



Approved
[Signature]
30/7/15

*Paper Laid
By Hon. Samuel Chepkong'o
Chair, DC - JLA on Thurs.
30.7.2015 (pm)
MWW*



PARLIAMENT OF KENYA

THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – THIRD SESSION

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON

THE POLITICAL PARTIES (AMENDMENT) BILL, 2015

Clerks Chambers,
National Assembly,
Parliament Buildings,
Nairobi

July, 2015

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**A REPORT OF THE DEPARTMENTAL COMMITTEE ON JUSTICE
AND LEGAL AFFAIRS ON THE POLITICAL PARTIES
(AMENDMENT) BILL, 2015**

1. PREFACE

Hon Speaker,

On behalf of the Departmental Committee on Justice and Legal Affairs, and pursuant to provisions of Standing Order 199(6), it is my pleasant privilege and honour to present to this House a report of the Committee on the Political Parties (Amendment) Bill, 2015.

The Committee derives its mandate from Standing Order No. 216(5) which provides as follows:-

- a) *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
- b) *To study the programme and policy objectives of ministries and departments and the effectiveness of their implementation;*
- c) ***To study and review all legislation referred to it;***
- d) *To study, assess and analyze the relative success of the ministries and departments measured by the results obtained as compared with their stated objectives;*
- e) *To investigate and enquire into all matters relating to the assigned ministries and departments as may be deemed necessary, and as may be referred to it by the House or a minister; and*
- f) *To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.*

The Second Schedule of the Standing Orders on Departmental Committees further states the subjects which the Committee is supposed to deal with while discharging its mandate. The subjects are as follows:-

- (a) Constitutional affairs;
- (b) The administration of law and Justice, including the Judiciary, public prosecutions, elections, ethics, integrity and anti-corruption; and
- (c) Human rights.

1.1. Committee Membership

The Committee was constituted on Thursday, 16th May, 2013 and comprises the following:-

- | | | | |
|-----|--|---|------------------|
| 1. | Hon. Samuel Chepkong'a, M.P. | - | Chairperson |
| 2. | Hon. Priscilla Nyokabi, M.P. | - | Vice Chairperson |
| 3. | Hon. Njoroge Baiya, M.P. | | |
| 4. | Hon. Muriithi Waiganjo, M.P. | | |
| 5. | Hon. Ndirangu Waihenya, M.P. | | |
| 6. | Hon. Florence Kajuju, M.P. | | |
| 7. | Hon. Kang'ata Irungu, M.P. | | |
| 8. | Hon. Benson Mutura, M.P. | | |
| 9. | Hon. John Njoroge Chege, M.P. | | |
| 10. | Hon. William Cheptumo, M.P. | | |
| 11. | Hon. Mohamed Abdi Haji, M.P. | | |
| 12. | Hon. Sammy Koech, M.P. | | |
| 13. | Hon. Moses Cheboi, M.P. | | |
| 14. | Hon. Paul Bii, M.P. | | |
| 15. | Hon. Charles Gimose, M.P. | | |
| 16. | Hon. Johanna Ng'eno, MP. | | |
| 17. | Hon. Boniface Otsiula, M.P. | | |
| 18. | Hon. David Ouma, M.P. | | |
| 19. | Hon. Neto Agostinho, M.P. | | |
| 20. | Hon. Kaluma Peter, M.P. | | |
| 21. | Hon. Fatuma Ibrahim Ali, M.P. | | |
| 22. | Hon. Ben Momanyi Orari, M.P. | | |
| 23. | Hon. Tom J. Kajwang', M.P. | | |
| 24. | Hon. (Bishop) Mutua Mutemi, M.P. | | |
| 25. | Hon. Olago Aluoch, M.P. | | |
| 26. | Hon. (Dr) Christine Oduor Ombaka, M.P. | | |
| 27. | Hon. Munuve G. Mati, M.P. | | |
| 28. | Hon. Mwamkale William Kamoti, M.P. | | |
| 29. | Hon. James Bett, M.P. | | |

