



The SENATE

For the Welfare of Society and the Just government of the People

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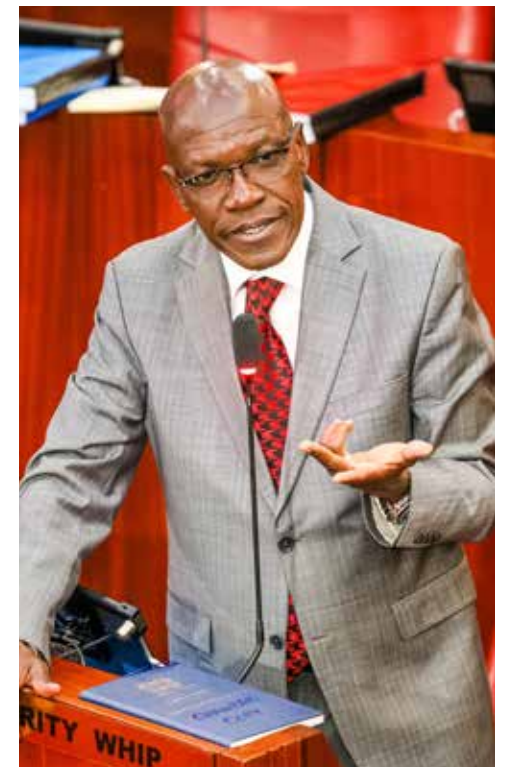
Weekly

House starts debate on County Boundaries Bill

In attempting to provide a framework for dealing with boundary disputes, the Bill establishes the County Boundaries Mediation Committee as the first instance for dealing with county boundary disputes.



Senator Moses Kajwang, the sponsor of the County Boundaries Bill, 2023, with Senator Samson Cherarkey.



Senator Boni Khalwale wants the Bill stood down for more consultations with the National Assembly.

The House has started debate on the County Boundaries Bill, 2023, with lawmakers describing it as long overdue and called for its quick enactment.

The Bill, which is at the fourth attempt by Parliament to develop a legislative framework on county boundary disputes, seeks to define the boundaries of counties in Kenya, provide for the resolution of county boundary disputes through the establishment of ad hoc boundaries mediation committee.

It also seeks to give effect to article 188 of the Constitution on the alteration of boundaries.

The Bill, which is sponsored by Senator Moses Kajwang, had previously been brought to the House under the sponsorship of Senator Mutula Kilonzo Jnr., who is now the Governor of Makue-

ni County.

“There have been all sorts of arguments against the approach that we had taken in enacting the Bill in the past. I do hope that this time, this Bill will get bi-partisan and bi-cameral support,” said Senator Kajwang in his moving notes.

The territory of Kenya is defined in Article 6 as comprising of the 47 counties that have been listed in the First Schedule of the Constitution.

Clause 17 provides that a petition to Parliament for alteration of the boundaries of a county may be made by any person who is a registered voter.

A Member of County Assembly (MCA) whose boundary is proposed to be altered will also be allowed to present such a petition if the Bill becomes law.

However, the MCA’s petition will

be accompanied by a resolution of the county assembly supported by at least two thirds of the elected members of the county assembly.

A senator or Member of the National Assembly representing a county or constituency within the county whose boundary is proposed to be altered will also have the power to petition parliament. So is the governor on behalf of the county government that proposes the alteration of its boundary.

A petition by a registered voter shall be required to be supported by at least 15 per cent of the registered voters of the petitioner’s county, states the Bill.

However, Clause 46 of the Bill says a petition for boundary alteration will not be allowed where a general election is scheduled to be held within 12 months of the date of the submission of the petition

to the Senate.

The petition will be submitted to the Speaker of the Senate who will, within 7 days, report the receipt of the petition to the House and refer the same to the special committee of the House established for consideration of the petition.

Clause 20 gives the Special committee 30 days and recommend either to refer the dispute to a mediation committee or the establishment of an independent county boundaries commission or that the Senate does not recommend the establishment of the Commission.

If the special committee recommends that a dispute should be referred to a mediation committee or that an independent county boundaries commission should be established, the Senate shall, within 7 days, consider the recommendations.

Where the Senate does not recommend the establishment of a Commission, no further proceedings shall take place in respect of the petition.

Where the Senate approves mediation as the appropriate means of resolving the boundary dispute, the Speaker of the Senate shall, within 7 days of the resolution, forward to the president the establishment of a county mediation committee.

Where the Senate approves for the establishment of a Commission, the resolution of the House shall be referred to

the National Assembly for concurrence. The National Assembly shall have 30 days to consider the resolution of the Senate.

Where the two Houses will concur, the President will be required to establish the Commission with the approval of Both Houses.

Senator Kajwang said the challenge with the Districts and Provinces Act, which the Bill seeks to repeal, is that the boundaries are described in a very narrative form in many cases.

“There are very few counties where

the boundaries are expressed in forms of Global Positioning System (GPS) coordinates,” he told the House, adding that the Bill makes it mandatory for the Cabinet Secretary to maintain an electronic register using the latest advanced technologies to ensure that county boundaries are mapped and captured using Geographic Information System (GIS) or GPS; the relevant technology.

