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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025
DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE AND FOREIGN
RELATIONS

REPORT ON:

THE CONSIDERATION OF THE RATIFICATION OF THE TREATY ESTABLISHING THE
INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD)

CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI.

	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 01 APR 2025	DAY: Tuesday
TABLED BY:	<i>Nice-Chairperson Hon. Abdullahi, Bashir</i>
CLERK-AT THE-TABLE:	<i>Getunde Chebet</i>

MARCH, 2025



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LIST OF ABBREVIATIONS AND ACRONYMS

AU	African Union
EAC	East African Community
IGAD	Intergovernmental Authority on Development
UNGA	United Nations General Assembly
UNDP	United Nations Development Programme
IGADD	Intergovernmental Authority on Drought and Development
COMESA	Common Market for Eastern and Southern Africa
AEC	African Economic Community
UNCCD	United Nations Convention to Combat Desertification
ASALs	Arid and Semi-Arid Lands
REC	Regional Economic Community
SADC	Southern African Development Community
FTA	Free Trade Area
AfCFTA	African Continental Free Trade Area

LIST OF ANNEXURES

Annexure 1: Signed list of Members who attended the sitting which considered and adopted the Report

Annexure 2: Minutes on sittings of the Committee on consideration of the agreement

Annexure 3: Copy of newspaper advertisement on public participation and submission of memoranda

Annexure 4: Copy of the Treaty Establishing the Inter-Governmental Authority on Development (IGAD)

Annexure 5: Copy of the Parliamentary Memorandum on Kenya's Ratification of the Treaty Establishing IGAD

CHAIRPERSON'S FOREWORD

This report details the consideration by the Departmental Committee on Defence, Intelligence and Foreign Relations of the Treaty Establishing Inter-Governmental Authority on Development (IGAD). IGAD was established pursuant to the *Declaration of IGGAD Heads of State on the Revitalization of IGADD and on Expanded Co-Operation Among Member States* and the *Agreement Establishing the Inter-Governmental Development Authority on Development (IGAD), 1996* as a successor to the Inter-Governmental Authority on Drought and Development (IGGAD), established in 1986 to mitigate and combat the effects of recurring severe droughts and other natural disasters that resulted in widespread famine, ecological degradation, and economic hardship in the region. The revitalization of IGGAD was on account of the realization that the Authority provided a valuable platform for addressing broader political and socio-economic challenges in the region.

IGAD was formed with expanded mandate including agriculture, environmental protection, economic cooperation, political and humanitarian affairs, health and social development, and to foster regional integration. The institutional and organisational structure of IGAD comprises the Assembly of Heads of State, the Council of Ministers, the Committee of Ambassadors, and the IGAD Secretariat. The Assembly of Heads of State sets policies, oversees the organization's functions, and addresses political issues, particularly conflict resolution. The Council of Ministers ensures the efficient functioning of IGAD, approves the budget, monitors operations, and oversees the work of the Secretariat. The Committee of Ambassadors advises the Executive Secretary, while the IGAD Secretariat implements decisions, prepares proposals, coordinates development programmes, and services meetings. The Executive Secretary manages IGAD's finances, fosters cooperation with member states and organisations, and implements policies and programmes.

During the 12th IGAD Summit of the Assembly of Heads of State and Government that was held in Addis Ababa, Ethiopia in 2008, IGAD directed the Secretariat to:

- (a) Undertake an inventory of what has been achieved so far in terms of harmonization and regional integration, and make recommendations on the way forward;
- (b) Develop and implement regional integration policies and programs to make IGAD relevant as a building block of the AEC; and
- (c) Develop a draft Treaty reviewing the Agreement Establishing IGAD to ensure that IGAD's mandate and method of implementation are spelled out in the legal instrument.

The Secretariat developed a Draft Treaty Establishing IGAD which was subjected to all IGAD policy organs for review before it was adopted at the IGAD Assembly of Heads of State and Government during the 14th Ordinary Session held in Djibouti in 2023. During the Session, six (6) Heads of State and Government including H.E. William Ruto PhD, the President of the Republic of Kenya, signed the Treaty. The Treaty is subject to ratification and requires two-thirds of the Member States to ratify it before entering into force.

Pursuant to section 8(1) of the Treaty Making and Ratification Act Cap 4D, the Prime Cabinet Secretary and Cabinet Secretary for Foreign and Diaspora Affairs submitted the Parliamentary Memorandum on

Kenya's Ratification of the Treaty Establishing IGAD together with the Treaty Establishing IGAD to the Speaker of National Assembly, laid on the Table of the House and committed to the Committee in line with Standing Order 170A(1).

The purpose of the Treaty is to replace the Agreement Establishing the Inter-Governmental Authority on Development dated 21st March 1996 to widen and deepen cooperation to achieve sustainable development. The aims and objectives of the revitalized IGAD are to accelerate regional economic, social, environmental and political integration, and cross border cooperation among Member States.

In considering the Treaty, the Committee pursuant to Article 118(1)(b) of the Constitution, section 8(3) of the Treaty Making and Ratification Act Cap 4D and Standing Order 170A(2) held parliamentary held popularization meetings with the IGAD Secretariat between **17th and 18th May, 2024** in Naivasha. The Committee also placed advertisements in two local dailies on **29th August, 2024** calling for submissions of memoranda on the subject matter. Further, the Committee, through letter dated **30th October, 2024**, sought the views of the Office of the Attorney General, and the Ministry of Foreign and Diaspora Affairs.

Having considered the Treaty and analyzed the submissions made, the Committee observed that the Treaty aligns with Kenya's constitutional values, and its ratification does not necessitate amendments to the Constitution or existing laws. The Committee also observed that IGAD's focus on regional peace and security supports Kenya's objectives and align with Kenya's environmental priorities. It further observed that the Treaty reinforces regional economic integration by reducing trade barriers, harmonizing regulations, and supporting cross-border infrastructure projects. The Committee also noted that ratification of the Treaty positions Kenya as a leader within IGAD, and does not impose significant financial burdens on Kenya, as the implementation costs will be covered under existing budgetary provisions. The Treaty introduces a structured dispute resolution framework to address disagreements arising from its interpretation. The Treaty reinforces IGAD's role as a foundational pillar of the AEC and AfCFTA, contributing to the broader goals of the African Union for continental integration. The Treaty shall enter into force sixty days after the deposit of the instrument of ratification of two-thirds of the Member States of IGAD with the Executive Secretary.

Having examined the Treaty Establishing Inter-Governmental Authority on Development (IGAD) against the Constitution, the Treaty Making and Ratification Act (Cap 4D) and Standing Order 170A of the National Assembly Standing Orders, the Committee recommends that the House adopts this report and **approves** the ratification of the Treaty Establishing the Inter-Governmental Authority on Development (IGAD).

Pursuant to Standing Orders 199(6) and 170A (4) it is my pleasant duty to present to the House the Report of the Departmental Committee on Defence, Intelligence and Foreign Relations on its consideration of the Treaty Establishing the Inter-Governmental Authority on Development (IGAD).

Hon. Nelson Koech, M.P.

Chairperson, Departmental Committee on Defence, Intelligence and Foreign Relations

PART I

1.0 PREFACE

1.1 Introduction

1. This report outlines the consideration by the Departmental Committee on Defence, Intelligence, and Foreign Relations of the Treaty Establishing the Inter-Governmental Authority on Development (IGAD). The establishment of IGAD was driven by a vision to foster regional identity, peace, security, and poverty alleviation through sustainable development programmes. This vision aligns with the goals of other Regional Economic Communities (RECs) and supports the African Union's aspirations for an integrated, prosperous, and peaceful Africa.
2. IGAD's vision is to create a resilient, peaceful, prosperous, and integrated region where citizens enjoy a high quality of life. Its mission is to promote regional cooperation and integration, adding value to Member States' efforts to achieve peace, security, and prosperity. IGAD's overarching goal is to drive transformation towards sustainable development, resilience, and stability within the region.
3. At the 12th IGAD Summit of the Assembly of Heads of State and Government, held on 14th June, 2008 in Addis Ababa, Ethiopia, the Secretariat was directed to develop a Draft Treaty to review the 1996 IGAD Agreement. The aim was to clearly define IGAD's mandate and methods of implementation within a legal framework. Subsequently, the IGAD Secretariat, in consultation with experts from Member States, prepared the Draft Treaty Establishing IGAD.
4. The Draft Treaty was adopted during the 14th Ordinary Session of the IGAD Assembly of Heads of State and Government on 12th June 2023 in Djibouti. During the session, six Heads of State and Government, including the President of the Republic of Kenya, signed the Treaty. The Treaty is subject to ratification by two-thirds of IGAD Member States before it can enter into force.

1.2 Mandate of the Committee

5. The Committee is established under the National Assembly Standing Order No. 216. The mandate of the Committee includes, among others, *"to examine treaties, agreements and conventions"*.
6. The Committee's subject matters are stated in the Second Schedule of the National Assembly Standing Orders and are as follows: Defence, intelligence, foreign relations, diplomatic and consular services, international boundaries including territorial waters, international relations, and veteran affairs.

1.3 Oversight

7. In executing its mandate, the Committee oversees the following MDAs: The Ministry of Defence, the Ministry of Foreign and Diaspora Affairs, the State Department for East African Community (EAC) Affairs, the National Intelligence Service (NIS).

1.4 Committee Membership

8. The Departmental Committee on Defence, Intelligence and Foreign Relations was constituted by the House on **27th October, 2022** and comprises the following Members:

Chairperson

Hon. Koech Nelson, M.P.

Belgut Constituency

UDA Party

Vice-Chairperson

Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, M.P.

Mandera North Constituency

UDM Party

Members

Hon. Wanjira Martha Wangari, M.P,
Gilgil Constituency
UDA Party

Hon. Joshua Kandie, MP
Baringo Central Constituency
UDA Party

Hon. Hassan Abdi Yusuf, MP
Kamkunji Constituency
Jubilee Party

Hon. Kwenya Thuku Zachary, MP
Kinangop Constituency
Jubilee Party

Hon. Odhiambo Millie G. Akoth,MP
Suba North Constituency
ODM Party

Hon. Logova Sloya Clement, MP
Sabatia Constituency
UDA Party

Hon. Kanchory Elijah Memusi, MP
Kajiado Central Constituency
ODM Party

Hon. Ikana Fredrick Lusuli, MP
Shinyalu Constituency
ANC Party

Hon. (Dr.) Kasalu Irene Muthoni,MP
Kitui County
WDM-K

Hon. Mohamed A. Hussein, MP
Lagdera Constituency
ODM Party

Hon. Kirima Moses Nguchine, MP
Imenti Central Constituency
UDA Party

Hon. Teresia Wanjiru Mwangi, MP
Nominated Member
UDA Party

Hon. Luyai Caleb Amisi, MP
Saboti Constituency
ODM Party

1.5 Committee Secretariat

9. The Committee is facilitated by the following staff:

Mr. Dennis Mogare Ogechi
First Clerk Assistant/Head of Secretariat

Mr. Lenny Muchangi
Legal Counsel II

Mr. Benard Njeru
Clerk Assistant III

Mr. Daniel Ominde
Research Officer III

Mr. Edwin Machuki
Fiscal Analyst III

Ms. Noelle Chelagat
Media Relations Officer I

Mr. Salat Ali
Principal Serjeant-at-Arms

Mr. John Nga'ng'a
Audio Recording Officer

PART II

2.0 BACKGROUND TO THE TREATY ESTABLISHING THE INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD)

2.1 The Geographical and Socio-Economic Context of IGAD

10. The IGAD region covers an area of 5.2 million square kilometres, encompassing the countries of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda.¹ It shares 6,910 kilometres of borders with non-IGAD states, including Egypt, Libya, Chad, the Central African Republic, the Democratic Republic of the Congo, Rwanda, and Tanzania. The region has a 6,960-kilometre coastline along the Indian Ocean, the Gulf of Aden, the Gulf of Tadjourah, and the Red Sea, a clear indication of potentials in sea transport and fisheries. Approximately 70% of the IGAD region consists of ASALs that receive less than 600 mm of annual rainfall.² The remaining 30% of the region features diverse climates and landscapes, from cool highlands and tropical rainforests to swamp areas and equatorial environments with unique agricultural potentials, depending on altitude.³ The Region's altitudes vary widely, ranging from 150 metres below sea level at Dalul to approximately 4,600 metres above sea level at Mount Kenya.⁴
11. The IGAD region is home to over 271 million people, marked by high natural population growth rates.⁵ The average population density is approximately 30 persons per square kilometre, though this varies significantly between countries, from 14.5 persons per square kilometre in Somalia to over 95 persons per square kilometre in Uganda. These differences are even more pronounced across various ecological zones. The region also experiences a high rate of urbanisation, driven largely by rural-to-urban migration, with an average urbanisation rate of 4.1 per cent. Major capital cities such as Addis Ababa, Nairobi, and Khartoum each population exceeding three million.⁶
12. Socio-economically, most IGAD Member States constitute some of the world's least developed countries, sharing similar economic growth rates and cross-border ethnic groups, which, if effectively harnessed, could present a significant opportunity for regional integration. Agriculture, encompassing both crop production and livestock, is the economic backbone of the region, providing food supplies, export earnings, and employment for over 80% of the population. Besides economic growth, IGAD Member States also focus on front-loading industrialization to tap natural resources through value addition, mineral beneficiation as well as expansion of technology facilitated services sectors.⁷ Industrial contributions to national economies are relatively modest, averaging 15–20%. Due to the production of similar commodities and limited infrastructure

¹ IGAD, *IGAD Regional Strategy: The Framework*, (IGAD, 2020) <https://igad.int/download/igad-regional-strategy-the-framework/#>.

² IGAD, *Handbook of the Intergovernmental Authority on Development (IGAD)*, (2020, IGAD) <https://igad.int/wp-content/uploads/2021/07/IGAD-Handbook-2020.pdf>.

³ IGAD, *IGAD Regional Strategy: The Framework*, (IGAD, 2020) <https://igad.int/download/igad-regional-strategy-the-framework/#>.

⁴ IGAD, *Handbook of the Intergovernmental Authority on Development (IGAD)*, (2020, IGAD) <https://igad.int/wp-content/uploads/2021/07/IGAD-Handbook-2020.pdf>.

⁵ IGAD, *IGAD Regional Strategy: The Framework*, (IGAD, 2020) <https://igad.int/download/igad-regional-strategy-the-framework/#>.

⁶ IGAD, *Handbook of the Intergovernmental Authority on Development (IGAD)*, (2020, IGAD) <https://igad.int/wp-content/uploads/2021/07/IGAD-Handbook-2020.pdf>.

⁷ IGAD, *IGAD Regional Strategy: The Framework*, (IGAD, 2020) <https://igad.int/download/igad-regional-strategy-the-framework/#>.

development, inter-state trade remains low, with markets neither interdependent nor interconnected.⁸

2.1 Establishment of the Inter-Governmental Authority on Development (IGAD)

13. The establishment of IGAD can be traced back to **UNGA Resolution 35/90 of 1980**, which addressed assistance to drought-stricken areas in Djibouti, Somalia, Sudan, and Uganda.⁹ The Resolution expressed concern over the severe effects of consecutive years of drought, leading to acute shortages of food, livestock, fodder, and water in these countries. It recommended that the governments of the affected nations consider establishing an intergovernmental body to coordinate and support efforts to combat the effects of drought and other natural disasters, and to address medium- and long-term recovery and rehabilitation challenges. This call was further reinforced by **UNGA Resolution 35/91 of 1980**, which focused on assistance to Ethiopia's drought-affected regions and called for international aid to support relief and recovery efforts.
14. Subsequently, **UNGA Resolution 36/221 of 1981** extended this focus to Kenya, adding it to the list of drought-stricken countries in the region. It urged the governments involved to continue consultations and finalize the necessary arrangements for the establishment of the proposed intergovernmental body. The Resolution also invited the UN Secretary-General, in close collaboration with the Administrator of UNDP, to assist in the formation of the body within existing resources.
15. Additionally, **UNGA Resolution 37/147 of 1982** reaffirmed the need for continued consultations among the governments of Djibouti, Ethiopia, Kenya, Somalia, Sudan, and Uganda, urging swift finalization of arrangements to establish the intergovernmental body.¹⁰ This momentum was sustained through **UNGA Resolution 38/216 of 1983**, which reiterated the ongoing consultations and called for the prompt establishment of the body to combat the effects of drought and other natural disasters.
16. In 1983 and 1984, the six countries initiated steps through the United Nations to establish an intergovernmental body for development and drought control in the region.¹¹ **UNGA, in its Resolution 39/205 of 1984 on Assistance to the Drought-Stricken Areas of Djibouti, Ethiopia, Kenya, Somalia, Sudan, and Uganda**, noted with satisfaction the decision by the governments to establish such a body to combat the effects of drought and other natural disasters. The Resolution further acknowledged the decision to meet in Djibouti on 15th January 1985 to finalize arrangements for the establishment of the body.
17. Subsequently, the Assembly of Heads of State and Government convened in Djibouti and signed the **Agreement Establishing IGADD**. Following this, **UNGA, in Resolution 40/40 on Assistance to the Drought-Stricken Areas of Djibouti, Ethiopia, Kenya, Somalia, Sudan, and Uganda**, commended the governments for their decision to establish an IGGAD. It also noted with

⁸ IGAD, *Handbook of the Intergovernmental Authority on Development (IGAD)*, (2020, IGAD) <https://igad.int/wp-content/uploads/2021/07/IGAD-Handbook-2020.pdf>.

⁹ UNGA Resolution 35/90 of 1980 on Assistance to Drought Stricken Areas in Djibouti, Somalia, the Sudan and Uganda <https://documents.un.org/doc/resolution/gen/nr0/391/09/pdf/nr039109.pdf>.

¹⁰ UNGA Resolution 37/147 of 1982 on Assistance to the Drought-Stricken Areas of Djibouti, Ethiopia, Kenya, Somalia, the Sudan and Uganda <https://documents.un.org/doc/resolution/gen/nr0/426/25/pdf/nr042625.pdf>.

¹¹ IGAD, *Handbook of the Intergovernmental Authority on Development (IGAD)*, (2020, IGAD) <https://igad.int/wp-content/uploads/2021/07/IGAD-Handbook-2020.pdf>.

satisfaction the decision to hold a meeting at the level of Heads of State to endorse the Agreement and adopt a regional plan of action for the implementation of medium- and long-term recovery and rehabilitation programmes for the member states.¹² Eritrea was admitted as the seventh IGADD member at the 4th Summit of Heads of State and Government in Addis Ababa in September 1993.

