



REPUBLIC OF KENYA

**THIRTEENTH PARLIAMENT | THIRD SESSION
THE NATIONAL ASSEMBLY**

COMMUNICATION FROM THE CHAIR

(No. 006 of 2024)

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

Honourable Members,

1. As you are aware, the National Dialogue Committee was established by the National Assembly and the Senate vide Resolutions passed on 16th August 2023 and 29th August 2023, respectively. The Committee was established to, among other things, *"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 to submit its report to Parliament and the leadership of the *Kenya Kwanza* and *Azimio One Kenya* Coalition on constitutional, legal and policy reforms connected to the identified 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. **Honourable Members,** the Report, which contained various recommendations including proposals to amend the Constitution and various statutes, was adopted by the National Assembly on 22nd February 2024.

Similarly, the Senate adopted the NADCO report on 21st February 2024.

4. Honourable Members, at meetings held on Tuesday, 27th February 2024 and Thursday, 29th February 2024, the Speakers of the Houses of Parliament and the Leaders of the Majority and Minority Parties in both the National Assembly and the Senate deliberated on modalities for implementing the recommendations contained in the Report. The meetings agreed that –

a) The proposals to amend the Constitution as contained in the NADCO Report be referred to the Departmental Committee on Justice and Legal Affairs of the National Assembly and the Senate Standing Committee on Justice, Legal Affairs and Human Rights for consideration;

b) The following legislative proposals be introduced in the **National Assembly** –

- (i) The Independent Electoral and Boundaries Commission (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 be introduced in the **Senate**

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- (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. Honourable Members,** noting the clear roadmap adopted by the leadership of the Houses of Parliament, I take this opportunity to thank the Speaker of the Senate, and the Leaders of the Majority and Minority Parties in the National Assembly and the Senate, for their steadfast commitment and for providing a clear strategy to actualize the recommendations of the Report.
- 6.** Having said that **Honourable Members,** it is noted that 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 Speaker of the Senate, Leadership of the Houses of Parliament, the proposals to amend the Constitution and to various statutes as contained in the Report of the National Dialogue Committee now stand referred to the Departmental Committee on Justice and Legal Affairs.
- 7. Honourable Members,** I direct the Departmental Committee on Justice and Legal Affairs of the National Assembly to hold joint sittings with the Senate Standing Committee on Justice, Legal Affairs and Human Rights, in accordance with the National Assembly Standing Order 202A and the Senate Standing Order 230. The two Committees are required to expeditiously consider the proposals to amend the Constitution and recommend to the Houses, the manner of actualizing the recommendations of the National Dialogue Committee.

8. Honourable Members, It is further noted that the proposals to amend the Constitution may necessitate further amendments to, or enactment of new statutes. In this regard, any proposed amendments to new statutes that are consequential to the proposals to amend the Constitution shall also stand referred to the two Committees.

9. Honourable Members, the need to ensure that due process in the enactment of legislation as provided in the law and the Standing Orders of both Houses of Parliament, cannot be gainsaid. The two Committees are therefore directed to ensure strict adherence to the due process in considering the proposed amendments during the joint sittings. Finally, 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 from today.

I thank you!


THE RT. HON. (DR) MOSES F.M. WETANG'ULA, EGH, MP,
SPEAKER OF THE NATIONAL ASSEMBLY

Tuesday, 5th March 2024