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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

REPORT ON THE LEARNING MISSION TO ADDIS ABABA, ETHIOPIA FROM 17<sup>TH</sup>  
TO 23<sup>RD</sup> SEPTEMBER, 2023

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 09 APR 2024	DAY: TUE
TABLED	APRIL, 2024
CLERK AT THE TABLE:	Hon. Haji Fusuuf, MP Chairperson, National Cohesion & Equal Opportunity
	Anne Shibuko

DIRECTORATE OF AUDIT, APPROPRIATIONS AND  
GENERAL PURPOSE COMMITTEES  
CLERKS CHAMBERS  
PARLIAMENT BUILDINGS  
NAIROBI



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## **LIST OF ABBREVIATIONS AND ACRONYMS**

<b>ENDAN</b>	Ethiopian National Disability Action Network.
<b>Member</b>	Member of Parliament.
<b>MoLSA</b>	Federal Ministry of Labor and Social Affairs.
<b>MoWCYA</b>	Ministry of Women, Children and Youth Affairs.
<b>NCEOC</b>	National Cohesion and Equal Opportunity Committee.
<b>NDMU</b>	National Disability Mainstreaming Unit.
<b>UNCRPD</b>	United Nations Convention on the Rights of Persons with Disabilities.

## **EXECUTIVE SUMMARY**

The Committee on National Cohesion and Equal Opportunity is a Select Committee established under National Assembly Standing Order 212C. It is mandated with the task of considering all matters relating to the pursuit of national cohesion and integration, the equalization of opportunities and the improvement of the quality of life and status of all persons. The National Cohesion and Equal Opportunity Committee sought to undertake a benchmarking visit in Ethiopia to study measures designed by Ethiopia to enhance peace building and equalization of opportunities and improvement in the quality of life all persons, including persons marginalised on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground.

During the visit, the Delegation had the opportunity to meet with some of the key organizations in Ethiopia. These included the Kenya Embassy in Addis Ababa, the International Organisation for Peace Building Ethiopia, Ministry of Peace of Ethiopia and Safaricom Telecommunications, Ethiopia. The delegation was able to gain valuable insights into the workings of these organizations and establish meaningful connections that will undoubtedly benefit both parties in the future.

The Delegation learned about the Constitution of the Federal Democratic Republic of Ethiopia. Further, the Delegation acquired knowledge of how Ethiopia has established various bodies and agencies to address the needs and rights of persons with disabilities.

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

Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Members of the Delegation who engaged with the institutions and their counterparts in Ethiopia and their contribution towards the preparation of this Report.

On behalf of the Committee and under Standing Order 199 (6) it is therefore my pleasant duty and privilege to present the Report of the National Cohesion and Equal Opportunity Committee on the learning mission to Ethiopia.

  
**HON. YUSSUF ADAN HAJI, DSM, M.P**



## 1. PREFACE

1. The Committee on National Cohesion and Equal Opportunity is established under the Standing Order 212C of the National Assembly.

### 1.1 Committee Mandate

2. The mandate of the Committee is outlined under Standing Order 212C (3) as follows—
  - (a) to monitor and promote measures relating to policy and program initiatives in pursuit of peace and national cohesion;
  - (b) to investigate, inquire into and report on all matters relating to intercommunity cohesion;
  - (c) to 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 based on gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;
  - (d) to investigate, inquire into and report on all matters relating to discrimination or marginalization of persons referred to under sub-paragraph (c);
  - (e) make proposals to Parliament including legislative proposals for the protection, equalisation 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).

## 2.0 Committee Membership

3. The membership of the Committee is comprised of the following Members—

	Name	Constituency	Party
1.	Hon. Yussuf Adan Haji, DSM, MP. (Chairperson)	Mandera West	United Democratic Movement (UDM)
2.	Hon. Liza Chelule Chepkorir, MP. (Vice-Chairperson)	Nakuru (CWR)	United Democratic Alliance (UDA)
3.	Hon. Yusuf Hassan Abdi, MP.	Kamukunji	Jubilee Party (JP)
4.	Hon. Harrison Garama Kombe, MP.	Magarini	Orange Democratic Movement (ODM)
5.	Hon. Charles Kamuren, MP.	Baringo South	United Democratic Alliance (UDA)
6.	Hon. Charles Ong'ondo Were, MP.	Kasipul	Orange Democratic Movement (ODM)
7.	Hon. Edward Oku Kaunya, MP.	Teso North	Orange Democratic Movement (ODM)
8.	Hon. Joseph Samal Lomwa, MP.	Isiolo North	Jubilee Party (JP)
9.	Hon. Martin Peters Owino, MPH, MP.	Ndhiwa	Orange Democratic Movement (ODM)
10.	Hon. Eng. Paul Nzengu, MP.	Mwingi North	Wiper Democratic Movement Kenya (WDM-K)
11.	Hon. Agnes Mantaine Pareyio, MP.	Narok North	Jubilee Party (JP)
12.	Hon. Duncan Maina Mathenge, MP.	Nyeri Town	United Democratic Alliance (UDA)
13.	Hon. Fredrick Lusuli Ikana, MP.	Shinyalu	ANC Party
14.	Hon. Irene Nyakerario Mayaka, MP.	Nominated	Orange Democratic Movement (ODM)
15.	Hon. Jane Wangechi Kagiri, MP.	Laikipia (CWR)	United Democratic Alliance (UDA)
16.	Hon. Joseph Hamisi Denar, MP.	Nominated	ANC Party
17.	Hon. Joseph Iraya Wainaina, MP.	Nominated	United Democratic Alliance (UDA)
18.	Hon. Mary Maingi, MP.	Mwea	United Democratic Alliance (UDA)
19.	Hon. Monicah Muthoni Marubu, MP.	Lamu (CWR)	Independent

