



# The SENATE

Weekly

Issue No. 0057

## Let's collaborate on audit reports, Auditor General tells Senate

**She says tight constitutional timelines require the Auditor General and legislative bodies to collaborate closely to maximise on effective action on audit reports.**



*Auditor General Nancy Gathungu (centre) and senior officials from her Office when they appeared before CPAC last week. On the right is Senator Moses Kajwang, CPAC chairman.*

**A**uditor General Nancy Gathungu wants legislative bodies both at the national and county government levels to collaborate closely with her office so as to maximise on efficient and effective deliberations and action on audit reports.

She in particular proposed that watchdog committees should strongly consider relying on technical assistance from her Office when reviewing and using audit reports to scrutinise government performance, adopt technology in their work and where necessary conduct concurrent hearings to clear backlogs.

"The tight timelines require my office and Parliament to collaborate closely to maximise on efficient and effective deliberation and action on audit reports," said Ms Gathungu when she appeared before the County Public Accounts

Committee (CPAC) last week.

Watchdog Committees in both Parliament and County Assemblies have in recent times found themselves in a legal logjam after the High Court declared that they should strictly adhere to the tight timeliness provided for the audit process in the constitution.

The Public Finance Management Act requires Accounting Officers, Receivers of Revenue, Administrators of Judiciary, Parliamentary and other National and County public funds and the National and County Treasuries to submit their financial statements to the Auditor General within three months after the end of financial year (September 30) and the consolidated financial statements within four months (October 31).

While the Auditor General has to submit reports to Parliament and County

Assembly by December 31, Article 229 (8) requires Parliament or the relevant County Assemblies to debate and consider the report of the Auditor General and take appropriate action within three months after, March 31.

Citing the provisions of the Constitution in the Judgement delivered in October last year, Justice Jairus Ngaah observed that all those involved must strictly observe the timeliness and declared any process done outside the limitation period is a nullity as they are of no legal consequence.

"In any, event, even assuming the report was presented in a legislative body in time, it was discussed outside the period prescribed by the constitution. Article 229(8) of the Constitution is to the effect Parliament or the county assembly shall debate and consider the report and take

appropriate action within three months after receiving an audit report," observed Justice Ngaah.

While the Senator Moses Kajwang led-CPAC welcomed the judgement, it was however concerned that it was a major blow to accountability and the Committee's push to ensure the county entities put to proper use of all funds they receive to deliver services to serve the people.

"It is definitely a good decision going forward," said Senator Kajwang, even as he faulted the court for ignoring the challenges of accountability. "The Court should have provided a window for both Parliament and County Assemblies to complete pending cases. The backlog is huge and it has allowed County Governors to escape scrutiny."

That is why the Committee had invit-

ed the Auditor General to deliberate on effective methodologies for interrogating county entities within the limited time frame and the procedural innovations that can facilitate faster review and resolution of audit queries.

In her submission to the Committee, Ms Gathungu said the Public Finance Management Act, has introduced bottlenecks in the ability of her office to audit and report within the stipulated constitutional timeliness.

“Article 229 (4) requires the Auditor General to carry out the mandate of public

sector audit accounts within 6 months after the end of the financial year,” she told the Committee, adding that the Act had negatively affected the time available for parliament to consider the reports.

“One of the implications of these bottlenecks is that the Office of the Auditor General does not have adequate time to carry required audits and prepare the required reports for submission to parliament and County Assembly and therefore unable to meet the constitutional timeline.”

One of the strategies the Auditor Gen-

eral advised the Committee include strategic planning of its work. “You may consider establishing a steering committee that plans the Committee’s work, the use of sub committees, prioritisation of audit reports, discussion of strategic issues and conducting concurrent hearings,” she said.

In prioritisation of audit reports, she suggested that CPAC should consider focusing on those accounts with modified audit opinions and significant non compliance/value for money issues.

Other criteria should include size of budget allocation, budget performance, the incidence of similar negative opinions and any special issues raised by the Auditor General when prioritising consideration of audit reports.

“We also recommend that the Auditor General be given the opportunity to address Parliament on critical cross cutting findings or observations which will assist in prioritization of reports. CPAC will then schedule entities with reference to their ranking in terms of audit issues raised.”

## Senate hands resolution on Mbotela life to family



From Left, Senator Danson Mungatana, Mr Njenga Ruge, Director, Legislative and Procedural Services, Mr Abdirahman Maalim, Clerk Assistant, and Jimmy Mbotela reminisce the life of the late Mbotela just before the ceremony.



Senator Danson Mungatana hands over the resolution on the celebration of the late Leonard Mambo Mbotela life to Jimmy.



Mr Jimmy Mbotela signs a copy of *Je, Huu Ni Ungwana?*, his late father's biography, which he handed over to Senator Mungatana as a gift.

Senator Danson Mungatana has hailed the late Leonard Mambo Mbotela as one of the greatest content creators of his time and whose work at the Kenya Broadcasting Corporation (KBC) was hugely respected.

“We respected and loved him a lot when we were growing up, particularly his show,” said the Senator, referring to the *Je, Huu Ungwana?*, the hugely popular radio programme he produced and which exposed negative social ills in the

society.

The programme was aired on Sundays mid-morning

“We used to rush home from church to listen to the programme. It was such a huge show that my father made it a big thing.”

Senator Mungatana made the comments on Wednesday during a ceremony in which the Senate transmitted to the late Mbotela’s family the resolution related to the Motion in which the House

expressed its appreciation to the life of the late Mbotela.

During the debate on the Motion, the lawmakers celebrated his life and recorded their appreciation on his remarkable life, and extended their heartfelt sympathy and condolences to the family, friends and the nation.

The Senate has entrenched the practise in which upon the resolution of such a Motion, the resolution is transmitted to the concerned party.

Senator Mungatana, who sponsored the Motion, handed over the resolution to the late Mbotela’s son, Jimmy, at a brief ceremony in Parliament Buildings which was attended by Mr Njenga Ruge, the Director in charge of Senate’s Legislative and Procedural Services.

Besides the resolution, other documents that were handed over to the late Mbotela family, include the Hansard report containing the verbatim submission by Senators who contributed to the Motion and the Order Paper of the day in which the House debated the Motion.

Mr Ruge said that by handing over the documents to the Mbotela family showed that a resolution of the House

on any matter is not an end in itself.

