

The SENATE

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Senate records history

As it votes to remove Deputy President Rigathi Gachagua from office through impeachment

The Senate has recorded a rare piece of history when upheld the impeachment of Deputy President Rigathi Gachagua and voted to remove him from office, affirming the tenacity of Kenya's Parliamentary democracy.

The rare vote is an important and unique for the 13th Parliament and it is most likely to go down in the annals of history as the first impeachment of a Deputy President anywhere in the world.

The House convicted Deputy Rigathi Gachagua on five of the 11 charges he faced, the move that effectively removes him from office.

The 67 lawmakers of the Senate found the DP guilty on five grounds but absolved him on six charges.

A total of 54 Senators upheld the first count on gross violation of Articles 10 (2)(a), (b) and (c); 27 (4), 73 (1)(a) and (2)(b); 75 (1)(c), and 129 (2) of the Constitution and Article 147 (1), as read together with Article 131 (2)(c) and (d) of the Constitution.

The House absolved the Deputy Governor on the second count which was about gross violation of Articles 147 (1) and 152 (1) of the Constitution by undermining the President and the Cabinet and the effective discharge of the national government's executive mandate. A total of 39 Senators voted against the allegations and 28 in support.

On gross violation of Articles 6 (2), 10 (2)(a), 174, 186 (1), 189 (1) and the Fourth Schedule to the Constitution which he was accused of undermining Devolution, the lawmakers absolved the second in command. Forty-five senators voted to save the DP, 19 voted to indict him while 3 abstained.

Count five was on gross violation of article 160(1) of the Constitution on the Institutional and Decisional Independence of Judges. On this, 49 senators voted to send the Deputy President

home, 16 voted to save him while 2 abstained.

"The Senate has resolved to remove from office Deputy President through impeachment and therefore he ceases to hold office," ruled Speaker Amason Kingi after the final tally.

The vote came on the second day of the hearing of the impeachment trial and after the Deputy President was taken ill soon after the end of the morning session.

The tradition of impeachments is borrowed from the 248-year independence of United States of America (USA). While a number of Presidents have been impeached in the US, for the entire two-and-a-half centuries, no Vice President has undergone a process of removal by way of impeachment.

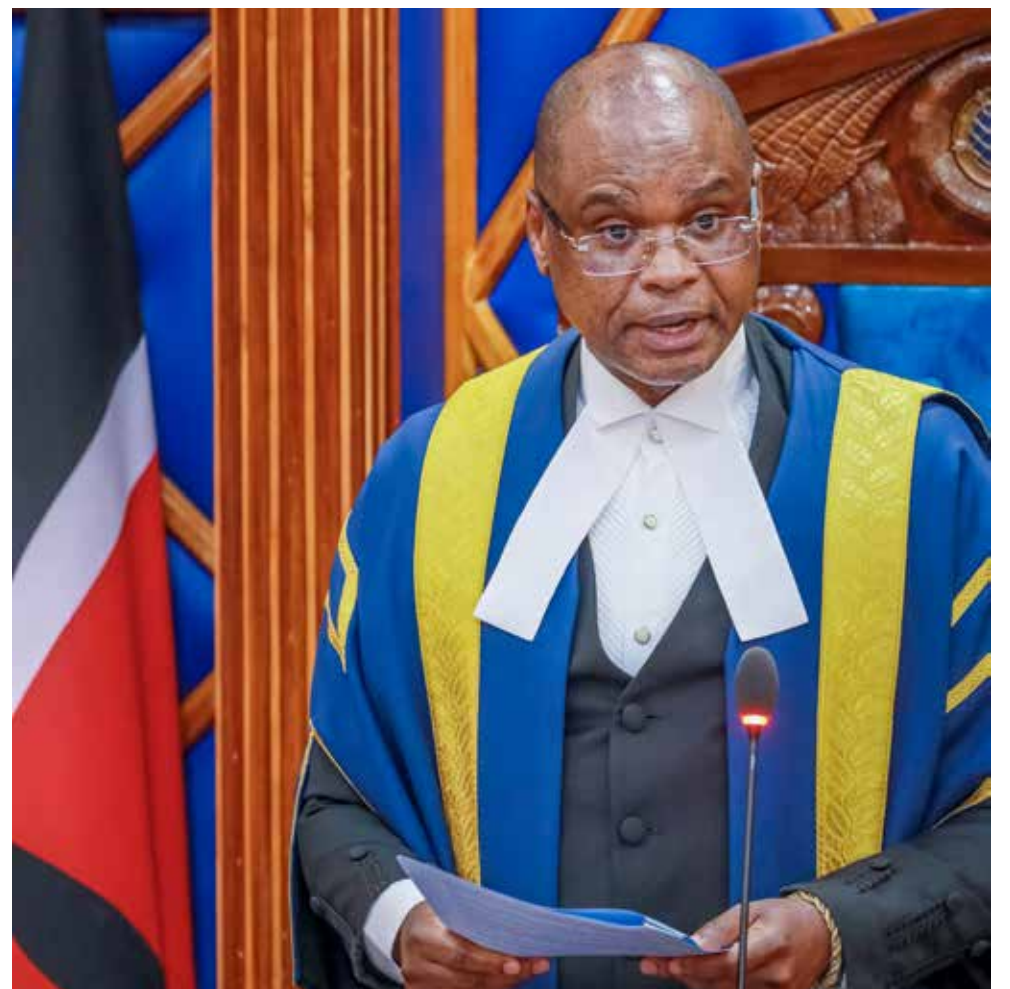
The Senate, in this particular hearing, facilitated members of the public who were interested in the proceedings to access its galleries, to demonstrate the weight of the matter.

