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Autonomy beckons for County Assemblies as Senate pass Bill

The passage of the County Public Finance Management Laws (Amendment) Bill, 2023, sets the stage for the County Assemblies to be freed from dependency on county Governors for funding their operations.

Senator Kathuri Murungi

The push to have county assemblies gain financial autonomy took a major stride last week when the House passed the County Public Finance Laws (Amendment) Bill, 2023.

A total of 27 Senators voted for the Bill in the Third Reading with neither opposition nor abstention.

The Bill now heads to the National Assembly for concurrence pursuant to Article 110 (4) of the constitution.

Article 110 (4) requires that when a Bill concerning county governments is passed by one the Houses, the Speaker of that House will refer it to the Speaker of the other House for concurrence.

The Bill is sponsored by Senator Kathuri Murungi, who, in his contribution during the debate, said Members of County Assemblies (MCAs) are not able to execute their oversight work because they lack resources to move around the county.

"Most of the time there is no money in the county assemblies. When they do requisition, they are not able to get the money to carry out their work," he said, adding that the county assemblies cannot perform if they rely on the governors to give money for their oversight role.

"We want to treat the 47 county assemblies the way the national Government treats both Houses of Parliament." Money allocated to Parliament in the national budget is shared by the National Assembly and the Senate through the Parliamentary Service Commission (PSC).

"It is us who decide what to do and when. It is only that sometimes the Exchequer releases delay, but we have that autonomy and power to decide on what to do with our programmes. Most of the assemblies also told me that their staffers undergo manipulation and intimidation."

County Assemblies depend on county executives for their funding which oftentimes are susceptible to multiple delays. The first is occasioned by the National Treasury which delays releasing funds to the counties. The county executives further create a delay in releasing funds to MCAs which hampers the performance of the county assemblies.

Under the County Government Act, the budgets of the county assemblies should not be lower than 7 per cent of the county's total revenue, or twice the personnel emolument whichever is lower.

Senator Murungi is proposing to amend Section 109 of the Public Finance Management Act to establish a County Assembly Service Fund.

The Fund will be established in each of the 47 county assemblies and is meant to separate funds for the running of county assemblies from those of county executives.

The Fund is established under the Public Finance Management Act in order to provide the required financial independence for the 47 county assemblies.

Once enacted, the law will address the void that has left county assemblies at the whims of the Governors as they seek money to meet their administrative expenditures.

The Bill designates the Clerk of the County Assembly as the administrator of the Fund and his mandate will be to ensure that the earnings and accruals are retained in the Fund and spent only for the purposes for which the Fund will be established.

Making the Clerk the administrator of the Fund will further enhance the independence of the county assembly because currently he has no powers on matters to do with finances at the county executive.

The Bill gives the clerk the powers and will be answerable to the County Assembly Service Board (CASB).

Clause 6(7) talks about the role of the administrator in seeking approvals from the Controller of Budget (COB) before withdrawing money from the fund.

For four different days last October and November 2024, Senators debated the County Public Finance Laws (Amendment) Bill, 2023, whose key objective is grant financial independence to the 47 county assemblies. The Bill creates a new fund called the County Assembly Fund which will now be administered by the respective county.

Majority Leader Aaron Cheruiyot:

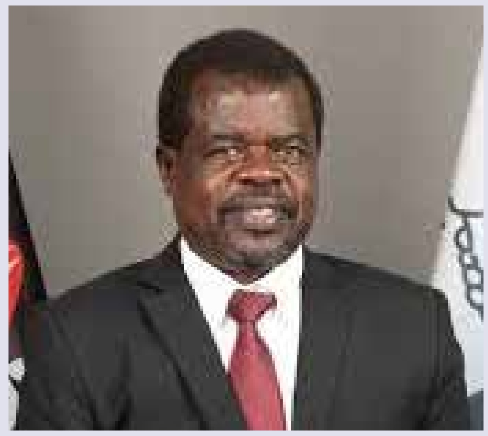
"One of the ways in which county assemblies are weakened is that for them to get their salaries, something that is constitutionally and statutorily guaranteed, they have to sing to the tunes of the county executives. As a Senate, we owe the MCAs an apology for having taken long to free them from that kind of slavery. We are completely unfair to our brothers and sisters in the county assemblies. As Parliament, we have our own votes. When we make our determination on issues, there is nothing that the Executive can do. Can you imagine the humiliation that a Clerk of a county assembly has to go through when they apply through the County Executive Committee Member (CECM) for Finance? They may be told that the previous week they did not like the kind of things they were saying. They may be asked why they are not respectful to the Governor or why their Majority Leader is insulting a particular CECM at public functions. That is not the constitutional design of how county governments are supposed to function."

Senator Boni Khalwale

"What the Bill is curing is to make the counties independent. While the Bill makes them independent from the governor but we have created a monster in this law called the administrator of the County Assembly Fund. MCAs will now become slaves of the administrator called the Clerk. If we do not improve it, the Clerk will do what he likes and our MCAs will have to dance to his or her tune. By controlling billions of shillings, the Clerk will be very powerful. The Clerk as an individual, talks with the Controller of the Budget (CoB). The two of them can actually withdraw anything up to, including Sh1 billion. Given that this is a fund; it means that money going into this account will not go back to the National Treasury. There is a possibility that at one time, you could get billions of shillings into an account to be controlled by only one man or woman. This is not the responsibility we can put in the hands of one person unless he is Jesus Christ of Nazareth."

Senator Gloria Orwoba:

"I do not want to belabour the point that you have MCAs who are supposed to oversight the county government, but the county government is running their payroll. That is the exact situation with MCAs. They have to beg governors and County Executive Committee Members (CECMs) for their salaries and allowances, and at the same time, they are required to tell the executive that they are misusing funds. It cannot work. You cannot have that independence when someone is holding you hostage with that financial card. There is always the fear of being victimised and being at the beck and call of the county government. That is the first win for the MCAs that they can at least do their jobs knowing that they still have a salary and are not going to be punished for playing their oversight role. That way, they are going to make sure that they keep the county governments accountable."

