

REPUBLIC OF KENYA



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Clerk A. A.  
D/Clerk  
P. C. A

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Judges  
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KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION – 2011

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THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN  
RELATIONS

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REPORT OF THE FAMILIARIZATION VISIT TO KENYA EMBASSY TO  
SOMALIA

11<sup>TH</sup> NOVEMBER 2010

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CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS,  
NAIROBI

APRIL, 2011

## 1. PREFACE

Mr. Speaker,

The Departmental Committee on Defence and Foreign Relations is established pursuant to provisions of Standing Order 198 (1). Under the provisions of Standing Order 198 (3) the Committee is mandated to:-

- (a). investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
- (b). study the Programme and policy objectives of the Ministries and departments and the effectiveness of the implementation;*
- (c). study and review all legislation referred to it;*
- (d). study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with its stated objectives;*
- (e). 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 or a Minister; and*
- (f). make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

The Committee is also mandated to scrutinise the budget of line Ministries as provided under Standing Order No. 152 states which that:-

- (1) Upon being laid before the National Assembly, the annual estimates shall stand committed to the respective departmental Committees according to their mandates.*
- (2) Each departmental Committee shall consider, discuss and review the estimates committed to it under this standing order and submit its*

*report thereon to the House within twenty one days after they were first laid before the House.*

The Committee oversees the performance of the following Ministries and Government department:-

- (i) Defence;
- (ii) Foreign Affairs;
- (iii) East African Community; and
- (iv) National Security Intelligence Service.

Under the above Ministries, the Committee covers the following subjects;

- (i) Defence matters;
- (ii) Foreign policy;
- (iii) Treaties , Conventions and Agreements;
- (iv) International and Regional Organisations;
- (v) Bilateral and Multilateral Relations;
- (vi) Regional Cooperation policy;
- (vii) East African Community Affairs;
- (viii) National Security Intelligence.

## **MEMBERSHIP**

The Committee comprise the following Members of Parliament:-

The Hon. Adan W. Keynan, MP – Chairperson  
The Hon. Benedict F. Gunda, MP – Vice Chairperson  
The Hon. Eugene L. Wamalwa, MP  
The Hon. Jeremiah N. Kioni, MP  
The Hon. Charles M. Kilonzo, MP  
The Hon. Peter E. O. Anyanga, MP  
The Hon. Wilson M. Litole, MP  
The Hon. George Nyamweya, MBS, MP  
The Hon. Hussein Mohamed Ali, MP  
The Hon. Martin Ogindo, MP  
The Hon. Julius K. Kilonzo, MP

## 2. THE FAMILIARIZATION VISIT

**Mr. Speaker,**

The Committee undertook a visit to the Kenya Embassy to Somalia on 11<sup>th</sup> November, 2011. The purpose of the visit was to familiarise the Committee with the work and role of the Embassy.

The Kenya Embassy to the Federal Republic of Somalia is located in NSSF building. The Mission is situated in Kenya due to the perilous security situation in Somalia. The sustained cycle of violence and insecurity in Somalia, fuelled by Islamist Militia and the unending political infighting within the Transitional Federal Government (TFG) have made it impossible for Foreign Missions and International Organisations to operate from Somalia. In spite the fact that the Kenya Embassy to Somalia is located in Nairobi, it continues performing its mandate of articulating, coordinating and implementing Kenya's Foreign Policy and strategies in the Federal Republic of Somalia.

The following Members of the Committee undertook the visit:-

- (i) The Hon. Adan W. Keynan, MP – **Leader of Delegation**
- (ii) The Hon. Wilson Litole, MP
- (iii) The Hon. Eugene Wamalwa, MP
- (iv) The Hon. Jeremiah Kioni, MP

From the visit to the aforesaid Kenya Mission based in Nairobi, the Committee observed and recommends that:-

1. The Ministry of Foreign Affairs should strive to achieve equity in terms of service among Kenya Missions and particularly between domestic Missions and Missions abroad. To bring about equity among Missions, the staff of domestic Missions be accorded facilitation commensurate to the responsibilities they undertake in promoting Kenya's interests and projecting the country's image.
2. The Ministry of Foreign Affairs should adequately fund the Kenya Embassy to Somalia to enable it to effectively perform its role.

