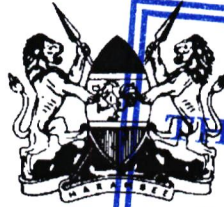


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REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY
PAPERS LAID

THE NATIONAL ASSEMBLY

DATE: 21 NOV 2018

DAY: WED

TWELFTH PARLIAMENT - SECOND SESSION - 2018

TABLED BY: CHAIR, DEFENCE
CLERK AT THE TABLE: HON. KATED OLE METE
Miniam (Miniam)

THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS

REPORT ON THE OFFICIAL VISIT TO THE CHAMBER OF DEPUTIES
OF THE REPUBLIC OF ROMANIA FROM 1ST TO 5TH OCTOBER 2018

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NOVEMBER, 2018



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ABBREVIATIONS

CERT-RO	-	National Cyber Security Incident Response Center
EU	-	European Union
DC-DFR	-	Departmental Committee on Defence and Foreign Relations
MFA	-	Ministry of Foreign Affairs
SDGs	-	Sustainable Development Goals
MOU	-	Memorandum of Understanding
ICT	-	Information Communication Technology

CHAIRPERSON'S FORWARD

Mid this year, the Departmental Committee on Defence and Foreign Relations held a meeting with a delegation of Ambassadors from European Union led by the EU Ambassador His Excellency Dejak, with the intention to come up with proposals for enhanced parliamentary diplomacy between Parliament of Kenya and EU Parliament. Members were honoured to meet Her Excellency Ms. Julia Pataki Ambassador of Romania to Kenya who expressed Romania's interest to revive relations with Kenya through parliamentary diplomacy. Other key issues discussed in the meeting included bolstering trade co-operation, security and terrorism in the region and radicalization of the youth.

Following the interactions, the Committee on Defence and Foreign Relations was invited by the Committee on Foreign Affairs of the Chamber of Deputies of Romania to share experiences with a view to enhancing parliamentary diplomacy.

The purpose of the visit to the Republic of Romania was to—

- (a) bolster bilateral relations between Kenya and Romania;
- (b) foster parliamentary diplomacy and exchange views; and
- (c) share experiences on oversight over the security sector with their counter parts in Romania.

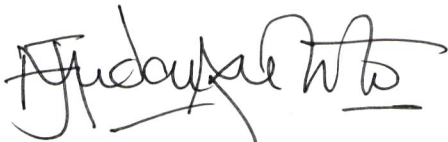
The Delegation, which comprised of five members had a successful visit in which it met and held discussions with their counterpart Chamber of Deputies and other relevant offices.

From the meeting held and presentations made before it, the Committee recommends the following-

- (a) The Government should ensure that cyber security, education, defence, and environment are included as priority areas for upcoming bilateral negotiations with the Government of Romania;
- (b) The Government to fast tracks the conclusion of the outstanding memoranda of understanding between the two countries;

- (c) The Government to facilitate personnel exchange to Romania in order to learn innovations and best practices where common areas of need have been identified;
- (d) Parliament creates a parliamentary friendship group between Kenya and Romania to enable stronger relations between the two countries; and
- (e) The National Chamber of Commerce to organise international trade fairs, exhibition, expos and conferences in order for businessmen to meet up, exchange information and introduce new products into both markets.

On behalf of the Committee, it is therefore my pleasant duty and privilege, to lay this report for consideration and approval of the House.



**HON. KATOO OLE METITO, EGH, MGH, M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN
RELATIONS COMMITTEE**

1.0 PREFACE

1.1 Establishment of the Committee

The Departmental Committee on Defence and Foreign Relations is established under Standing Order No. 216. Its mandate pursuant to SO 216 (5) with the following terms of reference: -

- i) investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments;*
- ii) study the programme and policy objectives of the Ministries and Departments and the effectiveness of the implementation;*
- iii) study and review all legislation after First Reading subject to the exemptions under Standing Order 114 A (4);*
- iv) study and review all legislation referred to it;*
- v) study, assess and analyse the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;*
- vi) investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House or a Minister; and*
- vii) make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.*

1.2 Mandate of the Committee

The Committee is mandated to consider the following subjects:-

- i. Defence;
- ii. Intelligence;
- iii. foreign relations;
- iv. diplomatic and consular services;
- v. international boundaries;
- vi. international relations;
- vii. treaties, agreements, conventions; and
- viii. territorial waters.

In executing its mandate, the Committee oversees the following government Ministries, departments and or agencies, namely:

- i. Ministry of Defence;
- ii. Ministry of Foreign Affairs;
- iii. The National Intelligence Service; and
- iv. The State Department for East African Community Integration.

1.3 Membership of the Committee

1. The Hon. Katoo Ole Metito, EGH, MGH, MP **(Chairperson)**
2. The Hon. Richard Tongi, MP **(Vice Chairperson)**
3. The Hon. Yusuf Hassan Abdi, MP
4. The Hon. Charles Kilonzo, MP
5. The Hon. Patrick Makau King'ola, MP
6. The Hon. Dido Ali Raso, MP
7. The Hon. John Lodepe Nakara, MP
8. The Hon. Peter Mungai Mwathi, MP
9. The Hon. Beatrice Nkatha Nyaga, HSC, MP
10. The Hon. Memusi Ole Kanchory, MP
11. The Hon. Martha Wangari Wanjira, MP
12. The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP
13. The Hon. (Dr.) Lilian Gogo, MP
14. The Hon. Nelson Koech, MP
15. The Hon. Moses Nguchine Kirima, MP
16. The Hon. Vincent Kipkurui Tuwei, MP
17. The Hon. Silvanus Osoro, MP
18. The Hon. Ernest Ogesi Kivai, MP
19. The Hon. Caleb Amisi, MP

1.4 Committee Secretariat

Senior Clerk Assistant	Mr. Samuel Kalama
Third Clerk Assistant-	Mr. Abdiaziz Shobay
Legal Counsel II	Ms. Brigitta Mati
Research Officer III	Ms. Grace Karanja Wahu
Fiscal Analyst III	Mr. Edison Odhiambo
Audio Officer	Mr. Rogers Kilungya

2.0 INTRODUCTION

One of the principal mandates of the Departmental Committee on Defence and Foreign Relations is to enquire into the implementation of Kenya's foreign policy on behalf of the National Assembly. The Committee has exercised this function effectively through regular interaction with the Ministry of Foreign Affairs on key issues that affect our international relations.

