

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION - 2012

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REPORT OF THE  
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND  
NATIONAL SECURITY ON THE NATIONAL SECURITY COUNCIL  
BILL, 2012.

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*PAPER LAYED*  
*By Hon Kiilu on behalf*  
*of Chair (Departmental)*  
*Committee on Admin*  
*& Internal Security on*  
*22/8/2012*  
*Mutega*

CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS,  
NAIROBI

AUGUST, 2012

## PREFACE

Mr. Speaker, Sir,

The Parliamentary Departmental Committee on Administration and National Security was constituted pursuant to the provisions of Standing Order No. 198 of the National Assembly and has executed its mandate in accordance with the provisions of the said Standing Order 198 (3), which mandates the Committee Members to, inter alia;

- (i) study and review all legislation referred to it;*
- (ii) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

Mr. Speaker,

The Committee, according to Schedule II of the Standing Orders, examines the following subjects:

- i) Public Administration
- ii) National security
- iii) Internal Security
- iv) Immigration
- v) Prisons Service
- vi) National Youth Service
- vii) Natural disasters

The Committee oversees the following Ministries and Departments:

- (i) Office of the President (Cabinet Office & State House)
- (ii) Office of the Vice President and Ministry of Home Affairs
- (iii) Ministry of State for Provincial Administration & Internal Security
- (iv) Office of the Prime Minister
- (v) Ministry of State for Public Service
- (vi) The Public Service Commission
- (vii) Ministry of State for Immigration & Registration of Persons

Mr. Speaker, Sir,

The following are the Members of the Committee:

The Hon. Fred Kapondi Chesebe, MP (Chairman)  
The Hon. Peter Kiilu, MP (Vice Chairman)  
The Hon. Cyprian Omollo, MP  
The Hon. Danson Mungatana, MP  
The Hon. Raphael Letimalo, MP  
The Hon. Pollyins Ochieng', MP  
The Hon. Mohamed Hussein Ali, MP  
The Hon. Joseph Kiuna, MP  
The Hon. Maison Leshoomo, MP  
The Hon. Nkoidila ole Lankas, MP

Mr. Speaker,

Article 240(1) of the Constitution stipulates that "there is established a National Security Council". The National Security Council Bill, 2012, is therefore crafted pursuant to the provisions of the said Article 240. The Bill addresses very pertinent issues relating to the security of this country.

The primary object of the Bill is to provide for the functions and administration of the National Security Council. The Council shall form the bedrock for the strategic forum for formulation and integration of Kenya's domestic, foreign and military policies relating to national security.

Mr. Speaker, Sir,

The Committee attended a workshop organized by the Commission on the Implementation of the Constitution (CIC) on three Security Bills between 9<sup>th</sup> and 12<sup>th</sup> August, 2012. The purpose of the workshop was to give Member's of the two Parliamentary Committees an opportunity to make proposals into the Bills before their passage into law.

The three Bills before the Committees were the National Security Council Bill, 2012, the Kenya Defence Forces Bill, 2012 and the National Intelligence Service Bill, 2012. After lengthy discussions on the three Bills, amendments were made. The amendments on National Security Council Bill, 2012, which falls under the

purview of the Committee on Administration and National Security, are the subject of this report.

Thereafter, the Committee made consultations with the Minister of State for Provincial Administration and Internal Security, being the initiator of the Bill. The Minister was in agreement with the proposed amendments.

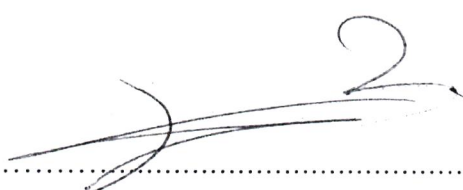
Mr. Speaker,

The Committee takes this opportunity to thank the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to the Committee during the CIC Workshop on the three Security Bills held in Mombasa between 9<sup>th</sup> and 12<sup>th</sup> August 2012.

The Committee is also grateful to the Ministry of State for Provincial Administration and National Security for initiating, drafting and publishing this important Bill which would enhance general security in the country, especially on the regularization and strengthening of the functions and operations of the National Security Council.

Mr. Speaker, Sir,

On behalf of the Committee, and pursuant to Standing Order 111 (2), it is my pleasant duty to table in the House the Report of the Departmental Committee on Administration and National Security on the National Security Council Bill, 2012.

Signed..........Date.....21/08/12.....  
Hon. Fred Kapondi, MP  
Chairman, Departmental Committee on Administration and National Security



## DELIBERATION ON THE NATIONAL SECURITY COUNCIL BILL, 2012

During a retreat held in Mombasa between 9<sup>th</sup> and 12<sup>th</sup> August, 2012 between the Departmental Committees on Administration and National Security; and Defence and Foreign Relations and the Commission on the Implementation of the Constitution, amendments to the National Security Bill, 2012, were made as follows;

NO.	CLAUSE	LONG TITLE OF THE CLAUSE	RECOMMENDATION
1	Clause 4	Functions of the Council	Import Article 240 (1) of the Constitution that provides for the composition of the Council in the Bill.
2	Clause 5	Committees of the Council	Delete subsection (3) which reads as follows: "(3) A person co-opted under subsection (2) may attend the meetings of the committee and participate in the deliberations but shall have no rights to vote at the meeting".
3	Clause 13	Classification of Council documents and records.	Delete subsection (2) which reads as follows: "(2) The Regulations made under this section shall be approved by Parliament".
4	Clause 14	Limitation of the right of access to information	In sub-clause (2), delete the following words "of which" appearing immediately after the words "disclosure of".
5	Clause 17	Regulations	Recast the clause to read as follows: "17. The Cabinet Secretary, upon approval of the Council, may make regulations, prescribing anything required by this Act to be prescribed or generally for the better carrying out of the provisions of this Act."

6	First Schedule	Conduct of Business and Affairs of the Council	<p>Paragraph (4) on quorum: delete the word "seven" and substitute therefore the word "five".</p> <p>Paragraph (7) on decision: delete the words "and voting".</p> <p>Paragraph (9) on invitation of other person: delete the words "but shall have no right to vote at meeting and substitute therefore the following words "shall not participate in the making of a decision of the Council".</p>
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