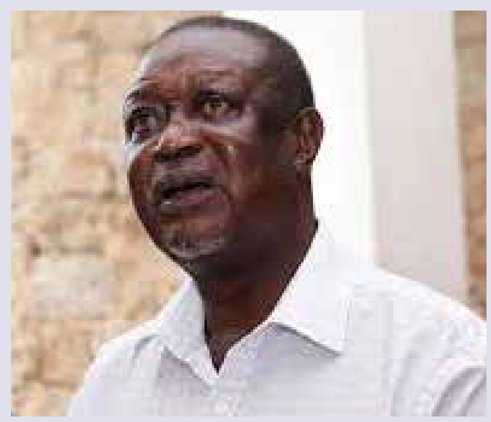


Senator Okiya Omtatah:

"What we have in the counties cannot function because the design is wrong. The design of having money leave Nairobi into the kitty of the governor, then from there the county assembly is served, is not acceptable. We must get the design right for things to flow. When the design is wrong, however hard you try, you will never succeed. That is why we say the egg, the way it is designed, can lift a chicken with a curve, but the other side cannot lift the weight of a chicken. The governor remains the big man and he cannot be oversighted by MCAs. Primary oversight, whereby the county budget is held against the implementation of projects in the county, is really a function that MCAs should do because they live in those wards, they pass those budgets, they know what goes to their counties, and they should see if the money is being applied lawfully, using the budget as the marking scheme."

Senator Mwenda Gataya Mo Fire:

"I served for as an MCA for decade, which is two terms and I think I have the necessary information that is supposed to guide this Bill. In very many instances, the so-called County Executive Committee Members (CECMs) are demigods in their own right when it comes to dispensation and making sure that the assemblies get money that is allocated to them from the Exchequer. We cannot be talking about oversight and the effectiveness of the county assembly and its government without strengthening the very arm of oversight; which is the legislative arm of the county assembly. It is common knowledge that you cannot effectively oversight somebody who is feeding you at will. Even some of the Impeachment Motions that we have seen before this House are generated from the defiant MCAs who have decided to oversight those governors. In quite a number of counties, most of the county assemblies are very submissive. They are subdued and coerced into singing the song of the relevant governor."



Senator Oburu Oginga

"The Bill is giving the counties something which they have not struggled for long as the Parliament did to get Parliamentary Service Commission (PSC) and the Budget Committee to scrutinise the budget. This Bill will enable the MCAs to have some little bit of autonomy. However, that autonomy will not come until we also do something else. The Salaries and Remuneration Commission (SRC) is actually making it very difficult for MCAs to oversight the executive. If you look at the pay slip of the MCAs, it is peanuts. Yet they are oversighting somebody who is getting over Sh1 million in a month. They are getting something less than Sh100,000. I looked at the pay slip of one MCA from Nakuru who tabled it before our Committee on Devolution and Intergovernmental Relations. I said this is one way of disabling MCAs to do the oversight. You cannot do oversight when you are suffering pecuniary embarrassment. We must find a way of dealing with this issue of remunerating the MCAs properly."

Senator Fatuma Dullo

"If I may speak of my county of Isiolo, last week, some MCAs came out and condemned on certain payrolls. The governor colluded with the speaker and the rest of the members to remove them from all the committees of the House and suspended one member from the House for six months. It is ridiculous. It is unacceptable. There is no way these Members oversight if they are running after governors to give them support. MCAs are on the ground. They are the ones who are facing the challenges on the ground where members of public are turning to them for school fees, medical assistance and many other things, yet they are beggars running after the governors whom they should actually oversight. To some extent, the budget currently allocated to them, the governors and the speakers collude and steal the money from county assembly. This particular Bill will solve that problem if it be assented to. I urge MCAs that if this will be a solution to their problems, they also come up with a solution which is gracious to this country."

Senator Beatrice Ogola

"As the devolution family, we have all along sympathised with the county assemblies. Each month, when the county treasuries receive funds, it was time for the speaker, clerk and chairperson of the Budget Committee to line up. It was only the county treasuries led by the CECMs for Finance who had the key to unlock for county assemblies to get their monies. It is in that regard that I support this Bill. In making county assemblies to have their funds, we will only be strengthening separation of powers. MCAs oversight the executives, play a representation role of their wards, and also do legislation. How can they accomplish these constitutional functions if they do not have and are not in control of their monies? The lack of this Bill has necessitated the county assemblies to behave and operate as if they are an appendage of the county executive. How else would they operate? If you have to beg from somebody, they have to give you the terms. Let us pass this Bill and ensure that county assemblies run as envisaged in the Constitution."

Senator Okongo Omogeni

"We want to see our county assemblies getting the stature that is in other countries that have devolved system of government. This Bill contributes to raising the stature of our MCAs in our county assemblies. You can imagine a situation where any time MCAs want to make a payment have to go and beg at the county treasury. If you are not in good books with your governor, you will be on the queue for a long time before your bills are settled. How do you get into the bad books of a governor? By trying to oversight him and put him on toes. If this Bill passes, there will be that separation of powers and financial independence of county assembly so that they can properly oversight the office of the governor. y. Let us fast track this Bill to ensure it is enacted as soon as possible so that we lay a basis of true independence for our MCAs. Let them receive their money, budget for it and use it to oversight our governors."

Senator Richard Onyonka

"Many of us have been raising the issues and discussing why the county governments and the county assemblies look like they are all operating in a dysfunctional manner that is deliberately skewed to make sure that MCAs do not get a working environment that is comfortable for them and that will be responsive to the needs of the public. Sometimes, their salaries are delayed and not because the exchequer has not released the money. It is because you find that the MCAs are beginning to plod and investigate some of the things, which many of our governors are doing pertaining to financial mismanagement or management. The scenario you have is that the governors sometimes have ended up being punitive. Where sometimes, the salaries of many of these MCAs are. Also, they delay the release of funds which the Government has issued for these MCAs to even buy cars and get mortgages for themselves. This Bill is good and will cure one of the issues that we have been struggling with as a House."

