

REPUBLIC OF KENYA



Approved
28/8/16

PARLIAMENT
OF KENYA
LIBRARY

THE PARLIAMENT

ELEVENTH PARLIAMENT-FOURTH SESSION

MEDIATION COMMITTEE ON THE NATURAL RESOURCES (CLASSES
OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL, 2015,
(NATIONAL ASSEMBLY BILL NO. 54 OF 2015)

REPORT ON THE NATURAL RESOURCES (CLASSES OF
TRANSACTIONS SUBJECT TO RATIFICATION) BILL, 2015, (NATIONAL
ASSEMBLY BILL NO. 54 OF 2015)

JOINT CLERKS' CHAMBERS
PARLIAMENT OF KENYA
NAIROBI

AUGUST, 2016

1.0 INTRODUCTION

1.1 Establishment of the Committee

The Mediation Committee on the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015 (National Assembly Bill No. 54 of 2015) was constituted by the Speaker of the National Assembly pursuant to Standing Order 149 (2) of National Assembly and the Speaker of the Senate pursuant to Standing Order 154 (2) of the Senate on 4th August, 2016, and 5th August, 2016, respectively.

The Members of the Committee were:-

1. The Hon. (Dr.) Wilbur Ottichillo, MP	Chairperson
2. The Hon. Sen. George Khaniri, M.P	Vice Chairperson
3. The Hon. Amina Abdalla, CBS, M.P	Member
4. The Hon. Sen. Lenny Kivuti, M.P	Member
5. The Hon. Sen. Liza Chelule, MP	Member
6. The Hon. Joyce Emanikor, MP	Member

1.2 Mandate of the Committee

The Mediation Committee derives its mandate from Article 113 of the Constitution of Kenya and the National Assembly Standing Order No. 149 and Senate Standing Orders No. 154.

The Committee was established to develop a version of the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015 (National Assembly Bill No. 54 of 2015) that would be presented to both Houses for approval as provided for under National Assembly Standing Order No. 149 (6) and Senate Standing Order No. 154 (6).

1.3 Committee Sittings

The Mediation Committee held a total of three sittings. The first sitting of the Committee was held on Tuesday, 16th August, 2016 at ten am where the Hon. (Dr) Wilbur Ottichillo, M.P and The Hon. Sen. George Khaniri, MP were elected as Chairperson and Vice-Chairperson respectively. The Committee held its second sitting on the same day at four pm and considered the contentious clauses in the Natural Resources (Classes of Transaction Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015). The Committee held its last sitting on Thursday, 18th August, 2016 where it reviewed and adopted the Mediation Report on the Natural Resources (Classes of Transaction Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015).

1.4 Committee Resolutions

The Committee deliberated on the on the submissions from stakeholders on the contentious clauses and unanimously agreed on a version of the Bill to be presented to both Houses for approval. The agreed version of the Bill is hereby appended to this report.

1.5 Acknowledgment

The Committee thanks the Offices of the Speakers and the Clerks of the National Assembly and the Senate for the necessary support extended to it in the execution of its mandate.

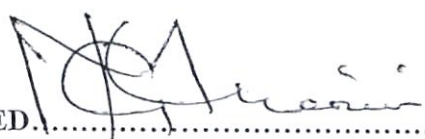
The Chairperson thanks all the Members of the Committee for their sacrifice, commitment and selflessness to the cause of the mediation process until common ground was arrived at.

Mr. Speaker Sir,

It is my pleasant duty, pursuant to Standing Order 150 (1), to present a report of the Mediation Committee on the Natural Resources (Classes of Transaction Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015) for consideration by the House.

SIGNED.......... DATE.....15/8/16.....

THE HON. (DR.) WILBUR OTTICHILLO, MP (CHAIRPERSON)

SIGNED.......... DATE.....18/8/2016.....

THE HON. SEN. GEORGE KHANIRI, M.P (VICE CHAIRPERSON)

2.0 BACKGROUND

The Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015, (National Assembly Bill No. 54 of 2015) was published in the Kenya Gazette Supplement No. 139 of 18th August, 2015 as a bill originating in the National Assembly. The Bill underwent the First and Second readings and was subjected to public participation as required by the Constitution and National Assembly Standing Orders and was passed with amendments on 9th March, 2016. It was then referred to the Senate for consideration pursuant to National Assembly Standing Order No. 142.

The Bill was read a first time in the Senate on 14th April, 2016 and committed to the Standing Committee on Land and Natural Resources pursuant to Standing Order 130(1).

The Senate subjected the Bill to a public participation forum which was held on 2nd June, 2016 at Shimba Hall, Kenyatta International Convention Center to take into account the views and recommendations of the public. The Bill was passed by the Senate with amendments on 13th July, 2016.

Pursuant to Article 110 (4) of the Constitution and the provisions of Standing Orders 40 (1) and 149 of the Senate Standing Orders, the Senate conveyed a message to the National Assembly on Tuesday, 19th July, 2016, seeking the concurrence of the National Assembly to the amendments made to the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015.

The National Assembly, on its Sitting of Tuesday, 2nd August, 2016 considered the proposed amendments by the Senate and by a resolution agreed to the Senate's amendments save for the amendments of the New Clause 9A of the Bill. This message was conveyed by the Speaker of the Senate on 5th August, 2016.

Consequently, and pursuant to National Assembly Standing Order No. 149 and Senate Standing Order No. 154, the Bill and specifically the new Clause 9A of the Bill were referred to a Mediation Committee with the sole objective of developing a version of the Bill that would be presented to both Houses for approval.