The constitution has entrusted the Senate with the singular role to sit as a quasi-judicial body to investigate a proposal to remove from office, by impeachment, of the President, Deputy President, County Governors and Deputy County Governors and to make a determination on the alleged infractions of the Constitution and other laws.

"The impeachment process is a fundamental tool of legislative oversight and a crucial aspect of the constitutional mechanism for checks and balances," observed Speaker Kingi in one of the many rulings he made in the course of the week.

"The process is invoked by legislatures and in particular, in our case, Parliament and county assemblies to safeguard good governance and integrity in public service."

In the case of the Deputy President,



Speaker Amason Kingi delivers the final ruling of the two-day impeachment proceedings in which the Senate vote to remove Mr Rigathi Gachagua from office as the Deputy President.



Deputy President Rigathi Gachagua and one of his lawyers in the impeachment trial, Mr Tom Macharia, follow proceedings during the hearing.



The National Assembly legal team led by Senior Counsel James Orengo present their case against the Deputy President



Lawyers representing Deputy President Rigathi Gachagua, Mr Elisha Ongoya and Mr Ndegwa Njiru, make their submissions before Senators.

the Speaker underscored the immense public interest the matter elicited.

“This is yet another opportunity for the Senate to demonstrate its fidelity to the Constitution and to live up to its reputation. It behooves the Senate, as the trial Chamber to maintain integrity and impartiality in this administration of justice and to make a determination on this matter purely based on its merits.”

For the Majority Leader Aaron Cheruiyot, the accumulated matter of the

trial of the Deputy President, had placed the Senate in uncharted territory.

“For the first time, the Senate of the Republic of Kenya is being invited to conduct an impeachment hearing of a Deputy President. Much as this is constitutional, it is the first time that this is happening.”

Since the promulgation of the 2010 constitution, there have been impeachments. But they have mainly focused on County Governments and their deputies.

And while the impeachment trial for the President and Deputy President is envisaged in the constitution.

Senior Counsel James Orengo argues that the Senate has been given an exclusive jurisdiction to undertake a trial for the impeachment and removal of a deputy governor or governor or a Deputy President or President.

“This is an exclusive jurisdiction that even the courts have spoken about many times. The courts can intervene in lim-

ited and justified occasions that merit their intervention. However, it should never be lost that this is the trial court, if I may put it that way. We also come here knowing that the Senate is a repository of the law with regard to impeachments. All the cases involving the impeachment of governors and deputy governors that have gone to the courts have involved the participation of the Senate.”

Speaker Kingi advice to new CoG Executive team



Senator Veronica Maina and Senator Sheikh Abbas, who chairs the Committee on Devolution, follow the voting during the election of chair and vice chair of the Council of Governors at Safari Park Hotel, Nairobi.

Speaker Amason Kingi has challenged the new leadership at the Council of Governors to hit the ground running and keep the momentum saying a lot remains to be done in the devolution space.

The Speaker further commended the outgoing team led by Governor Anne Waiguru for a job well done.

The Speaker made the remarks at the annual State of Devolution Address at Safari Park Hotel, Nairobi, after the elections of the new CoG officials.

Wajir Governor Ahmed Abdulahi was elected the chairperson in the hotly contested, while Nyeri Governor Muthi Kahiga bagged the Vice Chair's position. Nandi Governor, Stephen Sang retained his position as Whip of the Summit.

While highlighting the key role of the Senate, Speaker Kingi said that with a collective approach solution to chal-

lenges like delayed disbursement by the exchequer, huge pending bills, low inflow of own-source revenue, failure by the National Government to relinquish some devolved functions, simmering disquiet pitting County Executives with their Assemblies and Governors with their deputies among others, would be found.

"Article 96 of our Constitution proclaims the role of the Senate, outlining its core mandate of overseeing implementation of Devolution. In undertaking this task, the Senate works through its Standing and Departmental Committees that are the actual drivers of its Business of oversight, legislation and representation," he said in remarks made on his behalf by Senator Veronica Maina.

"The Senate Committee on Devolution and Inter-Governmental Relations, continues to play in the Devolution space. In order to foster seamless



Senator Veronica Maina deliver the speech to Council of Governors on behalf of the Speaker of the Senate.

functionality of the devolved units, the committee is presently considering the Intergovernmental Relations (Amendment) Bill, a key aspect of which is the anchoring of the COG Secretariat in law, according it access to the consolidated fund."