Senator Edwin Sifuna:

"When we all go back to the counties, we will have something to report to the county assemblies on the things that we have done in order to enhance their capacity to oversight the county executive. County assemblies are extremely constrained in their oversight responsibilities because of the obtaining situation. That if you do not co-tow to the wishes of the Governor, he can as well decide that the Assembly will run to a halt. All your activities will ground to a halt. I have cases where the county governor insists on even designating who is the Majority Leader, the whip, who is in the leadership or the Speaker of the House. If you are not towing to his life, he makes sure that life is extremely difficult for you. If you just look at the way the Assembly is operating, you know that they have been put on a very short leash by the Governor. If you are not playing ball, you will not get those resources."

Senator Eddy Oketch

"The task of oversight and accountability bestowed upon county assemblies is one that has been wallowing and has been very difficult to meet because of this issue of financial autonomy. It is very hard to oversight anybody who feeds you or anybody who holds the key to your resources. With regards to giving financial autonomy to county assemblies and making them more effective in terms of doing the job of accountability and oversight cannot be overemphasised. It is indeed a wonderful Bill and I want to take this opportunity to personally pass my sincere gratitude for the wisdom and grit that the Senator Kathuri Murungi came up with this Bill. It will enable counties to start to experience serious oversight and accountability by Members of County Assemblies (MCAs) when the autonomy on financial matters of management finally comes to law."

Senator Enock Wambua

"Devolution is perhaps one of the best things that has happened in our country within the context of the 2010 Constitution. The most unfortunate thing is that devolution seems to have somehow gotten stuck at county headquarters, especially in the executive arms of the county governments. I would like to remind my colleagues that Article 176 of the Constitution creates county governments with two arms; the executive and the assembly. None of these arms is superior to the other. They should work interdependently to deliver services to the residents of the counties in which they are established. The financial autonomy of county assemblies and the benefits thereof, cannot be gainsaid. If we achieve the financial autonomy of county assemblies, then as a Senate, we will be beginning to scratch the surface to ensure devolution moves beyond the county headquarters towards the wards as centres of development. It is not good that, as things obtain today, the county assemblies will have to approach the County Executive Committee Members (CECMs) for finance in the executive arm of government for them to access finances to do anything and everything."

Senator Samson Cherarkey

"When an issue occurs in a village, the first people that the ordinary wananchi run to are normally the MCAs. From issues of funeral bills, harambee, people giving birth in hospitals and other social work responsibilities. The role of MCAs is important because they are the primary oversight. Even in the County Public Accounts Committee, where I sit, we normally rely on the local knowledge of the area MCAs to tell us about the projects and deliverables. We have agreed on key issues that we need to deliver to MCAs. One of them was to give them the Ward Development Fund. The National Dialogue Committee (NADCO) Report captured that we need to entrench the Ward Development Fund, the National Government Constituencies Development Fund (NG-CDF), and the Senate Oversight Fund, which we have yet to achieve. Number two was to look into their welfare. The SRC circular did not consider MCAs in terms of ensuring that they have the capacity to enhance their welfare; from how they run their ward offices to mileage, sitting in plenary and committee allowances and even the basic salary."

Senator Ledama ole Kina

"The principle of separation of powers, requires the county assemblies to be independent. However, as we are in this country, I blame the framers of the Constitution, because of the rush to set up county governments, they never saw a problem when it comes to the issue of the Executive controlling the assemblies. When the Clerk or the Speaker of the Assembly wants to authorise payment for the administrative cost, payment for plenary sitting and allowances, they depend entirely on the Executive. In most cases, the Executive will decide whether to approve Form A or not. This amendment to the Public Finance Management (PFM) Act, is quite timely. I support it fully, because I would like to see county assemblies being able to carry out their oversight authority without any dependency on the Executive. The law as it stands right now, puts the County Treasurer as the CECM, Finance and Economic Planning. He is the sole County Treasurer. Why should we not give the Clerk almost similar powers as the powers that the CECM Finance and Economic Planning has as the head of that treasury?

Senator Tabitha Mutinda

"We have a new Cabinet Secretary in the National Treasury who also been a Member of this Parliament. We hope that he will ensure ensure timely disbursements of the funds to the counties. That delay in the funds has caused a lot of problems including the challenge of pending bills and at same time, problems for our great working leaders; the MCAs. Our MCAs at times go for almost three months without their salaries. These are the leaders who are in direct communication with our people on the ground. Every day they are meeting with the people. They interact with the people and the people are also sharing their needs. If an MCA goes without salary for two to three months, for Christ's sake, it becomes very hectic. Ensuring that disbursement of these funds to the County Assembly Fund Account should be timely starts at the National Treasury level. The new Cabinet Secretary should ensure, because this is what he promised when he came to this House, and affirm that timely disbursements will be done."

Senator Agnes Muthama

"I have seen ward administrators and ward coordinators of the governors launching projects when the MCA does not know that there is a project being launched in his own ward and yet that is the person who has been elected by the people to represent them. They are the persons who know what their people want at that level. There are incidents where an MCA submits a Statement or a Motion to the County Assembly like we do here, they are told that they are fighting the governor. Those Statements are not signed and they cannot move forward. MCAs are unable to do their oversight work because they have to dance to the governor's tune and they cannot voice any wrongdoing because they will be accused of fighting the governor and their wards will not be developed. This Fund will empower the MCAs so that they can do development and oversight the governors properly because they will be independent with their own funds and will not be reliant on the governor. "

Senator Karungo Thangwa:

"I am a former MCA and I have experienced some of the problems that are supposed to be cured. When you bring autonomy or independence to the county assembly, the problem is not spending. The problem is how they get the money to the assembly's account. When we create the Fund, which, of course, was under the County Assembly Services Act, it has never been utilised before, but if we create the Fund, how will this Fund be getting their money? The issue is not the assembly utilising the money; it is how the money comes to the fund. If the assembly wants their money, they do a requisition to the county treasury led by the County Executive Committee Member (CECM) in charge of finance will forward that requisition to the Controller of Budget (CoB) for that money to come to the county assembly. When the MCAs write, the CECM delays in forwarding the same to the CoB. So that is the problem right there. If we do not cure that part, then even this Bill will also have the same problem.

