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ELEVENTH PARLIAMENT
FOURTH SESSION (2016)

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By the Hon
Samuel Cheptongok
on Tuesday
12/4/2016
[Signature]

THE MEDIATION COMMITTEE
REPORT

ON THE POLITICAL PARTIES (AMENDMENTS) BILL (SENATE
BILL NO.3 OF 2014)

Clerk's Chambers,
Parliament Buildings,
NAIROBI.
MARCH, 2016

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1.0 INTRODUCTION

The Mediation Committee on Statute Law (Miscellaneous Amendments) (No.2) National Assembly Bill No.33 of 2013 and the Political Parties (Amendment) Senate Bill No.3 of 2014 was constituted by the Speakers of the two Houses of Parliament on 16th October, 2015 pursuant to Articles 112 and 113 of the Constitution and the Standing Orders of the Senate and the National Assembly comprising the following members-

1. Sen. Amos Wako, M.P
2. Hon. Samuel Chepkong'a, M.P
3. Sen. Kipchumba Murkomen, M.P
4. Hon. Njoroge Baiya, MP
5. Sen. Stephen Sang, MP
6. Hon. Timothy Bosire, M.P
7. Sen. Bonny Khalwale, M.P
8. Hon. Daniel Maanzo, M.P

1.1 Committee's Mandate

The Mediation Committee derives its mandate from the provisions of Articles 112 and 113 of the Constitution, Standing Order 149 of the National Assembly and Standing Order 154 of the Senate which outline the functions of the Committee as follows:-

- i. To consider Bills where the two Houses do not agree on all or any of the amendments made by either House;
- ii. To consider Bills where either House rejects a Motion that a Bill which originated in the other House be read a Second or Third time; and
- iii. To attempt to develop a version of the Bill that both Houses will pass.

The Mediation Committee Report on the political parties (Amendments) Bill, 2014

1.2 Committee Meetings and Methodology

The Committee held a total of five sittings to deliberate on the Political Parties (Amendments) Bill (Senate Bill No.3 of 2014) in accordance with the Constitution and relevant provisions of the Standing Orders of the Senate and the National Assembly.

During the first sitting, the Committee conducted the election of the Chairperson and the Vice-Chairperson where Sen.S.Amos Wako, MP and Hon. Samuel Chepkong'a were elected Chair and Vice-Chair respectively.

Members noted that they will apply the precedent set by the first Mediation Committee of this Parliament where it was settled that, the Chair of the Committee should be elected from amongst members of the House that originated the Bill.

The Committee commenced its work by considering mediation process of the Bills under consideration. The Committee has already tabled its report on the Statute Law (Miscellaneous Amendments) Bill (No.2) National Assembly Bill No.33 of 2013.

Members perused the Hanzard proceedings from the two Houses and versions of the Bill as passed by the two Houses.

Appended to this report is a mediated version of the Bill developed by the Committee for consideration and passage by both Houses.

1.3 Acknowledgements

The Chairperson, on behalf of the Committee, wishes to sincerely thank the offices of the Speakers and the Clerks of the two Houses of Parliament for the necessary support extended to it in the execution of its mandate.

The Chairperson also thanks all Members of the Committee for their patience, sacrifice, endurance and commitment to their assignment under tight schedules which enabled us to complete the task within the stipulated period.

Finally, it is now my pleasant duty and privilege, on behalf of the Mediation Committee on the Political Parties (Amendments) Bill (No.2) Senate Bill No.3 of 2014 to present and commend this report including agreed version of the Bill to the Houses for approval pursuant to Article 113(2) of the Constitution and Standing Order 155 (3) of the Senate and Standing Order 150 (3) of the National Assembly.

Signed.....