3. The Ministry of Foreign Affairs should allow the Mission to open and operate independent bank accounts so that it can manage its finances as allocated in the Budget.
4. The Ministry of Foreign Affairs should develop Domestic Missions service regulations specific to Kenya Missions located in Nairobi. This will enhance equity between Missions in line with international practice.

These recommendations form part of the recommendations contained in other parts of this Report.

### **3. ACKNOWLEDGEMENT**

**Mr. Speaker,**

I wish to express my appreciation to Members of the delegation who sacrificed time from their families and constituents to undertake the familiarisation visit. The delegation is grateful to the Speaker for allowing the Committee to undertake the visit and to the office of the Clerk, for facilitating and providing technical support during the visit.

The Committee is grateful to the Ministry of Foreign Affairs and in particular Kenya Embassy to Somalia for their facilitation of the study visit.

The decisions of the Committee on this report were arrived at after extensive deliberations and were unanimous.

**Mr. Speaker,**

It is my pleasant duty and privilege, on behalf of the Departmental Committee on Defence and Foreign Relations to table this report and commend it to the House for adoption pursuant to provisions of the National Assembly Standing Order 181.

Signed: .....



**THE HON. ADAN W. KEYNAN, MP  
CHAIRPERSON,  
DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN  
RELATIONS**

Date: .....

27/4/2011

#### **4.0 VISIT TO KENYA EMBASSY TO SOMALIA**

##### **4.1 COURTESY CALL ON THE KENYA AMBASSADOR TO SOMALIA**

The delegation paid a courtesy call to Kenya Ambassador to Somalia H.E. Maj. (Rtd) James M. Mulinge, CBS. The Ambassador welcomed the delegation and thanked the Committee for visiting the Mission. The delegation was briefed on the operations of the Embassy and the Kenya Somalia relations.

##### **4.2 MEETING WITH STAFF AT THE KENYA EMBASSY - SOMALIA**

The Mission was opened in February, 2004 and is based in Nairobi due to the volatile environment in Mogadishu. The Committee was further briefed on the mandate, vision and Mission of the Embassy.

#### **Kenya - Somalia Relations**

The relations are guided by the need to protect Kenya's sovereignty and territorial integrity, security and political stability and enhancement of peaceful coexistence and good neighborliness.

The Mission plays an important role in seeking lasting peace, security and stability in Somalia. The continued instability in Somalia affects the regions and Kenya being a neighbor is mostly affected in terms of insecurity, proliferation of small arms, refugee influx and the threat of terrorism.

#### **Core functions of the Mission**

- (i) Promoting Kenya's political, economic and national interest in Somalia.
- (ii) Collate, analyze and record political, security and economic reports on Somalia and advise the government accordingly.
- (iii) Promote and encourage dialogue and reconciliation amongst political entities in Somalia
- (iv) Participate in IGAD, AU, international contact group (ICG) and meetings on Somalia
- (v) Represent in regional and international initiatives on Somalia

- (vi) Organize consultative meetings with Missions accredited to Somalia
- (vii) Provide consular services to Kenyans with issues in Somalia and Somalis requiring visas to come to Kenya.
- (viii) Actively co-ordinate and participate in the Kenya/Somalia Joint Co-operation Commission.

