



The SENATE

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

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Senate lines up additional Sh56bn for counties in new Bill tabled for debate

This raises total funding to devolved units this financial year to Sh441.5bn, following the allocation of Sh385.5bn as equitable share



Senate Standing Committee on Finance and Budget chairman Hon Ali Roba and two of the Members, Senator Richard Onyonka (left) and Senator Tabitha Mutinda in a past session of the committee.

County Governments are set to receive more money to implement projects once the Senate debates and approves the County Government Additional Allocation Bill, 2023.

This continues to underline a firm commitment by the 4th Senate to the success of devolution by availing more funds to the 47 counties for projects and effective service delivery.

The Bill, which was introduced in the House on Thursday, July 20, 2023, guarantees the 47 county governments an extra Sh56 billion this financial year.

This is in addition to Sh385.5 billion

the counties have been allocated as equitable share, bringing the total amount the counties will receive in this financial year to Sh441.5 billion.

Speaker Amason Kingi committed the Bill to the Senate Committee on Finance and Budget after it went through the First reading on Thursday last week.

The committee, which is chaired by Mandera Senator Ali Roba, will conduct public participation and submit a report within 30 days before the Bill goes for Second Reading.

Article 202 (2) of the Constitution provides that County Governments may be given additional allocations from the

national government's share of revenue, conditionally or unconditionally.

Additional allocations are funds agreed upon between the Senate and the National Assembly during the consideration of the Budget Policy Statement (BPS). This is a Government policy document that sets out the broad strategic priorities and policy goals to guide the two levels of Governments in preparing their budgets.

They consist of additional allocations from the National Government and development partners required for functions transferred to counties from the National Government in line

with Article 187 of the Constitution; additional allocations provided for under Article 202(2) of the Constitution; and additional allocations in the form of loans and grants from development partners.

County Governments are mandated under Article 203 to use additional allocations to implement particular interventions as provided for in the Constitution.

The first schedule of the Bill contains a conditional grant amounting to Sh15.8 billion to be drawn from the national government's share of revenues.

Out of the figure, a total of Sh5.86

billion has been set aside for the Managed Equipment Services (MES), a project initiated in 2015 to lease medical equipment to upscale health infrastructure for provision of specialised medical care in all the 47 counties.

In the next financial year, every county will receive Sh124.7 million for this activity. Another Sh4.5 billion has been set aside for the Aggregated Industrial Parks Programme announced by President Ruto early in the year.

Eighteen counties will benefit from the programme which is aimed at boosting agriculture and adding value to farm produce. Sh500 million is required to implement the programme. Each of the identified counties will receive Sh250 million from the national government and match it with a similar amount from their own coffers.

The Counties will receive a further Sh5 billion for the Fertiliser Subsidy programme. These funds will be shared among counties based on the number of

households engaged in crop production as determined by the 2019 Kenya Population and Housing Census.

Sh454 million is the final batch of the Sh15.8 billion. The funds have been allocated to five targeted counties as supplement for the construction of County Headquarters. The counties are Nyandarua, Tharaka Nithi, Isiolo, Lamu and Tana River.

The second schedule of the Bill contains an unconditional allocation to county Governments totalling Sh3 billion. The money is a portion the national governments government raised from Court Fines and Mineral Royalties and will be shared among 35 counties.

The funds are based on Article 206 (1) of the Constitution which states that court fines arising from violations of County Governments' legislations are to be paid to the respective County Revenue Funds.

The amount accrued from court fines, and which will be shared among the identified counties, stand at Sh108.7

million. Similarly, Sh2.9 billion accrued from the 20 per cent share of Mineral Royalties in line with the Mining Act, 2016.

The Third Schedule of the Bill contains a conditional allocation amounting to Sh33 billion drawn from proceeds of Loans and Grants from Development Partners. The disbursement requirements for these additional loan and grant allocation vary, depending on the financing agreements.

The fourth allocation contains National Government's Expenditure on Devolved Functions converted to additional conditional Grants to County Governments for fiscal year 2023/24. A total of Sh4.1 billion has been earmarked for new projects under this function with the aim of boosting agricultural production in the counties

Some of the projects to benefit from this allocation are Livestock Value Chain Support Project totalling Sh1.6

billion, meant to enhance value addition, market access and competitiveness of dairy products. Beneficiaries will use the funds to construct safe housing facilities, reliable water supply and connection to electricity.

Similarly, Sh2.1 billion will cater for the de-risking and value enhancement. If successful, this will enhance access by pastoralists to financial services for drought risk mitigation, include them in the value chains and facilitate the livestock trade and in the Horn of Africa.

Another beneficiary of the allocation is the Sh320.8 million Kenya Marine Fisheries and Socio-Economic Development Project. This seeks to strengthen livelihoods of poor households in coastal communities and to facilitate fisherfolk to comply with fisheries management measures.

The benefitting counties are Lamu, Tana River, Kilifi, Kwale and Mombasa.

Senator Asige Bill seeks tax relief for private sector employers who engage persons living with disabilities



Nominated Senator Crystal Asige

Private employers who will engage Persons Living With Disabilities (PWDs) either as regular employees, as apprentice or learners will be entitled to tax reliefs should a Bill currently before the Senate be enacted into law.

The Persons Living with Disability Bill, 2023, grants such employers the right to apply for the deduction from their taxable income equivalent to 25 per cent of the total amount paid as salary and wages to such employees.

The Bill, sponsored by Nominated Senator Crystal Asige, further proposes that PWDs will be entitled to free medical care, free treatment in public health institutions and makes it mandatory for each of the national or referral health institutions to employ at least two Kenya sign language interpreters with gender consideration in their institutional structure.

The Bill sets out the rights of PWDs as provided for in the constitution while articulating the role of county governments in ensuring the enjoyments of these rights that include the right to equality and non-discrimination, legal capacity, the right to a family, the right to privacy the right to health.

Senator Asige spells out the rights of women, children and older PWDs, providing for their safety and protection

and their right to education, justice, sports and recreation and a barrier-free environment.

"There is no legal framework that sets out the obligations of county governments with regards to PWDs, said Senator Asige while moving the Bill last Tuesday, July 18, 2023.

While moving the Bill, Senator Asige challenged the lawmakers to support the proposals telling them that they have an obligation to ensure that PWDs are at long last recognised, respected and included in the society.

