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State of the Nation: Senators to engage EACC

The House plans to invite the EACC leadership to explain why the war on corruption is not succeeding. The meeting will explore whether the anti-corruption challenges is the problem of the law and be apprised on what needs to be done to support the anti-corruption system as set up.



Majority Leader Aaron Cheruiyot and Minority Leader Stewart Madzayo make their contribution during the debate on the Current State of the Nation which they co-sponsored.



Majority Whip Boni Khalwale makes his contribution during the debate.

Senators have resolved to engage the Ethics and Anti-Corruption Commission (EACC) and other relevant state agencies to try to understand why the war on corruption is not bearing fruit.

The lawmakers observed that the cancer of corruption has become a major challenge which requires national conservation to forestall the kind of public unrest that has been witnessed across the country in the recent past.

Standing out to make its stand on the current State of Nation, the lawmakers cited the tribalism, unmitigated show of opulence, corruption, and the influence of money in politics some of the big-

gest challenges facing the nation and which require urgent attention to save the country from precipice.

“Corruption has featured prominently in the current national conversation which is underpinned by recent protests. The bigger conversation that the country is having is on the issue of corruption and what we need to do,” said Majority Leader Aaron Cheruiyot, while moving the motion on the Current State of the Nation on July 3.

“We must invite the EACC here and they must tell us why we are not succeeding. Is it because of the law? What do we need to do as a country?”

Senator Cheruiyot made the com-

ments during the debate on bipartisan motion triggered in part by the conversation on the Finance Bill, 2024 on the question of the high cost of living juxtaposed against the wasteful expenditure in all public institutions including Parliament.

The House admitted that the issues raised by the youth and other members of the public to do with corruption, impunity, incompetence within state and public appointments, opulent lifestyles of public officers, unemployment and high cost of living had set the country on a wrong trajectory.

The President has since withdrawn the Bill.

“The problem facing this country is huge and we need a solution. Gen Zs are asking for a solution and not a discussion. What is the solution?” asked Senator Mohamed Chute, pointing out one of the major problems in Government has been communication.

In keeping with the national mood, the Senators rejected the annual pay increment due to them, promised to push for reduction of their budget both as a House and individuals, while calling for the strengthening of laws that could help the country deal with corruption in high places.

Other institutions earmarked to appear include the Salaries and Remunera-

tion Commission, the Director of Public Prosecutions (DPP) the Head of Public Service even as it pushed to have the size of the Cabinet reduced as a cost cutting measure.

The lawmakers also proposed to merge Departments and reduce the number of Principal Secretaries (PSs) to match the number of Cabinet Secretaries.

While calling for a structural fight in the war against corruption, the Majority Leader called on the justice system to appear in Parliament for a conversation that will discuss why it has become difficult to fight corruption in Kenya.

"The EACC must appear before us and tell us what we need to do. We are

now in the third cycle of county governments. We know why people can almost kill each other to be county governors, but we do not have any solid case before any court of law that can point out what, as an institution, EACC has done so that people know what they are doing."

The County Public Accounts Committee (CPAC) of the House has referred a total 146 corruption cases to EACC since 2019, mainly touching on corruption in counties.

However, the House was concerned that out of the 146 cases, few of them have been investigated or culprits prosecuted.

Senator Moses Kajwang, who chairs

the Committee, said the failure to act on the cases by both the EACC and the Director of Public Prosecutions, demonstrates a problem that calls for a national conversation.

Deputy Minority Leader Enock Wambua regretted corruption has become the order of the day and called for a candid conversation on the issue.

"When churches, schools, hospitals and all institutions look at their MPs as the people who are supposed to give them money in harambees and do everything else, where do they expect these people to get the money from," he asked.

While he acknowledged that EACC is under resourced, Senator Samson Cherarkey proposed that it should be restruc-

tured to win back public confidence."

The Members called for respect for the Constitution and constitutional institutions and bodies across the public service and the national Executive infrastructure.

"The mess we have in the management of public service is such that an Executive order was made transferring the functions of the Public Service Commission (PSC) on human resource matters to a body called the State Corporations Advisory Committee, which is a duplication of roles," said Senator Edwin Sifuna.

Debate on the motion continues this week.

Committee wants construction of stalled County headquarters completed

A House Committee has called for quick completion of the construction of the five county headquarters which are being implemented through the conditional grant.

The Committee on Finance and Budget has further called for the revision of the intergovernmental agreements framework for the project saying that is the only way it can be completed expeditiously.

In a report which is being debated in the House, the Committee, which is chaired by Senator Ali Roba, has asked the Intergovernmental Relations and Technical Committee (IGTRC) to spearhead the revision process and ensure that the projects are handed over to the beneficiary counties without any further delay.

"The Committee is concerned about the inordinate delay in the implementation of the project," said Senator Roba, while directing IGTRC to submit monthly status report to the House until the completion of the projects.

"The overall responsibilities of project management including supervision, monitoring and payment of contractors of the project should be handed over to the beneficiary county governments," observes the committee in the report which is being debated by the House.

The project in 2015, and was meant to facilitate five counties to set up county headquarters but eight years later most of the projects have stalled and the counties are yet to receive their allocation from the national government.

The projects were started on the basis that the corresponding financing from the national government would be made available to counties



Members of the Committee on Finance, Senator Boni Khalwale (right), Senator Mohamed Faki (centre) and Senator Tabitha Mutinda (second left) pose with lawmakers from Ghana and Malawi who were in the Country for a benchmarking tour on public finance management. Insert, Senator Ali Roba, the chairman of the Committee.

At the inception, the Senate approved a motion which mandated the national government to create a conditional grant for the construction of County Headquarters in the five counties: Lamu, Isiolo, Tharaka Nithi, Tana River and Nyandarua.

It was agreed that the National Government, through the National Treasury, would support the counties with 70 per cent of the funds while the counties would contribute 30 per cent of that funding.

The entire project was to cost Sh2.7 billion and the five counties were expected to contribute Sh835.5 million which is 30 per cent of the funds needed.

