

Approved for tabling

SNA
5/11/2020

*Paper laid
By Hon Gideon Muliyil -
Vice-Chair on Thur 5/11/2020 (PM)*

REPUBLIC OF KENYA



TWELFTH PARLIAMENT – FOURTH SESSION – 2020

THE NATIONAL ASSEMBLY

SELECT COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

REPORT ON THE CONSIDERATION OF THE NATIONAL COHESION AND PEACE BUILDING BILL, (SENATE BILL NO. 35 OF 2018)

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 05 NOV 2020	DAY: Thurs
TABLED BY:	Hon. Gideon Muliyil Vice-Chairperson
CLERK-AT THE-TABLE:	Wanjiru Ndindi

Directorate of Committee Services,
Clerk's Chambers,
Parliament Buildings,
NAIROBI.

OCTOBER, 2020

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CHAIRPERSON'S FOREWORD

The National Cohesion and Peace Building Bill, 2018 (Senate Bill No. 35 of 2018) was read a First time on July 31, 2019 and referred to the Parliamentary Budget Office (PBO) for money Bill determination pursuant to the provisions of Standing Order 143 (2). On November 14, 2019, the Speaker made a determination that the Bill does not fall within the meaning of "a money Bill". The Bill was thereafter committed to the Select Committee on National Cohesion and Equal Opportunity for consideration pursuant to the provisions of Standing Order 127(6) (a).

The Bill seeks to provide for establishment of the National Cohesion and Peace Building Commission; outlaw discrimination on ethnic grounds; provide for the establishment of an institutional framework for national cohesion and peace building among other proposals to enhance cohesion and peace in the country.

Pursuant to the provisions of Standing Order No. 127 (3) and (3A) on public participation, the Committee requested for comments from the public in two major dailies on February 21, 2020. The Committee received a Memorandum from Mr. David Bundi of Sharpen Up Training Enterprises.

During the consideration of the Bill, the Committee observed that the functions of cohesion, integration and peace building are not functions assigned to the county government under Part II of the Fourth Schedule to the Constitution. Secondly, the majority of the provisions in the Bill are similar to the provisions existing in the National Cohesion and Integration (NCI) Act, 2008 and the minor differences do not warrant an overhaul of the NCI Act, 2008.

The Committee sincerely thanks the Offices of the Speaker and the Clerk of the National Assembly for the technical and logistical support accorded to it in the execution of its mandate. I also thank all the Members of the Committee and the secretariat for their commitment and hard work which enabled us to complete the tasks related to the scrutiny of the Bill and compilation of this report.

The Committee is also grateful to Mr. David Bundi of Sharpen Up Training Enterprises who made submissions on the Bill.

On behalf of the Select Committee on National Cohesion and Equal Opportunity and pursuant to provisions of Standing Order 127 (4), it is my pleasant privilege and honour to present the Report of the Committee on its consideration of the National Cohesion and Peace Building Bill, 2018 (Senate Bill No. 35 of 2018).

Hon. Maina Kamanda, EGH, M.P

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Committee on National Cohesion and Equal Opportunity is established under Standing Order No. 212 C of the National Assembly Standing Orders.
2. The Committee is mandated to among other things:
 - (a) monitor and promote measures relating to policy and program initiatives in pursuit of peace and national cohesion;
 - (b) investigate, inquire into and report on all matters relating to inter community cohesion;
 - (c) monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalised on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground; and,
 - (d) investigate, inquire into and report on all matters relating to discrimination and or marginalization of persons referred to under sub-paragraph (c);
 - (e) make proposals to Parliament including legislative proposals for the protection, equalization of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (c); and
 - (f) examine the activities and administration of all state departments and statutory bodies in so far as they relate to the rights and welfare of the persons referred to under sub-paragraph (c).

1.2 Membership of the Committee

3. The committee comprises of -

Chairperson

Hon. Maina Kamanda, EGH, M.P.
Nominated Member of Parliament

Jubilee Party

Vice- Chairperson

Hon. Gideon Mutemi Mulyungi, MP
Mwingi Central Constituency

Wiper Democratic Movement Kenya Party

Members

Hon. Adan W. Keynan, CBS, M.P
Eldas Constituency

Jubilee Party

Hon. Maison Leshoomo, M.P
Women Representative - Samburu County

Jubilee Party

Hon. Daniel Wanyama Sitati, M.P.
Webuye West Constituency

Jubilee Party

Hon. Benjamin Gathiru Mwangi
Embakasi Central Constituency

Jubilee Party

Hon. Stephen Mule, MP
Matungulu Constituency

Wiper Democratic Movement Kenya Party

Hon. Charles Ong'ondo Were, MP
Kasipul Constituency

Orange Democratic Movement Party

Hon. Edward Oku Kaunya, MP
Teso North Constituency

Amani National Party

Hon. Jane Jepkorir Chebaibai, M.P
Women Representative -
Elgeyo Marakwet County

Jubilee Party

Hon. David Ole Sankok M.P.
Nominated Member of Parliament

Jubilee Party

Hon. Rose Museo, M.P
Women Representative - Makueni County
Wiper Democratic Movement Kenya Party