"Building the environment through inclusive development is far more than just development. I see it as a common thread that either brings PWDs closer to or further away from the dignity, independence, safety, confidence, equity and inclusion that we work twice as hard to enjoy every day," she told the House.

She added: "By repealing the PWD Act of 2003 and introducing these comprehensive provisions, PWDs can break free from the shackles of neglect and forge a path of progress. This Bill demands our collective action and unwavering determination to transform the status quo."

The Bill seeks to impose obligations on each level of government to address the needs of PWDs in line with Article 54 of the Constitution and also incorporate

the provisions of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), as well as the Protocol to the African Charter on Human and People's Rights.

County governments are mandated to, among other functions, implement the National Policy and Strategy on PWDs, which is being drafted by the National Council of Persons with Disabilities (NCPWD); allocate adequate resources to programmes targeting PWDs and develop mechanisms for identification and registration of PWDs residing in each county.

The 2019 National Housing and Population Census estimated the population of PWDs at around 900,000 people. This was a sharp reduction in the number of PWDs, in comparison to 10-years prior census of 2009, which recorded approximately over 1.3 million PWDs. That left a discrepancy of around 400,000 PWDs. Census discrepancy can suppress PWDs inclusion in view of equitable budget allocation towards inclusive development.

The Chief Justice will also be required to make rules providing for the exemption of PWDs from the payment of court fees in relation to matters or cases described in the regulations to be developed.

Speaker Kingi hails the Employment and Labour Relations Court for key role in pacifying industrial sector in the country, enhancing productivity



Speaker of Senate Rt Hon Amason Jeffah Kingi makes his remarks at the official opening of the symposium. Top right: In a group photo with other leaders at the event.

Speaker of the Senate Rt Hon Amason Jeffah Kingi, was among keynote speakers at a key symposium organized by the Judiciary last week to commemorate 10 years of existence of the Employment and Labour Relations Court.

The 4-day event was hosted in Nairobi by the Judiciary led by Hon Chief Justice Martha K. Koome, President of the Supreme Court of Kenya.

In his remarks, Speaker Kingi hailed the occasion as a great opportunity to not only appreciate the role of the Employment and Labour Relations Court in delivering justice to Kenyans, but also address lingering challenges to enhance its performance.

The Speaker observed that Kenya's employment and labour market was persistently evolving to embrace new trends and respond to challenges posed by rapid and unanticipated technological advancements, global economic recession, geopolitics, emergencies such as the Covid-19, and, lately the adverse impacts of climate change.

These undermine trade and industrial activity, minimize agricultural production and occasion job losses, reduced incomes and a fierce struggle for limited workplace opportunities.

All these coalesce to form a volatile arena for industrial and labour unrests and conflicts, that inevitably, land in the chambers of the judges of the

Employment and Labour Relations Court.

"As the apex arbiter in disputes arising in our employment and labour arena, ELRC has been instrumental in entrenching stability in our fluid labour sector, guaranteeing sustained economic activity and productivity," Speaker Kingi observed.

The Speaker commended the organisers for dedicating a session in the symposium to interrogate employment and labour dynamics in the context of County Governments.

"Devolution is an integral part of our lives as Kenyans and whatever governance processes we embrace at the national level must be replicated

in the devolved units in fulfilment of aspirations embodied in Article 6 and the entire Chapter 11 of our Constitution," he added.

He said the Senate would continue to support stability of the labour sector in the 47 counties through prudent legislation and oversight, in line with its role as defined in Article 96 of the Constitution.

The session was also addressed by Deputy Chief Justice Hon Philomena Mwilu, Retired Chief Justice Hon David Maraga, Law Society of Kenya President Erick Theuri, COTU Secretary-General Francis Atwoli and Hon Johnson Sakaja, Governor of Nairobi, among others.

Speaker attends AU Meeting in Gigiri, Nairobi

Speaker of Senate Rt Hon Amason Jeffah Kingi joined Kenyan leaders and delegates at the 5th Mid-Year Coordination Meeting of the African Union hosted by President William Samoei Ruto and attended by African Heads of State at the United Nations Office in Gigiri, Nairobi on Sunday July 16th, 2023.



Agriculture Bill proposes exemption of cashew nuts, Bixa and macadamia from the ban on export raw produce



The Senate Standing Committee on Agriculture, Livestock and Fisheries received submissions from Hon. Kello Harsama, Permanent Secretary, State Department for Crop Development and the Acting Director General Agriculture and Food Authority Mr. Willis Audi, on the Agriculture and Food Authority (AFA) Amendment Bill, 2023.

The Senator Murango's sponsored Bill seeks to amend Section 43 of the Agriculture and Food Authority Act, 2013 to exempt cashew nuts, macadamia nuts and Bixa from the ban on export of raw produce. The Bill states that the ban is currently unfavorable to the further development of the nuts industry because farmers are unable to obtain competitive prices from the local processors of nuts who have been down regulating prices downwards to the detriment of the

farmer. The amendment is necessary because it will enable nuts farmers to benefit from better prices from export sales.

The amendment is also aimed at enabling farmers add value to byproducts such as macadamia kernels which are currently being disposed off. Additionally, the amendment will stop smuggling of macadamia nuts to neighboring countries which has been denying Kenya foreign exchange earnings.

In his submission, the PS stated that the objective of the ban is intended to have all raw produce locally processed to add value and to support agro-processing. "The proposed amendment to Section 43 shall abolish the prohibition of exports of raw cashew, pyrethrum, Bixa and macadamia. This implies that the processors may also buy and export

raw produce and if they make profits they won't have the motivation to maintain the already established manufacturing plants." Mr. Harsama added

In the meeting, which was chaired by Embu Senator Alexander Munyi Mundigi, MP, senators addressed their concerns on why the Ministry is holding onto the agriculture function whose role is regulatory. They further asked the PS to allow the Senate to amend the law to set farmer free by allowing them to deal with the market directly.

Other Senators who were present during the meeting are; Makueni County Senator Daniel Maanzo, MP, Bungoma County Senator David Wakoli, MP, Nominated Senator Beth Syengo, MP, Kitui County Senator Enoch Wambua, MP and Trans Nzoia County Senator Allan Chesang, MP.