### **Agreements/Memorandum of Understanding**

After the formation of the Transitional Federal Government, five agreements /MOU have been signed:-

- Agreement on Technical and Economic Co-operation that established the Joint Commission – 6<sup>th</sup> September, 2005.
- Memorandum of Understanding on training of Somali policemen in Kenya – 3<sup>rd</sup> May, 2006
- Agreement on natural disasters prevention, management and humanitarian relief aid delivery co-operation – 8<sup>th</sup> March, 2006.
- Memorandum of Understanding on technical assistance and capacity building – 18<sup>th</sup> March, 2009.
- Memorandum of Understanding to grant to each other no-objection in respect of submissions on the outer limits of the continental shelf beyond 200 nautical miles to the Commission on the limits of the Continental shelf.

### **Challenges**

The Embassy experiences the following challenges:-

- Effective representation is hampered by the insecurity and political instability in Somalia.
- Absence of a functioning government in Somalia and constant political conflicts and changes is a serious obstacle to cooperation.
- Kenya has no specific budget item to promote her interest in Somalia unlike Ethiopia, Kenya only facilitates.
- The Mission entirely depends on the Ministry Headquarters in its daily operation thus limiting its operations.



## **5.0 COMMITTEE OBSERVATIONS**

The Committee made the following observations:-

- (i) The Kenya Embassy to Somalia is understaffed considering the tasks that it is expected to perform.
- (ii) The Finances of the Kenya Mission to Somalia are being managed at the Ministry Headquarters, this hampers efficient and effective service delivery by the Mission.
- (iii) The Mission staff are treated like officers at the Ministry Headquarters and can be recalled to the Headquarters to perform other duties at any time thus affecting their performance at the Mission.
- (iv) The Somali peace process should be Somalia' led so as to generate legitimacy and ownership.
- (v) There are competing regional interests in the Somalia peace process.
- (vi) The transition period ends in August 2011 with many tasks unaccomplished by the Transitional Federal Government.
- (vii) The Somalia draft Constitution, Chapter 7, Article 71 encourages secession of Somali's to join the Federal Republic of Somalia.
- (viii) The TFG has limited control in Somalia and its existence is only aided by AMISOM.

## **6.0 RECOMMENDATIONS**

The Committee recommends that:-

1. The Ministry of Foreign Affairs should adequately fund the Mission to enable it effectively perform its role.
2. The Ministry should allow the mission to open and operate independent bank accounts so that it can manage its finances as allocated in the Budget.
3. The Ministry of Foreign Affairs should develop Domestic Missions service regulations specific to Kenya Missions located in Nairobi. This will enhance equity between Missions in line with international practice.
4. The Ministry of Foreign Affairs through IGAD should adequately address the competing regional interests to enable sufficient space for reconciliation and the emergence of a broad based transitional Government.
5. The Government should prevail upon the Transitional Federal Government of Somalia to remove the offending Article (Article 71) in the draft Constitution which calls upon 'other entities to join the Federation'.
6. The problem of piracy in the Indian Ocean should be tackled by stabilizing Somalia. The International Community should discourage fishing in Somalia waters.
7. The Government should engage IGAD so as to urgently address competing regional agendas to allow broad based reconciliation and formation of stable Government in Somalia.

MINUTES OF THE 91<sup>ST</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON MONDAY, 18<sup>TH</sup> APRIL, 2011 IN COMMITTEE ROOM, 5<sup>TH</sup> FLOOR, PARLIAMENT BUILDINGS AT 2.00 P.M.

PRESENT

The Hon. Adan Keynan, MP – Chairperson  
The Hon. Benedict Gunda, MP – Vice Chair  
The Hon. George Omari Nyamweya, MBS, MP  
The Hon. Martin Ogindo, MP  
The Hon. Peter E. O. Anyanga, MP  
The Hon. Wilson Litole, MP  
The Hon. Kiema Kilonzo, MP

ABSENT WITH APOLOGY

The Hon. Hussein Mohamed Ali, MP  
The Hon. Charles Kilonzo, MP  
The Hon. Eugene Wamalwa, MP  
The Hon. Jeremiah Kioni, MP

IN ATTENDANCE: KENYA NATIONAL ASSEMBLY

Emejan Nicholas – Clerk Assistant II  
Salad Guyo – Clerk Assistant III  
Jackline Wairimu – Parliamentary Intern

MINISTRY FOR JUSTICE, NATIONAL COHESION AND CONSTITUTIONAL AFFAIRS

Hon. Mutula Kilonzo, EGH, MP - Minister  
Mr. Allan Meso - Senior State Counsel

PRELIMINARIES

Meeting started with a word of prayer and followed by brief introductions.