Besides, the five counties were to avail the sites for construction of the executive offices, liaise with the contractors for access to the requisite services such as roads, water, electricity and honour payments on time.

The responsibility of the national



government was to provide project management services during the implementation of the project by supervising the construction and issuing the necessary guidance on the quality and scope of the works, raising payment certificates for both national and county governments.

This was to depend on the Bill of Quantities (BQs) that the Public Works would advise based on the size and many factors on the needs of the five counties.

Each County was to receive Sh121 million for the three financial years, which totalled Sh263 million. This would constitute the 70 per cent while the five counties were to each provide 30 per cent of the construction costs.

However, the delay in completion of the county headquarters has pushed up the cost of the project even though the five counties had already given 30 per cent of the funds.

According to the report of the committee, most of the buildings are 60 per

cent complete yet money is appropriated every year for the last nine years.

Isiolo county headquarters had a contract sum of Sh556.9 million, Tharaka Nithi Sh458.2 million, Nyandarua Sh617.6 million, Tana River Sh495.2 million while Lamu had Sh126.8 million.

In some of the counties the initial contract was terminated due to non-performance by the main contractor necessitating arbitration to stop the termination of the contract which has led to further delays while some works were omitted from the original contracts.

"There has been an inordinate delay in implementing the project," the Committee notes in its report which is currently being debated by the House.

Under the agreements, the National Government was supposed to transfer supplements for the construction within three years.

"Eight years later most of the projects have stalled and the counties are yet to receive their allocation," added Senator Roba, pointing out that the absence of the offices has impeded the ability of the County Governments to deliver services and discharge their functions.

The Committee wants the National Treasury, the State Department of Public Works and the Council of Governors in cooperation with IGTRC to ensure the transfer of the projects is expedited.

The Committee has also [proposed that the overall responsibilities of the projects management including supervision, Monitoring and payment of contractors of the projects should be handed over to respective counties.



Senator Veronica Maina

Senator Veronica Maina:

"I look at the role of the Senate as laid out in the Constitution on issues of good governance, transparency, accountability and the fact that we have a function of oversight over the counties. Is there anything we could have done better than how we did it? Yes, there are areas that we need to improve as a House. The storm we saw sweeping this nation and Parliament being at the eye of it, was also an indictment of the institution of Parliament. Today is not a day of competing on who gives a better speech or who does better debating than the other. I want to apologise. If we have failed as Senators, we are sorry. I am sorry. Are there any tools that would have enhanced transparency and slowed down issues of corruption? What do we do with the County Public Investments and Special Funds Committee (CPISF) and the County Public Accounts Committee (CPAC) reports that emanate from counties where we can see that corruption is rampant? It is my view that we need a way of improving the system so that we inject public confidence once again in this institution."



Senator Okong'o Omogeni

Senator Okong'o Omogeni:

"The President has so many corrupt Cabinet Secretaries who are giving the country a bad name. What I expect him to do is sack them and reduce the Cabinet to 14. The money you save can be used to employ intern doctors. Article 155 does not give the number of Principal Secretaries that we should have as a country. It has been abused. We don't need 51 Principal Secretaries? If the President does not act within the next seven days, we can marshal two-thirds, amend the Constitution, prescribe and put there a maximum of 14 Principal Secretaries. This is because the youths want to see action from us. Nobody can legislate other than us, as Senators. These are extraordinary times. The money we save can be used to employ Junior Secondary School (JSS) teachers. These are the people who are in the streets demonstrating. Let us make them also have a bite of the national cake, instead of saying that the cake will only be for principal secretaries and cabinet secretaries. It cannot be that way. This is because we almost lost this country. We do not know, but maybe we are being given a second chance."



Senator Esther Okenyuri

Senator Esther Okenyuri:

"Issues that have been brought by the Gen Z are not new. We had the Abdikadir report of 2015 that actually listed the parastatals in this country and how to deal with different policy issues that were affecting each. We do not need a repeat of the same. We have very intelligent Kenyans who have gone down and actually done this work and given recommendations, which are gathering dust in the name of reports which have never been implemented to date.

We need radical changes. People need to see heads rolling. We have had people who have been implicated in several scandals, which are well known in public domain. Politics should be separated from friendship. Mr. President, if you hold on to your friends, we might unfortunately sink down with them. So separate friendship from work for us to steer this nation forward so that we do not see the unnecessary issues we are seeing now. The protesters have been infiltrated by anarchists who want to take us back to where we have been. This is not about Gen Z. It should be a general call by Kenyans and let it start with us MPs."



Senator Godfrey Osotsi

Senator Godfrey Osotsi:

"A lot of reflection has to be focused on Parliament. We have allowed Parliament to be an appendage of the state. How do you explain that when a critical Bill is before the House, Parliamentary group meetings are held at State House? We need to change the Standing Orders so that such meetings are held within the precincts of Parliament. At the entry of both the National Assembly and Senate, words 'For the Welfare of Society and the Just Government of the People.' Are printed at the door. Those words are not there for nothing. Diverting from that engaging as political parties or an appendage of the State, we lose it completely. The presidency must understand that they are in power. They gave us promises, some of which have not been implemented. Kenyans are patiently waiting, but do not continue giving promises after another. That every day you wake up, a new promise has come and sometimes, those promises are not consistent. The presidency needs to understand that there are many institutions in Government that can talk on behalf of the President. He does not have to talk on everything and appear all over. I hope the President is listening to me. Mr. President, you need to change and the earlier you change, the better. Talk less, appear less in public and manage your promises."



Senator Agnes Muthama

Senator Agnes Muthama:

"It has become so difficult for our young people to get police and army jobs. I have heard many of them say that they have been asked to give bribes amounting to Sh300,000. I have had cases where parents have told me they sold their parcels of land to bribe in order for their children to get jobs but they have not been employed. The President should provide jobs for these young people. I looked at the President the other day as he was being interviewed and I saw a king without a covering; a naked king. He was being asked questions about people he gave jobs, but they are not doing their jobs as they should. They are nowhere to be seen. The Cabinet Secretaries should take their mandate as required and cover the President. They should do their jobs the way they are mandated to do it. If they do their jobs properly without corruption, nobody will go to the streets to demonstrate."



