



# The SENATE

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## Auditor General to Senate: Law to mainstream municipalities needed

Available data shows that there are 110 gazetted municipalities established by 45 counties. While the establishment and operation of the entities is guided by the Urban Areas and Cities Act and the Public Finance Management Act, the Auditor General Nancy Gathungu says the country has no adequate framework for their operations. She wants the Senate to enact such a law as a matter of urgency.



*Members of the County Public Investments Committee led by Senator Godfrey Osotsi, the chairman, (right), follow submission by Auditor General Nancy Gathungu on the state of municipalities in Kenya.*

**A**uditor General Nancy Gathungu has asked the Senate to put in place a law that will mainstream municipalities by separating their operations from those of the County Governments.

The Auditor General told the County Public Investment and Special Fund Committee (CPISFC) on Wednesday, September 3, that such a law is necessary because the country lacks an adequate legal framework for the operation and funding of the entities.

The modalities of such a legal regime should include revenue collections and the transition arrangements that will transfer the main county functions to the municipalities.

“This country has no adequate frame-

work for the operation and funding of municipalities,” said Ms Gathungu when she appeared before the Committee to discuss the financial state and operations of the municipalities in the era of devolution.

The establishment and operation of municipalities is guided by the Urban Areas and Cities Act and the Public Finance Management Act.

Section 9 of the Urban Areas and Cities Act provides the criteria for the conferment of municipal or city status to a Town or Municipality.

The financial management of municipalities is vested in the County Governments and administered on its behalf by a Board and Manager. The Board is financially accountable to the County

Assembly and the Senate.

Data from the Council of County Governments shows there are 110 gazetted municipalities in Kenya established by 45 counties.

The Nairobi and Mombasa Cities are deemed to be Nairobi and Mombasa Counties as stipulated by Sections 6 and 27 of the Urban Areas and Cities Act.

Kiambu County has 12 municipalities, the highest number in Kenya, followed by Kisumu with 6, Kilifi and Homa Bay each with 5, Garissa, Kwale and Migori all with 4 municipalities each.

Siaya, Meru and Machakos have 3 municipalities each.

The inaugural audit of municipalities was in the 2019/20 financial year with

8 Municipalities submitting financial statements.

As at 30 June, 2023, only 46 out of the 110 Municipalities had submitted financial statements to the Office of the Auditor General for audit as required by law.

Out of the only 8 municipalities that submitted their financial statements for audit in the 2019/20 financial year, 2 posted unmodified opinions while 6 had a qualified opinion.

Unmodified opinions provide a reasonable level of assurance from the auditor that the financial statements present a true and fair reflection of an entity's results for the period reported.

In the following financial year, 2020/21, 15 municipalities presented





*Auditor General Nancy Gathungu and her team when they appeared before the County Public Accounts and Special Funds Committee to discuss audits for municipalities.*

their financial statements for audit. Six had an unmodified opinion, 8 had qualified while one had a disclaimer opinion.

The number of municipalities that submitted their financial statements to the Auditor General rose to 39 in the 2021/22 financial year out of which only 3 had unmodified opinion, 26 (qualified opinion), 8 (adverse opinion) while 2 had a disclaimer.

In the 2022/23 financial year, 46 municipalities submitted their financial statements for audit, five received an unmodified opinion, 23 qualified, 17 adverse and 1 disclaimer.

The Auditor General told the Committee that her office is concerned with the increase in the number of adverse and qualified audit opinions as more municipalities are established.

For example, 6 municipalities – Diani, Lamu, Elwak, Mandera, Nyamira and Mwatate – had unmodified audit opinions in 2020/21 financial year but now have qualified or adverse audit opinions in 2021/22 and 2022/23 financial years.

She revealed that the reasons for modified audit opinions and other issues include non-submission of financial

statements, errors in the financial statements and no-adherence to the Public Sector Accounting Standards Board financial reporting templates.

Others are procurement violations, irregularities in contracts management such as contract variations, lack of value for money in project implementation such as project delays and poor workmanship or lack of an Integrated Development Plan.

Section 172 of the Public Finance Management Act, identifies the sources of revenue for municipalities as revenue arising from rates, fees, levies, charges and other revenue raising measures which is retained by the urban area or city for the purpose of defraying its costs for providing services.

Other sources are revenue allocated by the county government to the urban area or city, investment income, grants and donations or borrowing.

# Lawmakers return from recess



*Senate in a past sitting.*

**A**fter a three-week break, the House will this week resume sittings in what is likely to be the final leg of the third session of the 13th parliament.

The lawmakers have been away on recess since August 8, the time in which they were also able to convene a Special Sitting that voted to remove Governor Kawira Mwangaza from office after an impeachment trial.

The highlight of the business before the House includes the appearance before the Committee of the Whole by the National Treasury Cabinet Secretary John Mbadi and the Controller of Budget Margaret Nyakango.

The two are expected before the House on Wednesday, September 18, to explain the steps the State has taken to ensure that County Governments clear pending bills in line with the resolution adopted by the House earlier in the year.

In a motion adopted by the House, the Senators directed the County Governments to clear pending bills amounting to Sh156 billion by the end of the last financial year, June 2024.

The county executives were to prepare and submit payment plans to the Office of the Controller of Budget, prioritising pending bills as the first charge on the County Revenue Fund (CRF).