Hon. Joyce Korir Chepkoech, M.P.
Women Representative - Bomet County

Jubilee Party

Hon. George Sunkuyia, M.P.
Kajiado West

Jubilee Party

Hon. Janet Nangabo Wanyama, M.P.
Women Representative - Trans Nzoia County

Jubilee Party

Hon. Mukwe James Lusweti, MP

Kabuchai Constituency

Ford Kenya Party

Hon. Patrick Munene Ntwiga, M.P.
Chuka\Igambang'ombe Constituency

Jubilee Party

Hon. Wilson Kogo, M.P
Chesumei Constituency

Jubilee Party

Hon. Prof. Zadock Abel Ogutu, M.P.
Bomachoge Borabu Constituency

Independent

The Hon. Prof. Jacqueline Oduol, MP
Nominated Member of Parliament
Orange Democratic Movement Party

Hon. Musili Mawathe, MP
Embakasi West

Wiper Democratic Movement Kenya Party

Hon. Liza Chepkorir Chelule, M.P
Women Representative- Nakuru County

Jubilee Party

Hon. David Ochieng, M.P

Ugenya Constituency

Movement for Democracy and Growth
(MDG) Party

1.3 Committee Secretariat

4. The secretariat facilitating the committee comprises -

Mr. Abdifatah Bule
Ms. Emma Essendi
Mr. Samuel Nyambei
Ms. Winnie Kulie

Clerk Assistant
Legal Counsel I
Serjeant-At-Arms
Research Officer

2.0 INTRODUCTION

5. The National Cohesion and Peace Building Bill, 2018 (Senate Bill No. 35 of 2018) was read a First time on 31st July, 2019 and referred to the Parliamentary Budget Office (PBO) for money Bill determination pursuant to the provisions of Standing Order 143 (2). On 14th November, 2019, the Speaker made a determination that the Bill does not fall within the meaning of “a money Bill”. The Bill was thereafter committed to the Select Committee on National Cohesion and Equal Opportunity for consideration pursuant to the provisions of Standing Order 127(6) (a).
6. The Bill seeks to provide for establishment of the National Cohesion and Peace Building Commission; outlaw discrimination on ethnic grounds; provide for the establishment of an institutional framework for national cohesion and peace building among other proposals to enhance cohesion and peace in the country.

3.0 GENERAL OVERVIEW OF THE BILL

7. The Bill contains the following proposals in brief:
 - 1) **Clause 2** contains the definitions used in the Bill.
 - 2) **Clause 3** outlines four (4) objects of the Bill as—
 - (a) Giving effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination on ethnic grounds;
 - (b) providing a framework for the promotion of national cohesion, unity and peace-building;
 - (c) providing mechanisms for co-ordination and implementation of interventions aimed at promoting national cohesion and peace-building; and
 - (d) providing a framework for the promotion of national values and principles of governance.
 - 3) **Clause 4** establishes the National Cohesion and Peace Building Commission as a body corporate with perpetual succession.
 - 4) **Clause 6** mandates the Commission to—
 - (a) Formulate and implement strategies, plans and programmes for the promotion of national unity;
 - (b) collaborate with institutions and stakeholders to give effect to the policies relating to cohesion and integration;
 - (c) make recommendations to the National and County governments and any other relevant entities on—