“Once the resolution is adopted, it is not an end in itself. We take it to its logical conclusion. That is, to transmit it to the implementing entity,” he said, adding that the move showcases the Senate’s contribution to posterity.

“In this case, the Senate recognised the late Mbotela so that his contribution to society is remembered by future generations. Through the resolution of the House, the late Mbotela has left behind a major footprint.”

Senator Mungatana said the late Mbotela moulded many journalists, including his wife. “She learnt a lot from him. Her Professional career was moulded by the late Mbotela. We respected him,” Senator Mungatana told Jimmy during the ceremony.

Jimmy expressed appreciation to the Senate fraternity remembering his father and going as far as expressing their thoughts and their perception of his father.

“He was passionate about his work. He was a gift to this country and for that, we thank God.”

## Senator wants UHC Covid staff employment status info



Senator Karungo Thangwa

The Ministry of Education will be forced to conduct an audit of the funds allocated to bursaries by both the national Government and county governments if a Motion before the House is approved by the House and implemented.

Senator Karungo Thangwa on Tuesday gave the Notice of the Motion which aims at consolidating all the bursary funds for equitable access to universal education.

The lawmaker argues that many students in secondary schools and higher education institutions come from financially disadvantaged backgrounds, making it difficult for them to afford school fees and access education opportunities.

Through the Motion, he is proposing the consolidation of the funds distributed by various Government entities and agencies, with the aim of directing the funds to schools as supplementary capitation to facilitate the achievement of

free secondary education.

“Article 53 of the Constitution provides that every child in Kenya is entitled to free and compulsory basic education, and the Basic Education Act provides that, basic education should be guided by principles such as equitable access to all youth and equal access to education or institutions,” says the Senator in the Motion.

He argues that over the years, various interventions have been made, including the issuance of bursaries through the National Government Constituency Development Fund (NCDF), National Government Affirmative Action Fund (NGAAF), the Ministry of Education and county governments through various county bursary funds.

“Despite these efforts, school fees remains unaffordable for parents and the allocation of bursaries has been plagued by nepotism, favouritism and political manipulation, lack of transparency and accountability,” he states in the Motion.

Public learning institutions are primarily funded by the Government through the Ministry of Education. In the 2024/2025 financial year, approximately Sh656 billion was allocated to the education sector, but the lawmaker argues that it is difficult to ascertain the specific funds granted to each student.

“The lack of transparency in the disbursement of bursaries from various

agencies makes it difficult to determine the total amount allocated in a financial year, thus hindering efforts to ensure equitable access to education for financially disadvantaged students,” he says.

Besides the audit and consolidation of the funds, Senator Thangwa wants the Ministry to calculate the cost of education per learner and make the information public for primary, secondary and tertiary institutions, including a detailed breakdown of the annual financial requirements for each student across the country.

In an earlier debate in the House in 2024, Senators had supported the proposal to centralise issuance of bursaries warning against political offices being allowed to control the kitty.

Members of the National Assembly through the National Government- Constituency Development Fund (NG-CDF), Women Representatives through National Government Affirmative Action Fund and even MCAs at the ward level control issuance of bursaries at different electoral levels.

County Governors also control bursaries, there is University Fund, the Presidential Secondary Schools Fund and the Ministry of Education which controls a bursary kitty.

The Ministry of Education has drafted a Bill to consolidate bursaries and scholarships into one Fund.

## Senator wants info on employment status of UHC covid staff

Senator Dan Maanzo has filed a Statement on the employment status for universal healthcare (UHC) staff contracted by the Government of Kenya during Covid-19. The lawmaker wants the Committee on Labour and Social Welfare to provide the House with the total number of healthcare workers recruited under the UHC programme during the Covid-19 pandemic period who remain on contractual terms of service.

The Committee should also explain the reasons the service of the health care workers has not been translated to Permanent and Pensionable (PnP) terms, despite their continuous service, outlining any steps the Ministry of Health is taking to ensure that they are accorded fair employment terms in accordance with the law.

“The Committee should state whether their budgetary provision to facilitate their transition to permanent terms, confirming the expected timeline for their absorption into permanent and pensionable employment,” he said.

Meanwhile, Senator Esther Okenyuri

has raised concerns over the escalating insecurity in Bomachoge Borabu Sub-County, following violent clashes linked to cattle rustling. The Senator is calling for urgent intervention to restore peace and protect residents from further attacks.

In a request for a Statement on the clashes, Senator Okenyuri has asked the Committee on National Security, Defence and Foreign Relations to investigate the recent incidents of livestock theft along the Transmara West-Bomachoge Borabu border.

The violence erupted on March 1, 2025, after three cows were stolen from Bomachoge Borabu on February 28. Youths pursuing the stolen livestock encountered hostile gangs within Transmara villages, resulting in deadly confrontations that left at least two people dead and eight others injured. The conflict soon spread to neighbouring areas, raising fears of further instability.

The statement was supported by Senator Ledama Olekina, who said the root cause of the clashes was not cattle rustling but historical land disputes.



Senator Dan Maanzo (left) and Senator Mwenda Gataya Mo Fire

“This has got nothing to do with cattle rustling. It has got everything to do with land,” he stated, explaining that unresolved land ownership issues between the Maasai, Kisii, and Luo communities continue to fuel tensions.

Senator Okenyuri has urged the Committee to conduct thorough investigations into the cattle rustling incidents in Kiango, Nyabitunwa, and Nyagenke, areas near the Kisii-Narok border, where families have suffered significant livestock losses. Additionally, she has called for an inquiry into other criminal activities in the region, including the destruc-

tion of sugarcane farms, which has led to injuries and displacement of residents.

The Senator also wants the Committee to outline the measures taken to hold perpetrators accountable for the criminal acts and to ensure the safety of affected communities.

She has also requested a report on steps taken by the national government to address ethnic tensions between the Kisii and Maasai communities. She emphasized the need for long-term peace-building initiatives to prevent recurring conflicts along the border.

## CS Murkomen wants reallocation of Nyayo House renovation funds

The National Treasury has reallocated Sh70 million the State Department of Immigration Citizen Services had allocated in the financial year 2024/2025 budget for the renovation and refurbishment of Nyayo House.

Interior and National Administration Cabinet Secretary Kipchumba Murkomen told the House that the reallocation was necessitated by the ongoing austerity measures.