The motion was adopted last May and Senators are concerned the resolution has registered little progress while the challenge of pending bills has become more dire for the devolved units, undermining the delivery of service.

Speaker Amason Kingi directed CS Mbadi and CoB Nyakango to appear before the Committee of the Whole to explain what has been done since the motion was passed.

Besides, Mr Mbadi will be in the House for Question Time to respond to a Question by Senator Edwin Sifuna, on economic planning issues, Senator Catherine Mumma and Senator Joyce

Korir.

There are 54 Bills pending in the House, of which 42 are at the Second Reading, while 12 are at the Committee of the Whole stage.

A total of 21 Motions are pending, 20 Petitions are due for reporting by the respective Committees while 394 Statements are pending before the Committees.

Majority Leader Aaron Cheruiyot, in the statement to the House before the break, pleaded with the Whips to work harder so that the number of Bills that are pending before the House can be reduced.



# Speaker welcomes 5th National Action Plan, says it is transformative



*Speaker Amason Kingi chats with Majority Whip Boni Khalwale and Senator Samson Cherarkey during the launch of the 5th National Action Plan (NAP 5) in Nairobi County.*

Speaker Amason Kingi was among leaders and dignitaries who attended the launch of the 5th National Action Plan (NAP 5) for the period 2023-2027 by President William Ruto.

"The launch of this Plan marks the commencement of yet another remarkable journey in transforming service delivery for the benefit of our people. It represents a crucial step in our country's commitment to transparency, accountability and citizen engagement," he said during the launch.

The Plan focuses on key areas such as climate action, digital governance, anti-corruption and civic space, with the aim fostering a more inclusive, responsive and resilient government.

The new Plan picks up from where its predecessor – NAP 4 – left off, having prioritised the welfare and rights of Women, Peace and Security (WSP)

agenda through policy in ministries, counties, departments and agencies.

Under the 4th Plan, Kenya boldly confronted climate change impacts; violent extremism; gender-based violence (GBV); forced migration and human trafficking; and humanitarian disasters, with remarkable outcomes, he noted.

"I call on all of us to work tirelessly within our respective sectors and across sectors to ensure seamless roll-out and implementation of the NAP 5," he said.

On the role of the Parliament in supporting Open Government Partnership framework under which NAP 5 was formulated, Speaker Kingi said the legislature's duty is spelt out in OGP Commitment No. 6 namely Public Participation, Legislative and Fiscal Openness.

The commitment obligates Parliament to enhance transparency, inclusion and accountability in legislative and budget



*The Speaker Kingi delivers his speech on Open Government Partnership at the launch of the 5th National Action Plan at the Emara Hotel, Nairobi County.*

processes, ensuring open and trusting relations between concerned stakeholders.

It is anchored on Article 118 of the Constitution, which declares that Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its committees.

Similarly, Article 174 on Devolution, advocates open, democratic and accountable exercise of power and gives the power of self-governance to the people and enhances their participation in the exercise of powers of the State and in making decisions that affect them.

The Speaker further hailed the emphasis NAP 5 has placed on Climate Action, by making it the fifth commitment among the nine that will be implemented in the new Plan.

He commended the drafters of the NAP 5 for retaining Climate Action as

priority No. 1 in this new implementation phase.

The phenomenal Climate Change impacts remain of great concern and deserving of our full attention, given the devastation they continue to wreak on our society, as global temperatures soar, drought become prolonged and frequent and flooding, more intense in scope.

"There is compelling need for us to maintain momentum in every aspect of ongoing Climate Action to preserve the gains we have accrued and overcome the adverse situation we are currently grappling with," the Speaker said.

The event was attended by Senator Boni Khalwale, Senator Hillary Sigei, Senator Samson Cherarkey, Senator Veronica Maina, Senator Tabitha Mutinda, and Senator Allan Chesang'.

## Speaker Kingi attends 2024 Chenda Chenda cultural festival

The annual Chenda Chenda festival, an event hosted by Kaya elders in recognition of the rich cultural heritage and the importance of preserving the same for future generations, was held at Kayafungo, Kaloleni Giriama, Kilifi County. The celebration was filled with music, dance, food and a reflection of the profound history of the nine tribes that make up the Mijikenda Community.

The term "Chenda" is Mijikenda word for nine which represents the nine sub-tribes of the diverse community including; Giriama, Chonyi, Rabai, Ribe, Jibana, Kambe, Kauma, Duruma and Digo. The cultural richness is staggering when you consider that the nine sub-tribes are made of 216 clans with their own lineage and specified roles in the community. The Digo, in particular,

have spread their influence beyond Kenyan borders and established communities in the North of Tanzania.

The festival was jointly organised by Kilifi Governor Gideon Mung'aro and former CS for Gender, Culture, Arts and Heritage Aisha Jumwa and placed a strong emphasis on music and dance. The performances by various traditional dance and music groups including Kilifi Vision group, Majeshi wa Menza, Chingongo, among others served not only as entertainment but as history lessons connecting the younger generation to their roots in an era where globalisation threatens to erode traditional culture.