- (i) the review and reform of practices, policies and legislation relating to cohesion and integration;
 - (ii) the criteria for deciding whether any public office or officer has committed acts of discrimination on the grounds of ethnicity;
- (d) identify factors inhibiting the attainment of harmonious relations among different social origins and put in place measures to address the problem;
- (e) promote—
- (i) pursuant to Article 27 of the Constitution equality and the elimination of discrimination on grounds of ethnicity, race and religion;
 - (ii) peaceful coexistence, tolerance, understanding and acceptance of diversity in all aspects of life and encourage appreciation by all ethnic communities of all social, economic, cultural and political life of other communities; and
 - (iii) equal access and enjoyment by persons from different ethnic, racial or social origins of public or other services and facilities provided by Government and private entities;
- (f) investigate complaints of hate speech, ethnic or racial contempt and discrimination on the basis of ethnic, clan, religious and racial origin and make recommendations to the Director of Public Prosecution or other relevant authority on the appropriate measures to be taken where such complaints are valid;
- (g) initiate investigations on its own accord or on request from any institution, office or person into any issue affecting ethnic, clan, racial or social relations;
- (h) develop policies for the promotion of national values and principles of governance;
- (i) undertake research and document findings on national cohesion and national values, peace building and conflict management;
- (j) foster partnerships with relevant state actors, non-state actors, bilateral and multilateral agencies on peace building and conflict management;
- (k) establish early warning and early response system on conflict and put in place an emergency preparedness and response system to curb imminent conflict; and
- (l) perform such other functions as may be necessary for the effective discharge of its mandate and exercise of its powers.
- 5) **Clause 7** empowers the Commission to—
- (a) Issue prohibition notices directing persons or entities involved in actions or conduct contrary to national cohesion, integration and peace building to cease such action or conduct;
 - (b) summon witnesses and call for the production of books, plans, and other documents and to examine witnesses and parties on oath;

- (c) publish the names of persons or institutions whose words or conduct may undermine or have undermined or contributed towards undermining good ethnic relations, or who are involved in ethnic discrimination or propagation of ethnic hatred;
 - (d) enter into association with other bodies or organizations, within or outside Kenya, as it may consider desirable or appropriate and in furtherance of the objective for which the Commission is established;
 - (e) control, supervise and administer the assets of the Commission in a manner and for purposes that best promote the purpose for which the Commission is established;
 - (f) receive any grants gifts, donations or endowments and make legitimate disbursements therefrom; and
 - (g) open bank accounts for the funds of the Commission.
- 6) **Clause 8** locates the Headquarters of the Commission in Nairobi and requires the Commission to make its services accessible in all parts of the country, including by establishing necessary branches.
 - 7) **Clause 9** outlines the membership of the Commission as a chairperson and four other members appointed in accordance with the Constitution and the provisions of the Bill. To be appointed as a Member, a person must be a citizen of Kenya, hold a degree from a university recognized in Kenya, have knowledge and experience of at least ten years in matters relating to human relations, public affairs, human rights or peace and security and be compliant with Chapter Six of the Constitution.
 - 8) Under the Clause, a person is disqualified from membership of the Commission if he or she is a member of a governing body of a political party, is an undischarged bankrupt or has been convicted of a criminal offence and sentenced to imprisonment for a term of at least six months.
 - 9) **Clause 11** provides for the procedure of the appointment of the members of the Commission. The President is required to convene a selection panel within fourteen days of the occurrence of a vacancy. The selection panel is to consist of one person from each of the following institutions —
 - (a) the Inter-religious Council of Kenya;
 - (b) the ministry responsible for national cohesion;
 - (c) the ministry responsible for matters relating to devolution;
 - (d) the Law Society of Kenya;
 - (e) the National Council for Persons living with Disability; and
 - (f) the Public Service Commission.

- 10) The ministry responsible for the Public Service is required to provide the selection panel with such facilities and other support as it may require for the discharge of its functions.
- 11) **Clause 13** provides for the powers of the Chairperson. He or she is to—
 - (a) preside over all the meetings of the Commission;
 - (b) be the spokesperson of the Commission; and
 - (c) supervise and direct the work of the Commission.
- 12) **Clause 14** outlines the term of office for the Commissioners as one six-year term for the Chairperson and one five-year term for Members.
- 13) **Clause 16** of the Bill provides for the removal of a Commissioner through a Parliamentary process in accordance with Article 251 of the Constitution.
- 14) **Clause 20** provides for the determination of the salaries and allowances payable to the Commissioners by the Salaries and Remuneration Commission.
- 15) **Clause 21** provides for the competitive recruitment and appointment of a Secretary by the Commission. He or she must be a citizen of Kenya, hold a postgraduate degree from a university recognized in Kenya, have at least ten years' experience at senior management level, have experience in either law, economics, public administration, peace, conflict and social studies, corporate management, human resource management or financial management; and meet the requirements of Chapter Six of the Constitution. The Secretary is to hold office for a term of five years, renewable once.
- 16) **Clause 23** empowers the Commission to recruit and remunerate appropriate staff.
- 17) **Clause 27** outlines the funds of the Commission as monies allocated by Parliament, monies or assets that may accrue to the Commission in the course of exercise of its powers or in the performance of its functions and monies from any other source provided, donated or lent to the Commission.
- 18) **Clause 31** requires the Cabinet Secretary to prepare and submit to Parliament an annual report on the work of the Commission in accordance with Article 153(4) of the Constitution.
- 19) **Clauses 32** outlines what actions constitute ethnic discrimination.
- 20) **Clause 33** outlines what actions constitute discrimination through victimization.
- 21) **Clause 34** obligates all public entities to ensure they do not recruit more than one third of their staff from the same ethnic community. Additionally, employers are required not to discriminate in employment.
- 22) **Clause 35** outlines exceptions to discrimination in employment. One is allowed to employ a person from a particular ethnic background where the nature of the employment or the context in which it is carried out demands so.
- 23) **Clause 36** obligates organizations not to discriminate against non-members.

