

Approved for tabling in the House.

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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - SIXTH SESSION - 2022

DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS

DIRECTORATE OF DEPARTMENTAL COMMITTEES

EXIT REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE
AND FOREIGN RELATIONS (AUGUST 2017 TO JUNE 2022)

THE NATIONAL ASSEMBLY	
DATE: 08 JUN 2022	
Wednesday	
TABLED BY:	Hon. Thuku Kwangy, MP Member, DC-Defence & FR.
CLERK AT THE TABLE:	Mainak. W. Mjw

CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS

NAIROBI

JUNE 2022

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CHAIRPERSON'S FOREWORD

The Departmental Committee on Defence and Foreign Relations of the National Assembly's 12th Parliament was constituted in August, 2017. The Committee will cease to discharge its responsibilities at the expiry of the life of the 12th Parliament. This exit report may guide the successive Committees in discharging their mandate during the life of the 13th Parliament as well as other successive Parliaments as stipulated in the revised Standing Orders of June, 2017.

Pursuant to Standing Order 200A of the National Assembly, this exit report details the activities of the Departmental Committee on Defence and Foreign Relations during the period under review. The report also focuses on areas under the Committee's mandate that were not exhaustively handled and are still pending. While some of the Business presented before the Committee may lapse with the end of the 12th Parliament, the Committee hopes to salvage any other business that is likely to be revived in the 13th Parliament.

The Committee's is mandated to consider all matters under its purview including legislation, oversight, representation and budget review. During the lifespan of the 12th Parliament, the Committee considered several Legislative Proposals, Bills, Questions, Statements, Public Petitions, Budgetary Estimates, Vetting of public appointees as well as Agreements, Treaties and Protocols.

One of the critical businesses pending before the Committee is consideration of the Agreement on the Cooperation between Kenya and the UK Government and the Republic of Ireland. While the Committee hoped to finalize on this important treaty, a number of outstanding issues had not be conclusively handled by the time of the *sine die* recess of the 12th Parliament. One of the matters that required determination was the unresolved murder of Caroline Wanjiru in Laikipia allegedly by British soldiers training under BATUK programme.

May I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the proceedings of the Committee in the whole period of the 12th Parliament. I also take this opportunity on behalf of the Committee to thank the Offices of the Speaker and of the Clerk of the National Assembly for the logistical support accorded to it during the consideration of its mandate in the 12th Parliament according to the Standing Orders. As a Committee, we also appreciate the role played by the media following its coverage of the proceedings, thus enhancing accountability, transparency and ensuring the participation of the public.

On behalf of the Committee, it is therefore my pleasant duty and privilege, to present this exit report on the Departmental Committee on Defence and Foreign Relations relating to the consideration of the Committee businesses from August, 2017 to June, 2022 pursuant to provisions of the revised Standing Orders of June, 2017.

Signed.....Date.....

HON. RICHARD NYAGAKA TONG'I, MP
(CHAIRPERSON)

EXECUTIVE SUMMARY

The purpose of this report is to enumerate a summary of the Committee's key achievements in the 12th Parliament and challenges encountered in the course of undertaking its mandate. The report also provides for recommendations on how to address some of the challenges that the Committee faced during the discharge of its duties.

Most importantly, this Report also serves to inform its successor and any other successive Committee on the progress made regarding the pending businesses before it that will require consideration and final conclusion at the beginning of the 13th Parliament.

Between August 2017 and June 2022, the Committee examined a record number of businesses before it majorly, inquiries, Estimates of Revenue and Expenditure, Petitions, Motions, Statements, Questions, Vetting of State Officers, Legislative Proposals, Protocols and Agreements among other businesses which culminated in tabling of a number of reports and thereafter adoption of by the House.

One of the critical businesses pending before the Committee is consideration of the Agreement on the Cooperation between Kenya and the UK Government and the Republic of Ireland. While the Committee hoped to finalize on this important treaty, a number of outstanding issues had not be conclusively handled by the time of the *sine die* recess of the 12th Parliament. One of the matters that required determination was the unresolved murder of Caroline Wanjiru in Laikipia allegedly by British soldiers training under BATUK programme.

During this period, the Committee also undertook various capacity building activities for the Members, including local visits, workshops, study tours, fact-finding to Kenyan Missions abroad, and international conferences/workshops. These activities have also been recorded in the report.

PART ONE

1.0 PREFACE

1.1 Establishment of the Committee

1. The Departmental Committee on Defence and Foreign Relations is established pursuant to Standing Order 216.

1.2 Mandate of the Committee

2. The Committee is mandated under Standing Order 216 (4) and (5) to, inter alia:
 - a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - b) *study the programme and policy objectives of ministries and departments and the effectiveness of the implementation and effectiveness of the implementation;*
 - c) *study and review all legislation referred to it;*
 - d) *study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - e) *investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - f) *vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
 - g) *examine treaties, agreements and conventions;*
 - h) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - i) *consider reports of Commissions and independent offices submitted to the house pursuant to the provisions of Article 254 of the Constitution; and*
 - j) *examine any questions raised by Members on a matter within its mandate.*
3. In executing its mandate, the Committee oversees the following Ministries and Departments:
 - i) The Ministry of Defence;
 - ii) The Ministry of Foreign Affairs;
 - iii) The Ministry of East African Community and Regional Development; and
 - iv) The National Intelligence Service.
4. According to Schedule II of the Standing Orders, the Committee is mandated to consider the following subjects:
 - i) Defence;
 - ii) Intelligence;
 - iii) Foreign Relations;
 - iv) Diplomatic and Consular Services;
 - v) International Boundaries including Territorial Waters and International Relations; and
 - vi) Agreements, Treaties and Conventions.

