
- i. Increase budgetary allocation to the Kenya National Commission on Human Rights towards its regional and national offices to enable it carry out its mandates.
  - ii. On the Commutation of the death penalty. The State Parties to establish independent National Preventive Mechanisms to conduct inspections of all places of detention and closed spaces.

### **MIN NO. CIOC/204/2024: CONSIDERATION AND ADOPTION OF THE REPORT ON IMPLEMENTATION OF THE CONSTITUTION BY THE NATIONAL LAND COMMISSION (NLC)**

11. The Committee considered and adopted the report on the status of implementation of the Constitution by The National Land Commission, having been proposed by Hon. Charles Ngusya Nguna, M.P and seconded by the Hon. Patrick Osero Kibagendi , M.P with the following Observations and Recommendations.

#### **Committee Observations**

##### **THAT-**

- i. The National Land Policy, 2009, the Valuation for Rating Act, Cap. 266, the Rating Act, Cap. 267 and the Stamp Duty Act, Cap. 480 have not been reviewed and thus some of the provisions are not aligned with the Constitution.
- ii. The Commissions were unable to undertake their functions due to inadequate funding despite Article 249 (3) of the Constitution providing that Parliament shall allocate adequate funds to enable each Commission and independent office to perform its functions and the budget of each commission and independent office shall be a separate vote. The Commissions decried the fact that they were clustered together with the Executive in the Sectoral Working Groups and were thus competing with the Ministries for allocation of funds.

#### **Committee Recommendations**

- i. The Committee recommends that the National Land Commission reviews the National Land Policy, 2009, the Valuation for Rating Act, Cap. 266, the Rating Act, Cap. 267 and the Stamp Duty Act, Cap. 480 and presents proposals to the National Assembly for consideration within three months from the date of adoption of this report.
- ii. The Committee shall sponsor an amendment to Standing Order 235 to provide that Constitutional Commissions, and Independent Offices shall present their estimates to the Constitutional Implementation Oversight Committee for consideration and making of appropriate recommendations to the Budget and Appropriations Committee.
- iii. The Committee shall sponsor an amendment to Standing Order 216 to provide that at the beginning of every session of Parliament, the Speaker shall allocate time for the debate of the reports by Constitutional Commissions and Independent Offices.

**MIN NO. CIOC/205/2024: CONSIDERATION AND ADOPTION OF THE REPORT ON IMPLEMENTATION OF THE CONSTITUTION BY THE NATIONAL GENDER AND EQUALITY COMMISSION (NGEC)**

12. The Committee considered and adopted the report on The Status of the Implementation of the Constitution by the National Gender and Equality Commission, having been proposed by Hon. Augustine Mwafrika Kamande, M.P and seconded by the Hon. Jackson Lentoijoni Lekumontare, M.P with the following Observations and Recommendations.

**Committee Observations**

THAT-

- i. The NGEC has actively participated in strategic constitutional dialogues and decisions, including efforts towards realizing the not more than two-thirds gender principle in Parliament however, this two-thirds gender principle has not been implemented.
- ii. The NCIC is not a Chapter 15 Constitutional Commission, and its founding statute is not based on Article 59 (4) of the Constitution. The legislature will be required to undertake a referendum to address the structure of KNCHR and NGEC because of the constitutional protection afforded by Article 59 (5)(c) unlike when dealing with NCIC. Merging the Constitutional Commissions with other agencies is a futile activity.

**Committee Recommendations**

- i. The National Gender and Equality Commission to conduct an audit in Counties and Public bodies to assess which entities have met the two-third gender rule.
- ii. The NGEC not to be merged with other commissions within the recommended one year after the adoption of the NADCO report.

**MIN NO. CIOC/206/2024: ADJOURNMENT**

13. There being no other business to transact, the meeting was adjourned at 4:30 PM.

SIGNED..........DATE.....*11th Nov 2024*.....

**HON. DR. WAMUCHOMBA GATHONI, HSC, M.P.  
CHAIRPERSON**

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
DATE: <b>12 NOV 2024</b>	
DAY: <b>TUESDAY</b>	
TABLED BY:	HON. GATHONI WAMUCHOMBA (CHAIRPERSON)
CLERK-AT-THE-TABLE:	<b>INDEFU MWALE</b>

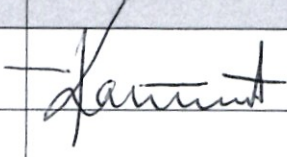

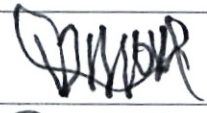



**THE NATIONAL ASSEMBLY**  
**13<sup>TH</sup> PARLIAMENT – 3<sup>RD</sup> SESSION (2024)**

**CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE ADOPTION LIST OF THE REPORTS ON:**

- 1. THE STATUS OF THE IMPLEMENTATION OF THE CONSTITUTION BY THE KENYA NATIONAL COMMISSION ON HUMAN RIGHTS, THE NATIONAL LAND COMMISSION AND THE NATIONAL GENDER AND EQUALITY COMMISSION;**
- 2. PARTICIPATION IN THE COLLABORATION AND PARTNERSHIPS MEETINGS IN THE UNITED KINGDOM; AND**
- 3. PARTICIPATION IN THE PARLIAMENTARY INTELLIGENCE- SECURITY FORUM IN WASHINGTON DC, UNITED STATES.**

	<b>HON. MEMBER</b>	<b>SIGNATURE</b>
1.	Hon. Wamuchomba Gathoni, HSC, M.P – <b>Chairperson</b>	
2.	Hon. William Kamket, M.P – <b>Vice Chairperson</b>	
3.	Hon. Jessica Mbalu Nduku, CBS, M.P	
4.	Hon. Silvanus Onyiego Osoro, CBS, M.P	
5.	The Hon. Aramat Lemanken, M.P.	
6.	Hon. Charles Nguna Ngusya, M.P.	
7.	Hon. George Risa Sunkuyia, M.P	
8.	Hon. Patrick Ntwiga Munene, M.P	
9.	Hon. Peter Oscar Nabulindo, M.P	
10.	Hon. Lawrence Aburi Mpuru, M.P	
11.	Hon. Ruth Odinga, M.P	

	HON. MEMBER	SIGNATURE
12.	Hon. Hamisi Kakuta Maimai, M.P	
13.	Hon. John Murumba Chikati, M.P	
14.	Hon. Geoffrey Ekesa Mulanya, M.P.	
15.	Hon. Patrick Osero Kibagendi, M.P.	
16.	Hon. Daniel Karitho Kiili, M.P.	
17.	Hon. Ali, Abdisirat Khalif, M.P.	
18.	Hon. Betty Njeri Maina, M.P	
19.	Hon. John Gitonga Mukunji Mwaniki, M.P.	
20.	Hon. Augustine Mwafrika Kamande, M.P.	
21.	Hon. Jackson Lentoijoni Lekumontare, M.P	
22.	Hon. Ali Abdisirat Khalif, M.P	
23.	Hon. Harun Mohamed Umulkher, M.P	