Other leaders in attendance were CS for Investments, Trade and Industry, Salim Mvurya, Mombasa Governor Abdulswamad Shariff, Kilifi Woman Rep, Getrude Mbeyu, Mombasa Wom-



*Speaker Amason Kingi acknowledges greetings from members of the public who attended the annual Chenda Chenda festival in Kilifi County.*



*The Speaker speaks during the Chenda Chenda festival.*

en Rep Zam zam Mohammed, Kaloleni MP Paul Katana, Malindi MP Amina Mnyazi, Magarini MP Harrison Kombe and Kilifi County Assembly Speaker Teddy Mwambire among a host of MCAs.

The festival held on September 9 of every year in one of the nine sacred forests of the Kaya clan of elders is a constant reminder that "mwacha mila ni mtumwa."



# CoG and CAF to be anchored in law as debate on Bill starts



Majority Leader Aaron Cheruiyot



Senator Moses Kajwang



Senator Peris Tobiko



Senator Ledama ole Kina

Senators have roundly supported the Intergovernmental Relations (Amendment) Bill, 2024, which seeks to anchor the Council of Governors (CoG) and the County Assemblies Forum (CAF) into law.

The lawmakers say the proposal and the eventual enactment of the Bill will strengthen devolution and improve accountability within public entities in counties.

The proposed law will allow governors to organise themselves while providing means of funding the CoG and CAF, they said.

“These entities have become a forum for counties to challenge each other to perform better and to pull their socks. These bodies exist for necessity and must be enabled by law, so that they do not exist in a vacuum or outside the law,” said Senator Peris Tobiko in her contribution to the debate on the Bill.

Sponsored by the Leader of Majority Aaron Cheruiyot, the Bill, among other things, proposes to establish the CoG secretariat in law and provides for its funding, establishes CAF, its functions, secretariat and sources of funding.

The CoG will have a Secretariat to be headed by a chief executive. Some of the proposed roles for the Secretariat will include the implementation of decisions of the Council, the establishment and development of an efficient administration of the Secretariat and the organisation, control and management of staff.

Clause 13 establishes a County Assemblies Forum to consist of all the MCAs and the Speakers of the 47 county assemblies.

The forum will be managed by a National Executive Board which will be composed of a chairperson, who shall be a Speaker of a County Assembly, vice chairperson and seven other members.

The Bill proposes that County assemblies will have at least 5 members in the Board and no County Assembly shall have more than two members.

The Board shall serve for a term of two years and shall be eligible for re-election for one further term.

CAF will provide an avenue for consultation amongst county assemblies, sharing of information on the performance of the County Assemblies in the execution of their functions with the objective of learning and promotion of best practice and where necessary, initiating preventive or corrective action and facilitating disputes within County Assemblies.

The funds of the Forum shall consist of mandatory annual subscriptions by County Assemblies and such monies as may be lawfully granted or donated to the Forum.

The Board shall determine bi-annually the amounts to be paid by County Assemblies as subscriptions.

The Bill further proposes that there shall be a Secretariat of the Forum which shall be headed by a chief executive officer.

“County Assemblies do an extremely important job as far as entrenching devolution in the counties is concerned,” said Senator Cheruiyot while moving the Bill.

“This House, being the primary institution charged with the responsibility of

anchoring devolution, must work hard to ensure that any institution that works towards achieving that particular objective is anchored in law.”

Seconding the Bill, Senator Boni Khalwale faulted the proposal to have county governments single-handedly fund the agency.

“If it is an intergovernmental agency, why are we asking county governments alone to make subscriptions?” he asked, adding the national Government and the county government should both make subscriptions.

Senator Ledama ole Kina also opposed the proposal to have the County Governments fund the agencies, arguing that this will undermine the spirit of devolution.

The lawmaker said, the country does not need a Secretariat of the CoG, the secretariat of the Intergovernmental Relations Agency, which is currently by statute the secretariat of the CoGs should remain so.

“I strongly support the establishment of CAF but I believe that the Exchequer which is currently funding this agency, should continue so that the agency can be independent,” he told the House.

Senator Tobiko also supported the proposal to have the National Government fund the CoG and CAF.

“CoG) should be facilitated from the Exchequer. Counties should not be struggling to pay a subscription fee,” she said.

Senator Moses Kajwang said the CoG is supposed to be funded from the consolidated fund. “When we say that contributions to CoG by county governments is irregular, it is based in law,

because the law says that their expenses shall be drawn from the Consolidated Fund.”

The Bill further proposes to change the name of the Intergovernmental Relations Technical Committee (IGRTC) which will be renamed to Intergovernmental Relations Agency and the removal of the Principal Secretary responsible for matters of devolution from the IGRTC.

Other proposals includes the setting up of the qualifications and terms of the chairperson and members of the committee and the enhancement of the functions of the Intergovernmental Relations Agency to include following up on summit resolutions, maintaining a repository of information and knowledge on intergovernmental matters, coordinating the development of a standardised costing framework for the transferred functions and witnessing the execution of all relevant legal instruments pertaining transfer of functions.

For the last 10 years, the Senate and the Auditor General have agonised over the legality of county governments funding the CoG.

The Auditor General has generated a lot of reports on the funding of CoG. The first Fiduciary Risks Report developed by the County Public Accounts Committee and adopted by the House has questioned all contributions that were made to the CoG by County Governments as nugatory, illegal, and recommended that all officers who made the payments should be surcharged.

Debate on the Bill will continue when the House resumes sittings after recess.