“We do hope that the National Treasury will disburse the funds to allow the completion of the budgeted renovations,” the Cabinet Secretary said during last week’s Question Time in the Senate.

Senator Hamida Kibwana had expressed concern about the deteriorating condition of Nyayo House and wanted the Cabinet Secretary to indicate whether there are immediate plans to renovate it to ensure efficient delivery of services to Kenyans.

She also wanted the CS to state the measures the government has put in place to ensure that both the public and government officials working at Nyayo

House have access to adequate facilities including clean water, sanitary amenities and a conducive working environment.

Nyayo House was commissioned 42 years ago and currently accommodates over 58 national and county government departments, which offer different services to the citizens, especially in migration services.

Mr Murkomen told the House that previously, the ministry engaged the State Department of Public Works to assess the necessary maintenance works of Nyayo House and they gave the ministry a bill of quantities amounting to Sh244 million funds which the ministry does not have at the moment. “The refurbishment will cover internal and external painting, electrical and mechanical works, including the lifts, which are performing very poorly,” he said.

All the floors currently occupied by the State Department are being refurbished to ensure efficient service delivery and a conducive working environment for both the staff and the clients.

The floors that accommodate the Prin-

cipal Secretary’s office are on 23rd floor, the Director of E-Citizen Services on 23rd, 22nd and 17th floors have all been renovated and refurbished with modern furnishing and IT infrastructure.

“The service lobby on the ground floor where the Director of Migration and Citizen Services carries out passport application and issuance was fully renovated and expanded to accommodate our targeted clientele,” he added.

He added that plans are underway to renovate offices on third, fourth and eighth floors and refurbish all the washrooms and all floors that are occupied by the State Department of Migration and Citizen Services.

The government has ensured uninterrupted clean water supply, which runs throughout the week from Nairobi City County. Nyayo House also has reserve tanks on the rooftop of the building in case we experience water supply shortages. The State Department of Migration and Citizen Services has also outsourced cleaning services.



*Interior Cabinet Kipchumba Murkomen in the House*

## Phone No. for distressed Kenyans abroad, says CS Mutua



*Labour Cabinet Secretary Alfred Mutua*

The Government has established distress reporting tools and phone numbers to Kenyans working abroad.

Labour and Social Protection Cabinet Secretary Alfred Mutua said the phone numbers are available on the Ministry website and when in distress, Kenyans should call the number and the Government will offer assistance.

“There is also an oversight and community feedback mechanism where the Ministry in collaboration with International Organisation for Migration (OIM) facilitates continuous monitoring of the private employer agencies,” said Cabinet Secretary Mutua.

Responding to concerns raised by Senator Catherine Mumma on the welfare of Kenyan migrant workers, Mr Mutua noted there is a system where private employer agencies have to go for vetting once their license expires.

This is done before it is extended for another year.

“Documents are brought from the Office of the Attorney General, National Intelligence Service and other offices. People are at times not allowed to continue working because they have been shown to be undertaking unscrupulous

deals,” he explained.

Vetting is undertaken to ensure that the oversight is done well. The Government has introduced pre-departure training and orientation. People going overseas are taught how to work if they will be employed as house girls.

The Senator has wanted the Cabinet Secretary to provide the Senate with a list of bilateral labour migration agreements and arrangements that Kenya has signed, particularly with the West Asian countries to protect Kenyan migrant workers.

She wanted to know whether the agreements comply with the international labour laws and standards and the monitoring and enforcement mechanisms established within the agreements to ensure that recruitment agencies and employers comply with the provisions related to fair wages, humane working conditions and access to legal recourse in cases of violation.

She wanted to know the number of cases of passport confiscation involving Kenyan migrant workers have been reported since 2019 and the actions taken to penalise the violations and protect the affected workers.

She also wanted the Cabinet Secretary to provide a breakdown of reported cases

of abuse against Kenyan migrant workers since 2019, including the outcomes of investigations.

On the issue of passport confiscation involving Kenyan migrant workers, the CS said the law is clear. “The Kenyan law and the Bilateral Labour Migration Agreements (BLMA) that we have signed do not allow Kenyans to have their passports confiscated,” he said, acknowledging that the habit has been going on for a long time in some countries.

“With the new international labour organisations, countries like Kenya, for example, have laws that prevent people from handing over their passports to their employer. The passport is their document. We have asked them to report to the Kenyan Embassy if the employer asks them to hand over their passport to them. If I hear of any case, I call the relevant Minister in that country who then works on it.”

He admitted the number of reported cases of abuse against Kenya have been going down because of the mechanisms put in place, which has offered an opportunity to report.

“We have to talk to Kenyans on their attitude and how to live in foreign countries. We want to protect Kenyans so that they are treated fairly.”

# Ex-civic leaders to benefit from Inua Jamii Programme



National Treasury CS John Mbadi

National Treasury Cabinet Secretary John Mbadi has said that former Councillors are being considered for inclusion in the Inua Jamii programme, a social protection initiative designed to support elderly citizens.

The State Department for Social Protection, in collaboration with the National Treasury and other relevant government agencies, has been verifying eligible registrants into the programme.

CS Mbadi told the House that his Ministry is working with the department to identify former councillors who are already enrolled and facilitate the registration of those who have not yet been included in the programme.

The decision he said arises due to the prolonged delay in implementing the 2018 Senate resolution on the payment of honoraria and pensions to former councillors is primarily due to legal constraints.

Senator Kathuri Murungi had wanted to know the status of the October 18, 2018 Senate resolution and the subsequent recommendations of the Inter-Agency Task Force on payment of honorarium and monthly pension for former councillors.

Despite the undertaking by the National Treasury via a letter dated September 28, 2021 and addressed to the Senate that it would factor the payments

in the ensuing financial year 2022/2023 little has been done.

Senator Kathuri Murungi wanted the Cabinet Secretary to provide the House with a status update on the establishment of the requisite legal and policy instruments to authorise, process and facilitate payments.

He also wanted an explanation on the reasons for such delay and whether the eligible former councillors have been enrolled in the Inua Jamii programme.

The Office of the Attorney issued a legal opinion in May 2023 stating there is no basis in the law to support the proposed one-off honoraria payment of Sh200,000 to former civic leaders who served for less than 20 years.

The opinion also referenced Circular No. 1394 issued by the former Ministry of Local Government, which limited pension or gratuity payments to councillors who had served continuously for at least 20 years as of December 13, 1993.