1.3. First Reading of the Political Parties (Amendment) Bill, 2015

The Political Parties (Amendment) Bill, 2015 was read for the first time on 4th March, 2015 and immediately committed to the Departmental Committee on Justice and Legal Affairs for scrutiny in line with Standing Order 127 (1) which states as follows:-

“A Bill having been read a First Time shall stand committed to the relevant Departmental Committee without question being put to it”

1.4. Public participation in the consideration of the Bill

Standing Order 127(3) states as follows:-

“The Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account the views

and recommendations of the public when the Committee makes its recommendations to the House”

Pursuant to this Standing Order, the Committee invited the public through the Daily Nation and Standard newspapers of 9th March, 2015 (See appendix 3) to make representations on the Bill. The Committee did not however receive any memoranda.

1.5 Sittings of the Committee and adoption of report

The Committee considered the Bill on 2nd July, 2015 at the Media Centre, Main Parliament Building. The Committee considered and adopted its report on 21st July, 2015 at 10.00 a.m. at sitting held in the Boardroom on 5th floor, Continental House, Parliament Buildings. The adoption of the report was proposed by Hon. Benson Mutura and seconded by Hon. George Kaluma. There was no dissenting voice to the adoption of the report. Minutes of the Committee’s sitting adopting the report are annexed hereto as appendix 1. A list of Members who attended the sitting is also annexed hereto as appendix 2.

1.6. Acknowledgement

The Chairperson wishes to commend Committee Members for their devotion and commitment to duty which made the consideration of this Bill a reality. The Committee further wishes to thank the Offices of the Speaker and Clerk of the National Assembly for providing guidance and technical support without which its work would not have been possible.

Hon. Speaker Sir,

On behalf of the Committee, I now wish to table this report in the House.

SIGNED.....

**Hon. Samuel Chepkong’a, MP
(Vice Chairperson)**

Departmental Committee on Justice and Legal Affairs

DATE.....

2.0. BACKGROUND

The Bill is dated 20th May, 2014 and its sponsor is Hon. Chris W. Wamalwa, Member for Kiminini.

The principle objective of the Bill is to amend the Political Parties Act to reflect the purpose for which the Fund was established. The Fund was intended to enable political parties carry out their programmes without influence of individuals who fund them with the aim of taking over, personalizing them and dictating everything to members, contrary to principals of democracy and good governance.

The amendment thus seeks to ensure that Political Parties Fund is made available to all parties irrespective of size and or are unable to secure at least five per cent of the total votes in a preceding general election.

3.0. PUBLIC PARTICIPATION IN THE CONSIDERATION OF THE BILL

Standing Order 127(3) provides as follows:-

“The Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee makes its recommendations to the House”

Pursuant to this Standing Order, the Committee invited the public through the Daily Nation and Standard newspapers of 9th March, 2015 to make representations on the Bill. The newspaper advertisement is annexed hereto as appendix 3. The Committee did not however receive any memoranda.

4.0. CONSIDERATION OF THE BILL

The Committee considered the Bill on 2nd July, 2015 at the Media Centre in Parliament Buildings where Members observed as follows:-

- (i) Funding all political parties irrespective of size and votes garnered is not viable considering available resources usually set aside for political parties;
- (ii) Funding of all political parties is likely to be abused as people will form parties purely for financial and not the political gain it is intended for;
- (iii) The funding of all political parties goes against the spirit of competitive politics which is not healthy for the country's political development;

- (iv) The Bill if enacted will lead to segmentation of bigger parties thereby weakening them whereas strong political parties are required to ensure democracy and good governance.

5.0. RECOMMENDATIONS

The Committee recommends that the House rejects the Bill on account of the cited reasons.