18. While IGADD was initially established to coordinate efforts among member states in combating drought and desertification, it soon became evident that the Authority provided a valuable platform for addressing broader political and socio-economic challenges in the region. Recognising this potential, the Heads of State and Government of Djibouti, Eritrea, Ethiopia, Kenya, Sudan, and Uganda, at an Extraordinary Summit on 18th April 1995, resolved to expand IGADD's mandate.
19. The Extraordinary Summit adopted the *Declaration of IGGAD Heads of State on the Revitalization of IGADD and on Expanded Co-Operation Among Member States*, to revitalise IGADD and transform it into the IGAD vide the *Agreement Establishing the Inter-Governmental Development Authority on Development (IGAD) in 1996*, to promote joint development strategies and gradually harmonizing macro-economic policies and programmes in social, technological, and scientific fields. Member states also sought to harmonise policies related to trade, customs, transport, communications, agriculture, and natural resources, while promoting the free movement of goods, services, and people, alongside the right of residence. IGAD aimed to create a conducive environment for foreign, cross-border, and domestic trade and investment, achieve regional food security, and support member states in collectively combating drought and other natural or man-made disasters.
20. Further objectives included initiating sustainable development programmes for natural resource management and environmental protection, improving coordinated infrastructure—particularly in transport and energy—and promoting peace and stability within the region. IGAD committed to establishing mechanisms for the prevention, management, and resolution of inter- and intra-state conflicts through dialogue. The Authority also aimed to mobilise resources for implementing emergency, short-, medium-, and long-term programmes within the framework of sub-regional cooperation. Moreover, IGAD sought to promote and support the objectives of COMESA and AEC. The organisation was also tasked with facilitating and strengthening cooperation in research, development, and the application of science and technology, as well as engaging in other activities as determined by member states in furtherance of the objectives of the Agreement.
21. The institutional and organisational structure of IGAD comprises the Assembly of Heads of State, the Council of Ministers, the Committee of Ambassadors, and the IGAD Secretariat. The Assembly of Heads of State sets policies, oversees the organization's functions, and addresses political issues, particularly conflict resolution. It appoints the Executive Secretary and approves the budget based on recommendations from the Council of Ministers.
22. The Council of Ministers ensures the efficient functioning of IGAD, approves the budget, monitors operations, and oversees the Secretariat's work. It also promotes peace, security, and humanitarian activities, and implements Assembly decisions. The Committee of Ambassadors advises the Executive Secretary, while the IGAD Secretariat implements decisions, prepares proposals, coordinates development programmes, and services meetings. The Executive Secretary manages

¹² IGAD, *Handbook of the Intergovernmental Authority on Development (IGAD)*, (2020, IGAD) <https://igad.int/wp-content/uploads/2021/07/IGAD-Handbook-2020.pdf>.

IGAD's finances, fosters cooperation with member states and organisations, and implements policies and programmes.

23. In addition, IGAD has specialized institutions like IGAD Conflict Early Warning and Response Mechanism (IGAD CEWARN), IGAD Climate Prediction and Applications Centre (ICPAC), IGAD Foreign Service Institute, IGAD Security Sector Program (IGAD SSP), IGAD Centre for Pastoral Areas and Livestock development (ICPALD), IGAD Centre for Excellence for Preventing and Countering Violent Extremism (ICEPCVE), IGAD Centre for Excellence for Climate Adaptation and Environmental Protection (IGAD CAEP), IGAD Sheikh Technical Veterinary School (IGAD STVS), IGAD Centre of Excellence in Nutrition (ICEN) and the IGAD Leadership Academy (ILA). Four of the institutions, ICPAC, ICPALD, ICEN and ILA are domiciled in Kenya and their operations governed by the Agreement between Kenya and IGAD that was signed on 12th June 2008 and reviewed on 8th August 2022.
24. IGAD is also one of the eight (8) recognised Regional Economic Communities (RECs) of the African Union, which serve as the building blocks of the Union.
25. During the 12th IGAD Summit of the Assembly of Heads of State and Government that was held in Addis Ababa, Ethiopia in 2008, IGAD directed the Secretariat to:
 - (d) Undertake an inventory of what has been achieved so far in terms of harmonization and regional integration, and make recommendations on the way forward;
 - (e) Develop and implement regional integration policies and programs to make IGAD relevant as a building block of the AEC; and
 - (f) Develop a draft Treaty reviewing the Agreement Establishing IGAD to ensure that IGAD's mandate and method of implementation are spelled out in the legal instrument.
26. IGAD Secretariat developed a Draft Treaty Establishing IGAD which was subjected to all IGAD policy organs for review before it was adopted at the IGAD Assembly of Heads of State and Government during the 14th Ordinary Session held in Djibouti in 2023. During the Session, six (6) Heads of State and Government including H.E. William Ruto PhD, the President of the Republic of Kenya, signed the Treaty. The Treaty is subject to ratification and requires two-thirds of the Member States to ratify it before entering into force.

2.4 Outline of the Treaty Establishing Inter-Governmental Authority on Development (IGAD)

27. Article 1 comprises various definitions applying to the Treaty. Article 2 provides that the purpose of the Treaty is to replace the Agreement Establishing the Inter-Governmental Authority on Development dated 21st March 1996 to widen and deepen cooperation to achieve sustainable development.
28. Article 3 provides that the aims and objectives of IGAD shall be to accelerate regional economic, social, environmental and political integration, and cross border cooperation among the Member states.
29. Article 4 provides for the fundamental principles governing IGAD which include—
 - (a) Sovereign equality of all member states;

- (b) Peaceful co-existence, good neighborliness, non-interference in the internal affairs of member states and peaceful settlement of inter and intra state conflicts through dialogue;
 - (c) Maintenance of regional peace, stability and security;
 - (d) Mutual and equitable distribution of benefits accruing from cooperation under the Treaty; and
 - (e) Good governance including adherence to the principles of constitutionalism, democracy, rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as recognition, promotion and protection of human and people's rights.
30. Article 5 provides for the operational principles of IGAD which include—
- (a) Mutual trust, and political will of all member states;
 - (b) Provision by member states of an adequate and appropriate enabling environment, such as conducive policies and basic infrastructure;
 - (c) The principle of subsidiarity with emphasis on multilevel participation and the involvement of a wide range of stakeholders in the process of integration including cross border cooperation, community participation and bottom-up approach;
 - (d) The principle of flexibility and variable geometry which allows for progression in co-operation among groups within IGAD for wider integration schemes in various fields and at different pace;
 - (e) The equitable distribution of benefits accruing or to be derived from the operations of IGAD;
 - (f) The principles of asymmetry and complementarity;
 - (g) A people-centred and market driven co-operation.
31. Article 6 provides for a general undertaking on implementation where member states shall plan and align their policies and resources with a view to creating conditions favourable for the achievement of the objectives of IGAD and the implementation of the provisions of the Treaty. Member states shall also coordinate, through the organs of IGAD, their policies to the extent necessary to achieve the objectives of IGAD. Further, member states shall take all necessary measures, including the enactment of legislation, to effectively implement the Treaty.
32. Article 7 provides for specific undertakings for member states in the implementation of the treaty.
33. Article 8 provides for the membership of IGAD, which includes the **Republic of Djibouti, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Kenya, the Federal Republic of Somalia, the Republic of South Sudan, the Republic of the Sudan and the Republic of Uganda**. The member states may by unanimous decision admit any African state as a member on certain conditions.
34. Article 9 provides that IGAD shall have the capacity of a legal person to perform any legal act.
35. Article 10 provides for the organs of IGAD which include—
- (a) The Assembly;
 - (b) The Council;
 - (c) The Committee of Ambassadors;
 - (d) The Secretariat;
 - (e) Such other organs as may be established by the Assembly.
36. Article 11 provides that the Assembly is the supreme organ of IGAD. It consists of Heads of State and Government of the member states or their duly accredited representatives. The Assembly determines the common policies and oversees the functioning of IGAD, oversees the

implementation of policies, gives directions to the Council or other organs of IGAD for implementation of the Treaty, establishes organs of IGAD; grants membership to IGAD to any county, appoints the Executive Secretary and approves the annual budget of IGAD.

37. Under Article 12, the Assembly shall meet at least once a year in an ordinary session and may hold extraordinary meetings at the request of a member state. Quorum is 2/3 of the total membership. Decisions of the Assembly are by consensus and where it fails, by simple majority on procedural matters and by two-thirds majority on substantive matters.
38. Article 13 provides for the Chairperson of the Assembly on a rotational basis amongst the Heads of State and Government. The tenure of office of the Chairperson shall be one year.
39. Article 14 provides for the Council of Ministers which shall be the policy organ of IGAD and is composed of the Ministers of Foreign Affairs or any other minister designated by the member states or their duly delegated representative.
40. Article 15 provides for the functions of the Council which include formulating recommendations to the Assembly on policy matters pertaining to the efficient function and development of IGAD in accordance with the treaty.
41. According to Article 16, the Council shall meet at least twice in an ordinary session, one meeting of which shall be held immediately preceding the Assembly. The meetings shall be chaired by the Minister of Foreign Affairs of the country chairing IGAD or by any other minister designated by the same country.
42. Article 17 establishes the Committee of Ambassadors which comprises of the member states' ambassadors or plenipotentiaries accredited to the country of the headquarters of the organization. The Committee reports to the Council.
43. Article 18 provides for the functions of the Committee of Ambassadors which include, advising the Secretariat on action plans of programs and in different sectors of cooperation and integration through analysis proposals initiated by the Secretariat and ensuring they are consistent with the strategic objectives of IGAD.
44. Article 19 provides for the Secretariat which is the executive organ of IGAD and is comprised of the Executive Secretary, Two Deputy Executive Secretaries and other officers, units or institutions as may be deemed necessary by the Council.
45. Article 20 mandates the Secretariat to initiate policies, legal instruments, programmes and projects and prepare recommendations to the Council for policy decisions or directives.
46. Under Article 21, the Executive Secretary is appointed by the Assembly for a four-year term renewable once on a rotational basis. The Executive Secretary shall be the Chief Executive of IGAD.
47. According to Article 22, the two Deputy Executive Secretaries shall be appointed by the Council for a four-year term renewable once and in accordance with the principle of equitable distribution. The Deputy Executive Secretaries shall not be from the same country or the same country as the Executive Secretary.

48. Article 23 provides for the appointment of other staff of the Secretariat, which shall be on contract and in accordance with the IGAD Service Regulations and due regard given to securing the highest standards of integrity, efficiency and technical competence, gender equality, equality of opportunity and an equitable distribution of appointments to such offices among citizens of all member states.
49. Article 24 lists the areas of cooperation of the member states which include, trade liberalization and development, transport and communications, tourism, energy, agriculture and food security.
50. Articles 24-41 address the specific areas of cooperation.
51. Article 42 provides that towards the achievement of the objectives of the Treaty Establishing African Economic Community, IGAD shall cooperate with regional, continental and international organizations.
52. Article 43 provides for cooperation between IGAD and the member states with the United Nations and its specialized agencies.
53. Articles 44 & 45 provide that the Executive Secretary shall prepare and submit the annual budget in consultation with the Committee of Ambassadors for consideration by the Council and approval by the Assembly. The budget shall be funded by member states' assessed contributions and donations from regional and international donations and any other sources as approved by the Council. The budget and accounts of IGAD shall be expressed in United States dollars.
54. Article 46 provides that an external Auditor shall be appointed by the Council to audit the accounts of IGAD and shall submit the audit reports to the Council through the Audit Committee annually which shall cause the same to be submitted to the Assembly.
55. Article 47 provides that the Council shall approve financial rules and regulations of IGAD in accordance with internationally accepted principles.
56. Article 48 states that the headquarters of IGAD shall be in Djibouti, the Republic of Djibouti.
57. Article 49 lists the official languages of IGAD as English, French and Arabic.
58. Article 50 provides that IGAD shall enjoy international legal personality.
59. Article 51 provides for sanction for various omissions including default in meeting financial contributions and complying with decisions and policies.
60. A member state may be expelled under Article 52 from IGAD for a consistent pattern of gross violation of principles and objectives of the Treaty after giving such member state twelve months' written notice.
61. Article 53 of the Treaty provides for the suspension of a member state by the Assembly for a period not exceeding 18 months or until the member state fulfils the fundamental principles and objectives of the Treaty including its financial commitments.
62. Article 54 allows a member state to withdraw from IGAD by giving the Executive Secretary twelve months' notice of its intention to withdraw.
63. Article 55 provides for amendment of the Treaty by the member state or the Council.

64. Article 56 provides for protocols and annexes to the treaty which shall be subject to signature and ratification by the member states.
65. Article 57 provides that disputes arising from the interpretation of obligation contained in the Treaty shall be settled amicably by the Council of Ministers through negotiations. A dispute resolution mechanism shall be constituted by way of a protocol between the member states.
66. Article 58 provides that the Treaty shall be open to signature, ratification and accession by member states.
67. Article 59 provides that the Treaty shall enter into force 60 days after the deposit of the instrument of ratification of two-thirds of the Member States of IGAD.
68. Article 61 provides that the Treaty shall remain valid unless otherwise terminated by the Assembly on the recommendation of the Council.
69. Article 62 provides for saving provisions for the operations of the existing institutions of IGAD.
70. Article 63 provides that English, French and Arabic versions of the Treaty are equally authentic.

2.5 Policy Aspects and Implications of the Inter-Governmental Authority on Development (IGAD)

71. The IGAD Vision 2050 envisions a region with a conducive social, macroeconomic, and political environment that fosters rapid, equitable growth and sustainable development. This vision aligns with national, continental, and global development agendas, aiming for a high quality of life for all citizens, including women, youth, the elderly, and people with special needs. The Vision envisions a peaceful, secure, and stable region where good governance, democracy, human rights, and the rule of law are the norm. It also promotes resilience to climate change, sustainable resource management, environmental protection, and the advancement of cultural heritage, research, science, technology, and innovation.
72. While IGAD has made significant progress in mitigating the effects of drought, desertification, and food insecurity, and has implemented successful cross-border initiatives, challenges remain. The region's economy is heavily dependent on agriculture and livestock, with minimal value addition, despite the abundance of natural resources. Many well-intentioned IGAD regional policies remain unimplemented due to inadequate national capacities. Furthermore, despite IGAD's broad range of activities supporting vulnerable groups, there is a lack of visibility and appreciation from both public and private sector stakeholders.
73. Since its establishment, IGAD has been recognised as a Regional Economic Community (REC) by the African Union (AU). Meanwhile, EAC has evolved into a Customs Union, COMESA has progressed further in its integration efforts, and SADC has launched a Free Trade Area (FTA). The AU has also adopted the African Continental Free Trade Area (AfCFTA) as a significant step towards economic integration. The Treaty Establishing IGAD acknowledges the recognition of and cooperation with COMESA and the African Economic Community, though it omits direct promotion and realisation of their objectives among its aims. The broader aims and objectives of IGAD are designed to expand its mandate and strengthen cooperation, positioning IGAD as a building block for regional economic integration and supporting sustainable economic development.

74. Unlike other RECs, IGAD does not restrict its membership based on geographical location. The Treaty Establishing IGAD broadens the criteria for admitting African States, requiring adherence to principles of good governance, democracy, rule of law, and respect for human rights and social justice. Additionally, membership eligibility includes a demonstrated potential to strengthen economic cooperation and integration within the IGAD region, geographical proximity and interdependence with Member States, and compatibility of economic and social policies with those of IGAD.
75. The Treaty expands the principles governing IGAD to include both fundamental and operational principles. The operational principles encompass mutual trust and political will among all Member States, alongside the requirement for Member States to provide an adequate and conducive enabling environment, including appropriate policies and basic infrastructure. Additionally, the principles include subsidiarity, emphasising multi-level participation and the involvement of diverse stakeholders in integration processes. Other principles are flexibility and variable geometry, equitable distribution of benefits, asymmetry and complementarity, and people-centred, market-driven cooperation. The Treaty also outlines the general and specific undertakings by Member States to achieve the aims and objectives of IGAD.

Organs and Institutions of IGAD

76. The Treaty retains the Assembly, Council, Committee of Ambassadors, and the Secretariat as the principal organs of the organisation, while granting the Assembly the authority to create additional Organs. The Treaty expands the mandate of the Assembly to include oversight of policy implementation and its decisions, as well as ensuring Member States' compliance. Unlike the Agreement, the Treaty empowers the Assembly to delegate specific tasks from its functions to the Council. It also requires the issuance of acts and decisions of the Assembly under the signature of the Executive Secretary and that the decisions of the Assembly are binding on all Member States.
77. The Treaty establishes the quorum for meetings of the Assembly as two-thirds of the total membership. For decision-making, it provides that the Assembly make decisions by consensus and, failing that, decide by a simple majority on procedural matters and a two-thirds majority on substantive matters, or by such other methods as the Assembly may agree. This marks a departure from the previous Agreement, which was limited to decision-making by consensus. The Treaty also provides for the Chairperson of the Assembly, to be held on a rotational basis in alphabetical order among the Heads of State and Government of Member States, with a tenure of one year, with the Head of State or Government of the next Chairperson in alphabetical order serving as Vice-Chairperson.
78. The Treaty expands the functions of the Council to include issuing regulations, directives, and decisions to ensure the implementation of policies, protocols, strategies, and programmes essential for the proper functioning and development of IGAD. Additionally, the Council is enjoined to consider measures for Member States to promote the attainment of the aims and objectives of IGAD, appoint the Deputy Executive Secretary or Secretaries, and implement the decisions and directives of the Assembly. The Treaty further provides that Council meetings shall be chaired by the Minister of Foreign Affairs of the Member State chairing IGAD or by another Minister designated by the same country.

79. The Treaty also increases the functions of the Committee of Ambassadors beyond advising the Executive Secretary on implementing work approved by the Council and interpreting policies and guidelines. The mandate of the Committee now includes advising the Secretariat on action plans for programmes across various sectors of cooperation and integration, recommending actions in all sectors of cooperation, and guiding and making recommendations to the Secretariat on the implementation of the Treaty.
80. For the Secretariat, the Treaty provides that the Secretariat is composed of the Executive Secretary, two Deputy Executive Secretaries, and other offices, units or institutions as may be deemed necessary by the Council.

Areas of Cooperation

81. The Treaty extends IGAD's areas of cooperation beyond addressing severe droughts and other natural disasters in the Horn of Africa to encompass broader developmental objectives. These include trade liberalization and development, transport and communications, tourism, energy, creating an enabling environment for the private sector, civil society, and professional bodies, promoting gender equality and the empowerment of women and girls, fostering investment, facilitating the free movement of goods, persons, labour, services, and capital, and advancing the development and utilisation of human resources.

Dispute Resolution Mechanism

82. The Treaty provides that disputes arising from the interpretation of its obligations shall be resolved amicably through negotiations facilitated by the Council of Ministers. It further mandates the Assembly, upon the recommendation of the Council, to establish an *ad hoc* Dispute Resolution Mechanism to address any such disputes. Additionally, the Treaty provides for the formalization of a Dispute Resolution Mechanism through a protocol agreed upon by Member States.

PART III

3.0 PUBLIC PARTICIPATION/STAKEHOLDER CONSULTATION

3.1 Call for Memoranda from the Public

83. Pursuant to Article 118(1)(b) of the Constitution on Public Participation and Section 8(3) of the Treaty Making and Ratification Act, 2012, the Committee placed advertisements in two local dailies, on Thursday, 29th August, 2024 calling for submissions of memoranda on the subject matter. By the close of the deadline, the Committee had not received any Memorandum on the Treaty.
84. Further, the Committee sought the views of the Office of the Attorney General, and the Ministry of Foreign and Diaspora Affairs through a letter dated 30th October, 2024.

3.2 Ministry of Foreign and Diaspora Affairs

85. The Ministry of Foreign and Diaspora Affairs, vide Memorandum Ref: MFDA/CONF/IRO/9/VOL.6 (30), observed as follows on the consideration of the Treaty Establishing IGAD: -
86. Kenya stands to gain significantly from ratifying the Treaty Establishing IGAD, given its strategic location and active role in regional issues within East Africa and the Horn of Africa. The benefits include enhanced security, economic growth, diplomatic influence, and environmental cooperation.