“It makes it an offense for anyone to alter those records. That is captured in Clause 3 of the Bill.”

Majority Whip Boni Khalwale pro-

posed that the Bill be stood down because it could sail through the Senate and flop in the National Assembly.

“We should stand it down and get a better fix. The better fix is that we should go back to the people with a Constitutional Amendment Bill to reduce the number of counties.”

He proposed Nairobi be removed from being referred to as a county and that regional counties should be amalgamated.

House upholds Kisii Deputy Governor impeachment, votes to remove him from office

Dr Robert Monda has become the first Deputy Governor to lose his seat after the Senate voted overwhelmingly to remove him from office.

The trial conducted by the full plenary of the House found the deputy Governor culpable of all the four charges leveled against him by the Kisii County Assembly.

Ten years since the advent of County Governments, at least three Deputy Governors have been hauled before the Senate with allegations touching on the violation of the constitution.

Of the three, Dr Monda was not so lucky as he was removed from office after the Senate found him guilty as charged on all the four charges levelled against him.

Dr Monda, who served as Nyaribari Chache MP in the 10th Parliament, faced four charges; gross violation of the Constitution and any other law, abuse of office; gross misconduct and crimes under National Law.

Dr Monda was accused of soliciting a bribe of Sh800,000 from a resident in exchange for facilitating his son's employment.

Such actions were deemed a violation of Article 232, which mandates public officers to adhere to the values and principles of public service.

The former Deputy Governor was accused of using his office to intimidate his family members, diverting county enforcement officers from their duties to work for his personal gain, and exhibiting an abuse of power which was deemed detrimental to the public interest.

“The Senate has resolved to remove from office, by impeachment, Dr Robert Monda, the Deputy Governor of Kisii County. The Deputy Governor, therefore,

ceases to hold office forthwith,” ruled Speaker Kingi after the late-night vote.

The first Deputy Governor to be impeached by a County Assembly was Mr Benard Kiala who served as Deputy to Machakos Governor Alfred Mutua between 2013 and 2017.

Mr Kiala was impeached in 2014 when the County Assembly accused him of gross violation of the National Cohesion and Integration Act and abuse of office.

The Special Committee that was formed to investigate him upheld the impeachment and 7 of its members recommended his removal from office.

Then Mombasa Senator Hassan Omar Hassan, who was a member of the committee, dissented and in his Minority opinion to the House argued that the accusation against Mr Kiala did not meet the threshold of impeachment.

However, members of the Minority side at that time rallied their troops and voted to defeat the report of the Committee, saving Mr Kiala's blushes.

Same script was at play many years later, in 2023, when Siaya County Assembly impeached Deputy Governor William Oduol after it found him culpable for gross violation of the Constitution and other laws, abuse of office and gross misconduct.

Like Mr Kiala before him, the Special Committee the House appointed to investigate Mr Oduol found him guilty and recommended his removal from office.

But the Majority side rallied its members voted to overturn the report of the Special Committee and saved Mr Oduol from the sack.



Dr Robert Monda accompanied by his wife arrive in Parliament Buildings for the hearing of the trial for his removal from office as Kisii Deputy Governor. The House upheld his impeachment.



Dr Monda, then Kisii Deputy Governor, defends himself on the floor of the House on allegations levelled against him.

Speaker Kingi to pick House reps to the joint Mediation Committee on Employment Bill



Speaker Kingi in the procession to the House at the start of impeachment proceedings against Dr Robert Monda

Speaker Amason Kingi has promised to pick Senators who will represent the House in the Mediation Committee following the decision of the National Assembly to reject the Employment (Amendment) Bill, 2022.

The Senate considered and passed the Bill on August 1, 2023 and referred it to the National Assembly for consid-

eration.

However, the National Assembly considered and rejected the Bill on Tuesday, March 5, 2024, necessitating the need for the formation of a Mediation Committee.

“Pursuant to the provisions of the Standing Orders and in consultation with the Majority and Minority Leaders, I will

at the appropriate time, appoint Senators to the Joint Mediation Committee,” said Speaker Kingi after he communicated to the House the message from the Speaker of the National Assembly.

The Bill seeks to amend the Employment Act to provide for the employees the right not to be contacted by the employer beyond the contracted working hours unless it is an emergency.

The Bill allows an employer to contact an employee during out-of-work hours only for the purpose of addressing an emergency and places an even stricter caveat on this provision, by stipulating that the employer can only make contact to the extent necessary to address an emergency arising out of work falling within the employee’s responsibility.

The Bill places the responsibility of invoking this right on employees by granting them the right to disregard any communication from work during out-of-work hours and absolves them from any form of reprimand for doing so.

The proposed law, sponsored by Nandi Senator Samson Cherarkey, provides that should an employee choose to answer the calls and take up the assignment, they will be entitled to compensation by the employer.

“Where an employer contacts an employee during the period when there is no mutually agreed out of work hours, the employee shall not be obliged to respond,” the Bill reads in part.