Sen. S.Amos Wako, M.P

(Chairperson, Mediation Committee)

Date.....07/04/16

2.0 BACKGROUND

2.1 Establishment of the Mediation Committee

The Mediation Committee was established pursuant to Articles 112 (1) (a) and 113 of the Constitution which states-

Article 112(1)-“If one House passes an ordinary Bill concerning counties, and the second House-

(a) rejects the Bill, it shall be referred to a Mediation Committee appointed under Article 113”

Article 113-

- 1) If a Bill is referred to a mediation committee under Article 112, the Speakers of both Houses shall appoint a mediation committee consisting of equal numbers of members of each House to attempt to develop a version of the Bill that both Houses will pass.**
- 2) If the mediation committee agrees on a version of the Bill, each House shall vote to approve or reject that version of the Bill.**
- 3) If both Houses approve the version of the Bill proposed by the mediation committee, the Speaker of the National Assembly shall refer the Bill to the President within seven days for assent.**
- 4) If the mediation committee fails to agree on a version of the Bill within thirty days, or if a version proposed by the committee is rejected by either House, the Bill is defeated.**

2.2 Appointment Process of Members

Pursuant to Article 113 of the Constitution and Standing Order 149 of the National Assembly, the Clerk of the National Assembly wrote to the Clerk of the Senate vide letter dated 13th October, 2015 notifying him of the members to represent the National Assembly in the Mediation Committee on the Political Parties (Amendments) Bill (No.2) Senate Bill No.3 of 2014

Pursuant to the said provision of the Constitution and Standing Order 154 of the Senate, the Senate appointed its members to the Mediation Committee. The Joint Clerks consequently convened the first sitting of the Committee which was held on 16th March, 2016.

3.0 CONSIDERATION OF THE POLITICAL PARTIES (AMENDMENTS) BILL

(NO.2) SENATE BILL NO.3 OF 2014

3.1 The Political Parties (Amendments) Bill (No.2) Senate Bill No.3 of 2014

The Political Parties (Amendments) Bill (No.2) Senate Bill No.3 of 2014

originated in the Senate and was sponsored by Sen. (Dr.) Bonny Khalwale.

The National Assembly rejected the Bill on Wednesday, September 30,

2015 at second reading where there was no member wishing to second.


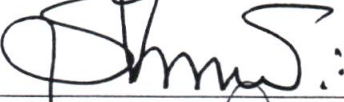
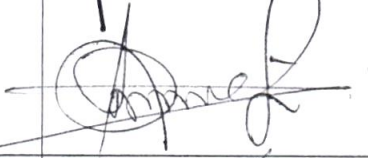
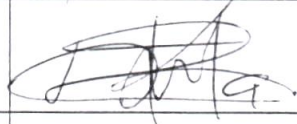

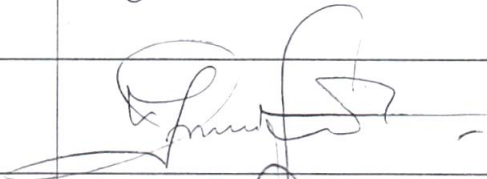
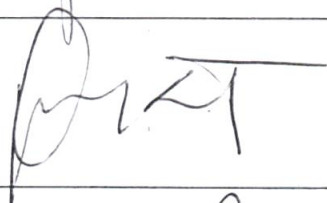
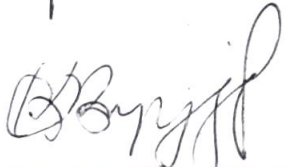
4.0 THE COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

The Mediation Committee observed that the threshold set for parties to qualify for funding was low and cannot help to build political parties with strong foundations. The Committee by consensus recommended developing the annexed version of the Bill for consideration and passage by the two Houses of Parliament.

The Mediation Committee therefore recommends to the Houses of Parliament to approve this report and its appendix thereof.