1.3 Committee Membership

5. The Committee comprises the following nineteen (19) Members;

Hon. Richard Tong’i, MP (**Chairperson**)
MP for Nyaribari Chache Constituency
Jubilee Party

Hon. Memusi Ole Kanchory, MP (**Vice- Chairperson**)
MP for Kajiado Central Constituency
ODM Party

Hon. Yusuf Hassan Abdi, MP
MP for Kamukunji Constituency
Jubilee Party

Hon. Charles Kilonzo, MP
MP for Yatta Constituency
Independent

Hon. Richard Maore Maoka, CBS, MP
MP for Igembe North Constituency
Jubilee Party

Hon. Dido Ali Raso, MP
MP for Saku Constituency
Jubilee Party

Hon. Caleb Amisi, MP
MP for Saboti Constituency
ODM Party

Hon. Zachary Kwenya, MP
MP for Kinangop Constituency
Jubilee Party

Hon. Gideon Konchela, MP
MP for Kilgoris Constituency
Jubilee Party

Hon. (Dr.) Adan Keynan Wehliye, CBS, MP
MP for Eldas Constituency
Jubilee Party

Hon. Martha Wangari Wanjira, MP
MP for Gilgil Constituency

Jubilee Party

Hon. Maj. (Rtd.) Bashir Abdullah, MP
MP for Mandera North Constituency

Jubilee Party

Hon. (Dr.) Lilian Gogo, MP
MP for Rangwe Constituency

ODM Party

Hon. Irene Kasalu, MP
MP for Kitui County

WDM-K Party

Hon. Moses Nguchine Kirima, MP
MP for Central Imenti Constituency

Jubilee Party

Hon. Vincent Kipkurui Tuwei, MP
MP for Mosop Constituency

Jubilee Party

Hon. Ernest Ogesi Kivai, MP
MP for Vihiga Constituency

ANC Party

Hon. Stephen M. Mule, MP
MP for Matungulu Constituency

WDM-K Party

Hon. Asha Hussein Mohamed, MP
MP for Mombasa County

ODM Party

1.4 Committee Secretariat

6. The Committee secretariat is composed of the following technical staff:

Mr. Daniel Mutunga
Principal Clerk Assistant I

Lead Clerk

Mr. Abdiaziz Shobay
Clerk Assistant II

Mr. Salem Lorot
Legal Counsel

Mr. Edison Odhiambo
Fiscal Analyst I

Mr. Edwin Machuki
Fiscal Analyst III

Mr. Eric Kariuki
Research Officer

Ms. Deborah Mupusi
Media Relations Officer

Mr. John Ngag'a
Audio Officer

Mr. Mohamed Said
Serjeant-at-Arm

PART TWO

2.0 INTRODUCTION

7. The Departmental Committee on Defence and Foreign Relations was constituted on 31st August, 2017 during the first session of the 12th Parliament pursuant to provisions of Standing Order No. 216.
8. Under the Medium Term Expenditure Framework (MTEF) Sector classifications, the Ministry of Defence together with the National Intelligence Service is categorized under the National Security Sector. The Ministry of Foreign Affairs is classified under the Public Administration and International Relations, whereas the Ministry of East African Community and Regional Development which oversees State Department for East African Community and State Department for Regional and Northern Corridor Development is classified under the General Economic, Commercial and Affairs (GECA) Sector. The sectors are key in the delivery of goals and objectives of the three Pillars of Vision 2030. These sectors are very critical to the socio-economic needs of Kenya.
9. The Ministry of Defence (MOD) is a key player in driving the National Development agenda by creating a secure and conducive environment for socio-economic and political development. It controls resources for the Kenya Defence Forces (KDF) and civilian personnel who work closely together to deliver Kenya's defence. The mandate for KDF is derived from Chapter 14 (Article 241) of the Constitution which stipulates as follows: Defend and protect the sovereignty and territorial integrity of the Republic; To assist and cooperate with other authorities in situations of emergency or disaster and; To restore peace in any part of Kenya affected by unrest or instability.
10. The National Intelligence Service (NIS) mandate is drawn from Article 238 & 242 of CoK, 2010 to be responsible for security intelligence, counter intelligence and perform any other function as prescribed by National legislation. The mandate has been operationalized through the National Intelligence Service (NIS) Act, 2012.
11. National Security is a pre-requisite for socio-political and economic development of any state. This calls for collective efforts from all stakeholders if the nation is to survive both traditional and emerging threats and achieve its planned development programmes.
12. The Ministry of Foreign Affairs is charged with the responsibility of formulating, articulating and implementing Kenya's foreign policy. The Ministry is the primary interface with the rest of the world and works with all other government ministries, departments and agencies within the framework of government policy to promote and protect Kenya's interests globally through effective diplomatic engagement. The Ministry's work is guided by its vision and mission: ***"A peaceful, prosperous and globally competitive Kenya"*** and ***"To protect, promote and protect Kenya's interest and image globally through innovative diplomacy and contribute towards a just, peaceful and equitable world"*** respectively.