# Counties urged to appreciate health workers for special service



*Senator Kathuri Murungi*



*Senator Agnes Kavindu*



*Senator Beth Syengo*

Senators have raised the red flag about the capacity of counties to offer health care services warning that demoralised healthcare workers are a threat to the well-being of the nation.

The lawmakers challenged county governments to ensure health workers live in good environment, are taken care of and appreciated for that special service they offer to the citizens.

“We need healthcare workers, doctors, nurses and physicians to be well paid,” said Senator Beth Syengo, even as she challenged the newly appointed Health Cabinet Secretary to take bold steps and initiate a process of establishing the much talked about health commission.

“I am encouraged that with a health commission, many issues affecting our health workers in the counties will be sorted out. We will have an energetic health workers team and things will be sorted out. We will have a healthy nation by having good and qualified health service providers.”

The lawmaker was contributing to a statement sought by Senator Kathuri Murungi who has requested the Committee on Health to submit to the House a report on the status of health services in Meru County following an industrial strike of health workers that commenced on August 1.

The Senator says the strike has led to a total shutdown in the delivery of health services in the County.

In his request, the Senator, who is also the Deputy Speaker, wants the Committee to explain whether there are immediate interventions to ensure that the health workers resume their duties to avoid cases of loss of lives and financial strain.

The Committee should explain whether the County Government of Meru has initiated any progress to implement the negotiated agreements between the County and the Workers’ Union and whether there are long-term plans to end the perpetual and perennial industrial strikes that have for a long

time denied the people of Meru their constitutional right to attainable standards of health.

“The people of Meru are under imminent apprehension that the industrial strike may be prolonged as the parties involved have not shown any signs of conciliation to end the standoff,” the Senator said in his statement to the House.

Senator Syengo said the problem of health care is not just in Meru County, but it is replicated across all other counties.

“Health care services require serious thought. We cannot have a sick nation. We need healthcare service providers to be paid and the system to be well managed.”

Senator Mohamed Chute supported the statement and proposed that the Committee on Health should organise for a programme of visiting hospitals across counties.

“What will happen to the patients if the staff demonstrate because they have

not been paid their salaries?” he asked, adding that as a country, Kenya has a problem, mainly in the management of the health sector.

Noting that health workers are the least appreciated of the public sector workers, Senator Agnes Kavindu proposed that the Health Committee should also look into the welfare of the hospital cleaners at all levels and establish how the cleaners are employed and what they can do if they do not earn their salary.

“Most of them do not have insurance that can be used to treat them when they fall sick. The majority of the doctors and nurses complain about hospital insurance.”

Most health care workers are vulnerable because they meet patients with all manner of diseases and they are to treat them without fearing for their lives. These are people to be taken care of, considered and made happy.”



# House to debate motion on bursaries



Senator Margret Kamar: Sponsored the motion.

The House is expected to debate the Motion that seeks to compel County Governments to stop funding national Government functions such as providing scholarships to students in secondary and tertiary institutions.

The Motion, which is sponsored by Senator Margret Kamar, wants the County Governments to instead increase funding to pre-primary education, village polytechnics and homecraft centres for improvement of infrastructure and payment of improved wages to teachers

in such facilities.

The Motion comes at a critical time when national conversation is focussed on the new University funding model and the question of duplication in issuance of bursaries to learners by government agencies.

The National Assembly is currently considering the possibility of a consolidation of all funds and bursaries to forestall streamline and avoid possible duplication of support to beneficiaries.

The National Assembly wants the Ministry of Education to provide the

data necessary for the formulation of a policy that will guide the distribution of bursaries.

The policy should push for the consolidation of the Higher Education and Loans Board (HELB) and all funds including scholarships and bursaries issued by Governors and legislators, both national and sub-national.

The current practise towards the issuance of bursaries and scholarships from public funds by the Ministry of Education, the National Government Constituencies Development Fund (NGCDF), and county governments is uncoordinated and has, in some instances, led to a duplication of awards.

The Constitution distributes functions and powers between the National and County Governments. It provides that the national Government is responsible for university and tertiary education institutions, other institutions of research and higher learning and primary schools, secondary schools and special education institutions.

The Fourth Schedule confers to county governments the responsibility to provide pre-primary education and other facilities such as village polytechnics, homecraft centres and childcare facilities.

Senator Kamar argues that notwithstanding the provisions of the Constitution, the quality of pre-primary education remains low as a result of poor

infrastructure with majority of the counties paying teachers in such facilities below the gazetted minimum wage.

The Report by the Office of the Controller of Budget on County Governments Budget Implementation Review for the first six months of the 2023/24 financial year, indicate that allocation to the Education Sector in all the 47 counties range between 0.7 per cent to 10.3 per cent of their total budgets

The report further notes that a majority of the county governments spend a great percentage of the education sector budgets on provision of scholarships and bursaries to students in secondary and tertiary institutions, with some counties allocating up to 84 per cent of their education budgets for such scholarships at the expense of the core mandate of providing quality pre-primary education and improving infrastructure in the village polytechnics and homecraft centres.

Senator Kamar wants this to change and the Controller of Budget (CoB) to ensure compliance and not approve monies to county governments for carrying out functions of the national Government.

“The Auditor-General should report on compliance status on funding of national Government functions by the county governments in the annual reports,” proposes the Senator.