CS Mbadi told the House that due to the legal constraint, the National Treasury is exploring an alternative approach to address the plight of the affected councillors.

“The legal advice highlights the absence of a structured formula for determining benefits,” he told the House during last week’s Questions Time.

He pointed out that councillors were

not salaried employees but only received allowances that varied across different regions.

Consequently, the proposed payment of Sh2.4 billion to 11,919 former councillors lacks the necessary legal and policy foundation, he said.

The National Retirement Benefits Policy, approved by the Cabinet in October 2023, provides a harmonised framework for administering retirement benefits across all sectors.

The policy will guide future considerations regarding the retirement welfare of various categories of public service workers, including former councillors ensuring a structured and legally sound approach.

Following the deliberations, the Speaker directed the matter to the joint Committee on Labour and Social Welfare and Finance and Budget and Committee on Justice, Legal Affairs, and Human Rights.

The committees, in collaboration with the National Treasury and the Office of the Attorney General, are tasked with developing a legal framework to implement the task force’s recommendations and ensure that former councillors receive their rightful dues.

The directive was issued in response to concerns raised by Senator Kathuri

## STATEMENTS

# Senator seeks answers on state of Judiciary

Senator Tom Ojienda has sought a Statement from the Committee on Justice, Legal Affairs and Human Rights (JLACHR), regarding the conflict between the Judiciary and legal professionals.

The lawmaker, who is also a Senior Counsel, says the conflict has cast a spotlight on the strained relationship between the Judiciary and legal professionals, with concerns being raised on the efficiency of the Judicial Service Commission (JSC) in promoting and facilitating judicial independence and accountability in exercising disciplinary control over judicial officers.

In the Statement, the Senator wants the Committee to explain the underlying causes of the conflict, stating whether it stems from judicial overreach, lawyer misconduct, inefficiency or failure in regulatory oversight.

Last week, the High Court issued or-

ders stopping the JSC from proceedings to consider a petition seeking the ouster of seven Supreme Court judges for misconduct.

The Petitions have been filed by lawyers Nelson Havi and Ahmednasir Abdullahi, along with former Rarieda MP Raphael Tuju. They accuse the judges of gross misconduct and incompetence.

The petitioners want the entire seven-judge bench comprising Chief Justice Martha Koome, Deputy Chief Justice Philomena Mwili, Justices Smokin Wanjala, Mohammed Ibrahim, Njoki Ndung’u, Isaac Lenaola and William Ouko removed from office over alleged incompetence and misconduct in handling various cases.

However, the Chief Justice obtained orders suspending the proceedings at the JSC related to petitions seeking her removal from office.

“The Committee should provide the

House with a report on all previous processes for the removal of Judges from office, specifying the grounds for removal in each case and stating whether the procedural steps followed by the JSC, complied with the provisions of Article 168 of the Constitution,” says Senator Ojienda.

The Committee, which is chaired by Senator Wakili Sigei, will also have to evaluate the legality of the timeframe for resolution of complaints against Judges and judicial officers by the JSC.

“The Committee should state whether the Commission has adequate resources, mechanisms and structural frameworks to ensure timely and effective handling of such complaints and, if not, disclose the gaps and the plans in place to address them.

The lawmaker wants the Committee to outline its role in enhancing judicial efficiency, transparency and accountability.



Senator Tom Ojienda

## Committee okays regulation of hospitality industry through statute



Senator Esther Okenyuri

A Committee of the Senate has approved a proposal to enact the Hospitality Professionals Bill, 2023 introduced in the House, saying it offers a good opportunity for the industry to have a legislative backing.

The Committee on Trade, Industrialisation and Tourism further said the law is important because the hospitality industry is critical in the Kenyan economy.

The Committee said Professionals in the hospitality space will feel safe to operate because other professionals, like accountants, lawyers, engineers and human resource, are regulated by the law.

“Hospitality professionals should not be the only ones missing out on issues to do with licensing, training, education. They also deserve frameworks that will ensure they are operating in a manner that suits them and the public,” said Senator Esther Okenyuri, during the debate of the report.

The Professionals had Petitioned the Senate to enact a law that will establish a regulatory body that will allow for better representation and engagement of the various stakeholders in the industry, ensuring that their specific needs and concerns are addressed effectively.

The professionals had complained that the industry is characterised by con-

flict of interest arising due to combining the regulation of tourism and hospitality under the same authority.

Through Mr Charles Ochola Osango, the professionals had proposed the enactment of the Hospitality Professionals Bill, 2023, noting that other professions are regulated through statutes to ensure effective discharge of their mandates.

Workers in the hospitality are primarily regulated by the Kenya Tourism Board (KTB), which oversees the tourism and hospitality sectors.

Additionally, the Tourism Regulatory Authority (TRA) is responsible for licensing and regulating tourism and hospitality businesses to ensure compliance with industry standards and regulations.

“While the tourism sector and the hospitality profession are closely related, each has distinct functions and activities and cannot be regulated by the Tourism industry,” the Petitioners had said.

The proposed Bill seeks to address several issues regarding licensing, training and education; the establishment of a professional regulatory body, enforcing of industry standards and enhancing consumer protection.

Senator Karen Nyamu supported the

proposed law even as she admitted there exists a lacuna in the law.

“Hospitality professionals do not have any legal framework to operate under. I support that they should have a professional association where their interests can be taken care of,” she told the House.

“It is interesting they have been operating without an association, given the fact that they contribute significantly to our economy and the Gross Domestic Product (GDP) of the country. This legislative proposal is an excellent one and I support it.”

Senator Danson Mungatana said the hospitality profession needs to have its own board, so that they have professional and ethical standards.

The proposal to have a legal regime to regulate their affairs, is a good step towards giving the professional independence, he said.

“I am saying so because as it stands now, the hospitality profession is regulated by the Kenya Tourism Board (KTB) which oversees the tourism and hospitality sector. It is also affected by the Tourism Regulatory Authority (TRA), which is responsible for licensing and regulating tourism and hospitality businesses.”

## PETITION

## Roads Committee to probe Siaya county destruction of farmer's crop

The Committee on Roads, Transport and Housing has 60 days to investigate the case in which Siaya County's department of Public Works altered the road connecting Barosimbo, Pap Oriang and Kochieng and damaged the sugarcane crop of a farmer.

Mr Francis Otieno, a resident of Pap Oriang Sub Location, Siaya County, has petitioned the Senate accusing the County Government of Siaya of damaging his crop.

