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SAA  
13/11/24*

PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY


THIRTEENTH PARLIAMENT - THIRD SESSION

CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE

REPORT

ON PARTICIPATION IN THE PARLIAMENTARY INTELLIGENCE –SECURITY  
FORUM IN WASHINGTON DC, UNITED STATES OF AMERICA ON 7<sup>TH</sup> – 8<sup>TH</sup>

DECEMBER 2023

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 14 NOV 2024	DAY: Thursday
TABLED BY:	Hon. Gathoni Wamuhoro (Chairperson, Committee on Constitutional Implementation Oversight)
CLERK-AT THE-TABLE:	Anastacio

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

November, 2024

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## **ABBREVIATIONS**

M.P	–	Member of Parliament
CIOC	-	Constitutional Implementation Oversight Committee
PISF	-	Parliamentary Intelligence Security Forum
NA	–	National Assembly

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## **CHAIRPERSON'S FOREWORD**

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

The Chairperson of the Committee and Parliamentarians from different countries around the world were invited to join the United States Senators and Congressmen for the Parliamentary Intelligence –Security Forum that was held in Washington DC, United States of America from 7<sup>th</sup> – 8<sup>th</sup> **December, 2023.**

The forum brought together hundreds of members of parliament from dozens of countries to discuss important topics such as the state of democracy, human rights, religious freedoms and cyber security among others. It provided an opportunity for delegates to learn from best practices and experiences.

The Parliamentary Intelligence-Security Forum hosts regular fora for international Parliamentarians and government officials to learn from preeminent experts regarding counter-terrorism financing, cyber security, predatory foreign investments, intelligence sharing, 5G, AI, and other relevant topics.

The Committee was represented by a delegation comprised of the following members and staff-

- (i) Hon. Hon. Gathoni Wamuchomba, HSC, M.P (Chairperson) -Leader of Delegation**
- (ii) Hon. Jesca Mbalu Nduku, CBS, M.P**
- (iii) Mr. Abenayo Wasike –Principal Clerk Assistant I /Delegation Secretary**

The Committee wishes to express special gratitude to the office of the Clerk of the National Assembly for the support accorded to Members of the Committee and staff, in execution of its mandate.

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

On behalf of the Constitutional Implementation Oversight Committee, it is my pleasant privilege and honour to present to this House the Report of the Committee on its Participation in the Parliamentary Security Intelligence Forum.

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

## **1 PREFACE**

### **1.2 Mandate of the Committee**

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

## 1.2 Membership of the Committee

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

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

Hon. Ali Abdisatat Kalif, MP Nominated Member <b>United Democratic Alliance</b>	Hon. Betty Njeri Maina, MP Muranga(CWR) <b>United Democratic Alliance</b>
Hon. John Mukunji Mwaniki, MP Manyatta Constituency <b>United Democratic Alliance</b>	Hon. Augustine Mwafrika Kamande, MP Roysambu Constituency <b>United Democratic Alliance</b>
Hon. Jackson Lentoijioni Lekumontare, MP Samburu East <b>Kenya Africa National Union</b>	Hon. Charles Ngusya Nguna, MP Mwingi West <b>Wiper Democratic Alliance</b>
Hon. Harun Mohamed Umulkher, MP Nominated Member <b>Orange Democratic Movement</b>	

## 1.2 Committee Secretariat

5. The Committee secretariat is as follows-

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

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## 2. OVERVIEW OF THE DELEGATION'S PARTICIPATION

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6. The delegation was invited to join United States Senators and Congressmen for the Parliamentary Intelligence-Security Forum, held in Washington, D.C., from 7<sup>th</sup> to 8<sup>th</sup> December 2023 in the Senate Dirksen Committee Hearing Room 106.
7. The forum was held on 7<sup>th</sup> and 8<sup>th</sup> December 2023 and was convened by Hon. Robert Pittenger, Chairman, Parliamentary Intelligence - Security Forum
8. The forum gathered hundreds of parliamentarians and government officials from around the world to discuss critical topics including democracy, human rights, religious freedoms, and cyber security. The event provided a valuable platform for delegates to learn from global best practices, as well as to exchange insights and strategies on key security challenges.