Enhanced Regional Security and Stability

87. IGAD's focus on regional peace and security directly supports Kenya's security goals. The organization facilitates intelligence sharing, joint counter-terrorism efforts, and conflict mediation, addressing regional security threats such as terrorism, piracy, and organized crimes. Kenya has been affected by the spillover of regional conflicts, especially in Somalia; thus, IGAD's peace-building role is critical for stability within Kenya's borders.
88. As a key player in IGAD's peace processes, Kenya will continue to influence conflict resolution initiatives, particularly in neighboring countries like South Sudan and Somalia. Peace in these regions reduces the likelihood of refugee influxes, cross-border crime, and illegal arms trafficking, contributing to Kenya's internal stability.

Economic Integration and Trade Benefits

89. Through IGAD, Kenya will continue to strengthen its economic ties with other member states, boosting trade, investment, and market access. IGAD supports regional integration efforts that reduce trade barriers, streamline cross-border procedures, and harmonize regulations, making it easier for Kenyan businesses to expand across East Africa and the Horn of Africa.
90. IGAD promotes large-scale infrastructure projects in transport, energy, and telecommunications, benefiting Kenya by improving connectivity and reducing logistical costs. Projects like cross-border roads, railway networks, and energy corridors facilitate trade, reduce transportation costs, and increase economic opportunities for Kenyan businesses.

91. With a strong agricultural sector, Kenya will continue to benefit from IGAD's focus on agricultural development, food security, and drought resilience. Collaboration in these areas helps stabilize food supplies, enhance productivity, and provide a platform for sharing agricultural innovations and best practices across member states.

Environmental Sustainability and Resource Management

92. IGAD's original mandate focused on addressing drought and environmental degradation, which remain significant challenges in Kenya. By ratifying the Treaty, Kenya can actively participate in IGAD's initiatives for climate resilience, drought management, and sustainable use of natural resources. IGAD's climate and environmental programs help Kenya address challenges related to water scarcity, desertification, and soil degradation.
93. IGAD supports joint efforts to manage shared resources, such as rivers and ecosystems, which are crucial for countries like Kenya that rely on transboundary resources. Cooperation on water and environmental management can help mitigate regional disputes and ensure the sustainable use of resources.
94. Kenya can access funds and resources aimed at climate adaptation and resilience. IGAD provides a platform for attracting international funding for environmental projects, which is beneficial to Kenya given its climate vulnerabilities.

Increased Diplomatic Influence and regional Leadership

95. As a prominent member of IGAD, Kenya gains an influential position within the organization, allowing it to shape regional policies on issues like security, economic integration, and environmental management. Active involvement in IGAD enhances Kenya's diplomatic clout and its ability to advocate for national interests within a multilateral setting.
96. IGAD aligns with the African Union's goals of promoting peace, security, and economic integration, bolstering Kenya's standing within the AU and supporting its aspirations for greater influence in African affairs. This alignment strengthens Kenya's position in global forums where regional stability and development are on the agenda.

Social and Human Benefits

97. IGAD's peace-building efforts can help reduce displacement caused by conflict, particularly from countries like Somalia and South Sudan. A more stable region can reduce the refugee burden on Kenya, easing pressure on social services and allowing for more sustainable community development.
98. By participating in IGAD's initiatives for education, health, and labor mobility, Kenya can foster a more integrated region with improved opportunities for its citizens. Cross-border mobility programs provide Kenyan professionals with more employment and educational opportunities across member states, strengthening people-to-people connections and regional social cohesion.

Access to Regional and International

99. IGAD often receives funding from international donors for programs focused on peace-building, infrastructure, and climate resilience. Ratifying the Treaty allows Kenya to access these funds for

national and regional development projects. Such funding supports initiatives crucial for Kenya's growth, such as building climate resilience in agriculture or developing cross-border infrastructure.

100. IGAD works closely with the UN, AU, EU, and other international bodies, allowing Kenya to benefit from partnerships that fund regional projects. Participation in IGAD's donor-backed programs strengthens Kenya's ability to secure international support for national priorities.

Strengthened Institutional Capacity and Governance

101. IGAD offers capacity-building programs, including training in governance, security, and disaster management. These programs benefit Kenya's institutions by enhancing technical expertise, enabling better policy formulation, and strengthening governance in areas like security and climate resilience.
102. IGAD facilitates coordination among member states on regional issues, improving Kenya's ability to address transnational challenges effectively. Collaborative governance strengthens institutional capacity to handle issues that transcend national borders, such as cross-border trade, migration, and health crises.
103. Therefore, ratifying the Treaty Establishing IGAD offers Kenya multiple strategic advantages, including bolstered security, economic growth through regional integration, access to funding, and strengthened diplomatic influence. Kenya's active role in IGAD enhances its national interests while contributing to a more resilient and prosperous East African region.

3.3 Submissions from the Office of the Attorney-General and Department of Justice

104. Through a letter Ref. AG/CONF/3/B/123/VOL. VIII (47) dated 15th November 2024, the Office of the Attorney General submitted that it was involved in the preparation of the Cabinet Memorandum forwarding the Treaty to Cabinet for consideration. The Office of the Attorney General further submitted that the Cabinet approved the ratification of the Treaty based on the Cabinet Memorandum, which mirrors the Parliament Memorandum forwarded to the National Assembly by the Ministry of Foreign and Diaspora Affairs. The Office of the Attorney General, therefore, associated itself with the contents and recommendations contained in the Parliament Memorandum forwarded by the Ministry of Foreign and Diaspora Affairs.

PART IV

4.0 COMMITTEE OBSERVATIONS

105. Having considered the Treaty and analyzed the submissions made, the Committee observed as follows:

- (1) The Treaty aligns with Kenya's constitutional values, including good governance, democracy, the rule of law, accountability, and respect for human rights. The fundamental and operational principles of the Treaty are consistent with the Constitution and existing statutory frameworks. Ratification of the Treaty does not necessitate any constitutional amendments or changes to current laws but may require adjustments to policy frameworks for effective implementation.
- (2) The Treaty seeks to enhance IGAD's capacity to address critical regional security threats such as terrorism, piracy, and cross-border crimes. The focus of IGAD on peace-building and conflict resolution, particularly in Somalia and South Sudan, directly supports Kenya's security objectives. Kenya stands to benefit from improved regional stability, reduced risks of refugee influxes, curbed illegal arms trafficking, and strengthened mechanisms for intelligence sharing and joint operations. IGAD's role in fostering dialogue and peaceful co-existence is critical to regional stability, which in turn reinforces Kenya's internal security.
- (3) The Treaty's emphasis on regional economic integration directly benefits Kenya's trade and investment landscape. By reducing trade barriers, harmonising regulations, and facilitating cross-border infrastructure projects, IGAD seeks to enhance the ease of doing business in the region. Kenya's strategic location and robust agricultural sector position it to benefit significantly from initiatives aimed at improving market access, reducing logistical costs, and promoting large-scale infrastructure projects, such as transport and energy corridors. The facilitation of free movement of goods, services, labour, and capital is expected to stimulate economic growth and create employment opportunities in Kenya and the wider region.
- (4) IGAD's expanded mandate includes promoting climate resilience, drought management, and sustainable resource use. This aligns with Kenya's national environmental priorities and offers a platform for addressing transboundary resource management challenges, such as shared water resources and ecosystems. The Treaty provides Kenya access to regional and international funding for environmental projects, particularly those targeting climate adaptation, desertification control, and agricultural sustainability.
- (5) Ratification of the Treaty positions Kenya as a prominent leader within IGAD, enabling it to influence regional policies on key issues such as security, economic integration, and environmental management. The Treaty will bolster Kenya's standing within AU and support its aspiration to play a leading role in shaping continental and global agendas. IGAD's alignment with the AU's goals will further enhance Kenya's diplomatic reach and strategic positioning in multilateral forums.
- (6) The Treaty's peace-building initiatives are anticipated to reduce displacement caused by regional conflicts, thereby lessening the burden of refugees on Kenya's resources. IGAD's focus on health, education, and labour mobility provides opportunities for Kenyan citizens to access services, employment, and education within the region. The facilitation of people-to-people connections fosters social cohesion and supports the integration of communities across borders.

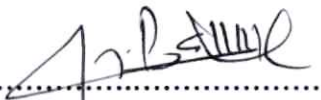
- (7) Ratification of the Treaty does not impose significant additional financial burdens on Kenya, as the associated costs will be accommodated within existing budgetary provisions. IGAD's reliance on member contributions and external funding will ensure the sustainability of its operations. Kenya's participation in donor-supported IGAD programs will further reduce the financial burden on national resources.
- (8) The Treaty seeks to strengthen IGAD's organisational structure by enhancing the roles and functions of its principal organs—the Assembly, Council, Committee of Ambassadors, and Secretariat. The Assembly is mandated to provide policy direction, oversee implementation, and establish additional organs as required. The Council's expanded functions include issuing regulations, appointing Deputy Executive Secretaries, and implementing decisions of the Assembly. The Committee of Ambassadors now advises on action plans and monitors programme implementation. The Secretariat is tasked with developing policies, coordinating programmes, and managing financial and human resources. These enhancements will ensure a robust institutional framework for achieving IGAD's objectives.
- (9) The Treaty seeks to broaden IGAD's areas of cooperation to include trade liberalisation, transport and communications, tourism, energy, agriculture, gender equality, investment, and the free movement of goods, labour, and capital. The emphasis on human resource development and private-sector participation is expected to spur innovation and economic diversification in member states, including Kenya.
- (10) The Treaty introduces a structured dispute resolution framework to address disagreements arising from its interpretation. Disputes are to be resolved amicably through negotiations facilitated by the Council of Ministers. An ad hoc Dispute Resolution Mechanism may also be established by the Assembly upon the Council's recommendation. This framework will ensure transparency and fairness in resolving conflicts, promoting harmony among member states.
- (11) The Treaty reinforces IGAD's role as a foundational pillar of the AEC, contributing to the broader goals of the African Union for continental integration. Its alignment with continental initiatives like AfCFTA underscores its importance in advancing regional and continental economic development.
- (12) The Treaty shall enter into force sixty days after the deposit of the instrument of ratification of two-thirds of the Member States of IGAD with the Executive Secretary. Currently, the Republic of Djibouti, the Federal Republic of Ethiopia and the Republic of South Sudan have ratified the treaty.
- (13) The Committee ensured compliance with constitutional and statutory requirements for public participation, although no public memoranda were received. Stakeholders, including the Ministry of Foreign and Diaspora Affairs and the Office of the Attorney General, expressed unanimous support for the Treaty. Their submissions highlighted the strategic benefits of ratification for Kenya's national and regional interests.

PART V

5.0 COMMITTEE RECOMMENDATION

85. The Committee, having reviewed the Agreement and considered the submissions made, recommends THAT:


Pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, the House approves the Ratification of the Treaty Establishing Inter-Governmental Authority on Development (IGAD).

SIGNED:  DATE: 14/3/2025

 THE HON. NELSON KOECH, M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE AND
FOREIGN RELATIONS

LIST OF ANNEXURES

- Annexure 1:** Signed list of Members who attended the sitting which considered and adopted the Report
- Annexure 2:** Minutes on sittings of the Committee on consideration of the agreement
- Annexure 3:** Copy of newspaper advertisement on public participation and submission of memoranda
- Annexure 4:** Copy of the Treaty Establishing the Inter-Governmental Authority on Development (IGAD)
- Annexure 5:** Copy of the Parliamentary Memorandum on Kenya's Ratification of the Treaty Establishing IGAD

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 01 APR 2025	DAY:
TABLED BY:	
CLERK-AT THE-TABLE:	

Annexure 1: Signed list of Members who attended the sitting which considered and adopted the Report



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

13TH PARLIAMENT – FOURTH SESSION-2025
DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE, AND FOREIGN
RELATIONS.
REPORT ADOPTION LIST

**REPORT ON THE TREATY ESTABLISHING THE INTERGOVERNMENTAL
DEVELOPMENT AUTHORITY**

We, Members of the Departmental Committee on Defence, Intelligence, and Foreign Relations, have pursuant to Standing Order 199, adopted this Report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity today, **Thursday 27th January** 2025. *February*

	NAME	SIGNATURE
1.	The Hon. Koech Nelson, CBS, M.P. (Chairperson)	
2.	The Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, MP (Vice Chairperson)	
3.	The Hon. Yusuf, Hassan Abdi, CBS, M.P.	
4.	The Hon. Wanjira, Martha Wangari, CBS, M.P.	
5.	The Hon. Odhiambo, Millie Grace Akoth, M.P.	
6.	The Hon. Kanchory, Elijah Memusi, M.P.	
7.	The Hon. (Dr.) Kasalu, Irene Muthoni, M.P.	
8.	The Hon. Kirima, Moses Nguchine, M.P.	
9.	The Hon. Kandie, Joshua Chepyegon, M.P.	
10.	The Hon. Kwenya, Thuku Zachary, M.P.	
11.	The Hon. Luyai, Caleb Amisi, M.P.	
12.	The Hon. Teresia, Wanjiru Mwangi, M.P.	
13.	The Hon. Logova, Sloya Clement, M.P.	
14.	The Hon. Ikana, Fredrick Lusuli, M.P.	
15.	The Hon. Mohamed, Abdikadir Hussein, M.P.	

Annexure 2: Minutes on sittings of the Committee on consideration of the agreement



THE NATIONAL ASSEMBLY
13TH PARLIAMENT - FOURTH SESSION (2025)
DIRECTORATE OF DEPARTMENTAL COMMITTEES
DC- DEFENCE, INTELLIGENCE AND FOREIGN RELATIONS

**MINUTES OF THE 11TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
DEFENCE, INTELLIGENCE, AND FOREIGN RELATIONS HELD ON THURSDAY
27TH FEBRUARY 2025 AT 10.00 A.M IN BUNGE TOWER, 2ND FLOOR, COMMITTEE
ROOM 14, PARLIAMENT BUILDINGS.**

PRESENT

- | | | |
|---|---|------------------|
| 1. The Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, M.P. | - | Vice Chairperson |
| 2. The Hon. Yusuf Hassan Abdi, C.B.S, M.P. | | |
| 3. The Hon. Wanjira Martha Wangari, C.B.S, M.P | | |
| 4. The Hon. Kanchory Elijah Memusi, M.P. | | |
| 5. The Hon. (Dr.) Kasalu Irene Muthoni, M.P. | | |
| 6. The Hon. Kirima Moses Nguchine, M.P. | | |
| 7. The Hon. Kandie Joshua Chepyegon, M.P. | | |
| 8. The Hon. Ikana Fredrick Lusuli, M.P. | | |

APOLOGIES

- | | | |
|---|---|-------------|
| 1. The Hon. Koech Nelson, C.B.S, M.P. | - | Chairperson |
| 2. The Hon. Odhiambo Millie Grace Akoth, M.P. | | |
| 3. The Hon. Kwenya Thuku Zachary, M.P. | | |
| 4. The Hon. Luyai Caleb Amisi, M.P. | | |
| 5. The Hon. Teresia Wanjiru Mwangi, M.P. | | |
| 6. The Hon. Logova Sloya Clement, M.P. | | |
| 7. The Hon. Mohamed Abdikadir Hussein, M.P. | | |

IN ATTENDANCE

NATIONAL ASSEMBLY

- | | | |
|-------------------------|---|----------------------------|
| 1. Mr. Dennis M. Ogechi | - | Clerk Assistant I |
| 2. Mr. Bernard Njeru | - | Clerk Assistant III |
| 3. Mr. John Ng'ang'a | - | Audio Officer II |
| 4. Ms. Noelle Chelagat | - | Media Relations Officer II |
| 5. Mr. Daniel Ominde | - | Research Officer III |
| 6. Mr. Abdi Salat | - | Principal Serjeant-At-Arms |
| 7. Mr. Edwin Machuki | - | Fiscal Analyst III |
| 8. Mr. Lenny Muchangi | - | Legal Counsel II |

- | | | |
|----------------------------|---|-------------------------------------|
| 9. Mr. Martin Sigei | - | Research Officer III |
| 10. Mr. Steve Jeremy Kamau | - | Intern |
| 11. Mr. Ian Kasawa Opicho | - | Pupil Directorate of Legal Services |
| 12. Ms. Grace K. Gijo | - | Pupil Directorate of Legal Services |

AGENDA

1. Preliminaries – Prayers, Adoption of the Agenda
2. Confirmation of minutes of previous meeting
3. **Meeting with the National Transport and Safety Authority (NTSA) on the inquiry into the Conduct of the British Army Training Unit Kenya, and**
4. **Consideration and adoption of reports on:**
 - a) **2025 Budget policy statement (BPS),**
 - b) **Budget Implementation Oversight (BIO) for the 2023/2024 Financial Year,**
 - c) **Treaty establishing the Intergovernmental Development Authority (IGAD),**
 - d) **Treaty-Making and Ratification (Amendment) Bill, 2024 by Hon.Peter Kaluma, CBS, MP, and**
 - e) **An inspection visit conducted to diplomatic missions in Qatar and UAE.**
5. Any Other Business
6. Adjournment/Date of the next Sitting

MIN.NO. DDC/DIFR/051/2025:

PRELIMINARIES

The meeting was called to order at 10:20 a.m. and a prayer was said. The agenda above was unanimously adopted, having been proposed by Hon. Kanchory Elijah Memusi, M.P. and seconded by Hon. Wanjira Martha Wangari, C.B.S, M.P.

MIN.NO. DDC/DIFR/052/2025:

COMMUNICATION FROM THE CHAIR.

The Chairperson informed the Members of:

1. An invitation by the State Department for Diaspora Affairs into the launch of Diaspora Policy in Radisson Blue Hotel Upper Hill on Wednesday, 5th March 2025.

RESOLUTION

The Chairperson to request permission to sit during plenary sitting hours from the Speaker of the National Assembly in order to attend the launch.

2. Kenyans in Diaspora Technical Working group which was seeking audience with the Committee between 10th and 14th March 2025.

RESOLUTION

The Committee noted an upsurge of organizations by Kenyans living in Diaspora seeking audience with various parliamentary committees and resolved that in future, the matter be handled through the Ministry of Foreign and Diaspora Affairs.

3. A scheduled visit by the Danish Foreign Affairs Committee from 3rd to 8th March 2025. The Delegation would like to meet with the Committee on March 4th 2025 at 10.00 a.m.

RESOLUTION

It was resolved that the visiting Danish MPs be given audience on the said time and date and Members were urged to avail themselves for the meeting.

MIN.NO. DDC/DIFR/053/2025:

CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS.

Confirmation of Minutes of previous Sittings was deferred to a later date.

MIN.NO. DDC/DIFR/054/2025:

MEETING WITH THE MANAGING DIRECTOR, NATIONAL TRANSPORT AND SAFETY AUTHORITY (NTSA) ON THE INQUIRY INTO THE CONDUCT OF THE BRITISH ARMY TRAINING UNIT KENYA.

The Clerk informed the Committee that the Director General of NTSA was engaged in an official activity in Naivasha and, therefore, was unable to appear before the Committee to make his submissions. He further noted that due to the urgency in concluding the matter, he had advised the Director General to provide written submissions instead of appearing before the Committee.

