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Eldoret town inches closer to city status after Devolution Committee visit

The committee says everything shows the town is ready to become a city. This will make it Kenya's fifth city after Nairobi, Mombasa, Kisumu and Nakuru



Members of the Devolution Committee led by Chairman Abbas Sheikh (fourth from right) and officials from the County Government of Uasin Gishu pose for a picture at the main recreational park in Eldoret during the visit.

Eldoret Municipality in Uasin Gishu County is in the cusp of becoming Kenya's fifth city.

This is after the Committee on Devolution and Intergovernmental Relations undertook an extensive tour of the county and inspected facilities in Eldoret town to determine its eligibility for city status.

The tour, coming barely a week after successfully hosted the 8th Devolution Conference, between September 15 to 19, 2023, the town is set to register another major milestone that could propel it to another level of development should the committee approve its request.

The Committee made the tour of the town between Wednesday, August 23 and August 26, 2023.

During the tour, the committee, which is chaired by Wajir senator Abbas Sheikh inspected the central business district fire station, construction works at Kipchoge Keino Stadium and street lighting and road upgrading projects in the town.

Other projects the committee inspected include the rehabilitation of the Sosiani River and the refurbished Eldoret arboretum. the committee further held meetings with stakeholders and held a public forum at the Municipal Hall where it received views on the proposal from individuals and institutions.

"We have inspected the facilities and everything shows the town is ready to become a city," said Senator Sheikh after the tour of the CBD.

Kisii Senator Richard Onyonka revealed the town has met the major requirements in terms of infrastructural facilities to become a City.

"We have assessed and according to how we have seen, Eldoret town has met all the requisites to attain City status," he said.

The Board of Eldoret Municipality submitted a request to the Uasin Gishu County Executive Committee to consider elevating the municipality to city status early this year.

The application was adopted by the County Assembly and the message was forwarded to the Clerk of the Senate Jeremiah Nyegenye five days later, on May 29, as required by law.

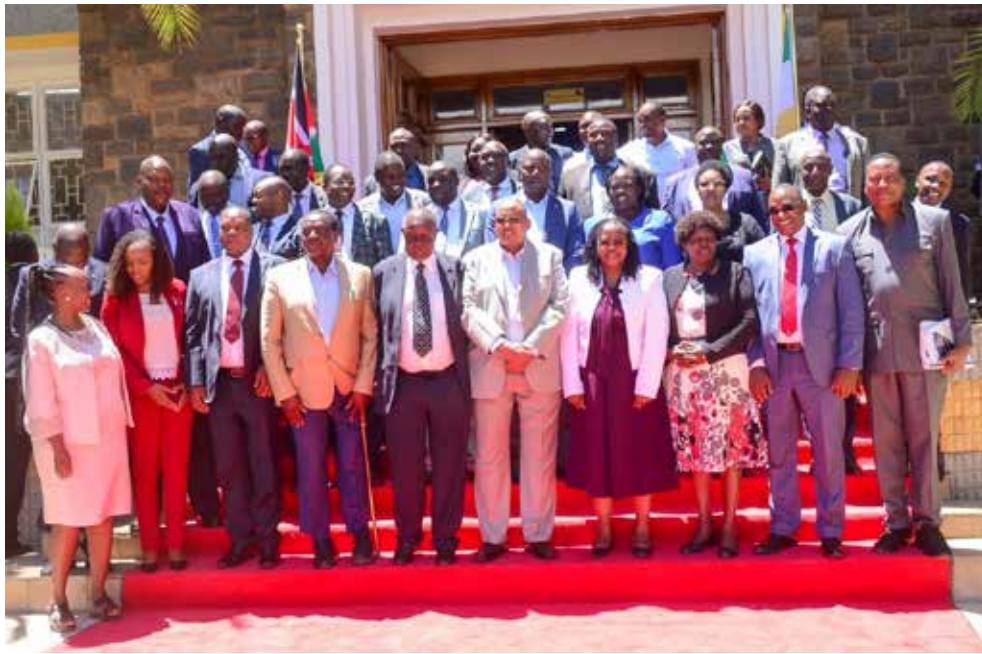
Speaker Amason Kingi delivered

the message to the House on June 13 and directed the committee on Devolution to consider the application and expeditiously report back to the House.

