

# The SENATE

For the Welfare of Society and the Just government of the People

Issue No. 006

## Weekly

## Peace mission: Senators step up efforts to curb border conflicts among counties

At least 15 cases filed before Senate featuring counties embroiled in fierce boundary disputes that have left trail of death, destruction



Left: Homa Bay Senator Moses Kajwang'. He has re-introduced the County Boundaries Bill, 2023 which provides a framework for the resolution of disputes and alteration of county boundaries. Right: Hon Mohammed Abass, Wajir Senator and Chair of the Senate Committee on Devolution and Inter-Governmental Relations, which has been petitioned to find a lasting solution to persistent border disputes among counties.

The Senate is grappling with at least 15 cases filed before it where counties are embroiled in fierce boundary disputes that have left death and destruction in their wake.

Lawmakers of the counties affected by the disputes have sought the intervention of the Senate in the hope it will help bring to an end the long-standing disputes including ensuring the enactment of the County Boundaries Bill, 2023.

Some of the counties embroiled in boundary disputes are Kisumu and Nandi counties over Chemelil, Muhoroni,

Miwani, Kibigori, Kibos, Koru and Kopere towns and Kericho and Kisumu counties over Sondu town.

Others enmeshed in border disputes are Kisumu, Vihiga and Siaya; Kisii and Nyamira Counties; Tharaka Nithi and Meru Counties; Taita Taveta, Makueni, Kwale and Kajiado Counties; Kwale and Taita Taveta Counties.

The dispute between Tharaka Nithi and Meru counties has persisted for more than four decades and revolves around the ownership of Kithino, Kianjai, Kathwana, Njoguni and Gatithini areas

where clashes are witnessed frequently.

Nominated Senators Esther Okenyuri and Chimera Raphael noted that the border disputes between Kisii and Nyamira counties and that of Kwale and Taita Taveta have led to cases where traders in some parts of the those counties are double taxed and subjected to several sets of county rules.

"We recommend long term redress mechanisms to resolve the boundary dispute addressing claims of double taxation of traders in the disputed boundary area," said Senator Chimera.

Taita Taveta Senator Johnes Mwaruma wants the Senate to establish exact boundary points and geographic coordinates between the four counties.

In a statement he presented to the committee on Devolution and Intergovernmental Relations, which is chaired by Wajir Senator Mohammed Abbas, Senator Mwaruma has pleaded with the Committee to find a lasting solution to the persistent border disputes.

The County Boundaries Bill, 2023, initially introduced in the 12th Parliament by Senator Mutula Kilonzo Junior, now



From Left: Taita Taveta Senator Johnes Mwaruma, Nominated Senator Esther Okenyuri and Nominated Senator Raphael Chimera.

Makueni Governor, was reintroduced to the Senate by Homabay Senator Moses Kajwang.

The Bill provides a framework for the resolution of the disputes and procedure for the alteration of county boundaries and the lawmakers are confident the Bill will cure the persistent boundary disputes as it seeks to define the boundaries of all the 47 counties.

It further provides a legal framework for the resolution of county boundary disputes through the establishment of a County Boundaries Mediation Committee.

It also gives effect to article 188 of the Constitution which gives Parliament the green light to set up a Commission that may recommend alteration of a county boundary.

## AT A GLANCE

**Counties embroiled in boundary disputes: Kisumu and Nandi counties over Chemelil, Muhoroni, Miwani, Kibigori, Kibos, Koru and Kopere towns; and Kericho and Kisumu counties over Sondu town.**

**Others are Kisumu, Vihiga and Siaya; Kisii and Nyamira Counties; Tharaka Nithi and Meru Counties; Taita Taveta, Makueni, Kwale and Kajiado Counties; Kwale and Taita Taveta Counties.**

This Bill will enable the Senate to establish mediation committees, when necessary, which will be tasked with facilitating the resolution of boundary disputes between counties.

According to Senator Kajwang, the Bill therefore seeks to clearly define the boundaries of 47 counties as set out in the Districts and Provinces Act of 1992. “This will cure the challenge in

relation to the current reliance on the provisions of the boundaries of districts reposed in the Districts and Provinces Act which are deemed to the boundaries of the corresponding counties, “Senator kagwang observed.

Kajwang noted that since the promulgation of the Constitution, there have been multiple disputes between counties on boundary matters because of lack of established and enforceable mechanism for resolution of such disputes.

“The Senate has also been called upon by the counties and their residents to intervene in such matters in order to comprehensively settle the ongoing disputes, “he submitted.

The Bill is in Second Reading stage.

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# Speaker Kingi hosts UK parliamentarians for talks on oversight, legislative work

Speaker of the Senate Rt Hon Amason Jeffah Kingi hosted a delegation of parliamentarians from the House of Lords and House of Commons in the United Kingdom, who were on a visit to the Parliament of Kenya.

The UK delegation comprised of Hon Lyn Brown, MP and Shadow Minister for Africa (House of Commons); Hon Pauline Latham, MP, House of Commons; and Hon Baroness Rosalind Scott, House of Lords, among others.

Speaker Kingi was accompanied by Senator Catherine Mumma, who is a member of both the Kenya Women Parliamentary Association (KEWOPA) and Kenya Women Senators Association (KEWOSA); Deputy Clerk Madam Eunice Gichangi, Director of Legislative and Procedural Services, Mr Njuguna Ruge, Mr Ben Furaha, the Chief of Staff, Office of the Speaker of the Senate and Mr Daniel Chania, Principal Clerk Assistant.

During the meeting, the leaders shared their legislative experiences and explored ways in which each of the two parliamentary jurisdictions could benefit from best practices deployed by the other.

They also debated possible avenues for joint capacity building initiatives that could enhance effectiveness of parliamentarians in their work.

Speaker Kingi briefed the UK team on the history of the Senate of the Republic of Kenya and its role as specified in Article 96 of the Constitution.

"The creation of the 47 County Governments, made it compelling to have an institution to articulate their rights and interests. As a result the Senate was created. We exist to protect the interests of the counties and have diligently enacted laws to ensure this is done," said Speaker Kingi.