Mid this year, the Committee held a meeting with a delegation of Ambassadors from European Union led by the EU Ambassador His Excellency Dejak, with the intention to come up with proposals for enhanced parliamentary diplomacy between Parliament of Kenya and EU Parliament. Members were honoured to meet Her Excellency Ms. Julia Pataki Ambassador of Romania to Kenya who expressed Romania's interest to revive relations with Kenya through parliamentary diplomacy. Other key issues discussed in the meeting included bolstering trade co-operation, security and terrorism in the region and radicalization of the youth.

During a meeting between the Chief Administrative Secretary, Hon. Ababu Namwamba, EGH and the Ambassador of Romania, H.E. Julia Pataki on 9th May, 2018, the Ambassador informed as follows;

- i. Romania is a leader in cyber security and welcomes Kenya to send high level Government Officials to Romania for benchmarking;
- ii. Romania wishes to engage Kenya through parliamentary diplomacy;
- iii. June, 2018 will mark 50th Anniversary of establishment of diplomatic relations between Kenya and Romania;
- iv. The Ambassador wishes for creation of Kenya/Romania friendship committee to promote cultural interaction between the two countries; and
- v. The Ambassador's tour of duty in Kenya is due to end this year (2018).

Following the interactions, the Committee on Defence and Foreign Relations was invited by the Committee on Foreign Affairs of the Chamber of Deputies of Romania to share experiences with a view to enhancing parliamentary diplomacy.

Therefore, the purpose of the visit to the Republic of Romania was three fold; to bolster bilateral relations between Kenya and Romania, to foster parliamentary diplomacy and exchange views and share experiences on oversight over the security sector with their counter parts in Romania.

The Delegation set out to meet these objectives by visiting the Cyber Security offices and the Diplomatic Institute of Romania, hold meetings with Members of the Committee for Defence Public Order, and National Security, the Committee for Foreign Policy, and the Ministry of National Defence.

The following members of the Committee undertook the visit-

- (i) The Hon. Charles Mutavi Kilonzo, MP – **Leader of Delegation;**
- (ii) The Hon. Martha Wangari Wanjira, MP;
- (iii) The Hon. Nelson Koech, MP;
- (iv) The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP; and
- (v) The Hon. Caleb Amisi, MP.

The Delegation had a successful visit in which it met and held discussions with the following-

- (i) Meeting with Mr. Catalin Arama, Director of Cert-Ro (National Cyber Security Incident Response Center);
- (ii) Meeting with Mr. Laszlo Borbely, State Councillor, Department for Sustainable Development, Government of Romania;
- (iii) Meeting with Ms. Biro Rozalia-Ibolya, Mp, and Chairperson of the Committee for Foreign Policy;
- (iv) Mr. Dorel-Gheorghe Caprar, Mp, Chairperson of the Committee on Defence, Public Order and National Security of the Chamber of Deputies;
- (v) Meeting with Ms. Monica Gheorghita, State Secretary at the Ministry of Foreign Affairs;
- (vi) Meeting with Mr. Dan Petre, General Director of Romanian Diplomatic Institute;
- (vii) Meeting with Mr. Nicolae Nasta, State Secretary at the Ministry of National Defence; and

(viii) Courtesy call with Mr. Cristian- Sorin Dumitrescu, Senator, Chairperson of the Committee for Foreign policy of the Senate

3.0 VISIT TO THE REPUBLIC OF ROMANIA – 1ST – 5TH OCTOBER, 2018

3.1 Background

Romania is an upper-middle income economy with a GDP (Purchasing Power Parity) of \$441.6 billion (2016 est.) and a GDP per capita (PPP) \$22,300 (2016 est. Contribution to the GDP by sector is agriculture 4.4%, industry 34.2% and services 63.3% (2016 est.)

Since 1989, Romania, a former communist country, has pursued a policy of strengthening relations with the West in general, more specifically with the United States and the European Union. Romania joined the North Atlantic Treaty Organisation (NATO) on 29th March 2004, the European Union (EU) on 1st January 2007, while it had joined the International Monetary Fund and the World Bank in 1972, and is a founding member of the World Trade Organization.

Romania has established diplomatic relations with several African countries including South Africa, all state parties to the East African Community (EAC), Egypt, Somalia and South Sudan, Ghana, Cote D'Ivoire, Burkina Faso and Madagascar.

3.2 Kenya – Romania Relations

Romania and Kenya first established diplomatic relations on June 22, 1968. Kenya's top exports to Romania include coffee and coffee substitutes, tobacco, crude vegetable material and leather while top imports from import products from Romania to Kenya are fertilizers, heating and cooling equipment, tubes and tyres.

In 2016 Kenya's exports to Romania amounted to 3.12 million shillings while imports were 1.9 billion shillings, a Kshs. 1.6 billion balance of trade in favour of Romania. Tourist arrivals from Romania during the year 2016 were 1118. There are about 20 Kenyans in Romania.

Dr. Mihai- Stefan Stuparu, Director General and Special Representative for MENA of the Ministry of Foreign Affairs of Romania met the Director, Europe and Commonwealth Directorate in May 2015 and requested for Kenya's support of the Non-Paper, initiated by Romania. The Non-Paper proposed the establishment of an International Criminal Court for Combating Terrorism (ICCT).

Source. Ministry of Foreign Affairs

4.1 MEETING WITH MR. CATALIN ARAMA, DIRECTOR OF CERT-RO (NATIONAL CYBER SECURITY INCIDENT RESPONSE CENTER)

The Delegation met Mr.Catalin Arama, Director of the National Cyber Security Incident Response Center, in the company of Mr.Cezar Barbuceanu a counsellor at the center. Mr. Barbuceanu gave a brief on the operations of the center and in particular he explained the establishment, role and operations of the organisation as follows-

4.1.1 Concept of cyber-security in Romania

Cyber security is defined by the Romanian Government pursuant to HG 271/2013 (a government decision which approved the Cyber Security Strategy of Romania and the National Action Plan on the Implementation of the National Cyber Security System) as “the normality state resulted after the implementation of an ensemble of proactive and reactive measures, which ensures the confidentiality, the integrity, the availability the authenticity and the nonrepudiation of information in electronic format, of resources and public or private services, from cyber-space”.