During the visit, the committee held meetings with Governor Bii, the Joint committee of Lands, Physical Planning and Housing and Urban Development, where it analysed the process and how the joint committee arrived at the decision to support the application for the conferment to city status

The Committee also held meetings with the Board of the Municipality and members of the ad hoc committee.

Among the interest groups that participated in the public forum are the Civil Society Organisations, Youth groups, farmers, neighbourhood associations and



Members of the Committee on Devolution led by chairman Abbas Sheikh pose for a picture outside the Uasin Gishu Governor's office after they paid a courtesy call on Governor Jonathan Bii. The committee was in the county to inspect facilities necessary for the conferment of City Status to Eldoret municipality

the Eldoret branch of the Kenya National Chamber of Commerce and Industry

The law provides that a municipality requires 250,000 residents to acquire city status. Eldoret town has a population of 475, 716 according to the 2019 National Population and Housing Census.

The committee is also supposed to determine whether the town has an integrated urban area or city development

plan, capacity to generate sufficient revenue to sustain its operation and a good system and records of prudent management.

The committee will also inspect whether the municipality has the capacity to effectively and efficiently deliver essential services to its residents and has institutionalised active participation by its residents in the management of its affairs.



Senator Abbas Sheikh, the chairman of the Devolution Committee, engages County Government officials during the committee tour of Eldoret town's main fire station during the visit.

The law further provides that infrastructural facilities, including, but not limited to roads, street lighting, markets and fire stations, and an adequate capacity for disaster management must be in place besides a functional and effective waste disposal.

The committee will write a report on its findings on the eligibility of Eldoret Municipality for city status.

If the Senate approves the recom-

mendation, the law requires the Clerk of the House to forward the resolution to the President for conferment of city status on the municipality.

Members of the committee who were in the tour were senators Oburu Oginga (Siaya), George Mbugua (Nominated), Catherine Muma (Nominated), and Jackson Mandago (Uasin Gishu).

Embrace the shifting paradigm in global geopolitics, Speaker Kingi tells African legislators

Speaker Amason Jeffah Kingi has said the voice of African parliamentarians is the missing link in the continent's endeavour to articulate its interests at the global level.

And while the Speaker expressed concern over the state of affairs, he challenged Parliamentarians in Africa to take up their role and embrace the paradigm shift being experienced globally.

"Time has come for Parliamentarians in Africa to stop the joyride. We have to disembark from this roller coaster and take up our position and be part of the paradigm shift," explained Speaker Kingi.

Speaking at the opening session of the African Parliamentary Dialogue, ahead of the Africa Climate Summit to be held in Nairobi, Speaker Kingi challenged lawmakers to bring the full force of parliamentarians' influence and unity



Speaker Kingi presides over proceedings of the House

of purpose in governance.

Such a move, he said, would bear impactful outcomes besides being critical in the success of Climate Action as well as such endeavours as peacebuilding, conflict resolution, economic negotiations and in the fluid sphere of geopolitics.

Hon. Kingi assured the delegates of the commitment of the Parliamentary fraternity in supporting the great work being executed by the African Heads of States in prioritising Climate Action.

Key aspects of climate action are adaptations, building resilience in the populations and ensuring sustainability of economies through deliberate Green practices.

"As partners in this endeavour, Parliamentarians are ready to add their voice to the efforts to find pragmatic solutions

to these challenges and developing the right legislative mechanisms and legal frameworks for addressing them," explained Hon Kingi.

The Executives – Heads of States and Governments, have been left to carry a disproportionately heavy and share of the burden in driving the African agenda, something the Speaker argued should be looked into.

Africa is home to about 30 percent of the world's mineral reserves, 12 percent of the world's oil and 8 percent of the world's natural gas reserves but it is rarely involved in global negotiations that apportion socio-economic and even geopolitical benefits.

"Africa must be at the heart of every global engagements and undertakings that have a bearing on its interests and the interests of its people," he declared.

Speaker Kingi: County Assemblies call for autonomy is justified



Speaker Kingi delivers his official speech during the official opening of the 8th Devolution Conference.