Name	Constituency	Party
20. Hon. Onesmus Ngogoyo Nguro, MP.	Kajiado North	United Democratic Alliance (UDA)
21. Hon. Teresia Wanjiru Mwangi, MP.	Nominated	United Democratic Alliance (UDA)

### 3.0 Committee Secretariat

Ms. Angelina Naserian Lotuai

**Clerk Assistant I -Lead Clerk/Head of the Secretariat**

Ms. Kathleen Nanzala  
**Clerk Assistant III**

Ms. Audrey Andala  
**Legal Counsel II**

Ms. Joanne Naneu  
**Research Officer III**

Ms. John Ng'ang'a  
**Audio Officer**

Ms. Sharon Cheruto  
**Hansard Reporter**

Mr. Peter Atsiaya  
**Media Relations Officer**

Ms. Margaret Wanjiku Wainaina  
**Public Communications Officer**

Mr. Luca Mutua  
**Sergeant-at-Arms**



## **4.0 OBJECTIVES OF THE STUDY VISIT**

### **4.1 Background**

4. The National Cohesion and Equal Opportunity Committee, as provided under Standing Order 212C (3) (a) of the National Assembly has the mandate to monitor and promote measures relating to policy and program initiatives in pursuit of peace and national cohesion. The Committee also has the mandate to investigate, inquire into and report on all matters relating to intercommunity cohesion and the mandate to 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.
5. It is on the basis of these mandates that the NCEOC undertook a benchmarking visit to Ethiopia to learn how Ethiopia approaches issues of national cohesion, peace, persons with disabilities, youths and gender equality.

### **4.2 Objectives of the Visit**

6. The NCEOC undertook a study visit to Ethiopia from 17<sup>th</sup> to 23<sup>rd</sup> September, 2023. The objectives of the visit were—
  - a. to study measures designed by Ethiopia 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.
  - b. to study how Ethiopia approaches the issues on gender equality, youth, persons with disabilities, race, culture and religious background in order to achieve national cohesion; and
  - c. to learn the best practices on peacebuilding through reconciliation and peace index.

## **5.0 COMPOSITION OF THE DELEGATION**

7. The Delegation to Ethiopia comprised of the following: -
  - 1) The Hon. Eng. Paul Nzengu, M.P - **Leader of Delegation.**
  - 2) The Hon. Harrison Garama Kombe, M.P – Member.
  - 3) The Hon. Agnes Pareiyo Mantaine, M.P – Member.
  - 4) Ms. Audrey Eshitsimi Andala-Legal Counsel II/ Delegation Secretary.

## **6.0 SUBMISSIONS BY VARIOUS INSTITUTIONS**

8. The Delegation held meetings with the following: the Kenya Embassy in Addis Ababa; International Organisation for Peace Building Ethiopia; Ministry of Peace of Ethiopia and Safaricom Telecommunications, Ethiopia.
9. The following are the meetings deliberations:

### **6.1 THE KENYA EMBASSY IN ADDIS ABABA, ETHIOPIA**

10. The Delegation was invited to the Kenyan Embassy and the meeting was chaired by the Deputy Head of Mission, Ambassador George Kwanya.
11. The leader of the Delegation informed the Kenyan Embassy in Addis Ababa of the mandate of NCEOC to monitor and promote measures relating to policy and program initiatives in pursuit of peace and national cohesion and to 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 based on gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground.
12. Ambassador George Kwanya presented a brief history of Ethiopia as follows: Ethiopia is a vast country with a size of one million, one hundred and four thousand square kilometres (1, 104, 000) with a population of one hundred and seventeen million (117, 000, 000) people. Further, Ethiopia has eight regional governments, namely Tigray, Afar, Amhara, Oromia, Somali, Benishangul–Gumuz, SNNP, Harari; and two chartered cities of Addis Ababa and Dire Dawa. The three regions of critical importance to Kenya are namely Somali, Oromia and SNNP which have critical implications for cross-border trade, security and migration of people and services.
13. The Delegation was further informed that Article 25 of the Constitution of the Federal Democratic Republic of Ethiopia provides for the right to equality.