- 24) **Clause 41** criminalizes acts of ethnic or racial contempt, including through electronic publications.
- 25) **Clause 42** criminalizes the act of threatening a person who makes a complaint or gives evidence in proceedings commenced pursuant to the provisions of the Bill.
- 26) **Clauses 45 to 64** outline the procedure to filing complaints, their investigation and enforcement of the decisions of the Commission. The Commission is empowered to conduct inquiries, facilitate conciliation between parties, issue and enforce compliance notices and expedite conclusion of particular sensitive complaints by special reference. **Clause 64** defines a special reference as a complaint whose resolution may have significant social, economic or financial effects and set precedent.
- 27) **Clause 72** allows a person aggrieved by a decision of the Commission to apply to the Commission for a review. The Commission is to determine the review within 30 days.
- 28) **Clause 73** empowers the Cabinet Secretary to make regulations for the implementation of the Act in consultation with the Commission.
- 29) **Clause 74** repeals the National Cohesion and Integration Act, 2008.
- 30) **Clauses 75, 76, 77, and 78** provide for transitional and saving provisions. The National Cohesion and Peace Building Commission is to be the successor to the current National Cohesion and Integration Commission. All the staff, assets and liabilities of the NCIC are to *be transferred to the NCPBC. Additionally, all current members of the NCIC are to serve in the NCPBC for their unexpired term.*

4.0 PUBLIC PARTICIPATION AND COMMENTS FROM STAKEHOLDERS

8. Pursuant to Standing Order 127(3) and (3A) of the National Assembly which provide that, “*The Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee makes its report to the House*”, the Committee requested for comments from the public in two major dailies on February 21, 2020. The Committee received a Memorandum from Mr. David Bundi of Sharpen Up Training Enterprises.
9. In his letter dated 27th February 2020, Mr. David Bundi submitted that -
 - (i) The Bill should capture the grounds for the removal of the Vice-Chairperson;
 - (ii) There should be a clarification as to whether the Secretary will have voting powers;
 - (iii) There should be a clarification on who would act as Secretary in the absence of the Secretary;
 - (iv) Part IV of the Bill be amended to include discrimination on political grounds; and
 - (v) Section 47 (4) of the Bill has a typographical error.

10. The Committee noted the submissions while preparing the report for the House.

5.0 COMMITTEE OBSERVATIONS

11. The Committee observed the following:

- 1) Majority of the provisions in the Bill are similar to the existing provisions in the National Cohesion and Integration Act, 2008. The differences are as follows—
 - (a) The Bill changes the name of the Commission from the National Cohesion and Integration Commission to the National Cohesion and Peace Building Commission;
 - (b) The Bill provides that the responsible Cabinet Secretary is the one responsible for matters relating to cohesion, integration, peace-building and conflict management as opposed to the one responsible for justice and human rights;
 - (c) The Bill also introduces the definition on coded language, peace building and vilification;
 - (d) The Bill also allows for State Officers and former members of the Commission to be appointed as Members of the Commission unlike the Act (S. 18 (2). Article 77(1) of the Constitution provides that a full-time state officer shall not participate in any other gainful employment thus disqualifying State Officers from appointment as members of the Commission. On former members being eligible for appointment, this would be against the MWONGOZO principles which recommends that membership in a particular institution should not exceed six years;
 - (e) The Bill (clause 11) provides that the President shall convene the selection panel as opposed to the Cabinet Secretary (Schedule);
 - (f) the NCI Act, 2008 allows for the appointment of an eight-Member Commission. The Bill proposes a five-Member Commission;
 - (g) the NCI Act, 2008 provides a single six-year term for all Commissioners. The Bill proposes a single six-year term for the Chairperson and a single five-year term for the other Commissioners;
 - (h) the NCI Act, 2008 provides for a selection panel comprising representatives from the Office of the President, the Public Service Commission, the Attorney-General, the Ethics and Anti-Corruption Commission, the National Gender and Equality Commission and the Judicial Service Commission. The Bill proposes a selection panel comprising representatives from the Inter-religious Council of Kenya, the ministry responsible for national cohesion, the ministry responsible for matters relating to devolution, the Law Society of Kenya, the National Council for Persons living with Disability and the Public Service Commission;
 - (i) The Bill provides for approval of the members of the Commission by Parliament, that is, National Assembly and Senate, unlike the Act that provides for the approval of the Commissioners by the National Assembly only;