1. Senator. Beth Syengo and Senator Daniel Maanzo during the meeting.
2. Principal Secretary at the State Department for Crop Development, Mr Kello Harsama and Acting Director Agriculture and Food Authority, Mr. Willis Audi and team from AFA
3. Senator Alexander Mundigi chairing the session

Over 5000 goats stolen in Kajiado in last six months, residents say in a petition

Over 5000 goats have been stolen within 6 months in Kajiado County.

Stephen Ole Lekuik who is among the 4 residents of Kajiado County that petitioned Senate on rampant livestock theft in Kajiado County told the Senate Standing Committee on National Security, Defence and Foreign Relations how livestock keepers in Kajiado East, Kajiado West and Kajiado County at large have suffered great losses of the livestock and lives since 2018.

Petitioners wondered how livestock stolen is transported on lorries without police service arresting any suspects.

"Livestock stolen is normally loaded on lorries and surprisingly there are

police road blocks on the way, we also have CCTV cameras, how do these suspects manage to escape with livestock without the knowledge of the police?" asked Mr. Lekuik.

Kajiado County Senator Seki Lenku who tabled the petition in the Senate said there is need for the government to come up with stringent measures that will curb the livestock theft menace.

He said the government through the relevant ministry should consider tagging all livestock as one way of addressing the issue.

In addition, the committee deliberated on the need for government to compensate residents for loss of their livestock.



The Senate Standing Committee on National Security, Defence and Foreign Relation chair William Cheptumo at work last week.

The committee resolved during the Tuesday's meeting to visit Kajiado County to assess the situation on ground besides listening to views from the public on the menace.

Further, the committee resolved to engage relevant Cabinet Secretaries and Departments on the issue to ensure pleas of Kenyans are addressed.

Committee members in attendance

were Baringo Senator William Cheptumo (Chairperson), Sen. Karen Nyamu (Vice Chairperson), Isiolo County Senator Fatuma Dullo, Kajiado County Senator Seki Lenku and Kisumu County Senator Prof. Tom Ojienda SC.

The Tuesday meeting was also attended by Members of the County Assembly of Busia who were on tour in the Senate.

Naivas Supermarket: ICT Committee receives request for a Statement on allegations of breach of vital customer data



A session of the Senate Committee on Information, Communication and Technology last week. The committee is chaired by Senator Allan Chesang.

The Senate Committee on Information, Communication and Technology has received a request for a Statement from Nandi Senator Samson Cherarkey concerning reported cases of breach of sensitive personal customer data at the Naivas

Supermarket.

While requesting the Statement in the Senate Chamber on Thursday, Senator Cherarkey asked the Senator Allan Chesang-led Committee to state the measures the retail chain has implemented to protect, prevent, and

mitigate data breaches involving staff, suppliers and customer data in their ICT platform from future hacking.

“The ICT Committee should provide a comprehensive evaluation of the recent data loss at Naivas and specify the extent to which customer

information, such as phone numbers, addresses and purchasing patterns, were exposed,” Senator Cherarkey said.

The legislator also requested the Committee to establish the extent of culpability of Naivas in the data breach and outline the specific actions taken by the Office of the Data Protection Commissioner (ODPC) to call the supermarket chain to account.

“They should also present the cybersecurity report from the contracted firm investigating the data theft at Naivas to this House and confirm whether the customer data held by the Supermarket Chain is safe,” added Senator Cherarkey.

The Committee will subsequently be required to state the level of awareness and education conducted by Naivas for its customers, staff and suppliers regarding their rights and the security of the data collected by Naivas.

The alleged breach of Customer Data at Naivas Supermarket involved the loss of customer and staff data to hackers.

Handover of Drumwel Farmers Cooperative Society to be concluded in the next 30 days

The Commissioner of Cooperative Development Mr. David Obonyo and Mr. Peter Wanjohi (Drumvale Farmers Cooperative Society liquidator) last week apprised the Senate Standing Committee on Trade, Industrialization and Tourism on various unclear matters in the Petition regarding liquidation of Drumvale Farmers Cooperative Society in Machakos County.

The liquidator presented a report on the status and acreage of the land that had been set aside for public utilities such as churches, school, police posts, hospitals, cattle troughs and riparian land and which has not been subdivided as well as the acreage of land that had been earmarked for each of the public facility required by the Committee.

The Committee Chaired by Sen. Lenku Ole Kanar Seki and the Commissioner of Cooperative Development agreed to a roadmap and timelines for the handing over of the Drumvale Farmers Cooperative Society’s documentation and assets to the society for sub-division among its members.

The Commissioner of Cooperatives

has been given a maximum of 30 days to officially hand over the Society back to its rightful owners in the presence of the County Governor of Machakos County Government, County Cooperative Directors among other relevant stakeholders as well as hold a Special General meeting with the Society’s members on the same after which the Commission will present a handover report to the Senate Committee on Trade, Industrialization and Tourism.

In a separate meeting held by the Committee on Thursday 20th July 2023, the Senators deliberated on statements sought by Sen. Tabitha Mutinda concerning the rise in the number of roadside hardware suppliers in residential areas in Nairobi City County; and Sen. James Murango on the measures taken to market Kenya Produce in external markets.

Responses to the two statements were received by the Committee from the Nairobi City County and the Ministry of Investments, Trade and Industry respectively. The same were discussed



The Senate Standing Committee on Trade, Industrialisation and Tourism at work. It is chaired by Senator Lenku ole Kanar Seki.

and the Committee resolved to invite the Nairobi City County CECM’s in charge of Business and Hustler Opportunities, and Roads to shed light on the statement

requested by Sen. Tabitha Mutinda since the response received was insufficient.

From Deputy Speaker to detainee: The troubled legacy of Marie Seroney and widow's quest for justice



Mrs Zipporah Seroney, widow of Hon. Jean Marie Seroney, a former MP and Deputy Speaker. She has filed a petition in the Senate seeking compensation for the family's suffering due to his unlawful arrest and detention of Mr Seroney.

Underneath the shadow of power's hallowed halls, a once bright beacon of Kenyan politics dimmed. This story weaves itself around the life and legacy of the late Hon. Jean Marie Seroney. A former Member of Parliament and Deputy Speaker, Seroney's history is both an inspirational and disquieting saga of a man who championed the abuse of authority, corruption, the inequitable distribution of resources, and rampant land injustices.