### ***Right to Equality***

*All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, colour, sex, language, religion, political or other opinion, property, birth or other status.*

14. The Constitution of the Federal Republic of Ethiopia advocates for equal treatment however the same is yet to be achieved as the Federal Democratic Republic of Ethiopia has faced civil wars and intercommunal violence. The source of these wars has been said to be caused by ethnic differences.

### **Persons with Disabilities**

15. On the issue of the Persons with Disabilities, the Delegation was informed that Ethiopia signed the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in March 2008 and ratified it in July 2010.
16. Further, Article 25 of the Constitution of the Federal Democratic Republic of Ethiopia stipulates for the right to equality.
17. The Delegation was informed that, unlike the Constitution of Kenya, the Constitution of the Federal Democratic Republic of Ethiopia does not expressly provide for freedom from discrimination on grounds of disability.
18. Article 27 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) states that parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities.
19. UNCRPD stipulates that state Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps such as —
- Prohibiting discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;

- Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;
- Employing persons with disabilities in the public sector;
- Promoting the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures; and
- Ensuring that reasonable accommodation is provided to persons with disabilities in the workplace.

20. Ethiopia does not have a national body dealing with the rights of Persons with Disabilities, unlike Kenya. However, the Ethiopian government has established various bodies and agencies to address the needs and rights of persons with disabilities and promote their inclusion in society. Such as:

i. **Federal Ministry of Labour and Social Affairs (MoLSA)**

MoLSA is the government ministry responsible for labour and social policy in Ethiopia. It plays a significant role in formulating policies and programs related to persons with disabilities, including employment opportunities, social protection and disability rights.

ii. **Ethiopian National Disability Action Network (ENDAN)**

ENDAN is a non-governmental organization that works to promote the rights and welfare of persons with disabilities in Ethiopia. While it is not a government body, it collaborates closely with government agencies and other stakeholders to advocate for the rights of persons with disabilities.

iii. **National Disability Mainstreaming Unit (NDMU)**

The NDMU is a unit within the Ministry of Women, Children, and Youth Affairs (MoWCYA). It is responsible for mainstreaming disability issues into government policies, programs, and projects to ensure the inclusion of persons with disabilities in all aspects of development.



iv. **Regional Disability Affairs Offices**

Ethiopia has established regional disability affairs offices in various administrative regions. These offices are responsible for coordinating disability-related activities at the regional level and implementing government policies and programs to support persons with disabilities.

21. The Delegation was informed that Ethiopia has the Ethiopian National Disability Action Plan specifically focused on disability issues. This plan outlines strategies and programs to promote inclusion, accessibility, and the rights of persons with disabilities.
22. The Delegation noted that gender balance has been observed in employment of men and women to various positions at the Kenya Embassy in Ethiopia.
23. The Kenyan Embassy in Ethiopia stated that there is a need for a bilateral agreement between Kenya and Ethiopia on matters of trade to ensure equal benefits between the two countries.



*Figure 1: The Delegation and the Kenya Embassy in Ethiopia team pictured together at the Kenya Embassy in Addis Ababa, Ethiopia.*

## **6.2 SUBMISSIONS FROM THE INTERNATIONAL ORGANIZATION FOR PEACE BUILDING, ETHIOPIA**

24. The Leader of the learning mission, Hon. Eng. Paul Nzengu introduced the team visiting Ethiopia and informed the organization of the mandate of NCEOC to monitor and promote measures relating to policy and program initiatives in pursuit of peace and national cohesion.

The Committee ought to spearhead programs and endorse laws and/or rules promoting peace and national cohesion.