### **Forum Overview and Purpose**

9. The Parliamentary Intelligence-Security Forum was originally developed in response to the Edward Snowden revelations, with the goal of strengthening collaboration between the United States and its allies in countering terrorism and enhancing intelligence-sharing capabilities. Today, it serves as a leading international venue for members of parliament and government officials to gain insight from preeminent experts on matters of national and global security. Regular forums are hosted to address pressing issues, including counter-terrorism financing, cyber security, predatory foreign investments, intelligence sharing, the security implications of 5G technology, artificial intelligence, and other contemporary security concerns.

### **Key Highlights of the Forum**

10. The 2023 Forum convened with a focus on current security challenges, technology risks, and transnational crime. Delegates were briefed by noted experts from government, industry, and think tanks on these issues, allowing for strategic dialogue on collaborative approaches to these shared concerns.
11. Expert discussions emphasized the importance of legislative initiatives and technological tools in countering security threats. The forum provided insights into strengthening collaboration with U.S. allies to effectively counter adversarial capabilities and prevent terrorism.
12. A dedicated session addressed security challenges in the Middle East, Ukraine, and the Indo-Pacific. Key topics included cyber threats to infrastructure and financial systems, risks associated with digital currency, AI-driven security issues, and adversarial foreign investments. Transnational crime concerns, such as illicit finance and trade, and risks to supply chains affecting food, energy, technology, and strategic minerals, were also examined.
13. Since its inception, the forum has hosted 24 in-person events, attracting over 1,700 parliamentarians and government officials from 96 countries. Additionally, during 2020–2021, the forum held 14 virtual webinars with more than 9,800 parliamentarians from over 100 countries, expanding its influence and reach during the pandemic.
14. Industry leaders contributed significantly as speakers, providing expert perspectives on overcoming security challenges and advancing collaborative global security initiatives. They also discussed the challenges of aligning global security efforts while supporting American business interests in international markets.



15. Esteemed U.S. legislators who participated and spoke at the forum included Senators James Lankford, Marco Rubio, and Thom Tillis, along with Congressmen Andy Barr, Eric Swalwell, and Rob Whitman. Their presence underscored the U.S. commitment to fostering global partnerships to address security threats.
16. The Parliamentary Intelligence-Security Forum proved to be a valuable opportunity for the Kenyan delegation to deepen its understanding of current global security threats and to explore collaborative approaches to address them. The insights gained from international experts and discussions with peers will help strengthen Kenya's legislative and security frameworks in alignment with best practices in counter-terrorism, cyber security, and intelligence sharing. This forum highlights the significance of ongoing international partnerships in enhancing Kenya's national security capabilities and supporting global stability.

### **3. SESSIONS AND PRESENTATIONS AT THE PARLIAMENTARY INTELLIGENCE-SECURITY FORUM**

#### **17. Adversarial Foreign Investments and Reverse CFIUS**

Participants attended a session on adversarial foreign investments and Reverse CFIUS, led by Congressman Andy Barr of the U.S. House of Representatives; Dr. Sohan Dasgupta, Partner at Taft, Stettinius & Hollister LLP and Former Deputy General Counsel at the U.S. Department of Homeland Security; Prof. Milos Ivkovic, International Arbitrator and Advisor to Governments in Austria; and Hon. Marco Zanni, Member of the European Parliament. These experts addressed the complexities of managing foreign investments in critical sectors, emphasizing the need for robust investment screening mechanisms.

#### **18. Countering Transnational and Border Insecurity**

Prof. Celina Realuyo of the William J. Perry Center for Hemispheric Defense and Mr. Joseph Humire, Executive Director of the Center for a Secure Free Society, discussed strategies for countering transnational and border insecurity. They underscored the importance of cross-border collaboration to strengthen security and curb illicit activities.