MINUTE NO. 376/2011: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Minutes of previous sittings were confirmed as follows:-

- Minutes of the 57<sup>th</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.
- Minutes of the 58<sup>th</sup> sitting - proposed and seconded by Hons. Benedict Gunda, MP and George Omari Nyamweya, MP respectively.

- Minutes of the 60<sup>th</sup> sitting - proposed and seconded by Hons. Benedict Gunda, MP and George Omari Nyamweya, MP respectively.
- Minutes of the 61<sup>st</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.
- Minutes of the 62<sup>nd</sup> sitting - proposed and seconded by Hons. Wilson Litole, MP and Peter E.O. Anyanga, MP respectively.
- Minutes of the 63<sup>rd</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.
- Minutes of the 64<sup>th</sup> sitting - proposed and seconded by Hons. Benedict Gunda, MP and George Omari Nyamweya, MP respectively.
- Minutes of the 66<sup>th</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Wilson Litole, MP respectively.
- Minutes of the 67<sup>th</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.
- Minutes of the 68<sup>th</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Wilson Litole, MP respectively.
- Minutes of the 69<sup>th</sup> sitting - proposed and seconded by Hons. Benedict Gunda, MP and Peter E. O. Anyanga, MP respectively.
- Minutes of the 71<sup>st</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Peter E. O. Anyanga, MP respectively.
- Minutes of the 72<sup>nd</sup> sitting - proposed and seconded by Hons. Peter E. O. Anyanga, MP and Benedict Gunda, MP respectively.
- Minutes of the 73<sup>rd</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Peter E. O. Anyanga, MP respectively.
- Minutes of the 74<sup>th</sup> sitting - proposed and seconded by Hons. Martin Ogindo, MP and Wilson Litole, MP respectively.
- Minutes of the 75<sup>th</sup> sitting - proposed and seconded by Hons. Peter E. O. Anyanga, MP and George Omari Nyamweya, MP respectively.
- Minutes of the 76<sup>th</sup> sitting - proposed and seconded by Hons. Benedict Gunda, MP and Peter E. O. Anyanga, MP respectively.
- Minutes of the 77<sup>th</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.
- Minutes of the 78<sup>th</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Peter E. O. Anyanga, MP respectively.
- Minutes of the 79<sup>th</sup> sitting - proposed and seconded by Hons. Peter E. O. Anyanga, MP and George Omari Nyamweya, MP respectively.
- Minutes of the 80<sup>th</sup> sitting - proposed and seconded by Hons. Peter E. O. Anyanga, MP and Benedict Gunda, MP respectively.
- Minutes of the 81<sup>st</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.

- Minutes of the 82<sup>nd</sup> sitting - proposed and seconded by Hons. Benedict Gunda, MP and George Omari Nyamweya, MP respectively.
- Minutes of the 83<sup>rd</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.
- Minutes of the 84<sup>th</sup> sitting - proposed and seconded by Hons. Peter E. O. Anyanga, MP and Benedict Gunda, MP respectively.
- Minutes of the 85<sup>th</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.
- Minutes of the 86<sup>th</sup> sitting - proposed and seconded by Hons. Peter E. O. Anyanga, MP and George Omari Nyamweya, MP respectively.
- Minutes of the 87<sup>th</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Peter E. O. Anyanga, MP respectively.
- Minutes of the 88<sup>th</sup> sitting - proposed and seconded by Hons. George Omari Nyamweya, MP and Benedict Gunda, MP respectively.