The Mediation Committee Report on the political parties (Amendments) Bill, 2014

This report was unanimously adopted by the following Members:-

NO	NAME	SIGNATURE
1	Sen. Amos Wako Chairperson	
2	Hon. Samuel Chepkong'a Vice Chairperson	
3	Sen. ^{Boni} Bonny Khalwale, M.P	
4	Hon. Daniel Maanzo, M.P	
5	Sen. Stephen Sang, MP	
6	Hon. Timothy Bosire, M.P	
7	Sen. Kipchumba Murkomen, M.P	
8	Hon. Njoroge Baiya, M.P	



REPUBLIC OF KENYA

PARLIAMENT

**THE POLITICAL PARTIES
(AMENDMENT) BILL, 2016**

A version of the Political Parties (Amendment) Bill, 2014 (Senate Bills No. 3)
approved by a mediation committee appointed pursuant to Article 113 of the
Constitution

Political Parties (Amendment) Bill, 2016

I certify that this printed impression is a true copy of the Bill passed by the Senate on.....and the National Assembly on... ..

Clerk of the National Assembly

Presented for assent in accordance with the provisions of the Constitution of Kenya on the.....at the hour of.....

Speaker of the National Assembly

MINUTES OF THE FIFTH SITTING OF THE MEDIATION COMMITTEE ON THE POLITICAL PARTIES (AMENDMENT) BILL, 2014 AND THE STATUTE LAW (MISC.AMENDMENTS), BILL, 2013 HELD ON WEDNESDAY 30TH MARCH, 2016 IN COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDING, AT 4:30 P. M.

PRESENT

1. Sen. Amos Wako M.P. - Chairperson
2. Hon. Samuel Chepkong'a, M.P. - Vice-Chairperson
3. Hon. Njoroge Baiya, M.P.
4. Hon. Daniel Maanzo, M.P.
5. Sen. Kipchumba Murkomen, M.P.
6. Hon. Timothy Bosire, M.P.
7. Sen. Boni Khalwale, M.P.

ABSENT WITH APOLOGY

Sen. Stephen Sang, M.P.

IN ATTENDANCE

1. Mr. Abenayo Wasike
2. Ms. Mugure Gituto

THE NATIONAL ASSEMBLY AND SENATE

First Clerk Assistant, National Assembly
Legal Counsel, National Assembly

MIN. NO. 024/2016:

PRELIMINARIES

The meeting was called to order at 4:45 p.m by the Chairperson and was followed by a word of prayer. The Chair informed members on the Agenda as filed.

The Chairperson invited the Secretariat to submit the Report on the Political Parties (Amendment) Bill, 2014 for adoption

MINUTES OF THE FOURTH SITING OF THE MEDIATION COMMITTEE ON THE POLITICAL PARTIES (AMENDMENT) BILL, 2014 AND THE STATUTE LAW (MISC.AMENDMENTS), BILL, 2013 HELD ON TUESDAY 29TH MARCH, 2016 IN COMMITTEE ROOM 5, MAIN PARLIAMENT BUILDING, AT 10:00 A. M.

PRESENT

1. Sen. Amos Wako M.P. - Chairperson
2. Hon.Njoroge Baiya, M.P
3. Hon. Daniel Maanzo, M.P.
4. Sen.Kipchumba Murkomen, M.P.
5. Hon. Timothy Bosire, M.P.

ABSENT WITH APOLOGYIES

- Hon. Samuel Chepkong'a, M.P. - Vice-Chairperson
Sen. Bonny Khalwale, M.P.
Sen. Stephen Sang, M.P

IN ATTENDANCE

1. Mr. Abenayo Wasike
2. Mr. Abisai Denis
3. Mohamed Hassan

THE NATIONAL ASSEMBLY AND SENATE

- First Clerk Assistant, National Assembly
Principal Legal Counsel, National Assembly
Clerk Assistant, Senate

MIN. NO. 019/2016:

PRELIMINARIES

The meeting was called to order at 10:20 a.m by the Chairperson and was followed by a word of prayer. The Chair informed members on the Agenda as filed.

The Chairperson informed members that the Committee invited Hon. (Dr.) Chris Wamalwa,MP, MP, to brief members on his Bill on Political Parties amendments.Hon.Wamalwa was invited to consult with Members because his Bill is similar to the one before the mediation committee.