- (j) the NCI Act, 2008 provides for the removal of a Commissioner through a Petition directed to the Cabinet Secretary and forwarded to the National Assembly. The Bill proposes removal through a Petition to Parliament; and
 - (k) the NCI Act, 2008 does not provide a term limit for the Commission Secretary. The Bill proposes a term of five years, renewable once.
- 2) **Clause 13** provides for the powers of the Chairperson to include supervising and directing the work of the Commission. It should be noted that there is a Secretary to the Commission and the role of supervising and directing the work of the Chairperson may interfere with the functions of the Secretary.

6.0 COMMITTEE'S RECOMMENDATIONS

12. The Committee recommends that the Bill be rejected on the following grounds–

- 1) The functions of cohesion, integration and peace building are not functions assigned to the county government under Part II of the Fourth Schedule to the Constitution. In this regard, the appointment and removal of members of the Commission is a function of the National Assembly only.
- 2) The Bill allows State Officers to be appointed as Members of the Commission. This provision contravenes Article 77(1) of the Constitution which provides that a full-time state officer shall not participate in any other gainful employment.
- 3) The Bill allows former members of the Commission to be re-appointed as Commissioners. This is against the MWONGOZO principles which recommend that membership in a particular institution should not exceed six years.
- 4) The reduction in the number of commissioners as proposed under clause 9 will negate the goal of catering for persons of different ethnic and regional diversities, youth, persons with disabilities and gender equity.
- 5) The majority of the provisions in the Bill are similar to the provisions existing in the National Cohesion and Integration Act, 2008 and the minor differences do not warrant an overhaul of the NCI Act, 2008.

Date: _____ Signature: _____

Hon. Maina Kamanda, EGH, M.P

Chairperson,

Select Committee on National Cohesion and Equal Opportunity

MINUTES OF THE 13TH SITTING OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY HELD ON WEDNESDAY, 19TH AUGUST, 2020 VIA ZOOM PLATFORM AT 11.00 AM

PRESENT

1. The Hon. Maina Kamanda, EGH, M.P - **Chairperson**
2. The Hon. Gideon Mutemi Mulyungi - **Vice Chairperson**
3. The Hon. Dr. Adan W. Keynan CBS, M.P
4. The Hon. (Prof.) Zadock Abel Ogutu, M.P
5. The Hon. Benjamin Gathiru Mwangi, M.P.
6. The Hon. (Prof.) Jacqueline Oduol, MP
7. The Hon. David Ole Sankok, M.P
8. The Hon. Stephen Mule, M.P
9. The Hon. Edward Oku Kaunya, MP
10. The Hon. Patrick Munene Ntwiga, M.P
11. The Hon. George Sunkuyia, M.P
12. The Hon. David Ochieng, M.P

ABSENT WITH APOLOGY

1. The Hon. Julius Mawathe, M.P
2. The Hon. Daniel Wanyama Sitati, M.P.
3. The Hon. Maison Leshoomo, M.P
4. The Hon. Mukwe James Lusweti, MP
5. The Hon. Rose Museo, MP
6. The Hon. Liza Chepkorir Chelule, M.P
7. The Hon. Janet Nangabo Wanyama, M.P
8. The Hon. Joyce Korir Chepkoech, M.P
9. The Hon. Liza Chepkorir Chelule, M.P
10. The Hon. Charles Were, MP
11. The Hon. Jane Jepkorir Chebaibai, M.P.

SECRETARIAT

1. Mr. Abdifatah Bule Clerk Assistant
2. Ms. Emma Otiende Legal Officer
3. Ms. Winnie Kulie Research Officer

The Chairperson called the meeting to order at 11:20 am and afterwards read the Prayer.