Out of work hours are defined in the Bill as hours other than those agreed upon between an employer and an employee in the contract of employment.

“The principal object of the Bill is to provide for the right to disconnect in the digital age. The right of employees to have their personal time and privacy respected,” the proposed law said.

An employer who forces his employees to do the assignment and fails to compensate them, he or she will be liable to a fine of Sh500,000 or spend one year in jail.

Speaker Kingi at the 75th Commonwealth of Nations Summit in London

Speaker Amason Jeffah Kingi and his National Assembly counterpart Moses Wetang’ula were among leaders and dignitaries from across the globe who attended celebrations to mark the 75th Anniversary of the Commonwealth of Nations and Summit in London on Monday, March 11, 2024

The event was hosted by the Speaker of the House of Commons, Sir Lindsay Hoyle.

The two leaders also took part in the wreath laying ceremony at the Commonwealth Memorial Gates, alongside Speakers of other National Parliaments in the Commonwealth and a select number of guests and dignitaries.

The Memorial Gates, located on Constitution Hill, were inaugurated in 2002 by the late Queen Elizabeth II as a lasting memorial to honour the five million men and women from the Indian subcontinent, Africa, the Pacific Islands and the Caribbean and Nepal, who volunteered to serve in the First and Second World Wars.

Earlier, Speaker Kingi and Speaker



Speaker Kingi lays the wreath at the Commonwealth Memorial Gates, London, during the 75th Anniversary of the Commonwealth of Nations Summit.

Wetangula visited the House of Commons, courtesy of the invite by the Speaker Hoyle.

The House of Commons is the Lower House of the Parliament of the United Kingdom. Like the upper House – the House of Lords, it meets in the Palace of Westminster in London.



Speaker Kingi and Speaker Wetangula are acknowledged during the celebrations held in London.



The Speaker signs a visitors’ book when he visited the House of Commons at the invitation of Speaker Lindsay Hoyle.



Speaker Kingi joins Speakers of other national Parliaments during the laying of wreaths at the Commonwealth Memorial Gates, London.

Committee to probe whereabouts of man who disappeared three years ago



Members of the Justice Committee from left Senators Wakili Sigei, the Chairman, Hamida Kibwana, Raphael Chimera and Fatuma Dullo.

The Senate has launched a probe into the failure by the Office of the Director of Public Petitions (ODPP) to unearth the alleged abduction and disappearance of Mr Joshua Gichuki Mwangi, three years after he went missing.

The missing man's family, through Ms Christine Njoki Mweru, petitioned the House on the matter that has attracted public attention, claiming that the investigative and prosecuting bodies have failed to apprehend the main suspect who, they claim is known.

Speaker Amason Kingi directed the Committee on Justice, Legal Affairs and Human Rights to consider the petition and report back to the House and affected family within 60 days.

The Speaker noted that the family is disturbed that the ODPP has failed to complete investigations and arrest and

prosecute suspects involved in the abduction and disappearance.

Mr Mwangi is the husband of Ms Mweru, the petitioner, who has now turned to the Senate to get to the bottom of his whereabouts.

The petition says that on February 3, 2020, Mr Mwangi left their home in the company of one Mr Dennis Ndubi Mauda, aboard their vehicle of registration number plate KCS 481F.

A day later, the vehicle was found abandoned in Ruaka in the outskirts of Nairobi the same day the petitioner made an official report about the disappearance of her husband.

On February 13, 2020, she received a call from the investigating officer informing her that Mr Mauda had been summoned to record a statement at Kabete Police Station.

Ms Mweru has on several occa-

sions written to the Director of Criminal Investigations (DCI) to follow up on her husband's case but has received unsatisfactory responses.

"The case was transferred from the original police station with jurisdiction to the Nairobi area, DCI offices to be assisted by the now defunct Special Crimes Unit where the petitioner met uncooperative officers," Speaker Kingi informed the House while quoting the petition.

On June 5, 2023, the ODPP directed the DCI to record further statements from the petitioner and her daughters regarding the disappearance of Mr Mwangi.

Speaker Kingi informed the House the issues presented in the petition have been raised with the relevant bodies, including the Commission on Administrative Justice, the Independent Policing Oversight Authority, the Inspector Gen-

eral of Police, the Internal Affairs Unit, the Ministry of Interior and Security and the ODPP, all of which have borne no fruits.

"The petitioner prays that the Senate investigates this matter with a view of ensuring that the relevant bodies in charge of investigation and prosecution give their account on why justice has never been served," said Speaker Kingi.

And adds: "That the Senate ensures that justice is served on the matter to enable the family to find closure on the disappearance of Mr. Joshua Gichuki Mwangi in the hands of known suspects."

"The committee is required to respond to the petitioner by way of a report in not more than 60 calendar days from the time of reading the Prayer," Speaker ruled.

Committee tours Taita Taveta on hardship allowance mission

In response to the request by Senator Johnes Mwaruma, the Education Committee made a site visit to Taita Taveta County between March 8 and 9, 2024 to determine whether the county should be declared a hardship area so that teachers in the area qualify to be paid hardship allowances.