He states in the Petition read to the House by Speaker Amason Kingi that he is a farmer and a lessee of the land identified as Siaya/Pap Oriang/428 where he cultivates sugarcane.

On July 25, 2021, he filed a complaint with the Office of the Chief Officer of the Affirmation Department who acknowledged receipt of his complaint.

However, no response was obtained from the office regarding the matter. Mr Otieno sought assistance from the Commission on Administrative Justice, which sent five letters to the County Executive Committee member, however, he received no response.



Senator Eddy Oketch (left), the chair Roads Committee and Senator Tom Ojienda.

Three months later, on October 6, 2021, Mr Otieno entered into a compensation agreement with the contractor, anticipating that the County Government of Siaya would compensate him for the damages incurred.

Following the general election in August 2022, there was a change in the office holder of the CECM office, who was apprised of the matter by the Commission on Administrative Justice (CAJ).

On May 4, 2023, a hearing was conducted by CAJ with representation from both the county government and the deputy county attorney.

During the hearing, the substantive CECM committed to resolving the matter by developing and sharing a payment plan with Mr Otieno. (7) That on the 4th of August 2023,

The deputy county attorney would later write to CAJ on August 4 requesting a review of the previous decision made on the matter, citing new information indicating that the county government had not contracted anyone for the roadworks.

Mr Otieno was informed and asked to provide his comments. In his response, he argued that the construction would not have

proceeded without any consent from the county, and that the county should have halted the works upon discovering the improper procurement processes.

An internal memo from December 2022 indicated prior consultation between the chief officer and the county attorney. Therefore, meaning that the county government could not avert taking responsibility for the damage to his crops.

In the recommendation made by CAJ, the county government of Siaya was directed to conduct an investigation into the matter and provide a report within 60 days outlining timelines towards addressing the complaint in case the county government is found responsible.

Mr Otieno wants the Senate to investigate the matter with a view to recommending compensation for his damaged crop and recommend the diversion of the illegal road created through the portions of land parcel Siaya/Pap Oriang/428 to a position recognised by the survey of Kenya map of that area.

## CAK to penalise EABL after approval of Motion



*Senator Wakili Sigei speaks in a past function of the Committee on Justice flanked by Senator Fatuma Dullo.*

The Committee on Trade, Industrialisation and Tourism has directed the Competition Authority of Kenya (CAK) to invoke Section 24 of its mother law and enforce the pecuniary penalty against East Africa Breweries Ltd for abusing its dominance in the Kenyan market.

The Committee says in a report tabled before the House that East African Breweries took advantage of its dominance and some insider trading within the Capital Markets Authority to exercise this dominant power to promote anti-competitive behaviour within the market.

In the report which was debated in the House last week, CAK, was accused of doing little even as the Company underpriced, executed tying agreements to make distributors only sell what the company wants and did criminal activities in the market.

Contributing to the report of the Committee, Senator Danson Mungatana argued that East Africa Breweries had abused dominant position because they have the money, the market share and the dominant position within the market share.

“They killed competition by doing something called predatory pricing. You underprice not because of anything good or you want to help the market grow, but so that you can kill

any competition,” said Senator Mungatana, even as he accused CMA of sleeping on the job.

“CAK is not protecting Kenyans; they are called the Capital Markets Authority of Kenya, and they are not protecting Kenya. Competition Authority of Kenya and you are not protecting Kenyans! People are suffering.”

The lawmaker was contributing to the debate on the Report of the Committee on Trade in its consideration of the Petition on the alleged fraudulent dealings at Diageo PLC, East African Breweries Limited, Kenya Breweries and UDV (Kenya) Limited.

The report was tabled in the House on Thursday, December 5, 2024 by Senator Seki Lenku ole Kanar, who was then the chair of the Committee.

The Petition was submitted to the House by Senator Wakili Sigei on behalf of Mr Rono Nicholas from Bomet County.

In the Petition, Mr Rono was concerned about the controversial majority acquisition of shares of East Africa Breweries Limited (EABL) by Guinness Public Limited Company (PLC) in 2000, which was resisted by the people of Kenya through Parliament.

Even though CMA, the Kenya Revenue Authority (KRA), the National Treasury and EABL are aware



*Senator Danson Mungatana*

of the move, they have not acted to stop fraudulent activities of shareholding and the acquisitions.

To deflect some of the backlash, Guinness PLC made a pledge to cede back most of the acquired shares to Kenyans but recent acquisition of the extra 15 per cent in EABL is a fraud upon the people of Kenya as the shares are being acquired for an onward transfer to a new buyer at a much higher value for the benefit of shareholders and to the detriment of Kenyan shareholders who will be denied the benefit of the higher price that Diageo will get from onward sale shortly.

Mr Rono further argued that employees of EABL were bullied, coerced, threatened and otherwise intimidated to sell their share options to Diageo PLC, which is against the law.

He also claimed that there was an onward sale of Diageo interest in EABL as agreed with Heineken / Castle Group.

Purchase of an additional 15 per cent shares is meant to ensure that Heineken /Castle Group has a controlling stake in EABL after the onward sale.

The 1997 EABL acquisition by Guinness PLC, EABL sought to raise Sh1.5 billion from existing shareholders through a rights issue. At that time, the Guinness PLC held

25.06 per cent of the ordinary shares of EABL and was the underwriter for the rights issue.

Subsequently, the shareholding of Guinness PLC increased to 46 per cent thereby making it the largest single shareholder in EABL.

Following an internal reorganisation in 2000, Diageo Kenya, a subsidiary of the Diageo PLC, increased its shareholding in EABL to 50.03 per cent through the consolidation of shares from Guinness Overseas Holdings Limited and Diageo Holdings Netherlands BV with no change in beneficial ownership.

In October 2022, Diageo PLC announced plans to raise its stake in EABL from 50.03 per cent to 65 per cent. The CMA approved this acquisition on January 23, 2023, which reduced local shareholding in EABL to 35 per cent.

In its recommendations, the Committee says the enforcement of the pecuniary penalty is likely to be more expedient and deterring repeated abuse of dominance by companies. The Committee has also given CAK to submit a report to the Senate on reported cases of abuse of dominant position in the period between 2023 to 2024 and the respective measures and decisions taken by the Authority to resolve the cases.

## We are focussed on promoting tolerance, NCIC tells Committee



Senator Mohamed Chute.