25. The representative of the Inter-peace organization took the Committee through the mandate of the institution.
26. The Delegation was informed that Interpeace Ethiopia is an independent international peacebuilding organization and a strategic partner of the United Nations. It supports national teams in countries across Africa, Asia, Central America, Europe, and the Middle East. Inter-peace Ethiopia also has a thematic program on constitution-making.
27. The headquarters of the organisation is in Geneva (Switzerland) and has offices in Brussels (Belgium), Guatemala City (Guatemala), Nairobi (Kenya) and New York (USA). Inter-peace is a non-profit organization and its peacebuilding work is funded by generous contributions from governments, multilateral organizations, foundations and private individuals.
28. The Organization has over 300 peacebuilding experts whose mandate is to help their societies manage internal divisions and conflicts without resorting to violence or coercion.
29. The Organization informed the Delegation that it contributes to building lasting peace through inclusive and nationally led processes of change. Inter-peace also works to assist the international community and in particular, the United Nations, to play a more effective role in supporting peacebuilding efforts around the world.
30. The Constitution of Inter-peace addresses the issue where minorities, women and other groups should have equal opportunities to manage and administer the hiring process. Their Constitution further states that equal-opportunity, gender-sensitive and diversity policies and procedures ought to be developed or adopted to guide hiring practices and should be followed in the work environment.
31. Under the Inter-peace Ethiopia Constitution, there is the code of conduct for members of a constitution-making body consulting with the public. This code of conduct sets down the conduct expected of members of the constitution making body (hereinafter, "members") during the public consultation process. The Constitution emphasizes equality by stating that every member shall ensure that the public consultation process is as inclusive as possible and that all persons are treated equally regardless of their sex, age, race, or socioeconomic status.
32. The Delegation was in agreement with Inter-peace organization that equal-opportunity, gender-sensitive and diversity policies and procedures ought to be developed or adopted to guide hiring practices and should be followed in the work environment.



33. Interpeace Ethiopia stated that there is a need for Kenya and Ethiopia to work for peace and prosperity, including through enhanced security along the common border.

### **6.3 SUBMISSIONS FROM THE MINISTRY OF PEACE OF ETHIOPIA**

34. The Delegation led by Hon. Eng. Paul Nzengu, MP met with the Ministry of Peace of Ethiopia.

35. The Delegation was taken through a history of the Ministry, its roles and its activities.

36. It was stated that the Ministry of Peace in Ethiopia was established for the first time by Article 13 of the Proclamation No. 1097/2018 to determine the powers and functions of the Federal Democratic Republic of Ethiopia.

37. The Ministry of Peace's objective is to expand the space for dialogue about building peace and resolving conflict. Through individual Peace Talks, speakers from different sectors and industries share their personal stories, ideas and practical solutions to resolve conflict.

38. The Peace Talks is an outstanding global initiative that has been successful in bringing together people from diverse backgrounds and cultures to promote peace and foster collaboration. The project was first launched in Switzerland in 2013, through the first-ever Geneva Peace Talks. It was co-founded by the United Nations Office at Geneva and the Geneva Peacebuilding Platform, with the support of the Swiss Government.

39. Since its inception, the Peace Talks have expanded their reach to other parts of the world, including Stockholm, Nairobi and Ottawa. These talks have been held in partnership with various organizations such as the Swedish Parliament, the National Cohesion and Integration Commission (NCIC) at the United Nations Office in Nairobi and the Global Centre for pluralism at the Delegation of the Ismaili Imamat in Ottawa.

40. The Peace Talks provide a platform for experts, leaders and citizens to come together and share their experiences, insights and ideas on how to build more peaceful and inclusive societies. The initiative has been successful in promoting dialogue, understanding and cooperation among individuals and communities, thereby contributing significantly to the global peacebuilding efforts.

41. The Delegation observed that both the Ministry of Peace and the National Cohesion and Integration Commission have a similar objective to expand the space for dialogue about building peace and resolving conflict. The National Cohesion and Integration Commission is established under the National Cohesion and Integration Act No. 12 of 2008. The Commission

was borne out of the realization that long lasting peace, sustainable development and harmonious coexistence among Kenyans requires deliberate institutional processes of constructing nationhood.

42. It is worth noting that Ethiopia, as a Nation, is committed to promoting peaceful resolutions in international disputes. This is reflected in Article 86 of the Ethiopian Constitution, which outlines a national policy objective to support and pursue peaceful solutions to such conflicts.
43. The Delegation unanimously agreed that peace has a direct impact on the economic growth of a country.

#### **6.4 SUBMISSIONS BY SAFARICOM TELECOMMUNICATIONS ETHIOPIA HEADQUARTERS**

44. The Delegation paid a courtesy visit to Safaricom Telecommunications Ethiopia Headquarters.
45. The Head of Operations at the Headquarters took us through the experience of employment sector in Ethiopia.
46. The Head of Operations stated that Safaricom is an equal employer and has ensured employment of people from different ethnic communities in Ethiopia.
47. Ethiopia is a diverse country with a large number of ethnic communities. The exact number of ethnic groups in Ethiopia can vary depending on how they are classified and defined. However, it is commonly stated that there are more than 80 different ethnic groups in Ethiopia. Some of the largest ethnic groups in Ethiopia include the Oromo, Amhara, Tigray, Somali, Sidama, Gurage, Afar and Wolayta, among others. Each of these ethnic groups has its own distinct language, culture and traditions.
48. The Constitution of the Federal Democratic Republic of Ethiopia does not expressly provide for ethnic diversity at employment places. However, the same is reflected in the employment of people.
49. The Delegation was informed that the Ethiopian government has implemented affirmative action policies to promote the representation of underrepresented ethnic groups in various sectors, including public service, education and business. These policies aim to address historical inequalities and promote diversity and inclusivity in the workforce.
50. The Constitution of the Federal Democratic Republic of Ethiopia does not define the term "youth" whereas a youth is defined under Article 260 of the Constitution of Kenya, 2010 as