Senator Mumma briefed the team on the roles the two parliamentary caucuses – KEWOPA and KEWOSA -



Top: Speaker Kingi presents a token of appreciation to Hon Lyn Brown, MP and Shadow Minister for Africa (House of Commons), who led a delegation of MPs from the UK House of Lords and House of Commons, who were on a familiarisation visit to the Parliament of Kenya last week.

have continued to play in empowering and mentoring women legislators, to discharge their roles and overcome numerous challenges that come with their positions in society. Also targeted are members of county assemblies and special interest groups such as the youth and the marginalized communities, she

added.

The deliberations also touched on the powers of the Houses of Parliament to oversee the executive and legislative work within the context of a bicameral parliament.

Hon Brown said the UK parliament attached great premium to discipline

among both Members and staff of Parliament. On a number of occasions, the House has been compelled to invoke its disciplinary mechanisms to address complaints arising from misconduct among Members as well within the rank and file of parliamentary staff.

## Presidential visit

Speaker of the Senate Rt Hon Amason Jeffah Kingi, welcomes H.E. Dr Ebrahim Raisi, President of Iran, when he arrived at the mausoleum of Kenya's First President Mzee Jomo Kenyatta, within the precincts of Parliament to pay his respects on Wednesday, July 12, 2023.

Present were National Assembly Speaker, Rt Hon (Dr) Moses Wetangula, Nyandarua Senator John Methu and Defence Cabinet Secretary Aden Duale.



## Committee meeting with Energy sector players seeks to solve riddle of high cost of electricity in the country

The Senate Standing Committee on Energy has for the last two weeks been on a relentless quest to unearth the cause of the high electricity costs in the country.

And Committee chairman Sen. Wahome Wamatinga, avers that the inquiry has not only opened the committee's eyes to many things regarding this matter but also demystified a lot of myths surrounding it.

This came up during Electricity Sector Stakeholder Conference held on 30th June, 2023 in TradeMark Hotel at the Village Market, Kiambu County.

The Conference brought together The Ministry of Energy and Petroleum, The National Treasury, EPRA, KPLC, KETRACO, and IPP's producing Electricity and sought to come up with modalities of reducing the cost of electricity.

"For a sustainable power sector, both IPPs and Public Generators have a role to play. Investments in renewable energy have been a game-changer in backstopping the hydros and making them more sustainable" said Energy Cabinet Secretary Davis Chirchir.



*The Senate Standing Committee on Energy chairman Hon Wahome Wamatinga and Member Hon Edwin Sifuna during a session with players in the energy sector last week to explore cause of high electricity cost in the country.*

He further said that the Energy Sector will partner with other Government entities to enhance demand stimulation, increasing the customer base, and hence lowering the per unit cost of electricity.

The CS said his Ministry will contribute positively to the Government's agenda of lowering the cost of living, creating employment for the youth, and transforming the economy by reducing the cost of electricity as energy has been identified as a crucial foundation for

national transformation

"While many people have a misconception on who Independent Power Producers are and have labelled them all sorts of names, I have come to view them as necessary and important partners in reducing the cost of electricity," said Senator Wamatinga.

The committee heard that during the Africa Energy Forum that was held last week, the committee got to understand that South Africa for Example, from

inception to financial close takes 4 months before construction of a power plant begins.

"We should benchmark with those that have done it correctly. This is the reason why as a Committee we thought that we should have this meeting. We need to talk and keep talking," said Sen. Edwin Sifuna, a member of the Energy Committee.

## Nyumba Kumi: Elders seek Senate support in push for allowances

Demands by village elders for recognition and remuneration as they implement the Nyumba Kumi initiative has compelled a Senate committee to explore global perspectives on the matter.

The Senate Standing Committee on National Security, Defence and Foreign Relations chaired by Baringo Senator William Cheptumo held a meeting at which members were taken through a brief on the provisions and possible routes that can be considered by the committee regarding the elders' petition.

And going by the trend in most of the countries used as case studies, the Nyuma Kumi elders may find their wish lacking in merit.

The committee was briefed that in the United States, community policing primarily involves professional law enforcement agencies, and the remuneration of village elders specifically for community policing

roles is not as widespread although some communities may have specific initiatives that involve village elders in a formal capacity.

Village Elders in the United States in some instances receive non-financial benefits for their involvement in community policing among them recognition and awarding of certificates, public commendations, leadership positions on advisory boards, increased respect in society among others.

In Japan, Village Elders are not remunerated through direct financial compensation but are appreciated through other forms of recognition and collaborative support such as access to resources, training programmes and information sharing.

In the United Kingdom, India, South Africa and Uganda, Village Elders are treated as volunteers.

The petitioner, Mr. Benson Kagete, Secretary General National Community



*Senate Standing Committee on National Security, Defence and Foreign Relations chaired by Baringo Senator William Cheptumo (below) during the session.*

Ambassadors wants the Senate to amend the National Government Co-ordination Act No. 1 of 2013 to provide for village as the lowest administrative unit after a Sub location and establishment of a village Council.

He is also seeking a comprehensive policy on the recruitment and remuneration of village elders and in particular the policy to cover, the terms of engagement, functions of the village elders, criteria for recruitment, termination of engagement and make any other order that it deems fit in the circumstances of the Petition.

Senators resolved to engage more stakeholders, among them the Cabinet Secretary for the Ministry of Interior and

National Administration, the Inspector General of Police, Council of Governors on the matter before coming up with a resolution.

Senators Fatuma Dullo of Isiolo County and George Mbugua attended the meeting.



## Historical injustice: Senate to get report on push by Torobeek Community for recognition, reparations



Senate Committee on Justice, Legal Affairs, and Human Rights (JLACRC) Chair Senator Wakili Hillary Sigei (centre) with elders of the Torobeek Community at a meeting in April, 2023. Also present were Senator Okiya Omtatah and Senator Raphael Chimera

This week, the hallowed halls of the Senate will reverberate with an undeniable echo of silent cries. The Senate Committee on Justice, Legal Affairs, and Human Rights (JLACRC) will table a compelling report in response to a passionate petition lodged by Paulo Mosbei, alongside 19 fellow petitioners.