Speaker Amason Jeffah Kingi has supported calls to grant the County Assemblies financial autonomy saying the action will enable MCAs undertake their programmes in an ideal environment.

The Speaker commended the County Governments, both the Executive arm and the County Assemblies for their exemplary work that has enhanced implementation of Devolution for the benefit of Kenyans.

“County Governments play a critical role to the success of Devolution. The County Assemblies, in particular, have ensured counties have the necessary laws and policies on which service provision, project implementation and grassroot development have been an-

chored since Devolution got underway,” said Speaker Kingi when he delivered the closing remarks at the 8th Devolution Conference in Eldoret, Uasin Gishu County.

“The call for financial autonomy for our County Assemblies is fully merited and timely, for the key reason that it will enhance their independence and elevate their role as an oversight institution.”

The House is already considering the County Public Finance Laws (Amendment) Bill, 2023 sponsored by Meru Senator Kathuri Murungi which, if adopted, will grant the County Assemblies financial autonomy.

Speaker Kingi noted that once enacted, the law will cure what he referred to as a mischief that for years has left

County Assemblies at the whims of the County Treasuries while seeking money to meet their administrative expenditures.

When the Bill becomes law, County Assemblies will not have to go through County Executive Committees to do their requisition, as is presently the case.

The Speaker Kingi assured the delegates that the Senate as the overseer of Devolution as stipulated in Article 96 of the Constitution remains committed to undertaking any relevant legislative intervention to raise the capacity of any players in the Devolution space to effectively discharge their mandate.

On transfer of devolved functions, Speaker Kingi commended President William Ruto following his directive

that all devolved functions be transferred to Counties in 60 days.

The Speaker further challenged counties to strive to be independent and avoid over reliance on the National Government by raising their Ownsource Revenue

“We expect a more assertive, accountable, transparent and resilient devolved units that manifest some level of independence from the National Government,” he said, adding that devolved units should aggressively pursue more beneficial partnerships, networks and collaborations.”

He proposed that Counties explore more innovative ways of raising own-source revenue to avoid over-reliance on the national exchequer advising them to take advantage of regional economic blocs for shared economic opportunities and growth.

The Speaker Kingi called on be accountable and develop ways that will protect resources from corrupt officers and ensure prudent expenditure of public funds.

“To deepen accountability, which is a key ingredient of good governance, County Governments must be ready to come up with more stringent measures to curb corruption and ensure county resources are used for the intended purposes and for the benefit of wananchi,” he said.

It would be a big win for Devolution if devolved units moved fast to seal accountability loopholes as periodically flagged by reports of the Office of the Auditor-General, he reiterated.



Deputy President Rigathi Gachagua and Speaker Amason Kingi had time to take a picture with senators present at the closing ceremony of the Conference.



Speaker Kingi delivers his speech at the conference.

Need for paradigm shift in devolution funding model, says Deputy Speaker Murungi

Deputy Speaker Kathuri Murungi says the Senate is fully committed to supporting transformation in Counties through legislative interventions, promising that the House will do everything possible to ensure Kenyans feel the fruits of Devolution.

Senator Murungi said the Senate will ensure all the dreams that were endorsed by Kenyans during the 2010 referendum are fully realised.

“Devolution was among the most prominent features that enticed majority of Kenyans in the 2010 referendum. The purpose and ultimate goals of Devolution were to spur and accelerate Kenya’s social-economic transformation from

the grassroots, to ultimately make it competitive at the global stage,” argued Senator Murungi.

County governments play a significant role in their niche, as framed by the five pillars of Kenya Kwanza’s economic transformation agenda, namely agriculture, micro, small, and medium enterprises, housing and settlement, healthcare, digital highway, and the creative economy

Despite the challenges that face the implementation of Devolution, the Meru Senator argued, success stories have been recorded in some areas that should inspire and motivate Kenyans to redouble their efforts.



Deputy Speaker Kathuri Murungi.

He cited improvements in the road network, infrastructure in the health system, fresh produce markets and employment opportunities created for Kenyans, courtesy of Devolution.

He called on the County and National Governments to work closely and establish reliable sources of revenue for the implementation of Devolution challeng-

ing Counties to aim at their financial autonomy.