Confirmation of Minutes of the 59<sup>th</sup>, 65<sup>th</sup> and 70<sup>th</sup> sittings was postponed to the next meeting.

#### MINUTE NO. 377/2011: MATTERS ARISING

##### Study Visit to United States Congress

The Chairperson informed the Committee that the State University of New York and the United States Congress were willing to sponsor the Committee for a capacity building visit in the US Congress. The Chairperson undertook to revisit the matter with SUNY Kenya with the aim of fastracking the study visit.

##### Kenya Turkish Friendship group

Members raised concern that the Kenya Turkish friendship group was dormant in spite the fact that it had been established. The members resolved to revitalize the friendship groups. The members further underlined the importance of establishing a fully fledged diplomatic Mission in Turkey due to the economic gains that will be realized.

##### Inspection of modernization programmes

The Committee directed that the inspection visit to military modernization programmes be expedited. The Committee resolved that the inspections should include the following projects:-

- (i) Air Force – inspect the 15 Fighter Jets purchased from Jordan

- (ii) Army – inspect AML's and construction works at Lanet, Isiolo, Eldoret and Mariakani
- (iii) Navy – inspection of Naval ships

The Committee further resolved to visit the British Army military training grounds in Isiolo and parts of Samburu and hold public hearings on the alleged atrocities as a result of British military training in Samburu East.

**MIN. NO. 378 /2011: BRIEF BY THE MINISTER FOR JUSTICE, NATIONAL COHESION AND CONSTITUTIONAL AFFAIRS**

The Hon. Mutula Kilonzo, EGH, MP informed the Committee that:-

- (i) The Ministry of Justice, National Cohesion and Constitutional Affairs is not aware of any policy of the Government of the Republic of Kenya permitting or allowing renditions. Neither the current nor the former Constitution allowed rendition of Kenyan nationals to stand trial in foreign countries.
- (ii) The Ministry of Justice, National Cohesion and Constitutional Affairs was neither involved nor consulted before the said Kenyans were transferred to Uganda to stand trial. He personally read about the rendition in the newspapers just like most Kenyans. Had his Ministry been consulted by other Government agencies they could have advised appropriately, that the Government follows procedures as stipulated in the in Cap 77 and Cap 76 Laws of Kenya. The matter however does not fall under the mandate of his Ministry.
- (iii) The Extradition (Contiguous and foreign countries) Chapter 76 and the Extradition (Commonwealth Countries) Chapter 77 Laws of Kenya guide and provide elaborate mechanisms for the extradition of fugitive criminals:-
  - The Minister must Gazette the order for extradition.
  - The extradition order must be laid before the National Assembly.
  - The order has to cite the treaties or agreements that provide for extradition.
- (iv) Rendition is a violation of the Constitution of Kenya, Article 2 of which requires that international law in the form of treaties or agreements must follow the Laws of Kenya. The manner in which the renditions were done violates Cap 77 Laws of Kenya and was unconstitutional.
- (v) Those who facilitated the rendition should be arrested for violating the Constitution and Laws of Kenya. The Kenyans detained in Uganda should be returned to Kenya to face the due process of Law. The Ministries of Foreign Affairs, East African Community, Provincial Administration and Internal Security and the Attorney General should liaise to ensure the return of Kenyans to face justice in the country.
- (vi) The matter of rendition was raised in the Cabinet by the Minister for Provincial Administration and Internal Security but the subject was adjourned to await the Attorney General who was then out of the country.

- (vii) He was surprised by the arrest and deportation of Kenya National Human Rights Commissioner, Mr. Hassan Omar, by Ugandan authorities while on a mission to visit Kenyans detained in Uganda.
- (viii) The Kenyans arrested and detained in Uganda can seek legal redress through the East African Court of Justice.