13. The Ministry of Foreign Affairs mandate as spelt out in Executive Order No. 1 of June 2018 which outlines the functions of the Ministry as: Management of Kenya's Foreign Policy; Coordinating Regional Peace Initiatives; Ratification/Accession to Depository and Custodian of all international Treaties, agreements and conventions where Kenya is a party; Coordinating matters relating to IGAD & Association of Regional Cooperation (ARC); Liaising and coordinating with World Trade Bodies and UN Agencies; Promotion of Nairobi as a Hub for Multilateral Diplomacy; Lobbying for Kenya Candidature in the international Governance System; Negotiating & conclusion of headquarters and Host country agreements with international organizations; Liaison with Foreign Missions in Kenya; Coordination of state and official visits; Administration of diplomatic privileges & immunities; Protocol and State Courtesy; Provision of Consular services; Management of joint commissions with other countries; Management of bilateral and multilateral relations; Official communications on global foreign relations; and Champion of Kenya's Diaspora issues.
14. The State Department of East African Community (SDEAC) mandate is derived from the Executive Order No.1 of May 2020 (Revised) and includes Formulation of policy on the East African Community (EAC); Coordination of government participation in the EAC meetings and institutions; Coordination of implementation of the EAC regional programmes; Implementation of Treaty establishing the EAC; and Promotion and fast tracking of East African integration. The SDEAC does not have any Autonomous and Semi-Autonomous Government Agencies.
15. Finally, the State Department for Regional and Northern Corridor Development (SDRNCD) mandate and functions are derived from Executive Order No. 1 of June 2018 (Revised) and Executive Order No. 1 of May 2020 (Revised). They include: Coordination of Regional Development Authorities (RDAs); Monitoring and Evaluation of the Implementation of Northern Corridor Development; Fast Tracking Identified Northern Corridor Integration Projects (NCIPs); Oversight and Coordination of Lamu South Sudan Ethiopia Transit Corridor (LAPSSET) Programme Implementation; and Providing Secretariat Service during Ministerial and Head of States Summits. The SDRNCD has the following six RDAs that are Semi-Autonomous Government Agencies: Coast Development Authority (CDA); Lake Basin Development Authority (LBDA); Tana Athi River Development Authority (TARDA); Kerio Valley Development Authority (KVDA); Ewaso Ng'iro North Development Authority (ENNDA); and Ewaso Ng'iro South Development Authority (ENSDA)

PART THREE

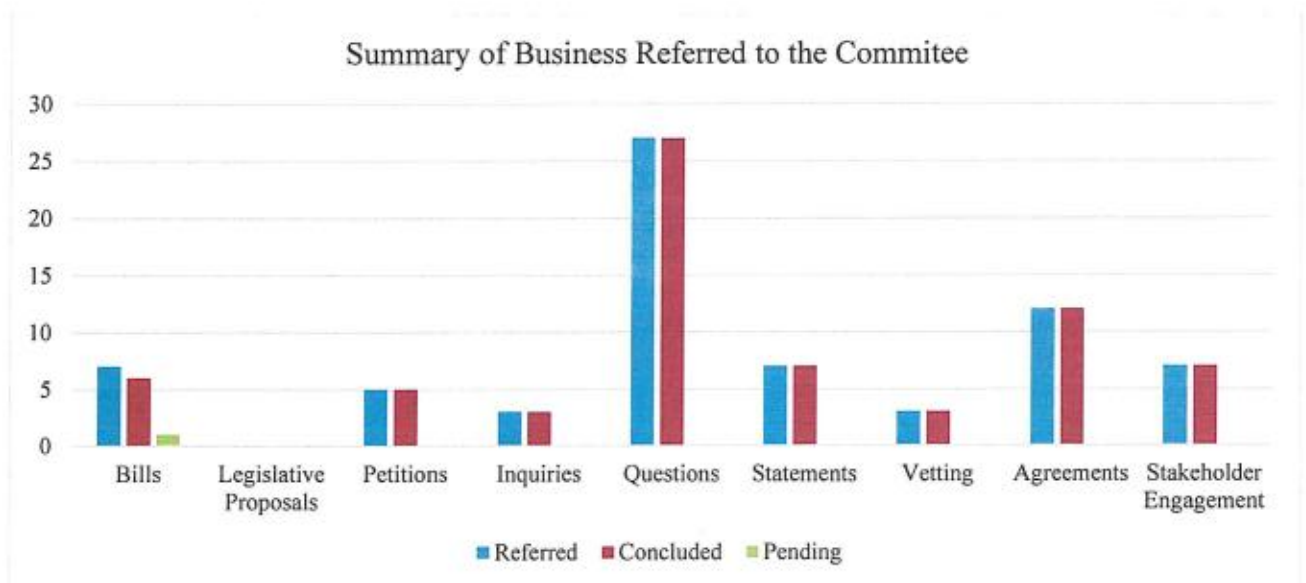
3.0 EXIT REPORT

16. Standing Order No. 200A of the National Assembly Standing Orders provides that: “(1) A Committee which is unable to complete its work before the expiry of its term shall table an exit report to the Assembly detailing reasons for such inability; (2) The report shall be made available to the succeeding Committee which may consider it in preparing its work plan”.
17. The Departmental Committee on Defence and Foreign Relations was assigned various duties by the House most of which the Committee was able to consider and report back to the House and some of which were pending before the Committee at the end of the 12th Parliament. The Committee considered business in the following areas:
- (i) Bills
 - (ii) Legislative Proposals
 - (iii) Petitions
 - (iv) Inquiries
 - (v) Questions
 - (vi) Statements
 - (vii) Vetting
 - (viii) Budgetary Review
 - (ix) Agreements
 - (x) Stakeholder Engagement
 - (xi) Workshops/Retreats/Field Visits
 - (xii) Foreign Travel