As one of the stalwarts during the nascent years of Kenya's independence, Seroney emerged as a persuasive voice for social justice, the rule of law, and

democracy. The concepts of devolution he ardently campaigned for during the volatile political landscape of the 1960s and 1970s, found a hallowed place in the 2010 Constitution of Kenya, giving a testament to his political vision.

Nonetheless, the wheels of fortune took a cruel turn. The corridors of Parliament, a place where he had fervently raised his voice for justice, ironically became the backdrop of his unlawful arrest. Devoid of a fair trial, Seroney was detained for over three years. This ill-fated incarceration crippled him financially as he found himself incapable of repaying the loans, he had procured to support his agricultural pursuits. His

entreaties for governmental support fell on deaf ears.

The aftermath of his passing grew only grimmer. His land and properties, which were the symbols of his striving and dedication, were allegedly seized or sold off, plunging his family into despair and desolation.

An impassioned petition presented by Seroney's widow, Zipporah Seroney, now seeks to untangle this complex web of injustice. It appeals to the Senate to examine the circumstances surrounding Seroney's unlawful arrest and detention. Additionally, the petition urges compensation to be granted to the family for their ordeal. It also highlights

the necessity to probe the reasons behind defying court orders related to property disputes. The final plea of the petition is a call to posthumously recognise the immense contributions of Seroney and accord him the honour of being a national hero.

The responsibility has fallen on the Bomet Senator Wakili Hillary Sigei-led Committee on Justice, Legal Affairs, and Human Rights (JLAHRC). The Committee, in its review of the Petition, has held discussions and reviewed written documents from a range of stakeholders. These include the Petitioner, the Attorney General, and the Governor of Nandi County, each offering unique insights. Inputs from the Chairperson of the National Lands Commission, executives from the Kenya Deposit Insurance Corporation, and the National Bank of Kenya Limited have also been received. Similarly, the Cabinet Secretary of the Ministry of Lands, Public Works, Housing, and Urban Development has presented responses to the petition. The committee is now at the advanced stage of its deliberations and expects to table its report in a fortnight.

All systems go as Shakahola Committee opens its doors to the public for their input

It is set for Monday July 24, 2023 when the Ad hoc committee on the Proliferation of Religious Organisations will hold a public hearing to get the views of the members of the public on its mandate.

In an advert in the local newspapers last week, the Committee, which is chaired by Tana River Senator Danson Mungatana, extended an invite to interested members of the public and organisations to make representations on any of the matters falling within the mandate of the Committee.

The public hearing will be conducted in County Hall, Mini Chamber, between 9.30am and 1.00pm.

Article 118(1)(b) of the Constitution and the Senate Standing Orders require Parliament to facilitate public participation and involvement in the legislative and other business of

Parliament and its Committees.

The committee further asked those who can to submit memoranda to the office of the Clerk of the Senate through postal address, P.O. Box 41842-00100, Nairobi.

"The memoranda can also be hand-delivered to the Office of the Clerk of the Senate, First Floor, Main Parliament Buildings, Nairobi or emailed to clerk.senate@parliament.go.ke, to be received on or before Monday, 24th July 2023 at 5.00 p.m."

The committee was formed on April 27, 2023 and mandated to investigate circumstances under which the deaths in Shakahola occurred, 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



Senator Danson Mungatana, chairperson of the Ad hoc Committee on the Proliferation of Religious Organisations.

News International Church, establish through the office of the Registrar of Societies, the number and activities of religious groups in the country including their registration and compliance status and audit the legal and registration framework for religious organizations in the country.

The committee is also mandated

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.

Committee calls for tighter leash on funds use, as Embu water and sanitation firm faces audit

Concerns over financial management and governance at Embu Water and Sanitation Company Limited are sparking a call for heightened oversight and reforms. Elgeyo-Marakwet Senator William Kisang led the Senate Committee on County Public Investments and Special Funds in a meeting convened this week, where these pressing issues were put under a harsh spotlight.

Governor Cecily Mbarire of Embu County, facing allegations over an array of financial irregularities within the company, met the committee to discuss the Auditor General's recent findings. The audit report presented a litany of problems for the fiscal year 2020/2021. Among the most significant issues raised were mismatched cash balances, incorrectly labeled trade receivables, inconsistencies in the VAT ledger, and alarming discrepancies between the company's computerized system and the financial statements.

The committee drew attention to even more severe concerns: underreported water and wastewater balances, unsupported trade payables and accruals, dubious board expenses, and glaringly absent ownership documents for assets worth Kshs.184,028,619.

But the problems ran even deeper. Lack of proper policies for benefits, insufficient documentation supporting



Senate Committee on County Public Investments and Special Funds Members: Prof Tom Ojienda (Vice Chair), Senantor Miraj Abdillahi and Senator Karungo Thangwa. Below: Embu Governor Cecily Mbarire.



a billing software upgrade, unresolved audit issues, high levels of non-revenue water, lack of staff diversity,

and employee underpayment raised critical questions about the company's governance and management. There were also unresolved corporate taxes and a distinct absence of risk management and ICT policies.

The corporation's management attempted to justify these findings with explanations and corrective measures. However, the committee, undeterred, called for more definitive action.

The committee, having carefully reviewed the audit report and considered the responses from Governor Mbarire, insisted on more stringent management of the water company. The committee mandated the alignment of all water

companies' ownership and directorship to be in line with the Water Act 2016 within 60 days and requested essential documents concerning the board's establishment.

Moreover, the committee underscored the crucial need for capacity building for the company's current staff, specifically within the accounting and finance departments. They also acknowledged the severe issue of non-revenue water and requested the Auditor General to assess the effectiveness of proposed remedial actions.

Governor Mbarire has also been tasked with ensuring total tax remittance compliance to address the company's outstanding tax arrears. The committee, stressing the necessity of stronger governance, requested the Governor to address issues pertaining to asset management, risk management, and internal controls.

The committee expressed its dissatisfaction with the company's reluctance to provide documents during the audit process and warned of potential sanctions under the Public Audit Act 2015.

The meeting saw Senator Kisang joined by other committee members, including Vice Chair Prof Tom Ojienda, Miraj Abdillahi, Karungo Thangwa, Hamida Kibwana, Tabitha Mutinda, and Godfrey Osoti.

