

REPUBLIC OF KENYA

THE CONSTITUTION OF KENYA
(AMENDMENT) BILL, 2024

A Bill for

AN ACT of Parliament to amend the Constitution of Kenya

ENACTED by the Parliament of Kenya, as follows:

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| 1. This Act may be cited as the Constitution of Kenya (Amendment) Act, 2024. | Short Title |
| 2. Article 6 of the Constitution is amended by inserting the following new clause immediately after clause (1)—

“(1A) Diaspora County 48 shall be recognized as a distinct county representing the interests of Kenyan citizens residing outside the Republic.” | Amendment of Article 6 of the constitution of Kenya |
| 3. Article 97 of the Constitution is amended in clause (1)(b) by deleting the word “forty-seven” and substituting therefor the word “forty-eight.” | Amendment of Article 97 of the constitution of Kenya |
| 4. Article 98 of the Constitution is amended—
(a) in clause (1)(a) by deleting the word “forty-seven” and substituting therefor the word “forty-eight.”

(b) in clause (1)(b) by deleting the word “sixteen” and substituting therefor the word “eighteen.” | Amendment of Article 98 of the constitution of Kenya |
| 5. The First Schedule of the Constitution is amended by inserting the following new paragraph immediately after paragraph 47—
48. Diaspora | Amendment of First Schedule of the constitution |

The Constitution of Kenya (Amendment) Bill, 2024

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the Constitution of Kenya to ensure that resources and services are brought closer to Kenyan citizens residing abroad by establishing Diaspora County 48. The Kenyan diaspora, comprising over four million citizens, represents a significant and essential segment of Kenya's population, contributing approximately USD 5 billion annually to the national economy. This Bill seeks to establish Diaspora County 48, a dedicated county structure to facilitate the effective representation, resource allocation, and service provision for Kenyans living outside the country.

Diaspora County 48 is organized into eight Sub-Counties based on global regions, each with substantial Kenyan populations. These regions reflect the distribution of Kenyans abroad and will enable better-targeted services and more responsive governance for their unique needs.

The Eight Sub-Counties of Diaspora County 48	
Sub-County Number	Name
DC48K01	Africa
DC48K 02	South America
DC48K 03	North America
DC48K 04	Europe
DC48K 05	Middle East
DC48K 06	Eurasia
DC48K 07	Asia
DC48K 08	Oceania

Article 6(1) of the Constitution provides that the territory of Kenya is divided into the counties specified in the First Schedule. The First Schedule currently lists forty-seven (47) counties. This Bill therefore amends the First Schedule by introducing Diaspora County 48 as a new county for Kenyans living abroad.

Clause 1 of the Bill provides the short title of the Bill.

Clause 2 of the Bill proposes to amend **Article 6 (1)** of the Constitution by recognizing Diaspora County 48 as a distinct county representing the interests of Kenyan citizens residing abroad.

Clause 3 of the Bill proposes to amend **Article 97(1)(b)** of the Constitution by increasing the number of women elected members of the National Assembly in respect of each county constituting a single-member constituency from the current forty-seven to forty-eight, to include Diaspora County 48.

Clause 4 of the Bill proposes to amend **Article 98(1)(a)** of the Constitution by increasing the number of elected Senators from the current forty-seven to forty-eight. This clause also amends Article 98(1)(b) to ensure compliance with the one-third gender rule in the Senate composition by increasing the specially elected women from sixteen to eighteen Senators.

Clause 5 of the Bill proposes to amend the **First Schedule** of **Article 6 (1)** of the Constitution to introduce Diaspora County 48 as a separate administrative region to represent Kenyans residing abroad.

This Bill will ensure that Kenyans living abroad have a dedicated county, Diaspora County 48, enabling them to effectively participate in governance and access services, fostering a closer connection with the motherland and promoting equitable resource distribution to benefit all Kenyan citizens, including those residing outside the country.

Dated 31st October, 2024

BERNARD KAVYU

Chairman

1. The First Schedule of the Constitution that the Bill proposes to amend-

FIRST SCHEDULE

Article 6(1)

1. Mombasa
2. Kwale
3. Kilifi
4. Tana River
5. Lamu
6. Taita Taveta
7. Garissa
8. Wajir
9. Mandera
10. Marsabit
11. Isiolo
12. Meru
13. Tharaka-Nithi
14. Embu
15. Kitui
16. Machakos
17. Makueni
18. Nyandarua
19. Nyeri
20. Kirinyaga
21. Murang'a
22. Kiambu
23. Turkana
24. West Pokot
25. Samburu
26. Trans Nzoia
27. Uasin Gishu

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- 28.Elgeyo/Marakwet
- 29.Nandi
- 30.Baringo
- 31.Laikipia
- 32.Nakuru
- 33.Narok
- 34.Kajiado
- 35.Kericho
- 36.Bomet
- 37.Kakamega
- 38.Vihiga
- 39.Bungoma
- 40.Busia
- 41.Siaya
- 42.Kisumu
- 43.Homa Bay
- 44.Migori
- 45.Kisii
- 46.Nyamira
- 47.Nairobi City

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2. Article 97 of the Constitution that the Bill proposes to amend-

97. Membership of the National Assembly

1. The National Assembly consists of—

- (a) two hundred and ninety members, each elected by the registered voters of single-member constituencies;
- (b) forty-seven women, each elected by the registered voters of the counties, each county constituting a single-member constituency;
- (c) twelve members nominated by parliamentary political parties according to their proportion of members of the National Assembly in accordance with Article 90, to represent special interests including the youth, persons with disabilities, and workers; and
- (d) the Speaker, who is an ex officio member.

2. Nothing in this Article shall be construed as excluding any person from contesting an election under clause (1)(a).

3. Article 98 of the Constitution that the Bill proposes to amend-

98. Membership of the Senate

The Senate consists of—

- (a) forty-seven members each elected by the registered voters of the counties, each county constituting a single-member constituency;
- (b) sixteen women members who shall be nominated by political parties according to their proportion of members of the Senate elected under clause (a) in accordance with Article 90;
- (c) two members, being one man and one woman, representing the youth;
- (d) two members, being one man and one woman, representing persons with disabilities; and
- (e) the Speaker, who shall be an ex officio member.

1. The members referred to in clause (1)(c) and (d) shall be elected in accordance with Article 90.

2. Nothing in this Article shall be construed as excluding any person from contesting an election under clause (1)(a).