**MIN. NO. NA/NC&EO/041/2020 CONSIDERATION AND ADOPTION OF THE
REPORT ON THE NATIONAL COHESION AND PEACE BUILDING BILL, 2018
(SENATE BILL NO. 35 OF 2018)**

The Committee considered and adopted the report on the National Cohesion and Peace Building Bill, 2018 (Senate Bill No. 35 of 2018) having been proposed and seconded by the Hon. David Ole Sankok, M.P and the Hon. (Prof.) Zadock Abel Ogutu, M.P respectively with following observations and recommendations;

Observations

1. Majority of the provisions in the Bill are similar to the existing provisions in the National Cohesion and Integration Act, 2008. The differences are as follows—
 - (a) The Bill changes the name of the Commission from the National Cohesion and Integration Commission to the National Cohesion and Peace Building Commission;
 - (b) The Bill provides that the responsible Cabinet Secretary is the one responsible for matters relating to cohesion, integration, peace-building and conflict management as opposed to the one responsible for justice and human rights;
 - (c) The Bill also introduces the definition on coded language, peace building and vilification;
 - (d) The Bill also allows for State Officers and former members of the Commission to be appointed as Members of the Commission unlike the Act (S. 18 (2). Article 77(1) of the Constitution provides that a full-time state officer shall not participate in any other gainful employment thus disqualifying State Officers from appointment as members of the Commission. On former members being eligible for appointment, this would be against the MWONGOZO principles which recommends that membership in a particular institution should not exceed six years;
 - (e) The Bill (clause 11) provides that the President shall convene the selection panel as opposed to the Cabinet Secretary (Schedule);
 - (f) the NCI Act, 2008 allows for the appointment of an eight-Member Commission. The Bill proposes a five-Member Commission;
 - (g) the NCI Act, 2008 provides a single six-year term for all Commissioners. The Bill proposes a single six-year term for the Chairperson and a single five-year term for the other Commissioners;
 - (h) the NCI Act, 2008 provides for a selection panel comprising representatives from the Office of the President, the Public Service Commission, the Attorney-General, the Ethics and Anti-Corruption Commission, the National Gender and Equality Commission and the Judicial Service Commission. The Bill proposes a selection panel comprising representatives from the Inter-religious Council of Kenya, the ministry responsible for national cohesion, the ministry responsible for matters relating to devolution, the Law

Society of Kenya, the National Council for Persons living with Disability and the Public Service Commission;

- (i) The Bill provides for approval of the members of the Commission by Parliament, that is, National Assembly and Senate, unlike the Act that provides for the approval of the Commissioners by the National Assembly only;
 - (j) the NCI Act, 2008 provides for the removal of a Commissioner through a Petition directed to the Cabinet Secretary and forwarded to the National Assembly. The Bill proposes removal through a Petition to Parliament; and
 - (k) the NCI Act, 2008 does not provide a term limit for the Commission Secretary. The Bill proposes a term of five years, renewable once.
2. Clause 13 provides for the powers of the Chairperson to include supervising and directing the work of the Commission. It should be noted that there is a Secretary to the Commission and the role of supervising and directing the work of the Chairperson may interfere with the functions of the Secretary.

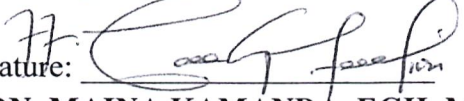
Recommendations

The Committee recommends that the Bill be rejected on the following grounds—

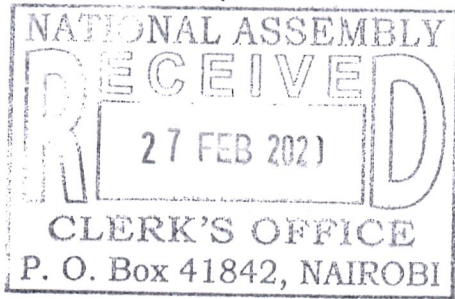
1. The functions of cohesion, integration and peace building are not functions assigned to the county government under Part II of the Fourth Schedule to the Constitution. In this regard, the appointment and removal of members of the Commission is a function of the National Assembly only.
2. The Bill allows State Officers to be appointed as Members of the Commission. This provision contravenes Article 77(1) of the Constitution which provides that a full-time state officer shall not participate in any other gainful employment.
3. The Bill allows former members of the Commission to be re-appointed as Commissioners. This is against the MWONGOZO principles which recommend that membership in a particular institution should not exceed six years.
4. The reduction in the number of commissioners as proposed under clause 9 will negate the goal of catering for persons of different ethnic and regional diversities, youth, persons with disabilities and gender equity.
5. The majority of the provisions in the Bill are similar to the provisions existing in the National Cohesion and Integration Act, 2008 and the minor differences do not warrant an overhaul of the NCI Act, 2008.

MIN. NO. NA/NC&EO/042/2020 ADJOURNMENT

There being no other business the meeting was adjourned at 12.100 pm.

Signature:  v/c Date: 3/9/2020
(HON. MAINA KAMANDA, EGH, M.P - CHAIRPERSON)

① DL coms
Please deal.
28/02/20



② BUNG
Please deal
FA
02/3/20

DAVID BUNDI,
SHARPEN UP TRAINING ENTERPRISES,
P.O BOX 42496-00100,
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27TH February, 2020

CLERK OF THE NATIONAL ASSEMBLY,
P.O BOX 41842-00100,
NAIROBI.