the collectivity of all individuals in the Republic who have attained the age of eighteen years but have not attained the age of thirty-five years.

51. The Delegation was informed by the Safaricom team that Ethiopia, like many countries, faces challenges in providing sufficient employment opportunities for its youth population. The Ethiopian government has implemented various initiatives to address youth unemployment. These include the establishment of youth-focused programs and agencies, such as the Ministry of Youth and Sports, which aims to promote youth development and empowerment through education, skills training, and entrepreneurship support.



*Figure 2: The Delegation and the Safaricom Telecommunications team pictured together at the Safaricom Telecommunications Headquarters in Ethiopia, Addis Ababa.*

## 7.0 COMMITTEE FINDINGS/OBSERVATIONS

52. The Delegation made the following observations:

- 1) The Delegation observed that unlike the Constitution of Kenya, the Constitution of the Federal Democratic Republic of Ethiopia does not expressly provide for freedom from discrimination on grounds of disability.
- 2) The Delegation also observed that Ethiopia does not have a national council specifically for Persons with Disabilities, unlike Kenya. However, the Ethiopian government has established various bodies and agencies to address the needs and rights of persons with disabilities and promote their inclusion in society such as Regional Disability Affairs Offices responsible for coordinating disability-related activities at the regional level and implementing government policies and programs to support persons with disabilities.
- 3) The Delegation also observed that Ethiopia has a national action plan specifically focused on disability issues. The Ethiopian National Disability Action Plan outlines strategies and programs to promote inclusion, accessibility and the rights of persons with disabilities.
- 4) The Delegation observed that Ethiopia like many countries faces challenges in providing sufficient employment opportunities for its youth population. The Ethiopian government has implemented various initiatives to address youth unemployment. These include the establishment of youth-focused programs and agencies, such as the Ministry of Youth and Sports, which aims to promote youth development and empowerment through education, skills training, and entrepreneurship support.
- 5) On the issue of gender equality, the Delegation noted that gender balance has been observed in the employment of men and women in various positions at the Kenya Embassy in Ethiopia.
- 6) The Delegation also observed that there is a need for Kenya and Ethiopia to resolve trade barriers, including tariff and non-tariff barriers that stifle the expansion of trade between the two partners.



## 8.0 COMMITTEE RECOMMENDATIONS


53. From the above observation, the Committee recommends as follows—

- 1) The NCEOC recommends that within three (3) months of the adoption of this report, the Ministry of Labour and Social Protection in collaboration with the National Council for Persons with Disabilities develop a comprehensive National Disability Action Plan to address the needs of persons with disabilities across various sectors.
- 2) The NCEOC recommends that the Ministry of Foreign and Diaspora Affairs develops and implements a policy within sixty (60) days of tabling this report. The policy should aim to resolve trade barriers, including both tariff and non-tariff barriers that hinder the expansion of trade between the two partners.

SIGNED..........DATE.....9/04/2024.....

HON. YUSSUF ADAN HAJI, DSM, M.P.

CHAIRPERSON, COMMITTEE ON NATIONAL COHESION AND EQUAL  
OPPORTUNITY

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: <b>08 APR 2024</b>	
DAY: _____ TUE	
TABLED BY:	Hon. Haji Yussuf, MP Chairperson, National Cohesion & Equal Opportunity
CLERK-AT-THE-TABLE:	Anno Shibuko


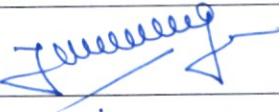


**COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY**  
**13<sup>TH</sup> PARLIAMENT – THIRD SESSION 2024**  
**ADOPTION LIST**

Date 7/03/2024 Venue NGCDF BOARDROOM HARAMBEE ACCO PLAZA  
Agenda CONSIDERATION AND ADOPTION OF THE REPORT ON THE  
STUDY VISIT TO SOUTH AFRICA

No.	NAME	SIGNATURE
1.	The Hon. Yussuf Adan Haji, DSM, MP -Chairperson	
2.	The Hon. Liza Chelule Chepkorir, MP. -Vice Chairperson	
3.	The Hon. Yusuf Hassan Abdi, MP	
4.	The Hon. Harrison Garama Kombe, MP.	
5.	The Hon. Charles Kamuren, MP.	
6.	The Hon. Charles Ong'ondo Were, MP.	
7.	The Hon. Edward Kaunya Oku, MP.	
8.	The Hon. Joseph Samal Lomwa MP.	
9.	The Hon. Martin Peters Owino MPH, MP.	
10.	The Hon. Eng. Paul Nzengu, MP.	
11.	The Hon. Agnes Pareyio Mantaine, MP.	
12.	The Hon. Duncan Maina Mathenge, MP.	