Treasury CS summoned over retiree teachers' payments

National Treasury Cabinet Secretary Prof Njuguna Ndungu has been directed to honour a fine slapped on him earlier for his persistent failure to appear before the Senate Committee on Education.

And even as he parts with the Sh500,000 fine, the CS has to schedule an appearance before committee at the earliest opportunity to respond to a petition concerning unpaid dues for teachers who retired between 1997 and 2007.

This was the resolution made by the Committee in a meeting last week, presided over by the Vice Chair Senator Peris Tobiko, at which the CS was to make an appearance but did not.

"For the purpose of the Teachers suffering, we need answers," said Committee member, Senator Agnes Kavindu.

Other Members present at the meeting were Senator (Prof) Margaret Kamar, Senator John Nderitu and Senator Johnes Mwaruma.



Top left: Senator Peris Tobiko and Senator John Nderitu; Bottom left: Senator Agnes Kavindu and Senator Johnes Mwaruma. Above: Senator (Prof) Margaret Kamar.



1. *Senator Veronica Maina (right), a Member of the Senate Speaker's Panel, presents a gift to Hon Lady Justice Imani D. Aboud President of the African Court on Human and People's Rights, at the Senate on Thursday, July 21st, 2023. The delegation from the Court visited the Senate for deliberations on domestication of the court's protocols in Kenya.*
2. *Senate Committee on County Public Investments and Special Funds Chair William Kisang, is all ears during a session of the committee last week.*
3. *South Tetu Girls High School, Nyeri County*
4. *Some of the Chairs of various Senate Committees during their weekly Liaison Committee meeting chaired by Deputy Speaker Kathuri Murungi at Parliament Buildings, Nairobi.*
5. *Kiongwani Boys High School, Makueni County*



6. Gatamaiyu Secondary School, Kiambu county.
7. Senator Agnes Kavindu Muthama, Senator (Dr) Lelegwe Ltumbesi and Senator Crystal Asige during a meeting of the Senate Standing Committee on Trade, Industrialisation and Tourism.
8. ICT Cabinet Secretary Eliud Owalo, with Senator Danson Mungatana, chair of the Ad hoc Committee on Proliferation of Religious Organisations and Committee Member Senator David Wafula Wakoli.
9. Drumvale Farmers Co-operatives Society Liquidator Peter Wanjohi, and Mr David Obonyo, the Commissioner for Co-operatives Development.
10. Juja Preparatory and Senior Schools, from Kiambu County.
11. Delegation of Members of the Speaker's Panel and Secretariat of Busia County Assembly.

Devolution committee directs SRC to suspend pay increase for MCAs

The Devolution and Intergovernmental Committee has directed the Salaries and Remuneration Commission (SRC) to suspend the publication of circular increasing the salaries of Members of County Assembly (MCAs) pending the conclusion and determination of the matter by the committee.

The Committee chaired by Wajir Senator Abbas Mohamed also requested the SRC to submit a report on the criteria and factors they used to evaluate and determine remuneration of MCAs in two weeks time.

The committee made this pronouncements after holding a meeting between the officials of Association of Members of County Assembly (AMCA), SRC and Kenya Revenue Authority (KRA) in Parliament Buildings.

The KRA was also requested to provide a list of MCAs who are Persons with Disabilities (PWDs) and exempted

from paying taxes.

The Members of the County Assembly (MCA) have petitioned the Senate Devolution and Intergovernmental Relations Committee to help resolve their long-standing issues of remuneration and other benefits.

Currently, an MCA takes home about Sh144,375, which includes a basic salary of Sh86,625, a house allowance of Sh45,000 and a salary market adjustment of Sh12,750.

The SRC Chairperson Lynn Mengich told the committee that the commission had reviewed MCAs' gross monthly pay from Sh144,375 to Sh154,481, starting this month, which is a Sh10,000 salary enhancement financial year 2023/2024.

The MCAs told the Senate the Kshs 10,000 pay increase was an insult to them and demanded their salaries to be increased to 40 per cent of a governor's gross salary, which stands at Sh924,000, raising their salary to Sh390,270 per



Wajir Senator Abbas Mohamed, who chairs the Senate Committee on Devolution and Intergovernmental Relations.

month.

The MCAs had also wanted the Senate to compel Kenya Revenue Authority (KRA) to revoke and refund the 30% tax levied on Members Car Reimbursement.

The KRA however informed the MCAs that the motor vehicle reimbursement which is a cash allowance qualifies as an income from employment as other allowances and is chargeable to tax with other emoluments adding that once a

motor vehicle once purchased becomes the personal property of the MCA.

Following the Senates intervention, the MCAs, this week, suspended their nationwide strike over the pay standoff with SRC and resumed sittings in all the 47 counties.

The SRC is expected to appear before the Senate in two weeks time to apprise the committee on the MCAs pay perks.

Simba Arati to face House team over pending bills

Kisii County Governor Simba Arati will appear before the Senate Standing Committee on Finance and Budget to shed light on pending bills in his County.

The committee members resolved in a meeting held on Tuesday to invite Governor Arati following numerous pleas by several entities to have the Committee intervene and have their Bills settled.

The lawmakers will be seeking an explanation from the County Boss on pending bills and the criteria used followed to pay a section of the providers.

The committee Chair and Mandera County Senator Ali Roba gave a resolution directing Governor Arati to appear before it within 2 weeks to address the concerns raised.

During the Tuesday's meeting, the committee through its chair also directed the Governor of Central Bank



Kisii County Governor Simba Arati.

Dr. Kamau Thugge to appear before it within a month to address issues raised by members among them the question by the Vice Chair of the committee Sen. Tabitha Mutinda on the fraudulent

withdrawal of funds from accounts belonging to customers at various Kenyan banks.

Further, the committee considered the quarterly statement for the period

commencing on April 1, 2023 to June 30, 2023.

In the statement, it was submitted that the committee had considered and tabled reports on the the Equalization Fund (Appropriation) Bill (Senate Bills No.3 of 2023), Division of Revenue Bill (National Assembly Bills No.9 of 2023), he County Allocation of Revenue Bill (Senate Bills No.16 of 2023) and the the Prompt Payment Bill (Senate Bills No.8 of 2022).