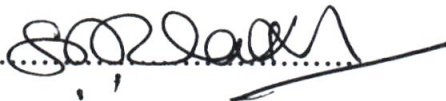
- iii. Twenty (20) Members of Parliament
- iv. Fourty (40) Members of County Assembly

Members observed that it should be applied cumulatively.

MIN. NO. 023/2016:

ADJOURNMENT AND DATE OF NEXT MEETING

There being no any other business, the meeting was adjourned at 11.30 am and the date of the next meeting set for Wednesday 30th March, 2016 at 4.30 pm.

Signature.....

Sen. Amos Wako M.P)

(Chairperson)

Date.....

MINUTES OF THE THIRD SITTING OF THE MEDIATION COMMITTEE ON THE POLITICAL PARTIES (AMENDMENT) BILL, 2014 AND THE STATUTE LAW (MISC.AMENDMENTS), BILL, 2013 HELD ON THURSDAY 24TH MARCH, 2016 IN COUNTY HALL,BOARDROOM,GROUNDFLOOR, PARLIAMENT BUILDING, AT 10:00 A.M.

PRESENT

1. Sen. Amos Wako M.P. - Chairperson
2. Hon. Samuel Chepkong'a, M.P. - Vice-Chairperson
3. Hon.Njoroge Baiya, M.P
4. Hon.. Daniel Maanzo, M.P.
5. Sen.Kipchumba Murkomen, M.P.
6. Hon. Timothy Bosire, M.P.

ABSENT WITH APOLOGYIES

Sen. Bonny Khalwale, M.P.
Sen. Stephen Sang, M.P

IN ATTENDANCE

1. Mr. Abenayo Wasike
2. Mr. Abisai Denis
3. Mohamed Hassan
4. Ms. Judy Wahito

THE NATIONAL ASSEMBLY AND SENATE

First Clerk Assistant, National Assembly
Principal Legal Counsel, National Assembly
Clerk Assistant, Senate
Legal Counsel, Senate

MIN. NO. 013/2016:

PRELIMINARIES

The meeting was called to order at 10:25 a.m by the Chairperson and was followed by a word of prayer. The Chair informed members on the Agenda as filed.

- ii. Three (3) Senators
- iii. Twenty (20) Members of Parliament
- iv. Fourty (40) Members of County Assembly

Members observed that funding is necessary to build a foundation for strong political parties.

The Committee resolved to make a decision after Hon. Bonny Khalwale and Hon. Chris. Wamalwa present their views in the next meeting

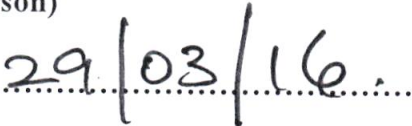
MIN. NO. 018/2016: ADJOURNMENT AND DATE OF NEXT MEETING

There being no any other business, the meeting was adjourned at 11.30 am and the date of the next meeting set for Tuesday 29th March, 2016 at 10.00 am.

Signature.....

Sen. Amos Wako M.P)

(Chairperson)

Date.....

MINUTES OF THE SECOND SITTING OF THE MEDIATION COMMITTEE ON THE POLITICAL PARTIES (AMENDMENT) BILL, 2014 AND THE STATUTE LAW (MISC.AMENDMENTS), BILL, 2013 HELD ON WEDNESDAY 23RD MARCH, 2016 IN COMMITTEE ROOM 9, MAIN PARLIAMENT BUILDING, AT 4:30 P. M.

PRESENT

1. Sen. Amos Wako M.P. - Chairperson
2. Hon. Samuel Chepkong'a, M.P. - Vice-Chairperson
3. Hon. Njoroge Baiya, M.P.
4. Hon. Daniel Maanzo, M.P.
5. Sen. Kipchumba Murkomen, M.P.
6. Hon. Timothy Bosire, M.P.