MIN.NO. DDC/DIFR/055/2025:

CONSIDERATION AND ADOPTION OF REPORTS:

A. REPORT ON 2025 BUDGET POLICY STATEMENT.

The Committee, having considered the report, adopted it having been proposed by Hon. Ikana Fredrick Lusuli, M.P and seconded by Hon. Kirima Moses Nguchine, M.P. It was adopted with the following recommendations:

1. Non-Financial Recommendations

- a) To maintain high-quality engagement with the diaspora amidst limited resources, the SDDA should, within the next 12 months, collaborate with the SDFa to utilize already posted staff in missions (e.g., Migration Attachés) to take on additional responsibilities related to diaspora affairs. This maximizes the utility of current staff without incurring extra costs associated with deploying new officers.
- b) Within the next 12 months, the SDFa to leverage the use of Public-Private Partnerships (PPPs) to acquire, renovate, and maintain mission properties abroad. This initiative will lessen GoK exchequer's reliance.
- c) The SDFa to restructure its foreign service by consolidating or closing economically unsustainable and underperforming missions and reallocating resources to prioritize funding for key missions within 12 months. The objective of this initiative is to optimize the utilization of available resources and improve efficiency.
- d) The SDFa prioritizes the appointment of Honorary Consuls in critical regions instead of establishing full-fledged diplomatic missions. This strategy will enable the SDFa to optimize the use of limited resources while also maintaining a robust foreign presence without incurring substantial financial costs associated with full-scale missions.

- e) The SDDA to provide protection, necessary documentations and evacuation of Kenyans in distress on a case-by-case basis rather than establishing of safe houses which might not be tenable.
- f) The Ministry of Defence (MoD) to submit a comprehensive report to the committee by April 30th, 2025 detailing the next phase of its modernization programme. The report to include:
 - a) Breakdown of planned modernization in personnel, equipment, and systems.
 - b) A detailed resourcing plan, including budgetary allocations and funding sources.
 - c) Progress report on the achievements of the ongoing modernization phase.
- g) The State Department for Foreign Affairs (SDFA) to submit a comprehensive evaluation report by April 30th, 2025 on the efficacy and performance of Kenya's 65 diplomatic missions. This report should provide:
 - a) A mission-by-mission assessment of operational efficiency and financial sustainability.
 - b) An analysis of each mission's strategic contribution to Kenya's foreign policy and economic interests.

2. Financial Recommendations

The Committee recommends that the ceilings for all the programmes for Vote 1041: MoD; Vote 1052: SDFA; Vote 1053: SDDA; Vote 1221: SDEAC; and Vote 1281: NIS be approved as tabled (see the table below).

DC-DIFR MDAs BPS 2025 Ceilings as Tabled (KES. Million)

Vote, Programme Code & Title	Recurrent	Capital	Total
1041: Ministry of Defence (MoD)	192,111.10	12,516.00	204,627.10
Defence	180,231.90	12,316.00	192,547.90
Civil Aid	335.00	-	335.00
General Administration Planning and Support Services	2,641.90	-	2,641.90
National Space Management	-	-	-
Programme 4: Defence Industrialization	8,902.30	200.00	9,102.30
1053: State Department for Foreign Affairs (SDFA)	20,811.60	2,346.40	23,158.00
General Administration Planning and Support Services	2,814.10	238.10	3,052.20
Foreign Relation and Diplomacy	17,798.00	1,948.30	19,746.30
Economic and Commercial Diplomacy	49.50	-	49.50
Foreign Policy Research, Capacity Dev and Technical Cooperation	150.00	160.00	310.00
1054: State Department for Diaspora Affairs (SDDA)	675.90	-	675.90
Management of Diaspora Affairs	675.90	-	675.90
1221: State Department for East African Community (SDEAC)	587.40	-	587.40
East African Affairs and Regional Integration	587.40	-	587.40
1281: National Intelligence Service (NIS)	52,396.00	-	52,396.00
National Security Intelligence	52,396.00	-	52,396.00

Source: The National Treasury

3. Other Recommendations

The Committee requests the following:

- (i) The ceiling for the MoD be enhanced by **KES.3,480.00 million** to cater for the following critical funding gaps:
 - a) **KES.1,000.00 million** for tooling and kitting of KSL to achieve Public Private Partnership Agreement.
 - b) **KES.980.00 million** for contractual Obligation on refurbishment of M1-17, Augusta and MD 500.
 - c) **KES.1,500.00 million** for KMC factory modernization to meet international standards to access export market.
- (ii) The NIS ceiling be enhanced by **KES.5.00 billion** to cater for:
 - a) **KES.1.00 billion** - recruitment of additional personnel; and
 - b) **KES.4.00 billion** - expansion of surveillance systems.
- (iii) The State Department for East African Community (SDEAC) Affairs ceiling be enhanced by **KES.439.76 million** for the EAC Chairmanship component because Kenya is the current EAC Chair, and the position has a huge responsibility towards meeting regional integration objectives.

B. REPORT ON BUDGET IMPLEMENTATION OVERSIGHT FOR THE 2023/2024 FINANCIAL YEAR

The draft report was considered and adopted having been proposed by Hon. Yusuf Hassan, M.P and seconded by Hon. Elijah Memusi, M.P. It was adopted with the following recommendations:

1. Ministry of Defence (MoD)

- a) The MoD should submit to the Committee, within 30 days from the date of adoption of the report by the House, a detailed report on receipts and expenditures of the National Peace Support Fund since its inception.
- b) The MoD should submit to the Committee, within 30 days from the date of adoption of the report by the House, a detailed report on the acquisitions using the KES.3 billion was provided for the Purchase of Mine-Resistance ambush-protected vehicles in Supplementary Estimates II for FY 2023/24.

2. State Department for Foreign Affairs.

- a) To properly manage the problem of high rental and leasing costs for Missions abroad, the State Department for Foreign Affairs should submit to the Committee, within 30 days from the date of adoption of the report by the House, a detailed asset acquisition plan (rent-to-own scheme) to ensure that in the long run it owns the properties.
- b) SDFA budgeting and performance reporting should be linked to the five foreign policy pillars i.e., Peace Diplomacy, Economic Diplomacy, Environmental Diplomacy, Cultural Diplomacy and Diaspora Diplomacy. This will enable an assessment the effectiveness in the use of resources allocated to SDFA.

3. State Department for Diaspora Affairs

The State Department should submit to the Committee, within 30 days from the date of adoption of the report by the House, the firmed-up Diaspora Policy 2024 for the Committee's review and recommendations.

4. State Department for East African Community

The State Department for East African Community to submit a report to the Committee, within 30 days from the date of adoption of the report by the House, detailing how inadequate funding has inhibited it from fully discharging its mandate, and how its budgetary allocation compares with the equivalent Ministries/State Department of the other EAC Partner States, and how EAC has benefited Kenya visa-vis its contribution to EAC in the last 3 financial years.

C. REPORT ON TREATY ESTABLISHING THE INTERGOVERNMENTAL DEVELOPMENT AUTHORITY (IGAD)

The draft report was considered and adopted having been proposed by Hon. Moses Kirima, M.P and seconded by Hon. Fredrick Ikana, M.P. It was adopted with the following observations and recommendation:

Observations

- a) The Treaty aligns with Kenya's constitutional values, including good governance, democracy, the rule of law, accountability, and respect for human rights. The fundamental and operational principles of the Treaty are consistent with the Constitution and existing statutory frameworks. Ratification of the Treaty does not necessitate any constitutional amendments or changes to current laws but may require adjustments to policy frameworks for effective implementation.
- b) The Treaty seeks to enhance IGAD's capacity to address critical regional security threats such as terrorism, piracy, and cross-border crimes. The focus of IGAD on peace-building and conflict resolution, particularly in Somalia and South Sudan, directly supports Kenya's security objectives. Kenya stands to benefit from improved regional stability, reduced risks of refugee influxes, curbed illegal arms trafficking, and strengthened mechanisms for intelligence sharing and joint operations. IGAD's role in fostering dialogue and peaceful co-existence is critical to regional stability, which in turn reinforces Kenya's internal security.
- c) The Treaty's emphasis on regional economic integration directly benefits Kenya's trade and investment landscape. By reducing trade barriers, harmonising regulations, and facilitating cross-border infrastructure projects, IGAD seeks to enhance the ease of doing business in the region. Kenya's strategic location and robust agricultural sector position it to benefit significantly from initiatives aimed at improving market access, reducing logistical costs, and promoting large-scale infrastructure projects, such as transport and energy corridors. The facilitation of free movement of goods, services, labour, and capital is expected to stimulate economic growth and create employment opportunities in Kenya and the wider region.
- d) IGAD's expanded mandate includes promoting climate resilience, drought management, and sustainable resource use. This aligns with Kenya's national environmental priorities and offers a platform for addressing transboundary resource management challenges, such as shared water resources and ecosystems. The Treaty provides Kenya access to regional and international funding for environmental projects, particularly those targeting climate adaptation, desertification control, and agricultural sustainability.

- e) Ratification of the Treaty positions Kenya as a prominent leader within IGAD, enabling it to influence regional policies on key issues such as security, economic integration, and environmental management. The Treaty will bolster Kenya's standing within AU and support its aspiration to play a leading role in shaping continental and global agendas. IGAD's alignment with the AU's goals will further enhance Kenya's diplomatic reach and strategic positioning in multilateral forums.
- f) The Treaty's peace-building initiatives are anticipated to reduce displacement caused by regional conflicts, thereby lessening the burden of refugees on Kenya's resources. IGAD's focus on health, education, and labour mobility provides opportunities for Kenyan citizens to access services, employment, and education within the region. The facilitation of people-to-people connections fosters social cohesion and supports the integration of communities across borders.
- g) Ratification of the Treaty does not impose significant additional financial burdens on Kenya, as the associated costs will be accommodated within existing budgetary provisions. IGAD's reliance on member contributions and external funding will ensure the sustainability of its operations. Kenya's participation in donor-supported IGAD programs will further reduce the financial burden on national resources.
- h) The Treaty seeks to strengthen IGAD's organisational structure by enhancing the roles and functions of its principal organs—the Assembly, Council, Committee of Ambassadors, and Secretariat. The Assembly is mandated to provide policy direction, oversee implementation, and establish additional organs as required. The Council's expanded functions include issuing regulations, appointing Deputy Executive Secretaries, and implementing decisions of the Assembly. The Committee of Ambassadors now advises on action plans and monitors programme implementation. The Secretariat is tasked with developing policies, coordinating programmes, and managing financial and human resources. These enhancements will ensure a robust institutional framework for achieving IGAD's objectives.
- i) The Treaty seeks to broaden IGAD's areas of cooperation to include trade liberalisation, transport and communications, tourism, energy, agriculture, gender equality, investment, and the free movement of goods, labour, and capital. The emphasis on human resource development and private-sector participation is expected to spur innovation and economic diversification in member states, including Kenya.
- j) The Treaty introduces a structured dispute resolution framework to address disagreements arising from its interpretation. Disputes are to be resolved amicably through negotiations facilitated by the Council of Ministers. An ad hoc Dispute Resolution Mechanism may also be established by the Assembly upon the Council's recommendation. This framework will ensure transparency and fairness in resolving conflicts, promoting harmony among member states.
- k) The Treaty reinforces IGAD's role as a foundational pillar of the AEC, contributing to the broader goals of the African Union for continental integration. Its alignment with continental initiatives like AfCFTA underscores its importance in advancing regional and continental economic development.

- l) The Treaty shall enter into force sixty days after the deposit of the instrument of ratification of two-thirds of the Member States of IGAD with the Executive Secretary. Currently, the Republic of Djibouti, the Federal Republic of Ethiopia and the Republic of South Sudan have ratified the treaty.
- m) The Committee ensured compliance with constitutional and statutory requirements for public participation, although no public memoranda were received. Stakeholders, including the Ministry of Foreign and Diaspora Affairs and the Office of the Attorney General, expressed unanimous support for the Treaty. Their submissions highlighted the strategic benefits of ratification for Kenya's national and regional interests.

Recommendation

The Committee recommended that Pursuant to Section 8 of the Treaty Making and Ratification Act, 2012, the House **approves** the Ratification of the Treaty Establishing Inter-Governmental Authority on Development (IGAD).

D. REPORT ON PROPOSED TREATY-MAKING AND RATIFICATION (AMENDMENT) BILL, 2024 BY HON.PETER KALUMA, CBS, M.P.

The draft report was considered and adopted having been proposed by Hon. Yusuf Hassan, M.P and seconded by Hon. Fredrick Ikana, M.P. It was adopted with the following observations and recommendation:

Observations

- a) The legislative proposal expands the scope of the memorandum accompanying the treaty transmitted from Cabinet to the National Assembly, to include the number and identity of States party to a treaty. However, this may be impractical, given the dynamic nature of international negotiations and the evolving commitments of States.
- b) The legislative proposal seeks to subject treaties to a similar legislative process as Bills. The first step in the legislative process of a Bill is First Reading. Historically, the first reading serves as an opportunity to introduce the Bill to the House and to the public for the first time. However, this is not the case for treaties since they are negotiated and concluded by the Executive.
- c) Amendments to Bills are usually proposed between the Second Reading and Committee of the Whole House, either through the relevant Committee or individual Members of Parliament. However, amendments to Treaties are proposed and negotiated between State parties as provided under the Vienna Convention on the Law of Treaties.
- d) The National Assembly Standing Orders already mandates the relevant Committee to facilitate public participation before its consideration of a Treaty.
- e) The current legislative framework enables the National Assembly to review a Treaty through the relevant Committee and, if necessary, propose reservations which shall be applicable under the Vienna Convention on the Laws of Treaties. This ensures that the National Assembly discharges its constitutional mandate of law-making.
- f) Parliament should be empowered to guide the Executive by providing recommendations that ensure treaties conform to Kenya's legal and policy framework. Where the ultimate treaty provisions do not align with national standards, Parliament may register reservations during ratification to safeguard Kenya's interests.

Recommendation

The Committee recommended that the Proposed Treaty Making and Ratification (Amendment) Bill 2024 **should not** proceed for publication.

E. REPORT ON AN INSPECTION VISIT TO KENYAN EMBASSIES IN THE UNITED ARAB EMIRATES AND THE STATE OF QATAR CONDUCTED FROM 7TH TO 13TH NOVEMBER 2024.

The draft report was considered and adopted having been proposed by Hon. Yusuf Hassan, M.P and seconded by Hon. Moses Kirima, M.P. It was adopted with the following recommendations:

General Recommendations

- (1) The Ministry of Foreign and Diaspora Affairs should: -
 - (a) Collaborate with the National Treasury to: -
 - (i) Establish a *Diaspora Welfare Fund* to provide financial and legal assistance to distressed Kenyans.
 - (ii) Revise the Embassy budget framework to account for *annual rent increments* in Abu Dhabi and Doha, with adjustments included in the 2025/2026 budget cycle.
 - (iii) Implement *Foreign Exchange Stabilization Mechanism* to mitigate forex conversion losses impacting embassy operations.
 - (iv) Implement a performance-based funding and resource allocation framework for Kenya's diplomatic Missions, ensuring that support is directly proportional to the economic, diplomatic, and diaspora-related opportunities they generate for the country.
 - (b) Spearhead negotiation for the recognition of Kenyan nursing certifications in Qatar under the revised Bilateral Labour Agreement.
 - (c) Procure new vehicles for the Kenyan Embassies in Abu Dhabi and Doha to replace the outdated fleet, and refurbish the office furniture and ICT infrastructure at both embassies to enhance service delivery.
 - (d) Establish a Joint Bilateral Agreements Monitoring Unit to track the implementation of signed MoUs, to ensure that labour, trade, and investment agreements are regularly reviewed and updated to reflect emerging economic opportunities.
 - (e) Appoint a Special Envoy for UAE and Qatar Relations to coordinate high-level engagements and fast-track pending negotiations, including the mutual recognition of professional qualifications and expansion of skilled labour migration.
 - (f) Collaborate with the Ministry of Interior and National Administration to work with Embassies to expedite the delivery of government services to Kenyans in the diaspora.
- (2) The Ministry of Labour and Social Protection should: -
 - (a) Collaborate with the Commission for University Education (CUE) and the Kenya National Qualifications Authority (KNQA), and engage the equivalent UAE and Qatari authorities to establish *Mutual Recognition Agreements (MRAs)* to enhance the employability of Kenyan professionals in healthcare, engineering, education and other sectors in UAE and Qatar.
 - (b) Establish an Implementation Committee to oversee labour migration, ensure compliance with employment contracts, and enforce worker protections.

- (c) Require the recruitment agencies to submit copies of signed contracts to Kenyan embassies before workers leave Kenya for jobs in the diaspora.
 - (d) Deregister and blacklist fraudulent recruitment agencies and enforce a strict accreditation system where only licensed and vetted agencies can operate.
- (3) The Ministry of Investments, Trade, and Industry should: -
- (a) Develop an Export Certification Program to assist Kenyan businesses in meeting UAE and Qatari compliance requirements.
 - (b) Collaborate with the Kenyan embassies in UAE and Qatar to facilitate trade delegations and networking events aimed at improving Kenya's reputation among Qatari and UAE investors.
 - (c) Develop a *Kenya-UAE/Qatar Trade Expansion Strategy*, focusing on value addition in exports, certification support for Kenyan businesses, and streamlined access to UAE and Qatari markets.
 - (d) Establish an Investment Facilitation Desk at the Kenya Chamber of Commerce to coordinate UAE/Qatar investment interests
- (4) The Ministry of Agriculture and Livestock Development should: -
- (a) Collaborate with the State Department for Trade, to establish a *Kenyan Agricultural Export Standards Compliance Program*, incorporating capacity-building for farmers on proper harvesting, packaging and export certification, to enhance adherence to UAE and other export market requirements.
 - (b) Collaborate with the Kenya Bureau of Standards (KEBS) and Horticultural Crops Directorate (HCD) to quarterly audits on agricultural exports to ensure compliance with UAE and other foreign quality standards.
- (5) The Kenyan Missions in Abu Dhabi and Doha should set up designated safe houses to accommodate vulnerable Kenyan workers, especially those facing employer mistreatment or deportation.
- (6) The Kenya Investment Authority (KenInvest) should initiate a targeted FDI promotion campaign to attract new investments from the UAE and Qatar.
- (7) The Ministry of Tourism and Wildlife should initiate negotiations with UAE and Qatari investors to establish a joint tourism revenue-sharing framework, ensuring that Kenya benefits more from the tourism value chain and wildlife conservation partnerships.

5.2 Specific Recommendations – Embassy to the United Arab Emirates

- (8) The Ministry of Foreign and Diaspora Affairs and the Embassy of Kenya in Abu Dhabi, UAE should: -
- (a) Engage UAE authorities to develop a structured mechanism for reviewing re-entry bans imposed on Kenyan nationals, and coordinate with UAE's Immigration Department and Ministry of Human Resources to facilitate individual case assessments.
 - (b) Establish a dedicated psychosocial support unit within the Embassy in Abu Dhabi to provide mental health counseling, substance abuse awareness, and reintegration support for distressed Kenyans.
 - (c) Develop a digital registration and tracking system to maintain an updated database of Kenyans living and working in the UAE for improved consular service delivery.