Other activities by the Devolution Committee include looking into the completion of the unbundling of devolved functions, in accordance with provisions of the 4th Schedule which, regrettably, is yet to be concluded some 10-plus years into the implementation of Devolution as well as cultivate and sustain good working relations and ease tensions between Governors and Deputy Governors, through mediation in addition to streamlining the County Governments Act so as to improve cordiality within county leadership.

The Speaker revealed that the Senate

plans to conduct an inquiry into national Government parastatals still performing devolved functions, look into the Auditor General's report on Financial Year 2022/2023 which identifies cross-cutting issues that require the intervention of the Senate, assess the status of valuation of assets and liabilities by the Intergovernmental Relations Technical Committee and conduct visits to various counties to assess the general state of devolution.

The Senate is processing the County Public Finance Law (Amendment) Bill, 2023, that will grant financial autonomy to County Assemblies to bolster their independence. The Bill sponsored by Meru Senator and Deputy Speaker is at Second Reading stage.



Prime CS Musalia Mudavadi and Governor Fatuma Achani welcome Speaker Amason Kingi at Kwale Stadium in Matuga, Kwale County, during the Mashujaa Day celebrations.



Speaker Amason Kingi and Majority Leader Aaron Cheruiyot walk to the luncheon dais at the Kwale State Lodge, Kwale County, after the Mashujaa Day celebrations.

Kericho MCAs on spot as Governor Mutai survives impeachment



An emotional Governor Mutai celebrates with his staff after the Impeachment Motion was dropped by the Senate.



Kericho Governor Eric Mutai, his staff and defence team hold a prayer after the Senate dropped the trial to remove him from office through impeachment.



Governor Eric Mutai's legal team moments after their 'victory'.

Kericho Governor Eric Mutai made history of sorts after he survived an impeachment trial at the Senate, thanks to a legal error by the Speaker of the County Assembly of Kericho.

While the MCAs have the power under the law to initiate the removal from office of a Governor and other state officers in the county, they shot themselves in the foot in this case when they failed to marshal the two-thirds threshold to support the impeachment motion.

The County Assembly adopted an impeachment motion against Governor Mutai on Wednesday October 2, accusing him of gross violation of the consti-

tution and other laws, abuse of office and gross misconduct.

But Governor Mutai's legal team, led by lawyer Katwa Kigen, successfully raised an objection which was upheld by the House.

Mr Kigen had demanded the termination of proceedings, on account that when the MCAs took the final vote, the two thirds required to impeach the Governor was not achieved as provided for in the law.

The County Assembly of Kericho has 47 members out of which 31 voted in favour of the Motion for the motion while 16 stayed away.

Section 33 of the County Govern-

ment's Act requires that an impeachment Motion must muster at least two-thirds. With 47 MCAs in the Assembly, two-thirds is achieved when the vote comes to 31.3, which should have been scaled up to 32 members.

"In the case before you, the impeachment was passed with 31 votes. We argue that 31 is not the same as 31.3," said Mr Kigen.

The Legal team of the County Assembly led by Eric Mutuma opposed the application arguing that the preliminary objection should only be allowed purely on question of law.

"What the counsel for the governor is inviting you to do at this juncture, is to

consider matters that are disputed; matters of fact. It is set of law that if an issue is contested or in dispute, that can only be determined by way of evidence," he said.

He told the House that the County Assembly was ready to produce evidence to indicate that threshold was met.

"How are you able to make a determination without listening to the evidence or looking at the materials that both parties are relying on?" Mr Mutuma challenged the Senators.

In his ruling Speaker Kingi, admitted the issue of threshold was crucial to the impeachment trial.

He also ruled that it was not on him to make the determination the issue, but the plenary.

"I rule that the question on whether the threshold for impeachment was met, will be determined by a vote of the Senate. This is so because the preliminary objection is of such a momentous character that it goes to the substratum of the impeachment proceedings and has the prospect of terminating the proceedings at this point," he argued.

He observed that the County Governments Act and the Senate Standing Orders did not contemplate a situation where the Speaker is called upon to terminate the proceedings in a proposed impeachment without the participation in that decision by the Senate.

In the ensuing motion, a total of 34 Senators voted in favour of the preliminary objections, while 10 voted against.

"The Motion having been approved, the hearing proceedings on the proposed removal from office, by impeachment, of Governor Mutai, the governor of Kericho County, hereby terminates," ruled Speaker Kingi.

Lawmakers seek answers on issues of national concern



Senator Raphael Chimera



Senator Abdul Haji



Senator James Lomenen

Senator Richard Onyonka wants the Committee on Health to submit to the House details of the Sh104 billion Integrated Health Information Technology System (IHTS).

IHTS is a project of the Social Health Authority (SHA) and which aims at digitising Kenya's health infrastructure through interconnecting patients, doctors, hospitals and health services on a unified platform.

The tender of the project was awarded to a consortium comprising of Safaricom, Apeiro Limited and Convergence Network Solutions.

Senator Onyonka wants the committee to explain the ownership model of the System and state whether a national security system assessment was done considering that the system will connect the country's health infrastructure.

The lawmaker further wants the House to be furnished with an explanation on how a foreign entity was engaged to leverage the country's health system and outline the distinct roles and responsibilities between the Ministry of Health, SHA in the procurement and oversight

of the IHTS system.