18. The table 1 below shows a summary of the business referred to the Committee in the Twelfth Parliament:

Table 1: Summary of business referred to the Committee

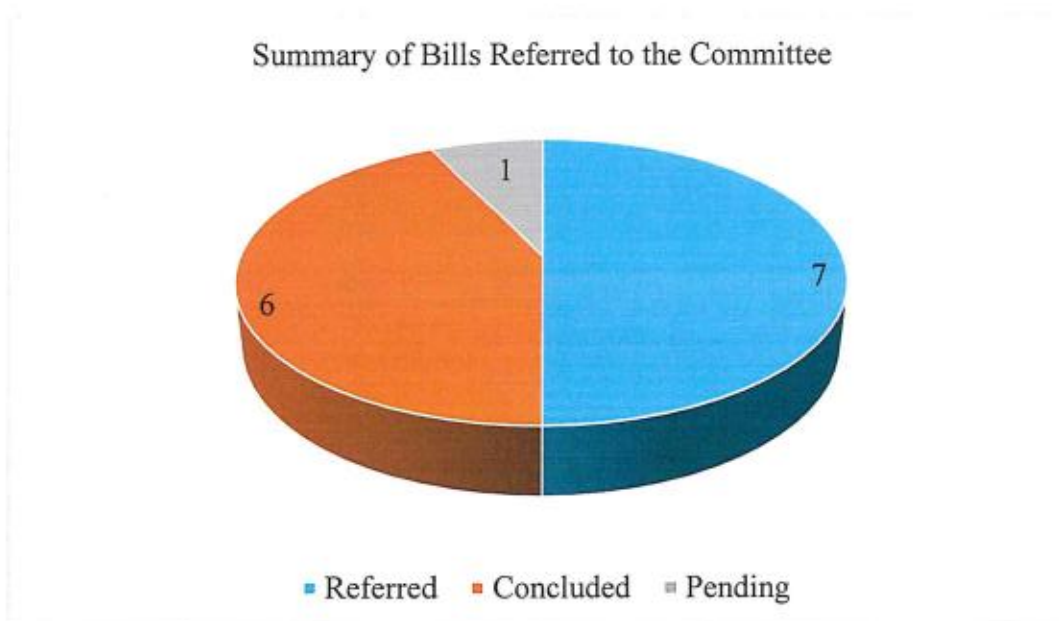
NO.	BUSINESS	REFERRED	CONCLUDED	PENDING
1	Bills	7	6	1
2	Legislative Proposals	0	0	0
3	Petitions	5	5	0
4	Inquiries	3	3	0
5	Questions	27	27	0
6	Statements	7	7	0
7	Vetting	3	3	0
8	Agreements	12	11	1
9	Stakeholder Engagement	7	7	0



19. Below is the summary of the businesses referred to the committee.

3.1 Bills

20. One of the roles of the National Assembly is to enact legislation. Committees assist the House in the in-depth consideration of Bills by incorporating public participation in the legislative process as well as consider and make recommendations for approval of the Bills. The committee considered a total seven (7) bills of which six (6) were concluded and one (1) is still pending. A summary of the bills referred is shown below:



21. Below is a summary of the bills referred to the committee:

Table 2: Bills referred to the Committee

NO.	BILLS	STATUS
FIRST SESSION		
None		
SECOND SESSION		
1.	The Kenya Defence Forces Act, 2012 and the proposed amendments to the Treaty Making and Ratification contained in the Statute Law Miscellaneous (Amendment) Bill, 2018.	Report Tabled
2.	Treaty Making and Ratification Bill, (Senate Bill, No. 23 of 2018	Report Tabled
THIRD SESSION		
3.	Kenya Defence Forces (Amendments) Bill, 2019 by Hon. Peter Kaluma, MP	Report Tabled
FOURTH SESSION		
None		
FIFTH SESSION		
4.	The Foreign Service Act, 2021	Report Tabled
5.	The Lake Turkana Development Authorities Bill, 2021 by Hon. Christopher Nakuleu, MP	Concluded
SIXTH SESSION		
6.	The Military Veterans Bill, 2022	Report Tabled
7.	The Regional Development Authorities Bill, 2021	Report scheduled for Tabling on Wednesday 8 th June, 2022

3.2 Petitions

22. During the period under review, five (5) Petitions were referred to the Committee for consideration. The Committee considered and tabled reports on five (5) petitions.

Table 3: Petitions referred to the Committee

NO.	PETITION	STATUS
FIRST SESSION		
None		
SECOND SESSION		

1.	Petition by Hon. Omar Mohamed Maalim, MP regarding the withdrawal of Kenya Defence Forces (KDF) from Somalia by Hon. Omar Mohamed Maalim Hassan;	Report Tabled
2.	Petition by Mr. Dan Okenwa and Ms. Lyn Kemboi, on the arrest and detention of Mr. Don Bosco Gichana Ooga;	Report Tabled
3.	Public Petition regarding enactment of legislation for implementation of African Union resolutions	Report Tabled
THIRD SESSION		
4.	Public Petition regarding settlement of awards to Ex-Kenya Air Force Officers and Servicemen	Report Tabled
FOURTH SESSION		
None		
FIFTH SESSION		
None		
SIXTH SESSION		
5.	Safeguarding the life and interests of homecoming Kenyans from the diaspora Agreements/Protocols	Under Committee Consideration

3.3 Inquiries

23. Standing Order 216 (5) provides that a Committee may:

Investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House or a Minister.

24. During the period under review the Committee had inquiries only in the second session in regards to the following subjects:

- i) Status of Kenya's foreign Missions
- ii) Status of Implementation, viability and efficacy of the Kenya- Somalia Border Security Wall Project.
- iii) Inquiry into the plans by the Ministry of Defence to acquire land in Maasai-Mara, Narok County.