Romania has its obligations to the EU and NATO and as such both initiatives have collaborative measures on cyber security. NATO places cyber security as not only its responsibility but also that of individual countries in protecting their own national networks. The European Union has also identified strategic measures in the field of cyber security resulting in a cyber- security strategy which aims to ensure a secure cyber environment.

The Strategy established one of the strategic priorities adopted by the Member States which was the implementation of a legislative framework in every EU member state; development of a computer emergency response team institution, adoption of a national strategy and a co-operation plan. In order to facilitate these measures, the EU established an emergency team, responsible of the cyber systems of the Union institutions, bodies and agencies. Each member states has similar schemes, which focus on operational cooperation and information-sharing between Computer Emergency Response Teams and other private information sharing institutions.

4.1.2 Establishment and role of the Computer Emergency Response Center

The measures proposed through the EU strategy established the Computer Emergency Response Center in Romania which was established pursuant to Government Decision 494/2011 as an independent structure for research, development and expertise in the field of cyber-security. It is a specialized organization responsible for preventing, analyzing, identifying and reacting to cyber-incidents. CERT-RO is responsible for elaborating and distributing cyber policy measures for prevention and counteracting incidents that occur within national cyber infrastructures.

4.1.3 Operations of the Organisation

The main services of the organisation are divided into three thematic areas and they include-

- (i) Pro-active measures which include alerts on new threats and vulnerabilities that may affect national cyberspace;
- (ii) Re-active measures which include alerts and warnings on cyber security incidents that affect or may affect organizations; and
- (iii) Support measures which include awareness activities for the government institutions and partners. *(Source- CERT-RO)*

The Organisation has a total of forty (40) employees' nineteen (19) technical staff, two (2) legal counsel, seven (7) financial & administrative me personnel, ten (10) cooperation and policy personnel , one(1) Human Resource personnel and four (4) support staff.

The Scope of the Organisation is provided for under the network and information systems (NIS) Directive. The NIS Directive is the first piece of EU legislation, which its main goal is to enhance cyber security in the EU. It mandates member states to supervise the cyber security of critical market operators such as operator of essential services including but not limited to energy, transport, water distribution, IT infrastructures, bank, health sector e.tc and digital service providers which include marketplaces (amazon), search engine (Google) and cloud services (drop box).

The same strategy advocates for the development of a cooperation environment between the private sector and the public sector. This means that the organisation cooperates with not only private and public sectors at national level but international organisation at international level.

Some organisation includes the European Network and Information Security Agency (Enisa) and The Computer Emergency Response Team CERT-EU both designed to enhance efficient cyber security cooperation at the EU level.

4.2 MEETING WITH MR. LASZLO BORBELY, STATE COUNCILLOR, DEPARTMENT FOR SUSTAINABLE DEVELOPMENT, GOVERNMENT OF ROMANIA

The Delegation held a meeting with Laszlo Borbely, who is the head of the department for Sustainable Development as well as state counsellor to the Prime Minister of Romania.

The meeting discussed the realisation of the 2030 Agenda for Sustainable Development and the roles Parliament and the Executive are to play. He informed the Delegation that for Romania to implement the 2030 Agenda for Sustainable Development as well as the European Union's strategy for Sustainable Development, the government established a department for Sustainable Development that is to coordinate the programmes surrounding the implementation of the Sustainable Development Goals, an Inter-ministerial Committee with responsibilities of coordinating the sustainable development policy and the Sub-Committee for Sustainable Development of the Parliament of Romania .

He also mentioned that Romania is in the process of finalising the National Strategy for Sustainable Development of Romania, an action plan designed to track the implementation of the objectives and targets found in 2030 Agenda. The reason for the framework is to provide a concrete system of adoption a programme based document that adapts the paradigm shift globally to sustainable development and priorities.

The State Councillor informed the Delegation on the need for Parliamentarians to advance 2030 Agenda and its Sustainable Development Goals and recognised Kenya, as a top advocate of environment and sustainable development. He restated the parliamentary role on the implementation of SDGs through enactment of legislation and adoption of budgets, and exercise of their oversight function.

The meeting agreed that, over and above the mentioned roles, members of parliament through their relevant committees need to look at each goal and assess gaps, opportunities and priorities for action in implementing them.

It was noted that engaging the public through public fora, social media and dialogue will enhance the capacity of Parliamentarians in advancing and advocating SDGs in Kenya and further foster political willingness towards SDGs.

4.3 MEETING WITH MS. BIRO ROZALIA-IBOLYA, MP, CHAIRPERSON OF THE COMMITTEE FOR FOREIGN POLICY OF THE CHAMBER OF DEPUTIES

The Delegation met with the Committee for Foreign Policy of the Chamber of Deputies and exchanged views on the mandate of the Committees and their oversight role over the defence and foreign relations sector. Ms. Biro Rozalia- Ibolya, who is the Chairperson of the Committee, briefed the Delegation as follows –

4.3.1 Establishment and composition and functions of the Committee on Foreign Policy of Chamber of Deputies Romania

The Parliament of Romania is bicameral and is composed of the Chamber of Deputies and the Senate. The Chamber of Deputies and the Senate are elected in constituencies and they both have different numbers of members; the Chamber of Deputies is composed of 332 Deputies, and the Senate, of 137 Senators.

The Constitution of Romania provides for the term of the Chamber of Deputies and Senate to be of four years. During the term, both Chambers meet in two ordinary annual sessions and in extraordinary sessions. The first ordinary session begins in February and may not exceed the end of June, while the second ordinary session begins in September and may not exceed the end of December.

Parliament meets in extraordinary sessions, whenever necessary, during the intervals between ordinary sessions, at the request of the President of Romania, of the Standing Bureau of each Chamber, or of at least one third of the number of Deputies or Senators.

Parliamentary business is conducted through the committee system, which plays an important role in the preparation of proceedings and exercises of parliamentary functions especially those of legislating and oversight. Foreign relations, security, and defence mandate is exercised by two committees in the Chamber of Deputies and the Senate. They are the Committee for Defence Public Order, and National Security and the Committee for Foreign Policy respectively.