Senator Veronica Maina

"I have met with MCAs from many counties crying how hard it is for them to perform their oversight function because they have to keep begging governors to fund their activities and balance their oversight function vis-à-vis the need for them to be supported. This law will set our county assemblies free from being tied to the governors whom they are supposed to oversight. It will set Kenyans free from having to watch devolved funds being used in a corrupt manner and people watching helplessly, including those on the first line of defence and oversight, which is supposed to be done by county assemblies. It definitely speaks to better management of resources at the county level. It also seeks to deliver autonomy to the operations of county assemblies from the executives within the counties. It has been difficult for the assemblies to discuss any impeachment of governors on misuse or misallocation of resources. Once they have this Fund, there will be no more reason to watch billions of shillings being carted away from counties."

Senator Godfrey Osotsi

"If there are elected people in this country who suffer a lot then it is the MCAs. They stay in the villages with the people, wake up in the morning with the people and go to sleep with them. We are lucky, as Senators and Members of the National Assembly, because we are in Nairobi most of the time and only go home over the weekend. The MCAs are at home all the time which means that there is more pressure on them, especially financial pressure. That challenge is further enhanced by lack of autonomy which means delays in the payment of their salaries. This Bill is timely because it will create a new fund called the County Assembly Fund which will now be administered by the respective county assembly. To a large extent, this will resolve the delays that have been experienced at the county assemblies."

Senator Dan Maanzo

"This law is important. Devolution has been stuck for the past 12 years because of simple reasons. In your own introduction, you have said "independence and separation of power", so that there is independence of the county assemblies. In the country, for the last 12 years, many county assemblies have been tied to the governor in many ways. In order for them to receive development in their respective wards, they had to heavily rely on the governors and be submissive to them, yet, they are supposed to impeach the governor where there are reasons to and to make sure that oversight is applicable and strict. That would not have happened without the independence of the assemblies. Before the assembly makes any move, they have to look for the governor or the systems of the governor to get their monies released and there has been delays. However, with this law, the county assemblies will be independent, monitor their own budget, make their own plans and oversight the governors very well."

Senator William Kisang

"We need to look for a Member of the National Assembly to co-sponsor the Bill so that as soon as the Bill is passed in this House, you have someone who will champion it in the National Assembly. When you are in the National Assembly, you do not appreciate what the Senate does until you arrive here. It is important that we start engaging our colleagues. We urge our Members of the County Assemblies (M

CAs) across the country to lobby by talking to their Members of National Assembly to support this Bill so that they are liberated. I believe the MCAs are now watching. We have told them that as soon as the Bill leaves the Senate, they should talk to their Members of the National Assembly so that they all support the Bill unanimously. If there are any amendments, let them enrich the Bill and not water it down."

QUESTIONS TIME

Government expanding fibre optics to lower calling rates – CS Kabogo

The Ministry of ICT has given an undertaking to lower cell phone calling rates and data packages. Negotiations to that effect are going on between the Communication Authority and the Service providers.

The revelation was made by the ICT Cabinet Secretary William Kabogo who was quick to clarify that the Ministry prefers to connect fibre optic which he said is reasonably priced or almost free for the public to use high speed internet.

"Where we do not have fibre optic, we work with satellite providers like Starlink and Air Traffic Control (ATC) Masts, so that we can use their facilities to give connectivity, especially on the mobile platform," the Cabinet Secretary told the House last week.

"We have a plan to run 100,000 kilometres of fibre optic. In those areas where there are security issues, we rely on our collaboration with the other providers like ATC, Safaricom and Starlink. Those that have the capacity to do satellite provision of services."

CS Kabogo was responding to concerns raised by Senators on the challenges facing his Ministry especially the issue of mobile telephony connectivity, the Universal Service Fund, the cost of data and voice calls and the communication gap before the full deployment of network infrastructure.

Cabinet Secretary William Kabogo

Senator James Lomenen had wanted the Cabinet Secretary to explain why there has been a delay in establishing a network in the border areas of Turkana County and even in the nation at large. He said there is poor network in the border of Kibish and Ethiopia, Nadapal; the border between Southern Sudan and Kenya; Lokichogio, Lokiriama and Urum, the border of Uganda and Kenya.

Senator Kathuri Murungi wanted to know how the Universal Service Fund (USF) is distributed across the country.

"Where has that money been going for the past five years? We would like to know the counties and the specific areas of this country," Senator Murungi even as he urged Speaker Amason Kingi to give a ruling that the details should be provided to the House.

Senator Boni Khalwale challenged the Cabinet Secretary to explain what the Ministry is doing in view of the obscene profits declared by Safaricom and Airtel and demanded that the costs be reduced to help the people using the services.

On the issue of areas that have digital divide, which have no coverage, the Government is working with satellite providers to address the challenge.

"We just licensed Starlink, which is widely used even in urban areas. We hope to continue to collaborate with them for places where we have not been able to reach our fibre optic," he told the House.

"It is through the fibre optic that we would want to connect the entire Republic with high-speed and reasonably-priced internet," he added, promising to give a detailed action that is going on to connect the country.

He said the rolling out of the fibre optic is well funded by several projects and donor partners like the World Bank and others.

"There is also use of the Universal Service Fund (USF) for purposes that it was set to be used."

He promised to provide details of what has been spent in the last five years by the USF and what is happening now, adding that the Government is working with companies like the American Towers to provide part of the 25,000 public Wi-Fi.