“Counties have largely relied on Exchequer disbursements for their survival. Own-Source-Revenue as a financial life-line for counties still remains a mirage. It is Own-Source-Revenue that promises to guarantee the ultimate financial liberty and autonomy that devolved units so much crave for and which we are all certain would make Devolution sustainable.”

To reform the funding model, senator Murungi called for a paradigm shift in the way counties are perceived and the role of Own-Source Revenue in attainment of the goals and objectives of Devolution.

He urged stakeholders to conduct a robust discourse that will develop progressive ideas that will help frame and inform further engagements in the Devolution space.

Delayed disbursements hamper devolution, says Minority Leader Madzayo



Minority Leader Stewart Madzayo

Delay in the disbursement of funds has negatively affected operations in Counties, says Minority Leader Stewart Madzayo, even as he warned that such late disbursements has slowed, and in some cases, stopped progress across the county.

In remarks at the 8th Devolution Conference in Eldoret town, Uasin Gishu County, Senator Madzayo, who represents Kilifi County, argued that delay disbursement of funds is still a major challenge in the context of County Revenue Sharing mechanism.

“County Governments heavily rely on these funds to provide essential services and drive development projects within their jurisdictions,” Senator Madzayo told delegates.

The delay has also forced some Counties to opt for bank overdrafts in order to meet their operation costs, which have proved costly to devolution.

“Most Counties end up using the money that should have been allocated for development and recurrent expenditure on costly overdraft facilities to ensure salaries are paid and essential services are provided, which attract high interest and unnecessarily burdens the taxpayer,” he explained.

He urged the National Government to timely disburse funds to Counties to en-

able Governors to effectively carry out their daily operations.

Further, Senator urged Counties to allocate more money for development to ensure Kenyans at the grassroots experience Devolution through development projects carried out in their areas.

He however regretted on the high incidences of corruption in counties and called for unified and bold measures be put in place to deal with menace if Devolution is to protected.

“Although Devolution has brought some success by advancing development, evidence shows that corruption is a major challenge afflicting most County Governments. It is my appeal that we should expose corruption and eradicate it.”

Senate will continue supporting Devolution, says Majority Leader Cheruiyot

Majority Leader Aaron Cheruiyot has assured Kenyans that the Senate will continue protecting and promoting Devolution as is stipulated in the Constitution.

In remarks made during the closing ceremony of the 8th Devolution Conference, the Senator achievements in the country courtesy of Devolution and appealed to the Public to continue supporting the project

“Ten years on, we have seen the immense political, social and economic impact that Devolution has had on the

lives of the people of Kenya,” said the Majority leader, adding that transformation is evident and Kenyans ought to take pride in the tremendous achievements that have been enabled by Devolution.

He reiterated the willingness of the Senate to support and ensure calls by stakeholders to strengthen Devolution are adhered to noting that resources meant for Counties should be enhanced and disbursed in time and that functions meant for Counties be transferred.

The Senate will go an extra mile to ensure that relevant legal frameworks



Leader of Majority Aaron Cheruiyot plants a commemorative tree on the first day of the Devolution Conference in Eldoret town, Uasin Gishu County.

are put in place to strengthen implementation of Devolution, key which is giving the County Assemblies financial autonomy.

“Granting financial autonomy to the County Assemblies will promote their independence and aid them discharge their oversight role objectively.”

We shall review medical records of 1998 bomb survivors, CS Nakhumicha tells committee on terror compensation

Health Cabinet Secretary Susan Nakhumicha says the government will constitute a multi-sectoral team to review the medical records of the surviving victims of the 1998 Nairobi terror attack.

The team will explore ways on how the survivors can be assisted by the Government.

The survivors of the attack have been forced to dig deeper into their pockets to cater for their daily medical care despite being innocent bystanders of the attack.

The CS told the Adhoc Committee that is Pushing for Compensation to the Kenyan Victims of the attack that the Ministry cannot provide medical assistance to the survivors since there is no formal medical board to review their medical records.

“There is need to understand the current health needs of the survivors by reviewing their medical records and un-

dertaking medical assessments. This can only be done by a medical board,” said CS Nakhumicha when she appeared before the committee on Friday, August 25, 2023.