He wants the Committee to specify the monthly payment terms that have been agreed upon between the consortium and the Ministry of Health, SHA and whether the payments are linked to the performance matrixes or milestones achievable.

In its probe, the committee should establish whether there is a detail-specific improvement in the healthcare delivery and patient outcomes expected by the Ministry of Health following the implementation of the IHTS system.

The lawmaker wants the committee to explain measures put in place to mitigate delays during the rollout, especially in rural areas with limited infrastructure and indicate the contingencies or penalties in which the consortium, if it fails to deliver in time or to meet performance targets on what responsibilities they will hold.

On the other hand, Senator Abdul Haji sought a statement from the Committee on Finance and Budget regarding the financial operations of county public service boards.



Senator Richard Onyonkah



Senator Tom Ojienda

Senator Haji wants the committee to provide a list of the 47 county governments that have appointed and designated secretaries of the county public service boards as accounting officers.

He also wants the statement to disclose the total budgetary allocations to each County Public Service Board from the 2014/15 financial year.

The lawmaker further requires the committee to state the actual amounts disbursed to each county public service board for every financial year since 2014 across all the 47 county governments.

This, he says, should give any safeguards the National Treasury and Ministry of Economic Planning has established to ensure timely disbursement of funds to all the 47 boards in accordance with the approved budget by the Controller of Budget (CoB).

Senator Raphael Chimera sought a statement from the Committee on Tourism and Wildlife regarding the recent escape of lions from their natural habitats without the knowledge of the Kenya Wildlife Service (KWS) in Kwale County.

The Senator wants the committee to investigate the circumstances under which the lions escaped and whether there was a lapse in KWS oversight.

"The committee should also assess the damage caused by the lions to the local community and clarify if compensation has been provided to the affected individuals," said Senator Chimera.

The committee has also been urged to outline plans for involving local communities in conservation education to raise awareness about wildlife coexistence and encourage timely reporting of such incidents.

In addition, the Senator wants the committee to outline national measures

to mitigate human-wildlife conflict to ensure the safety of both communities and wildlife, especially in vulnerable areas.

Senator James Lomenen has called on the Committee on Energy to address the ongoing power crisis in Turkana County.

The county has been experiencing persistent blackouts and electricity rationing. Despite being home to the Turkwel Gorge Hydroelectric Power Station, Turkana's major towns including Lodwar have remained unconnected to the national grid, relying instead on diesel generators.

"Lodwar has been facing severe power rationing, receiving electricity for just four hours a day, which has crippled businesses, government operations and essential services," lamented Senator Lomenen.

Towns like Lokitaung have been without power for months, with no clear solution in sight.

The lawmaker wants the Committee to explain the steps being taken to connect Turkana's major towns to the national grid and provide an update on the Rural Electrification and Renewable Energy Corporation's (REREC) progress in expanding electricity infrastructure in the county.

The Senator also called for long-term plans to improve Turkana's electricity infrastructure to ensure reliable, sustainable and affordable power supply.

Senator Tom Ojienda has raised concerns over chronic delays in the payment of salaries and the non-remittance of statutory deductions by the Kisumu County Government.

The Senator expressed concern over the poor working conditions of county staff, noting that the county continues to receive disbursements from the National Treasury and collects Own-Source Revenue (OSR) which could be used to offset salary costs.

"The county government's failure to prioritise payments has left employees demotivated, struggling to meet their financial obligations and some even blacklisted by the Credit Reference Bureau (CRB)," Senator Ojienda noted.

Senator Ojienda now wants the Committee on Labour and Social Welfare to investigate why the Kisumu County Government has not utilised its OSR to address the salary delays and statutory remittances.

Additionally, the committee is expected to clarify the legal implications of non-compliance with the Employment Act and other relevant laws and propose measures to prevent further delays in salary payments.

Seneta Sigei ataka majibu kuhusu marupurupu kwa wafanyakazi katika sekta ya afya

Seneta Wakili Hillary Sigei amewasilisha ombi akitaka Kauli kutoa kwenye Kamati ya Leba na Masuala ya Jamii kuhusu uondoaji kiholela wa marupurupu ya Huduma ya Afya kwa baadhi ya wafanyakazi katika sekta ya afya kwenye Kaunti ya Bomet kitenendo kilichofanywa tarehe tofauti mnamo mwaka 2024.

“Marupurupu haya, ambayo yaliipangiwa kwenye bajeti ipasavyo na Kaunti na kupewa wafanyakazi walioathiriwa kulingana na barua zao za uajiri, yamebatilishwa kiholela. Hili limezua wasiwasi kubwa kuhusu vigezo vinavyotumika kuhalalisha kuondolewa kwa manufaa haya,” alisema Seneta Sigei.

Alifichua kuwa hatua hiyo ilichukuli-

wa bila ilani au uhalali wowote wa wazi wa kisheria na kuibua wasiwasi zaidi kuhusu haki za wafanyakazi wa sekta ya afya, matumizi sahihi ya migao ya bajeti na usawa wa taratibu za malipo.