These valiant voices represent the overlooked Torobeek Community, an indigenous group, alleging a sordid tapestry of historical injustices — their ancestral lands taken, their rights violated and a people marginalised.

As the petition unfurls, the Senate finds itself invited to recalibrate the scales of



justice — to recognise the Torobeek community fairly, restore their dignity equitably, and most importantly, ensure the restoration of their stolen ancestral lands.

The historical roots of the Torobeek community are intertwined with those of the Ogiek community. These original settlers found themselves uprooted and tossed away from their traditional habitat, first by colonial intruders and later, rather dishearteningly, by the Kenyan Government. This forced eviction engendered a displaced existence, casting them into the margins of their own land. The petitioners underline a profound irony — while the displaced members of the Ogiek community found solace in compensation and resettlement, their Torobeek brethren were left to endure an unaddressed injustice.

The petition highlights the trespassing of indigenous land rights and condemns forced evictions, drawing attention to violations of severally internationally recognised human rights. Despite the protective veil of the Kenyan Constitution, guaranteeing the right to property and adequate housing, it falls short of shielding against evictions from ancestral lands.

Emerging from this troubling scenario, the Torobeek community has extended an appeal to the Senate. They seek the establishment of a supportive framework for compensation, resettlement, and recognition as a marginalised group, thus preventing further discrimination and securing their rights to fundamental necessities, including employment and food relief.

## Crisis at Kano rice scheme not our making, Nyong'o says



Members of the Senate Standing Committee on Agriculture, Livestock and Fisheries, chaired by Senator Wahome Wamatinga during the session with Kisumu County Governor HE. Prof. Anyang' Nyong'o (right).

Kisumu County Governor Prof Anyang' Nyong'o appeared before the Senate Standing Committee on Agriculture, Livestock and Fisheries, where he defended his government against accusations of condoning graft at the West Kano Irrigation Scheme, to the detriment of farmers.

The Governor said the county government was not involved in the management of the scheme. He pointed out that the arrangement at the scheme was in such a way that Kenya National Corporation (KNTC) issued rice

cooperatives with LPOs for supply of milled rice sourced from farmers.

“As a post-Covid recovery measure for rice farmers, a Presidential Directive was issued on 14th January, 2020 designating KNTC as an anchor institution for procurement and distribution of locally produced rice to Government institutions and directed the National Treasury to release Kshs. 660 Million to fund the project in Mwea and Kano irrigation schemes. Farmers were to receive payment for rice through their cooperative societies,” Governor Nyong'o said.

The petition before the committee chaired by Nyeri Senator Wahome Wamatinga, MP, highlights three areas of concern. One is lack of accountability, transparency and responsiveness with regard to how a revolving fund have been managed at the scheme between 2009 – 2015. The National Irrigation Board (now National Irrigation Authority) managed the Rehabilitation Fund, Economic Stimulus Package Fund and Farmers Savings. These funds include farmers savings and input from government.

The petition also states that between 2015-2017 The schemes farmers'

cooperative society leaders in conjunction with the National Irrigation Authority managed farm machineries/accessories Aid, given by the Government of Japan and which was grossly mismanaged.

Finally, according to the petition, between 2020-2021, the KNTC in conjunction with NIA and the Scheme farmers' cooperative Society leaders managed the Rice Sales Fund, availed by the Government of Kenya but which has Senator Beth Syengo, Senator Alexander Mundigi, Senator Daniel Maanzo and Senator Allan Chesang.

# Senators grill Capital Markets Authority boss on shareholding transactions at East African Breweries



From left: Committee Chair. Lenku Ole Kanar Seki, Senator Andrew Omtatah, Senator Karungo Thangwa, Sen. Esther Okenyuri-Vice Chairperson.

The Capital Markets Authority (CMA) has defended as above board, a transaction on shareholding at the East African Breweries Limited (EABL).

CMA chief executive officer, Mr Wyckliff Shamiah, tabled before a Senate Committee, a detailed report on the recent transaction involving EABL and Diageo Kenya which was done through a tender offer and subsequent to the transaction, an increased percentage shareholding by Diageo Kenya in EABL.

When asked whether the transaction was compliant with the Capital Markets Act and Public Offers Regulations, the CEO affirmed that the transaction was reviewed to ensure compliance with disclosures required by the Capital Markets Act and Capital Markets (Securities) (Public Offers, Listing and Disclosure) Regulations, 2002.

He further informed the Committee that the relevant disclosures were made in a tender offer document which was circulated to all shareholders to ensure fairness, transparency and investor protection.

Mr Shamiah made the revelations when he appeared before Senate Standing Committee on Trade, Industrialization and Tourism, which is considering a petition by Mr. Rono Nicholas on the alleged fraudulent acquisition of shareholding at the East African Breweries Limited. The Committee Chaired by Lenku Ole Kanar Seki

The petitioner, had prayed that the Committee investigates the matter with a view to recommending amendments to the Capital Markets Authority (CMA) Act to cushion the shareholders from such future manipulation.

The Petitioner had raised a concern

that purchaser acquired the securities with an intention to transfer the shares onward to a new buyer and at a higher value.

The CEO explained to the Committee that Diageo Kenya confirmed that there was no agreement or arrangement that had been made by which shares acquired by Diageo Kenya in pursuance of the Tender Offer would or may have been transferred to any other person.

Senators were informed that the advisers to the transaction correctly indicated that as the Ordinary Shares are listed on the Nairobi Securities Exchange, no capital gains tax would be payable in Kenya in connection with the gain accruing on the transfer of such Ordinary Shares in accordance with the relevant laws.

Similarly, no stamp, registration or similar duties or taxes would be payable



CEO of Capital Markets Authority Wyckliff Shamiah

in Kenya in connection with the transfer of the Ordinary Shares in accordance with applicable laws.

The Committee will meet with other stakeholders in this matter before making a final determination.

## Report on Victims' Protection to be tabled before Senate

The long overdue development and implementation of a victims' rights charter, as required under the Victim Protection Act (No. 17 of 2014), has found a new voice in Mr. Nayan Savla.