3.4 Questions

25. During the period under review the Committee considered the following Questions:

Table 4: Questions referred to the Committee

NO.	QUESTION	STATUS
FIRST SESSION		
None		
SECOND SESSION		
1.	Question No. 19/2018: By Hon. Omar Mohamed Maalim, MP on the number of households that have been directly affected by ongoing construction of the boarder wall between Kenya and Somalia, and whether they be compensated	Responded to
2.	Question No. 29/2018: By Hon. Peter Francis Masara, MP The criteria used in determining the number of persons to be recruited into the KDF from a particular area in a given recruitment exercise	Responded to
3.	Question No. 266/2018: By Hon. Gideon Mulyungi, MP The number of persons both male and female recruited to join the Kenya Defence Forces (KDF) in each sub-county and constituency	Responded to
THIRD SESSION		
4.	Question No. 13/2019: By Hon. Danson Mwashako, MP on the arrest of one Charles Salim Mwadime, a Kenyan of Passport No. A1247191 by French Authorities in France	Responded to
5.	Question No. 33/2019: By Hon. Elisha Odhiambo, MP regarding the implementation status of the succession management policy in the Ministry particularly, with regard to career diplomat, Why are some diplomats who retired in 2018 still in service and the Ministry provide a list of all diplomats who are serving and are beyond their retirement age?	Responded to
6.	Question No. 19/2019: By Hon. Kubai Iringo, MP on What circumstance led to the arrest of one Kinyua M'mumbwika in Tanzania	Responded to
FOURTH SESSION		
7.	Question No. 002/2020: By Hon. Omar Maalim, MP, Member for Mandera East regarding the presence within Kenyan territory of a Minister in charge of security of the Regional Government of Jubaland, Somalia who crossed over with about 100 armed soldiers from Bulla-Hawa in Somalia and settled at Border Point One of Mandera East Constituency.	Responded to
8.	Question No. 052/2020: By Hon. Martha Wangari, MP, Member for Naivasha regarding the circumstances that led to the arrest and detention of one John Mburu Mwaura of ID card No. 4276078 in the Republic of South Sudan.	Responded to

NO.	QUESTION	STATUS
9.	Question No. 076/2020: By Hon. Charles Ngusya, MP, Member for Mwingi West on why one Maj. (Rtd) Manzi Musyona S. No 17679 has not been paid his terminal benefits since his retirement from service in 2001, Could the Cabinet Secretary also explain why his compensation for the unlawful termination from service and the cost of the Petition <i>Vide Court No. 51 of 2012 (formerly Misc. App. No. HCC 586 of 2006- Major Manzi Luu-Vs- Attorney General)</i> are yet to be paid.	Responded to
10.	Question No. 20/2020 Hon. Samuel Atandi, MP, Member for Alego Usonga on what measures the Government is putting in place to assist the many Kenyan citizens who were living and working in the people's Republic of China and returned to Kenya during the Chinese New Year (Winter and Spring break) and are now unable to travel back to China due to invalidation of all visas issued before 28 th March, 2020.	Responded to
11.	Question No. 23/2020 Hon. Francis Kuria Kimani, MP, Member for Molo regarding what the Ministry of Foreign Affairs through the Kenya Embassy in Saudi Arabia is doing to facilitate the return of the remains of the late Alice Awuor Tindo of ID No.35064926 who, until her sudden death under unclear circumstances on 14th June, 2020, was living and working in Najran City in Saudi Arabia as a Nanny.	Responded to
12.	Question No. 23/2020 Hon. Kubai Iringo, MP, Member for Igembe Central Constituency regarding investigations into the whereabouts of one Kinyua M'mumbwika, a young man aged twenty-one (21) years from Ithamwari village, Njia Ward, Igembe Central, Meru County, who is allegedly detained in the United Republic of Tanzania without trial since the year 2015.	Responded to
FIFTH SESSION		
13.	Question No. 029/2021: By Hon. Joshua Kimilu, MP, Member for Kaiti Constituency regarding the circumstances surrounding the death and hurried burial of Major Raphael Kyalo Mbithuka, Personal Service No. 130838, who was based at 81 Tank Battalion, Gilgil Barracks and a resident of Kaiti Constituency, on 26 th January 2021.	Responded to
14.	Question No. 048/2021: By Hon. John Muchiri, MP, Member for Manyatta Constituency on the number of persons recruited into the Kenya Defence Forces in Embu West and Embu North Sub Counties, and specifically Manyatta Constituency during the February 2021 recruitment exercise?	Responded to
15.	Question No. 058/2021: By Hon. Omar Mwinyi, MP, Member for Changamwe Constituency on how many persons were recruited into the Kenya Defence Forces (KDF), how the recruitments slots were distributed among the 290 constituencies and the criteria used in distributing the slots in the just concluded KDF recruitment exercise in the country.	Responded to

NO.	QUESTION	STATUS
16.	Question No. 068/2021: By Hon. Tom Odege, MP, Member for Nyatike Constituency on why one, Mr. Denish Gumbe Osire of ID No. 0403819 was tortured and incarcerated by military and other government agencies and later discharged from military service in 1983, contrary to the law.	Responded to
17.	Quest Question No. 090/2021: By Hon. Owen Baya, MP, Member for Kilifi North Constituency regarding why the recent Kenya Defence Forces recruitment exercise undertaken in February 2021, was not carried out in Kauma Sub-County of Kilifi County and what steps is the Cabinet Secretary taking to ensure that the Kenya Defence Forces recruitment exercise is conducted in the Sub County during the next the recruitment process.	Responded to
18.	Question No. 097/2021 Hon. Patrick Munene, MP, Member for Chuka Igambang'ombe regarding why Igambang'ombe sub-county was left out during the recent concluded Kenya Defense Forces recruitment despite having been granted Identification Code No.1301 during the 2019 Kenya Population and Housing Census.	Responded to
19.	Question No. 128/2021 Hon. Lilian Gogo, MP, Member for Rangwe Constituency on the status of construction and performance of Kimira Oluch Smallholder Farm Improvement Project (KOSFIP), a National Government irrigation project funded by ADB and GoK which began in February 2007 and was expected to be completed in September 2013.	Responded to
20.	Question No. 180/2021: By Hon. Caleb Amisi, MP, Member for Saboti Constituency on the measures taken by the Ministry to facilitate the family of the late Dorly Kazira Chahanzi of National ID. NO. 20972215, who died on 6th April, 2021 while working as a domestic worker in the Kingdom of Saudia Arabia under unclear circumstances, to enable the family bring her body to the country for burial.	Responded to
21.	Question No. 183/2021: By Hon. Caleb Amisi, MP, Member for Saboti Constituency regarding the steps the Ministry is taking, if any, to ensure the successful rescue of Mr. Gerishon W. Wasike, a Member of the Kenya Defence Forces, KDF No. 64809, who was taken hostage in 2016 by the Al-Shabaab Terror Group in Somalia.	Responded to
22.	Question No. 407/2021: Hon. Otiende Amollo, MP, Rarieda Constituency regarding the long outstanding dispute regarding the ownership of Misingo Island in Lake Victoria between Kenya and Uganda has been unresolved leading to continuous harassment, torture and arrests of Kenyan fishermen who are subsequently tried in Uganda.	Responded to
23.	Question No. 418/2021: Hon. Githua Wamacukuru, MP, Kabete Constituency regarding the measures put in place in all Kenya Missions abroad to ensure that Kenyans in the diaspora receive all the necessary services promptly and are served with dignity particularly with regard to issuance of passports and identity cards, among other services	Responded to