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

APPENDIX 1

MINUTES OF THE FIFTY THIRD SITTING OF THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS HELD ON TUESDAY, 21ST JULY, 2015 AT 10 A.M. IN THE BOARDROOM ON 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS

PRESENT:-

Hon. Samuel Chepkong'a, MP	–	Chairperson
Hon. Priscilla Nyokabi, MP	–	Vice Chairperson
Hon. Benson Mutura, MP		
Hon. Fatuma Ibrahim Ali, MP		
Hon. Johanna Ngeno, MP		
Hon. Olago Aluoch, MP		
Hon. Mutua Mutemi (Bishop), MP		
Hon. Tom.J. Kajwang', MP		
Hon. John Njoroge Chege, MP		
Hon. Ben Momanyi Orori, MP		
Hon. Moses Cheboi, MP		
Hon. Muriithi Waiganjo, MP		
Hon. Dr. Christine Ombaka, MP		
Hon. Kaluma Peter, MP		
Hon. Paul Bii, MP		

ABSENT:-

Hon. Florence Kajuju, MP
Hon. Kang'ata Irungu, MP
Hon. William Cheptumo, MP
Hon. Sammy Koech, MP
Hon. William Mwamkale, M.P
Hon. Charles Gimose, MP
Hon. Njoroge Baiya, MP
Hon. David Ouma Ochieng, MP
Hon. Boniface Otsiula, MP
Hon. James Bett, MP
Hon. Mohamed Abdi Haji, MP
Hon. Munuve Mati John, MP
Hon. Ndirangu Waihenya, MP
Hon. Neto Agostinho, MP

IN ATTENDANCE:-

SECRETARIAT:-

Mr. George Gazemba	-	Senior Clerk Assistant
Ms. Mary L. Lemerelle	-	Clerk Assistant III
Mr. Ahmed Salim	-	Clerk Assistant III
Mr. Ronald Walala	-	Legal Counsel II
Mr. Salem Lorot	-	Legal Counsel II

MIN NO. JLA/206/2015:- - PRELIMINARIES

The Chairperson called the meeting to order at 10.30 a.m. Prayer was said by Hon. Paul Bii, MP

MIN NO. JLA/207/2015:- CONSIDERATION AND ADOPTION OF REPORTS ON BILLS

(i) Consideration and adoption of report on the Constitution of Kenya (Amendment) (No. 2) Bill, 2015

The Committee considered and adopted its report on the Constitution of Kenya (Amendment) (No. 2) Bill, 2015. The adoption of the report was proposed by Hon. Tom J. Kajwang' and seconded by Hon. Paul Bii. There was no dissenting voice to the adoption of the report.

(ii) Consideration and adoption of report on the Two-Third Gender Rule Laws (Amendment) Bill, 2015

The Committee deferred the adoption of the report to give room for further consultations and taking a position on proposed amendment on the establishment of the Special Affirmation Action Election Fund.

Though the Committee supported the establishment of the Fund, it observed a lot of grey areas on its operationalization which needed to be addressed.

(iii) Consideration and adoption of report on the Constitution of Kenya (Amendment) (No. 3) Bill, 2015

The Committee considered and adopted its report on the Constitution of Kenya (Amendment) (No. 3) Bill, 2015. The adoption of the report was proposed by Hon. Benson Mutura and seconded by Hon. George Kaluma. There was no dissenting voice to the adoption of the report.

(iv) Consideration and adoption of report on the Political Parties (Amendment) Bill, 2015

The Committee considered and adopted its report on the Political Parties (Amendment) Bill, 2015. The adoption of the report was proposed by Hon Benson Mutura and

seconded by George Kaluma. There was no dissenting voice to the adoption of the report.

MIN NO. JLA/208/2015:- ANY OTHER BUSINESS

Courtesy call on the Chief Justice of the Republic of Kenya

The Committee resolved to pay Dr. Willy Mutunga, Chief Justice of the Republic of Kenya a courtesy call on 22nd July, 2015 at 10.00 a.m. at his Offices at the Supreme Court Building, Nairobi. The Committee had earlier scheduled to pay him the courtesy call on 21st July, 2015 but he wrote requesting for 22nd July, 2015.

MIN NO. JLA/209/2015:- - ADJOURNMENT

There being no other business to transact, the sitting adjourned at forty five minutes past noon.