Senator Marriam Omar

Senator Marriam Omar:

"If we are honest to ourselves, we have to reflect at the things that touch on our youth. One of them is university fees. University fees for a year is over Sh100,000 now, before subsidy which is Sh24,000 or Sh30,000. The Gen Zs are asking themselves; if they are paying almost Sh500,000 to get a degree, what if they did business? We have to take note of the university fees so that at least when they come back from the university, they are given jobs. There must be accountability and transparency in all institutions. That is exactly what the Gen Z is doing while oversighting the national Government. I wanted them to cascade it down to the county governments and participate in their budget issues. They also have to fight for their space at the county level. The State corporations are doing redundant work in the county and they are supposed to be abolished and their funds used to recruit medical interns and JSS teachers."



Senator Oburu Odinga

Senator Oburu Odinga:

"I am happy that Parliament, specifically the Senate, is waking up to its role. Our role as Parliament is not to go into bed with the Executive. Even though you were elected on parties, which are either ruling or in the opposition, our role is to oversight. People are talking of Government as if they are part of the Executive. Government is not the Executive. Our role is not just to oversight the Executive, but the executive down up to the counties - the governors. I have seen people who are angry with us. They are saying that even we, the Senators, are not properly oversighting the governors. This is not an empty accusation. We should reflect on this and think exactly what we should do about it. We are looking at corruption as a cancer. It is a cancer in our country because it has brought down many institutions. Many institutions cannot work or are not effective because of corruption. People are blaming the EACC saying that it is not effective. This is because people, including governors, go there with their briefcases to corrupt Government officials."



Senator Tabitha Mutinda

Senator Tabitha Mutinda:

"I support reshuffle for our Cabinet Secretaries. Although we have a Cabinet Secretary for Youth Affairs, Sports and the Arts, Gen Z have been demonstrating from but the Cabinet Secretary has been missing. No matter how hot it has been, you come and also sit with the President and give him that shoulder, so that you can listen to the issues. One time I traveled to Dubai and met one of the Ministers who told me she was the Minister for Happiness and I was surprised. I asked what a Minister for Happiness does or whether they make people happy. She said, 'no, she evaluates the feedback that they get from the citizens on how happy or unhappy they are over the services that we offer as a Government. If they are unhappy, what are the issues, so that they can be addressed? If they are happy, then they maintain and even better them.'"



Senator Richard Onyonka

Senator Richard Onyonka:

"This House has to start thinking about issues related to corruption. We must agree that we can reduce our salaries, drive smaller cars and wear Kaunda Suits. The Judiciary we respect you. We know that most of the time you are under pressure. We know there are certain things that you are blackmailed on, but we want to hold you at a higher standard. We must hold the Judiciary, the legislature and the President at a higher standard. That is how we can move as a country and stop this nonsense. We are behaving like monkeys running through a forest looking for bananas without knowing whether it is bananas they want or it is oranges. I was nearly giving up on my country, but I have changed my mind because of today. The young men who are fighting for this country have done us proud. Let us treat them with dignity. Let us make sure we engage them. Let us stop doing the things that make them angry, desperate and upset with the ruling class."



Senator Peris Tobiko

Senator Peris Tobiko:

"This is a Damascus moment for us to restore our country, the dignity of our systems and make sure that systems are working and that each one of us is accountable. make sure that systems are working and that each one of us is accountable. The young people actually spoke about things that we should have been speaking about in the two Houses, but we did not. The issue of public debt and reconstituting the Independent Electoral and Boundaries Commission (IEBC). We have more interest in reconstituting of the IEBC than the demonstrators because we know when our position falls vacant by whichever cause or even natural causes, there is a

way for an MP to be replaced and it must be through IEBC. The young people said, 'remove the punitive taxes, remove the budgeted corruption and wastage.' I thank the President for turning down the Finance Bill. The issue is unemployment, the desperation that is out there and the unbearable taxation. These are the real issues that are affecting us today. People are demanding our faithfulness to the law. We must pause, think and act in a way that is acceptable in the eyes of Kenyans and the law."



Senator Beth Syengo

Senator Beth Syengo:

"We have new billionaires in town. Since the takeover of the current administration, I hear that even in this House, we have new billionaires. Where are the rest of Kenyans? They are billionaires courtesy of corruption. Tendering processes are skewed for specific people to make money. When a few are making money and a majority are suffering, what are we telling Kenyans? Kenya has become like what we call the animal farm. Kenyans are looking at us and saying that people are getting into leadership so that they may take advantage of those positions to make money. Kenyans are hurting when they see very few people become billionaires while the masses are suffering. I sit in the Committee on National Cohesion, Equal Opportunities and Regional Integration. We see Kenyans not being given equal chances on employment. When there are employment positions, they are given to people from specific ethnic communities."



Senator Johnes Mwaruma

Seneta Johnes Mwaruma:

"Taasisi ambayo imepewa jukumu la kuangali mambo ya ufisadi, ikiwemo Directorate of Criminal Investigation (DCI) na EACC, ikiwezekana EACC itupiliwe mbali kwa kuwa hakuna kazi wanafanya. Kuna watu pale kwetu walishikwa na sakata ya pilau. Kwamba walinunua pilau ya Sh2 milioni. Tulipofuatilia tulipata kwamba hawakununua kwenye hiyo hoteli. Tumepeleka hayo kwa DCI na EACC ila hadi waleo tunaona hawa watu wakitembea; hawajapeleka mahali. Nilienda kwa DCI nikaambiwa niwe witness, nisimame katika mahakama. EACC wameshindwa kufanya kazi yao kwa sababu wao pia ni wafisadi. Haiwezekani kupeleka mbuzi kwa mahakama ya fisi.'"