NO.	DATES	VENUE	ACTIVITY
11.	23 rd -26 th May, 2018	Boma Hotel, Nairobi	Report Writing Retreat on the Examination of the Budget Estimates 2018/2019
12.	3 rd -6 th August, 2018	Boma Hotel, Nairobi	Report Writing Retreat on the Vetting of nominees for appointment as Ambassadors/ High Commissioners
13.	6 th -9 th August, 2018	Pride Inn Paradise Beach Resort, Mombasa	Induction retreat with the Ministry of Defence
14.	16 th -19 th August, 2018	English Point Marina	Report Writing retreat on foreign oversight inspection visits to Kenyan Diplomatic Missions
THIRD SESSION			
15.	5 th February, 2019	IPSTC, Karen	Workshop with Kenya Space Agency on the ratification of the Kenya/Italy Agreement on the Luigi Broglio-Malindi Space Centre
16.	15 th March, 2019	Narok County	Field visits by the Committee Plans by the Ministry of Defence to acquire land in Maasai-Mara, Narok County for setting up of military base
17.	21 st -24 th March, 2019	Naivasha	Workshop to Consider various reports pending before the Committee
18.	28 th - 31 st March, 2019	Pride Inn Paradise Hotel, Mombasa	Training of the Committee by CPST & IDIS on Parliamentary diplomacy
19.	2 nd -5 th May, 2019	Serena Beach Hotel & Spa, Mombasa	Consultative Forum with the Ministry of East African Community & Regional Development
20.	28 th -31 st May, 2019	Hilton Garden Inn, Nairobi	Report Writing Retreat on the Vetting of nominees for appointment as Ambassadors/ High Commissioners
21.	10 th -13 th June, 2019	Crown Plaza Hotel, Nairobi	Report Writing Retreat on the Vetting of nominees for appointment as Ambassadors/ High Commissioners
FOURHT SESSION			
22.	13 th -14 th March 2020	Kisumu and Kisii	Visit of projects managed by Lake Basin Development Authority
23.	6 th March 2020	Embu	Visit to NIS installation

NO.	DATES	VENUE	ACTIVITY
24.	14 th -16 th February 2020	Naivasha	Workshop with Ministry of Defence on draft policy on National Peace Support Operations
25.	18 th -20 th February 2020	Mombasa	Seminar with Ministry of Foreign Affairs on the campaign to the UN Security Council
26.	15 th -18 th September, 2020	Whitesands Hotel, Mombasa	Meeting with the Ministry of Defence on proposed legislations and the status of KMC, Meeting with the Ministry of Foreign Affairs on the proposed Foreign Service Bill, 2020, Meeting with Regional Development Authorities on the proposed Regional Development Authorities Bill, 2020
27.	11 th November, 2020	Moi Airbase Eastleigh	Inspection visit to the Moi Air Base in Eastleigh on encroached KDF land
28.	31 st October-3 rd November, 2020	Hilton Garden Inn Machakos County	Report writing retreat on the vetting of Ambassadors, High Commissioners/Permanent Representatives
29.	12 th -15 th November, 2020	Sarova Whitesands, Mombasa	Joint retreat with Lands Committee, Ministry of Defence and Adoption of the Report the on Kenya's Accession to the African Charter on Democracy, Elections and Governance, The Agreement between the Government of the Republic of Kenya and the Government of the Kingdom of Denmark on Defence Cooperation, and The Memorandum on Accession to the convention on the International Hydrographic Organization (IHO) by the Republic of Kenya
30.	19 th - 22 nd November, 2020	Prideinn-Flamingo, Mombasa	Workshop to Adopt Amendments to Treaty Making and Ratification Act, 2012 by the Departmental Committee on Defence & Foreign Relations, UNDP and Ministry of Foreign Affairs & Consideration of the harmonized Foreign Service Bill, 2020
FIFTH SESSION			
31.	22 nd -24 th February, 2021	Hilton Garden Inn, Machakos County	Meeting with the MDA's to consider BPS and Supplementary Estimates
32.	7 th -9 th March, 2021	Hilton Garden Inn,	Sensitization forum for Members of the Departmental Committee on Defence & Foreign Relations by the Inter-Religious Council of