Signed:

(Chairperson, Departmental Committee on Justice & Legal Affairs)

Date:

APPENDIX 2



DEPARTMENTAL COMMITTEE ON JUSTICE & LEGAL AFFAIRS


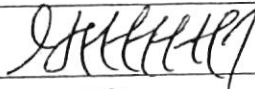



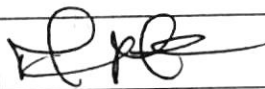

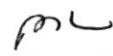
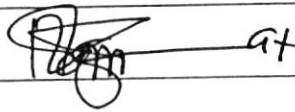
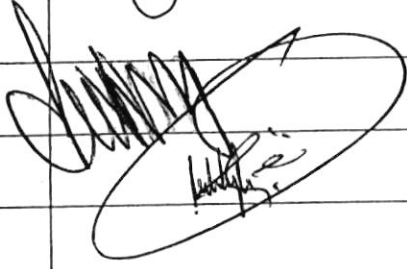
MEMBERS ATTENDANCE

DATE: 21ST JULY 2015

VENUE: CONTINENTAL HOUSE, 5TH FLOOR BOARDROOM

AGENDA: ADOPTION OF REPORTS ON CONSTITUTION OF KENYA (AMENDMENT)
(NO.3) BILL, 2015, TWO THIRD GENDER LAWS (AMENDMENT) BILL, 2015, & POLITICAL
PARTIES OF KENYA (AMENDMENT) BILL, 2015

	NAMES	SIGNATURE
1.	Hon. Samuel Chepkonga (Chairperson)	
2.	Hon. Priscila Nyokabi (Vice Chairperson)	
3.	Hon. Agostinho Neto	
4.	Hon. Ben Momanyi Orori	
5.	Hon. Benson Mutura	
6.	Hon. Boniface Otsiula	
7.	Hon. Charles Gimose	
8.	Hon. Christine Ombaka (Dr.)	
9.	Hon. David Ochieng'	
10.	Hon. Fatuma Ibrahim	
11.	Hon. Florence Kajuju	
12.	Hon. Irungu Kang'ata	
13.	Hon. James Bett	

14.	Hon. Johanna Ngeno	
15.	Hon. John Munuve	
16.	Hon. John M. Waiganjo	
17.	Hon. John Njoroge	
18.	Hon. John Olago Aluoch	
19.	Hon. Kamoti W. Mwamkale	
20.	Hon. Mohamed Abdi Haji	
21.	Hon. Moses Cheboi	
22.	Hon. Njoroge Baiya	
23.	Hon. Paul K.Bii	
24.	Hon. Peter Kaluma	
25.	Hon. Robert Mutemi (Bishop)	
26.	Hon. Sammy Koech	
27.	Hon. T.J. Kajwang	
28.	Hon. Waihenya Ndirangu	
29.	Hon. William Cheptumo	

George Gazemba

For: The Clerk of the National Assembly

APPENDIX 3

REPUBLIC OF KENYA



NATIONAL ASSEMBLY – ELEVENTH PARLIAMENT

In the Matter of consideration by the National Assembly of the Political Parties (Amendment) Bill 2015

Article 118(1) (b) of the Constitution provides that “Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.” Standing Order 127(3) states that “the Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account views and recommendations of the public when the Committee makes its report to the House.”

SUBMISSION OF MEMORANDA

The Political Parties (Amendment) Bill, 2015 has undergone First Reading as stipulated in the Standing Orders of the House. The Bill, having been read for the First time, stood committed to the Departmental Committee on Justice and Legal Affairs for consideration and thereafter report to the House.

Pursuant to Article 118(1)(b) and Standing Order 127(3), the Committee invites the Public to submit representations they may have on The Political Parties (Amendment) Bill, 2015. The representations may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to **clerk@parliament.go.ke**; to be received **on or before Monday, March 16th, 2015 at 5:00pm.**

JUSTIN BUNDI
CLERK OF THE NATIONAL ASSEMBLY