Dear Sir,

RE: SUBMISSIONS ON THE NATIONAL COHESION AND PEACE BUILDING BILL, 2018(SENATE BILL NO.35) AND THE COUNTY OUTDOOR ADVERTISING CONTROL BILL, 2018(SENATE BILL NO.19)

Following your invitation to interested members of the public to submit written submissions in respect to the above Senate Bills, I hereby tender my submissions as follows:

As pertains to **The National Cohesion and Peace Building Bill, 2018(Senate Bill No.35)**, I submit the following:

1. The Act should capture the grounds for removal of the Vice Chair owing to the fact that the Vice Chair is an elective position and that in the absence of the Chair, the Vice will assume the duties thereof. This is will ensure that meetings and functions of the Commission do not grind to a halt at any one moment.
2. There should be a clarification as to whether the Secretary will have voting powers.
3. A clarification on who will be acting Secretary/CEO in his/her absence.
4. PART IV to factor in a Section on discrimination based on political ideologies. This is informed by the fact that there have been claims of certain people being discriminated because of their political ideologies.
5. Section 47(4) has a typology: "shoes" instead of "whose".



NEWS GENERAL

AFTER CAR CRASH

Tuju flown to UK for further treatment

Plane to touch down in London by 9.30pm, Kenyan time



FELIX OLICK
@TheStarKenya

Jubilee secretary general Raphael Tuju has been flown to the UK for specialised treatment following orders by President Uhuru Kenyatta. Tuju, a close ally of the President, was involved in a grisly road accident last Wednesday at Kijabe Hospital while enroute to Kabarak for the burial of the late President Daniel Moi.

The Star has established that Tuju was driven to Jomo Kenyatta International Airport before midday on Thursday.

He was to be received in London by Kenyan envoy to UK Manoah Espisu, although the hospital where he would be admitted remains unclear.

The plane carrying the CS is set to touch down in London by 9.30pm, Kenyan time. On Thursday, the gov-

ernment dispatched three CSs to ensure Tuju, who had been admitted at the Karen Hospital for a week, is efficiently moved. They are Education CS George Magoha, Health CS Sicily Kariuki and Sports CS Amina Mohamed.

The three accompanied him to the airport, however, only his personal doctor, his wife and one of his children flew with him to London.

"All I can say is that his condition has generally improved," a source at the Karen Hospital told the Star.

Tuju had reportedly broken two ribs and had some injuries in the intestines. He also complained of difficulty in breathing. There were also fears that some of his internal organs could also have been injured during the head-on collision with a matatu. He underwent an emergency surgery at Kijabe Hospital before being airlifted to Nairobi.

At the Karen Hospital, Tuju was sedated for days and only his family, close friends and top government officials were allowed to visit.

TUJU HAD REPORTEDLY BROKEN TWO RIBS AND HAD SOME INJURIES IN THE INTESTINES

REPUBLIC OF KENYA



PARLIAMENT OF KENYA

INVITATION TO TENDER

TENDER NO PJS/004/2019-2020

PROVISION OF PROJECT MANAGEMENT SERVICES AND SUPERVISION OF THE IMPLEMENTATION OF THE PROPOSED INTEGRATED SECURITY MANAGEMENT SYSTEM (ISMS) AND INFRASTRUCTURE FOR THE PARLIAMENTARY SERVICE COMMISSION

The Parliamentary Service Commission invites bids from eligible candidates for the provision of project management services and supervision of the implementation of the proposed integrated security management system (ISMS) and infrastructure.

Interested eligible candidates may obtain further information from the Procurement Office on 2nd Floor, Protection House, Nairobi or email through procurementpjs@parliament.go.ke or dg@parliament.go.ke. A complete set of the tender documents may be downloaded free of charge from the Commission's Website; www.parliament.go.ke or IFMIS Portal; www.supplier.treasury.go.ke

There shall be a **pre-bid meeting on Friday, 6th March, 2020, 11.00 am** in the 2nd Floor Boardroom, Protection House, along Parliament Road, Nairobi.