NO.	DATES	VENUE	ACTIVITY
		Machakos County	Kenya on Treaty on the prohibition of nuclear weapons
33.	18 th -22 nd March, 2021	Serena Beach Resort & Spa, Mombasa	Consideration of Committee work plan for the period between March, and May, 2021
34.	18 th -23 rd May, 2021	Tamarind Tree Hotel, Langata	Meeting with the MDA's to consider the budget estimates for FY, 2021/22
35.	24 th -28 rd May, 2021	Serena Beach Resort & Spa	Examination of public memoranda on the Foreign Service Bill, 2021 and Adoption of the report on the budget estimates for FY, 2021/22
36.	20 th -23 rd June, 2021	Emara, Ole Sereni Hotel	Report writing retreat on Foreign Service Bill, 2021
37.	29 th July- 1 st August, 2021	Travellers Beach Resort, Mombasa County	Consideration of the protocols to the African Charter on the rights of older persons and that of persons with disabilities in Africa
38.	8 th -10 th August, 2021	Tamarind Hotel, Nairobi	Consideration of the 3 rd reading amendments to the Foreign Service Bill, 2021
39.	14 th -17 th August, 2021	Sarova Whitesands Hotel, Mombasa County	Joint meeting with the Labour Committee & other state agencies on the protocols to the African Charter on the rights of older persons and that of persons with disabilities in Africa
40.	31 st Aug-4 th September, 2021	Diamond Dreams of Africa, Malindi, Kilifi County	Report writing retreat on the protocols to the African Charter on the rights of older persons and that of persons with disabilities in Africa
41.	22 nd -24 th September, 2021	Manda Bay, Lamu County	Invitation by the Ministry of Defence to the Presidential and Regimental Colours to Kenya Navy Base, Manda bay Lamu County on Thursday, 23 rd September
42.	14 th -17 th October, 2021	Kilifi and Tana River Counties	Field visit to projects being implemented by the Coast Development Authority, specifically, the Integrated Fruit & Honey processing, Boji Farmers Irrigation Project,

NO.	DATES	VENUE	ACTIVITY
			and Wananchi Cottages in Kilifi and Tana-River Counties
43.	21 st -24 th October, 2021	Serena Beach Hotel & Spa, Mombasa County	Retreat to consider the Defence Cooperation Agreement between Kenya & the UK, and Consideration of the Controller of Budgets reports on MDA's under purview of the committee
44.	25 th -28 th November, 2021	Kisumu and Homabay Counties	Field visit to projects being implemented by the Lake Basin Development Authority (LBDA) particularly Oluch Kimira scheme.
SIXTH SESSION			
45.	31 st March – 4 th April, 2022	Mombasa County	Consideration of the Military Veterans Bill, 2022 and the Regional Development Bill, 2021
46.	26 th – 29 th April, 2022	Boma Hotel, Nairobi County	Report writing retreat on the Budget Estimates for FY, 2022/23
47.	18 th – 23 rd May, 2022	Mombasa County	Report writing retreat on vetting of Ambassadors/High Commissioners/Permanent Representatives

3.10 Foreign Visits

34. During the period under review, the Committee undertook the following foreign visits: -

Table 7: Foreign Visits by the Committee

NO.	DATES	COUNTRY VISITED	ACTIVITY
SECOND SESSION			
1.	19 April - 3May, 2018	South Korea, China and Japan	Oversight inspection visits of Foreign Missions
2.	11 th -26th May, 2018	Switzerland, Austria and Russia	Oversight inspection visits of Foreign Missions
3.	11 th – 22 June, 2018	United States of America	Oversight inspection visits of Foreign Missions
4.	19 th - 27 th June, 2018	Canada	Oversight inspection visits of Foreign Missions
5.	1 st – 5 th October, 2018	Romania	Official visit to the Chamber of Deputies of the Republic of Romania
6.	9 th – 12 th October, 2018	Senegal	Meeting with Member States & Secretariats (ECOWAS & EAC) to promote & popularize the

			ratification of the protocol on the free movement of persons & its implementation roadmap
THIRD SESSION			
7.	1 st - 2 nd March, 2019	Ethiopia	High-level economic Mission to the Democratic Republic of Ethiopia
8.	1 st - 8 th September, 2019	Zambia & South Africa	Oversight Embassy Inspection visit
9.	10 th - 19 th November, 2019	Oman & UAE	Oversight Embassy Inspection visit
FIFTH SESSION			
10.	25 th -4 th May, 2021	Ankara, Turkey	Oversight Embassy Inspection visit
11.	6 th -15 th June, 2021	Accra, Ghana	Oversight Embassy Inspection visit
12.	28 th May-5 th June, 2021	Addis Ababa, Ethiopia and Djibouti	Visit to the Inter-Governmental Authority on Development (IGAD) and the African Union (AU) Headquarters/ Kenya Mission to the AU in Djibouti & Ethiopia
13.	12 th -20 th June, 2021	Addis Ababa, Ethiopia	Training on National Security
14.	26 th Sept. - 2 nd Oct., 2021	France & Belgium	Oversight Embassy Inspection visit
15.	6 th -14 th November, 2021	Germany & Sweden	Oversight Embassy Inspection visit
SIXTH SESSION			
16.	5 th -11 th June, 2022	United Kingdom	Invitation by UK Minister for Armed Forces to deliberate on the Agreement between the Government of the Republic and the Government of the Republic of United Kingdom of Great Britain and Northern Ireland on Defence Cooperation.

3.11 Reports

35. The following reports were adopted by the Committee and tabled in the House and or submitted to the Budget and Appropriations Committee:

- (i) Vetting of Eight nominees for appointment as Ambassadors and High Commissioners and two Principal Secretaries.
- (ii) Consideration of the COMESA-EAC-SADC Tripartite Free Trade Area (TFTA) Agreement
- (iii) Consideration of the Statute Law Miscellaneous (Amendment) Bill, 2018
- (iv) Report on the consideration of the Budget Policy Statement 2018
- (v) Report on the Supplementary Budget Estimates for the 2017/2018 FY