She insisted there’s also need for the State Department of Social Protection to assess the vulnerability status of the survivors.

The assessment will identify the vulnerable groups with limited ability to pay for their healthcare so that they can be included in the National Health Insurance Fund (NHIF) subsidised health insurance through counties.

The CS further promised that her Ministry will explore areas of partnering with like minded institutions to give the required assistance that shall improve the well-being of the victims.

Members of the Committee directed the CS to constitute the medical board within 7 days to ease the weight that the



Health CS Susan Nakhumicha makes her presentation during the meeting with the Adhoc committee on Compensation of the 1998 bomb blast victims in parliament Buildings on Friday, August 25.

survivors have been shouldering for over two decades.

“The Ministry of Health plays a crucial role in shaping healthcare in our country. We need the entire health sector representatives to work with us to ensure that the injured victims receive the required healthcare support,” said Senator

Agnes Kavindu, who is also the Chairperson of the Committee.

Senators pledged to find ways in which they can set aside a special fund to pay for the annual premium for the survivors to access either a tailor-made or enhanced health benefits package at NHIF or the current National Scheme.

First Choice reduced us to paupers, victims tell the Labour Committee in Eldoret sitting



Some of the victims of the First Choice Recruitment and Consultancy Ltd narrate their tribulations to the Committee on Labour during the sitting in Eldoret.

Over 500 residents of Uasin Gishu have recounted how they were made to pay millions of their hard-earned money to First Choice Recruitment and Consultancy Agency in exchange for non-existent employment abroad.

At meeting with the committee on Labour on the sidelines of the 8th Devolution Conference in Eldoret town, the residents recounted how they were lured to pay the agency on the pretext that they will be facilitated to find jobs in Qatar, Dubai, Australia, Poland, Finland and the United Kingdom.

The angry residents told the Senator Julius Murgor-led Committee that they

have been subjected to a life of untold misery after the promise failed through and pleaded with the Senate to help them to get back their money.

The committee had organized the meeting in Eldoret to hear as many views as it could gather as most of them are within the town.

However, Ms Judy Jepchirchir, the director of the company snubbed the invitation to appear before the committee.

Ms Resilah Makokha, one of the victims, told the committee she convinced her husband to sell his motorcycle and the family cows so that they could pay the agency take their daughter abroad.

“My husband divorced me after



deal failed. He is demanding his money back,” a sobbing Mrs Makokha told the committee during the meeting held in the County Assembly premises.

Mr Eliud Kipsang, another victim, prevailed on his mother to sell part of the family land so that he and his sister could fly out for dream jobs abroad.

“The failure of the promise led to her illness and subsequently claimed her life. My family is blaming me for killing my lovely mother,” Mr Kipsang, one of the victims, added.

Senators expressed concern on the failure by Ms Jepchirchir to attend the meeting which was designed to find a lasting solution to the matter, pledging

to exercise their constitutional power to ensure the victims get a refund.

The committee held the meeting after President William Ruto told a public rally in Eldoret town that his Government will take stern action against individuals who defraud unsuspecting Kenyans.

The President was in the town where he delivered a speech at the Devolution Conference.

“We have concluded that the Director of First Choice refused to appear before this Committee intentionally. This is meant to circumvent justice to the victims,” said senator samson Cherarkey, who presented the petition to the House on behalf of the victims.

“The Committee should issue tough directions against the Director and her associates,” added the Senator who appeared as a friend of the Committee.