Duly completed serialized and paginated tender documents (original and copy) are to be enclosed in plain sealed envelopes, marked with the tender number, name and as prescribed under the tender documents and be dropped in the Tender Box at the Reception on 2nd Floor, Protection House, Nairobi or be addressed to:

**Director General, Parliamentary Joint Services
Parliamentary Service Commission,
P.O. Box 41842 00100,
NAIROBI, KENYA.**

so as to be received on or before **Monday, 23rd March, 2020 at 11.00 a.m.**

Tenders will be opened immediately thereafter in the presence of the Candidates who choose to attend or their appointed representatives, at Protection House, 2nd floor boardroom, Nairobi. Tenders must be accompanied by a tender Security of Kshs. 100,000.00 valid for 150 days from the date of proposal opening, in form of a bank guarantee from a reputable bank recognized by the Central Bank of Kenya.

Prices quoted should be inclusive of all taxes and delivery costs, and must be in Kenya Shillings and shall remain valid for 120 days from the closing date of the tender.

**DIRECTOR GENERAL, PARLIAMENTARY JOINT SERVICES,
PARLIAMENTARY SERVICE COMMISSION**

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT - FOURTH SESSION

In the matters of consideration by the National Assembly:-

1. The County Outdoor Advertising Control Bill, 2018 (Senate Bill No.19)
2. The National Cohesion and Peace Building Bill, 2018 (Senate Bill No.35)

SUBMISSION OF MEMORANDA

Article 118(1) (b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Standing Order 127 requires the Departmental Committee to which a Bill is committed to facilitate public participation on the Bill through an appropriate mechanism, which include inviting submission of memoranda, holding public hearings, consulting relevant stakeholders in the sector and experts on technical matters, and take into account views and recommendations of the public when the Committee makes its report to the House.

The County Outdoor Advertising Control Bill, 2018 (Senate Bill No.19) main objective is to provide for a legal framework for the regulation of outdoor advertisement in the counties and for connected purposes.

The National Cohesion and Peace Building Bill, 2018 (Senate Bill No.35) seeks to provide for the establishment of the National Cohesion and Peace Building Commission; outlaw discrimination on ethnic grounds; and provide for the establishment of an institutional framework for national cohesion and peace building.

The County Outdoor Advertising Control Bill, 2018, (Senate Bill No.19) and the National Cohesion and Peace Building Bill, 2018 (Senate Bill No.35) have undergone First Reading as pursuant to Standing Order 127(3) and have been committed to the Departmental Committee on Communication, Information & Innovation and the Select Committee on National Cohesion & Equal Opportunity respectively, for consideration and reporting to the House.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the respective Committees invite interested members of the public to submit written submissions they may have on the said Bills. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Thursday, 27th February, 2020 at 5.00 pm.

Copies of the Bills can be accessed from the parliamentary website:
www.parliament.go.ke/the-national-assembly/house-business/bills.

**MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY**

REPUBLIC OF KENYA



**TWELFTH PARLIAMENT - (FOURTH SESSION)
THE NATIONAL ASSEMBLY**

CALENDAR OF THE NATIONAL ASSEMBLY (REGULAR SESSIONS) FOR 2020

IT IS NOTIFIED for general information that, pursuant to the provisions of Standing Order 28 of the National Assembly Standing Orders, by a resolution made on Tuesday, February 18, 2020 the National Assembly approved the Calendar of the House for 2020 (Regular Sessions) as set out in the Schedule-

SCHEDULE

PERIOD	DAYS
FIRST PART	
14TH FEBRUARY - 4TH DECEMBER, 2020	
A. Sitting Days Thursday, 13th February - Thursday, 19th March, 2020	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
B. Short Recess Friday, 20th March - Monday, 5th April, 2020	
C. Sitting Days Tuesday, 7th April - Thursday, 30th April, 2020	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
D. Long Recess Friday, 1st May - Monday, 1st June, 2020	
SECOND PART	
E. Sitting Days Tuesday, 2nd June - Thursday, 2nd July, 2020	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
F. Short Recess Friday, 3rd July - Monday, 20th July, 2020	
G. Sitting Days Tuesday, 21st July - Thursday, 13th August, 2020	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
H. Long Recess Friday, 14th August - Monday, 7th September, 2020	
THIRD PART	
I. Sitting Days Tuesday, 8th September - Thursday, 15th October, 2020	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
J. Short Recess Friday, 16th October - Monday, 2nd November, 2020	
K. Sitting Days Tuesday, 3rd November - Thursday, 3rd December, 2020	Tuesdays (afternoon), Wednesdays (morning and afternoon) and Thursdays (afternoon)
L. Long Recess Friday, 4th December 2020 - Monday, 8th February, 2021	
Annual Suspension of Committee Sittings	14th December, 2020 - 29th January, 2021

Disclaimer: The House may however resolve to hold sittings in other days outside this published Calendar.

**MICHAEL R. SIALAI, EBS
CLERK OF THE NATIONAL ASSEMBLY
18th February, 2020**



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