Savla's petition to the Senate, exposes major obstacles in the Act's implementation, has been the catalyst for a far-reaching investigation by the Committee on Justice, Legal Affairs, and Human Rights (JLAHRC), chaired by Sen. Wakili Hillary Sigei.

As a victim of a family-related crime, Savla's experiences exposed him to the deeply frustrating flaws in the system, leading him to believe that an operational victims' rights charter could have provided him with better support. This personal frustration underpins his pursuit for justice and transparency in

the execution of the Act.

The Committee's report, to be tabled in the Senate this week, throws a spotlight on a textual conflict in the Victim Protection Act about the development of the much-awaited charter. Moreover, it highlights how the operations of the Victim Protection Board, established in 2016 but yet to be incorporated, have been hamstrung by a dearth of budgetary and human resources.

In a further blow to the intended aims of the Act, the Committee found that regulations designed to establish the Victim Protection Trust Fund had failed to secure approval from the National Treasury. Additionally, the rollout of victim services across the counties, as originally planned, remains unfulfilled.

Following a deep dive into the issues raised by Savla, the Committee came

up with a number of recommendations, including the establishment of a working group by the Office of the Attorney General and Department of Justice. This working group's remit is to review the draft victim rights charter and the draft Victim Protection (General) Regulations and the Victim Protection (Trust Fund) Regulations, and report back to the Senate within three months. Furthermore, within six months, these regulations should be submitted for approval by the National Treasury and Parliament.

The Committee's findings and recommendations not only offer a lifeline to the beleaguered Act but also pave the way for a more transparent, effective and just system to protect and support crime victims.



Mr Nayan Salva, the petitioner.

## The Shakahola Committee to hold a public forum in Nairobi to get more views

The Ad hoc Committee on the Proliferation of Religious Organisations will on Thursday hold a public forum to get views of the people on its mandate.

The session in Nairobi targets members of public who were unable to attend its meetings and who will now get an opportunity to submit their views on the issue of registration and regulation of religious institutions.

The committee is expected to table its report to the House by July 26, 2023.

The 11-member committee, which is chaired by Tana River Senator Danson Mungatana, has visited Shakahola Forest in Kilifi County, the scene of the macabre killings, and Vihiga County, which was a key catchment area for Goodnews International Church of Paul Mackenzie.

It has held sessions with the Attorney General Justin Muturi, the Registrar General and registrar of Societies, twice

hosted the Interior cabinet Secretary Kithure Kindiki, religious leaders (In Nairobi, Kilifi and Vihiga), Civil Society Groups (Nairobi, Kilifi and Vihiga) and security), Chakama Ranching Company, the alleged owners of the land on which Shakahola Forest stands, victims and survivors of the Shakahola killings.

It has also met officials of the Communication Authority of Kenya (CA), the Official receiver of the Chakama Ranching Company which is in liquidation, the former members of Nyumba Kumi committee, the Kenya National Human Rights Commission (KNCHR) and scholars on religious matters.

The Thursday meeting is to facilitate the public to offer their views on the mandate of the committee as well as submit memoranda on the issue.

Article 118(1) (b) of the Constitution provides that “Parliament shall facilitate public participation and involvement in



*Ad hoc Committee Chair Hon Danson Mungatana and Senator Hamida Kibwana (second right) poses for a picture with scholars of religious matters who appeared before the Committee last week.*

the legislative and other businesses of Parliament and its Committees”.

Senate’s Standing Order 145 (5) provides that “A committee to which a Bill is committed shall facilitate public participation and shall take into account the views and recommendations of the public when the committee makes its report to the Senate.

Besides investigating the Shakahola deaths, the committee’s other mandate is to investigate the role played by Paul Mackenzie of the Good News

International Church, his pastoral team and the Kilifi County Security committee in aiding and abetting the deaths of the followers of the Good News International Church.

It also expected to develop a legislative proposal on regulation of religious activities in the country and Make any other recommendation that will prevent religious organizations from extreme indoctrination of their followers including radicalization, spiritual and financial exploitation.

## Talks still on regarding UHC and delays in internship posting



*Left: Senator Crystal Asige. Right: Sen. George Mbugua, Acting Chairperson and Ms. Mwanate Shaban- Committee lead clerk*

The Senate Standing Committee on Labour and Social Welfare met with petitioners and various stakeholders to further deliberate on the Petition regarding unfair terms and conditions for Universal Health Coverage (UHC) staff and delay in internship posting.

The Committee through the Clerk of the Senate had invited the Cabinet Secretary Ministry of Health, the Council of

Governors, Salaries and Remuneration Commission, Public Service Commission; and the Management of Kenyatta National Hospital to chart a way forward in this matter.

The SRC Chairperson informed the Committee that her Commission has not advised on remuneration and benefits of UHC staff and interns; and that the current remuneration and benefits of UHC staff and interns was recommended

by the Public Service Commission. She further stated that the renewal, extension and determination of contracts of engagement for the UHC staff is not under the purview of SRC.