He added that sustainability had not been considered during the inception of public Wi-Fi. "We are trying to release the public Wi-Fis to young men and women who will man them and probably have a small fee of five shillings or thereabouts, so that they can keep them lit because the internet is available. It is just a matter of making sure that they are working."

Speaker Kingi welcomes county assembly autonomy Bill

Speaker Amason Kingi addresses the delegation from the County Assemblies Forum (CAF) at the Mini Chamber, Parliament Buildings.

Speaker Amason Kingi ushers members of the CAF delegation to the meeting room.

Speaker Amason Kingi and the members of the CAF delegation after the meeting.

Speaker Kingi welcomes county assembly autonomy Bill

Speaker Amason Kingi has thrown his weight behind the law that seeks to grant the county assemblies financial autonomy saying it is key to effective oversight of the county executives.

Hailing the impact of devolution to communities, the Speaker said the call by MCAs for financial independence is legitimate and must be supported by all.

"Your call for autonomy is not a selfish demand. It is the right thing and the only way to go," he said.

The Speaker made the remarks on Thursday when he hosted a delegation from the County Assemblies Forum (CAF) who paid him a courtesy call at Parliament Buildings.

The delegation comprising Speakers from 18 county assemblies was led by Hon Anne Kiusya, the Speaker, Machakos County Assembly.

The speakers want the two sides to have regular meetings to discuss matters of mutual concern.

They also wanted Speaker Kingi to brief them on the status of laws currently before the House and which concern county assemblies and the general welfare of the ward representatives.

Among the legislations the delegation was concerned with include the County Public Finance Management (Amendment) Laws Bill, 2024, which seeks to give the assemblies financial autonomy, the proposed legislations touching on the Ward Fund, CAF and the County Assembly pension.

The delegation also wanted the Speaker to intervene and help them secure an appointment with the President.

Speaker Kingi is the Patron of CAF in his capacity as the Speaker of the Senate. The meeting deliberated on how the two sides can develop a structured engagement to address a myriad of issues facing devolution and County assemblies in particular.

The Speaker proposed to start a quarterly Speaker/CAF roundtable meeting so as to address all the challenges facing devolution and county assemblies.

"We have so much pending business and we need some regular meetings," said the Speaker, promising to establish a desk in his office that will be dedicated to promote communication between his office and CAF. "It is the officials manning the desk who will midwife the meetings between the two sides."

He said the meeting must be urgent because any further delay will mean that either of them will not be faithful to their calling as legislators and defenders and protectors of devolution.

The County Public Finance Management Laws (Amendment) Bill, 2023, which seeks to grant County Assemblies was passed by the Senate on Tuesday. The Bill has been forwarded to the National Assembly for concurrence.

While Hon Kiusya hailed the Senate for the move, she called for the lawmakers to bear their influence on members of the National Assembly and ensure that the Bill is passed in the National Assembly without delay.

But the Speaker demurred, telling the delegation that in bicameral Parliament, like Kenya's, the Senate has no control of what happens in the National Assembly.

"We cannot influence what happens in the National Assembly. As a Senate we have done our best and we can only hope the Bill will not be stuck in the National Assembly," he said

Wakazi wa Korogocho waiomba Seneti kuwaokoa

Bunge la Seneti limeombwa kuingilia kati kuzuia kufurushwa kwa wenyeji wa mtaa wa Korogocho katika Kaunti ya Nairobi.

Seneta Edwin Sifuna amewasilisha ombi kwa niaba ya wakazi hao ambao wanakabiliwa na kufurushwa kufuatia kutangazwa kwa sehemu ya mto Nairobi kama eneo maalum la mipango na serikali ya Kaunti ya Jiji la Nairobi.

Akiwasilisha ombi hilo, Seneta Sifuna alisema inasikitisha pakubwa kwamba wenyeji hao wamepangiwa kufurushwa pasi kuhusishwa kwa vyovyote vile.

"Wakazi wa Korogocho hawapingi maendeleo au urejesho wa mazingira. Hata hivyo, wanastahili haki, utu na fursa katika meza ambapo maamuzi kuyahusu maisha yao hufanywa," alisema Seneta Sifuna.

Ombi hilo lililotiwa saini na zaidi ya wakazi 30 walioathiriwa linaibua wasiwasi kuhusu kutoshirikishwa kwa umma ipasavyo, vitisho wakati wa mchakato wa kufurushwa, madai ya fidia ambayo hayajatatuliwa na kutojitolea kuwapa makazi wale ambao tayari wamefurushwa.

Seneta Edwin Sifuna (Kushoto) na Seneta Enock Wambua.

"Haikubaliki kwamba Wakenya wanafurushwa bila ilani ya kutosha, ushiriki wa umma au uwazi kuhusu fidia. Tunashughulika na Wakenya ambao wameishi katika maeneo haya kwa miongo kadhaa," Seneta Sifuna alisisitiza.

Walalamishi hao wanadai kuwa juhudi zao kushauriana na serikali ya Kaunti ya Nairobi na Halmashauri Kuu ya Kaunti ya Jiji la Nairobi zimeambulia patupu. Sasa wanatafuta uingiliaji kati wa Seneti ili kuhakikisha hatua ya kuondolewa kwao inafanywa kwa njia ya kibinadamu, waathiriwa wanalipwa fidia na kunakuwepo na ushiriki kabambe wa jamii katika maamuzi yote yanayowahusu.

Wakazi hao kwenye ombi lao walifichua kwamba wakazi waliofurushwa wakati wa awamu ya awali mwaka jana kutoka kwenye ardhi inayodaiwa kuwa ya ukingo wa mto bado hawajalipwa fidia na hadi sasa, hamna mawasiliano ya wazi ambayo yamefanywa kuhusu hatima yao au mipango yoyote ya fidia.

"Ilani iliyotolewa na serikali ya Kaunti ya Nairobi mnamo tarehe 6 Machi 2025, haikuangazia ahadi au mpango wowote wa serikali wa kuwalipa fidia wale ambao wataathiriwa na kufurushwa unaonukia. Wengi wa wakazi hawa ni wamiliki wa majengo ambao wameishi katika eneo hilo maisha yao yote na hawana mahali pengine pa kuita nyumbani," wakazi hao walifichua.