Seneta Sigei sasa anaitaka Kamati ya Leba kufanya uchunguzi wa kina na kufafanua msingi mahsusi wa kisheria na kisera wa uondoaji wa marupurupu ya Huduma ya Afya kwa wafanyakazi wa sekta ya afya walioathirika, ikionesha masharti ya kisheria, ikiwa yapo, yanayounga mkono hilo na kama utaratibu unaofaa ulifuatwa.

Aidha Kiongozi huyo alitaka Kamati hiyo kueleza vigezo vinavyotumiwa na Serikali ya Kaunti ya Bomet kuyaondoa marupurupu ya huduma za afya kwa

wafanyakazi fulani mbali na kutathmini athari za uondoaji huo kwa maslahi ya wafanyakazi walioathiriwa, ikielezea mipango yoyote iliyowekwa na serikali ya Kaunti kushughulikia athari za kifedha na motisha zinazohusiana na utendakazi wa wafanyakazi husika.

Kadhalika Seneta huyo anaitaka Kamati hiyo inayoongozwa na Seneta Julius Murgor kuchunguza ikiwa fedha hizo ziligawiwa upya na namna ugavi huo ulifanywa, ikizingatiwa kuwa zilikuwa zimetengwa kwenye bajeti ya Kaunti ikifichua hatua zozote zinazochukuliwa kuhakikisha uwazi katika usimamizi wa fedha hizo.



Seneta Wakili Sigei

Seneta Ojienda ateta kuhusu ukosefu wa usalama kwenye Kaunti ya Kisumu

Bunge la Seneti limetakiwa kuingilia kati kwa hima na kushughulikia tatizo la ukosefu wa usalama kwenye Kaunti ya Kisumu linalotajwa kuongezeka pakubwa na kuzua wasi wasi miongoni mwa wakazi wa Kaunti hiyo.

Seneta Tom Ojienda aliwaambia Maseneta namna wenyeji wa Kaunti ya Kisumu wamekumbwa na changamoto kubwa ya ukosefu wa usalama akitaka hatua za dharura kuchukuliwa na Seneti kuwasadia wakazi hao.

“Kumekuwa na ongezeko la ukosefu wa usalama katika Kaunti ya Kisumu kutokana na sababu mbalimbali kama vile taa duni za barabarani, kuongezeka kwa umaskini mijini haswa katika makazi yasiyo rasmi kama Manyatta, Obunga, Nyalenda na Nyawita miongoni mwa mengine ambayo yanakabiliwa na miundombinu duni na huduma duni,” alifafanua Seneta Ojienda.

Seneta Ojienda sasa anaitaka Kamati ya Usalama wa Kitaifa, Ulinzi na Uhusiano wa Kigeni kutoa taarifa ya kina kuhusiana na ongezeko la visa vya ukosefu wa usalama katika Kaunti ya Kisumu.

Seneta huyo anaitaka Kamati hiyo kuweka wazi hatua ambazo serikali ya Kaunti imeweka ili kuimarisha juhudi za polisi jamii kama ilivyoainishwa katika Kifungu cha 96 cha Sheria ya Huduma ya Kitaifa ya Polisi haswa katika makazi yasiyo rasmi ambapo ukosefu wa usalama umekithiri.

Vilevile Kiongozi huyo anaitaka Ka-

mati hiyo inayoongozwa na Seneta William Cheptumo kutoa ratiba za kuweka taa za barabarani katika maeneo yenye uhalifu mkubwa na kuashiria jinsi serikali ya Kaunti itahakikisha kuwa taa hizo zinasalia kufanya kazi kila wakati mbali na kuelezea hatua zinazochukuliwa kuhakikisha kuwa serikali ya Kaunti inaboresha miundombinu ya usalama, kama vile uwekaji wa kamera za CCTV katika maeneo muhimu na uboreshaji wa mwitikio wa polisi.

Kadhalika Seneta huyo anaitaka Kamati kufanya uchunguzi na kuwasilisha maelezo ya ushirikiano wowote ambao serikali ya Kaunti imefanya na vyombo vingine vya Usalama wa Kitaifa kushughulikia uhalifu unaoongezeka na jinsi Kaunti ya Kisumu inavyotumia rasilmali za usalama wa kitaifa kushughulikia suala hilo kwa mapana.

Kwenye ombi jingine Seneta Ojienda ametaka Taarifa kutoka kwa Kamati ya Fedha na Bajeti kuhusu matumizi ya fedha za dharura katika Serikali ya Kaunti ya Kisumu.

Akiwasilisha ombi lake, Seneta Ojienda alisema Kifungu cha 110 (1) cha Sheria ya Usimamizi wa Fedha za Umma kinailekeza mamlaka ya usimamizi wa Serikali ya Kaunti kuunda Hazina ya Dharura ya serikali ya Kaunti ambayo itajumuisha pesa za mara kwa mara zilizoidhinishwa kwenye Bunge la Kaunti kwa ajili ya hazina hiyo kufungamana na sheria ya ugawaji.