#### **19. Global Security Challenges**

Congressman Rob Wittman, Mr. John Sitalides (Geopolitical Strategist at Trilogy Advisors LLC), and Senior Fellow Mr. Joseph Humire from the Foreign Policy Research Institute presented on emerging global security challenges. Discussions included strategies to address geopolitical threats and safeguard national interests amid evolving global conflicts.

#### **20. Quantum Technologies: Innovation and National Security**

Hon. Jaak Madison, Member of the European Parliament from Estonia, discussed the significance of quantum technologies in promoting innovation and protecting national security. The session highlighted the role of advanced studies in physics, particularly in AI and quantum computing, to enhance technological advancements while safeguarding national assets.

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## **21. Digital Assets and the Future of Money**

Hon. Brian Quintenz, Former Commissioner of the U.S. Commodity Futures Trading Commission; Hon. Heath Tarbert, former Secretary of the Treasury for International Markets; Ms. Sheila Warren, CEO of the Crypto Council for Innovation; and Mr. J.C. Boggs, Partner at King & Spalding LLP, addressed the rapid evolution of digital assets and the future of money. They examined the regulatory landscape and the importance of adapting financial oversight in response to digital currency innovation.

## **22. Cybersecurity**

N. McDonnell Ulsch, Founder and Chief Analyst at Gray Zone Research and Intelligence; Mr. J.P. Parker, Former Intelligence Community Space Executive; Mr. Brian Cavanaugh, Visiting Fellow at The Heritage Foundation; Dr. Emily Goldman, Cyber Strategist at U.S. Cyber Command; and Carole N. House, Executive in Residence at Terrant Ventures Inc., delivered a session on cybersecurity. They emphasized the critical need for global coordination in cybersecurity to address digital threats against critical infrastructure.

## **23. Cryptocurrency Supervision and Regulation**

Presentations on cryptocurrency supervision and regulation were given by Mr. Combiz Abdirahim, Global Emerging Technology and Innovation Leader and Consultant with Deloitte; Mr. Yaya J. Fanusie, Director of Policy for AML & Cyber Risk at the Crypto Council for Innovation; Ms. Lilita Infante, CEO of CAT Labs and former U.S. Department of Justice Special Agent. They discussed regulatory challenges in cryptocurrency, addressing risks related to AML and cyber vulnerabilities.

## **24. Transnational Criminal Convergence**

Mr. Alejo Campos, Regional Director of Crime Stoppers in the Americas and Caribbean; Mr. John Walsh, President and CEO of Sight Span Inc.; and Mr. Michael Braun, President of SAVA Workforce Solutions and Former Chief of Operations at the U.S. DEA, presented on the convergence of transnational crime. Their session focused on the urgent need for international collaboration to address organized crime and its adverse impact on global security.

## **25. Supply Chain Resiliency**

Hon. Christian Bacanu, Member of Parliament from Romania; Hon. John Strand, CEO of Strand Consult; Mr. François Baird, Founder of Baird's U.S. LLC; and Mr. Ryan McKinney, General Counsel of Compliance at Quantinum, highlighted strategies for strengthening supply chain resiliency. They emphasized the need for governments and businesses to secure supply chains in critical sectors, including food, energy, and technology.

## **26. Illicit Finance**

Mr. John Cassara, Board Member of Global Financial Integrity; Mr. Tom Cardamone, Director of Global Finance Integrity; Jerome Beaumont, Executive Secretary of the Egmont Group of

Financial Intelligence; and Hon. Elizbieta Frankow-Jaskiewicz, Head of International Cooperation at Poland's Ministry of Finance, discussed illicit finance challenges. This session addressed how international partnerships can mitigate financial crimes and reinforce legal frameworks against money laundering and illicit finance.

#### **27. Democracy, Human Rights, Trafficking, and Religious Freedom**

Dr. Bob Fu, Chairman of China Aid; Mr. Felipe Alexandre, Attorney at Alexander Law Firm; Hon. Alexandru Nazare, Member of Parliament from Romania; and Dr. Achyuta Samanta, Member of Parliament from India, led discussions on democracy, human rights, trafficking, and religious freedom. The panel focused on legislative frameworks to protect fundamental freedoms and combat trafficking.