Spika Amason Kingi aliliwasilisha ombi hilo kwenye Kamati ya Ardhi, Mazingira na Maliasili kuzingatiwa kisha kuwasilisha ripoti ndani ya muda wa siku sitini.

Seneta Chesang aimulika Hazina ya Nawiri

Seneta Allan Chesang ametaka taarifa kutoka kwa Kamati ya Fedha na Bajeti kuhusu utendakazi wa Hazina ya Nawiri inayosimamiwa na serikali ya Kaunti ya Trans Nzoia.

Seneta Chesang anaitaka Kamati hiyo, kushughulikia miongoni mwa masuala mengine, maelezo ya utendakazi wa hazina hiyo, ikiwa ni pamoja na mfumo wa kisheria ulioibuni, uzingatiaji wa kanuni, mamlaka na malengo yake. Pia anataka kupata ufafanuzi wa kina kuonesha iwapo ushirikishwaji wa umma ulifanyika kabla ya kuanzishwa kwake kwa mujibu wa Katiba.

Kamati hiyo, inayoongozwa na Seneta Ali Roba inatarajiwa kuwasilisha kwenye taarifa kuhusu walengwa wa hazina hiyo, vigezo vilivyotumika katika kuwachagua na maeneo ya kipaumbele yanayozingatiwa wakati wa malipo. Mbali na hayo, Seneta huyo anaitaka Kamati hiyo kuweka wazi jumla ya fedha zilizotolewa hadi sasa na kutoa ratiba inayoonesha orodha ya walionufaika wote na wadi wanazotoka.

Wakichangia kwenye ombi hilo, Maseneta Aaron Cheruiyot na William Kisang walitilia shaka mwelekeo unaoongezeka wa Kaunti kubuni hazina nyingi, ambazo zinadaiwa kutumika kufuja rasilimali za umma.

Seneta Allan Chesang'

Maseneta hao walitoa wito wa kubuniwa kwa sheria na sera zilizo wazi na thabiti ili kudhibiti uundwaji wa hazina hizo, ambazo wanaamini mara nyingi hurahisisha ufisadi.

Kwingineko Seneta Tabitha Mutinda anataka Seneti kuchunguza kwa hima kuporomoka kifedha kwa Shirika la Akiba na Mikopo la Metropolitan ambako kumesababisha zaidi ya wanachama 75,000 kushindwa kupata akiba zao.

Katika ombi la Kauli kwa Kamati ya Biashara, Viwanda na Utalii, Seneta huyo alitaja kutangazwa kuporomoka kifedha kwa shirika hilo na Kamishna wa Vyama vya Ushirika, akihusisha hatua hiyo na ufujaji wa fedha ulioenea na madai ya ubadhirifu.

Alibainisha ripoti za utoaji wa mikopo isiyo ya kawaida, matangazo ya gawio bandia na mikopo iliyotolewa kwa wanachama wa uongo, taratibu anazosema zimeififisha imani kwa wanachama. Seneta Mutinda alisisitiza haja ya uwazi na haki kwa wenye amana walioathiriwa.

Seneta huyo maalum sasa anataka ufichuzi kamili wa hali ya kifedha ya Shirika hilo la Akiba na Mikopo, matokeo ya ukaguzi kuanzia mwaka wa 2020 hadi 2024 na kama mapendekezo yoyote ya ukaguzi yalitekelezwa. Vilevile alitoa wito wa kuwepo kwa mpango wazi wa kurejesha fedha za wanachama.

Aidha, Seneta huyo alidai uwajibikaji kwa waliohusika akitaka ibainishwe iwapo Mamlaka ya Udhibiti wa Vyama vya Ushirika (SASRA) ilitekeleza vyema majukumu yake ya uangalizi. Alihimiza kutekelezwa kwa mageuzi ili kuimarisha udhibiti na kulinda haki za wenye amana.

Caucus wants Parliament to legislate for future

Members of the Senate Future Caucus during the retreat in Masai Mara.

Senator Ledama ole Kina, the chairman, speaks during the retreat.

Senator Ledama ole Kina speaks during the panel discussion as one of the participants look on.

The Senate Future Caucus has proposed an amendment of the House Standing Orders to formally recognise foresight as a core component of legislative process and as one of the ways of embedding foresights and anticipatory governance in the Senate.

The Caucus also wants to be Strengthened with adequate technical support to research and coordinate foresight approach across committees, enhancement of the role of the Senate Liaison Office (SLO) to conduct future-oriented research and policy analysis and capacity building of all Committees through technical training in foresight and methodologies, including horizon scanning, system thinking and scenarios development.

Another proposal is to the effect that drafting of legislation in the Senate should be done with due consideration paid to intergenerational fairness as well as mandating pre-legislative and post-legislative scrutiny with a foresight approach.

The proposals, agreed during an induction strategic foresight retreat in the Great Maasai Mara Game Reserve, which laid the groundwork for institutionalising a culture of anticipatory governance thinking in the Senate, were made by Senator Ledama ole Kina, who is the chairperson of the Caucus.

The two-day forum, held under the theme "Charting a Future-Oriented Course for Kenya," brought together Members of Parliament, Senate staff, international foresight experts, and development partners to deliberate on how to embed strategic foresight in the Senate's lawmaking, oversight, and governance roles.

The retreat was part of a broader agenda to develop and operationalise the Senate Futures Caucus Strategic Plan 2025–2028, a document intended to institutionalise foresight capabilities within the legislative framework and ensure policies remain resilient, inclusive, and sustainable across generations.

"Across the world, Parliaments such as Finland, Uruguay and Philippines have embedded futures thinking into the legislative architecture. These legislatures have equipped their institutions with foresight tools, conducting scenarios planning and engaging experts and citizens in shaping long-term agendas," he told the House, adding that Kenya must not be left behind.