## New dates for 2024 Senate Mashinani

The dates for the 2024 Senate Mashinani have been changed.

The Senate was scheduled to hold its plenary and committee sittings in Busia County from September 23 to 27, 2024.

However, special meeting held on August 14, the Senate Business Committee (SBC) resolved to push forward the event by a month.

In a letter to the County Assembly of Busia, Clerk of the Senate Jeremiah Nyegenye informed Acting Clerk of the resolution of the SBC adding that the event will now be held from October 28 to November 1, 2024.

“All logistical arrangements remain as discussed during our last courtesy call to your office,” Clerk Nyegenye says in the letter, dated September 2.

Conceived in 2018, the Senate Mashinani idea has largely succeeded in bringing the Senate, and by extension the Par-



Busia Governor Paul Otuoma addresses members of the Senate Board of Management led by Clerk Jeremiah Nyegenye (seated second left) when the team toured the county to assess the level of preparedness for Senate Mashinani.

liament of Kenya, closer to the people.

The sittings in Busia County will be the fourth since the inception. Previous sittings of Senate Mashinani have been in Uasin Gishu, Kitui and Turkana

Counties in September 2018, 2019 and 2023 respectively.

The objective of Senate Mashinani is to promote the role and work of the chamber of Parliament, enhance public

awareness regarding the business of the Senate and Parliament in general.

It highlights the existing and new opportunities for engagement in the legislative processes, develops and strengthens partnerships at the county level of Government.

The forum also provides an opportunity to Members and staff of the county assemblies to learn and share best practices with Senators and parliamentary officers.

The Senate embraces the fundamental principle that it exists for the people and stands as a beacon of democracy representing their collective will, aspirations and concerns.

The Sitting in Turkana County Assembly, was the first in the 13th Parliament and the third in the series after Uasin Gishu County (2018) and Kitui County (2019).



# Kamati ya Usalama yapokea maoni kuhusu Mswada wa Kitaifa wa Kudhibiti Majanga



Wanachama wa Kamati ya Usalama wa Kitaifa na Ulinzi wakati wakiongozwa na Mwenyekiti William Cheptumo wakati wa mkutano wao na Kamati ya Kitaifa ya Kukabiliana na Majanga walipojadili maswala kuhusiana na Mswada wa Udhibiti wa Majanga wa mwaka 2023.

**K**amati ya Kitaifa ya Kukabiliana na Majanga imewasilisha mapendekezo kadhaa yanoyonua kuupa nguvu mswada wa Udhibiti wa Majanga wa mwaka 2023. Mapendekezo hayo ya kisheria yanalenga si tu kuangazia changamoto za dharura zinazosababishwa na majanga bali kuweka ramani kabambe itakayoioanisha na viwango vya kimataifa na kukuza uthabiti.

Kamati hiyo iliwasilisha mapendekezo kwa Kamati ya Usalama wa Taifa, Ulinzi na Mashauri ya nchi za Kigeni kupitia kwa Mshirikishi wa humu nchini wa Umoja wa Mataifa Dkt. Stephen Jackson.

Kamati hiyo inataka uoanishwaji wa Mswada huo na makubaliano ya kimataifa kama wa Sendai, Mkataba wa Paris na ramani ya Umoja wa Mataifa kuhusu Mabadiliko ya Tabianchi.

Dkt. Jackson alisema kwa kuwa mikataba hiyo imetiwa sahihi na nchi wanachama inapaswa kutoa mweleko kwenye udhibiti wa Mikasa akiongeza kuwa hatua hiyo itafanikisha ukumbatiji wa utaratibu huo katika mataifa wanachama kando na kukuza mshikamano.

Hatua hiyo vilevile itahakikisha mzunguko thabiti wa kukabiliana na majanga ukijumuisha kuinga, uthabiti, kutolewa kwa onyo na kuitikia kwa dharura wakati wa Mikasa.

Mapendekezo ya Kamati hiyo yanaweka wazi umuhimu wa kuupa nguvu ushirikishi wa serikali katika kiwango cha Taifa na Kaunti yakifichua jinsi ilivyo muhimu kwa mamlaka kwenye Kaunti na nyanjani zikiwemo jamii kushiriki pakubwa katika kupunguza majanga. Kamati inasema kufanikisha hilo kunapaswa kuwa na juhudi za kutoa rasilimali, motisha na kushirikishwa kwenye maamuzi.

“Ili kurahisisha juhudi za udhibiti wa hatari za majanga, Kamati inapendekeza kuanzishwa kwa mamlaka moja ya kitaifa yenye athari nyingi, Mamlaka ya Kitaifa ya Kukabiliana na Majanga (NDRMA). Mamlaka hii itakuwa na jukumu la kuratibu na kutekeleza mzunguko kamili wa udhibiti wa hatari za majanga na hivyo kupunguza mgawanyiko ambao kwa sasa unatatiza juhudi za kukabiliana na majanga. Mapendekezo hayo pia yanajumuisha kuanzishwa kwa Kamati za Kaunti zilizoimarishwa na mamlaka ya kutosha ya kufanya maamuzi wakati wa majanga, zinazoratibiwa na NDRMA katika ngazi ya kitaifa. Ugatuzaji huu wa mamlaka utawezesha majibu yenye ufanisi zaidi na kwa wakati kwa mahitaji ya ndani,” alikariri Dkt. Jackson.