During the meeting the Committee, chaired by Senator Joe Nyutu paid a courtesy to Governor Andrew Mwadime and held meetings with local Kenya National Union of Teachers (Knut) and Kenya Union of Post Primary Education Teachers (Kuppet) and

the local leadership of Teachers Service Commission.

Members of the committee on Education with Governor Andrew Mwadime. The Committee had toured the County on official business.

The Committee on Education chair Joe Nyutu and Senator Johnes Mwaruma during a public meeting with education stakeholders in Taita Taveta County.

Members of the Public who participated in the public meeting between the Committee on Education and education stakeholders in Taita Taveta county.



1. The Committee on Education led by Chairman Joe Nyutu (in blue shirt) with Governor Andrew Mwadime when members toured the County in response to the request for a statement on the floor of the House. Others Senators in the group are Johnes Mwaruma, Agnes Kavindu and James Murango.
2. Senator Joe Nyutu and Senator Johnes Mwaruma during the public meeting with education stakeholders in Taita Taveta County.
3. Members of the public who participated in the meeting between the Committee on Education and education stakeholders in Taita Taveta county.

Committee promises to anchor law to facilitate post legislative scrutiny



Senators Esther Okenyuri, Ledama ole Kina and Mariam Omar during the meeting. On the right is Senator Jackson Mandago, the chair of the committee.



The Health Committee has promised to implement the recommendations of a report of a consultant who had engaged to conduct a Post Legislative Scrutiny (PLS) of the Health Act, 2017.

The Committee, chaired by Senator Jackson Mandago, hosted Westminster Foundation for Democracy (WFD) for a breakfast meeting together with the consultant who conducted a PLS pilot enquiry on the Act in February 2023.

The pilot inquiry was to expose the Senate to the procedure of executing the PLS in a structured manner with a view to building existing structures and procedures.

Health being a major sector affecting both national and county govern-

ments, there is a need to ensure there is effective implementation of the provisions provided in the Act.

Through the consultants, an assessment was done to find out how far the Health Act, 2017 has been institutionalised. It was reported that PLS is a mechanism that the Senate can use to ensure that the passed laws are implemented.

Challenges such as low numbers of skilled staff, inadequate enforcement of standards, regulatory provisions, low coverage health insurance, lack of clarity on health laws, over regulation on health professions and stakeholders and inadequate infrastructure were revealed from the inquiry.

“The Committee will work on

coming up with amendments to the Act which will be implemented based on the key findings on the inquiry report,” stated Senator Mandago during the meeting, while pledging to engage further to ensure that the recommendations are implemented.

To address the challenges identified, it was recommended that the budget allocation for the implementation of the Act be enhanced.

A comprehensive assessment of existing healthcare should be improved, implementation of a strong communication strategy between the healthcare professionals and stakeholders and investment in capacity building and implementation of a monitoring tool to evaluate the progress of the im-

plementation of the Act.

The Senate Liaison Office was established to come up with innovative ways of supporting House Committees. The Office identified a gap for Post Legislative Scrutiny (PLS) to assess and determine if the Bills enacted continuously serve the intended purpose.

PLS is an emerging concept tool that Committees of the legislation can use to utilize for monitoring and evaluating the passed laws.

Under Standing Order 228 4(b), the Senate can institutionalise PLS as a primary tool in all Committees, establish a stand-alone Committee or establish PLS for directorates or departments.

The Chair concluded the meeting by appreciating WFD for their continued support and ensured WFD that the Committee will continue to work closely and engage further with them to standardize health operations by developing clear guidelines and policy frameworks at county level.

Members present at the meeting were Senator Omar Mariam Sheikh (vice chair), Senator Esther Okenyuri, Senator Raphael Chimera, Senator Ledama ole Kina Ledama and Senator Joe Nyutu.

Senators propose Sh415B allocation to counties



Senator Ali Roba, the chairman of the Finance and Budget Committee

Senators are piling pressure on the National Treasury to increase the allocation due to counties to Sh415 billion in equitable shareable revenue for the 2024/25 financial year.

The National Treasury has recommended Sh391 billion in the Division of Revenue Bill, 2024, currently before the National Assembly, but the lawmakers warn that the figure should be increased because some of the counties are facing serious financial challenges.

In the Bill, out of the total Sh2.94 trillion sharable revenue, the national

government will get Sh2.5 trillion while counties will get Sh391 billion and with another Sh7.8 billion going to the Equalization Fund.

The Council of Governors (COG) is demanding an allocation Sh450 billion down from Sh470 billion proposed earlier while the Commission on Revenue Allocation has proposed counties to be given sh407 billion down from Ksh.416 billion after presentations to Treasury.

The proposed allocation has increased the amount due to county governments by 1.5 per cent, from 2023/24 allocation, which was Sh385.425 billion, compared to a 13.9 per cent projected increase in ordinary revenue collection of the Government.

During the debate on the report of Committee on Finance and Budget on Budget Policy Statement, the lawmakers argued that the proposed allocation should not be less than Sh415.9 billion.

They argued that allocation to county equitable share in the next financial year is disproportionate compared to the

projected growth in revenue, denoting inequity in resource distribution.