The Cohesion Committee during the meeting with the NCIC.



Dr Samuel Kobia.

The National Cohesion and Integration Commission (NCIC) has been actively focused on initiatives aimed at reducing ethnic divisions, promote tolerance, and foster social harmony across Kenya, Dr Samuel Kobia, the chairperson, has informed the Committee on National Cohesion, Equal Opportunity, and Regional Integration.

On Thursday, March 6, Dr Kobia detailed the Commission's efforts in implementing national strategies aimed at enhancing unity and inclusivity.

He highlighted NCIC's 2023 audit of county public service whose findings revealed that only 13 out of 47 counties complied with the provisions of the County Governments Act, which requires public institutions to reflect Kenya's diverse population in their staffing.

Five counties were ranked as the most diverse, with over 30 communities represented in their public service, while seven counties demonstrated significant improvement in compliance.

The report was shared with relevant stakeholders, including the Senate and National Assembly, to support oversight efforts in ensuring compliance and promoting diversity in county governments.

The NCIC Chairperson also briefed the Committee on the Commission's Social Cohesion Index (SCI) study, first conducted in 2014 to assess social cohesion at the start of devolution. Currently, NCIC is working with the Kenya National Bureau of Statistics (KNBS) and the Kenya Institute for Public Policy Research and Analysis (KIPPRA) on a second SCI study to evaluate progress.

The study focuses on nine key indicators: Trust, Peace, Diversity, Equity, Prosperity, Identity, Governance, Technology, and Environmental Sustainability. The findings will inform policies aimed at enhancing social harmony and reducing ethnic tensions.

To promote diversity and inclusivity in county employment, NCIC collaborated with the National Gender and Equality Commission (NGEC), Ethics and

Anti-Corruption Commission (EACC), Commission on Administrative Justice (CAJ), National Council of People Living with Disabilities (NCPLWD), and the Council of Governors (CoG) to develop guidelines for County Public Service Employment Equity Plans (CEEP).

Dr Kobia noted that the guidelines, already disseminated to all 47 County Public Service Boards, provide a framework for addressing underrepresentation and ensuring fair employment practices. The initiative aligns with constitutional principles of equality and non-discrimination.

In its ongoing efforts to cultivate a culture of peace, NCIC engaged over 4,000 students from 15 counties through the National Debate Championship, equipping them with conflict resolution skills and fostering intercommunity dialogue.

Additionally, 14 sensitisation forums were held across 11 counties, reaching 6,498 individuals directly. These forums targeted peace actors and com-

munity members, reinforcing NCIC's commitment to peacebuilding, civic education, and national values.

Dr. Kobia informed the Committee that NCIC has formed a multi-agency task force to regulate public campaigns and curb hate speech, discrimination, and divisive rhetoric. The task force comprises Office of the Director of Public Prosecutions (ODPP), Communications Authority (CA), Directorate of Criminal Investigations (DCI) and National Police Service (NPS). This collaboration enhances the monitoring, investigation, and prosecution of hate speech and discrimination-related offenses.

However, he acknowledged the challenges posed by digital platforms, including the use of pseudo names, bots, and artificial intelligence, which complicate investigations. He emphasized that NCIC requires specialized tools to ensure admissibility of digital evidence in court, but the Commission is currently constrained by inadequate resources.

## Senator wants answers on fees hike proposal

Senator Catherine Mumma is seeking regarding the proposal by the Kenya Secondary Schools Heads Association (KESSHA) to increase school fees for national, extra-county and county secondary schools and the introduction of school fees for public day secondary schools.

KESSHA's proposed is outlined in a document titled 'Operational Crisis in Secondary Schools' and if adopted, fees in secondary schools increase by up to Sh20,000 annually.

Parents with children in national schools would be required to pay Sh73,182 per year, an increase from the current Sh53,554. This would mean an extra Sh19,628, for extra county and county schools, the school heads propose that parents pay Sh68,023 annually, up from the current Sh45,554.

They have also called for the introduction of fees in day schools, which the government has previously maintained offer free secondary education. The proposal suggests that students in day schools pay an additional Sh5,372, on top of the Sh22,244 capitation provided by the government.



Senator Catherine Mumma and Senator Boni Khalwale

In her request for statement, Senator Mumma noted that the proposal is based on, among other things, the partial and delayed disbursement of capitation funds, as well as the failure by Government to review the capitation allocation to account for inflation.

"KESSHA states that these factors have caused immense financial strain on management of schools and pushed secondary schools to the brink of financial

collapse, with some considering early mid-term breaks to manage costs.

The lawmaker wants the Committee to state the position of the Ministry of Education on the proposal by KESSHA to increase school fees for national, extra-county and county secondary schools, and to introduce school fees for public day secondary schools, explaining the Ministry's assessment of the justification provided by KESSHA.

"The Committee should provide an assurance for the continued implementation of free day secondary school policy, which has been key in enabling access to secondary education to thousands of students and explain why the Government has not reviewed the capitation allocation per student since 2018 to account for the rise in the cost of food, utilities and essential learning materials, stating whether there are plans to review the same.

She wants the Committee to provide a timeline for the disbursement of all outstanding capitation funds to secondary schools, outlining actions being taken to ensure the schools remain operational with no disruption in learning, rationing of meals, project delays or overall deterioration of learning conditions due to the reported financial constraints.

She further wants an outline of the short, medium and long-term strategies being implemented by the Ministry of Education and the National Treasury to ensure the timely disbursement of capitation funds going forward.

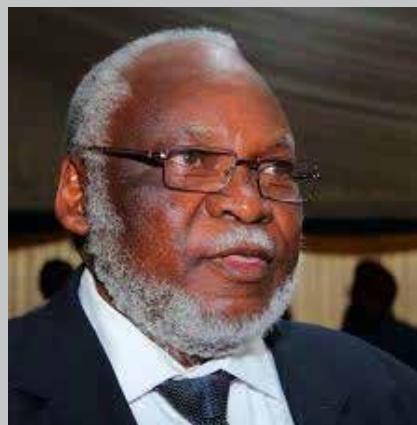
## This Week in History - March 12, 2015

### The House debates the Motion on categorisation of public secondary schools as county schools



Senator Agnes Zani

Senator Agnes Zani who was the sponsor said the whole nexus of the Motion is to change a practice that has been prevalent in this country. "Schools are categorised and that has been historical. Before Independence, secondary schools would be known to be for Europeans, Asians and others for Africans. The categorisation of these schools ensured that certain schools became very prominent as result of being listed as schools for certain specific people. As a result of colonisation, Lenana School was known as the Duke of Yoke; Nairobi School was known as the Prince of Wales; Kenya High was known as European Girls and so on. Most of the provincial schools at that time were for Asians and then we also had schools for Africans. "Categorization itself is not a problem. The only problem is that when you have any form of categorisation, it comes with very many implications in terms of quality and type of school," she said adding that she sought through the Motion to address the need to have a form of equalisation so that all schools will be referred to as county schools. This will ensure that we have equilibrium to equip all of them uniformly. "In so doing, we shall have the best schools like it happens in the developed world. A secondary should be of a particular standard."