No.	NAME	SIGNATURE
13.	The Hon. Fredrick Lusuli Ikana, MP.	
14.	The Hon. Irene Nyakerario Mayaka, MP.	
15.	The Hon. Jane Wangechi Kagiri, OGW, MP.	
16.	The Hon. Joseph Iraya Wainaina OGW, MP.	
17.	The Hon. Joseph Hamisi Denar, MP.	
18.	The Hon. Mary Maingi, MP.	
19.	The Hon. Muthoni Marubu, MP.	
20.	The Hon. Onesmus Ngogoyo Nguro, MP.	
21.	The Hon. Teresia Wanjiru Mwangi, MP.	

**MINUTES OF THE 11<sup>TH</sup> SITTING OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY HELD ON WEDNESDAY, 6<sup>TH</sup> MARCH 2024 IN THE COMMITTEE ROOM, 2<sup>ND</sup> FLOOR, CONTINENTAL HOUSE**

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**PRESENT**

1. The Hon. Yussuf Adan Haji DSM, MP. - Chairperson
2. The Hon. Liza Chelule Chepkorir, MP. - Vice Chairperson
3. The Hon. Yusuf Abdi Hassan, MP
4. The Hon. Harrison Garama Kombe, MP.
5. The Hon. Charles Ong'ondo Were, MP.
6. The Hon. Eng. Paul Nzengu, MP.
7. The Hon. Agnes Pareyio Mantaine, MP
8. The Hon. (Dr.) Joseph Iraya Wainaina OGW, MP
9. The Hon. Fredrick Lusuli Ikana, MP.
10. The Hon. Mary Maingi, MP.
11. The Hon. Muthoni Marubu, MP.

**APOLOGIES**

1. The Hon. Charles Kamuren, MP.
2. The Hon. Joseph Samal Lomwa, MP.
3. The Hon. Edward Kaunya Oku, MP.
4. The Hon. Martin Peters Owino MPH, MP
5. The Hon. Irene Nyakerario Mayaka, MP.
6. The Hon. Duncan Maina Mathenge, MP.
7. The Hon. Jane Wangechi Kagiri, OGW, MP
8. The Hon. Joseph Hamisi Denar, MP
9. The Hon. Onesmus Ngogoyo Nguro, MP.
10. The Hon. Teresia Wanjiru Mwangi, MP

**SECRETARIAT**

1. Ms. Naserian Lotuai - Clerk Assistant I
2. Ms. Kathleen Nanzala - Clerk Assistant III
3. Ms. Joanne Naneu - Research Officer III
4. Ms. Audrey Andala - Legal Counsel II
5. Mr. John Nganga - Audio Officer
6. Mr. Luka Mutua - Sergeant-at-Arms

**MIN.NO. /NCEO/2024/050: PRELIMINARIES**

The meeting was called to order at 10:30a.m and prayers said by the Hon. Muthoni Marubu, M.P.

**MIN.NO. /NCEO/2024/051:            ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed and seconded by Hon. Agnes Pareyio, MP and Hon. Muthoni Marubu, MP respectively.

**MIN.NO. /NCEO/2024/052:            CONFIRMATION OF MINUTES**

The minutes of the previous sittings were confirmed as a true record of the proceedings as follows:-

1. Minutes of the 7<sup>th</sup> sitting were confirmed as a true record of the proceedings after being proposed and seconded by Hon. Agnes Pareyio, MP. and Hon. Muthoni Marubu,MP. respectively;
2. Minutes of the 8<sup>th</sup> sitting were confirmed as a true record of the proceedings after being proposed and seconded by Hon. Yusuf Hassan Abdi, MP. and Hon. Agnes Pareyio, MP. respectively;
3. Minutes of the 9<sup>th</sup> sitting were confirmed as a true record of the proceedings after being proposed and seconded by the Hon. Liza Chelule, MP. and Hon. Yusuf Hassan Abdi, MP. respectively; and
4. Minutes of the 10<sup>th</sup> sitting were confirmed as a true record of the proceedings after being proposed and seconded by Hon. Yusuf Hassan Abdi, MP. and Hon. Agnes Pareyio, MP. respectively.