Senators blame the Commission on Revenue Allocation (CRA) for failing in its mandate in ensuring revenues are shared equitably during.

“The Committee did not get a serious scientific quest from CRA. The Commission did propose that we allocate to counties Sh398 billion,” said Senator Eddy Oketch while seconding the debate on the report of Committee on Finance and Budget on the 2024 Budget Policy Statement.

Articles 216 and 217 of the constitution, mandates CRA to dissect the parameters to be used to know what is the shareable revenue to go to the counties.

The National Treasury is proposing Sh391 billion as the allocation to county governments as an equitable share for the 2024/25 financial year.

The proposed figure is an increment from Sh385.4 billion allocated to counties in the 2023/24 financial year, an additional Sh5.7 billion (1.47 per cent

growth).

The proposed allocation represents approximately 13.2 per cent of the projected ordinary revenue of Sh2.948 trillion for 2024/25 financial year.

The committee has proposed that the National Treasury should take the Sh385.4 billion counties received last year as the baseline. This will be graduated by adjusting for absolute revenue growth of 6.4 per cent which is based on the actual ordinary revenue growth realised in the 2022/23 financial year.

They also want the National Treasury to repurpose the scrapped Medical Equipment Services (MES) programme, that is shared medical equipment that the counties still need to have for Sh5.86 billion.

The total additional allocations to counties should stand at Sh55.453 billion and the allocation to the equalisation fund for 2024/25 should be set at Sh7.852 billion in line with the most recent audited and approved accounts by the National Assembly of Sh1.570 trillion.

CPAC invites Burundian watchdog committees to Kenya for benchmarking



Ms Generose Kiyago, the President of the Burundi Court of Audit.

The County Public Accounts Committee (CPAC) says Parliament is ready to offer support to Members of Burundi Parliament to build capacity and understanding consideration of audit reports.

Senator Moses Moses Kajwang', who chairs the committee, said this will be done in the spirit of East African Community brotherhood and extended invitation to Committees of Burundi Parliament to visit Kenya for benchmarking.

"We invite Members of Burundian Parliament to visit and see how Kenyan Parliament considers reports of auditor general," said Senator Kajwang', advising the Central African Government against visiting countries in the West for the learning.

The Senator was speaking on Thursday when he led members of the Committee in a meeting with Ms Generose Kiyago, the President of the Burundi Court of Audit who was in Kenya on a peer-to-peer exchange in public sector auditing.

"We can discuss with our colleagues how to interact with the reports of your office," Senator Kajwang added.

The Committee praised the Office of the Auditor General in Kenya, saying it has been steadfast in promoting accountability and transparency in the utilisation of public funds even though he regretted that Parliament has not been as steadfast in considering the reports.

This failure of Parliament to keep pace, he observed, has undermined efforts toward increased funding to counties.



Senator Kajwang' chairs the meeting between CPAC and the President of Burundi Court of Audit who was accompanied by officials from the Office of the Auditor General, Kenya.



Senator Kajwang and other members of CPAC in a photo with the President of Burundi Court of Audit.

"This committee has worked very well with the Office of the Auditor General and if we get similar partnerships with other agencies involved in accountability issues, we will help in giving effect to our work," Senator Kajwang told the Burundian public auditor.

In Kenya, the law requires Office of the Auditor General to carry out inspection of books of public entities and submit the reports to Parliament within six months after the end of the financial year.

Public entities have three months to prepare the books of account after the end of the financial year and submit their reports to the Auditor by September 31 of every year.

The Office of the Auditor General has three months to inspect the books and submit the reports to Parliament within three months, ie December 31 of every year.

The Auditor General has already tabled reports for the year ending June 2023 while Parliament is two financial

years back, still considering audited accounts for the year ending June 2020.

This means that Parliament is three years behind the Office of the Auditor General.

Senator Kajwang briefed the President on the mandate and operations of the committee while hailing the Office of the Auditor General for having made the work of the committee easier.

"We have seen transformation in the Office of the Auditor General since the promulgation of the 2010 constitution. We have worked well. The Office has been excellent in complying with the legal provisions of preparation of audit reports," he said while challenging Ms Kiyago to copy from Kenya Audit office.

He cited the 2010 constitution and the Public Audit Act as some of the tools that have strengthened auditing work.

"The tools have empowered the human resource in the Office of the Auditor General. The Office has the best brains in auditing. I ask you to borrow a leaf and fight to have the right staff in your

office. You need the right people around you who will make you successful," he said.

Ms Kiyago also took the committee through the auditing process in Burundi but revealed that she had been excited with the idea of citizen accountability.

"It is a new innovation for me because in Burundi we don't audit with other people," she said, adding that she will engage with her colleagues to explore ways citizen accountability can be adopted in Burundi.

Like in Kenya, Audit reports in Burundi are forwarded to their parliament, but unlike Kenya, the consideration of the reports is exclusively conducted by the Committee and the officers of the auditor general are only called in for clarification.

In Kenya, the Officers of the Auditor General are attached to the committee and they are part and parcel of watchdog committee sittings.