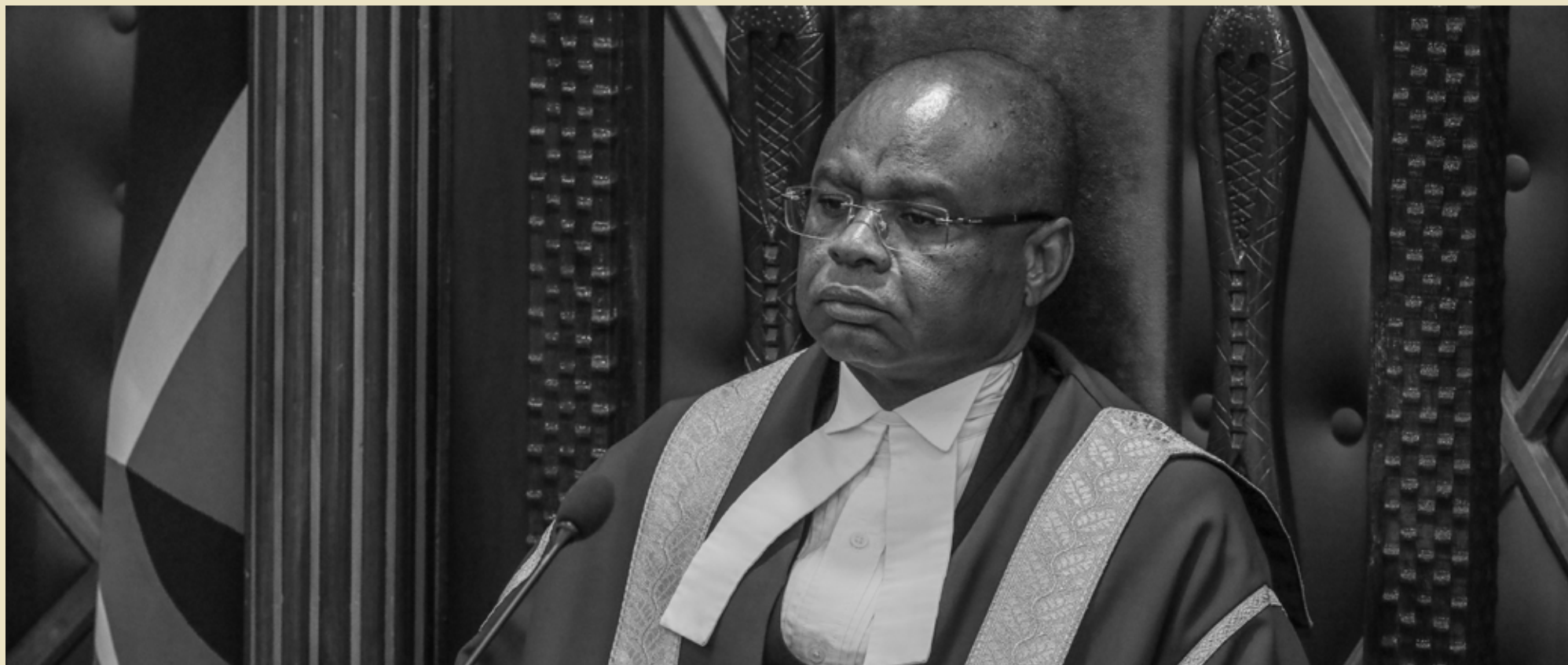


Senator Joe Nyuttu

Senator Joe Nyuttu:

"This is a time to reflect and ask ourselves how we found ourselves here. People have talked about opulence, the display of money and living in largesse by politicians. People carrying bundles of notes is something that must be condemned by all and sundry. Some of us have been ridiculed for not having loads of cash. Cabinet Secretaries have abandoned the President. Very few of them are helping the President in this crisis. We do not know what is happening. I have been wondering as a person, is it because maybe they did not appreciate that time when they went for a cabinet meeting late and they were locked outside the gate? Perhaps, that caused them demotivation and demoralised them. The President must rein in the Cabinet Secretaries. We do not know whether they have the right morale, and this should be looked into. Needless to say, of how they pretend; 'big' people cannot answer calls from us".

Time for soul searching, Speaker Kingi passionate plea to leaders



Speaker Amason Kingi in a pensive mood as the House observed a moment of silence in honour of individuals who lost their lives in the anti-Finance Bill, 2024 demonstrations across the country.

Speaker Amason Kingi has challenged national leaders to do some soul searching even as he led the House in mourning the people who lost their lives during the anti-Finance Bill, 2024 protests that culminated with protestors storming Parliament Buildings.

During the House sitting of Thursday, July 4, the Speaker led the lawmakers to a one-minute silence in honour of those who lost their lives in the demonstrations.

“You are all aware of what has been

taking place in this country. Because of these happenings, Kenyans have lost their lives,” Speaker Kingi told the House.

“As a House, we need to reflect on these happenings. It is a moment when, as leaders, we need to do a lot of soul-searching,” he added.

The Speaker told the House that many of the issues that are being raised by those who have been protesting cannot be wished away.

The move by the House follows a series of demonstrations and unrest that rocked the country with youths, popularly referred to as Generation Z, demanding rejection of the Finance Bill, 2024 because of its punitive taxes it had proposed to introduce.

“Nobody is better placed to address those issues other than the country’s leadership, and more particularly, the Senate,” he noted, adding that the Senate is the only House that goes to the grass-

roots.

“It is the only House that protects the counties and their governments.”

He challenged the lawmakers to rise to the occasion. We have to confront the realities of today as a House, and as a leadership.”

“If there is a day that this country yearns for leadership, it is this day,” he said as he called on the Senators to observe a minute of silence in memory of the departed Kenyans.

Speaker directs Committee to start Dr Amoth vetting process

Speaker Amason Kingi has directed Committee on Health to commence the vetting of Dr Patrick Omwanda Amoth as the Director General for Health, following a competitive recruitment exercise conducted by the Public Service Commission (PSC).

The exercise will be conducted jointly with the Departmental Committee on Health of the National Assembly.

In his communication to the House, Speaker Kingi directed the Committee

to ensure that it notifies the candidate and the public of the time and place for holding the approval hearing in accordance with the rules of both Houses.