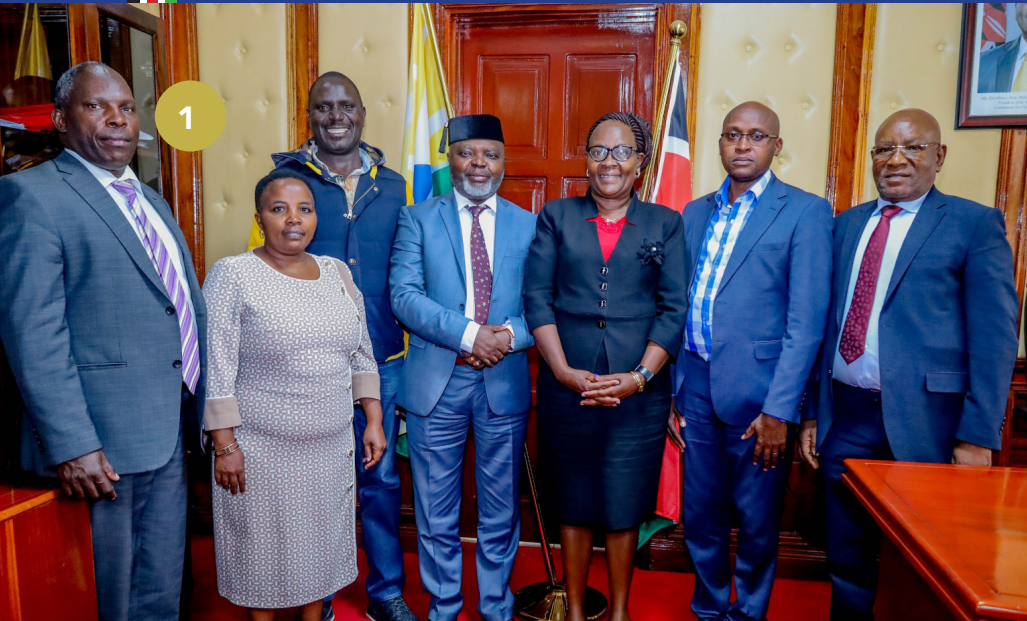
The Public Service Commission reiterated that following a proposal by the Ministry of Health, the Commission has extended the contracts of UHC healthcare workers for a period of one year as an interim measure pending

consultations on conversion of terms of services to permanent and pensionable.

On its part, the Management of Kenyatta National Hospital categorically stated that it was not involved in the recruitment of the UHC staff; and that the process of recruitment, remuneration and any other terms of engagement are handled by the Ministry of Health. The hospital is mandated to offer the training facilities for medical education and offer attachment opportunities under the internship program. The intern are either posted by the Ministry of Health or their respective professionals bodies.

The Committee urged the Public Service Commission to endeavour to have the UHC staff absorbed under permanent and pensionable terms as its only fair after they bravely fought in the frontline during the Covid-19 pandemic.

The CS Ministry of Health and the Council of Governors who are vital in the determination of this matter did not attend the meeting, causing the Committee to call for another meeting to deliberate on the matter and bring it to conclusion.



1. *The Deputy Speaker of The Senate, Senator Kathuri Murungi and The South Imenti Member of Parliament, Hon. Shadrack Mwiti hosted a delegation representing three schools from Meru County on Wednesday 11th July, 2023 in the office of the Deputy Speaker of Senate, Parliament Buildings.*
2. *Deputy Speaker of the Senate, Hon Kathuri Murungi, chairs a session of the Senate Liaison Committee on Wednesday, July 12th, 2023 at the Senate.*
3. & 4. *Pupils from Ngendalil Primary School in Baringo County during a visit to the Senate on 11th July 2023.*
5. *The CEO of Capital Markets Authority, Mr Wyckliff Shamiah, and his team when they appeared the Senate Standing Committee on Trade, Industrialisation and Tourism last week to respond to a petition on shareholding at EABL.*
6. *Mahoo Girls Secondary School from Taveta Sub-County, Taita-Taveta County.*
7. *Isiolo Girls High School, Isiolo County.*





8. *Yenzuva Day Mixed Secondary School from Mwingi West (Migwani) Sun-County - Kitui County.*
9. *Senator Samson Cherarkey, makes a point during a meeting of the Committee of Labour.*
10. *Sen. Alexander Mundigi gives his views*
11. *Migori Senator Eddy Oketch and his Siaya counterpart Senator Oburu Oginga share a light moment during a session of the Senate Committee on County Public Investments and Special Funds, with Siaya Governor James Orengo.*
12. *Narok Senator Ledama Olekina makes comment during a committee sitting.*
13. *Siaya Governor James Orengo accompanied by County Government officers responds to questions from Members of the Senate Committee on County Public Investments and Special Funds in Nairobi last week.*
14. *Esageri AIC Primary School, Baringo County*

# Senate Committee orders urgent reforms at Siaya water firm, as audit flags mismanagement

The Senate Committee on County Public Investments and Special Funds had an engaging session with Siaya County Governor, James Orengo on audit queries raised by the Office of the Auditor General concerning the county's Sibbo Water and Sanitation Company's fiscal undertakings in year 2020/2021.

The session was presided over by Narok Senator Ledama Olekina, took Mr Orengo through the audit report which shed light on numerous issues in Sibbo's financial conduct and operational management.

Notably, these included a Kshs. 458,005 understatement of new connection income, an unsupported Kshs. 5,132,200 expenditure as board allowances, a dubious provision for bad and doubtful debts totalling Kshs. 3,913,533, and an alarming variance of Kshs. 11,675,556 in the customer deposit balance.

The report also flagged concerns over the company's financial stability, as its outstanding liabilities overpowered its assets, raising doubts about its ongoing viability.



*The Senate Committee on County Public Investments and Special Funds, in a meeting with Siaya Governor James Orengo (below)*

Sibbo's management team acknowledged these concerns and laid out a series of measures designed to tackle them. They traced the discrepancy in new connection income to an auditor's calculation error, justified the provision for doubtful debts in alignment with company policy, and accounted for the variance in customer deposit balance as an outcome of borrowings.

The Senators directed the County Government to furnish a debtor's schedule concerning the gross receivables of Ksh 150,226,127 within a

fortnight. For the unsupported property, plant and equipment, Sibbo management is to deliver a certificate of completion to the committee and Office of the Auditor General within the same two-week period.

The meeting was attended by committee members Senator Hamida Kibwana, Senator Godfrey Osotsi, Senator Eddy Oketch, Senator William Kisang, and Senator Tabitha Mutinda. Siaya Senator Oburu Oginga also attended as a friend of the Committee.



## Funds transfers to health facilities, put Garissa County in Senate Committee' radar



*Senate Committee on Public Accounts (CPAC) chair Hon Moses Kajwang' (centre and Members Hon John Methu (left) and Hon Edwin Sifuna during the session with Garissa Governor Nathif Jama.*

Funds transferred to health facilities, coupled with disputed payments for emergency water trucking services, comprised audit queries Garissa Governor Nathif Jama was summoned to explain to the Senate Committee on Public Accounts (CPAC), led by Homa Bay Senator Moses Kajwang.