**MIN.NO. /NCEO/2024/052:            MATTERS ARISING**

It was resolved that the Committee should visit more special needs schools in order to compare their status and establish an objective for inviting the relevant agencies to address the challenges facing the schools.

**MIN.NO. /NCEO/2024/053:            CONSIDERATION OF THE BRIEF ON THE HIGH COURT JUDGEMENT AGAINST THE KENYA REVENUE AUTHORITY ON THE UNCONSTITUTIONAL RECRUITMENT OF REVENUE SERVICE ASSISTANTS**

The Legal Counsel briefed the Committee on Busia High Court Petition No. E004 of 2023 *Peter Kabinga Orogoo-Vs- The Chairman Board of Directors Kenya Revenue Authority & The*



**MINUTES OF THE 11<sup>TH</sup> SITTING OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY HELD ON WEDNESDAY, 6<sup>TH</sup> MARCH 2024 IN THE COMMITTEE ROOM, 2<sup>ND</sup> FLOOR, CONTINENTAL HOUSE**

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**PRESENT**

- |   |   |                         |
|---|---|-------------------------|
| 1. The Hon. Yussuf Adan Haji DSM, MP.           | - | <b>Chairperson</b>      |
| 2. The Hon. Liza Chelule Chepkorir, MP.         | - | <b>Vice Chairperson</b> |
| 3. The Hon. Yusuf Abdi Hassan, MP               |   |                         |
| 4. The Hon. Harrison Garama Kombe, MP.          |   |                         |
| 5. The Hon. Charles Ong'ondo Were, MP.          |   |                         |
| 6. The Hon. Eng. Paul Nzengu, MP.               |   |                         |
| 7. The Hon. Agnes Pareyio Mantaine, MP          |   |                         |
| 8. The Hon. (Dr.) Joseph Iraya Wainaina OGW, MP |   |                         |
| 9. The Hon. Fredrick Lusuli Ikana, MP.          |   |                         |
| 10. The Hon. Mary Maingi, MP.                   |   |                         |
| 11. The Hon. Muthoni Marubu, MP.                |   |                         |

**APOLOGIES**

1. The Hon. Charles Kamuren, MP.
2. The Hon. Joseph Samal Lomwa, MP.
3. The Hon. Edward Kaunya Oku, MP.
4. The Hon. Martin Peters Owino MPH, MP
5. The Hon. Irene Nyakerario Mayaka, MP.
6. The Hon. Duncan Maina Mathenge, MP.
7. The Hon. Jane Wangechi Kagiri, OGW, MP
8. The Hon. Joseph Hamisi Denar, MP
9. The Hon. Onesmus Ngogoyo Nguro, MP.
10. The Hon. Teresia Wanjiru Mwangi, MP

**SECRETARIAT**

- |                         |   |                      |
|-------------------------|---|----------------------|
| 1. Ms. Naserian Lotuai  | - | Clerk Assistant I    |
| 2. Ms. Kathleen Nanzala | - | Clerk Assistant III  |
| 3. Ms. Joanne Naneu     | - | Research Officer III |
| 4. Ms. Audrey Andala    | - | Legal Counsel II     |
| 5. Mr. John Nganga      | - | Audio Officer        |
| 6. Mr. Luka Mutua       | - | Sergeant-at-Arms     |

**MIN.NO. /NCEO/2024/050:**

**PRELIMINARIES**

The meeting was called to order at 10:30a.m and prayers said by the Hon. Muthoni Marubu, M.P.

**MIN.NO. /NCEO/2024/051:            ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed and seconded by Hon. Agnes Pareyio, MP and Hon. Muthoni Marubu, MP respectively.

**MIN.NO. /NCEO/2024/052:            CONFIRMATION OF MINUTES**

The minutes of the previous sittings were confirmed as a true record of the proceedings as follows:-

1. Minutes of the 7<sup>th</sup> sitting were confirmed as a true record of the proceedings after being proposed and seconded by Hon. Agnes Pareyio, MP. and Hon. Muthoni Marubu,MP. respectively;
2. Minutes of the 8<sup>th</sup> sitting were confirmed as a true record of the proceedings after being proposed and seconded by Hon. Yusuf Hassan Abdi, MP. and Hon. Agnes Pareyio, MP. respectively;
3. Minutes of the 9<sup>th</sup> sitting were confirmed as a true record of the proceedings after being proposed and seconded by the Hon. Liza Chelule, MP. and Hon. Yusuf Hassan Abdi, MP. respectively; and
4. Minutes of the 10<sup>th</sup> sitting were confirmed as a true record of the proceedings after being proposed and seconded by Hon. Yusuf Hassan Abdi, MP. and Hon. Agnes Pareyio, MP. respectively.