“This being a matter of immense importance in the provision of public health facilities, I hereby refer the request of the Cabinet Secretary for Health to the Committee on Health for further processing pursuant to the Standing Orders of the House,” said the Speaker in his Communication to the House.

In a letter to the Speaker, Cabinet Secretary Susan Nakhumicha submitted the name of Dr Amoth as the successful candidate for the position which he has served in acting capacity since 2019.

Section 16(2) of the Health Act requires Parliament to vet the nominee submitted by the Cabinet Secretary for appointment as the Director General for Health.

Section 8(1) of the Public Appoint-

ments (Parliamentary Approval) Act obligates the Committee to consider a nomination and table its report in the relevant House for debate and decision within 28 days from the date on which the notification of nomination was given.

The Director-General for Health is recruited by the Public Service Commission through a competitive process, vetted by Parliament and appointed by the Cabinet Secretary.

The County Wards Bill, 2024 in the House

County Governments will be forced to allocate its resources equitably across all the wards in the county.

The county executive committee will also ensure that development projects are spread out equitably across all the wards in the county and also determine the criteria for allocation of a specific amount for ward development projects identified.

The County Wards (Equitable Development) Bill, 2024, which is sponsored by Senator Godfrey Osotsi and Senator Karungo Thangwa, seeks to promote the decentralisation of development within the counties.

This will be done by creating a framework for identifying projects that are beneficial to the residents of the respective wards and the county generally and providing a framework for the implementation of such projects.

The Bill, which was introduced to the House on Wednesday, July 3, obligates the county executive committee member to align the project identification and selection processes with the county budget cycle as set out in the Public Finance Management Act.

“The Bill is premised on Article 174 of the Constitution which sets out the objects of devolution, among them being to give powers of self-governance to the people,” the two lawmakers say in the objects of Memorandum of the Bill.

They argue that the Bill will en-

hance the participation of the people in the exercise of the powers of the State and in making decisions affecting them, recognise the right of communities to manage their own affairs and to further their development while promoting social and economic development and the provision of proximate, easily accessible services.

The Bill mandates the CEC in charge of Finance to coordinate the process of identifying projects for implementation in the wards, conduct public participation and also establish a committee to be known as the Ward Projects Identification Committee which shall be an adhoc committee tasked with facilitating the identification of ward projects.

The 7-member Ward Projects Identification Committee shall consist of a chairperson who shall be appointed by the CEC in charge of Finance through a notice in the gazette, one person representing the business community in the ward, one person representing the youth in the ward, one person representing either gender in the ward, one person representing professionals residing the ward, one person nominated by a registered group representing persons with disability in the ward and the ward administrator who shall be the secretary.

When approving a [project for implementation, the CEC and the County Assembly will have to ensure the project is a community-based project which aims at ensuring the development of



Right, Senator Karungo Thangwa and Senator John Methu during a sitting of the House. Left, Senator Godfrey Osotsi. Both Senator Thangwa and Senator Osotsi have co-sponsored the Bill.

infrastructure that would promote the delivery of basic services and goods to persons residing at the lowest unit of decentralisation.

They will also have to ensure that the project will enhance the standards of living of persons residing within the respective ward through the delivery of basic goods and services, promote access to facilities that are key in the delivery of services to residents in the respective wards and also promote the economic development of residents within the re-

spective ward through activities that promote the development of talent, growth of micro and small enterprises and access to markets.

Clause 14 of the Bill states: “A county executive committee member shall maintain comprehensive and accurate records including a system of internal accounts with respect to the projects, the process of accountability and the conduct of audits in relation to the funds allocated under this Act.

Reprieve for girls as Sanitary Bill introduced

Girls and women in public learning and correctional institutions could start benefiting from taxpayer-funded sanitary towels if the Provision of Sanitary Towels Bill, 2024 is enacted into law.

The Bill that is sponsored by Senator Gloria Orwoba, it lays the platform that will provide for the provision of quality, free and sufficient sanitary towels in the said institutions and facilities.

If enacted, county governments will be obligated to provide sanitary towels to its employees and to students enrolled in vocational institutions under their respective control.

The Bill is further proposing for the establishment of county interdepartmental committees on provision of sanitary towels in each of the 47 devolved units adding that the county executive com-

mittee member responsible for children welfare will sit on the Committee.

The committee shall advise the county government on the provision of sanitary towels in all county public institutions. It will also provide free, sufficient and quality sanitary towels to every woman employed by or studying in the respective county public institution, provide a safe and environmentally friendly mechanism for disposal of sanitary towels, assist and collaborate with the Committee in the performance the functions of the Committee, provide a platform for collaboration between the National government and the respective county government on provision of sanitary towels.

Clause 20 of the Bill obligates the Committee to continuously and at least once every quarter monitor and report to the cabinet Secretary on its performance,



with a summary of performance reported through the Committee’s annual report on the basis of a clear outcome-based performance framework developed by the National Government.

To ensure the committee’s flagship operations remain afloat, the team – ac-

cording to Article 16 of the Bill – shall draw funding from monies appropriated by the National Assembly.

“Such monies shall also come from any other source provided for, donated or lent to the Committee,” the Bill states.

Seneta Dullo aomba kusitishwa kwa fedha Isiolo

Hatua ya Gavana wa Kaunti ya Isiolo Abdi Ibrahim Guyo kudinda kuitikia amri za kufika kwenye Bunge la Seneti kujibu maswali kutoka kwa Maseneta imechukua mkondo tofauti baada ya Hoja kuwasilishwa kwenye Seneti kutaka kusitishwa kwa utoaji wa fedha kwa Kaunti hiyo hadi Gavana huyo atakaposalimu amri.

Akiwasilisha Hoja hiyo, Seneta Fatuma Dullo alisikitia hali ilivyo kwenye Kaunti yake akimkosoa vikali Gavana huyo kwa kulidharau Bunge lililo na wajibu wa kikatiba kuulinda ugutuzi na mali ya umma.