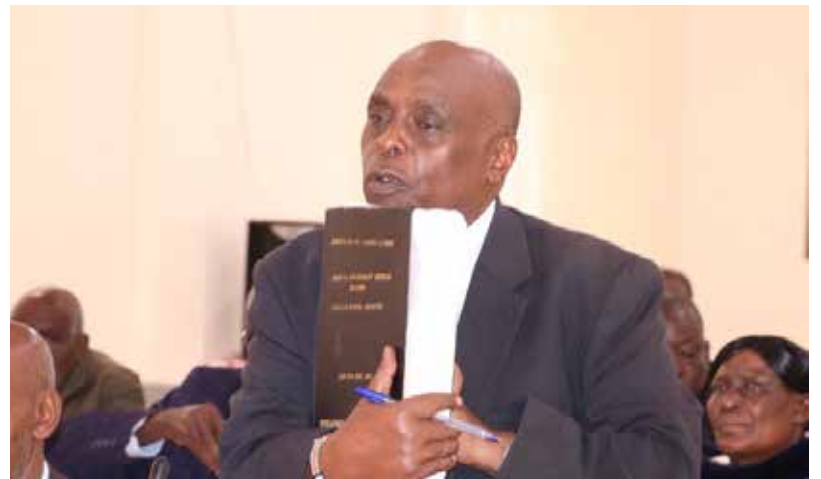
Senator Miraj Abdulrahman said the Committee will not rest until First Choice refunds money to these petitioners particularly because the President had declared war against corruption when he addressed the Devolution Conference.

Apart from Senator Murgor, other members who attended the meeting were Senator George Mbugua, Senator Mohammed Faki, Senator Miraj, and a host of Members of the County Assembly of Uasin Gishu (MCAs).

JLAC orders fresh probe on Kipsigis historical land injustices



JLAC Chairma Hillary Kosgey (second left) is joined by other members of the committee Okiya Omtatah and Veronica Maina in receiving the petition from Mr David Ng'asura Tuei, a researcher with the Kipsigis Clan organization when the committee toured Kericho county in April 2023.



Above: Mr David Ng'asura Tuei, researcher Kipsigis Clan organization, makes a presentation during the tour of the Committee in Kericho County in April 2023. Below: Mr Joel Kimetto, the Chairman, Kipsigis clan organization makes his speech during the meeting with the committee.

A House Committee has directed the National Land Commission (NLC) to reopen investigations into how members of the Kipsigis Community lost their ancestral land to 11 multinational companies and table a report in the Senate within three months.

The Committee on Justice, Legal Affairs and Human Rights says the NLC must accord the community due process and offer all the interested parties the right to be heard in the new investigations.

In a report tabled before the House, the committee further directed NLC to submit in 60 days a status report on all investigations initiated pursuant to Article 67 (2) of the constitution.

Article 67 (2) gives the NLC the power to initiate investigations on its own motion or complaint into present or historical land injustices and recommend appropriate redress.

Among the issues, the Committee wants included in the report, under Article 67 (2) are the investigations undertaken so far, actions taken, the recommended action and whether the recommendations have been implemented or challenged in court and the reason

for the same.

The proposals are contained in the report of the committee on the investigations by the committee on the petition on historical land injustices filed by the Kipsigis Community Clans Organizations.

The petition, submitted to the House by Kericho senator Aaron Cheruiyot, claims the community suffered brutality when the British government evicted them from their ancestral lands during the colonial period.

The Community argues there was brutal and systematic eviction of the Kipsigis community from their ancestral lands in the present day Kericho, Bomet, Nandi and parts of Nakuru Counties.

In the petition, the community is demanding that their ancestral land to be either reinstated, compensated or enabled to pursue the legal cases which are in various courts inside and outside the country.

“For that purpose and to ensure they get reparations for the pain, loss, and suffering that the community has been subjected to for almost a century, the NLC must reopen investigations into the matter,” said senator Hillary Wakili

Sigei, when he tabled the report to the House.

Senator Sigei is the chairman of the committee.

According to the petition, the community was evicted without compensation or resettlement and that the lands were allocated to white settler community by the colonial government.

And even though it is 60 years since independence, the lands remain under the ownership and control of the multinational tea companies.

Senator wakili told the House that the reason why the committee has directed the NLC to reopen the probe is ensure there is a proper report that captures the concerns of all the parties including the complainants, the large-scale tea growers who went to court to challenge the earlier pronouncement by the NLC on the issue.

“The Committee has recommended for a fresh investigation in order to ensure that the stakeholders who were not given an opportunity to present their case are heard before a final determination is made,” he said

Members of the Kipsigis Community had filed three claims to the NLC argu-

ing that the British colonial Government had illegally evicted and illegally acquired the community's ancestral land.

After considering the matter, NLC, in a verdict published through a notice in the Kenya Gazette No 1995 of March 1, 2019, agreed with the community.