In the Chamber of Deputies, the Committee on Foreign Policy is composed of twenty-one (21) members, one (1) President, three (3) vice-presidents and two (2) secretaries. The main functions of this Committee are to deal with matters and programmes of foreign policy of Romania; enter into bilateral discussions with the similar committees of the parliaments of other countries and of international parliamentary bodies; vetting of Ambassadors and lobbying for certain procedures or matters to be fast tracked.

4.3.2 Bilateral Co-operation

On Bilateral co-operation, Ms. Biro informed the Delegation that Kenya is considered to have made progress on the sum total of exports from Kenya to Romania from 3.12 million shillings in 2016 to twenty eight (28) billion shillings in 2018.

She noted that there is need to take proper steps to create and develop deeper negotiations for entrepreneurs for both countries to benefit from the co-operation. In discussing the same, emphasis was laid in strengthening ties through International trade fairs and expos to be conducted in each country where businessmen from both countries would find opportunities and exploit the same.

The meeting noted that agricultural products, health products and items of craftsmanship raise great interest for Romanian businessmen. In line with increasing bilateral co-operation in education, about fifty (50) thousand Kenyan students have benefited from specialised training; one is currently attending a diplomatic course in the Ministry of Foreign Affairs.

The meeting also discussed the focal areas of Kenya Romania cooperation and stressed on the importance of the areas of cooperation in the country's development. Therefore the need for establishing friendship committee between the two parliaments is of great importance. The meeting concluded that the proposed friendship committee would be tasked with establishing

new areas of bilateral cooperation to include security, public education, culture and good practices in the legislative framework.

Ms. Biro finally thanked Kenya for supporting Romania's candidacy to a non-permanent seat, allocated to the Eastern-European Group, on the UN Security Council (UNSC) for a two-year term from 2020-2021. The United Nations Security Council elections will be held in 2019 during the 73rd session of the United Nations General Assembly, held at United Nations Headquarters in New York City.

4.3.3 Peacekeeping Missions

The Meeting exchanged views with their counterparts on Kenya's efforts on peace keeping missions under the United Nations, the role of Kenya in peace and security in the region, the threat posed by radicalisation of the youth and the crisis in Somalia to the stability of the East, Central and Horn of Africa Region. Members of the Delegation outlined the role of Kenya in bringing peace and stability in East and Central Africa and in particular Kenya's efforts in the Somalia peace process.

The Kenyan Delegation further highlighted the burden that refugees have placed on Kenya as a result of conflict in neighbouring countries. The Delegation was informed that for Romania, migrant numbers and incidents are at an all-time high and this sudden rise in numbers has raised fears of a new wave of migration. It was noted that such issues were to be resolved at the European Union level in which European leaders are to agree to a common policy for refugees and asylum seekers.

The meeting also noted that youth radicalisation is a new global challenge which requires governments everywhere to put together measures to address it. In doing so, it is common knowledge that governments everywhere are bombarded with the question of how to counter violent extremism and radicalisation of the youth. The meeting agreed that tackling marginalisation on account of religion, race, or tribe through empowering young people and developing their competences, will give them more opportunities and better future perspectives in their personal and professional lives.

The meeting agreed on the need for the International Community to play a more active role in bringing a lasting solution to the crisis in Somalia that has fuelled insecurity and radicalisation in the region. The Delegation informed the Chairperson that withdrawal of funding would plunge the region into chaos, as Somalia's government is not yet stable.

4.4 MEETING WITH MR. DOREL-GHEORGHE CAPRAR, MP, CHAIRPERSON OF THE COMMITTEE ON DEFENCE, PUBLIC ORDER AND NATIONAL SECURITY OF THE CHAMBER OF DEPUTIES

The Delegation held a meeting with the Chairperson of the Committee on Defence, Public Order and National Security of the Chamber of Deputies and Military representative officers from Ministry of Defence.

The Delegation exchanged views issues touching on the stability of the Region and the role of Kenya in peace and security in the Region. Members of the Delegation outlined the role of Kenya in bringing peace and stability in the region.

The Delegation noted the various peace-keeping missions that Romania has served with Kenya in the African Continent; Mali, Congo and South Sudan and also the various experiences displayed by Kenya military personnel. The meeting discussed the prevention and eradication approaches towards radicalisation, which is now a global phenomenon and acknowledged Kenya's importance in fighting terror and radicalization in the region. It was noted that Romania is facing almost the same circumstances as Yugoslavia has faced similar circumstances.

On matters on education the meeting agreed that one of the ways of eradicating radicalization is educating the Youth. Members of the Delegation were informed on the numerous education opportunities in Romania for Kenyan students noting that in the past there were a considerable number of exchange students who studied engineering and medicine. Currently the number stands at only five. The delegation was also informed that an increase in number of students studying in the country would enrich diversity and culture and offer better relations between the two countries.

The Delegation was informed on military dynamics in Romania. Under their national defence industry law, there exists a registry of National Defence Companies. The Romanian Government

is mandated to make any decision on projects (procurement) because the same must comply with the European Law, European programmes and NATO programmes.

The Delegation was also informed that Romania being active member of the North Atlantic Treaty Organization (NATO) since 2004 and a member state in the European Union since 2007, with respect to defence spending, it has committed to meeting the NATO guideline of spending at least 2.0% of GDP on defence.

The Delegation noted that Romanian Defense Industry encompasses 27 state-owned companies and one research institute. Fifteen (15) of these companies and the institute are grouped within ROMARM National Company - a state owned held company. The remaining 12 state-owned firms are independent companies on the privatization list. Eleven (11) other ones with specific defense production are private-owned stock companies under a formal coordination of the Ministry of Industry and Resources.

The Military representatives informed the Delegation that Romanian Military is in the process of constant modernisation. For manufacturing, there is need for collaborations whether horizontal or vertical. In this context, the military companies and the Ministry are open to any collaboration and as such will create catalogs of products, which include both soft and hardware. In cases where products are procured through a loan, the main actor is the Ministry with Defence which specifies the terms of the loan and what is usually loaned are only products in excess.