An additional irregularity was identified

in the form of pending bills amounting to a total of Kshs. 887,868,191, which lacked sufficient supporting information. The budget underperformed due to delayed remittances, resulting in a substantial under-expenditure of Kshs. 2,599,004,551.

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lacked sufficient supporting information. The budget underperformed due to delayed remittances, resulting in a substantial under-expenditure of Kshs. 2,599,004,551.

The audit brought to light a multitude of issues: the stalling of five major projects, the exclusion of certain employees from a medical insurance scheme, infractions in asset maintenance and contraventions

of procurement laws..

Governor Nathif Jama responded to each of these points of contention, offering either explanations or future action plans and in some cases, disputing the audit findings with evidence.

Having scrutinised the responses, the CPAC directed reforms among them that departments of Finance, Procurement, Human Resources, and Health to be overseen by professionals with valid credentials from their respective professional bodies.

In addition, the committee directed the County to submit a thorough report of its pending bills and a comprehensive report of its human resource at the end of the first quarter of the current financial year.

Joining Senator Kajwang at the meeting were Vice Chair Senator Samson Cherarkey and Senators Fatuma Dullo, Richard Onyonga, John Methu, Gataya Mo Fire, Okiya Omtatah, Mariam Omar, and Edwin Sifuna. Also present was Senator Karungo Thangwa, who attended the session as a friend of the committee.

# County Government Cash Disbursement Schedule tops Senate agenda as sittings resume after recess

The Senate will this week consider the County Government Cash Disbursement Schedule for the 2023/24 financial year, a key financial tool that operationalises the transfer of approved allocation to the 47 county governments.

In a letter to the Clerk of the Senate Jeremiah Nyegenye, which was received on July 7, 2023, the National Treasury Cabinet Secretary Njuguna Ndungu transmitted the draft Disbursement Schedule to the House in accordance with Section 17 of the Public Finance Management (PFM) Act.

“Pursuant to the Public Finance Management Act, the Schedule is supposed to be approved not later than May 30 every year,” Professor Ndungu said in the letter.

“The purpose of this letter is to forward to you the Schedule for the 2023/24 financial year for your consideration. Your prompt attention to this matter will be highly appreciated,” added the Cabinet Secretary.

The Senate has been on recess and it will be race against time for the lawmakers as they try to catch up with the deadline require to approve the Schedule.

The House is already behind schedule in terms of considering the Schedule whose purpose is to ensure timely monthly transfers of funds from the Consolidated Fund to the respective County Revenue Fund of the 47 counties.

Once the Schedule is tabled in the House, it will be committed to the Committee on Finance and Budget in line with the provision of Standing Order 183 (2) which is expected to report back to the House with a report.

Article 218 of the Constitution provides for the enactment of two financial Bills annually – the Division of Revenue Bill and County Allocation of Revenue Bill.

Section 17 (6) of the PFM Act provides that the National Treasury shall at the beginning of every month, not later than the 15th day from the commencement of the month, disburse monies to county governments for the expenditure of the following month on the basis of the Schedule.

Section 17 (7) of the PFM Act provides



*A session of the Senate Plenary,*

that the Schedule should be approved not later than May 30 of every financial year. This means the House is already behind schedule by over one and half months.

However, Standing Order 183 of the House rules provide that the National Treasury should submit the Schedule not later than 15 days following the enactment of the County Allocation of Revenue Bill.

The schedule must be prepared with the approval of Intergovernmental Budget and Economic Council (IBEC), chaired by Deputy President Rigathi Gachagua, approved by the Senate and published in the Kenya Gazette not later than May 30 every year.

The figures in the Schedule are in line with the allocation of Sh385.4 billion provided for in the County Allocation of Revenue Act, 2023 for disbursement to 47 county governments using the third basis formula approved by the Senate in September 2020

The disbursements will be made from the Consolidated Fund to the County Revenue Fund on the 15th day of every month based on performance of revenue raised nationally.

The Schedule contains Sh385.4 billion which was appropriated by the County Allocation of Revenue Act, signed into law by President William Ruto early this month.

The Schedule is developed by dividing allocation due to each county in the Act by the 12 months in a financial year even though the National Treasury maintains that disbursement will be based on the performance of revenue raised nationally by the national government.

Nairobi is the single biggest beneficiary of the Sh385.4 billion allocated to the counties in this financial year. The capital has been allocated Sh20 billion, followed by Nakuru (Sh13.5 billion), Turkana (Sh13.1 billion), Kakamega (Sh12.9 billion), Kiambu (Sh12.2 billion) and Kilifi (Sh12.1 billion) closing the six top earners of the equitable shareable revenue allocated to counties in this financial year.

The draft Disbursement Schedule submitted to the Senate indicates that total disbursements to Nairobi county will be Sh1.70 billion in July, Sh1.60 billion (August), Sh1.70 billion (September), Sh1.60 billion (October), Sh1.70 billion (November) and Sh1.60 billion in December 2023.

Nakuru which is the second highest beneficiary in terms of allocation, will take home Sh1.15 billion in July, Sh1.08 billion in August, Sh1.15 billion in September, Sh1.08 billion in October, Sh1.15 billion in November and end this calendar year with a disbursement of Sh1.08 billion.

Turkana County will receive Sh1.11 billion in July 2023, Sh1.05 billion in August, Sh1.11 billion in September, Sh1.05 billion in October, another Sh1.05 billion in November and Sh1.11 billion in December.

Kakamega is poised to receive Sh1.09 billion in July, Sh1.03 billion in August, Sh1.09 billion in September, Sh1.03 billion in October, Sh1.09 billion in November and Sh1.03 billion in December.

Pegged at Sh3.2 billion, Lamu county will receive the lowest allocation among the counties in this financial year. Tharaka Nithi County will receive Sh4.3 billion, while Isiolo and Elgeyo Marakwet will both receive Sh4.8 billion in this financial year.

The Cash Disbursement indicate that Lamu will receive Sh275 million in July and Sh258 million in August this year. Tharaka Nithi County Will receive Sh372 million and Sh350 million in July and August respectively, Isiolo Sh416 million in July and Sh391 million in August. Elgeyo Marakwet will receive Sh408 million in July and Sh384 million in August.