Kamati hiyo inasisitiza zaidi haja ya kuwa na mikakati mbalimbali ya ufadhi-

li ili kuendeleza juhudi za kukabiliana na majanga. Hivi sasa, Mswada unaweka jukumu la kufadhili katika ngazi ya kitaifa na kupendekeza mbinu mbili za kusimamia fedha kwa ajili ya usimamizi wa hatari za majanga. Ili kuhakikisha uwazi na uwajibikaji, utaratibu ulio wazi na wa uwazi wa usambazaji wa pesa kwa Kaunti ni muhimu. Utaratibu huo unapaswa kujumuisha maelezo kuhusu mbinu ya ugawaji na usimamizi wa fedha hizo.

Zaidi ya hayo, Mswada huo unapaswa kuruhusu chaguo bunifu za ufadhili, kama vile dhamana za majanga na bima ya hali ya anga, ili kuimarisha uhamasishaji wa kuleta pamoja rasilimali. Mikakati hiyo itaambatana na Mpango wa Kitaifa wa Utekelezaji wa Hali ya Hewa wa Kenya (III) wa kipindi cha 2023-2027.

Kwa mujibu wa Kamati, NDRMA inapaswa kuwa na mtazamo wa wadau mbalimbali ambao unashirikisha na kushauriana kikamilifu na sekta mbalimbali, ikiwa ni pamoja na serikali, sekta binafsi na jamii za mashinani hususan zile zinazoathiriwa moja kwa moja na majanga. Ushirikiano huu unapaswa kuzingatia mikakati kama vile mifumo ya maonyo ya mapema, kampeni za elimu kwa umma na mipango ya mseto wa riziki, yote ikilenga kuimarisha usta-

himilivu wa jamii.

“Kujumuishwa kwa vikundi vilivyo katika hatari kama vile wanawake, vijana, watoto na wale wanaoishi katika makazi yasiyo rasmi ya mijini au maeneo yenye majanga ni sehemu muhimu ya mapendekezo ya Kamati.

Tunasisitiza umuhimu wa kuhakikisha kuwa watu hawa waliotengwa wanaashiriki kikamilifu katika kupanga na kutekeleza mipango ya kukabiliana na majanga.

Ahadi hii ya ushirikishwaji inapaswa kuainishwa katika Mswada huo, ambao unaweza pia kufaidika kutokana na kuanzishwa kwa kamati ya ushirikiano wa wadau mbalimbali kwa ajili ya kukabiliana na majanga, inayojumuishwa wawakilishi kutoka sekta binafsi, mashirika ya maendeleo na taasisi za pande nyingi,” alifafanua Dkt. Jackson.

Aidha, alisisitiza umuhimu wa uwazi na uwajibikaji katika nyanja zote za udhibiti wa hatari za majanga. Alisema Mswada huo unapaswa kujumuisha mbinu za kufuatilia na kutathmini kazi zake, hasa kuhusu ugawaji, uhamisho na matumizi ya fedha zinazohusiana na majanga katika ngazi za Kitaifa na Kaunti kando na kuanzisha taratibu za wazi za uangalizi ili kuongeza imani ya umma na kuhakikisha kuwa rasilimali zinatumika ipasavyo.

Kadhalika, Kamati hiyo iliupongeza Mswada wa Kitaifa wa Kudhibiti Majanga wa 2023 ikifichua kwamba unawakilisha hatua muhimu kuelekea kuunda mfumo dhabiti na wa kukabiliana ipaswavyo na majanga nchini Kenya.

“Kwa kukumbatia mapendekezo yaliyotolewa na Kamati ya Kitaifa ya Kukabiliana na Majanga, Mswada unaweza kuanzisha mfumo wa kitaasisi na kisheria ambao sio tu unashughulikia changamoto zinazoletwa na majanga lakini pia unaweka msingi wa kustahimili na kukabiliana na hali hiyo kwa muda mrefu. Kupitia ushirikiano, uwazi, na ushirikishwaji, Kenya inaweza kuongeza uwezo wake wa kudhibiti majanga kwa ufanisi na kulinda jamii dhidi ya hatari za siku zijazo,” iliwasilisha Kamati hiyo.

Kamati ya Usalama wa Taifa, Ulinzi na Mashauri ya Nchi za Kigeni inayongozwa na Seneta William Cheptumo iliahidi kuangazia mawasilisho pamoja na yale ya washikadau wengine kabla ya kuhitimisha.



# NLC boss defends compensation policy



NLC chairman Gershom Otachi flanked by CEO Tache Kabale when they appeared before the Committee on Roads.

The National Land Commission (NLC) has compensated Project Affected Persons (PAPs) promptly, chairman Gershom Otachi has told a Senate Committee.

The chairman told the Committee on Roads, Transportation and Housing, which is chaired by Senator Karungo Thangwa, the Commission pays consistently but admitted that legal and administrative issues sometimes cause delays.

“The Commission aims to disburse funds as soon as we get funds from acquiring entities,” he said.

He told the Committee that NLC has processed over 95 per cent of the com-

pensation funds received from acquiring bodies and is currently holding Sh3.9 billion for PAPs whose payments are in various stages of processing.