#### MINUTE. NO. 380/2011: ADOPTION OF REPORTS

The Committee adopted the following reports:-

- (i) Report on the disqualification of Ms. Gladys Jepkechei Tarus from Military training.
- (ii) Report on the familiarization visit to Kenya Embassy to Somalia.
- (iii) Report on the familiarization visit to Kenya Mission to United Nations Offices in Nairobi (UNON).
- (iv) Report on Diplomatic Appointments.

#### MINUTE NO: 381/2011: ANY OTHER BUSINESS

##### Diplomatic passports

The Committee deliberated on the matter of issuance of diplomatic passports to members of the Committee. The members noted that in other democracies members of the foreign relations committee are issued with diplomatic passports to facilitate and ease their performance of duties while overseeing Diplomatic Missions abroad.

The Committee resolved that the Chair takes up the matter with the Secretary to the Cabinet requesting that the members of the Committee be issued with diplomatic passports.

##### Delegations to international trips

The Hon. Kiema Kilonzo, MP expressed concern that the delegation that travelled to South Africa and Brazil did not reflect political party and regional interests. The Chairperson informed the Committee that the delegation was nominated on the basis of attendance and that some of the members originally nominated opted out due to party and Constituency engagements. They were thus replaced with those who undertook the visit as follows:-

- (i) The Hon. Charles Kilonzo, MP was replaced by the Hon. Peter E.O. Anyanga, MP
- (ii) The Hon. George O. Nyamweya, MP was replaced by Hon. Martin Ogindo, MP.

The Committee deliberated further on the matter and resolved that nomination for foreign travel will be determined by:-

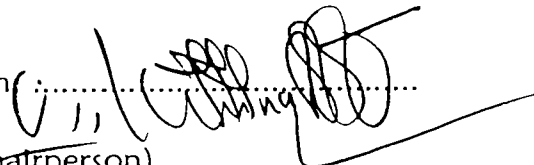
- (i) Attendance

- (ii) Participation in Committee meetings
- (iii) Competence/expertise in relevant field

The Chairman requested members to attend all meetings of the Committee in order to effectively contribute to issues before the Committee.

MINUTE. NO. 382/2011: ADJOURNMENT

There being no other business the meeting adjourned at Twenty Minutes past five O'clock.

Sign:   
(Chairperson)

Date: 18/4/2011



MINUTES OF THE 62<sup>ND</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON THURSDAY, 11<sup>TH</sup> NOVEMBER, 2010 IN AMBASSADOR'S OFFICE, KENYA EMBASSY TO SOMALIA, NSSF BUILDING AT 11.00 AM

PRESENT

The Hon. Adan Keynan, M.P. – Chairperson  
The Hon. Wilson Mwotiny Litole, M.P.  
The Hon. Peter Edick O. Anyanga, M.P.  
The Hon. Jeremiah Ngayu Kioni, M.P.

ABSENT WITH APOLOGY

The Hon. Charles Kilonzo, M.P.  
The Hon. Benedict Fondo Gunda, M.P. – Vice Chairperson  
The Hon. Eugene Wamalwa, M.P.  
The Hon. George Nyamweya, MBS, M.P.

IN ATTENDANCE : NATIONAL ASSEMBLY

Mr. Nicholas Emejen – Second Clerk Assistant

KENYA EMBASSY TO SOMALIA

H.E. Maj. Gen. (Rtd) James M. Mulinge, CBS - Ambassador  
Alex Oyiolo, EBS – Deputy Head of Mission  
James Gicharu – First Secretary (Political)  
Shadrack Muchemi – First Secretary (Consular)  
Cornelia Nabwana – Immigration Attaché  
Leocadia Owegi – Financial Attaché  
Sally J. Tanui – Administrative Attaché  
Bernadette M. Mumo – Confidential Secretary  
Alex Mutisya W. Kyatha – Administrative Attaché

PRELIMINARIES

The Chairperson called the meeting to order, and thereafter the meeting started with a word of prayer.

MINUTE NO. 262/2010: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of Minutes of previous sittings was postponed to the next sitting.