5.3 Specific Recommendations – Embassy to the State of Qatar

- (9) The Ministry of Foreign and Diaspora Affairs and the Embassy of Kenya in Doha, Qatar should: -

- (a) Formalize a Labour Dispute Resolution Desk in collaboration with the Qatari Ministry of Labour to handle complaints of unpaid wages, contract breaches, and mistreatment. The Embassy should also conduct quarterly labour rights awareness forums for Kenyan workers to educate them on their rights.
- (b) Expedite engagements with Qatari authorities to operationalize the Qatar Visa Centre in Nairobi to ensure pre-departure verification of work permits.
- (c) Align the rental expenditure for the Embassy of Kenya in Doha, Qatar with the approved budget ceiling by implementing cost-containment measures, opting more favourable lease terms, and seeking budgetary adjustments through the National Treasury in accordance with the Public Finance Management Act, Cap. 412A, and the Public Finance Management (National Government) Regulations, Legal Notice 34 of 2015.
- (d) The Kenya Civil Aviation Authority (KCAA) should approve an additional flight route for Qatar Airways to Mombasa to enhance tourism, trade, and connectivity at the Kenyan coast in line with *Sessional Paper No. 6 of 2024 on the National Aviation Policy*.

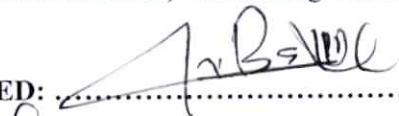
MIN.NO. DDC/DIFR/056/2025:

ADJOURNMENT AND DATE OF NEXT MEETING.

There being no other business, the meeting was adjourned at 11:46 a.m. The next meeting will be held on notice.

SIGNED:

DATE:



14/3/2024

for:

**THE HON. NELSON KOECH, C.B.S, M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE
AND FOREIGN RELATIONS.**



**THE NATIONAL ASSEMBLY
13TH PARLIAMENT - THIRD SESSION - 2024
DIRECTORATE OF DEPARTMENTAL COMMITTEES
DC- DEFENCE, INTELLIGENCE AND FOREIGN RELATIONS**

**MINUTES OF THE 46TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
DEFENCE, INTELLIGENCE, AND FOREIGN RELATIONS HELD ON TUESDAY 6TH
AUGUST, 2024 AT 11:30 A.M. IN BUNGE TOWER, 5TH FLOOR, ROOM 26.**

PRESENT

1. **The Hon. Maj. (Rtd.) Sheikh Abdullahi Bashir, MP. - Vice Chairperson**
2. The Hon. Wanjira Martha Wangari, CBS, MP.
3. The Hon. Yusuf Hassan Abdi, CBS, MP.
4. The Hon. Odhiambo Millie Grace Akoth, MP.
5. The Hon. Kirima Moses Nguchine, MP.
6. The Hon. Kandie Joshua Chepyegon, MP.
7. The Hon. Kwenya Thuku Zachary, MP.
8. The Hon. Teresia Wanjiru Mwangi, MP.
9. The Hon. Logova Sloya Clement, MP.
10. The Hon. Ikana Fredrick Lusuli, MP.
11. The Hon. Mohamed Abdikadir Hussein, MP.

APOLOGIES

1. **The Hon. Koech Nelson, MP. - Chairperson**
2. The Hon. Kanchory Elijah Memusi, MP.
3. The Hon. (Dr.) Kasalu Irene Muthoni, MP.
4. The Hon. Luyai Caleb Amisi, MP.

THE NATIONAL ASSEMBLY

- | | | |
|-------------------------|---|----------------------------|
| 1. Mr. Dennis M. Ogechi | - | Clerk Assistant I |
| 2. Mr. Bernard Njeru | - | Clerk Assistant III |
| 3. Mr. Abdi Salat | - | Principal Serjeant-at-Arms |
| 4. Mr. John Ng'ang'a | - | Audio Officer II |
| 5. Ms. Noelle Chellagat | - | Media Relations Officer |
| 6. Mr. Edwin Machuki | - | Fiscal Analyst |
| 7. Ms. Hawa Zulekha | - | Intern |

AGENDA

1. Preliminaries – Prayers, Adoption of the Agenda
2. Confirmation of minutes of previous meeting

3. **Meeting with Hon. George Murugara, M.P. on Treaty Making and Ratification (Amendment) Bill No. 2 of 2024 and**
4. **Briefing by the Secretariat on the Treaty establishing the Intergovernmental Authority on Development (IGAD).**
5. Any Other Business
6. Adjournment/Date of the next Sitting

MIN.NO. DDC/DIFR/219/2024:

PRELIMINARIES.

The meeting was called to order at 10:20 a.m. prayer was said and a round of introduction was done. The agenda above was unanimously adopted having been proposed by the Hon. Ikana Fredrick Lusuli, M.P. and seconded by Hon. Logova Sloya Clement, M.P.

MIN.NO. DDC/DIFR/220/2024:

CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS.

Confirmation of minutes of the previous meeting was deferred to a later date.

MIN.NO. DDC/DIFR/221/2024:

MEETING WITH HON. GEORGE MURUGARA, M.P. ON TREATY MAKING AND RATIFICATION (AMENDMENT) BILL NO. 2 OF 2024

The Chairperson informed the Committee that he had received communication from the Hon. George Murugara, M.P., the sponsor of the Treaty-Making and Ratification (Amendment) Bill No. 2 of 2024, requesting for rescheduling of the meeting to a later date citing other engagements as the Chairperson of the Justice and Legal Affairs Committee.

Committee Resolution – It was resolved that Hon. George Murugara, MP should propose a date to appear before the Committee to give his submission on the Bill.

MIN.NO. DDC/DIFR/222/2024:

BRIEFING BY THE SECRETARIAT ON THE TREATY ESTABLISHING THE INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD).

The legal Counsel briefed the Committee that: -

1. The Cabinet Secretary, Ministry of Foreign Affairs, Hon. Dr. Musalia Mudavadi EGH, submitted a copy of the Treaty and a Memorandum dated 13th May, 2024 to the National Assembly. Purpose of the Memorandum was to apprise the National Assembly on the Agreement and to seek approval for ratification.
2. IGAD was established by an agreement on 21st March, 1996 as a successor to the Intergovernmental Authority on Drought and Development (IGADD). The revitalization and renaming from IGGAD to IDAG was necessitated by the realization that IGADD heavily focused only on combatting drought and desertification. Under IGAD, the mandate was expanded to encompass agriculture, environment protection, economic cooperation,

political and humanitarian affairs, health and social development, and to foster regional integration.

3. During the 12th IGAD Summit of the Assembly of Heads of State and Government that was held on 14th June 2008 in Addis Ababa, Ethiopia, IGAD directed the Secretariat to develop a draft Treaty review the 1996 IGAD Agreement to ensure that IGAD's mandate and method of implementation are spelt out in the legal instrument.
4. The IGAD Secretariat through meetings of experts from Member States developed a draft Treaty adopted by the IGAD Assembly of Heads of State and Government during the 14th Ordinary Session held on 12th June 2023 in Djibouti.

Scrutiny of The Treaty establishing The Inter-Governmental Authority on Development (IGAD).

5. Article 1 comprises various definitions applying to the Treaty.
6. Article 2 provides that the purpose of the Treaty is to replace the Agreement Establishing the Inter-Governmental Authority on Development dated 21st March 1996 to widen and deepen cooperation to achieve sustainable development.
7. Article 3 provides that the aims and objectives of IGAD shall be to accelerate regional economic, social, environmental and political integration, and cross-border cooperation among the Member states.
8. Article 4 provides for the fundamental principles governing IGAD which include—
 - (a) Sovereign equality of all member states;
 - (b) Peaceful co-existence, good neighborliness, non-interference in the internal affairs of member states and peaceful settlement of inter and intra-state conflicts through dialogue;
 - (c) Maintenance of regional peace, stability and security;
 - (d) Mutual and equitable distribution of benefits accruing from cooperation under the Treaty; and
 - (e) Good governance including adherence to the principles of constitutionalism, democracy, rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as recognition, promotion and protection of human and people's rights.
9. Article 5 provides for the operational principles of IGAD which include—
 - (a) Mutual trust, and political will of all member states;
 - (b) Provision by member states of an adequate and appropriate enabling environment, such as conducive policies and basic infrastructure;
 - (c) The principle of subsidiarity with emphasis on multilevel participation and the involvement of a wide range of stakeholders in the process of integration including cross-border cooperation, community participation and bottom-up approach;
 - (d) The principle of flexibility and variable geometry which allows for progression in cooperation among groups within IGAD for wider integration schemes in various fields and at different paces;
 - (e) The equitable distribution of benefits accruing or to be derived from the operations of IGAD;
 - (f) The principles of asymmetry and complementarity; and
 - (g) A people-centred and market-driven cooperation.

10. Article 6 provides for a general undertaking on implementation where member states shall plan and align their policies and resources with a view to creating conditions favourable for the achievement of the objectives of IGAD and the implementation of the provisions of the Treaty. Member states shall also coordinate, through the organs of IGAD, their policies to the extent necessary to achieve the objectives of IGAD. Further, member states shall take all necessary measures, including the enactment of legislation, to effectively implement the Treaty.
11. Article 7 provides for specific undertakings for member states in the implementation of the treaty.
12. Article 8 provides for the membership of IGAD, which includes the Republic of Djibouti, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Kenya, the Federal Republic of Somalia, the Republic of South Sudan, the Republic of the Sudan and the Republic of Uganda. The member states may by unanimous decision admit any African state as a member on certain conditions.
13. Article 9 provides that IGAD shall have the capacity of a legal person to perform any legal act.
14. Article 10 provides for the organs of IGAD which include: -
 - (a) The Assembly;
 - (b) The Council;
 - (c) The Committee of Ambassadors;
 - (d) The Secretariat; and
 - (e) Such other organs as may be established by the Assembly.
15. Article 11 provides that the Assembly is the supreme organ of IGAD. It consists of Heads of State and Government of the member states or their duly accredited representatives. The Assembly determines the common policies and oversees the functioning of IGAD, oversees the implementation of policies, gives directions to the Council or other organs of IGAD for implementation of the Treaty, establishes organs of IGAD; grants membership to IGAD to any county, appoints the Executive Secretary and approves the annual budget of IGAD.
16. Under Article 12, the Assembly shall meet at least once a year in an ordinary session and may hold extraordinary meetings at the request of a member state. Quorum is 2/3 of the total membership. Decisions of the Assembly are by consensus and where it fails, by simple majority on procedural matters and by two-thirds majority on substantive matters.
17. Article 13 provides for the Chairperson of the Assembly on a rotational basis amongst the Heads of State and Government. The tenure of office of the Chairperson shall be one year.
18. Article 14 provides for the Council of Ministers which shall be the policy organ of IGAD and is composed of the Ministers of Foreign Affairs or any other minister designated by the member states or their duly delegated representative.
19. Article 15 provides for the functions of the Council which include formulating recommendations to the Assembly on policy matters pertaining to the efficient function and development of IGAD in accordance with the treaty.
20. According to Article 16, the Council shall meet at least twice in an ordinary session, one meeting of which shall be held immediately preceding the Assembly. The meetings shall be chaired by the Minister of Foreign Affairs of the country chairing IGAD or by any other minister designated by the same country.

21. Article 17 establishes the Committee of Ambassadors which comprises of the member states' ambassadors or plenipotentiaries accredited to the country of the headquarters of the organization. The Committee reports to the Council.
22. Article 18 provides for the functions of the Committee of Ambassadors which include, advising the Secretariat on action plans of programs and in different sectors of cooperation and integration through analysis proposals initiated by the Secretariat and ensuring they are consistent with the strategic objectives of IGAD.
23. Article 19 provides for the Secretariat which is the executive organ of IGAD and is comprised of the Executive Secretary, Two Deputy Executive Secretaries and other officers, units or institutions as may be deemed necessary by the Council.
24. Article 20 mandates the Secretariat to initiate policies, legal instruments, programmes and projects and prepare recommendations to the Council for policy decisions or directives.
25. Under Article 21, the Executive Secretary is appointed by the Assembly for a four-year term renewable once on a rotational basis. The Executive Secretary shall be the Chief Executive of IGAD.
26. According to Article 22, the two Deputy Executive Secretaries shall be appointed by the Council for a four-year term renewable once and in accordance with the principle of equitable distribution. The Deputy Executive Secretaries shall not be from the same country or the same country as the Executive Secretary.
27. Article 23 provides for the appointment of other staff of the Secretariat, which shall be on contract and in accordance with the IGAD Service Regulations and due regard given to securing the highest standards of integrity, efficiency and technical competence, gender equality, equality of opportunity and equitable distribution of appointments to such offices among citizens of all member states.
28. Article 24 lists the areas of cooperation of the member states which include, trade liberalization and development, transport and communications, tourism, energy, agriculture and food security.
29. Articles 24-41 address the specific areas of cooperation.
30. Article 42 provides that towards the achievement of the objectives of the Treaty Establishing African Economic Community, IGAD shall cooperate with regional, continental and international organizations.
31. Article 43 provides for cooperation between IGAD and the member states with the United Nations and its specialized agencies.
32. Articles 44 & 45 provide that the Executive Secretary shall prepare and submit the annual budget in consultation with the Committee of Ambassadors for consideration by the Council and approval by the Assembly. The budget shall be funded by member states' assessed contributions and donations from regional and international donations and any other sources as approved by the Council. The budget and accounts of IGAD shall be expressed in United States dollars.
33. Article 46 provides that an external Auditor shall be appointed by the Council to audit the accounts of IGAD and shall submit the audit reports to the Council through the Audit Committee annually which shall cause the same to be submitted to the Assembly.
34. Article 47 provides that the Council shall approve financial rules and regulations of IGAD in accordance with internationally accepted principles.
35. Article 48 states that the headquarters of IGAD shall be in Djibouti, the Republic of Djibouti.

36. Article 49 lists the official languages of IGAD as English, French and Arabic.
37. Article 50 provides that IGAD shall enjoy international legal personality.
38. Article 51 provides for sanction for various omissions including default in meeting financial contributions and complying with decisions and policies.
39. A member state may be expelled under Article 52 from IGAD for a consistent pattern of gross violation of principles and objectives of the Treaty after giving such member state twelve months' written notice.
40. Article 53 of the Treaty provides for the suspension of a member state by the Assembly for a period not exceeding 18 months or until the member state fulfils the fundamental principles and objectives of the Treaty including its financial commitments.
41. Article 54 allows a member state to withdraw from IGAD by giving the Executive Secretary twelve months' notice of its intention to withdraw.
42. Article 55 provides for amendment of the Treaty by the member state or the Council.
43. Article 56 provides for protocols and annexes to the treaty which shall be subject to signature and ratification by the member states.
44. Article 57 provides that disputes arising from the interpretation of obligation contained in the Treaty shall be settled amicably by the Council of Ministers through negotiations. A dispute resolution mechanism shall be constituted by way of a protocol between the member states.
45. Article 58 provides that the Treaty shall be open to signature, ratification and accession by member states.
46. Article 59 provides that the Treaty shall enter into force 60 days after the deposit of the instrument of ratification of two-thirds of the Member States of IGAD.
47. Article 60 provides that all instruments of signature, ratification and accession shall be deposited with the executive secretary who shall transmit certified true copies to all member states and register the treaty with the African Union and the United Nations and any other organization as the council may determine.
48. Article 61 provides that the Treaty shall remain valid unless otherwise terminated by the Assembly on the recommendation of the Council.
49. Article 62 provides for saving provisions for the operations of the existing institutions of IGAD.
50. Article 63 provides that English, French and Arabic versions of the Treaty are equally authentic.

Committee Observation

The Committee having scrutinized the treaty observed that: -

1. Despite the anchor states being in East Africa where Swahili is widely spoken, Swahili language is excluded as an official language in Article 49.
2. There seems to be an overlap and possible duplication of mandate between East African Community and IGAD.


Committee Resolution

The Committee resolved to proceed with the consideration of the Treaty and subject to the provisions of Standing Order 170A (2), the secretariat was tasked to facilitate public participation through an advert inviting the public to submit memorandums in relation to the Treaty.

MIN.NO. DDC/DIFR/223/2024:

ADJOURNMENT AND DATE OF NEXT MEETING.

The meeting was adjourned at 01.00 p.m. The next meeting is to be held on notice.

SIGNED:  DATE: 25/11/24

**THE HON. NELSON KOECH, M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON DEFENCE, INTELLIGENCE
AND FOREIGN RELATIONS**

Annexure 3: Copy of newspaper advertisement on public participation and submission of memoranda

NEWS GENERAL

ENHANCE QUALITY

State announces tea reforms to ensure fair trade practices

FELIX KIPKEMOI/ The government has unveiled transformative reforms in the tea sector to enhance transparency, quality and fair trade practices.

Agriculture PS Paul Ronoh said they have removed the reserve price to allow free trade.

The minimum reserve price introduced in 2021 was aimed at cutting losses occasioned by the low cost of the commodity in the market.

Former Agriculture CS Peter Munya introduced the reserve price for Kenya Tea Development Agency farmers and set it at Sh183.

He had cited the low value of the beverage amid the high cost of production.

This, however, led to traders keeping away from KTDA teas, instead opting to buy from the other firms seen as cheaper.

As a result, 100 million kilos of tea remained unsold at the auction.

Under the new reforms, Ronoh said all KTDA factories will be required to implement service level agreements to ensure farmers receive high-quality services.

"Factories will now have the freedom to conduct direct sales, which is expected to boost profitability and market access," he said.

To further support the sector, the Tea Board of Kenya, he said, has been tasked with auditing all KTDA-managed factories to identify challenges and provide targeted government assistance.

Speaking during an inspection tour of tea factories in the South Rift, Ronoh said the government will undertake costing for critical KTDA equipment.

"We want to help the directors to make informed decisions and prevent farmer exploitation," he said.

In response to issues of theft, the PS said all factory tea weighing machines will be calibrated regularly.

Additionally, KTDA and private tea factories are mandated to meet established quality standards and private factories must comply with registration requirements, he said.

On tea tasting, Ronoh said this will be conducted using scientific methods to ensure accuracy.

PS RONOH SAYS THEY HAVE REMOVED RESERVE PRICE TO ALLOW FREE TRADE



CLIMATE CHANGE

Study: Wild relatives of wheat offer hope of resilient varieties

Yield hampered by challenges such as seed recycling

AGATHA NGOTHO
@AgathaNgotho



Ancient wild relatives of wheat might hold the key to overcoming the challenges posed by climate change, a new study shows.

The research by the International Maize and Wheat Improvement Centre revealed that wheat wild relatives that have survived for millions of years may provide the solution to the crop adapting to climate change.

Two recent studies led by CIMMYT showed tapping into ancient genetic diversity could revolutionise wheat breeding and enhance global food security.

Dr Matthew Reynolds, a co-author of the studies, said there is a growing threat to wheat posed by increasingly erratic and extreme weather conditions.

This includes heat waves, delayed rains, flooding and emerging pests and diseases.

"We're at a critical juncture. Our current breeding strategies have served us well, but they must now address more complex challenges posed by climate change," Reynolds said.

1.5 BILLION

Wheat, which supplies 20 per cent of the world's calories and protein, is staple food for 1.5 billion people in the Global South.

In Kenya, wheat production is hampered by challenges such as seed recycling, periodic outbreaks of wheat stem rust (Ug99) and a land tenure system that discourages long-term soil investment due to short-term leases.

A report from the United States Department of Agriculture, in col-

laboration with the Global Agricultural Information Network, revealed that wheat production rose from 275,000 tonnes in the 2022-23 marketing year to 310,000 tonnes in 2023-24.

This increase was attributed to improved yields from timely rainfall and a slight expansion in the area harvested, as higher wheat prices prompted new farmers to lease land in Narok for wheat cultivation.

According to the World Bank, there is a rising demand for wheat in Kenya, particularly among the growing middle and upper-income groups who are increasingly consuming wheat-based products like pizza, pastries and bread.