CPISFC wants internal controls of County Funds strengthened

The Committee on County Public Investments and Special Funds (CPISFC) last week intensified its oversight role, questioning three County Governors over financial irregularities exposed in recent Auditor-General's reports.

The committee held meetings with the Governors of Narok, Lamu and Nakuru counties after which it issued a number of directives aimed at strengthening internal controls, enforcing compliance and promoting fiscal accountability within the devolved units.

Narok Governor Patrick Ole Ntutu was the first to appear before the committee, which is chaired by Senator Godfrey Osotsi over audit reports of the County Bursary Fund, Alcoholics Drinks Control Fund, Maasai Mara Support Fund, and Narok County Revenue Fund for the 2020/21 and 2021/22 financial years.

Citing pervasive failings, the committee directed the Governor to implement financial manage-

ment systems, ensure accurate record-keeping in line with the Public Finance Management Act and submit all requisite documents as provided for in the law.

Failure to comply could precipitate investigations and potential prosecutions, the committee warned.

"Our future expectation is that all fund-related expenditures receive proper legal approvals," Senator Osotsi warned.

Lamu Governor Issa Timamy came under scrutiny over the County's Bursary Fund, Executive Housing Fund and Emergency Fund audits.

According to the Auditor General, Sh23 million in bursary disbursements during 2021/22 lacked requisite documentation and formal applications.

The Committee directed the Ethics and Anti-Corruption Commission the investigate the matter and file back the report to the Committee within 30 days.



Senator Osotsi and Ole Kina, members of County Public Investments and Special Funds Committee.

The Committee also hosted Governor Susan Kihika who was interrogated over the County's Emergency and Bursary Funds for the same three-year period.

The Auditor General had revealed glaring deficiencies, including irregular allowance payments to county assembly members totalling Sh6.04 million in 2019/2020 financial year, which the governor must justify or initiate recovery processes within a month.

"The Governor is hereby given 60 days to establish effective internal control systems and policies that align with legal requirements," directed Senator Osotsi, adding that capacity building for accounts and finance personnel should also be implemented.

The committee emphasised adherence to accounting standards, timely financial reporting and prudent fund management to safeguard public resources.

This Week in History



"While the aetiology of their disappearance may not be known for now, it is incumbent upon the country to demystify the exams so that candidates do not look as them as death sentences, making them disappear on the eve of exams. We need to ensure that we assure our students that even if they do not do well, that is just a grading system. Those who are not as good as others can end up in polytechnics and will become useful members of the society. In any case, some of the most successful people in the society are not necessarily those who speak fluent English, or that pass all their exams. That is one facet of life. I would want to send the message to the country from the Floor of this House that we need to have a system that is very conducive." –

Senator (Dr.) Isaac Mwaura contributing to debate on the Statement on the rampant cases of candidates missing examinations on March 22, 2022.



"It is important to note that this is the world of today. The entire world is in stress because of the COVID-19 situation and now the war in Ukraine and other countries. That is no excuse to speak about our own situation. I am just saying, this is what is happening in the world. In a system that is not parliamentary like ours, which is a presidential system of government, it is a chairperson of a committee who is charged with the responsibility, like a Cabinet Secretary, to return quickly with answers to such issues."

Senator Samuel Poghiso contributing to the debate on the Statement on unbearable cost of living in the country on March 22, 2022



"Ni jambo la heshima na la kusifu ya kwamba shughuli za bunge sasa zinaweza kuendeshwa kwa lugha ya Kiswahili, Kizungu na pia lugha ya Ishara. Hili ni jambo ambalo linatufanya sisi kujivunia kuwa Wakenya, ya kwamba tuko na lugha tatu ambazo tunaweza kutumia katika nchi yetu."

Seneta Stewart Madzayo akichangia hoja ya Taarifa ya Spika kuhusu uchapishaji wa Kanuni za kudumu katika Kiswahili na uwililugha mnamo Machi, 22, 2022



"Haya mambo ambayo najaribu sana kutafuta matamshi ambayo nitatumia kuweza kusisitiza ni mambo ambayo yatatusaidia kama Wakenya. Yatatusaidia kwa sababu kama mimi sasa niko hapa ninaanza kujifunza Kiswahili. Mimi sikuwa ninajua Kiswahili. Nimeishi Marekani miaka 20 na ninajaribu pole pole. Zikiwekwa kwa Kimaasai zitatusaidia tuendelee. Wale watoto ama akina mama ambao hawakupata nafasi, tunaweza kuwaambia hizi Standing Orders zetu zinasema hivi na vile."

Seneta Ledama ole Kina akichangia hoja ya taarifa ya Spika kuhusu uchapishaji wa Kanuni za kudumu katika Kiswahili na uwililugha mnamo Machi, 22, 2022

Help us recover Sh10 billion from Magadi Company, Governor Lenku pleads with CPAC



Governor Lenku before CPAC last week



Senators Kajwang, Onyonka and Omar during the meeting with Governor Kachapin of West Pokot County.



Senators Edwin Sifuna and John Methu consult during the CPAC meeting with Governor Lenku.