4.5 MEETING WITH MS. MONICA GHEORGHITA, STATE SECRETARY AT THE MINISTRY FOR FOREIGN AFFAIRS

The Delegation held informative and valuable discussions with Ms. Monica Gheorghita, State Secretary at the Ministry of Foreign affairs who was recently in Brussels where there was a discussion of African affairs. The delegation informed the State Secretary of the several outstanding agreements (MOUs) that needed to be concluded. They are as follows-

- (i) The Draft bilateral Agreement on Cultural Cooperation including education, science, technology, mass media, youth and sports between Kenya and Romania – which was initiated by the Romania. The **status: forwarded to the line Ministries (Education, Tourism, State department of Heritage, state department of sports, state**

department for broadcasting and telecommunications and office of the Attorney general for consideration (forwarded by legal directorate on 28th May, 2018) – Ministry of ICT has agreed on the draft;

(ii) **The Draft MOU between the Ministries of Foreign Affairs of Kenya and Romania – initiated by Romania in 2015 which includes among others the establishment of a joint committee for follow up on implementation of cooperation programmes. The current status is that it was forwarded to the Attorney General’s office from the Legal Directorate in May, 2018;**

(iii) **The MOU between the Government of the Republic of Kenya and the Government of Republic of Romania on Information Communication and Technology which was proposed by Kenya. The status of the MOU: Comments were forwarded to the Embassy of Romania on 10th February, 2017. Feedback awaited from the Romanian side; and**

(iv) **The Draft Agreement on Avoidance of Double Taxation and Prevention of Fiscal Evasion with Respect to Taxation on Income which was proposed by Kenya. (Source Ministry of Foreign Affairs)**

The meeting resolved to look into the above-mentioned agreements and fast track the culmination of the MOUs from both sides of the government.

The Meeting also noted that bilateral relations between the two countries has being for the last fifty years with Kenya’s top exports to Romania including coffee and coffee substitutes, tobacco, crude vegetable material and leather while top imports products from Romania to Kenya being fertilizers, heating and cooling equipment, tubes and tyres.

It was noted that there was need to re-invigorate relations by exploring other fields co-operation such as defence, security, education and culture.

Members of the Delegation were informed that the reason for a reduction in funding for the war in Somalia by the European Union was due to an evaluation that was done classifying Somalia as a stable country. The meeting however noted that the withdrawal of funds will not be immediate.

The State Secretary reiterated on Romania’s interest in developing deeper relations with the African continent. Such cooperation would be emphasized on education in which scholarships are readily available for Kenyan students. They found need for both countries to come up with

the exact field of interaction and begin talks immediately. The Delegation was informed that the Abidjan summit discussed relations between Africa and Europe and it was concluded that Europe is not doing enough for the African continent in cooperation in terms of development aid and trade.

4.6 MEETING WITH MR. DAN PETRE, GENERAL DIRECTOR OF ROMANIAN DIPLOMATIC INSTITUTE

The Delegation met with Mr. Dan Petre, the General Director of Romanian Diplomatic Institute who was accompanied by other members of the Institute. The meeting exchanged views on the role of the Diplomatic Institute. The Delegation was informed that the roles of the institute include-

1. organizing training and professional improvement courses in the international relations field;
2. Conducting an induction seminar to foreign diplomats who are to be stationed in Romania;
3. Responsible for editing Romania archives;
4. Research on diplomatic studies;
5. Conducting International training of diplomats and students

The institute has trained more than six thousand people both in international relations and in specific fields such as diplomatic techniques.

The Delegation was informed that there is a department solely for African and middle-eastern affairs which offers exchanges especially for students who are interested in diplomatic studies. Recent programmes include diplomatic programme for young diplomats from sub-Saharan Africa and Africomon (Caribbean).

It was noted that the Institute cannot award diplomas or degrees but professional certificates and also due to the limited public service personnel.

4.7 MEETING WITH MR. NICOLAE NASTA, STATE SECRETARY AT THE MINISTRY OF NATIONAL DEFENCE

The Kenyan Delegation met with Mr. Nicolae Nasta, the State Secretary at the Ministry of National Defence accompanied by members of Romania Armed forces. The Delegation was informed that Romania is interested in revitalising its relationship with Africa and as such this calls for protocols in matters of common interest in defence such as peace keeping and counterterrorism. He noted Kenya's efforts in peace-keeping missions in the Somalia, Congo, Mali and South Sudan and its integral role in keeping peace in the region.

The Delegation learnt that Romanian troops participated in Iraq but terminated their mission in and withdrew its last troops on July 24, 2009. It currently has troops deployed in Afghanistan and Mali under the UN peace-keeping mission. Mr Nicolae advocated for building defence cooperation between the two countries as they were willing to offer professional and military education.

5.0 COMMITTEE OBSERVATIONS

From the meetings held by the Delegation in Romania the following observations were made-

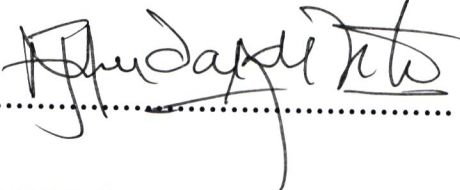
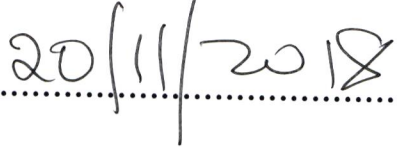
1. Romania has a robust cyber security response center that not only manages cyber threats nationally but also globally;
2. There is need to reinvigorate diplomatic relations with Romania as there are many sectors where Kenya can benefit. These sectors include education, training, cyber security;
3. There is need to establish a diplomatic mission in Bucharest in order to revive and sustain diplomatic relations with Romania;
4. There are a four outstanding MOU's between Kenya and Romania. The Mou's are in the latter stage of negotiations. They are-
 - (i) Draft bilateral agreement on Cultural Cooperation including education, science, technology, mass media, youth and sports between Kenya and Romania;
 - (ii) Draft MOU between the Ministries of Foreign Affairs of Kenya and Romania on the establishment of a joint committee for follow up on implemntation of cooperation programmes;
 - (iii)Draft MOU between the Government of the Republic of Kenya and the Government of Republic of Romania on Information Communication and Technology; and
 - (iv)Draft Agreement on Avoidance of Double Taxation and Prevention of Fiscal Evasion with Respect to Taxation on Income.
5. Romania is interested in holding international trade fairs, expos and conferences where entrepreneurs from both countries can explore areas of mutual interest.