The Cash Schedule implements Article 219 of the constitution which provides that county share of revenue raised by national government shall be transferred to the county without undue delay and without deduction.

# Siwa ni chombo cha mamlaka

Je wajua kwamba siwa ni chombo cha mamlaka kwenye kikao cha bunge yoyote duniani? Siwa ni chombo maalumu cha taadhima ambacho kimetengenezwa na chuma, mbao, dhahabu, fedha ama shaba.

Kabla ya mwanzo wa kikao cha Bunge la Seneti, Spika wa Seneti wakiandamana na mpambe aliyebeba siwa, hufululiza moja kwa moja kutoka kwa ofisi ya Spika hadi kwenye chemba ya Seneti.

Siwa inaashiria mamlaka ya kikao cha Bunge la Seneti. Kikao cha Seneti hakiwezi kuanza bila siwa kuwa kwenye meza maalumu ama jukwaa ndani ya chemba ya Seneti.

Mpambe aliyebeba siwa, hushikilia siwa kwa umakini na kusubiri Spika wa Seneti kufanya dua shesheli maseneta wakiwa wamesima wima. Kisha Spika huwarai maseneta kuketi chini kabla ya kikao cha Seneti kuanza rasmi kulingana na Kanuni za Seneti.



Siwa ni chombo ambacho ni la kihistoria, mwanzoni chombo hicho kilikadiriwa kuenzi mamlaka ya mfalme kwenye nchi za Ulaya. Mfalme wa Ufaransa Philipo wa Pili, kwenye karne ya kumi nne ndiye alikuwa mtu wa kwanza duniani kutumia siwa kama chombo cha mamlaka.

Karne ya kumi na tano, siwa ilitengenezwa na chuma na kichwa chake kilipambwa na maua lakini karne ya kumi na sita, siwa ilitengenezwa kwa madaha na mbwembwe. Siwa iliundwa na dhahabu, fedha na shaba.

Hapa nchi ya Kenya, Siwa ilianza kutumia kwenye Bunge la Kitaifa, mnamo mwaka wa 1958. Spika wa Bunge, Bwana Cavendish Bentick aliipokea siwa hiyo kwa mara ya kwanza. Kutoka wakati huyo, mabunge ya Kenya ikiwemo mabunge ya magatuzi 47 yanatumia siwa kwa vikao vyao.

Kenya ilipopata Uhuru mwaka wa 1963, Rais wa Kwanza wa Jamhuri ya Kenya, Mzee Jomo Kenyatta alileta siwa mbili kwenye Jumba la Bunge. Jumatatu, Desemba 14, 1963, Hayati Rais Mzee Jomo Kenyatta aliwakabithi

Siwa mbili; Spika wa Bunge la kitaifa, Bwana Humphrey Slade na Spika wa Seneti Bwana Timothy Chokwe.

Ishara ya kuwakabithi siwa maspika hao wawili, ilikuwa mwanzo wa mamlaka ya kikatiba kwa Mabunge ya Kitaifa na Seneti kutoka kwa wanainchi watukufu wa nchi ya Kenya

Chombo cha siwa kimehusishwa na mamlaka ya spika kwenye kikao cha Seneti na kinaashiria mamlaka ya Bunge la Seneti, kila mara chombo hicho kinapowekelewa kwa jukwaa maalumu kwenye chemba ya Seneti.

Mpambe Mkuu ndiye anayehifadhi siwa baada na kabla ya kikao cha Seneti. Mpambe aliyejukumiwa kubeba siwa, hubeba siwa kwa bega la kushoto. Siwa la Seneti linakadiriwa kuwa kilo hamsini kwa hivyo mpambe lazima awe mtu aliye kula akashiba yaani mwanamke na mwanaume wa miraba minne.

## Common parliamentary terms translated into Kiswahili

Below is a list of terms that you might encounter in parliamentary circles that has been translated into Kiswahili:

- |   |  |  |   |
|---|--|--|---|
| 1. National Assembly - <b>Bunge la Taifa</b>                                | 10. Presidential assent - <b>Ridhaa ya Rais</b>                          | 25. Standing Orders of the National Assembly - <b>Kanuni za Kudumu za Bunge la Taifa</b> | <b>Bunge la Afrika Mashariki</b>  |
| 2. Senate - <b>Seneti</b>   | 11. Governor assent - <b>Ridhaa ya Gavana</b>                            | 26. Standing Orders of the Senate - <b>Kanuni za Kudumu za Seneti</b>                    | 39. Resolution - <b>Azimio</b>  |
| 3. Bill - <b>Mswada</b>   | 12. Mover of the Motion - <b>Mtoa hoja</b>                               | 27. Standing Order 87 - <b>Kanuni ya 87</b>  | 40. Administration of Oath - <b>Kiapo cha uaminifu</b>                                    |
| 4. Amendment - <b>Marekebisho ya Sheria</b>                                 | 13. Clerk - <b>Katibu/ Karani wa Bunge</b>                               | 28. Speaker - <b>Spika</b>   | 41. Convention - <b>Mkataba</b>   |
| 5. Article 62 of the Constitution - <b>Ibara ya 62 ya Katiba</b>            | 14. Hansard - <b>Taarifa rasmi za Bunge</b>                              | 29. Deputy Speaker - <b>Naibu wa Spika</b>   | 42. Download - <b>Pakua</b>   |
| 6. First Reading of the Bill - <b>Mswada kusomwa mara ya kwanza</b>         | 15. Parliamentary proceedings - <b>Vikao vya Mikutano ya Bunge</b>       | 30. Mace - <b>Siwa</b>   | 43. Environment and Natural Resources Committee - <b>Kamati ya Mazingira na Maliasili</b> |
| 7. Second Reading of the Bill - <b>Mswada kusomwa mara ya pili</b>          | 16. Quorum - <b>Akidi</b>  | 31. Order Paper - <b>Orodha ya Shughuli</b>  | 44. Regulation - <b>Sheria ndogo</b>  |
| 8. Committee of the whole House - <b>Mswada kwenye Kamati ya Bunge Zima</b> | 17. Leader of Majority Party - <b>Kiongozi wa walio wengi Bungeni</b>    | 32. Prayers - <b>Dua</b>   | 45. House Debate - <b>Majadiliano ya Bunge</b>  |
| 9. Third Reading of the Bill - <b>Mswada kusomwa mara ya tatu</b>           | 18. Leader of Minority Party - <b>Kiongozi wa walio wachache Bungeni</b> | 33. Papers Laid - <b>Hati zilizowasilishwa mezani</b>                                    | 46. House of Commons - <b>Bunge ndogo/ Bunge la Makabwela</b>                             |
|   | 19. Committee - <b>Kamati</b>  | 34. Questions - <b>Maswali</b>   | 47. House of Lords - <b>Bunge kubwa/ Bunge la Mabwanyenye</b>                             |
|   | 20. Recommendation - <b>Pendekezo</b>                                    | 35. Mandate of the Committee - <b>Majukumu ya Kamati</b>                                 | 48. Proofreading - <b>Kusoma na kuhakiki</b>  |
|   | 21. Motion - <b>Hoja</b>   | 36. Parliamentary Powers and Privileges Act - <b>Sheria ya Madaraka na Haki za Bunge</b> | 49. Draft - <b>Rasimu</b>   |
|   | 22. Statement - <b>Taarifa</b>   | 37. Immunities - <b>Kinga</b>  | 50. Budget and Appropriations Committee - <b>Kamati ya Bajeti na Makadirio</b>            |
|   | 23. Petition - <b>Ombi</b>   | 38. East Africa Legislative Assembly -   |   |
|   | 24. Standing Orders - <b>Kanuni za</b>                                   |  |   |