The County Public Accounts Committee (CPAC) hosted two County Governors to two separate meetings to look into the reports of the Auditor General for the 2019/20 and 2020/21 financial years.

In the first meeting (Monday), Kajiado Governor Joseph Lenku pleaded with the Committee to help it recover billions of shillings it is owed by the Magadi Soda company in unpaid levies and taxes.

The Governor further revealed the lease contract of the company has expired but it has been controversially extended for 50 years in a way the County Government cannot explain.

The Company owes the County in excess of Sh10.5 billion and accrued through nonpayment of levies and resultant penalties from mining Soda ash, taxes and Cess dues.

The two sides have been in-

involved in a legal battle but the company lost the cases after the court ruled that the County has the right to levy and demand taxes from the company.

“The Company is not paying the money even after it lost the court case,” Governor Lenku told the Committee when he appeared before the Committee to respond to audit queries for the 2020/21 financial year.

Governor Lenku told the Com-

mittee that Company applied and was granted the request to have the parties settle the matter through arbitration.

The company abandoned the arbitration after it realised that things were not going as it wanted.

“We have now heard that the company has filed a notice for appeal of the high court decision,” said the Governor.

Senator Edwin Sifuna, who chaired the session, wanted to know whether the County had gone back to court to report the Company for opting out of the arbitration.

“A party that abandons arbitration must be made to pay,” said Senator Sifuna.

Senator Seki Lenku ole Kanar supported the Governor, describing the request as valid. “Let the Management of Magadi Soda company appear here and explain why are not paying the money,” he said.

On Tuesday, the committee warned that a major risk to devolution in West Pokot County revolves around project management and directed the County Government to focus on completing projects that have stalled for a long time.

The Committee expressed its concern to Governor Simon Kachapin over the many stalled projects initiated by the County Government that have continued to gobble public resources at the expense of service delivery.

“There are too many stalled projects that you must focus on completing,” said Senator Moses Kajwang, who chairs the Committee, adding that some of the projects were irregularly procured.

The Governor had appeared before the committee to respond to queries raised by the Auditor General in the Report of the county for the 2021 financial year.

In the report, the Office of the Auditor General raises questions on a number of stalled projects, some that date back as far as 10 years, including the Governor’s official residence, whose construction started in 2015.

The Auditor General states that in the 2021/22 financial year, the County Executive approved a budget of Sh2.6 billion to implement 1, 035 projects.

However, only 456 projects with a budget of Sh890 million were implemented, while 579 projects with a budget of Sh1.7 billion, or 66 percent of the budgeted projects, were not implemented.

Apart from the governor’s office, other stalled projects include the construction of Propoi Dispensary, whose construction started in 2017 and was supposed to have been completed in 2019.

Boundary conflicts, e-Citizen, Police's excesses and Public Service human resource policies: Senators ramp up their representative role



Senators David Wafula, Edwin Sifuna, Raphael Chimera and Veronica Maina

Senator Raphael Chimera wants the State to explain the scope of the boundary dispute between Kwale and Kilifi counties, especially in Kanjaocha Village in Samburu/Chengoni Ward in Kwale County.

The Senator wants a disclosure of the underlying causes of the conflict as well as any obstacles impeding its resolution.

In a request for Statement on the floor of the House, the Senator wants the Committee on Devolution and Intergovernmental Relations to explain reasons for the frequent clashes between the Gede, Mitangani and Duruma communities, clarifying whether they are linked to the boundary disputes.

“The Committee should outline any steps taken by the national and county governments to resolve the disputes and explain the basis for the recent declarations by the county commissioners from the respective counties regarding the matter,” states Senator Chimera.

He wants the committee to develop recommendations to mitigate the adverse impact of the dispute, including double taxation of traders by the county governments in boundary regions pending resolution of the disputes.

He further wants the committee to develop recommendations for conclusive resolutions of the disputes, detailing any targeted interventions required of the national and county governments.

Senator Edwin Sifuna is concerned about the recent use of excessive force by the police during the demonstration by the Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU) on February 29, 2024.

The Senator wants the Committee on National Security, Defence and Foreign Relations to state whether the Nairobi Regional Police Commander was noti-

fied by the KMPDU of their intention to hold the procession and requested to provide security for the procession.

He wants the Committee to outline the protocols for police engagement during demonstrations, explaining why KMPDU’s march was disrupted by the police who launched tear gas at KMPDU members, gravely injuring the union’s Secretary General, Mr. Davji Atellah, and several young medical interns.

“The Committee should disclose the identities of all officers who launched teargas at the procession, particularly targeting the union’s Secretary General, and provide a status update on disciplinary proceedings initiated against the said officers,” said Senator Sifuna, adding that the committee must indicate whether the Government has or intends to provide medical assistance and compensate those who were injured by the police during the procession.

He also wants the committee to outline any measures put in place to guard against intimidation and harassment of individuals exercising their constitutional right to demonstrate peacefully and to safeguard similar incidents in the future.

Senator Veronica Maina wants the House briefed on the effects of the proposed energy (electricity market, bulky supply and open access) regulations by the Energy and Petroleum Regulatory Authority (EPRA) on the electricity sector in the country.