**MIN.NO. /NCEO/2024/052:            MATTERS ARISING**

It was resolved that the Committee should visit more special needs schools in order to compare their status and establish an objective for inviting the relevant agencies to address the challenges facing the schools.

**MIN.NO. /NCEO/2024/053:            CONSIDERATION OF THE BRIEF ON THE HIGH COURT JUDGEMENT AGAINST THE KENYA REVENUE AUTHORITY ON THE UNCONSTITUTIONAL RECRUITMENT OF REVENUE SERVICE ASSISTANTS**

The Legal Counsel briefed the Committee on Busia High Court Petition No. E004 of 2023 *Peter Kabinga Orog-Vs- The Chairman Board of Directors Kenya Revenue Authority & The*



*Commissioner General Kenya Revenue Authority.* The Committee was informed of the facts, the issues for determination, an analysis of the case, the court's ruling and orders made by the court.

The issue for determination in the case was whether, in light of Articles 10, 27 and 232 of the Constitution and Section 10 of the Public Service (Values and Principles) Act, 2015, the KRA recruitment of 56% of revenue service assistants from 2 ethnic blocks is legal and proper. The Court held that the recruitment did not accord with Article 232(1)(h)(i) of the Constitution and therefore unconstitutional.

The Court made the following orders –

1. The Court declared that the recruitment made in June 2023 of 1, 406 revenue service assistants, reflecting 56% from 2 ethnic communities was unconstitutional as it offends the preamble to the Constitution and Articles 10, 27(1)(2)(4)(5), 56 and 232(g)(h)(i) of the Constitution.
2. The Court declared that the 9<sup>th</sup> October advertisement 2023 for 600 graduate trainees is unconstitutional to the extent that it restricts employment opportunities to youth who are 28 years old, is unconstitutional as it offends the preamble to the Constitution and Articles 10, 27 (1) (2)(4)(5), 56, 232 and 260 of the Constitution.
3. The Court also barred KRA from recruiting and appointing staff at all levels until an ethnic diversity and regional policy is deployed giving effect to the values and principles of Article 232 (g)(h)(i) of the Constitution which policy should be in place within 30 days of this order.

The Committee noted that since the Court had already pronounced itself on the matter, the Committee could not interrogate KRA on the same.

#### **Committee Resolutions**

The Committee resolved as follows –

1. KRA should appear before the Committee on 14<sup>th</sup> March as scheduled to respond to the questions on employment diversity and 30% procurement reservation to special interest groups;
2. The Committee to direct KRA to present to the Committee the policy on ethnic diversity and regional balance with respect to recruitment of staff as directed by the Court; and
3. The Committee to invite the Parliamentary Service Commission for a meeting to discuss on employment diversity and compliance with 30% procurement reservation in the Commission.



**MIN.NO. /NCEO/2024/054:                    CONSIDERATION AND ADOPTION OF THE FIRST REPORT ON 30% PROCUREMENT RESERVATION TO SPECIAL INTEREST GROUPS IN PUBLIC INSTITUTIONS**

The Committee considered and adopted the First Report on 30% Procurement Reservation to Special Interest Groups in Public Institutions with amendments having been proposed and seconded by Hon. Fredrick Ikana Lusuli, MP. and Hon. Charles Ong'ondo Were, MP.

**MIN.NO. /NCEO/2024/055:                    CONSIDERATION AND ADOPTION OF THE REPORT ON THE STUDY VISIT TO ETHIOPIA**

The Committee considered and adopted the Report having been proposed and seconded by Hon. Harrison Garama Kombe, MP. and Hon. Mary Maingi, MP. respectively.

**MIN.NO. /NCEO/2024/056:                    ANY OTHER BUSINESS**

1. The Chairperson notified the Members that the Committee plans to meet with the Members of Parliament from areas impacted by banditry attacks in line with its mandate to foster peace and cohesion in the country. The meeting scheduled for **Tuesday, 12<sup>th</sup> March 2024**, would take the form of an open discussion geared towards coming up with a plan of action to resolve the conflicts.
2. The Committee was informed that KPLC had requested to reschedule the meeting scheduled for 7<sup>th</sup> March 2024 to 28<sup>th</sup> March 2024 to give the organization more time to respond to the questions. The Committee resolved that going forward, agencies with a huge staff establishment should respond to the questions on employment diversity and procurement reservation in two different meetings.

**MIN.NO. /NCEO/2024/057:                    ADJOURNMENT**

The meeting was adjourned at 1:10 p.m. The next meeting will be on the next day at 10:00 a.m.

SIGNED.......... DATE .....12/03/2024.....

**HON. YUSSUF ADAN HAJI, DSM, MP**

**CHAIRPERSON**