



Kenya Diaspora Alliance (KDA)

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Hon. Justin Muturi, EGH, MP
Speaker of the National Assembly
NAIROBI, KENYA

**OPEN LETTER TO HON SPEAKER: *DIASPORA NI MKENYA AND
SO ARE DUAL CITIZENS – NOT A REASON TO DENY MWENDE
MWINZI OPPORTUNITY TO BE KENYA’S AMBASSADOR***

For Immediate Release

The Kenya Diaspora Alliance (KDA) relays gratitude to H.E. the President and Ministry of Foreign Affairs for plucking out and considering Madam Mwendé Mwinzi, an eminent Diasporan domiciled in the USA, as Nominee for Kenya’s Ambassador to Korea. Mwendé is an avid, committed and engaged member of the diaspora community, and we take an early opportunity to congratulate her for this honour and recognition.

We are, however, perturbed by certain reservations being raised by some Hon Members of Parliament merely on the basis of her dual citizenship as a hindrance to her suitability. We are deeply perturbed because as a country, we appear to continue to treat diaspora and dual citizens in particular as if they are aliens or 2nd class citizens.

KDA and its affiliates, including Kenya Community Abroad (KCA) and others has been on diaspora mainstreaming for nearly 30 years, and a good part of it to advocate for dual citizenship rights. In the 8th Parliament, Hon Mohammed Shidiye (now Kenya’s Ambassador to Botswana) and I co-sponsored a motion to provide for dual citizenship, to enable Kenya benefit from the massive prospects professional and senior dual citizens can deliver: (<https://books.google.co.ke/books?id=Gj4hUHiXX2MC&pg=PT16&lpg=PT16&dq=shidiy>). Stories are a galore of benefits Jewish, Indian, Korean, Chinese and Irish diaspora have given to their countries of origin. Though the motion was defeated, we are happy it triggered a consciousness and discourse that culminated in the passage of dual citizenship with the new 2010 Constitution.

We note that **Article 16** grants dual citizens full rights of a citizen, except where qualified by the Constitution. While the Constitution restricts dual citizens from

holding state offices, we are also alive to **Article 260** which defines 'state offices', and they exclude diplomatic appointments. Any doubt on this distinction is cleared by **Article 234 (3)** which states in Clause 3:-

Clauses (1) and (2) shall not apply to any of the following offices in the public service:-

- (a) State offices***
- (b) An office of high commissioner, ambassador or other diplomatic or consular representative of the Republic.***

Indeed, this exception is not unique to Kenya; we are alive to a number of senior Kenyan nationals who serve as Consular General for other countries, e.g. Former Vice President H.E. Kalonzo Musyoka (Cyprus) or Business Mogul Dr Chris Kirubi (Ghana). These are not isolated cases. Personally, I have had the privilege to serve and represent a number of African governments as a senior staff; when one does that loyalty and allegiance is to the Appointing Authority.

We expect the law to be applied equally across board, including also to diaspora and more so dual citizens. KDA strongly believes there are several senior members of the government who are dual citizens; we do not expect any Kenyan (including Mwende) to be treated any differently. We therefore implore esteemed Hon Members of the Defence and Foreign Committee, and the National Assembly generally, to consider Madam Mwende as any *bona fide* national.
#DiasporaNiMkenya.

Signed: 
Dr Shem Ochuodho
Global Chairman, KDA

For and on behalf of KDA

**Cc: Hon. Katoo ole Metito, MP
Chairperson, Defence and Foreign Relations Committee
National Assembly**