The committee is at the moment considering the Equalization Fund (Administration) Bill (Senate Bills No.3 of 2023) and the County Governments (Revenue Raising Process) (Senate Bills No. 22 of 2023) and is expected to table reports in the House upon conclusion.

Members in attendance were Sen. Ali Roba (Chairperson), Sen. Tabitha Mutinda (Vice Chairperson) and Sen. Richard Onyonka.

Governors request Senate to harmonize delineation of boundaries at village level



Tana River Governor Dhadho Godana, who is the chair of the Council of Governors (CoG) Security Committee makes a point before the Senate Standing Committee on National Security Defense and Foreign Relations last week.

The Council of Governors has called for harmonization of the delineation of boundaries and management of decentralized units up to the village level to eliminate the parallel administration units of national and

county governments.

Appearing before the Senate Standing Committee on National Security, Defence and Foreign Relations, Tana River County Governor Dhadho

Godhana who is the Chairperson of the Security Committee in the Council said lack of proper delineation of boundaries has caused confusion in operations on the grassroots.

He said although some of the challenges have already been addressed by the County Government Act, there is a need for stakeholders to have a robust discussion and come up with measures and guidelines that will address the remaining gaps.

Members of the committee wondered if indeed the Nyumba Kumi Initiative still exists, resolving to relook into it to ensure it is streamlined appropriately.

The Council of Governors argued that the delineation of boundaries will create an avenue for recognition of village elders as a joint structure of the National and County Governments.

In addition, Governor Godhana revealed that the action, if actualized, will help clarify and give legal guidelines on the issue of remuneration of the village elders that has been discussed for a long time now.

The Council of Governors was giving its submissions to the Baringo Senator

William Cheptumo led Committee following a petition by Mr. Benson Kagete, EGH, the Secretary General National Community Ambassadors who 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.

Mr. Kagete further wants the Senate to cause the Ministry of Interior and National Administration to develop 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 and termination of engagement.

Next week the Committee is scheduled to hold a consultative meeting with the Cabinet Secretary for the Ministry of Interior and National Administration Pro. Kithure Kindiki over the matter.

Committee members in attendance were Baringo Senator William Cheptumo (Chairperson), Sen. Karen Nyamu (Vice Chairperson), Kajiado County Senator Seki Lenku and West Pokot County Senator Julius Murgor.

Gender rule still elusive in top county appointments

County Governments have failed to crack the elusive two-thirds gender rule required in appointment of its County Executive Committee Members (CECMs) and Chief Officers (CO) over 10 years of devolution.

A report by the Council of Governors (COG) shows that out of 444 appointments of CECMs only 144 are females and 300 are male in the 47 counties.

The COG report tabled before the Committee on National Cohesion, Equal opportunity and Regional Integration chaired by Marsabit Senator Mohamed Said Chute also indicates that 469 male Chief officers (CO) were recruited against 192 females.

Some of the Counties including Kwale, Gariisa, Marsabit, Muranga, Baringo, Kiambu, Vihiga and Kisumu have not yet finalized the appointment of their Chief officers. Other Counties are also yet to fill all the 10 CECMs positions in their government.

The constitution and the County Government Act, 2012 provides that not more than two thirds gender principle inclusion and diversity within the devolution space is observed in any elective or appointive positions.

The report was tabled before the committee following a statement by

Nominated Senator Beth Syengo, who requested the committee to undertake an audit in the appointment of CECMs and Chief Officers in all counties and also scrutinize affirmative actions being implemented in the counties in the promotion of women in leadership positions.

“It is my duty as chair of women league in my party to raise awareness in ensuring more representation of women in leadership at the National level especially in legislature,” she said in her statement.

Senator Syengo argued that the constitution envisioned a situation where there can only be real progress in society where all citizens participate fully in their governance and that male and female, persons with disability, marginalized and excluded groups are included in the affairs of the country.

It is not all gloom however as the report shows that Kiambu and Kilifi Counties have appointed equal number of CECMs.

The report further shows that counties such as West Pokot, Trans Nzoia, Nakuru, Kisumu, Vihiga, Bomet, Kericho, Kitui, Machakos and Nyandarua have each recruited four female CECMs against six males hence meeting the two thirds gender principle.

The appointment of CECMs is



Nominated Senator Beth Syengo who sought a statement from National Cohesion, Equal opportunity and National Integration Committee on the two-thirds gender rule in Counties.

capped at 10 positions across all the 47 counties.

On gender mainstreaming, the COG observed that most county governments have set up gender departments within their administrations to oversee and coordinate gender activities in the

This will enable the county governments to comply with the gender equality, diversity and inclusivity principles as provided in the constitution and County Government Act, 2012.

Serikali ya Kenya yashinikishwa kuwalinda wavuvi ziwani Vistoria

Serikali ya Kenya imeshinikizwa kuingilia kati na kumaliza mzozo wa mara kwa mara kati ya wavuvi wa Kenya na maafisa wa usalama kutoka nchi jirani ya Uganda ziwani Vistoria.

Seneta Dkt. Oburu Oginga anasema inasikitisha kuwa wavuvi wa Kenya wamekuwa wakihangaishwa kwa muda mrefu japo hamna juhudi kabambe ambazo zimeteteleza na serikali ya Kenya kushughulikia changamoto zao.

Alisema wavuvi kutoka upande wa Kenya wamekuwa wakikamatwa na kuzuiliwa kila mara na maafisa wa polisi kutoka Uganda huku wakilazimishwa kulipa faini zisizoeleweka kabla ya kuachiliwa uhuru.

Seneta Oburu anasema hatua hiyo imeathiri pakubwa shughuli za kiuchumi za jamii zinazoishi ufuoni mwa ziwa Victoria ambazo zinategemea uvuvi kwa kipato cha kila siku kando na kuwanyima

chakula.

Seneta huyo wa Kaunti ya Siaya aliongeza kuwa licha ya Afisi ya Kimataifa ya Mipaka nchini Kenya kubuni Kamati ya Pamoja na Mamlaka ya nchi ya Uganda mnamo mwaka 2021 kushughulikia suala hilo, kamati hiyo haikuweka mipaka kikamilifu ili kumaliza mzozo wa kila mara kati ya Kenya na Uganda kama ilivyokusudiwa.