Mr Otachi reported that six agencies namely Kenya National Highway Authority (KENHA), Kenya Urban Roads Authority (KURA), Kenya Rural Roads Authority (KERRA), Kenya Ports Authority (KPA), Kenya Airports Authority (KAA) and Kenya Railways Corporation (KRC) have remitted Sh83.4 billion to the NLC for compensation across 123 projects nationwide.

Of this amount, Sh79.6 billion has already been paid to PAPs.



Mr Gershom Otachi, the NLC chairman, makes his presentation before the Committee on Roads.

NLC is yet to receive approximately Sh56 billion from various entities including KENHA (Sh43 billion), KURA (Sh1.2 billion), KERRA (Sh500 million) and Kenya Railways Corporation (Sh11 billion).

The funds are intended to compensate individuals who surrendered land for development projects in various parts of the country.

Completed projects where funds are still outstanding include the Nairobi Expressway, Thika Road and Siaya-Ruambwa Road among others.

Mr Otachi acknowledged concerns from Senators about delayed compensa-

tion but highlighted a related issue, land acquired for public projects since the 1970s has not been properly vested in the acquiring government bodies.

As a result, individuals or private institutions still hold title to land where public roads, airports, dams, railways and other infrastructure now exist.

Mr Otachi called for urgent action to complete the land acquisition process, estimating that it would cost Sh5 billion to finalise the vesting of approximately 50,000 parcels of land acquired since 2013 covering 35,000 hectares.

## CPISFC meets two Governors

Two County Governors have separately appeared before the County Public Investments and Special Funds Committee to respond to audit queries concerning the Health Services Fund and the municipalities for 2019/20 to 2022/23 financial years.

The Committee, which is chaired by Senator Godfrey Osotsi granted Governor Gideon Mung'aro of Kilifi County additional time to prepare responses to the audit reports of the municipalities. Regarding the Kilifi Health Services Improvement Fund, the Committee directed the Governor to provide all necessary documents during the audit process, or face investigation and possible prosecution.

The committee directed that regulations supporting the fund be enacted by the end of the 2024/25 financial year and aligned with the Facilities Improvement



Senator Godfrey Osotsi, the chair CPISFC, and members Senator Eddy Oketch and Ledama ole Kina.



Financing Act, 2023.

Governor Fatuma Achani of Kwale County also appeared before the Committee to scrutinise the financial statements of several hospitals, including Msambweni, Lunga Lunga, and Kinango, for 2021/22 and 2022/23 financial years.

The committee identified several management and financial challenges across the hospitals and issued directives to improve their financial performance.

Senator Tom Ojienda asked the Governor to ensure the operations of the facilities are automated. “Automation is essential for accountability and efficien-

cy in our healthcare system,” he said.

Both governors were directed to implement internal control policies, enhance budgetary control measures, ensure timely document submission during audits, and automate internal processes by the 2024/2025 financial year.



# Senator tours Garissa Health facilities

As part of his oversight role, Senator Abdul Haji made a tour of the Garissa County Referral Hospital to evaluate the delivery of healthcare services to the residents of Garissa County.

The Senator was received at the facility by the County Executive Committee Member for Health Ahmed Nathir and his team who guided him on the tour.

The lawmaker thanked the team saying they had offered valuable insights into the ongoing efforts and obstacles the hospital is currently experiencing.

“The purpose of the visit was to identify challenges the hospital is facing and to explore potential solutions to enhance healthcare services for the community,” said Senator Haji.

The lawmaker also visited the Regional Cancer Center, which provides specialised care to cancer patients in the north Eastern region.

“The Senate is committed to further initiate legislative proposals aimed at improving efficiency in the delivery of health services and also address the broader challenges within the health sector.”



*Abdul Haji during the various departments and sections of the Garissa County Referral Hospital*

## This Week in History



“As we discussed last week in this House, health is the most important devolved function. However, the management of health in our counties leaves a lot to be desired. Pumwani Maternity Hospital, for instance, is the largest maternity facility in East and Central Africa and it was once a very prestigious hospital. Many Nairobians, Kenyans and East Africans are proud to have been born at Pumwani Maternity Hospital. However, over the years, the status of the hospital has deteriorated and it is now a hospital of last resort for those who cannot afford other facilities as opposed to maternity hospital of choice that it was once was. In addition to poor care of mothers and children at the facilities, there have been claims of child trafficking where healthy babies are swapped at birth for the dead babies who are then presented to their parents as stillborn births while the living babies are sold at a fee, both locally and internationally. What happened yesterday is part of the suspicion of what has been happening for a long time.”

Senator Johnson Sakaja contributing to the debate on the Statement on the deaths of babies at Pumwani Maternity Hospital on September 18, 2018.



“At what point did it become business as usual to put dead bodies in cartons, polythene bags and store them so that they could be collected, say, Monday, Wednesday and Friday yet Pumwani Maternity Hospital is possibly seven or eight kilometres away from the City Mortuary? My eldest sister was born in Pumwani Maternity Hospital in 1974. We used to be proud of this hospital. I had an occasion to deal with a child who was born with cerebral palsy because the labour of the mother took more than 14 hours. This condition is caused by lack of oxygen at the point where the baby reaches the bridge and it takes too long for the baby to be taken out. What is worse, after I tweeted about it, a lady looked for my number and called me. She told me: “Sen. Mutula Kilonzo Jnr, I have seen your tweet. What bothers me most, because I was in that hospital and had a stillbirth, is that I never buried my child.” That is what bothers that lady until now.”