Alisema Bunge la Seneti linape-wa wajibu wa kuziwalikisha Kaunti na kuhudumu katika kuyalinda maslahi ya Kaunti na serikali yazo japo inasikitisha kwamba Gavana huyo amelikwepa na hivyo kuliathiri katika kutekeleza ipaswavyo wajibu wa uangalizi hasa kwenye matumizi ya fedha za umma.

Seneta Dullo alishangaa namna Gavana Guyo amekaidi kufika mbele ya Kamati za Bunge ambazo zimepewa mamlaka kikatiba kwenye kifungu cha



Seneta Fatuma Dullo

124 na 125 kumwalika mtu yeyote kufika mbele yazo kuwasilisha ushahidi au kutoa habari itakayofanikisha utendakazi wa Seneti.

“Licha ya Kamati ya Afya kumwalika na baadaye kutoa amri kwamba Gavana Abdi Ibrahim Hassan afike mbele yake kujibu maswali kuhusiana utata uliopo kwa sasa kwenye chumba

cha kuhifadhi maiti cha Isiolo, ada za NHIF na uwasilishwaji wazo na jumla ya malimbikizi ya madeni ambayo hospitali ya Kaunti inadaiwa, Gavana huyo alidinda kuuheshimu mwaliko huo mwezi Mei 21, 2024 na sawia akadinda kuziheshimu amri za kufika mbele ya Kamati ya Ukekezaji wa Umma na Hazina Maalum mnamo Mei 28 na Juni 10 mwaka 2024,” alieleza Seneta Dullo.

Kamati ya Ukekezaji wa Umma na Hazina Maalum inapaswa kuangazia masuala yaliyoibuliwa kwenye Ripoti za Mkaguzi Mkuu wa Matumizi ya Fedha nchini Kenya kuhusiana na Hazina ya msaada wa kufadhili Elimu, Hazina ya kushughulikia masuala ya Dharura na Hazina ya Vijana, Wanawake na Wanaoishi na Ulemavu katika Kaunti ya Isiolo kwenye Miaka ya Kifedha ya 2019/2020, 2020/2021 na 2021/2022.

Seneta huyo alifichua kuwa Gavana Guyo alidinda kuheshimu mwaliko wa kufika kwenye Kamati ya Uhasibu kwenye Seneti mara tano kati ya tarehe 28 mwezi Machi 2023 na Machi 8, 2024 ambapo alihitajika kujibu maswali yali-

yoibuliwa na Mkaguzi Mkuu wa Fedha nchini Kenya katika Taarifa ya Kifedha ya Mamlaka kuu ya serikali ya Kaunti ya Isiolo kwenye Miaka ya Kifedha ya 2019/2020 na 2020/2021.

Kadhalika Gavana Guyo aliripotiwa kudinda kuheshimu amri ya kufika mbele ya Kamati ya Uhasibu kwenye kikao kilichoandaliwa na Kamati hiyo katika Kaunti ya Isiolo mnamo mwezi Machi 8, 2024.

Kupitia Hoja hiyo, Seneta Dullo sasa analitaka Bunge la Seneti liidhinisha kutumika kwa Kifungu cha 228 ibara ya 4 na 5 cha Katiba kumwelekeza Mdhibiti wa Bajeti nchini kutoidhinisha matumizi yoyote ya fedha za Umma na serikali ya Kaunti ya Isiolo hadi Gavana Guyo atakapojibu maswali yaliyoibuliwa na kuliridhisha Bunge la Seneti.

Aidha Seneta Dullo anaitaka Hazina ya Taifa kutoelekeza fedha kwenye serikali ya Kaunti ya Isiolo kufungamana na Kifungu cha 225 cha Katiba ya Kenya ya mwaka 2010 na sehemu ya 96 ya Sheria ya Usimamizi wa Fedha za Umma hadi utata huo utakapotatuliwa.

Ujumbe wa viongozi kutoka Ghana na Malawi washauriana na Maseneta



Kikao cha viongozi kutoka nchi za Malawi na Ghana na Kamati ya Fedha na Bajeti wakati wa mkutano wao katika Majengo ya Bunge.

Ipo haja ya ushirikiano wa kina miongoni mwa viongozi katika bara Afrika ili kuweka na kutekeleza mikakati muhimu itakayosababisha kuwepo kwa mageuzi muhimu barani.

Wakiongea kwenye kikao kilichowaleta pamoja Maseneta wa Kamati ya Fedha na Bajeti katika Bunge la Seneti nchini Kenya na Wabunge kutoka mataifa ya Ghana na Malawi, viongozi hao walikiri umuhimu wa mshikamano miongoni mwa viongozi barani Afrika wakisema ni hatua hiyo tu ndiyo itakayosababisha kuwepo kwa mageuzi makubwa yatakayolifanya bara kustawi na kushuhudia maisha bora kwa kizazi cha sasa na vizazi vijavyo.

Mkutano huo uliondaliwa kwenye majengo ya Bunge la Kenya uliwa-pa fursa viongozi hao kujadili masuala

mbali mbali yakiwemo utunzi wa sheria, uwakilishaji wa umma, uangalizi na ushirikishwaji wa umma katika shughuli za uendeshaji wa nchi.

Wabunge kutoka Ghana walilipongeza taifa la Kenya kwa hatua zilizopigwa katika kutekeleza ugutuzi wakisema hatua hiyo imesaidia pakubwa katika kufanikisha maendeleo mashinani na kuimarisha maisha ya raia. Walifichua kuwa tangu ugutuzi uanze kutekelezwa nchini Kenya, yapo mengi ambayo taifa linajivunia wakitoa wito kwa Wakenya kuunga mkono juhudi zinazowekwa kufanikisha ugutuzi. Hata hivyo viongozi hao walilitaka Bunge la Kenya kuweka mikakati zaidi itakayohakikisha rasilimali zaidi zinaelekezwa nyanjani ili kuzipa nguvu Kaunti kuanzisha miradi muhimu itakayoyageuza pakubwa maisha ya wa-

nanchi mashinani.

Walisema bara Afrika lina fursa adimu ambazo endapo zitatumika ipaswavyo zitaleta ustawi mkubwa kuimarisha uzalishaji wa mali kwa faida ya raia.