Kutokana na matukio hayo, Seneta Oburu kupitia kwa Hoja aliyowasilisha kwenye Bunge la Seneti anaitaka serikali kupitia kwa Wizara ya Masuala ya Kigeni kwa ushirikiano na Wizara ya Jumuiya ya Afrika Mashariki, maeneo Kame na Maendeleo ya Kikanda kufanya mashauri na wizara husika katika taifa la Uganda ili kumaliza changamoto zinazowakabili wavuvi.

Aidha Kiongozi huyo anaitaka Wizara hizo kufanya hima katika mpango wa

kuweka mpaka kati ya taifa la Kenya na Uganda kwenye sehemu inayozozaniwa na vile vile kuweka mikakati murua itakayositisha visa vya kuwatia nguvuni na kuwazuilia wavuvi kutoka Kenya na mamlaka ya nchi ya Uganda.

Kadhalika, Dkt. Oburu ameitaka serikali kuanzisha utaratibu utakaofanikisha maendeleo endelevu ufuoni mwa ziwa Victoria na mbinu ya ugavi wa rasilimali kati ya mataifa washirika.

Hoja hiyo inaishinikiza pia Wizara ya Usalama na Utawala wa Taifa kuwatuma maafisa maalum wa usalama kuyalinda maeneo ya maji ya ziwa Victoria yaliyo kwenye himaya ya taifa la Kenya.

Huku hayo jakijiri Seneta Mteule Esther Okenyuri amewasilisha ombi kwenye Bunge la Seneti akitaka kauli kuhusu kuwekwa kwa mipaka kati ya taifa la Kenya na Uganda Ziwani

Victoria.

Seneta Okenyuri anaitaka Kamati ya Kudumu ya Usalama wa Taifa, Ulinzi na Mashauri ya Kigeni kutoa ripoti kuhusu uwekaji wa mipaka katika sehemu inayokizunguka Kisiwa cha Migingo ikifafanua mpaka halali wa taifa la Kenya Ziwani Victoria.

Kiongozi huyo anaitaka kamati hiyo ieleze idadi ya wavuvi wa Kenya ambao shughuli zao za kiuchumi zimeathiriwa na mamlaka ya taifa jirani la Uganda Ziwani Victoria kupitia kukamatwa kiholela.

Aidha Seneta huyo anaiomba kamati hiyo ifichue idadi ya wavuvi wa asili ya Kenya waliouawa katika kipindi cha miaka kumi iliyopita na kadhalika itaje mikakati iliyowekwa na nchi ya Kenya na Uganda kumaliza mzozo wa muda mrefu kuhusu mpaka Ziwani Victoria.

Mkenya aomba sheria irekebishwe kuwatambua wazee wa Nyumba Kumi

Mkenya Benson Nyaga Kagete alifika mbele ya Kamati ya Kudumu ya Usalama wa Taifa, Ulinzi na Uhusiano wa Kigeni kwenye Bunge la Seneti kulitetea ombi lake la kutaka Wazee Wasimamizi wa Mitaa watambuliwe rasmi na serikali na kulipwa chini ya mfumo wa Nyumba Kumi.

Nyaga akiwa mbele ya Kamati hiyo inayoongozwa na Seneta wa Kaunti ya Baringo William Cheptumo alisema Wazee Wasimamizi wa Mitaa wanatekeleza wajibu muhimu katika utendakazi wa Serikali ya Kitaifa katika kiwango cha kijiji kwa kuwasaidia Machifu na Manaibu wao kudumisha sheria na amani, kukuza elimu na maendeleo kupitia kwa mfumo wa Nyumba Kumi.

Alisema inasikitisha kwamba Wazee hao hutekeleza wajibu huo pasi na mshahara wala malipo yoyote jambo alilosema linawavunja moyo pakubwa.

“Hamna sheria wala kanuni ambazo zinaweka mwelekeo wa kuwaajiri na kuwakumbatia Wazee Wasimamizi wa Mitaa kwenye Mfumo wa Utawala uliopo kwa sasa,” alifafanua Mlalamishi.

“Sheria ya Usimamizi wa Serikali ya Kitaifa Nambari 1 ya mwaka 2013 haielezei kijiji kuwa sehemu ndogo zaidi ya utawala baada ya kata ndogo,” alikariri Nyaga.

Mlalamishi huyo anasema pana haja ya kuweka utaratibu wa kubuni kijiji kuzingatia idadi ya watu, upana wa eneo na masuala ya kijamii na kiutamaduni.

Kwenye ombi lake, Nyaga anataka Sheria ya Usimamizi wa Serikali ya Kitaifa Nambari 1 ya mwaka 2013 kufanyiwa marekebisho ili kujumuisha kijiji kuwa sehemu ndogo ya utawala baada ya kata ndogo na kubuni Baraza la Kijiji.

Aidha Mlalamishi huyo analiomba Bunge la Seneti kuishinikiza Wizara ya Usalama wa ndani na Utawala wa



Seneta wa Kaunti ya Baringo William Cheptum ambaye pia ni mwenyekiti wa Kamati ya Kudumu ya Usalama wa Taifa, Ulinzi na Uhusiano wa Kigeni kwenye Bunge la Seneti.

Taifa kubuni sera kabambe ya uajiri na ujira kwa Wazee Wasimamizi wa Mitaa hususan sera hiyo iangazie masharti ya kufanya kazi, majukumu ya Wazee hao, mfumo wa kuwaajiri na kusitisha utendakazi wao.

Maseneta wanachama wa Kamati hiyo walialifikiana kwa kauli moja kuwashirikisha wadau mbali mbali wakiwemo viongozi wa Nyumba Kumi

na Makamishena wa Kaunti kulihusu ombi hilo kabla ya kutoa mwelekeo rasmi.

Mkutano huo ulihudhuriwa pia na Seneta wa Kaunti ya Kisumu Prof. Tom Ojenda SC, Seneta wa Kaunti ya Pokot Magharibi Julius Murgor, Seneta wa Kaunti ya Isiolo Fatuma Dullo na Seneta wa Kaunti ya Kajiado Seki Lenku.

GUESS WHO!