6.0 COMMITTEE RECOMMENDATIONS

Arising from the meetings and observations by the Delegation, the Committee recommends that-

- 1. The Government should ensure that cyber security, education, defence, and environment are included as priority areas for upcoming bilateral negotiations with the Government of Romania;**
- 2. The Government to fast track the conclusion of the outstanding memoranda of understanding between the two countries. They are—**
 - (i) Draft bilateral agreement on Cultural Cooperation including education, science, technology, mass media, youth and sports between Kenya and Romania;
 - (ii) Draft MOU between the Ministries of Foreign Affairs of Kenya and Romania on the establishment of a joint committee for follow up on implementation of cooperation programmes;
 - (iii) Draft MOU between the Government of the Republic of Kenya and the Government of Republic of Romania on Information Communication and Technology; and
 - (iv) Draft Agreement on Avoidance of Double Taxation and Prevention of Fiscal Evasion with Respect to Taxation on Income.
- 3. The Government to facilitate personnel exchange to Romania in order to learn innovations and best practices where common areas of need have been identified;**
- 4. Parliament creates a parliamentary friendship group between Kenya and Romania to enable stronger relations between the two countries;**

5. The National Chamber of Commerce to organise international trade fairs, exhibition, expos and conferences in order for businessmen to meet up, exchange information and introduce new products into both markets;

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

HON. KATOO OLE METITO, EGH, MGH, M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS COMMITTEE

REPUBLIC OF KENYA

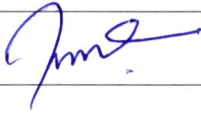
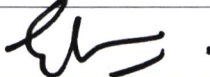


DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS.

REPORT OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS ON STUDY VISIT TO ROMANIA

We, the undersigned Hon. Members of the Departmental Committee on Defence & Foreign Relations, today 17th November, 2018 do hereby affix our signatures to this REPORT ON THE study visit to Romani to affirm our approval and confirm its accuracy, validity and authenticity:-

NO.	NAME	SIGNATURE
1.	The Hon. Katoo Ole Metito, EGH, MGH, M.P - Chairperson	
2.	The Hon. Richard Tong'i, M.P - Vice Chairperson	
3.	The Hon. Yusuf Hassan Abdi, M.P	
4.	The Hon. Charles Mutavi Kilonzo, M.P	
5.	The Hon. Patrick Makau, M.P	
6.	The Hon. Dido Ali Raso, M.P	
7.	The Hon. Peter Mungai Mwathi, M.P	
8.	The Hon. Martha Wangari Wanjira, M.P	
9.	The Hon. Major (Rtd.) Bashir Abdullahi, M.P	
10.	The Hon. Memusi Ole Kanchory, M.P	
11.	The Hon. Beatrice Nkatha Nyagah, HSC, M.P	

12.	The Hon. John Lodepe Nakara, M.P	
13.	The Hon. Nelson Koech, M.P	
14.	The Hon. (Dr.) Lilian Gogo, M.P	
15.	The Hon. Vincent Kipkurui Tuwei, M.P	
16.	The Hon. Asha Mohamed, M.P	
17.	The Hon. Moses Nguchine Kirima, M.P	
18.	The Hon. Ernest Ogesi Kivai, M.P	
19.	The Hon. Caleb Amisi, MP	

MINUTES OF THE 66TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS & COMMITTEE ON TRADE, INDUSTRY & COOPERATIVES HELD ON FRIDAY, 16TH NONEMBER, 2018 IN MEETING ROOM , TRADE MARK, HOTEL AT 10.00AM

PRESENT

1. The Hon. Katoo Ole Metito, EGH, MGH, MP(**Chairperson**)
2. The Hon. Yusuf Hassan Abdi, MP
3. The Hon. Charles Kilonzo, MP
4. The Hon. Dido Ali Raso, MP
5. The Hon. Patrick Makau King'ola, MP
6. The Hon. Beatrice Nkatha Nyagah, HSC, MP
7. The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP
8. The Hon. Ernest Ogesi Kivai, MP
9. The Hon. Asha Mohammed, MP

APOLOGY

The Hon. Richard Tongi, MP - **Vice Chairperson**
The Hon. Peter Mungai Mwathi, MP
The Hon. Martha Wangari Wanjira, MP
The Hon. Memusi Ole Kanchory, MP
The Hon. (Dr.) Lilian Gogo, MP
The Hon. Vincent Kipkurui Tuwei, MP
The Hon. Moses Nguchine Kirima, MP
The Hon. Nelson Koech, MP
The Hon. Caleb Amisi, MP
The Hon. John Lodepe Nakara, MP

National Assembly Secretariat

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| 1. Samuel Kalama | - | Senior Clerk Assistant |
| 2. Ms. Brigitta Matti | - | Legal Counsel |
| 3. Ms. Grace Karanja | - | Research Officer III |

AGENDA

1. Preliminaries
 - (i) Prayers
 - (ii) Introductions
 - (iii) Communication from the Chair
 - (iv) Adoption of the Agenda



- (v) Confirmation of Minutes from the previous sittings
- (vi) Matters Arising

2. Consideration of reports

- a. On The Consideration of a Petition By Mr. Dan Okemwa and Ms. Lyn Kemboi, on the arrest and Detention of Mr. Don Bosco Gichana Ooga
- b. The Official Visit to the Republic of Romania from October 1st -5th ,2018

3. Any Other Business

MIN.NO.DC.DFR/2018/305: PRELIMINARIES

The Chairperson called the meeting to order at 2.30am. Prayer was read by Hon Ernest Ogesi Kivai MP.

MIN.NO.DC.DFR/2018/306:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Yusuf Hassan, MP, and seconded by the Hon. the Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP respectively.