## MINUTE NO. 263 /2010: MEETING WITH AMBASSADOR AND MISSION STAFF

The Ambassador briefed the Committee as follows:-

The Mission was opened in February 2004 and is based in Nairobi due to the volatile environment in Mogadishu. The Committee was further briefed on the mandate, vision and Mission of the Embassy.

### Kenya Somalia Relationship

The relations are guided by the need to protect Kenya's sovereignty and territorial integrity, security and political stability and enhancement of peaceful coexistence and good neighborliness.

The Mission plays an important role in seeking lasting peace, security and stability in Somalia.

### Core functions of the Mission

- (i) Promoting Kenya's political, economic and national interest in Somalia.
- (ii) Collate, analyze and record political, security and economic reports on Somalia and advise the Government accordingly.
- (iii) Promote and encourage dialogue and reconciliation amongst political entities in Somalia
- (iv) Participate in IGAD, AU, international contact group (ICG) and meetings on Somalia
- (v) Represent Kenya in regional and international initiatives on Somalia
- (vi) Organize consultative meetings with Missions accredited to Somalia
- (vii) Provide consular services to Kenyans with issues in Somalia and Somalis requiring visas to come to Kenya.
- (viii) Actively co-ordinate and participate in the Kenya/Somalia Joint Co-operation Commission.

### Agreements/Memorandum of Understanding

After the formation of the Transitional Federal Government (TFG), five agreements/MOU have been signed:-

- Agreement on Technical and Economic Co-operation that established the Joint Commission – 6<sup>th</sup> September, 2005.
- Memorandum of Understanding on training of Somali policemen in Kenya – 3<sup>rd</sup> May, 2006
- Agreement on natural disasters prevention, management and humanitarian relief aid delivery co-operation – 8<sup>th</sup> March, 2006.
- Memorandum of Understanding on technical assistance and capacity building – 18<sup>th</sup> March, 2009.

- Memorandum of Understanding to grant to each other no-objection in respect of submissions on the outer limits of the continental shelf beyond 200 nautical miles to the Commission on the limits of the Continental shelf.

#### Concerns

- The transition period ends in August 2011 with many tasks unaccomplished.
- The draft Constitution, Chapter 7 Article 71 encourages secession of Somali's to join the Federal Republic of Somalia.
- Differences between the Speaker and the President may complicate the Transitional Federal Government.
- The TFG has limited control in Somalia and only aided by AMISOM.

#### Challenges

- Effective representation is hampered by the insecurity and political instability in Somalia
- Absence of a functioning Government in Somalia and constant political conflicts and changes is a serious obstacle to cooperation.
- Kenya has no specific budget item to promote her interest in Somalia unlike Ethiopia. Kenya only facilitates.
- The Mission entirely depends on the Ministry Headquarters in its daily operation thus limiting its operations.

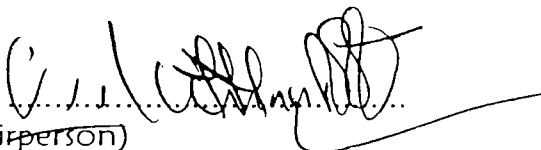
#### MINUTE NO. 264 /2010: COMMITTEE OBSERVATIONS

The Committee made the following observations:-

- (i) The Somali peace process should be Somalia led so as to generate legitimacy and ownership.
- (ii) Competing regional agendas have to be adequately addressed to enable sufficient space for reconciliation and the emergence of a broad based transitional Government.
- (iii) The TFG Government should be prevailed upon to remove the offending Article (Article 71) in the draft Constitution.
- (iv) The problem of piracy in Indian Ocean should be tackled by stabilizing Somalia.
- (v) Competing regional agendas should be addressed urgently to allow broad based reconciliation and formation of stable Government.

#### MINUTE NO. 265/2010: ADJOURNMENT

There being no other business for consideration the meeting was adjourned at Forty Three Minutes past Twelve O'clock.

Sign:   
(Chairperson)

Date: 18/4/2011