#### **28. African Perspective**

Hon. Bol Gai Deng from South Sudan; Hon. Sahr Charles from Sierra Leone; Dr. Ambe Valentine Ngwa, Economic and Political Consultant and U.S.-Global African Leadership Ambassador; and Hon. Gathoni Wamuchomba, MP shared perspectives from Africa. Their session highlighted the unique challenges faced by African nations in the context of security, development, and cross-border collaboration.

29. The sessions provided invaluable insights into contemporary security and governance issues, equipping participants with knowledge and tools to address these challenges effectively within their national contexts.

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#### 4. COMMITTEE'S OBSERVATIONS

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The delegation made the following observations: -

1. Parliamentarians are instrumental in shaping legislation and allocating government funding, which positions them as vital actors in counter-terrorism financing, cybersecurity, intelligence sharing, managing predatory foreign investments, and exploring emerging technologies such as 5G and AI.
2. The forum's discussions provided practical knowledge on legislative initiatives and technology solutions to enhance collaboration between the United States and its allies, creating a unified approach to neutralize terrorist capabilities effectively.
3. The forum served as a strategic dialogue on pressing security, technological, and transnational crime issues, allowing participants to identify actionable solutions and share best practices.
4. Through expert-led discussions, the forum increased understanding among U.S. allies about the current global security threats posed by hostile states and terrorist networks, enabling practical countermeasures.
5. The forum was originally established in response to the limited involvement of parliamentarians in intelligence activities, addressing a gap in understanding between the legislative and executive branches regarding intelligence operations.
6. Participants shared critical insights and built networks for intelligence sharing among allied nations, creating a foundation for joint efforts to confront mutual security threats.
7. Effective responses to today's global threats require robust cooperation, clear analyses, and honest dialogue, making collaborative approaches essential for successful threat mitigation.

**5. COMMITTEE’S RECOMMENDATIONS**

The Committee recommended as follows: -

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

Signed .....  ..... Date ..... *11<sup>th</sup> Nov 2024* .....

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

**CONSTITUTIONAL IMPLEMENTATION OVERSIGHT COMMITTEE**



Participants at the Parliamentary Intelligence Security - Forum, Washington DC- Dec-2023





Photo with Chairman, Parliamentary Intelligence Security - Forum, Congressman Hon. Robert Pittenger



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

**PRESENT**

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

**ABSENT**

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

**IN ATTENDANCE**

**SECRETARIAT**

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

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

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

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

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

**AGENDA**

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

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

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

**COMMITTEE'S OBSERVATIONS**

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

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

### **COMMITTEE'S RECOMMENDATIONS**

5. The Committee recommended as follows: -

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

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

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

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## COMMITTEE'S OBSERVATIONS

7. The delegation made the following observation:

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

## COMMITTEE'S RECOMMENDATIONS

8. The Committee recommended as follows: -

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

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

9. The Committee considered and adopted the report on the status of implementation of the Constitution by The Kenya National Commission on Human Rights, having been proposed by Hon. Oscar Nabalinda, M.P and seconded by the Hon. Jessica Mbalu, M.P with the following observations and recommendations.

THAT-

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

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## RECOMMENDATIONS OF THE COMMITTEE

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

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

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

#### **Committee Observations**

##### **THAT-**

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

#### **Committee Recommendations**

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

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

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

**Committee Observations**

THAT-

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

**Committee Recommendations**

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

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

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

SIGNED..........DATE.....*11<sup>th</sup> Nov 2024*.....

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





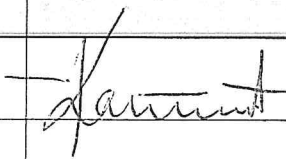

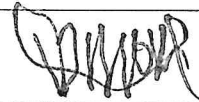
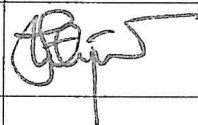


**THE NATIONAL ASSEMBLY**  
**13<sup>TH</sup> PARLIAMENT – 3<sup>RD</sup> SESSION (2024)**

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

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

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

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