The study further pointed out a large untapped reservoir of nearly 800,000 wheat seed samples preserved in 155 genebanks globally.

These samples include wild relatives and ancient varieties that have survived diverse environmental stresses over millennia.

Reynolds said only a small fraction of this genetic diversity has been utilised in modern crop breeding.

One of the studies, published in *Global Change Biology*, highlighted the significant impact of traits from wild relatives, including their contribution to environmental sustainability.

The study estimated that disease-resistant wheat varieties have helped avoid the use of approximately one billion litres of fungicide since 2000.

Dr Susanne Dreisigacker, a molecular breeder at CIMMYT and co-author of the study said, "Without transferring disease-resistant genes from wild relatives to wheat, fungicide use would have easily doubled, harming both human and environmental health."

Ismael Jama on a wheat farm in Ololungga, Narok county / **FILE**

THERE IS A GROWING THREAT TO WHEAT POSED BY ERRATIC AND EXTREME WEATHER CONDITIONS



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION (2024)

IN THE MATTER OF ARTICLES 2(5) & (6) AND 118 (1)(B) OF THE CONSTITUTION AND SECTION 8 OF THE TREATY MAKING AND RATIFICATION ACT, 2012 AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:-
THE TREATY ESTABLISHING THE INTER-GOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD)

INVITATION FOR SUBMISSION OF MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

AND WHEREAS, the Treaty Establishing the Inter-Governmental Authority on Development (IGAD) was tabled in the House on 4th June 2024 and committed to the Departmental Committee on Defence, Intelligence, and Foreign Relations for consideration and reporting to the House;

FURTHER, WHEREAS the purpose of the Treaty is to replace the Agreement Establishing the Inter-Governmental Authority on Development dated 21st March 1996 in order to widen and deepen cooperation to achieve sustainable development;

NOW THEREFORE, in compliance with Articles 118(1)(b) and 2(5) & (6) of the Constitution as well as Section 8 of the Treaty Making and Ratification Act, 2012, the Departmental Committee on Defence, Intelligence and Foreign Relations hereby invites members of the public and stakeholders to submit memoranda on the Treaty.

The full text of the Treaty and the accompanying Memoranda to Parliament may be accessed at www.parliament.go.ke/the-national-assembly/house-business/paper-laid.

The memoranda should be addressed to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to cna@parliament.go.ke; to be received on or before Wednesday, 11th September 2024 at 5.00 p.m.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
Thursday 29th August 2024

"For the Welfare of Society and the Just Government the People"

Annexure 4: Copy of the Treaty Establishing the Inter-Governmental Authority on Development (IGAD)

TREATY ESTABLISHING
THE INTER-GOVERNMENTAL
AUTHORITY ON
DEVELOPMENT (IGAD)





TREATY ESTABLISHING
THE
INTER-GOVERNMENTAL
AUTHORITY ON
DEVELOPMENT (IGAD)

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PREAMBLE

We, the Heads of State and Government of IGAD,

RECALLING the Declaration of 18 April 1995 in Addis Ababa, Ethiopia on the vital need for a more expanded cooperation among our member States within the framework of an expanded and revitalised Intergovernmental Authority on Drought and Development (IGADD);

REAFFIRMING the purposes of the Agreement Establishing IGAD signed in 1996 and considering the achievements;

INSPIRED by the noble purpose of promoting peace and security, regional cooperation, integration, and sustainable development;

FURTHER INSPIRED by the objectives of the Treaty Establishing the African Economic Community (the Abuja Treaty) and in compliance with the provisions of Article 28(1) of the said Treaty, and Article 1(t) of the Agreement Establishing the African Continental Free Trade Area (AfCFTA);

RECALLING that IGAD, as one of the Regional Economic Communities (RECs) of the African Union (AU), is signatory to the 1998 Protocol on Relations between the AU and the African Economic Community and RECs, and the 2020 Protocol on the Relations between the AU and RECs;

GUIDED by the Constitutive Act of the African Union of 2000 and its vision towards a peaceful, prosperous, and integrated Africa;

FURTHER GUIDED by the Charter of the 1945 United Nations and in conformity with the purpose and principles enshrined in the Charter;

DETERMINED to pursue comprehensive cooperation on the basis of equality and mutual benefit with the view to achieving peaceful, prosperous, and integrated region;

CONVINCED of the need for concerted efforts to combat drought, and build resilience against the impact of climate change and other economic, natural or man-made disasters;

DESIRING to accelerate trade, investment, social and economic development cooperation among the Member States by lowering trade and economic barriers; create a larger market with more opportunities and greater economies of scale for business;

CONFIDENT that the expanded mandate of IGAD will strengthen cooperation, serve as an important building block towards regional economic integration and support sustainable economic development;

COGNIZANT OF the different levels of development among IGAD Member States and the need for flexibility, subsidiarity, and complementarity;

MINDFUL of the wide-ranging similarities of present and future challenges and interdependence of our countries as well as the extensive complementarities of our resources;

AWARE that the review of the Agreement Establishing IGAD arises, inter alia, from the need for IGAD to adapt to the changes on the internal and international scene and the African Union reforms;

RECOGNIZING the need to strengthen the Secretariat with robust mandate, adequate powers and resources, and

DESIRIOUS to replace the 21st March 1996 Agreement Establishing IGAD by this Treaty,

Hereby agree as follows:

CHAPTER ONE: DEFINITIONS PURPOSE, AIMS, PRINCIPLES AND MEMBERSHIP
OF IGAD

Article 1
Definitions

In this Treaty, except where the context otherwise requires:

"Treaty" means this Treaty replacing the Agreement establishing the Inter-Governmental Authority on Development (IGAD) dated 21st March 1996

"Abuja Treaty" means the Treaty Establishing the African Economic Community of 1991;

"AfCFTA" means the Agreement Establishing the African Continental Free Trade Area;

"Agreement" means the Agreement establishing the Inter-Governmental Authority on Development (IGAD) dated 21st March 1996;

"Assembly" means the Assembly of Heads of State and Government of IGAD established by Article 10 of the Treaty;

"Committee of Ambassadors" means the Committee of Ambassadors established by Article 10 of the Treaty;

"Committee of Experts" means a body of experts composed of the relevant experts of Member States that provides technical support to the organs of IGAD;

"Council" means the Council of Ministers established by Article 10 of the Treaty;

"Deputy Executive Secretaries" means the officers appointed in accordance with Article 22 of the Treaty;

"Executive Secretary" means the Chief Executive Officer of IGAD appointed in accordance with Article 21 of the Treaty;

"IGAD" means the Intergovernmental Authority on Development;

"IGAD region" means the geographical region covered by IGAD member States;

"Member State" means a country referred to under Article 8 of the Treaty;

"Protocol" means any agreement that supplements, implements, amends, or qualifies the Treaty in accordance with Article 56 of the Treaty;

"Secretariat" means the secretariat of IGAD as established under article 10 of this Treaty;

"Sectoral Council" refers to a body of Ministers from the Member States in charge of a specific sector delegated by the Council to deal with such matters that arise under the Treaty as the Council may decide.

Article 2
Purpose of the Treaty

The purpose of the Treaty is to replace the Agreement Establishing the Inter-Governmental Authority on Development dated 21st March 1996 to widen and deepen cooperation to achieve sustainable development.

Article 3
Aims and Objectives of IGAD

The aims and objectives of IGAD shall be to accelerate regional economic, social, environmental and political integration, and cross border cooperation among the Member States.

Article 4
Fundamental Principles Governing IGAD

The fundamental principles that shall govern the achievement of the aims and objectives of IGAD by the Member States shall include:

- (a) Sovereign equality of all member States
- (b) peaceful co-existence, good neighbourliness, non-interference in the internal affairs of Member States and peaceful settlement of inter- and intra-State conflicts through dialogue;
- (c) maintenance of regional peace, stability and security;
- (d) mutual and equitable distribution of benefits accruing from cooperation under the Treaty;
- (e) good governance including adherence to the principles of constitutionalism, democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as the Recognition, Promotion and Protection of human and people's rights.

Article 5
Operational Principles of IGAD

The principles that shall govern the practical achievement of the objectives of IGAD shall include:

- (a) mutual trust, and political will of all Member States;
- (b) the provision by Member States of an adequate and appropriate enabling environment, such as conducive policies and basic infrastructure;
- (c) the principle of subsidiarity with emphasis on multi-level participation and the involvement of a wide range of stakeholders in the process of integration including cross-border cooperation, community participation and bottom-up approach;
- (d) the principle of flexibility and variable geometry which allows for progression in co-operation among groups within IGAD for wider integration schemes in various fields and at different pace;
- (e) the equitable distribution of benefits accruing or to be derived from the operations of IGAD;

- (f) the principles of asymmetry and complementarity; and
- (g) a people-centred and market-driven co-operation.

Article 6
General Undertaking on Implementation

1. The Member States shall:
 - (a) plan and align their policies and resources with a view to creating conditions favourable for the achievement of the objectives of IGAD and the implementation of the provisions of the Treaty;
 - (b) co-ordinate, through the organs of IGAD, their policies to the extent necessary to achieve the objectives of IGAD;
 - (c) monitor and evaluate the implementation of the Treaty, policies and programmes;
2. Each Member State shall take all necessary measures, including the enactment of legislation, to effectively implement the Treaty.

Article 7
Specific Undertakings

1. In order to achieve the aims and objectives of IGAD as set out in the provisions of the Treaty and the subsequent protocols, Member States shall:
 - (a) strictly adhere to their obligations under the Treaty;
 - (b) commit to the principles of the Abuja Treaty.
2. Member States further undertake to:
 - (a) foster such co-operation as would facilitate the production of and trade in goods and services,
 - (b) foster cooperation to remove obstacles to the free movement of persons, labour, goods, and services, in compliance with national legislation ;
 - (c) provide an appropriate and enabling environment for the participation of the private sector in economic development and co-operation within IGAD;
 - (d) provide an enabling, stable and secure investment environment;
 - (e) harmonise their macro-economic policies and co-operate in monetary and financial matters;
 - (f) foster and maintain an atmosphere that is conducive to peace and security through co-operation and consultations on issues pertaining to constitutionalism, democracy, human and people's rights, the rule of law, accountability, transparency, governance, peace and security;
 - (g) sustainable management of natural resources and the environment with a view to prevention, better management and resolution of disputes and conflicts between member states and in the region at large;
 - (h) foster cooperation in building institutions that promote drought resilience and food security.

- (i) take, jointly, such other steps as are necessary to further the aims and objectives of IGAD.

Article 8 Membership of IGAD

1. The IGAD Member States shall be the Republic of Djibouti, the Federal Democratic Republic of Ethiopia, the State of Eritrea, the Republic of Kenya, the Federal Republic of Somalia, the Republic of South Sudan, the Republic of the Sudan and the Republic of Uganda and any other State that may be granted membership.
2. The Member States may, by unanimous decision, upon such terms and in such manner as they may determine, admit as a member any African State which fulfils the criteria set under paragraph 3 of this Article.
3. The matters to be taken into account by the Member States for admitting any country to become a member of IGAD shall include that State's:
 - (a) acceptance of the principles and objectives of IGAD as set out in the Treaty;
 - (b) adherence to acceptable principles of good governance, democracy, the rule of law, and observance of human rights and social justice;
 - (c) potential contribution to the strengthening of economic co-operation and integration within the IGAD region;
 - (d) geographical proximity to and inter-dependence between it and the Member States;
 - (e) economic and social policies being compatible with those of IGAD.
4. The granting of observer status, or participation in activities with respect to IGAD shall:
 - (a) in case of a non-Member country, be the prerogative of the Assembly; and
 - (b) In the case of an inter-governmental organisation or civil society organisation, be the prerogative of the Council.
5. The procedure to be followed with respect to the foregoing provisions of this Article shall be determined by the Assembly.

Article 9 Legal Capacity of IGAD

1. IGAD shall have the capacity of a legal person to perform any legal act appropriate to its purpose.
2. IGAD shall, in the exercise of its legal personality, be represented by the Executive Secretary.

CHAPTER TWO: ORGANS AND INSTITUTIONS OF IGAD

Article 10
Organs of IGAD

1. The following shall be the organs of IGAD:
 - (a) the Assembly;
 - (b) the Council;
 - (c) the Committee of Ambassadors;
 - (d) the Secretariat;
 - (e) such other organs as may be established by the Assembly.
2. The organs of IGAD shall perform the functions and act within the limits of the power conferred upon them under the Treaty, or by their respective protocols.

Article 11
The Assembly

1. The Assembly shall be the supreme organ of IGAD.
2. The Assembly shall consist of Heads of State and Government of the Member States, or their duly accredited representatives.
3. The Assembly shall:
 - (a) determine the common policies and oversee the functioning of IGAD;
 - (b) oversee the implementation of policies and its decisions as well as ensure compliance by all Member States;
 - (c) give directives to the Council and other organs of IGAD on the effective implementation of the Treaty, the resolution of conflicts, war and other emergency situations and the restoration of peace;
 - (d) establish organs of IGAD;
 - (e) grant membership to IGAD to any country on such terms and conditions as provided for in Article 8 of the Treaty;
 - (f) appoint the Executive Secretary on the recommendation of the Council;
 - (g) consider the progress reports and such other reports submitted to it by the Council as provided for by the Treaty;
 - (h) approve the scale of assessment of contributions of Member States to the budget of IGAD on the recommendation of the Council, and
 - (i) approve the annual budget of IGAD on the recommendation of the Council.
4. Subject to the Treaty, the Assembly may delegate specific tasks of any of its functions to the Council.
5. The acts and decisions of the Assembly shall be issued under the hand of the Executive Secretary.
6. The decisions of the Assembly shall be binding on all Member States.

7. All financial reports of IGAD in respect of each financial year shall be reviewed by the Council and delivered to the Assembly.

Article 12
Meetings of the Assembly

1. The Assembly shall meet at least once a year in an ordinary session and may hold extraordinary meetings at the request of any Member State upon approval of the majority of the members.
2. Two-thirds of the total membership shall form a quorum at any meeting of the Assembly.
3. The decisions of the Assembly shall be by consensus, and where it fails by a simple majority on procedural matters and by a two third majority on substantive matters or by such other method as may be agreed by the Assembly.
4. Subject to the provisions of the Treaty, the Assembly shall determine its own procedure.

Article 13
The Chairperson

1. The Chairperson of the Assembly shall rotate in alphabetical order from amongst the Heads of State and Government of Member States.
2. The tenure of office of the Chairperson of the Assembly shall be one year.
3. The Head of State and/or Government of the next Chairperson in alphabetical order shall serve as Vice-chairperson of IGAD.

Article 14
Council of Ministers

1. The Council shall be the policy organ of IGAD.
2. The Council shall be composed of the Ministers of Foreign Affairs, or any other minister designated by the Member States or their duly delegated representative.

Article 15
Functions of the Council

1. The Council shall formulate recommendations to the Assembly on policy matters pertaining to the efficient function and development of IGAD in accordance with the Treaty.
2. The Council shall promote, monitor and supervise the implementation of the policies, protocols and legal instruments, strategies and programmes of IGAD and ensure the proper functioning and development of IGAD in accordance with the Treaty.
3. For the purposes of paragraph 1 and 2 of this Article, the Council shall:
 - (a) issue regulations, directives and take decisions aimed at ensuring the

- implementation of the policies, protocols, strategies and programmes necessary for the proper functioning and development of IGAD;
- (b) submit recommendations to the Assembly on fundamental matters of policy aimed at the efficient functioning and development of IGAD;
 - (c) consider measures that should be taken by the Member States in order to promote the attainment of the aims and objectives of IGAD;
 - (d) consider review and forward the budget of IGAD to the Assembly for approval;
 - (e) review and approve staff rules and regulations of IGAD;
 - (f) appoint the deputy Executive Secretary or Secretaries
 - (g) review and approve financial rules and regulations of IGAD;
 - (h) submit progress reports to the Assembly;
 - (i) prepare the agenda for the meetings of the Assembly;
 - (j) implement the decisions and directives of the Assembly;
 - (k) receive and review reports from the Secretariat;
 - (l) undertake any other functions assigned to it by the Assembly
4. Subject to the Treaty, the Council may delegate specific tasks of any of its functions to the Committee of Ambassadors, Sectoral Council, Committee of Experts, or the Executive Secretary.
 5. The Council may establish such Sectoral Councils or experts Committees to deal with issues in their respective sectors and on such terms as the Council may determine.
 6. The decisions of the Sectoral Council shall be referred to the ordinary session of the Council for review. Once approved, the decisions of the Sectoral Council shall be considered as decisions of the Council
 7. The Council, in pursuance of the provisions of the Treaty and within its mandate, can take regulations, directives, and decisions.

Article 16 Meetings of the Council

1. The Council shall meet at least twice a year in an ordinary session, one meeting of which shall be held immediately preceding the Assembly.
2. The Council meetings shall be chaired by the Minister of Foreign Affairs of the country chairing IGAD or by any other Minister designated by the same country.
3. Extraordinary sessions of the Council may be held at the request of a Member State or the Chairperson of the Council upon approval of the majority of Member States.
4. Save as otherwise provided for in the Treaty, the Council shall take its decisions by consensus, failing which by a simple majority on procedural matters and two-thirds majority vote on substantive matters.
5. Subject to the provisions of the Treaty, the Council shall determine its own rules of

procedure.

Article 17
Committee of Ambassadors

The Committee of Ambassadors shall comprise Member States' Ambassadors or Plenipotentiaries accredited to the country of the Headquarters of the Organization. The Committee of Ambassadors shall report to Council.

Article 18
Functions of the Committee of Ambassadors

1. The Committee of Ambassadors shall:
 - (a) advise the Secretariat on action plans of programs and in different sectors of cooperation and integration through analysing proposals initiated by the Secretariat and ensure they are consistent with the strategic objectives of IGAD;
 - (b) Recommend actions in all sectors of cooperation that are consistent with the objectives of IGAD for implementation by the Secretariat;
 - (c) guide the Secretariat on the implementation of the provisions of this Treaty by the Secretariat and such other Committees of Experts that may be established by the Council in exercise of its powers under this Treaty;
 - (d) Make recommendations to the Secretariat on the implementation of the provisions of this Treaty;
 - (e) Give guidance to the Secretariat on the promotion of its efforts in realizing the work plan approved by the Council of Ministers;
 - (f) direct the Secretariat on the interpretation of policies and guidelines which may require further elaboration;
 - (g) have such other functions as are conferred upon it by the Council.
2. Subject to any Council directives, the Committee of Ambassadors shall hold meetings as often as and when necessary to review the activities of the Secretariat.
3. All decisions of the Committee shall be reached by consensus. If however the Committee fails to reach an agreement by consensus, a decision shall be taken by a simple majority on procedural matters and two third majority of members present on substantive matters.

Article 19
Composition of the Secretariat

1. The Secretariat shall be the executive organ of IGAD.
2. The Secretariat shall be composed of the following:
 - (a) Executive Secretary;
 - (b) Two Deputy Executive Secretaries;
 - (c) Other offices, units, or institutions as may be deemed necessary by the Council.

3. In appointing staff members to offices in the Secretariat, due regard shall be given to securing the highest standards of integrity, efficiency and technical competence, gender equality, equality of opportunity and an equitable distribution of appointments to such offices among citizens of all the Member States.