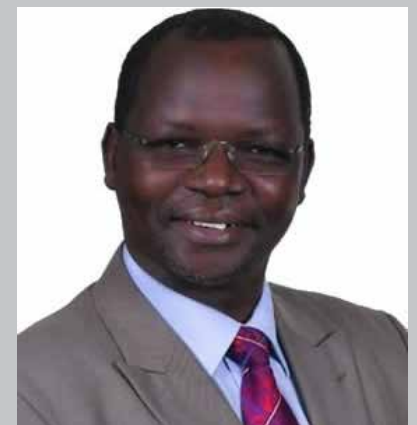
Senator Wilfred Machage said:

"Inequity and marginalisation in matters of education have a big fulcrum on historical injustices. Indeed, many other regions paid taxes those days just to concentrate on building institutions in certain "right" places. During my time in education, it was so terrible that there was no secondary school where I come from and I had to go to western province for my high school education. We had national, provincial and district schools. We also had a quota system, which had been developed which also allowed provincial schools to pick students from other areas of this country. As it is the case today, national schools would admit students from all over the country. The Government funded all national and provincial schools. They were developed into the best models of good education."



Senator Martha Wangari said:

"The right to education is a constitutional right. Article 53 (1)(b) says - "Every child has the right to free and compulsory basic education." Education is also a Millennium Development Goal (MDG) that we will be reviewing this year. The education sector in this country, as it is right now, has evolved quite a big deal as has been explained by the Mover. The way it was in the 1970s and 1980s, is not the same way it is right now. Even in terms of socialization of children, it has evolved. I remember when I sat for the Kenya Certificate of Primary Education (KCPE); I was admitted to some school in Kangema, Murang'a County. It was a district school called Iyego Secondary school. I knew right from the beginning that if I went to that school, I would not be able to go to the university."



Senator John Lonyangapuo said:

"Now that we have gone into devolution, ethnicity is being practiced. The governors who are locals have decided to fill positions with fellow locals. Very few employees are from other ethnic communities. Therefore, the Motion says that the Ministry of Education, Science and Technology should take immediate action to review the categorization of public secondary schools and to classify all of them as county schools in order to ensure equity in resource allocation and guarantee quality education for all. This should also 3 apply to teachers. Teachers should also be shared equally in schools all over the Republic, so that everybody can access education. A student in Lodwar Boys High School, which is in Turkana County, should have the same strength as the one in Alliance Boys High School."

## Seneta Murango ataka majibu kuhusu bima ya afya kwa waalimu

Seneta James Murango amewasili-sha ombi akitaka Kauli kutoka kwa Kamati ya Elimu kuhusiana na changamoto zinazoikabili bima ya matibabu kwa walimu nchini Kenya.

Akiwasilisha ombi hilo, Seneta Murango alisikitikia pakubwa hali hiyo akitaka hatua za hima kuchukuliwa na mamlaka husika kutatua changamoto hizo alizosema zimezua ugumu na mateso kwa walimu na jamaa wao.

“Tume ya Huduma za Walimu nchini Kenya (TSC) na Hazina ya Taifa hazijatumia pesa za matibabu kwa watoa huduma za bima ya matibabu na kusababisha watoa huduma hao kuondoa huduma. Hii imesababisha maelfu ya walimu na wategemezi wao kukumbwa na sintofahamu kwani hospitali zimewanyima huduma za matibabu,” alifichua Seneta Murango.

Katika ombi hilo, Kamati imetakiwa kueleza ni kwa nini tume ya TSC na Hazina ya Taifa hazijawasilisha fedha kwa watoa huduma za bima ya matibabu ya walimu na kueleza kiasi cha pesa za



Seneta Kamau Murango na aliyekuwa Waziri wa Kilimo wakati wa kikao cha Kamati Kilimo.

bima ya matibabu zinazodaiwa na watoa huduma za bima ya matibabu ikibaini muda wa kuyalipa madeni hayo.

Aidha Kamati hiyo inatarajiwa katika ripoti yake kueleza sababu za kuchelewa kuidhinishwa kwa stakabadhi za matibabu kwa huduma zinazotolewa kwa walimu, hatua ambayo imesababisha mateso na taharuki isiyohitajika mbali na kueleza hatua zinazochukuliwa na tume

ya TSC kuhakikisha kuwa walimu wote kote nchini wanapata huduma za matibabu kwa mujibu wa masharti yao ya ushiriki.

Huku hayo yakijiri Seneta Murango ameomba Taarifa kutoka kwa Kamati ya Leba na Ustawi wa Jamii kuhusu changamoto zinazowakabili Wakenya wanaolengwa kunufaika kupitia kwa mpango wa Inua Jamii kufuatia hatua ya serikali kutangaza kuhamishwa kwa mfumo wa

malipo hadi ule wa E-Citizen MPESA.

Katika Taarifa hiyo, Kamati imetakiwa kutoa ripoti kuhusu ilikofika hatua ya kuwahamisha wanaonufaika na mpango huo wa Inua Jamii hadi kwenye jukwaa la malipo la E-citizen MPESA, hasa katika Kaunti ya Kirinyaga ikieleza changamoto zilizojitokeza katika mchakato wa zoezi hilo na hatua zozote zilizo chukuliwa kukabiliana nazo.

Vile vile, Kamati hiyo chini ya Uenyekiti wa Seneta Julius Murgor imetakiwa kueleza kile ambacho Wizara ya Leba na Ustawi wa Kijamii inafanya kuhakikisha mfumo huo mpya unarekebisha ili kutambua namba za vitambulisho vya wakenya wakongwe.