MIN.NO.DC.DFR/2018/307:

**CONSIDERATION OF THE REPORT ON THE
CONSIDERATION OF A PETITION BY MR. DAN
OKEMWA AND MS. LYN KEMBOI, ON THE
ARREST AAND DETENTION OF MR. DON BOSCO
GICHANA OOGA**

The Committee observed that;

1. The Ministry of Foreign Affairs offered Mr. Gichana consular services and made efforts to safeguard his human rights
2. The due process of law was followed by the Tanzanian court, though it took long to conclude.
3. For the offence of conspiracy; Don Bosco was sentenced to a fine of three hundred million Tanzania shillings (Tshs. 300,000,000.00) equivalent to KSh.13, 243,989.02 or USD 131,388.78 to be paid within one month from the date of the High Court decision which was delivered on 18th September 2018
4. Don Bosco Gichana paid all the fine and was freed by the Tanzanian court after five years of detention on Tuesday 2nd October, 2018

d



5. Kenya and the Republic of Tanzania have embarked on the process of negotiating a Bilateral Agreement on Transfer of Sentenced Persons.

Committee Recommendations

In view of the observations and findings made, the Committee recommended THAT:

1. The Ministry of Foreign Affairs should fast-track the draft Agreement on Transfer of Sentenced Persons and considers having an acceptable harmonized legal framework to offer assistance to arrested persons within the East African Community.
2. Kenya Missions abroad need to reinforce consular support services for Kenyans detained and held in foreign countries.

MIN.NO.DC.DFR/2018/308: THE OFFICIAL VISIT TO THE CHAMBER OF DEPUTIES, REPUBLIC OF ROMANIA FROM OCTOBER 1ST -5TH, 2018

The Committee considered the report and made the following observations and recommendations

Committee Observations

1. Romania has a robust cyber security response center that not only manages cyber threats nationally but also globally;
2. There is need to reinvigorate diplomatic relations with Romania as there are many sectors where Kenya can benefit. These sectors include education, training, cyber security;
3. There is need to establish a diplomatic mission in Bucharest in order to revive and sustain diplomatic relations with Romania;
4. There are a four outstanding MOU's between Kenya and Romania. The Mou's are in the latter stage of negotiations. They are-



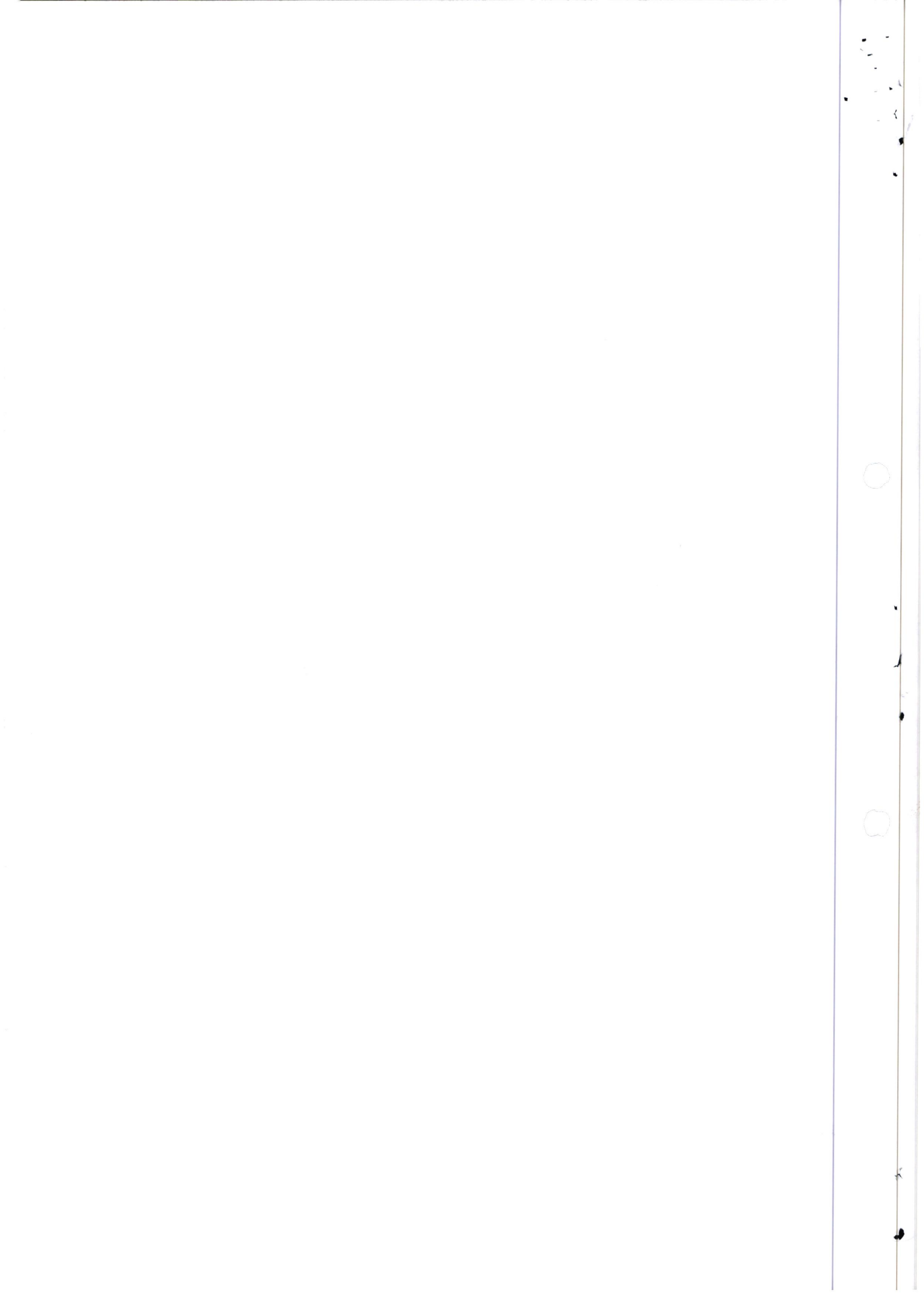
- (i) Draft bilateral agreement on Cultural Cooperation including education, science, technology, mass media, youth and sports between Kenya and Romania;
- (ii) Draft MOU between the Ministries of Foreign Affairs of Kenya and Romania on the establishment of a joint committee for follow up on implementation of cooperation programmes;
- (iii) Draft MOU between the Government of the Republic of Kenya and the Government of Republic of Romania on Information Communication and Technology; and
- (iv) Draft Agreement on Avoidance of Double Taxation and Prevention of Fiscal Evasion with Respect to Taxation on Income.