Article 20
Functions of the Secretariat

In achieving the aims and objectives of IGAD, the Secretariat shall

- (a) initiate policies, legal instruments, programmes and projects and prepare recommendations to the Council for policy decisions or directives;
- (b) initiate studies and research related to, and for implementation of programmes and projects;
- (c) develop the strategic plans, manage and monitor programmes and projects of IGAD;
- (d) undertake, on its own initiative or on the decisions of the Council, such investigations, collection of information or verification of matters relating to any matter affecting IGAD, that appears to it to merit examination;
- (e) coordinate and harmonize policies and strategies relating to the aim and objectives of IGAD;
- (f) prepare and submit administrative and financial management reports, including the budget to the Council for its consideration;
- (g) prepare proposals for mobilisation of funds from development partners and other sources for the implementation of programmes and projects of IGAD;
- (h) promote and disseminate general information on IGAD to the stakeholders, the general public and the international community;
- (i) prepare reports on the activities of IGAD and submission to the Council;
- (j) initiate the draft agenda for the meetings of the organs of IGAD;
- (k) implement the decisions of the Assembly and the Council;
- (l) follow up of emerging and re-emerging issues affecting the region
- (m) prepare, organize and keep records of meetings of the organs and institutions of IGAD, and
- (n) such other matters that may be provided for under the Treaty.

Article 21
The Executive Secretary

1. The Executive Secretary shall be appointed by the Assembly for a term of four years renewable once on a rotational basis.
2. The Executive Secretary shall be the Chief Executive Officer of IGAD, and shall have, inter alia, the following duties and responsibilities:
 - (a) Represent IGAD and defend its interest under the guidance of and mandated by the Council and Assembly;

- (b) implement the decisions taken by IGAD organs;
 - (c) serve as Secretary of the Committee of Ambassadors, the Council, and Assembly;
 - (d) organize meetings of the Assembly, the Council, the Committee of Ambassadors, and any other meetings convened on the direction of the Assembly or the Council;
 - (e) serve as custodian of documents and property of IGAD; act as depository of all IGAD agreements and other legal instruments and perform similar depository functions thereof;
 - (f) prepare recommendations in carrying out the mandate of IGAD for consideration by appropriate policy organ;
 - (g) prepare the budget of IGAD for submission to the Assembly through the Committee of Ambassadors and the Council;
 - (h) submit annual reports on activities and plans of IGAD and its financial reports to the Council through the Committee of Ambassadors
 - (i) initiate measures and programmes aimed at promoting the aims and objectives of IGAD, for the consideration of the organs of IGAD;
 - (j) strengthen cooperation with other RECs, the African Union, the United Nations; and regional, continental and global financial institutions;
 - (k) promote cooperation with other partners in the furtherance of the aims and objectives of IGAD;
 - (l) consult and coordinate with the Governments and other institutions of Member States;
 - (m) negotiate, with the approval of the chairperson of Council, with other states, international organizations and partners in order to obtain financial and technical assistance on behalf of IGAD;
 - (n) organize activities of the secretariat and organs of IGAD
 - (o) appoint IGAD staff in accordance with IGAD Service Regulations;
 - (p) supervise the functioning of the Secretariat and administer the finances and human resources of IGAD;
 - (q) perform such other functions as may be determined by the Assembly or Council from time to time.
3. The terms and conditions of service of the Executive Secretary shall be determined by the Council and approved by the Assembly.

Article 22
Deputy Executive Secretaries

1. The two Deputy Executive Secretaries shall be appointed by the Council for four years, renewable once, and in accordance with the principle of equitable distribution.
2. The deputy Executive Secretaries shall not be from the same country or from the same country as the Executive Secretary
3. The Deputy Executive Secretaries shall assist the Executive Secretary in discharge of his or her functions;

4. The terms and conditions of service of the Deputy Executive Secretaries shall be determined by the Council.

Article 23

Other Officers and Staff Members of the Secretariat

1. There shall be such other officers and staff in the service of IGAD as the Council may determine.
2. All staff of the Secretariat shall be appointed on contract and in accordance with the IGAD Service Regulations.
3. The salaries, job description and other terms and conditions of service of the staff shall be determined by the IGAD Service Regulations.
4. In appointing staff members to offices in the Secretariat, due regard shall be given to securing the highest standards of integrity, efficiency and technical competence, gender equality, equality of opportunity and an equitable distribution of appointments to such offices among citizens of all the Member States.

CHAPTER THREE: AREAS OF COOPERATION

Article 24

Areas of Cooperation

Member States shall cooperate in the following key areas:

- (a) trade liberalization and development;
- (b) transport and communications;
- (c) tourism;
- (d) energy; in particular renewable energy development;
- (e) agriculture and food security;
- (f) environment protection and natural resource management;
- (g) enabling environment for the private sector
- (h) enabling environment for the civil society and professional bodies;
- (i) gender equality and empowerment of women and girls;
- (j) investment;
- (k) free movement of goods, persons, labour, services and capital;
- (l) good governance, peace and security;
- (m) development and utilization of human resources,
- (n) education, science and technology;
- (o) social welfare,
- (p) health,

(q) culture and sports;

(r) such other areas as the Member States may decide in furtherance of the aims and objectives of the Treaty.

Article 25

Trade liberalisation and development

1. In line with Article 24 and as set out in Article 56 of the Treaty, Member States may develop instruments and mechanisms to achieve the objectives of the Abuja Treaty and the AfCFTA.
2. IGAD may issue regulations, directives and take decisions aimed at achieving the aims and objectives of the Abuja Treaty and the AfCFTA.

Article 26

Transport and Communications

In order to achieve the aims and objectives of IGAD in line with Article 24, the Member States undertake to co-ordinate, harmonise transport and communications policies, improve and expand the existing transport and communications links and establish new ones.

Article 27

Tourism

In order to achieve the aims and objectives of IGAD and in line with Article 24, the Member States undertake to co-ordinate, harmonise and develop policies to promote tourism in the IGAD region.

Article 28

Energy

In line with Article 24, Member States recognise that a secure supply of energy at competitive prices is a pre-condition for economic development, and that to ensure competitively priced supplies of energy to all the Member States requires both the development of local energy resources and the rational management of existing resources.

Article 29

Agriculture and Food Security

Member States agree that the overall objectives of co-operation in the agricultural sector are the achievement of food security and rationale agricultural production within IGAD. To this end in line with Article 24, Member States undertake to coordinate, develop, and harmonize policies to ensure food security within IGAD region and increase sustainable production of crops, livestock, fisheries, and forestry.

Article 30

Environment and Natural Resource Management

In line with Article 24, the Member States recognise that a clean and healthy environment is a prerequisite for sustainable development. The Member States therefore agree to take

concerted measures to foster co-operation in the joint and efficient management and sustainable utilisation of natural resources, and protection and conservation of environment within IGAD.

Article 31
Enabling Environment for the Private Sector

The Member States agree to provide an enabling environment for the private sector to take full advantage of the business opportunities within IGAD. To this end the Member States undertake to improve the business environment at national and regional levels for the development of the private sector.

Article 32
Enabling Environment for the Civil Society and Professional bodies

The Member States agree to provide an enabling environment for the participation of civil society and professional bodies to contribute to the promotion and realization of IGAD aims and objectives.

Article 33
Gender equality and empowerment of women and girls

The Member States recognise that women make a significant contribution towards the process of societal transformation and sustainable development and need to be fully engaged in the development and implementation of policies and programmes of IGAD and its Member States. To this end, IGAD and its Member States shall through appropriate measures to ensure every woman and girl enjoys full gender equality and all legal, political, social, and economic rights, and ensure women participation and leadership in all forms of decision-making bodies, and undertake such other measures that shall eliminate prejudices and violence against women.

Article 34
Investment

The Member States agree to provide an enabling environment for investment and business development. To this end, the Member States undertake to, adopt harmonised policies aiming at attracting private sector investment in the IGAD region, and create and maintain a predictable, fair, transparent and secure investment climate.

Article 35
Free Movement of Persons, Labour, Goods, Services, and Capital

The Member States agree to cooperate to facilitate and take necessary measures to achieve the free movement of goods, persons, labour, services and capital within the IGAD region in line with the AfCFTA.

Article 36
Good Governance, Peace and Security

In order to fulfil the aims and objectives of IGAD and in line with Article 3, Member States agree that good governance, peace and security are pre-requisites to sustainable development and vital to the achievement of regional integration of IGAD. Member States

agree to foster good governance by ensuring respect for the rule of law and human rights, and to achieve peace and security by enhancing their capacity to resolve inter and intra State disputes and conflicts.

Article 37
Development and Utilization of Human Resources

Member States agree to undertake concerted measures to foster co-operation in human resources development, and greater utilisation of human capacity, technical know-how and institutional capabilities.

Article 38
Education, Science, Technology

Member States undertake to create a conducive environment to foster co-operation in the development of education, science, technology and innovation through harmonization of policies and programs.

Article 39
Social Welfare

Member States undertake to foster cooperation in social protection and develop and adopt measures to protect the rights and welfare of the children, the elderly, the youth, persons with disabilities, and other disadvantaged and marginalized groups.

Article 40
Health

Member States undertake to take joint policy and other necessary measures towards strengthening cooperation in the health sector for the prevention and eradication of diseases, enhancement of the efficiency of health care services, and promotion of research and development.

Article 41
Culture and Sports

Member States shall promote close co-operation between themselves in culture and sports and agree to promote and protect heritage of the IGAD region, and to enhance the role of culture and sport in socio-economic development of the region.

**CHAPTER FOUR: COOPERATION WITH OTHER RECs, THE AFRICAN UNION,
OTHER INTERNATIONAL ORGANIZATIONS**

Article 42
Other RECs, African Union

1. The Member States reiterate their desire for and commitment to a wider unity of Africa and regard IGAD's economic integration as a step towards the achievement of the objectives of the Treaty Establishing the African Economic Community.

2. IGAD shall foster co-operative arrangements with other regional, continental, and international organisations whose activities have a bearing on the objectives of IGAD.

Article 43

United Nations, other International Organisations and Development Partners

IGAD and the Member States shall accord importance to co-operation with the United Nations and its specialised Agencies, other regional and international organisations, bilateral and multilateral development partners as well as other regional and continental economic communities.

CHAPTER FIVE : FINANCIAL PROVISIONS

Article 44

Budget

1. There shall be a budget for the organs and institutions of IGAD.
2. The Executive Secretary shall prepare and submit the annual budget in consultation with the Committee of Ambassadors for consideration by the Council and approval by the Assembly;
3. All financial reports of IGAD in respect of each financial year shall be considered by the Council and approved by the Assembly.
4. The budget of IGAD shall be funded by Member States assessed contributions and donations from regional and international donors and any other sources as may be approved by the Council.
5. The resources of IGAD shall be utilised to finance activities of IGAD.
6. The budget and accounts of IGAD shall be expressed in United States dollars.

Article 45

Other Resources

1. Other resources of IGAD shall include such extra budgetary resources as:
 - (a) grants, donations, funds for projects and programmes and technical assistance; and
 - (b) income earned from activities undertaken by IGAD.
2. The extra-budgetary resources of IGAD shall be utilized to finance activities of IGAD.

Article 46

Audit of Accounts

1. There shall be an external Auditor appointed by the Council whose function shall be to audit the accounts of IGAD.
2. The internal auditor shall submit its internal and external Audit Reports to the Council

through the Audit Committee annually which shall cause the same to be submitted to the Assembly.

3. In the performance of its functions under this Article, the internal auditor and the Audit Committee shall not be subject to the direction or control of any person or authority.

Article 47
Financial Rules and Regulations

The Council shall approve financial rules and regulations of IGAD in accordance with internationally accepted principles.

CHAPTER SIX: GENERAL, TRANSITIONAL AND FINAL PROVISIONS

Article 48
Headquarters and other Offices of IGAD

1. The headquarters of IGAD shall be in Djibouti, the Republic of Djibouti.
2. There may be established such offices of IGAD in the Member States and elsewhere as the Council may determine.

Article 49
Official Languages

The official languages of IGAD shall be English, French and Arabic.

Article 50
Status, Privileges and Immunities

1. IGAD shall enjoy international legal personality.
2. The Executive Secretary shall conclude with the Government of the Member State in whose territory the headquarters is situated, and the Governments of the Member States in whose territory the offices of IGAD shall be situated, agreements relating to the privileges and immunities to be recognised and granted in connection with the mandate of IGAD.
3. Each Member State shall accord to IGAD, its offices, and its staff the privileges and immunities accorded to similar regional and international organizations in its territory.

Article 51
Sanctions

1. Any Member State which defaults in meeting its financial contributions in the preceding two years shall be denied the right to speak at meetings, the right to host or chair meetings, the right to vote, or the right to present candidates for any position or post within IGAD, or to benefit from any activity or commitment of IGAD or any other such sanction the Assembly sees fit or determines
2. Any Member State which fails to comply with decisions and policies shall be subject

to such sanctions as the Assembly may, on the recommendation of the Council, determine.

3. The Assembly may, nevertheless, permit a Member State who has been granted dispensation to continue to enjoy full benefits accruing from the Treaty if it is satisfied that failure to comply with the contributions is due to conditions beyond the control of that Member.

Article 52
Suspension of a Member State

1. The Assembly may suspend a Member State from taking part in the activities of IGAD for a period not exceeding 18 months or until the Member State fulfils the fundamental principles and objectives of the Treaty including its financial commitments.
2. A Member State suspended in accordance with paragraph 1 of this Article, shall cease to enjoy the benefits provided for under the Treaty but shall continue to be bound by membership obligations until the suspension is lifted.

Article 53
Expulsion of a Member State

1. The Assembly may expel a Member State from IGAD for consistent pattern of gross violation of the principles and objectives of the Treaty, after giving such Member State twelve months written notice.
2. Upon the expiration of the period specified in paragraph 1 of this Article, the Member State concerned shall cease to be a member of IGAD with due notification unless the notice is cancelled or is withdrawn.
3. During the period referred to in paragraphs 1 and 2 of this Article the Member State concerned shall continue to comply with the provisions of the Treaty and be liable to discharge all subsisting obligations and long- term commitments incurred during membership.
4. A Member State expelled under paragraph 1 of this Article can reapply to the Assembly for readmission upon fulfilling the obligations that led to the expulsion.

Article 54
Withdrawal of a Member State

1. A Member State may withdraw from IGAD by giving to the Executive Secretary twelve month's written notice of its intention to withdraw, unless that Member State cancels the notice before the expiry of the twelve months;
2. During the twelve months period referred to in paragraph 1 of this Article, a Member State wishing to withdraw from IGAD shall nevertheless observe the provisions of the Treaty and shall remain liable for the discharge of its obligations under the Treaty;
3. The obligations assumed by the Member State under the Treaty shall, to the extent necessary survive the termination of membership of any Member State and the Member State shall remain liable to discharge all subsisting obligations and long-term

commitments incurred during membership;

4. Any property and assets of IGAD situated in the territory of a Member State whose membership has been withdrawn shall continue to be the property of IGAD and be available to IGAD.
5. A Member State which withdraws under paragraph 1 of this Article can apply to the Assembly for admission in accordance with the provisions of article 8 of this Treaty.

Article 55 **Amendment of the Treaty**

1. Any Member State or the Council may submit proposals for the amendment of the Treaty to the Executive Secretary. The Executive Secretary shall within 30 days of receipt, communicate the proposed amendment to Member States.
2. The Member States who wish to comment on the proposals shall do so within 90 days from the date of the dispatch of the proposal by the Executive Secretary.
3. After the expiration of the period prescribed under paragraph 3 of this Article, the Executive Secretary shall submit the proposal to the Assembly through the Council.
4. Any amendments to the Treaty shall be adopted by the Assembly.
5. The amendment shall enter into force in accordance with article 58 of this Treaty.

Article 56 **Protocols and Annexes to the Treaty**

1. The Member States shall conclude such Protocols as may be necessary in any area of co-operation which shall spell out the objectives and scope of, and institutional mechanism for co-operation and integration.
2. Each Protocol shall be approved by the Assembly on the recommendations of the Council.
3. Each Protocol shall be subject to signature and ratification by the Member States.
4. The Annexes and Protocols to the Treaty shall form an integral part of the Treaty.

Article 57 **Dispute Resolution Mechanism**

1. Disputes arising out of the interpretation of the obligations contained in the Treaty shall be settled amicably by the Council of Ministers through negotiations.
2. The Assembly shall, upon recommendations of the Council, constitute an ad hoc Dispute Resolution Mechanism, to resolve any dispute arising from the interpretation of the Treaty.
3. A Dispute Resolution Mechanism shall be constituted by way of a protocol between the Member States.

Article 58
Signature, Ratification and Accession

This Treaty shall be open to signature, ratification, and accession by the Member States of IGAD in accordance with their respective constitutional procedures.

Article 59
Entry into Force

1. The Treaty shall enter into force sixty days after the deposit of the instrument of ratification of two-thirds of the Member States of IGAD with the Executive Secretary.
2. Upon the entry into force of the Treaty, the 1996 Agreement establishing the Intergovernmental Authority on Development (IGAD) shall cease to have any legal force.
3. After entry into force, any Member State can accede to the Treaty after its internal due process.

Article 60
Depositary and Registration

1. The Treaty and all its instruments of signature, ratification, and accession, shall be deposited with the Executive Secretary who shall transmit certified true copies thereof to all the Member States.
2. The Executive Secretary shall register the Treaty at the African Union, the United Nations and such other organisations as the Council may determine.

Article 61
Duration of the Treaty

The Treaty shall remain valid unless otherwise terminated by the Assembly on the recommendation of the Council.

Article 62
Saving Provisions

1. Subject to the provisions of the Treaty, the operations of the existing institutions of IGAD, after the coming into force of the Treaty, shall not be affected by such coming into force, but the protocols and other legal instruments governing them shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Treaty.
2. The repeal, replacement or modification of the Agreement Establishing the Intergovernmental Authority on Development (IGAD) shall not affect the decisions of the Assembly, the Council and other organs and institutions of IGAD, but such decisions shall be construed and implemented with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Treaty.

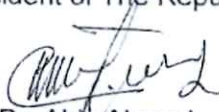
**Article 63
Authenticity**

English, French, and Arabic versions of the Treaty are equally authentic.

DONE at ASIROU on the JUNE 12th day of JUNE 2023

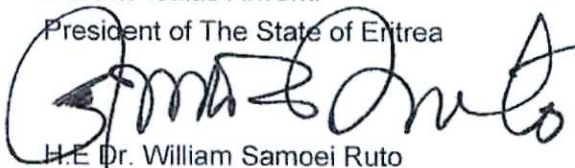
IN FAITH WHEREOF the undersigned have appended their signatures hereto.