Source: ayesandnays.co.ke

**GUESS WHO!**

How well do you know your Senators?



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Email us at: [Senate.weekly@parliament.go.ke](mailto:Senate.weekly@parliament.go.ke)

The answer to last week's query is...

*Senator Gloria Orwoba*



**THEN**



**NOW**

**This Week in History**



*"The role of statistics in monitoring, developing and maintaining a reliable set of information cannot be overstated. More importantly, what I like about this Bill is the fact that it pushes information and data to the frontiers of decision-making which, in this case, are our counties. This is where the counties will have information on which they can make decisions based on information and statistics on where to allocate resources. We have seen in the past that a lot of resources are allocated."*

**Senator Abshiro Soka Halake**  
Contributing to debate during the second reading of the County Statistics Bill (Senate Bills No. 9 of 2018)  
**Tuesday, July 17th, 2018**



*"Institutions or companies operating in certain areas in the country, especially in developing states, ought to bring certain benefits to the local communities. I have seen that being explained very well by Senators across the political divide. However, some of those benefits cannot be better than employment and well-structured labour relations so that they do not exploit local people."*

**Senator Boniface Mutinda Kabaka**  
Petition on non-recruitment of locals by flower farms, institutions and companies in Kaputiei-North Ward, Kajiado County  
**Wednesday, July 18th, 2018**



*"We should not just be talking about the registration of PWDs, but we should come up with a clear classification of the various sorts of disabilities. We should ask ourselves whether it is possible at any one level to identify the specific schools or mainstream industries that will be helpful for a particular child. There are schools that deal with children with disabilities, but which struggle to ensure that they have been mainstreamed, maybe in terms of education or even by engaging them in various social activities. The whole nexus of getting into that point actually begins with a form of registration for the PWDs."*

**Senator (Dr) Agnes Zani,**  
Contributing to debate on a motion on Registration of Persons with Disabilities (PWDs).  
**Wednesday, July 18th, 2018**



*"It is a very sad state of affairs when schools begin operating, apply for registration and take six years before they are registered. When students or pupils in such schools want to register for national examinations, it becomes an issue. They are told they cannot sit for that examination because their schools are not registered and yet they have been operating for so many years."*

**Senator Enock Wambua,**  
Responding to Statement on registration of schools in Bomet County.  
**Thursday, July 19th, 2018**

# Deputy Speaker rallies parliamentarians to play key role in Kenya's Climate Change mitigation efforts



Top: Deputy Speaker of the Senate Hon Kathuri Kurungi, joins Deputy President Rigathi Gachagua and other parliamentarians and leaders during the launch of the Parliamentary Conservation and Climate Change Caucus in Nairobi last week.

The Deputy Speaker of the Senate, Hon Kathuri Murungi joined other members and leaders at the launch of a caucus to drive climate action agenda in the Parliament of Kenya.

The launch of the Parliamentary Conservation and Climate Change Caucus, Kenya and the Strategic Plan for Climate Action and Environmental Sustainability, was held at Sarova Stanley Hotel Nairobi on July 13th, 2023.

The key objective of the Caucus is to bring together the parliamentarians from both the National Assembly and the Senate to support environmental conservation in order to fight climate change.

Speaking at the event, Hon Kathuri urged Members from both Chambers of the Parliament of Kenya, to be at the frontline in ensuring that the environment is safe and well conserved.

This would be achieved through planting of trees, protection of water catchment areas, and protection of the existing forests from encroachment by unauthorized timber harvesters, he added.

In his comments Hon Murungi declared his passion for tree planting

since childhood to date.

He appealed to Kenyans to embrace environmental conservation positively to salvage Kenya from the impacts of climate change which are increasingly manifesting through severe droughts and excessive floodings.

The Deputy Speaker, who also the Senator for Meru County thanked the government, particularly President William Samoei Ruto for championing environmental conservation in the country, and rallying Kenyans to this cause.

This has been demonstrated through an aggressive tree planting campaign targeting the planting of more than 5 billion trees by 2032. He added that this initiative will see Kenya regain its natural beauty and become a hub for food production.

The event was presided over by The Deputy President H.E Rigathi Gachagua and also attended by the Cabinet Secretary for Environment Hon. Soipan Tuya and Members from the Senate and National Assembly.

Also present were Members of the East African Legislative Assembly (EALA), and environmental stakeholders.