Senator Mutula Kilonzo Jnr contributing to the debate on the Statement on the deaths of babies at Pumwani Maternity Hospital on September 18, 2018.



“I urge this House, through the Committee of Health, to also visit our counties. If this is happening in the City of Nairobi, which hosts the Parliament of this Republic, what do you think is happening in some dispensaries in Garissa, Kajiado, Narok and Kitale? What is happening in the other small dispensaries there? It is high time we looked at the resources that we are allocating to these health centres, health facilities and hospitals. It is also high time for us to get to know their priorities.”

Senator Mary Seneta contributing to the debate on the Statement on the deaths of babies at Pumwani Maternity Hospital on September 18, 2018.



“I was born in Pumwani Maternity Hospital, and I have fond memories for it. It is a hospital that serves the common man of this country. It is a painful thing if the staff is not keen on their work. The fact that dead children are wrapped in paper bags is unthinkable. The issue of people selling babies is wrong. It is wrong and a painful thing that a mother can be pregnant for nine months and then when they have just delivered, someone steals the baby and walks away with it. It is a painful thing for the mothers. There is need for the hospital to serve the people of Nairobi City County because health is a devolved function. There is also need for medics to take their work seriously especially in Government hospitals, because they serve the common man whom we are here to represent. We cannot keep quiet when the common man is being violated in terms of health which is one of the Big Four Agenda. If we are to realise them, we need to ensure that things are straight.”

Senator (Dr) Gertrude Musuruve contributing to the debate on the Statement on the deaths of babies at Pumwani Maternity Hospital on September 18, 2018.



# Public Service Commission supports fundraising Bill



Majority Leader Aaron Cheruiyot, (second left), the sponsor of the Public Fundraising Appeals Bill, 2024, shares a light moment with Speaker Amason Kingi, Senator Munyi Mundigi (left) Embu Governor Cecily Mbarire during a fundraiser of a church in Embu town in 2023.

The Public Service Commission (PSC) has endorsed the Public Fundraising Appeals Bill, 2024 noting that if enacted it will enhance transparency and accountability on the usage of funds collected through fundraising appeals.

The Bill is sponsored by Majority Leader Aaron Cheruiyot and seeks to put in place regulatory mechanisms at the national and county levels to oversee the conduct of appeals for public fundraising.

The Commission is however opposed to subjecting public officers to a blanket ban on harambees as proposed in the Bill arguing that public officers are part of society and may once in a while be called upon to contribute to causes such as medical bills.

“The Commission is of the view that whereas the Bill should ban public officers from soliciting for funds using their offices or presiding over harambees while in office, as members of society and communities should be allowed to contribute to any fundraising appeals for good cause such as medical and educational purposes,” the Commission says in a memorandum it submitted to Senate on the Bill.

The Committee on Labour and Social Welfare is conducting public hearings on the Bill as required by law.

The Commission is concerned about the way Clause 13 is drafted and has proposed amendments.

Clause 13 states: A State officer or an appointed public officer shall not partic-

ipate in a fundraising appeal or conduct a public fundraising appeal during his or her term as a State officer.

Sub Clause 2 provides that a person who intends to vie for a public office shall not participate in a public fundraising appeal within the period of three years preceding a general election.

A public officer who contravenes the provision shall be liable to a fine not exceeding Sh5 million while an aspirant who defies the provision will be deemed to have committed an election offence.

The Commission wants the Clause amendment so that instead of a blanket ban, the Bill should only restrict state officers from using their offices or place of work as venues for soliciting harambees either as a collector or a promoter.

The Commission is also against a situation where a state officer will obtain money or other property from a person using their official position in any way to exert pressure.

In the memorandum, the Commission proposes that state or public officers should not preside at harambees, or play a central role in its organisation or appear as a guest of honour at a harambee.

It further proposes that the officers should not participate at harambee in such a way as to reflect adversely on his integrity or impartiality or interfere with the performance of their duties.





1. Senator Tabitha Mutinda, Senator Wakili Sigei, Dagoretti North MP Beatrice Elachi, Senator Veronica Maina and Senator Allan Chesang follow proceedings during the launch of the 5th National Action Plan by President William Ruto in Nairobi County.
2. Senators who attended the launch of the 5th National Action Plan are introduced to the stakeholders.
3. Senator Catherine Mumma in a tête-à-tête with Majority Whip Boni Khalwale before the start of the official launch of the 5th National Action Plan.
4. Senator Alllan Chesang (left) and Senator Veronica Maina at the launch of the 5th National Action Plan in Nairobi County.
5. Senator Edwin Sifuna contributes to the proceedings when Tharaka Nithi Governor Muthomi Njuki appeared before the County Public Accounts Committee to respond to audit queries.
6. Roads Cabinet Secretary Davis Chirchir (right) speaks when he appeared before the Committee on Delegated Legislation to explain the recent increase in the Road Maintenance Levy.
7. Garissa Governor Nathif Jama before the County Public Accounts Committee to respond to audit queries on financial statements.
8. Senator Gloria Orwoba (left), Senator Betty Montet and Senator Agnes Muthama listen to CS Davis Chirchir on Road Maintenance Levy.





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