H.E Ismaïl Omar Guelleh
President of The Republic of Djibouti




H.E Dr. Abiy Ahmed
Prime Minister of The Federal Democratic Republic of Ethiopia


H.E Ato Isaias Afwerki
President of The State of Eritrea



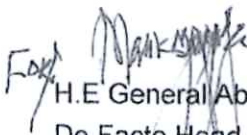
H.E Dr. William Samoei Ruto
President of the Republic of Kenya



H.E. Dr. Hassan Sheikh Mohamud
President of the Federal Republic of Somalia

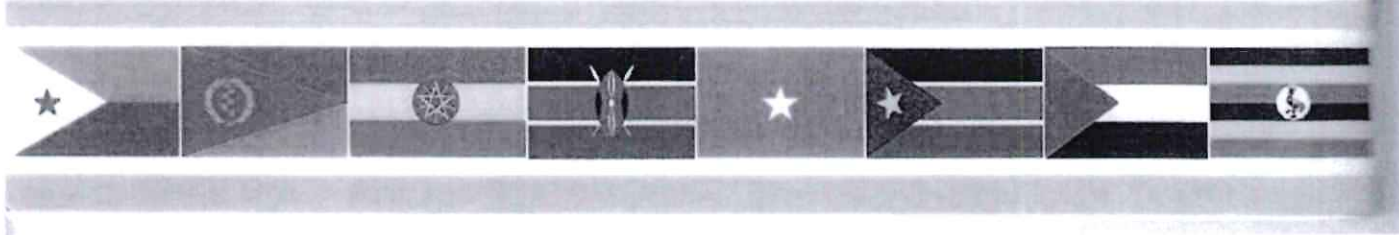
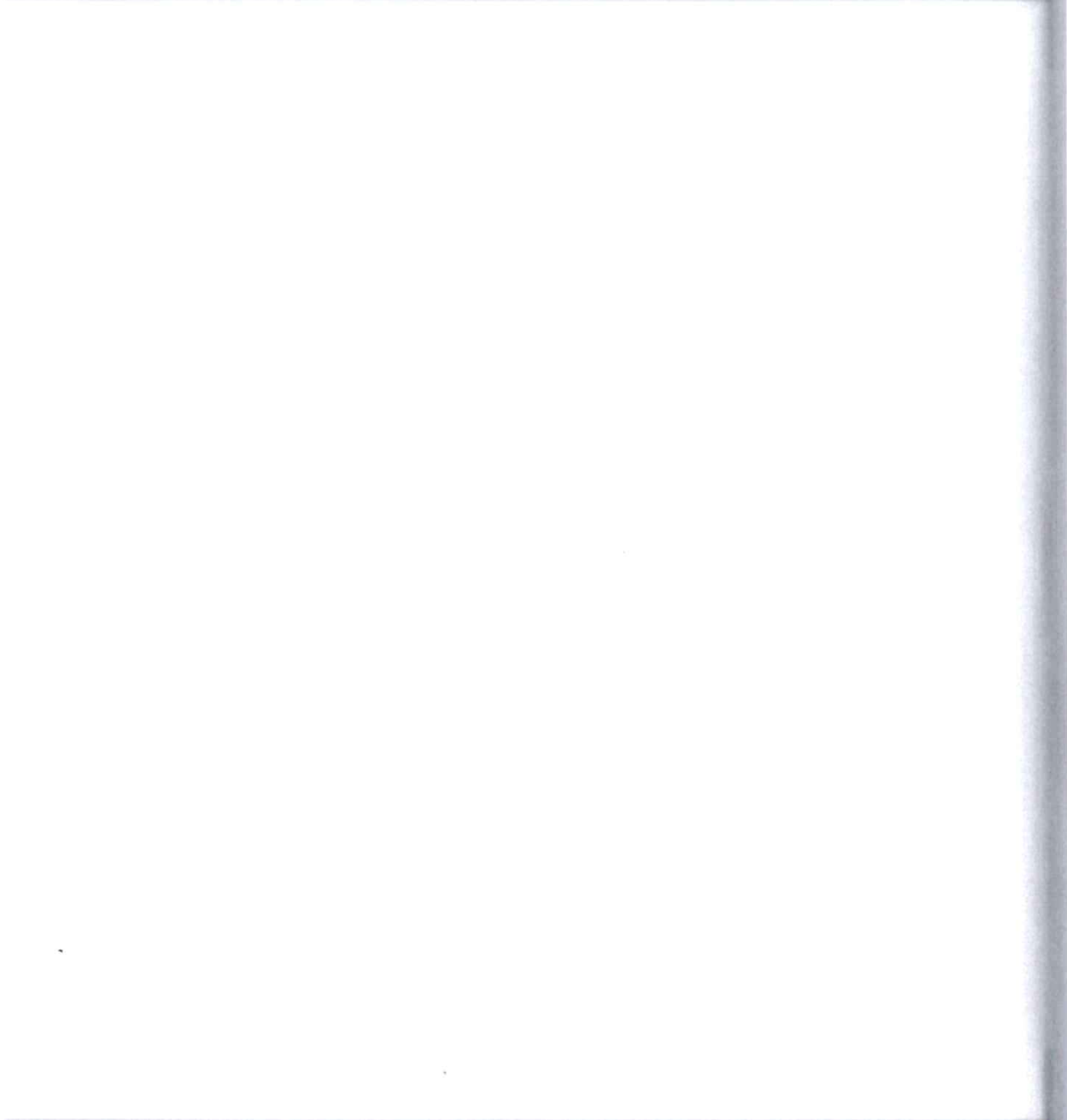
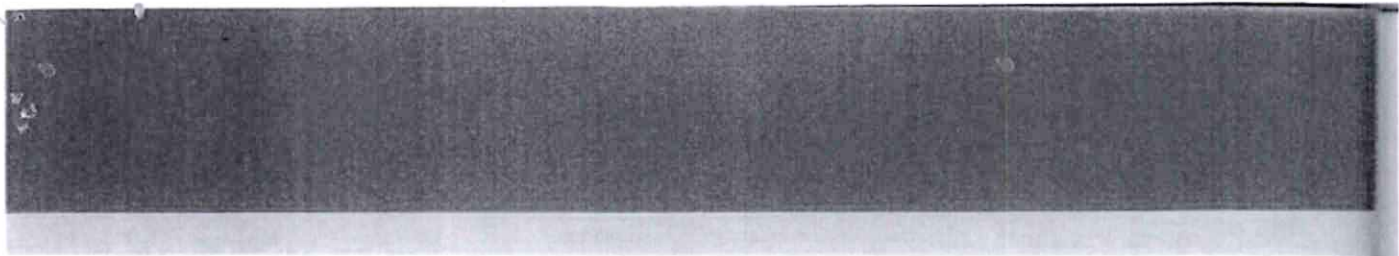


H.E President Salva Kiir Mayardit
President of the Republic of South Sudan



H.E General Abdel Fattah al-Burhan
De Facto Head of State of the Republic of the Sudan

H.E Yoweri Kaguta Museveni
President of the Republic of Uganda



Annexure 5: Copy of the Parliamentary Memorandum on Kenya's Ratification of the Treaty Establishing IGAD

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PARLIAMENTARY MEMO NO: /.....




PARLIAMENTARY MEMORANDUM

ON

**KENYA'S RATIFICATION OF THE TREATY ESTABLISHING
THE INTER-GOVERNMENTAL AUTHORITY ON
DEVELOPMENT (IGAD)**

**[SUBMITTED BY THE PRIME CABINET SECRETARY/
CABINET SECRETARY FOR FOREIGN AND DIASPORA
AFFAIRS]**

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 04 JUN 2024	
TUESDAY MAY 2024	
TABLED BY:	Hon KIMANI KIHUNDA, MP
CLERK-AT THE TABLE:	MASORITA LEADGP
	INZAPU MWAKE

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PARLIAMENTARY MEMORANDUM ON THE RATIFICATION OF THE
TREATY ESTABLISHING THE INTER-GOVERNMENTAL AUTHORITY ON
DEVELOPMENT (IGAD)

1.0 OBJECTIVES OF THE MEMORANDUM

1.1 The purpose of this Memorandum is to:

- i) Apprise the National Assembly on the contents of the Treaty Establishing Inter-Governmental Authority on Development (IGAD); and
- ii) Seek the National Assembly's approval for Kenya's ratification of the Treaty in line with Section 8 of the Treaty Making and Ratification Act, CAP 4D.

2.0 BACKGROUND

2.1 The Intergovernmental Authority on Development (IGAD) was established by an Agreement on 21st March 1996 as a successor to the Intergovernmental Authority on Drought and Development (IGADD) that had been established in 1986.

2.2 The main objective of IGADD was to mitigate and combat the effects of recurring severe droughts and other natural disasters that resulted in widespread famine, ecological degradation, and economic hardship in the region.

2.3 The revitalization and renaming of IGADD to IGAD was necessitated by the realization that IGADD heavily focused only on combatting drought and desertification.

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- 2.4 Under IGAD, the mandate was expanded to encompass agriculture (food security), environmental protection, economic cooperation, political and humanitarian affairs, health and social development, and to foster regional integration.
- 2.5 IGAD's mandate is implemented by the following organs: An Assembly of Heads of State and Government, a Council of Members, a Committee of Ambassadors, and a Secretariat based in Djibouti.
- 2.6 In addition, IGAD has specialized institutions namely IGAD Conflict Early Warning and Response Mechanism (IGAD CEWARN), IGAD Climate Prediction and Applications Centre (ICPAC), IGAD Foreign Service Institute, IGAD Security Sector Program (IGAD SSP), IGAD Centre for Pastoral Areas and Livestock Development (ICPALD), IGAD Centre for Excellence for Preventing and Countering Violent Extremism (ICEPCVE), IGAD Centre of Excellence for Climate Adaptation and Environmental Protection (IGAD CAEP), IGAD Sheikh Technical Veterinary School (IGAD STVS), IGAD Centre of Excellence in Nutrition (ICEN) and the IGAD Leadership Academy (ILA).
- 2.7 Four of the aforementioned institutions namely ICPAC, ICPALD, ICEN, and ILA are domiciled in Kenya. Operations of the four institutions in Kenya are governed by a Host Country Agreement between the Republic of Kenya and IGAD that was signed on 12th June 2008 and reviewed on 8th August 2022.

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2.8 IGAD is also one of the eight (8) recognized Regional Economic Communities (RECs) of the African Union, which serve as the building blocks of the Union.

2.9 The establishment of IGAD in 1996 was through an Agreement which was signed by the founding Member States. The founding members were six (6) namely Kenya, Uganda, Somalia, Sudan, Ethiopia and Djibouti. Subsequently, Eritrea and Sudan became members in 1993 and 2011 respectively.

2.10 During the 12th IGAD Summit of the Assembly of Heads of State and Government that was held on 14th June 2008 in Addis Ababa, Ethiopia, IGAD directed the Secretariat to:

- i) Undertake an inventory of what has been achieved so far in terms of harmonization and regional integration, and make recommendations on the way forward;
- ii) Develop and implement regional integration policies and programs to make IGAD relevant as a building block of the African Economic Community; and
- iii) Develop a draft Treaty reviewing the 1996 IGAD Agreement to ensure that IGAD's mandate and method of implementation are spelled out in the legal instrument.

2.11 The IGAD Secretariat through meetings of experts from Member States developed a draft Treaty Establishing IGAD. The draft Treaty was subjected to all IGAD policy organs for review before it was adopted at

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the IGAD Assembly of Heads of State and Government during the 14th Ordinary Session that was held on 12th June 2023 in Djibouti.

2.12 Further, during the Session, six (6) Heads of State and Government including H.E. William Samoei Ruto, PhD., C.G.H., the President of the Republic of Kenya, signed the Treaty. The Treaty is subject to ratification and requires two-thirds of the Member States to ratify it before entering into force.

3.0 OBJECT AND SUBJECT MATTER OF THE TREATY

3.1 The IGAD Treaty replaces the Agreement Establishing the Inter-Governmental Authority on Development dated 21st March 1996 and has an expanded scope.

3.2 Under the Treaty, the aims and objectives of IGAD are to accelerate:

- i) Regional, economic, social, environmental and political integration; and
- ii) Cross-border cooperation among Member States.

3.3 The Treaty:

- i) Creates a link between the African Union and IGAD;
- ii) Encourages IGAD to cooperate with other Regional Economic Communities (RECs) and international organizations whose activities have a bearing on the objectives of IGAD;

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- iii) Provides a clearer definition of sectoral committees and differentiates between “Sectoral Committee of Experts” and “Sectoral Council”;
- iv) Requires admission of Member States into IGAD to be approved through a unanimous decision of the present Member States;
- v) Creates an additional office of the Deputy Executive Secretary to be appointed by the Council of Ministers. Previously, there was only one Deputy Executive Secretary. The Deputy Executive Secretaries assist the Executive Secretary in the discharge of his or her functions;
- vi) Provides Member States with a renewed opportunity to cooperate in finding solutions to the wide range of pressing challenges that are affecting the globe today.

3.4 The Treaty also promotes the following fundamental principles:

- i) Sovereign equality of all Member States;
- ii) Peaceful co-existence, good neighbourliness, non-interference in the internal affairs of the Member States, and peaceful settlement of inter-and intra-state conflicts through dialogue;
- iii) Maintenance of regional peace, stability, and security;
- iv) Mutual and equitable distribution of benefits accruing from cooperation under the Treaty;
- v) Good governance including adherence to the principles of constitutionalism, democracy, the rule of law, accountability, transparency, social justice, equal opportunities, and gender

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equality as well as recognition, promotion, and protection of human and people's rights.

4.0 OBLIGATIONS IMPOSED ON KENYA BY THE TREATY

4.1 The Treaty imposes both general and specific undertakings upon Member States.

4.2 These are the general undertakings for Member States:

- i) Plan and align their policies and resources to create conditions favourable for the achievement of the objectives of IGAD and the implementation of the provisions of the Treaty;
- ii) Co-ordinate, through the organs of IGAD, their policies to the extent necessary to achieve the objectives of IGAD;
- iii) Monitor and evaluate the implementation of the Treaty, policies, and programs.
- iv) Take all necessary measures, including the enactment of legislation, to effectively implement the Treaty.

4.3 The specific undertakings are:

- i) Strictly adhere to their obligations under the Treaty;
- ii) Commit to the principles of the Abuja Treaty;
- iii) Foster cooperation as would facilitate the production of and trade in goods and services;
- iv) Foster cooperation to remove obstacles to the free movement of persons, labour, goods, and services, in compliance with national legislation;

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- v) Provide an appropriate and enabling environment for the participation of the private sector in economic development and cooperation with IGAD;
- vi) Provide an enabling, stable, and secure investment environment;
- vii) Harmonise macro-economic policies and cooperate in monetary and financial matters;
- viii) Foster and maintain an atmosphere that is conducive to peace and security through cooperation and consultations on issues about constitutionalism, democracy, human and people's rights, the rule of law, accountability, transparency, governance, peace and security;
- ix) Sustainable management of natural resources and the environment with a view to prevention, better management, and resolution of disputes and conflicts between Member States and in the region at large; and
- x) Foster cooperation in building institutions that promote drought resilience and food security.

5.0 ANALYSIS OF THE PROBLEM

5.1 Since the establishment of IGAD vide the 1996 IGAD Agreement, a lot of dynamics of intergovernmental organizations have evolved including new priorities guiding their activities. For instance, IGAD has been recognized as a Regional Economic Community by the African Union, the EAC has evolved into a Customs Union followed by COMESA, the SADC has launched an FTA, and the African Union has adopted the Africa Continental Free Trade Area (AfCFTA).

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- 5.2 The decision of the Assembly of Heads of State and Government during the 12th IGAD Summit held on 14th June 2008 in Addis Ababa, Ethiopia, sought to take into account the evolutionary nature of IGAD and bring it at par with the African Union Regional Economic Communities.
- 5.3 Accordingly, the IGAD Secretariat undertook several assessments and studies from 2008 to 2009 to explain and clarify its regional integration agenda and assist the Secretariat in drawing the necessary road maps for its implementation.
- 5.4 One of its findings was that the 1996 IGAD Agreement may not facilitate IGAD to proceed in the direction it desires in light of the many changes that have taken place.
- 5.5 Given this context, the Secretariat proposed to the Council of Ministers to review the 1996 IGAD Agreement and replace it with an Establishment Treaty.
- 5.6 During the 33rd Ordinary Session of the IGAD Council of Ministers meeting, the Council considered the recommendations of the Secretariat and directed it to develop a draft Treaty Establishing IGAD as well as rules of procedure for IGAD Policy Organs.
- 5.7 The IGAD Secretariat through meetings of experts from Member States developed a draft Treaty Establishing IGAD. The draft Treaty was

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subjected to all IGAD policy organs for review before it was adopted at the IGAD Assembly of Heads of State and Government during the 14th Ordinary Session that was held on 12th June 2023 in Djibouti.

6.0 JUSTIFICATION

6.1 By ratifying the 2023 IGAD Treaty, Kenya will demonstrate its renewed unwavering commitment in supporting the aims and objectives of IGAD.

6.2 Kenya will also enjoy the following benefits:

i) Enhanced regional integration

The Treaty encourages Member States to cooperate in seventeen (17) critical areas. Through partnerships, Kenya will address the issues that it faces within its territories drawing it closer to the attainment of the UN sustainable development goals, regional and national goals.

ii) Ease of doing business

Ratifying the Treaty is an avenue for Kenya to boost its economy through increased revenue. The Treaty promotes ease of doing business by focusing on avenues of cooperation for Member States i.e. trade liberalization and free movement of goods, persons, labour, services and capital. Kenya will enjoy similar benefits as it enjoys by being part of other RECs.

iii) Attract investors to Kenya

Kenya currently hosts 4 IGAD specialized institutions i.e. ICPAC, ICPALD, ICEN and ILA. The Host Country Agreement signed between

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Kenya and IGAD allows Kenya to host future IGAD institutions. By hosting these institutions, Kenya attracts professionals who bring in the expertise and funding which translates to enhanced systems in the various fields that these institutions focus on.

iv) Peace and security

Kenya has made valiant efforts to promote peace and development within the region in the process earning the title "*anchor state*". By ratifying the Treaty, Kenya will not only solidify its identity but also create a peaceful atmosphere conducive for trade. In the past, Kenya has sent peacekeeping missions to address conflicts in the volatile IGAD region. By extension, this has enabled Kenya to trade and reach a mutual understanding with other IGAD Member States. Peace and economic prosperity are inextricably linked. Kenya cannot prosper when its neighbours are deep in conflict.

7.0 CONSTITUTIONAL AND LEGISLATIVE IMPLICATIONS

7.1 The Treaty is consistent with the Constitution and promotes constitutional values and provisions.

7.2 Additionally, ratification will not require amendments of existing laws or enactment of new ones.

8.0 IMPLICATION RELATING TO COUNTIES

The obligations imposed under the Treaty are under the purview of the National Government.

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9.0 FINANCIAL IMPLICATION

Ratification will not attract any new financial requirements for the implementation of the Treaty and will be provided under normal budgetary estimates of the relevant institutions.

10.0 MINISTERIAL RESPONSIBILITY

10.1 The Ministry of Foreign and Diaspora Affairs which is responsible for coordinating matters relating to IGAD activities which cuts across various Government Ministries, Departments, and Agencies.

11.0 RESERVATION

The Convention does not provide for reservations.

12.0 WAY FORWARD

Given the numerous benefits that will accrue from the Treaty, it is recommended that Kenya should ratify this Treaty.

13.0 RECOMMENDATIONS TO THE NATIONAL ASSEMBLY

The National Assembly is requested to:

- i) Note the contents of the Memorandum;
- ii) Approve the ratification of the Treaty Establishing the Inter-Governmental Authority on Development (IGAD); and

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- iii) Direct the Prime Cabinet Secretary/ Cabinet Secretary for Foreign and Diaspora Affairs to prepare and deposit the Instrument of Ratification with the appropriate Depository Office.



13/5/2024

HON. DR. MUSALIA MUDAVADI, E.G.H.

DATE

PRIME CABINET SECRETARY AND
CABINET SECRETARY FOR FOREIGN
AND DIASPORA AFFAIRS

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