ABSENT WITH APOLOGYIES

Sen. Bonny Khalwale, M.P.

Sen. Stephen Sang, M.P.

IN ATTENDANCE

1. Mr. Abenayo Wasike
2. Mr. Abisai
3. Mohamed Hassan
4. Ms. Judy Wahito

THE NATIONAL ASSEMBLY AND SENATE

First Clerk Assistant, National Assembly
Principal Legal Counsel, National Assembly
Clerk Assistant, Senate
Legal Counsel, Senate

MIN. NO. 009/2016:

PRELIMINARIES

The meeting was called to order at 4:50 a.m by the Chairperson and was followed by a word of prayer. The Chair informed members on the Agenda as filed.

MIN. NO. 010/2016:

ADOPTION OF AGENDA

20 MCA
5 MPs - 12 MPs 40
3 Gov - 20
3 Senate
20/01

MINUTES OF THE FIRST SITTING OF THE MEDIATION COMMITTEE ON THE POLITICAL PARTIES (AMENDMENT) BILL, 2014 AND THE STATUTE LAW (MISC.AMENDMENTS), BILL, 2013 HELD ON WEDNESDAY 16TH MARCH, 2016 IN COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDING, AT 10:00 A. M.

PRESENT

1. Sen. Amos Wako M.P.
2. Hon. Samuel Chepkong'a, M.P.
3. Sen. Bonny Khalwale, M.P.
4. Hon.. Daniel Maanzo, M.P.
5. Sen.Kipchumba Murkomen, M.P.
6. Hon. Timothy Bosire, M.P.
7. Sen. Stephen Sang, M.P.

ABSENT WITH APOLOGY

Hon.Njoroge Baiya, M.P

IN ATTENDANCE

THE NATIONAL ASSEMBLY AND SENATE

- | | |
|-----------------------|--------------------------------------------|
| 1. Mr. Njenga Njuguna | Director, Committee Services, Senate |
| 2. Mr. Abenayo Wasike | First Clerk Assistant, National Assembly |
| 3. Mr. Ibrahim Leruk | Clerk Assistant, Senate |
| 4. Mr. Peter Muchira | Clerk Assistant, Senate |
| 5. Mr. Abisai | Principal Legal Counsel, National Assembly |
| 6. Ms. Claire Kidombo | Legal Counsel |
| 7. Ms. Judy Wahito | Legal Counsel |

MIN. NO. 001/2016:

PRELIMINARIES

The meeting was called to order at 10:20 a.m by the Director of Committee Services. This was followed by a word of prayer. The Director informed members on the purpose of the Committee

The Chairperson informed members that the Committee has two Bills to consider.

The Statute Law (Miscellaneous Amendments)(No.2) Bill (N.A Bill No.33 of 2013)

The Vice Chairperson briefed the Committee on the contentious provision which sought to enhance powers of the Transitional Authority. He however noted that the provision had been overtaken by events as the transitional Authority term had since lapsed. The Transition to Devolved Government Act which is the subject of the amendment is not in force.

Members of the Committee observed that the intention of the proposed amendment was noble and that they should explore possibilities of amending the Intergovernmental Relations Act, 2012 to achieve intended purpose.

The Secretariat was tasked to file the Intergovernmental Relations Act and explore if the suggestion was legally feasible and report back to the Committee in the next sitting.

The Political Parties (Amendment) Senate Bill No.3 of 2014

The Bill proposed amendments that would alter the threshold required by Political Parties to benefit from the Political Parties Fund. The Bill was lost in the National Assembly at second reading.

Members observed that the main Contention was in the threshold of determining allocation of funds to political parties.

The Committee noted that the National assembly is currently considering a Bill sponsored by Hon. Chris Wamalwa, MP. This may be targeting to amend clauses under deliberations by the Mediation Committee.

The Committee resolved as follows:

1. That the secretariat study the provision of the National Assembly Bill and flag out similarities and/or informative provisions with an aim of adding value to the Mediation process;