

Annexure 2

**Communication issued by
the Speaker of the Senate
on Tuesday, 5th March, 2024**

URGENT

REPUBLIC OF KENYA

② Clerk
for your approval
5/3/24
5/3/24



DCC(MA)
Submitted for
approval.
201
05/03/24

Rt. Hon. Speaker
You may approve/sign
J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 05/03/24

THIRTEENTH PARLIAMENT | THIRD SESSION
THE SENATE

COMMUNICATION FROM THE CHAIR

| NO. 05 OF 2024 |

**ACTUALIZATION OF THE RECOMMENDATIONS OF THE THE
NATIONAL DIALOGUE COMMITTEE FOR AMENDMENT TO THE
CONSTITUTION**

Honourable Senators,

1. As you are aware, the National Dialogue Committee was established by the National Assembly and the Senate vide a resolution passed on 16th August, 2023 and 29th August, 2023, respectively. The Committee was required to *“facilitate dialogue and consensus building and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya, in line with the Constitution and the laws of the Republic of Kenya and respecting the functional and institutional integrity of state organs.”*
2. The National Dialogue Committee was required to submit its report to Parliament and the leadership of the Kenya Kwanza and Azimio One Kenya Coalition on constitutional, legal and policy reforms on issues of concern to the people of Kenya. Upon conclusion of the national dialogue process, the Committee tabled its Report to Parliament for consideration.

3. On 21st February, 2024, the Senate adopted the Report of the Committee. Likewise, the National Assembly adopted the Report of the National Dialogue Committee on 22nd February, 2024. The Report contains various recommendations including recommendations proposing amendments of the Constitution and various statutes regarding several issues.

Honourable Senators,

4. At meetings held on Tuesday, 27th and Thursday, 29th February, 2024, the Speakers of the Houses of Parliament and the Leadership of both the Senate and the National Assembly deliberated on modalities for implementation of the recommendations contained in the Report of the National Dialogue Committee. The meeting agreed that –
 - a. Proposals for amendment of the Constitution to implement the recommendations of the National Dialogue Committee be referred to the Senate Standing Committee on Justice, Legal Affairs and Human Rights and the Departmental Committee on Justice and Legal Affairs of the National Assembly for their joint consideration.
 - b. The following legislative proposals recommended in the Report of the Committee be introduced in the National Assembly –
 - i. The IEBC (Amendment) Bill, 2024;
 - ii. The Ethics and Anti-Corruption Commission (Amendment) Bill, 2024;
 - iii. The Leader of Opposition Bill, 2024; and
 - iv. The National Government Coordination (Amendment) Bill, 2024.

- c. The following legislative proposals recommended in the Report of the Committee be introduced in the Senate –
- i. The Elections Offences (Amendment) Bill, 2024;
 - ii. The Elections (Amendment) Bill, 2024;
 - iii. The Statutory Instruments (Amendment) Bill, 2024;
and
 - iv. The Political Parties (Amendment) Bill, 2024.
- d. The Clerks of the Houses of Parliament to communicate to other entities, the recommendations that require action by the said entities.
5. I take this opportunity to thank the Speaker of the National Assembly, the Leadership of the Senate and the National Assembly, for providing a clear strategy for actualization of the recommendations of the Report of the National Dialogue Committee.

Honourable Senators,

6. Article 256 of the Constitution requires that any proposed amendments to the Constitution shall be considered by both Houses of Parliament. In this regard and following consultation with the Leadership of the two Houses of Parliament, the proposed amendments to the Constitution and to various statutes as contained in the Report of the National Dialogue Committee now stand referred to the Standing Committee on Justice, Legal Affairs and Human Rights.
7. The Standing Committee, working jointly with the Departmental Committee on Justice and Legal Affairs of the National Assembly in

accordance with Standing Order 230 of the Senate and Standing Order 202A of the National Assembly, shall consider the proposed amendments to the Constitution and recommend to the Houses of Parliament the manner of actualizing the recommendations of the National Dialogue Committee relating to the proposed amendments to the Constitution.

8. It is also notable that the proposed amendments to the Constitution may necessitate further amendments to or enactment of new statutes. In this regard, any proposed amendments to new statute that is consequential to the proposed amendments to the Constitution, also stand referred to the two Committees for consideration.

Honourable Senators,

9. The need to ensure that due process in the enactment of legislation, and as provided in the Standing Orders of both Houses of Parliament cannot be gainsaid. The two Committees are therefore directed to ensure that due process in the enactment of laws is adhered to in considering the proposed amendments during the joint sittings. This matter being one of immense importance and public interest, the Committees are directed to undertake the assignment expeditiously and to submit a report within forty five (45) days.

I thank you!

**RT. HON. AMASON JEFFAH KINGI, EGH, MP,
SPEAKER OF THE SENATE.**

5th March, 2024