Wakizungumza wakati wa mkutano huo Wabunge kutoka taifa la Malawi walilipongeza Bunge la Kenya kwa wajibu ambao linautekeleza wakisema mfano walo unapaswa kuigwa na mataifa mbali mbali barani Afrika.

Waliisifia mikakati kabambe iliyowe-kwa na serikali ya Kenya kukusanya mapato kisha kuyaelekeza kwenye miradi muhimu inayokwamua na kuuchoea ukuuaji wa uchumi kijumla.

Hata hivyo ujumbe huo kutoka Malawi ulitoa wito wa kuwepo na ushirikishwaji wa kina wa raia kwenye masuala ya utawala na usimamizi wa nchi, wito ukitolewa kwa Bunge la Kenya kuimarisha vikao vya kuushirikisha umma kwenye maamuzi muhimu yanayolihusu taifa.

Viongozi hao walitoa changamoto kwa viongozi nchini Kenya hasa Bunge na taasisi zingine zinazoangazia uadilifu kuwa katika mstari wa mbele kuupiga vita ufisadi ambao kulingana nao ume-sababisha kudorora kwa huduma kwa wananchi barani Afrika na hivyo kuathiri ukuaji.

Kadhalika viongozi hao walijadili kuhusu kero la ukabila wakisimulia namna mataifa mengi barani Afrika lik-

iwemo taifa la Malawi yamebanwa na ukabila katika utoaji wa nafasi za ajira na maendeleo, uovu waliosema unapaswa kukabiliwa vikali na viongozi na wananchi kijumla.

Kuhusu ufisadi, viongozi hao walipendekeza kubuniwa na kutekelezwa kwa sheria kali kulikabili zimwi hilo wakisikitikia jinsi hali ilivyo kwenye mengi ya mataifa barani Afrika ambayo yamesakamwa vikali ya ufisadi.

Ujumbe wa Kenya kwenye kikao hicho uliongozwa na Naibu Mwenyekiti wa Kamati ya Kudumu ya Fedha na Bajeti kwenye Bunge la Seneti, Seneta Tabitha Mutinda aliyewafanulia viongozi wa Ghana na Malawi namna Bunge la Kenya limepiga hatua katika kufanikisha ukuaji wa taifa kiuchumi, kijamii na kisiasa.

Maseneta Dkt. Boni Khalwale wa Kaunti ya Kakamega na Mohamed Faki wa Kaunti ya Mombasa waliitumia fursa hiyo kuwapa changamoto viongozi wa mataifa hayo mawili kujitolea kika-milifu kuwahudumia raia ili kulikomboa bara Afrika kutoka kwenye minyororo ya utegemezi.

Walishauri umuhimu wa kuwepo kwa vikao kama hivyo miongoni mwa viongozi ili kuyapa nafasi mataifa barani kubadilishana mawazo na mbinu za kuchochea ukuaji na maisha bora kwa raia.

Committee throws out key Health statutory instruments



Senator Mwenda Gataya Mofire (right), the chair, Committee on Delegated Legislation and Senator Danson Mungatana, the vice chair.



Senator Dan Maanzo and Senator Agnes Muthama are also members of the Delegated Committee.

The Committee on Delegated Legislation recommended that the Social Health Insurance (General) Regulations, 2024, and the Social Health Insurance (Tribunal Procedure) Rules, 2024 be annulled because the Ministry did not submit evidence of an adequate post-drafting public participation which is contrary to Article 10 and 118 of the Constitution and the Statutory Instruments Act.

In its report to the House, the Committee says the Social Health Insurance (General) Regulations contained a matter which ought to have been dealt with by an Act of Parliament and that the membership of the Benefits Package and Tariffs Advisory Panel established under Regulation 41(2) ought to have been established under the Social Health Insurance Act.

The Committee argues that the implementation of the Social Health Insurance Act and the Regulations require a highly digital environment.

“The Social Health Authority is expected to host a centralised digital platform that will on board all services and service providers. As at the date of this report, the system had not been procured. It was the opinion of the stakeholders that operationalisation of the Digital Health Act, 2023 ought to have preceded that

of the Social Health Insurance Act, 2023 in order to provide an infrastructure on which the latter would be based on,” the Committee says in the annulment report already before the House.

The committee has questioned the process of determination of tariffs to the benefit package under the Fund. While the Ministry has announced the official start of registration of members, the accompanying tariffs were still undergoing public participation.

The Fund establishes a three-tier approach to funding health care that is the Primary Healthcare Fund, the Social Health Insurance Fund and the Emergency, Chronic and Critical Illness Fund.

In her explanatory memorandum, CS Nakhumicha explained the rationale of the three-tier approach was one fund financing all categories of health care. It also highlighted additional benefits to patients under the three-tier model and how the out-patient services will be covered.

“The tariffs to determine the benefits to be enjoyed by contributors and beneficiaries were not provided for in the Regulations and upon further inquiry, the Committee was informed that the tariffs had not been published,” says the Committee in the report which comes up for debate next week.

Regulation 18(4) of the Social Health Insurance (General) Regulations requires the Social Health Authority in consultation with the Cabinet Secretary responsible for Cooperatives, Micro, Small and Medium Enterprises Development and other financing institutions to provide premium financing to non-salaried people to enable them pay the annual contributions within intervals under which their income becomes available.

“This provision makes an assumption that non-salaried people will get an income to pay off the loan. The Ministry did not clarify how this provision will be implemented,” the report states, adding that the Authority had not conducted nationwide registration of contributors and beneficiaries while the procedure of empanelment and accreditation of health-care providers was not clear.

Section 33 of the Social Health Act provides that the accreditation of health-care providers shall be done by a body responsible for accreditation to be established under the Act. The body has not been established.

In addition, Regulation 31 of the Social Health Insurance (General) Regulations contradicts section 33 of the Act by providing that the accreditation shall be done by the Social Health Authority;

The Committee, which is chaired by

Senator Mwenda Gataya Mo Fire, was concerned about the membership of the Benefits Package and Tariffs Advisory Panel. The membership of the Panel includes a chairperson nominated by the local public university, one person nominated by the Health Non-Governmental Organisations Network (HENNET) and one person nominated by development partners involved in health matters.