"The Senate must lead the way in innovating our approach to governance and ensure that Kenya takes the lead on the continent in institutionalising foresight."

He said legislatures that have embraced foresights do not just react to crises; they anticipate them. "They do not just manage problems; they create opportunities through their legislative proposals. They can better allocate resources, understand the long-term impact of laws and ensure that the legislature is robust enough to withstand the test of time."

"The Senate must lead with foresight to safeguard the future of this Republic and the inherent future generation. I urge Senators to support this agenda, not just for us, but for the generation whose voices are yet to be heard; the Kenyans of tomorrow."

The Caucus was born out of a collective recognition that governance must evolve beyond immediate concerns and short-term decision-making.

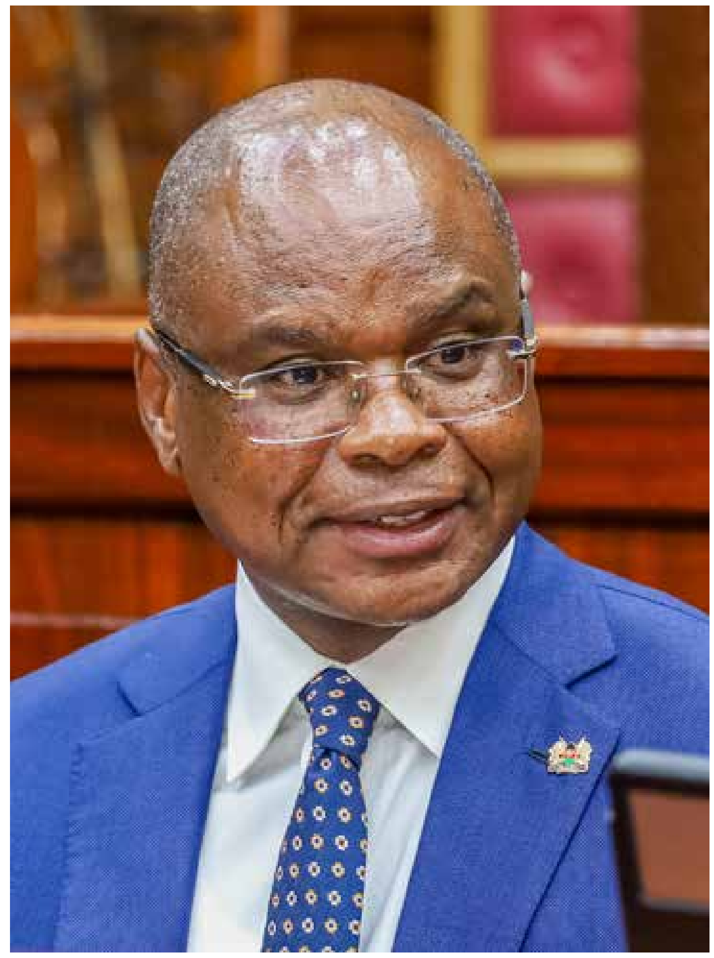
The ideology that underpins the Caucus is that Parliaments should not just legislate for the present, but also design policies with the future in mind. Strategic foresight is a forward-looking, long term approach to policy making. It enables institutions to anticipate emerging trends, risks and opportunities, and to adopt more resilient, inclusive, and sustainable legislation.

Anticipatory governance refers to the integration of foresight into institutional decision-making processes. This ensures that laws and oversight functions serve not only the current generation, but also the generations to come.

"As the Chairperson of the Senate Future Caucus, I am proud to be spearheading future thinking within this House.

Division of Revenue Bill, 2025 in First Reading

Senator Ali Roba, the chairman of the Finance Committee, with the vice chair, Senator Tabitha Mutinda.



Speaker Amason Kingi committed the Bill to the Finance Committee.

The Division of Revenue Bill, 2025, has been introduced in the Senate, with a proposal to allocate counties Sh405 billion in the next financial year.

The figure is lower than the Sh465 billion that the Committee on Finance and Budget of the Senate has recommended as the fair equitable share for counties during the period.

The Bill, which originates from the National Assembly, went through the First Reading on Wednesday last week, and Speaker Amason Kingi Committed it to the Committee on Finance and Budget.

The Senator Ali Roba-led Committee is expected to facilitate public participation in accordance with Article 118 of the Constitution which obligates Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its committees.

The Bill provides for the vertical sharing of revenue raised nationally between the national and county governments for the 2025/26 financial year.

The revenue is shared based on the most recent audited accounts approved by the National Assembly which in this case is the 2020/21 financial year, and which stood at Sh1.6 trillion.

The total shareable revenue for the 2025/26 financial year is projected to be Sh2.8 trillion out of which the Bill allocates Sh2.4 trillion to the National Government while the Equalisation Fund has been allocated Sh10.5 billion.

Whereas the Bill allocates Sh405 billion to the counties, the Commission on Revenue Allocation (CRA) had recommended an allocation of Sh417.4 billion.

The Sh405 billion proposed allocation to counties corresponds to 25.8 per cent of the last approved audited revenue.

According to the Bill, the allocation of the Sh405 billion to counties was informed by factors such as continuous underperformance of revenue by the end of the fiscal year, increased expenditure for debt services, the fiscal consolidation commitments of reducing fiscal deficit to 4.3 per cent of GDP and the limited access to domestic and external borrowing.

The CRA recommendation was informed by the need to provide adequate resources to counties, the requirement for counties to provide matching funds for certain national government priorities and other non-discretionary expenditures and the anticipated sharing of revenue among counties through the proposed fourth basis.

In its report on the Bill, the Committee on Finance of the National Assembly says the Sh12.3 billion discrepancy between the proposed allocation and the recommendation of the CRA arises from differing parameters employed by the National Treasury and CRA.

"The CRA adopted an expenditure needs analysis approach whereas the National Treasury proposal was informed by resource availability in consideration of other competing needs," observes the Committee in its report.