“Kifungu cha 110(2), kinasema kwamba madhumuni ya Hazina ya Dharura ni



Seneta Eddy Oketch na Seneta Tom Ojienda

kuwezesha malipo kufanywa kuhusiana na Kaunti wakati haja ya dharura na isiyotarajiwa ya matumizi ambayo hakuna mamlaka muafaka kisheria kuelekeza,” alifafanua Seneta Ojienda.

Katika Taarifa hiyo, Kamati inafaa kueleza jumla ya fedha zilizotengwa kwa Hazina ya Dharura ya Kaunti ya Kisumu tangu kuanzishwa kwake na kubainisha vigezo vilivyotumika kubainisha mgao huo kando na kutoa maelezo ya jinsi fedha hizo zimetumika kushughulikia dharura mbalimbali, ikionesha jumla ya fedha zilizotumika kwa kila dharura.

Seneta Ojienda aidha alitaka Kamati hiyo kuthibitisha kama misaada au mi-

chango yoyote imetolewa kwa Hazina hiyo na washirika wa nje au wafadhili na kama ni hivyo, itaje kiasi hicho na jinsi zimetumika ikitoa orodha ya kampuni na taasisi zilizonufaika nazo kupitia zabuni, ikiwa ni pamoja na taarifa kuhusu umiliki wazo na kuthibitisha kama zabuni hizo zilitolewa kwa ushindani.

“Kamati inapaswa kueleza hatua zinazochukuliwa kuhakikisha kuwa Hazina hiyo inatumika kwa ajili ya lengo lililokusudiwa na kuhakikisha uwajibikaji katika matumizi yake,” aliuliza Seneta Ojienda.

Committee summons DPP over missing person



Senator Wakili Sigei, the chair of the Committee, and Senator Fatuma Dullo during one of the committee sittings.

The Committee on Justice, Legal Affairs and Human Rights probe into the case of Joshua Gichuki Mwangi's disappearance has faced a setback, raising concerns to members.

A scheduled meeting between the

committee and the Director of Public Prosecutions (DPP) Renson Ingonga as well as the Director of Criminal Investigations (DCI) Amin Mohamed failed to take off. The meeting had been scheduled to to address Christine Njoki Mwe-

ru's petition regarding her husband's disappearance.

However, the two officials failed to show up or even submit documents related to the case with the DPP Ingonga sending representatives.

The personal absence of the senior officers prompted the Committee to postpone the proceedings, citing parliamentary protocol.

"The two officers have to appear in person. This is the standard procedure here in parliament. We cannot address anyone who is not an accounting officer," stated Senator Fatuma.

Senator Veronica Maina argued that the matter before the committee touches on an individual's life and cannot be taken casually.

"We cannot hear any other person other than the DPP and DCI," she said.

Expressing his disappointment, Senator Sigei ruled the matter is critical and urged the DPP to take it seriously.

"The committee is sending fresh invitations for the two officials to appear on October 24," he ruled.

Mwangi disappeared in February 2020 under suspicious circumstances. Mrs Mweru's petition seeks Senate intervention, alleging mishandling of the case by authorities and lack of progress in the investigation.

The committee aims to hold responsible agencies accountable and provide closure to the affected family.

Committee fines former Governor Ngilu for no-show

The County Public Investments and Special Funds Committee has imposed a Sh500,000 fine on former Kitui Governor Charity Ngilu for failing to honour summons on a matter involving the Kitui County Textile Centre (KICOTEC) financial statements and land ownership issues.

The committee has further issued fresh summons for her appearance at a date to be confirmed.

Former County Chief Officer of Trade and Investments, Justus Makau, who appeared before the Committee, faced scrutiny over KICOTEC expenditure of Sh168 million flagged by the Auditor General's office.

Senator Ledama Olekina pressed Makau on the occupation of Syongila Vocational Training Centre land, demanding the land lease agreement, purchase documents be availed to the Committee.

In the absence of the documents, the lawmaker asked Makau to admit that they forcefully took over the land.

Maggie Kitonga, chairperson of Syongila Vocational Training Centre, recounted the community's efforts to retain the

land.

"It is when the community raised funds for legal fees, we went to court and the judgement was in our favour; that the land belongs to Syongila Vocational Training Centre," she stated.

Makau was also questioned about regular cash withdrawals from KICOTEC bank accounts by Georgina Musembi and Faith Muna, raising concerns about financial management practices at the facility.

The committee directed the former governor to appear to resolve the issues.

The Committee chair, Senator Osotsi noted that members could not get to the bottom of the matters without the presence of the former governor.

"I hereby, on behalf of the committee, resolve that we issue fresh summons for her reappearance, fine her Sh500,000 for her non-appearance today according to the standing orders."

—The committee has rescheduled the meeting to further investigate the financial irregularities and land ownership disputes surrounding KICOTEC.



Senator Godfrey Osotsi gave the orders on former Governor Charity Ngilu.

Petition seeks to ban political branding of public projects



Senator Sheikh Abbas, chair Committee on Devolution.



Mr Laban Omusundi, the Petitioner, and an unidentified person with Senator Veronica Maina and Senator Wakili Sigei during his previous appearance before the Committee on Justice.

A member of the public has filed two Petitions touching on the governance in counties.