The verdict directed that the lands held by the tea estates be resurveyed to determine whether any surplus land residue had been held in trust by the county government for public use.

The commission further directed that an Memorandum of Understanding be undertaken between the multinationals and the county government to provide public utilities, the renewal of leases be withheld and adjustments of land rates and rents to benefit both the national and county governments.

The commission further directed that all 999-year leases be converted to the required 99 years.

However, the NLC decision was quashed by the high court through a judgment delivered on April 2023 because NLC had failed to inform the tea companies of investigations being conducted and grant them an opportunity to make representations.



1. Deputy President Rigathi Gachagua and Speaker Amason Kingi consult during the official closing ceremony of 8th Devolution Conference on August 19, 2023.
2. Deputy President Rigathi Gachagua shares a light moment with Speaker Amason Kingi after CoG Chairperson Anne Waiguru handed him the gift on the final day of the conference.
3. Senators Agnes Kavindu (left) and Veronica Maina arrive at Eldoret Sports Club, the venue of the 8th Devolution Conference.

4. Nandi Senator Stephen Sang, who also served as senator in the second Senate (2013/17) with Nyandarua Senator John Methu.
5. Nominated Senators Miraj Abdulrahman and Betty Montent at the conference.
6. Senators Catherine Mumma (left) and Margret Kamar at the Conference.
7. Deputy Speaker Kathuri Murungi follows proceedings at the Conference



8. Bomet Senator Hilary wakili Kosgey and Nominated Senator Hamida Kibwana

9. Deputy Minority Leader Enock Wambua and Tharaka Nithi Senator Mwenda Gataya Mofire

10. Nominated Senator Peris Tobiko and Hon Owen Baya, the Deputy Majority Leader in the National Assembly

11. Senators Hezena Lemaletian and Moses Kajwang follow proceedings at the Conference.

12. Senator Veronica Maina (Nominated) consults Nyandarua Senator John Methu during the official opening of the Devolution Conference.

13. Kisumu Senators Tom Ojienda arrives at Eldoret Sports Club on the second day of the Conference



- 14. Senators John Methu, Wajir Governor Ahmed Ali, Samson Cherarkey, Deputy Speaker Kathuri Murungi, Majority Leader Aaron Cheruiyot follow proceedings during the closing ceremony of the Conference.
- 15. Nominated Senator Catherine Mumma makes a presentation during one of the Panel discussions at the Conference.
- 16. Senators Gloria Orwoba and Mariam Omar make their way into the Conference hall for the closing ceremony.
- 17. Vihiga Governor Wilbur Ottichillo (left), Senators Karungo Thangwa, John Methu and Nyeri Governor
- 18. Nominated Senator George Mbugua follows the discussions at the Conference
- 19. Delegates at the 8th Devolution Conference, led by Senators in the front row, in the session addressed by Deputy President Rigathi Gachagua.
- 20. Deputy President Rigathi Gachagua arrives to preside over the closing ceremony of the 8th Devolution Conference in Eldoret town. He is flanked by Senators Jackson Mandago (left), Samson Cherarkey (second right) and John Methu (right) and Council of Governors Anne Waiguru
- 21. Mombasa Senator Mohamed Faki at the Conference hall (left) and Nominated Senators Gloria Orwoba and Lematian



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1. Teachers and students of Kirunguru Secondary School, Kandara, Muranga County, pose for a picture during their tour of Parliament on Thursday, August 31, 2023.
2. Students of Moi High School, Mbiruri, Renyenjes, Embu County, had their picture taken outside the Senate Chamber after their academic tour of Parliament Buildings on Thursday, August 31, 2023.
3. Teachers and pupils of Grace Academy, Kericho County, following proceedings during the Special sitting of the Senate on Thursday, August 31, 2023.

Senate adopts Climate Bill ahead of African meet



Senator Cheruiyot moved the bill.

The Senate has approved the Bill seeking to regulate carbon markets to enhance response to climate change and provide mechanisms and measures to achieve low carbon climate resilient development.

The House approved the Climate Change (Amendment) Bill, 2023, which originated from the National Assembly, just days to the official opening of the inaugural Africa Climate Summit scheduled to take place in Nairobi from September 4 to 6, 2023, at the Kenyatta International Convention Centre.