To justify the recommendation for the Sh456 billion to counties, the Senate Committee, observed in its report on the consideration of the 2025 Budget Policy Statement (BPS) noted the discrepancy between the figures of the National Treasury and the recommendation by the CRA.

The Committee says that the proposal of Sh405.1 billion does not account for rising non-discretionary commitments such as the housing levy and social health insurance and challenged the National Treasury to fully integrate the obligations when determining the county equitable share for 2025/26 financial year and the medium term.

Senators are proposing that the equitable share for the national Government should be pegged at Sh2.36 trillion instead of the Sh2.4 trillion that has been proposed.

The lawmakers further proposed that allocation due to the Constitution Commissions and Independent Offices be increased by an additional Sh2.4 billion in the 2025/26 financial year.

The Committee says the decline in the share of allocations to the county governments has a negative impact in the ability of county governments to improve on service delivery and this amounts to clawback on the objects of devolution.

The National Treasury estimates the economy to grow by 4.6 per cent in 2024, down from 5.6 in 2023 with projections in both 2025 and 2026. This growth is expected improvements in the agriculture sector driven by favourable weather conditions and supportive government policies.

Under the revenue outlook, the projected revenue collection for the next financial year, 2025/26, is Sh3.4 trillion which is 17.6 percent of GDP. This represents an improvement of 11 per cent, translating to Sh325. 8 billion relative to the projection of Sh3,06 trillion. For the 2024/25 financial year.

Speaker gives Justice Committee 21 days to complete Nyamira Assembly probe

Senator Okongo Omogeni.

Speaker Amason Kingi walks out of the chamber at the rise of the House on Thursday last week. The House has started a three-week recess.

Speaker Amason Kingi has directed the Committee on Justice, Legal Affairs and Human Rights to investigate the validity of the sittings of the County Assembly of Nyamira that were held outside the designated premises and submit a report on the legal effects of the sittings.

The Speaker further wants the Committee to establish the legal implications of the Speaker who defied a court order and remained in office and continued discharging his duties notwithstanding the fact that he had been impeached.

"These legal matters should be probed by the Committee on Justice, Legal Affairs, and Human Rights," said the Speaker when giving the direction on the leadership crisis that has afflicted the County Assembly since October last year.

"I direct that the Committee informs the House on whether the proceedings that took place outside the areas that are designated for transacting County Assembly matters in Nyamira County are valid. Provide the House with the legal implication of the Sittings and also guide the House on the implication of the Speaker who, after impeachment, decided to continue working as speaker, the impeachment notwithstanding."

The Speaker was responding to the two matters raised by Senator Okongo Omogeni in his statement to the House.

The Committee has submitted an interim report on its ongoing investigation on the crisis that has seen the County Assembly split into two all of which have been having parallel sittings, two individuals laying claim to the office of the Speaker.

In the report, the Committee, which is chaired by Senator Mohamed Abbas, directed that the sittings of the county assembly should henceforth be held at the gazetted county assembly premises.

While hailing the directive, Senator Omogeni said the county will not again witness the specter of two parallel sittings in the County Assembly. "That is a really big milestone for me and for the people of Nyamira," he told the House.

"I thank the Senators who dealt with this matter. I am also happy that they have directed the Sittings of the Assembly to proceed in accordance with the Constitution and the law. This means that anybody who has gone to court and has not obtained any orders, should respect the constitutional process that has taken place. We do that all the time."

However, he insisted that the Committee had not commented on the legal status of the sittings held outside the official premises of the county assembly and the legal effects of the sittings. He also sought direction on the legal standing of all the businesses that have been transacted by the two factions, especially the faction that was led by a speaker who had been impeached.

"The Committee should tell this House the import of a Speaker moving to court after impeachment, seeks a conservatory order, and the court declines. What happens to the resolution that was passed by the County Assembly? This is because thE issues are weighty and legal in nature. They are urgent. They need to be resolved so that we can resume normal operations in the County Assembly," he told the House.

While the Committee has 60 days to consider the matter, the Speaker requested the Members to report back earlier because of the urgency of the matter.

"What is happening in Nyamira County is not something that we should let it continue for even a minute, but because the Committee needs to sit and probe the matter, let me allow them to do their work within 21 days and table a report so as to guide the Senate in making a recommendation on the two matters."

The Committee should take three weeks from today to table the matter, because it is extremely urgent."

1. *Senator Karungo Thangwa and Cabinet Secretary William Kabogo in Parliament last week.*

2. *Senator Hamida Kibwana talks to ICT Cabinet Secretary William Kabogo after last week's Question Time.*

3. *Senator Allan Chesang, the chair of the ICT Committee, with Cabinet Secretary William Kabogo.*

4. *The family members of the late Timothy Chokwe, who served as the first ever Speaker of the independence Senate in 1963, in a group photo with Mr Ben Sika, Serjeant-At-Arms, during their study tour of the Senate. From left, Nimrod Mwakitawa Chokwe (grandson), Ms Alice Damaris Chokwe (daughter in law) and Ms Maria Nzisa Kioko (niece).*

PICTORIAL

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1. *Mr Javan Loriko, Serjeant-At-Arms in the Senate, takes Members of the Speaker's Panel from the Turkana County Assembly through the paces of law making during the group's benchmarking tour of Parliament.*
2. *Members of the Speakers Panel and staff of Turkana County Assembly pose for a picture in the Senate Chamber.*
3. *Speaker Amason Kingi, members of the Speaker's Panel and the Senate staff in the meeting with the counterparts from Turkana County Assembly.*
4. *Cabinet Secretary William Kabogo and Senate staff in the Directorate of Serjeant-At-Arms.*
5. *Cabinet Secretary Wiliam Kabogo speaks to Ms Rachel Nakitare, the Technical Manager, the Parliamentary Broadcasting Unit (PBU) after last week's Question Time. Senator Gloria Orwoba looks on*

6/ *Students from PCEA Emmanuel Development Centre, Nairobi County, at the Senate for a study on the lawmaking process.*

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