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Hon. Mohamad Mwingihaji Faki
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This Week in History



"It surprises me that when I travel abroad and find that coffee is still the most expensive product from Kenya. However, coffee farmers are uprooting their coffee trees because there are middlemen, brokers, 'tenderpreneurs' and the white collar criminals in Kenya, who have come around to mistreat the small farmer. How will we persuade this country that we should do irrigation for purposes of agriculture? Sometimes, I think that we are doing for the sake of it; just to make sure that Wanjiku, Wambui and Otieno sleep well at night and we provide food. Meanwhile we ship maize from Uganda and Mexico. What a tragedy."

Senator Mutula Kilonzo Jnr
During the Second Reading of The Irrigation Bill (National Assembly Bills No. 46 of 2017).
Tuesday, July 24th, 2018.



"Developing the capacity of our human resource is a very great idea. We cannot have personnel in our counties that are not professionals and who will not be able to deliver or perform to the expectations of our citizens. Therefore, this Bill seeks to give capacity to the County Public Service Board (CPSB), which is mandated to employ and recruit staff in the counties."

Senator Seneta Mary Yiane
During the Second Reading of the County Government (Amendment) Bill (Senate Bills No. 13 of 2018).
Wednesday, July 25th, 2018



"We are in the Senate because of the sovereignty of the people of Kenya. Under Article 1 of the Constitution, sovereignty of the people is exercised through their democratically elected representatives. We are here because we have won the confidence of the people of Kenya to represent them in the Sente. The role that we play as Senators is well captured in Article 96 of the Constitution. The Senate represents counties and serves to protect the interests of the counties. If we allow corruption in this country, we will have failed in protecting the interests of our counties."

Senator Okong'o Omogeni
Statement on mandate of the Senate, its committees and processing of Legislation in Parliament.
Wednesday, July 25th, 2018



"The Mau Forest Complex forms the largest closed canopy forest ecosystem of Kenya, as large as the forests of Mt Kenya and the Aberdares combined. Being of the five water towers in Kenya and the single most important water catchment in the Rift Valley and Western Kenya, it is a natural asset of national importance. Its forest provides vital ecological services to the country in terms of water storage, river flow regulation, flood mitigation, recharge of ground water, reduced soil erosion and siltation."

Senator Beatrice Kwamboka Makori
Statement on Eviction of People from the Mau Forest Complex.
Thursday, July 26th, 2018.

Challenges and hurdles: The African Court on Human and Peoples' Rights seeks Senate support on protocols roll-out



Above: Senator Veronica Maina (centre), a Member of the Speaker's Panel, chairs a meeting with a delegation from the African Court on Human and Peoples' Rights, led by its President, Lady Justice Imani Adoud (third left). Present was the Deputy Clerk of the Senate Mohamed Ali (third right); Madam Bibi Fondo, Director, Office of the Speaker and Ms Medline Murumba, Legal Counsel, OSSN. Top right: Senator Wakili Hillary Sigei, Senator Veronica Maina and Senator Raphael Chimera in a group photo with delegation.

The complex matrix of human rights enforcement in Africa featured in a meeting between the Senate Committee on Justice, Legal Affairs and Human Rights (JLAHRC) and the African Court on Human and Peoples' Rights (the Court) last week. At the meeting, a holistic examination of the existing constraints and possibilities within the landscape of human rights was unfolded.

Presided over by Bomet Senator Wakili Hillary Sigei, the dialogue was as much a temperature check of the current state of human rights in Kenya as it was a brainstorming session on strategies to improve the interface between the Court

and individual African nations.

Established with the backing of African nations, the Court is a crucial custodian of human and peoples' rights in Africa.

During the discussions, Lady Justice Imani Adoud, the Court's President, cast light on the twin challenges impeding the execution of the Court's mandate. Most notably, the reticence of State Parties to officially recognise the Court's authority to receive cases directly from non-governmental organisations (NGOs) and individuals stood as one significant barrier. Equally as concerning is the less-than-satisfactory implementation of the Court's judgements and decisions by the

States.

In a promising response, Senator Sigei committed to a proactive liaison with the Executive and other influential stakeholders to ratify instruments allowing direct access for individuals and NGOs to the Court. This pivotal decision could mark a new chapter in human rights enforcement in Africa. Additionally, he assured a bolstering of the Court's decisions' execution in Kenya.

Recalling prior interactions with the Court, Senator Sigei underscored the valuable lessons from the Ogiek Case and its impact on the resolution of the Petition by the Torobeek Community.

The Committee's recent review of the Economic and Social Rights Bill, embodying facets of the African Charter on Human and Peoples Rights, further exemplifies the symbiotic relationship between national and international legal apparatus.

The delegation from the Court is in Kenya on a three-day sensitisation tour. They are set to engage with key figures in the country, notably His Excellency Dr William Samoei Ruto, President of the Republic of Kenya, and Justice Martha Koome, Chief Justice and President of the Supreme Court, among others.

Deputy Speaker in whistlestop tour of Meru County for project launch, then joins President for Isiolo event



Deputy Speaker of the Senate, Hon Kathuri Murungi, greets President William Samoei Ruto upon his arrival in Isiolo County last week. Hon Murungi plants a tree seedling at Igembe Boys High School at an earlier event.

Deputy Speaker of the Senate Hon Kathuri Murungi had back-to-back engagements in Meru County last week before joining President William Samoei Ruto for a title deeds issuance event in Isiolo County.

Hon Kathuri, who is also the Senator for Meru County, kicked off his tight schedule with the launch of a public Wi-Fi hotspot in Maua Town, Igembe South Constituency.

The event was presided over by Hon.



public hotspots that the National Government is installing across the country, to bring the small-scale business community into the digital economy.

According to CS Owalo, this is a move by the government to ensure meaningful digital connectivity to transform lives by giving people access to opportunities through the Internet.

The event was attended by Principal Secretary for Cooperatives Patrick Kiburi Kilemi, among others.

Later, same day, the Deputy Speaker, Mr Owalo and other leaders visited Igembe Boys High School for the official opening of the Computer Laboratory.

This was followed by celebrations to mark Education Day, attended by schools in the region. The occasion also saw top achievers in last year's Kenya Certificate of Secondary Education (KCSE) awarded with trophies and other rewards.

On Thursday, the Deputy Speaker joined the President and Deputy Rigathi Gachagua in Isiolo County where residents were issued with title deeds.

Eliud Owalo, the Cabinet Secretary for Information, Communication and Digital Economy in the company of Agriculture Cabinet Secretary, Hon Mithika Linturi

The facility is one of the 25,000



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