The Committee says there is a lack of clarity on the local public university to nominate the chairperson, the rationale of having a public university nominating the chairperson, the inclusion of development partners in a legal body to determine benefits under the Funds from Kenyan contributions raising the issues of sovereignty and conflict of interest between the development partners’ mother states and Kenya.

“The rationale of including HENNET, a non-governmental body with voluntary membership, the rationale of including the local public university instead of the Authority in the joint secretariat together with the Ministry of Health. There is no clarity on which public university is being referred to.”

On biometric registration, the Committee questioned the rationale behind registration of minors which in its opinion is unnecessary being that they are already dependants.

Senator Dullo wants release of funds to Isiolo stopped

Senator Fatuma Dullo wants the Controller of Budget to stop withdrawal of public funds by the County Government of Isiolo until audit questions raised by the office of the Auditor General are responded by the Governor.

The Senator is also seeking the support of the National Treasury to stop forthwith the transfer of funds to the County pursuant to Article 225 of the Constitution and Section 96 of the Public Finance Management Act.

In a motion she has tabled in the House, Senator Fatuma accuses Governor Abdi Ibrahim Hassan of refusing to appear before the House Committees to answer the audit queries raised by the Auditor-General.

The queries are with respect to whether public monies have been applied lawfully and in an effective manner by the county government.

The Governor has failed to honour five invitations on diverse dates between March 28, 2023 and March 8, 2024 by the County Public Accounts Committee (CPAC) to respond to queries raised by the Auditor General in the Financial



Senator Fatuma Dullo.

Statement of the County Executive of Isiolo for the 2019/2020 and 2020/2021 financial years.

After his failure to honour invitations and summonses, the County Public Accounts Committee scheduled for a meeting at Isiolo County offices on March 8, 2024 which the Governor failed to attend.

He was also invited, and later sum-

moned, by the Committee on Health invited and later summoned to respond to questions relating to the ongoing crisis at Isiolo morgue, National Health Insurance Fund (NHIF) deductions and remittance status and total amount of pending bill owed to the county hospital, which invitation he failed to honour.

The Governor also failed to honour an invitation by the County Public In-

vestments and Special Funds Committee to respond to issues raised in the Auditor-General's Reports on Isiolo County Bursary Fund, the Isiolo County Emergency Fund and the Isiolo County Youth, Women and People with Disability Fund for the Financial Years 2019/2020, 2020/2021 and 2021/2022.

This Week in History



"There is need for us to look for ways of managing our forests in a sustainable way. A well-managed forest can give back to the community. The forest can be a place for recreation; it has aesthetic value and we can eat some of its produce. It is true that the saw millers and the charcoal vendors were rendered jobless when the Cabinet Secretary banned logging of trees. I am sure that trees can be felled without choking the sprouting trees. I believe that everything in this universe has a lifespan and that includes trees. Therefore, we should have a better way of cutting trees to allow the sprouting trees to get enough light and air. There is a need to reconsider the ban on logging to ensure that the trees work for us."

Senator (Dr.) Gertrude Musuruve contributing to debate on the Statement the status of the current ban on logging in the country on July 10, 2019.



"A group of women used to depend on Mt. Marsabit Forest not for logging, but to collect the dead wood for firewood and to earn a livelihood. When this ban was introduced, the forest was fenced off and nobody has access to it. Those are some side benefits that when such bans are effected, women should not be affected. They need to be regulated. We need to look at the other activities that Kenyans benefit from the forests without affecting the forest cover."

Senator (Eng.) Godhana Hargura contributing to debate on the Statement the status of the current ban on logging in the country on July 10, 2019.



"Conservation is not about not benefitting from the forest covers. If communities cannot benefit, what is the point of the forest cover? Forest cover is not going to provide a benefit, but communities must see a benefit to it economically and otherwise. I do not think that putting a moratorium that is endless which disadvantages the communities that are conserving is going to give us what we want. What we want as other sustainable solutions to our forest cover, is the Cabinet Secretary in his capacity and mandate to make sure that we get the forest cover."

Senator Abshiro Halake contributing to debate on the Statement the status of the current ban on logging in the country on July 10, 2019.



"It is true that people who depended on timber are jobless. We can help those people by helping them import timber from neighbouring countries such as Tanzania that has a big forest cover. They can also plant their own trees and use them for commercial purposes. The Committee should not ask for the ban on logging to be lifted, but it should encourage Treasury to zero rate the importation of timber. That will enable countries that export timber to get an avenue of selling their products in this country. We must increase our forest cover. If we do not do so, we will perish."

Senator Ledama ole Kina contributing to debate on the Statement the status of the current ban on logging in the country on July 10, 2019.



1. Students and teachers of Kokwet Secondary School, Kipkellion West, Kericho County, engage with Chepalungu MP Victor Koech outside the Senate Chamber during the students tour of Parliament Buildings.
2. Senate Weekly founding Editor Maricus Agutu gifts a copy of his recently released book "Close Call in Mogadishu: a Journalist's Memoir", to Clerk of the Senate Jeremiah Nyegenye at a brief ceremony in the Clerk's office. Mr Agutu is the Principal Communication Officer in the Office of the Speaker, Senate.
3. A Session of the County Public Accounts Committee (CPAC) when Governor Eric Mutai appeared to respond to audit queries for Kericho County's Executive.
4. A Delegation of lawmakers from the Parliament of Malawi pose for a picture outside the Senate Chamber during their benchmarking tour of Kenyan Parliament. They were accompanied by Dr Philip Buchere, Director, Senate Liaison Office.
5. Dr Philip Buchere, the Director, Senate Liaison Office, hands over a gift hamper to a member of Malawi Parliament who was part of the Delegation that was in the country for a benchmarking tour.
6. Dagoretti North MP Beatrice Elachi (second right) and Chepalungu MP Victor Koech engage students and teachers of Kaboson Girls, Bomet County, outside the Senate Chamber



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