5. Romania is interested in holding international trade fairs, expos and conferences where

Committee Recommendations

The Committee recommends that-

1. The Government should ensure that cyber security, education, defence, and environment are included as priority areas for upcoming bilateral negotiations with the Government of Romania;
2. The Government to fast track the conclusion of the outstanding memoranda of understanding between the two countries. They are—
 - (i) Draft bilateral agreement on Cultural Cooperation including education, science, technology, mass media, youth and sports between Kenya and Romania;
 - (ii) Draft MOU between the Ministries of Foreign Affairs of Kenya and Romania on the establishment of a joint committee for follow up on implementation of cooperation programmes;



(iii) Draft MOU between the Government of the Republic of Kenya and the Government of Republic of Romania on Information Communication and Technology; and

(iv) Draft Agreement on Avoidance of Double Taxation and Prevention of Fiscal Evasion with Respect to Taxation on Income.

3. The Government to facilitate personnel exchange to Romania in order to learn innovations and best practices where common areas of need have been identified;
4. Parliament creates a parliamentary friendship group between Kenya and Romania to enable stronger relations between the two countries;
5. The National Chamber of Commerce to organise international trade fairs, exhibition, expos and conferences in order for businessmen to meet up, exchange information and introduce new products into both markets.

MIN.NO.DC.DFR/2018/309: ADJOURNMENT AND DATE OF NEXT OF MEETING

And the time being 4.30pm the Chairperson adjourned the meeting and to reconvened on Saturday, 17th November, 2018 at 10.00am.

Signed.....


Hon. Katoo Ole Metito, EGH, MGH, M.P
(CHAIRPERSON)

Date.....

20/11/2018



MINUTES OF THE 67TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS & COMMITTEE ON TRADE, INDUSTRY & COOPERATIVES HELD ON SATURDAY, 17TH NOVEMBER, 2018 IN THE 1ST BOARDROOM , THE TRIBE, HOTEL AT 10.00AM

PRESENT

1. The Hon. Katoo Ole Metito, EGH, MGH, MP(**Chairperson**)
2. The Hon. Yusuf Hassan Abdi, MP
3. The Hon. Charles Kilonzo, MP
4. The Hon. Dido Ali Raso, MP
5. The Hon. Patrick Makau King'ola, MP
6. The Hon. Beatrice Nkatha Nyagah, HSC, MP
7. The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP
8. The Hon. Ernest Ogesi Kivai, MP
9. The Hon. Nelson Koech, MP
10. The Hon. Asha Mohammed, MP

APOLOGY

1. The Hon. Richard Tongi, MP - **Vice Chairperson**
2. The Hon. Peter Mungai Mwathi, MP
3. The Hon. Martha Wangari Wanjira, MP
4. The Hon. Memusi Ole Kanchory, MP
5. The Hon. (Dr.) Lilian Gogo, MP
6. The Hon. Vincent Kipkurui Tuwei, MP
7. The Hon. Moses Nguchine Kirima, MP
8. The Hon. Caleb Amisi, MP
9. The Hon. John Lodepe Nakara, MP

National Assembly Secretariat

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| 1. Samuel Kalama | - | Senior Clerk Assistant |
| 2. Ms. Brigitta Matti | - | Legal Counsel |
| 3. Ms. Grace Karanja | - | Research Officer III |
| 4. Mr. Rodgers Kilungya | - | Audio Recording Officer |

AGENDA

1. Preliminaries
 - (i) Prayers
 - (ii) Introductions



- (iii) Communication from the Chair
- (iv) Adoption of the Agenda
- (v) Confirmation of Minutes from the previous sittings
- (vi) Matters Arising

2. Adoption of reports

- a. On The Consideration of a Petition By Mr. Dan Okemwa and Ms. Lyn Kemboi, on the arrest and Detention of Mr. Don Bosco Gichana Ooga
- b. The Official Visit to the Republic of Romania from October 1st -5th ,2018
- c. Inquiry into the status, Viability and Efficacy in implementation of the Kenya- Border Securitization project
- d. On the Meeting With Member States & Secretariats (ECOWAS & EAC) To Promote and Popularize the Ratification of the Protocol on the Free Movement of Persons And its Implementation Roadmap

3. Any Other Business

MIN.NO.DC.DFR/2018/310: PRELIMINARIES

The Chairperson called the meeting to order at 1.30am. Prayer was read by Hon Ernest Ogesi Kivai MP.

MIN.NO.DC.DFR/2018/311: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Yusuf Hassan, MP, and seconded by the Hon. the Hon. Nelson Koech, MP respectively.

MIN.NO.DC.DFR/2018/312: ADOPTION OF THE REPORT

The following reports were unanimously adopted by the Committee as follows

- 1. The Consideration of a Petition by Mr. Dan Okemwa and Ms. Lyn Kemboi, on the arrest and Detention of Mr. Don Bosco Gichana Ooga. Proposed by Hon. Nelson Koech and seconded by Hon. Yusuf Hassan
- 2. The Official Visit to the Chamber of Deputies, Republic of Romania from October 1st - 5th ,2018. Proposed by Hon. Major (Rtd.) Bashir Sheikh Abdullah MP and seconded by Hon. The Hon. Dido Ali Raso, MP
- 3. Inquiry into the status, Viability and Efficacy in implementation of the Kenya- Border Securitization project. The adoption was proposed by Hon. The Hon. Yusuf Hassan Abdi, MP and seconded by Hon. Maj. Bashir Abdullahi, MP



4. On the Meeting With Member States & Secretariats (ECOWAS & EAC) To Promote and Popularize the Ratification of the Protocol on the Free Movement of Persons and its Implementation Roadmap. The adoption of the report was proposed by Hon. the Hon. Ernest Ogesi Kivai, MP and seconded by and seconded by the Hon. Katoo Ole Metito, EGH, MGH, MP

MIN.NO.DC.DFR/2018/313: ADJOURNMENT AND DATE OF NEXT OF MEETING

And the time being 1.30pm the Chairperson adjourned the meeting and to be reconvened on Tuesday, 20th November, 2018.

Signed.....


Hon. Katoo Ole Metito, EGH, MGH, M.P
(CHAIRPERSON)

Date.....

20/11/2018