The first petition by Mr Laban Omusundi is urging the Senate to create a framework that will disallow County Governors and Members of County Assemblies (MCAs) to brand public projects with their names, images, or portraits.

The Petition, which was communicated to the House by Speaker Amason Kingi, expresses concern that county funded projects are emblazoned with portraits, images and names of governors and MCAs, a situation that has enabled the leaders to promote and brand themselves for personal political gains without adequate checks and balances.

Mr Omusundi, argues that Article 231(4) of the Constitution disallows the use of individual portraits on currency,

but allows images that depict or symbolise Kenya or an aspect of Kenya.

“This principle should also be applied to public projects,” he says in the Petition, noting that County Government vehicles have been used for personal purposes by political leaders and other county staff due to the lack of branding.

He urges the House to provide amend the County Governments Act to provide mechanisms that will ensure that all public funded projects are branded as courtesy of Kenyan taxpayers and formulate a regulatory framework that will ensure Government vehicles are branded with colours of the national flag to make them easily identifiable.

Speaker Kingi committed the Petition to the Committee on Devolution and Intergovernmental as the matter relates to the governance and management of

county governments.

The Committee is required consider the Petition and table its report within 60 days from the time of reading the prayer. The Senate shall thereafter consider the report of the committee.

In the second Petition, Mr Omusundi is seeking for the introduction of a framework for recalling nominated Members of County Assembly.

He argues that there only exists a framework regarding the matter of recalling other elected leaders, leaving out nominated MCAs.

The salient issues raised in the Petition is that there exists laws and frameworks for recalling, impeaching or removing political leaders from their respective constitutional offices.

The petition however notes that the provisions do not apply to nominated

members of county assemblies.

The petitioner notes that while elected MCAs may be recalled by their respective constituents in their wards, there is no structure in place for the youth or Persons with Disability (PwD) to recall nominated members.

“The Petitioner prays that the Senate amend the County Governments Act to provide a framework for recalling nominated members of county assembly through public initiative,” Speaker Kingi told the House in his communication.

The Speaker committed the Petition to the Committee on Justice, Legal Affairs and Human Rights for consideration.

The Committee is required, in not more than 60 calendar days, to table its report in the Senate for debate.



1. Senator Veronica Maina congratulates Wajir Governor Ahmed Abdullahi after he was elected to lead the Council of Governors for the next one year.
2. Senator Maina and the former chairperson of the Council of Governor, Anne Waiguru, during the election.
3. Chief Justice Martha Koome (centre) is received by Senator Veronica Maina (left) Governor Anne Waiguru and Governor Ahmed Abdulahi during the State of Devolution address at Safari Park Hotel, Nairobi County.
4. Chief Justice Martha Koome (in blue suit), Ugenya MP David Ochieng' (partly hidden) who represented the Speaker of the National Assembly, Governor Ahmed Abdullahi, Senator Veronica Maina, who represented the Speaker of the Senate, Governor and CoG Whip, Stephen Sang and Governor Ann Waiguru unveil the CoG Pillars to guide the new Executive Summit of Council of Governors.
5. Prime Cabinet Secretary (PCS) Musalia Mudavadi shares a light moment with Senator Boni Khalwale and Senator Wafula Wakoli after he answered Questions by Members on the floor of the House. Looking on is Foreign Affairs Principal Secretary Korir Sing'oei
6. Prime CS Musalia Mudavadi with Senator Miraj Abdullahi (right) and Senator Betty Montet.





7. Prime Cabinet Secretary Musalia Mudavadi, who is also in charge of the Foreign Affairs docket, is received in Parliament Buildings by Mr Lawrence Amollo, Deputy Director for Legislative and Procedural Services in the Senate.
8. Prime Cabinet Secretary Musalia Mudavadi and Foreign Affairs PS, Korir Sing'oei (left) are escorted to the Chamber by Mr Lawrence Amollo, the Deputy Director, Legislative and Procedural Services, when he appeared in the Senate to respond to Members' Questions.
9. Kericho Governor Eric Mutai is led out of Parliamentary Buildings by Senate Staff after he survived attempts to remove him from office.

10. Deputy President Rigathi Gachagua receives a brief from Senate Deputy Clerk Mohamed Ali (centre) and Mr Zakayo Mogere, the Deputy Director Legislative and Procedural Services, before the start of the impeachment trial.
11. Deputy President Rigathi Gachagua is escorted into the Senate Chamber by Embakasi Central MP Benjamin Mejjadonk before the start of the impeachment trial.
12. Clerk of the Senate Jeremiah Nyegenye reads the charges to the Deputy President Rigathi Gachagua before an attentive House.



13. Deputy President Rigathi Gachagua and his legal team follow keenly as the impeachment charges are read out to him.

14. Staff from the Office of the Deputy President follow proceedings during the impeachment trial in the Senate.

15. Deputy Clerk Mohamed Ali introduces Deputy President Rigathi Gachagua to the Director, Serjeants-At-Arms when he arrived in Parliament Buildings.

16. Kibwezi West MP Mwengi Mutuse, the mover of the impeachment motion in the National Assembly, takes the witness stand during the trial in the Senate.