Kadhalika Kamati hiyo inatarajiwa kuweka wazi iwapo serikali imeweka mikakati ya kuhakikisha wanaonufaika na mpango huo na ambao kwa sasa wanakabiliwa na changamoto za kuhamia kwenye mfumo mpya wanapata malipo yao kwa wakati huku changamoto hizo zikishughulikiwa.

## Seneta Cherarkey ataka ufafanuzi kuhusu malimbikizi ya madeni ya umeme kwenye Kaunti

Seneta Samson Cherarkey ameomba Kauli kutoka kwa Kamati ya Kawi kuhusu malimbikizi ya madeni ambayo Kaunti zinadaiwa na kampuni ya umeme ya Kenya Power nchini Kenya.

Katika ombi lake Seneta Cherarkey anaitaka Kamati hiyo kutoa orodha ya Kaunti zote ambazo zinadaiwa na Kampuni ya Kenya Power ikionesha kiasi cha pesa kwa kila Kaunti na muda ambao malimbikizi hayo yameripotiwa.

Kamati hiyo inahitajika kutaja jukumu la Kamati ya Kiufundi ya Mahusiano ya Kiserikali kuhusu kuoanisha na kuzisaidia Kaunti kupitia madeni ya matumizi ya umeme na malimbikizi mengine ya madeni ambayo Kaunti zinadaiwa na taasisi zingine.

Aidha, Kamati hiyo inayoongozwa na Seneta Oburu Odinga itahitajika kueleza sababu iliyochangia makabiliano na mzozo wa hivi majuzi kati ya Serikali ya Kaunti ya Jiji la Nairobi na Kampuni ya Kenya Power



Seneta Cherarkey

ikitoa maelezo kuhusu hali ya utatuzi wa mzozo huo na njia ya wazi ya kupusha mizozo kama hiyo na kuingiliwa kwa utoaji wa huduma kwa umma katika siku zijazo.

Kadhalika Kamati hiyo inapaswa kuwasilisha tathmini kwenye Seneti

kuhusu shilingi bilioni 19.2 zilizo futuliwa mbali na Kampuni ya Kenya Power na kama kuna Kaunti ambazo madeni yazo yalifutuliwa mbali huku ikitoa maelezo kuhusu mapato ya ziada ambayo Kenya Power inapata kutokana na kuweka nyaya kwenye

nguzo ilhali shirika hilo linaripoti hasara kutokana na ukusanyaji duni wa mapato.

Katika ombi tofauti, Seneta huyo aliomba Taarifa kutoka kwa Kamati iyo hiyo ya Kawi kuhusu njia mbadala za mapato ya Kampuni ya Kenya Power.

Kwenye ombi hilo, Seneta Cherarkey anaitaka Kamati hiyo kubaini wazi mapato ya kila mwaka ambayo Kampuni ya Kenya Power inakusanya kutokana na kupangisha nyaya za optic fiber kwenye nguzo zao za umeme kuanzia mwaka wa kifedha wa 2021/2022 hadi sasa ikifichua njia zingine zote za mapato ambazo Kenya Power inatafakari kwa sasa ili kupanua mapato yake.

Aidha, Kamati hiyo imetakiwa kueleza mikakati inayotekelezwa na Kampuni ya Kenya Power kushughulikia suala linalozidi kushuhudiwa la ukusanyaji duni wa mapato.

Maombi hayo yalisomwa na Seneta Edwin Sifuna kwa niaba ya mwenzake.



1. Labour Cabinet Secretary Alfred Mutua is escorted to the Chamber by Senator Johnes Mwaruma and Parliamentary orderlies before last week's Question Time.
2. Senator Wahome Wamatinga hosts Kiaguthu pupils from Comprehensive Primary and Narumoru Township Primary Schools in the Senate Chamber when they visited Parliament Buildings for academic exposition.
3. A section of Pupils from Kiaguthu Comprehensive Primary and Narumoru Township Primary Schools enjoying the feel of the Senate Chamber during their tour of Parliament Buildings.

4. Interior Cabinet Secretary Kipchumba Murkomen talks to Senator Margret Kamar after last week's Question time. Deputy Minority Leader Enoch Wambua looks on.
5. National Treasury Cabinet Secretary John Mbadi and senior officials from the Ministry follow proceedings during Question Time on Wednesday.
6. Senator Samson Cherarkey and Senator David Wakoli address the striking Clinical officers outside Parliament Buildings. The health workers are on strike after the government locked clinical officers out of the Social Health Authority (SHA) claims approval system, despite their crucial role in the provision of health care.



7. Senator Dan Maanzo speaks to the striking clinical officers.
8. Senator Jackson Mandago, the chairman of the Health Committee, addresses the striking Clinical officers.
9. Students and teachers of PCEA Ngong Hills High School, Kajiado county, also visited Parliament Buildings last week.
10. Learners from Green Edgewood Academy in Kiambu County follow the Senate proceedings during their visit to Parliament Buildings for academic exposition.
11. Students and Teachers of Yururu Girls High School in the Senate Chamber
- 12.. Deputy Speaker Kathuri Murungi poses for a photo with students from Light Academy, Nairobi County, during their tour of Parliament Buildings.
13. Students and teachers from Loreto Convent Msongari School, Nairobi County, follow proceedings in the Senate chamber.





14. Interior Cabinet Secretary Kipchumba Murkomen and senior Ministry officials in the Senate Chamber during Question Time last week.
15. Senator Dan Maanzo (right) Senator Jackson Mandago (left) and Senator Mohamed Chute speak to Interior Cabinet Secretary Kipchumba Murkomen at Parliament Building last week.
16. Speaker Amason Kingi shares a light moment with Interior Cabinet Secretary Kipchumba Murkomen (right) and Senator Wakili Sigei after last week's Question Time.
17. Speaker Amason Kingi welcomes Interior CS Kipchumba Murkomen to his office.
18. Students from Kenya Institute of Management in the Senate Chamber.
19. Senator Johnes Mwaruma welcomes Labour CS Alfred Mutua to Parliament Buildings.
20. Deputy Speaker Kathuri Murungi offers a word of advice to the students from Light Academy, Nairobi County, during their tour of Parliament Buildings.
21. Deputy Minority Leader Enoch Wambua (right) and Senator Moses Kajwang with Interior CS Kipchumba Murkomen.



## A PUBLICATION OF THE SENATE

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