The Senator wants the Committee on Energy to explain the capacity of the proposed Energy Regulations, 2024, to pave the way for a more dynamic and potentially more cost-effective energy market for Kenyan consumers.

She also wants to be notified on the strategies and measures put in place by the Ministry of Energy to ensure a

smooth and successful transition upon doing away with the monopoly in electricity transmission and distribution currently enjoyed by Kenya Power.

The Senator wants details of any potential challenges and opportunities that are likely to be brought by the proposed regulations with a view to safeguarding consumer interests throughout this transformation.

“The Committee should outline the extent to which Independent Power Producers (IPPs) ignite healthy competition, potentially resulting in streamlining of the electricity market and ensuring optimal resource utilization, thereby fortifying the nation’s power infrastructure and reliability,” she said in a request for the statement in the House.

She wants the State to explain any oversight mechanism the Government has put in place to ensure that the envisioned benefits for Kenyans are realised to the fullest, particularly enhanced money market efficiency, the possibility of affording consumers a broader spectrum of choices of service providers as well as inventive solutions and reduced electricity prices. I have a second Statement on the efficiency and competitiveness of the Port of Mombasa.

In another statement, the Senator wants the Committee on Roads, Transportation and Housing to explain the efficiency and competitiveness of the Port of Mombasa.

In the Statement, the Committee should provide details on how the vessel waiting and turnaround time as well as the cargo dwell time compared with internally set targets and with other major ports in the region.

She wants details of the impact of operations of the Port of Mombasa on Kenya’s overall economic growth and

development goals, particularly in terms of trade facilitation, job creation and revenue generation.

The measures put in place by the Government to further increase efficiency at the port to ensure its continued competitiveness in facilitating international trade and what the Government is doing to incentivize the use of rail transport for cargo shipments, particularly through the Standard Gauge Railway (SGR), to ease pressure on road infrastructure.

Senator David Wafula is seeking a Statement from the Committee on Labour and Social Welfare regarding the policies governing confirmation of appointment in public service after probation period.

In the Statement, the senator wants the Committee to specify conditions necessary for public servants to be confirmed in appointment following completion of the probation, spelling out the guidelines governing public servants serving under probation, highlighting both acceptable practices and potential violations that may lead to demotion or disciplinary action.

He also wants the committee to conduct an investigation and furnish a comprehensive report on the recent matter at Kenya Railways concerning an officer who served on probation as General Manager of Supply Chain Management from June, 2023 to February, 2024 and was further appointed to the position of Procurement Manager following the completion of a probation period.

“The Committee should recommend measures to be implemented by the relevant authorities to mitigate disputes between Government and civil servants serving on probation.



1. Students of Rarakwa Girls' Secondary School, Murang'a County, during their educational tour of Parliament Buildings last week.
2. Students and teachers of Kirobon Girls' High School, Nakuru County, after their tour of Parliament Buildings.
3. Students of Gitwe Girls' Secondary School, Kiambu County, pose for a group photo after their educational tour of Parliament Buildings.
4. Senators Seki Lenku ole Kanar and Peris Tobiko talk to students of Kitengela Magereza Mixed High School who had visited Parliament Buildings for an educational tour.
5. Students and teachers of Olderkesi Secondary School, Narok County, also visited Parliament Buildings for an educational tour.
6. Deputy Minority Leader Enoch Wambua contributes to the debate on the impeachment of Kisii Deputy Governor, Dr Robert Monda on Thursday.
7. Deputy Minority Whip Edwin Sifuna makes his remarks during the impeachment.
8. Deputy Speaker Kathuri Murungi presides over the House during the impeachment proceedings.



9. Senator Gloria Orwoba consults Senators Ali Roba and Jackson Mandago during the impeachment.
 10. Senator Tabitha Mutinda contributes to the impeachment debate
 11. Senator Alex Mundigi expresses is views during the impeachment trial.
 12. Senators Karungo Thangwa and John Methu follow the proceedings in the House.
 13. Senator Godfrey Osotsi
 14. Senator Samson Cherarkey
 15. Senator Ali Roba
 16. Senator Eric Okongo Omogeni makes his views known on the removal of the Deputy Governor.



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Email: Senate.weekly@parliament.go.ke

Editor: Ibrahim Oruko

Team Leader: Lucianne Limo

Writers

- Otiato Andayi
- Njeri Manga
- Josphat Ngeno
- Derick Luvega
- Stanley Gikore
- Nandemu Barasa

- Juliet Masinde
- Violet Nalianya
- Lemeteki Lorinyu

Hansard: Erick Kipkoech

Photographers:

James Kimiti Nyambura
Job Owaga
Russells Kipngetich

Designed by:

KENYA LITERATURE BUREAU
Publishers and Printers
Belle-Vue Area, KLB Road, Off Popo Road
P. O. Box 30022-00100, GPO Nairobi,
Telephone: +254 (20) 3541196/7,
Mobile: +254 711 318 188/ +254 732 344 599
Email: info@klb.co.ke
Website: www.klb.co.ke