17. The Deputy President speaks to his son, Dr Ikinu Rigathi, as they were led to the Senate Chamber before the start of the impeachment trial.

18. Part of the National Assembly legal team, Hon Otiende Amolo, Hon George Murugara and Mombasa Woman Rep Zamzam Mohamed follow the proceedings from the Speaker's gallery.



19. Deputy President Rigathi Gachagua and Deputy Clerk Mohamed Ali in Parliament Buildings.

20. Majority Leader Aaron Cheruiyot moves the motion to remove the Deputy President from office through impeachment.

21. Speaker Amason Kingi walks out of the Chamber at the end of the impeachment trial against the Deputy President.

22. Senator Miraj Abdullahi arrives at Parliament Buildings on the first day of Deputy President Rigathi impeachment trial.

23. Members of Deputy President legal team arrive in Parliament Building for the day two hearing proceedings. At the centre is lawyer Elisha Ongoya.



24. Deputy Speaker Kathuri Murungi arrives at Parliament Buildings for the Deputy President trial.

25. Senator John Methu just before the start of the impeachment trial that ended up with a vote to remove the Deputy President from office.

26. Senator Danson Mungatana arrives for the impeachment trial.

27. Senator Tabitha Mutinda and Senator Hamida Kibwana arrive for the impeachment hearing.

28



28. Hon Bukhenya Michael (right) and Hon Mukaye Miriam, Members of Parliament of Uganda at the Senate during their benchmarking tour.

29



29. Senator Jackson Mandago chats with President Ruto at the Kwale State Lodge in Matuga, Kwale County.

30



30. President William Ruto greets Senator Miraj Abdulahi at the Kwale State Lodge after he delivered Mashujaa Day speech at Kwale Stadium.

This Week in History

House supports compensation of fishermen affected by the construction of Lamu Port

On Wednesday, October 23, 2019, Senator Anuar Loiptip sought a statement from the Committee on Transport, Roads and Infrastructure regarding the delay of compensation of fishermen affected by the construction of Lamu Port in Lamu County.

In the Statement, he wanted the Committee to explain the Government policy concerning compensation when undertaking infrastructural developments of such magnitude indicating whether it should be done before embarking on the projects or afterwards.

He also wanted the Committee to clarify whether there were funds set aside for compensation in the project, the criteria used to identify fishermen for compensation and explain why the Ministry of Agriculture, Livestock and Fisheries has not published the list of beneficiaries.

He also wanted the Ministry to explain why the compensation had faced delays.



Senator Stewart Madzayo

Watu wa Lamu wenyewe wanajulikana kwamba wanao Uamu wao. Lakini hivi sasa, ukifika huko, ni jambo la kusikitisha kuona kwamba ardhi yao imekua kama mbuga ya wanyama. Kila mtu ni mgawo; kila mtu ni kinyang'anyiro. Hivi sasa, watu wa Lamu hawana mahali popote pa kuishi. Jambo la kusikitisha zaidi ni kwamba, vipande vikubwa sana vya ile ardhi ya Lamu vimechukuliwa na mabepari. Na hao ambao sio wengine, lakini ni Waafrika weusi, na ni Wakenya matajiri ndani ya Serikali ya Kenya. Pia, kumekuwa na ugawanyaji wa mashamba. Hivi sasa, tunaona kwamba baada ya kuporwa yale mashamba, sasa kumeingia jambo la kutengenezwa kwa bandari ya Lamu. Sisi kama watu wa eneo la pwani, tumetegemea sana uvuvi. Uvuvi, kama ulivyotajwa ndani ya Kauli ya Senator Loiptip, ni jambo linalonishika mimi kwenye roho. Hii ni kwa sababu watu kama sisi tumesomeshwa na mambo ya uvuvi. Kwa hivyo, ni jambo la kusikitisha kuona kwamba hivi sasa mashimo yametobolewa ndani ya ile bandari, na samaki wote wametoroka. Kwa hivyo, wavuvi hawana kazi ya kufanya, watoto wamebaki ndani ya majumba, bibi zetu wengine na mama zetu washakwenda kwa sababu mvuvi hawezi kupata haki yake.



Senator Agnes Zani

"I support this Statement about fishermen who depend on fishing as their livelihood. If they do not fish, there is little they can do, for example, a bit of trading. The fact that they have not been compensated means that they cannot make ends meet because this is their hope. Apart from inquiring about the delayed compensation, the Committee should find a way to get a promise, word or definiteness about when the people will be compensated, what the delay is about and the date of payment. This should be one of the deliverables that will be key and necessary for the people of Lamu. This Committee should push further and seek clear answers. It should ensure that compensation is done when the promise to pay is made."



Senator Ali Ibrahim

"The reason why the people of Lamu are not being paid now is because they are fishermen who have lost their livelihood and therefore, nobody can go and buy that land from them. Because of that, they are not getting what is due to them. The people of Lamu are already marginalised, like the ones living in Faza Island. With this problem of Somalia and its sea boundaries, their land has been encroached on and they might be in trouble. The earlier they are paid their money, the better. I hope that the Committee will do that job properly."



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