- (vi) Foreign oversight inspection visits to Kenyan Diplomatic Missions;
- (vii) Official visit to the Chamber of Deputies of the Republic of Romania;
- (viii) Meeting with Member States & Secretariats (ECOWAS & EAC) to promote & popularize the ratification of the protocol, on the free movement of persons & its implementation roadmap;
- (ix) Inquiry into the status, viability and efficacy of the implementation of the Kenya–Somalia boarder securitization project;
- (x) Report on the consideration of a Petition by Mr. Dan Okemwa and Ms. Lyn Kemboi, on the arrest and detention of Mr. Don Bosco Gichana Ooga;
- (xi) Report on Promotion and popularization of the protocol on the free movement of persons and its implementation road map
- (xii) Report on the consideration of a public petition regarding settlement of awards to Ex-Kenya Air Force Officers and Servicemen
- (xiii) Report on the inquiry into the plans by the Ministry of Defence to acquire land in Maasai-Mara, Narok County
- (xiv) Report on the consideration of the Agreement between the Government of the Republic of Kenya and the Government of the Italian Republic on the Luigi-Broglio-Malindi Space Centre
- (xv) Report on the consideration of the Agreement for the setting up of a regional Maritime Information Exchange and sharing mechanism in the western Indian ocean region and explanatory memorandum and Regional Agreement on the co-ordination of operations at sea in the western Indian ocean and the explanatory memorandum

3.12 Budgetary Review

36. The Committee in playing its budget making role reviewed budget documents i.e. budget policy statements for 2018, 2019, 2020, 2021 and 2022, budget estimates for FYs 2018/19, 2019/20, 2020/21, 2021/22 and 2022/23 and supplementary estimates that were submitted to the House for consideration during the period.

PART FOUR

4.0 IMPACT OF THE BUSINESS TRANSACTED BY THE COMMITTEE

37. Some of the impacts that the Committee's work had to the country include:

- (i) In accordance with Article 132(2) (e) of the Constitution the Committee vetted **a record seventy-eight (78)** individuals nominated for appointment as Ambassadors and High Commissioners/Permanent Representatives and Principal Secretaries to various missions and are currently serving. The Committee also vetted two (2) Principal Secretaries.
- (ii) Kenya's foreign policy is anchored on five pillars of diplomacy; economic, peace, environmental, cultural and diaspora. The Committee in its oversight mandate and in line with Kenya's foreign policy inspected various Kenyan Foreign Missions with the following objectives;

- i) Assess the status of the Kenya missions in order to establish their performance, operations, challenges, and opportunities to tap investment from the countries of representation;
- ii) oversight implementation of budgetary allocations
- iii) Inquire into the welfare of the diplomatic staff and their working conditions;
- iv) Engage with Kenyans in Diaspora with regard to consular services provided to them;
- v) To explore opportunities for Bilateral, Political, Economic and Cultural Cooperation;
- vi) Meet with counterpart Parliamentary Committee(s) responsible for Defence and Foreign Relations matters to familiarize with their mandates, as well as share experiences;

38. Consequently, arising from the Committee's recommendations the following has been achieved;

- i) The Government has posted Ambassadors/ High Commissioners to various Missions;
- ii) The government has launched e-passport centres in six countries abroad (USA, UK, UAE, South Africa, France and Germany), in its initial attempt to serve Kenyans in the diaspora. The launch of the centres in places with the largest numbers of Kenyans in the diaspora could mean Kenyans will no longer need to travel back home to apply for new passports;
- iii) The Committee has allocated resources to acquire through purchase or construction of missions, including in Geneva, New York, Pretoria and Nigeria. Others face renovations;
- iv) In an effort to increase our diplomatic foot print, the Committee allocated resources to establish missions (embassies and consular) in Switzerland (Bern), Morocco (Rabat) , Ghana (Accra) Senegal (Dakar);
- v) Further, the Committee has recommended deployment of competent staff in all the missions abroad to safeguard Kenya's interests.

39. In regards to Agreements and Protocols the African Continental Free Trade Area (AfCFTA) Agreement and The Tripartite Free Trade Area (TFTA) Agreement will have a significant positive impact on the country, including;
- i) Inflow of investment into the country and increased potential for Kenya's investment in the continent and region;
 - ii) Enhance Kenya's exports into the continent and region through harmonization of policies including the rules of origin, health and safety standards;
 - iii) Enhance trade facilitation which will substantially reduce the cost of doing business;
 - iv) Create momentum for continental and regional infrastructure projects;
 - v) Enhance production and competitiveness of Kenyan companies.
 - vi) Enhance industrial and infrastructure development;
 - vii) Create employment to the women and youth through increased trade and other economic;
 - viii) Enhance cooperation in customs and combating of unfair trade practices.

PART FIVE

5.0 REASONS THE COMMITTEE DID NOT CONCLUDE ITS WORK

40. Some of the challenges that the Committee encountered in the course of carrying out its mandate include: -

- (i) Inadequate budgetary allocation, all capital projects undertaken by the Ministry of Foreign Affairs are domiciled abroad. For effective oversight, the Committee must be able to visit these sites but is constrained by the uniform allocation of foreign travel budget across Committees;
- (ii) The Covid -19 pandemic affected the frequency of meetings which made it difficult for the Committee to meet stakeholders to prosecute matters before it. This affected the Committee's efficiency in the execution of its mandate;
- (iii) Inadequate committee meeting rooms and office furniture occasionally led to delays in starting meetings and at times cancellation of meetings;
- (iv) Unavailability of Government officials when invited for meetings to consider business before the Committee was also common. This made it difficult for the Committee to discharge its mandate effectively;
- (v) Poor network bandwidth within Parliament buildings for purposes of virtual meetings affected efficient conduct of Committee Sittings.
- (vi) Lack of audio-visual devices in a number of meeting rooms made it difficult to conduct Committee business effectively.

SIGNED

DATE

02/06/2022

HON. RICHARD NYAGAKA TONG'I, MP
(CHAIRPERSON, DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS)

DATE:	08 JUN 2022
TABLED BY:	
CHECKED BY:	