At a special sitting on Thursday, August 31, 2023, Senators unanimously adopted the Bill which provide a legal framework for carbon trading to facilitate effective implementation of carbon markets and trading.

The Bill establishes the National Climate Change Council which will have the mandate of developing the National Climate Change Action Plan. The Bill further addresses regulation of the carbon markets, as essential instrument for achieving emissions reduction goals and

fulfilling commitments under international agreements.

Section 6 of the Bill has been amended by expanding the functions of the Climate Change Council to include the provision of guidance and policy direction on carbon markets to the national and county governments, the public and other stakeholders.

Among the international agreements that the Bill will address is the Paris Agreement that Kenya ratified in December 2016.

The agreement committed member states to limiting global warming to well below 2 degrees Celsius and pursue efforts to limit it to 1.5 degrees Celsius besides establishing a global carbon trading mechanism under Article 6 and thereby enabling countries to trade emissions reductions.

The enactment the law makes it possible for Kenya to engage a broader range of stakeholders and support its emissions reduction goals.

Speaker Amason Kingi told the House that the Nairobi Climate Summit rep-

resents an unparalleled opportunity for African countries to address the challenges posed by climate change.

“The role of parliaments and parliamentarians in pursuit of addressing the challenges of climate change cannot be overstated. Parliaments and Parliamentarians play crucial legislative, oversight and budget making and approval roles, which are essential in policy development and implementation and ensure government accountability and effectiveness,” he told the House.

The Summit will explore six thematic areas that have been identified to combat climate change for tangible solutions and actions.

The areas are climate finance, mitigation and green growth, climate adaptation and resilience, loss and damage, climate-vulnerable groups and research innovation and technology.

Further, a summit that rallies the world to tap on the numerous opportunities that Africa presents towards global net-zero carbon emission.

CPAC challenges CoG and CAF to explain use of County funds, threatens legal action



Nairobi senator Edwin Sifuna shares a light moment with Mr Solomon Bundi, the Speaker of the County Assembly of Meru after a meeting between CPAC and the Assembly on Auditor General's report for the year ended June 2020.

The County Public Accounts Committee (CPAC) is planning for a stakeholder meeting to discuss modalities of how to regularise billions of shillings paid to both the Council of Governors (CoG) and County Assemblies Forum by county entities in the last couple of years.

Despite receiving the billions, in the name of subscription fee, CPAC is concerned that the two agencies have failed to offer proper accountability on the usage of the funds much as they have no legal justification to receive the funds.

The CoG is an umbrella organisation bringing together all the 47 County

Executives.

And although it has no legal basis, Governors argue that the Council offers them a mechanism for consultations where they share information on performance in execution of their functions.

The Governors have pushed for the amendment to the law to anchor the CoG arguing that it facilitates capacity building and considers reports from other intergovernmental forums on national and county interests amongst other functions.

The case is not so dissimilar for CAF, which brings together the 47 county Assemblies.

The County executives remit Sh5 million annually as subscription to CoG while County Assemblies pay CAF Sh3 million as annual fee.

In the last couple of years, the Office of the Auditor General has raised the red flag on these expenditures, consistently about the legality of the payments and warning that the two county entities have never provided verifiable basis of the payments.

CPAC estimates that both the CoG and CAF have gobbled up in excess of Sh3 billion in the last 10 years, raising serious questions on the accountability mechanism on the utilisation of the funds.

At a meeting with the County Assembly of Meru on Thursday, August 24, 2023, CPAC chairman Moses Kajwang revealed that stakeholders must engage and find a lasting solution to the problem.

“More than Sh1 billion has gone into a hole that no one understands,” said Senator Kajwang, referring to the cumulative funds paid by the County Assemblies in the last 10 years of devolution.

The meeting will engage the House Committee on Devolution, the National Treasury and the Office of the Controller of Budget besides the CoG and CAF.

CPAC says it has no problem with the payments. But the members says

they are concerned the payments are not legitimate as both entities are not recognised by the law.

Members raised the issue when the leadership of the County Assembly of Meru led by Speaker Solomon Bundi appeared before the committee to defend queries raised in the report of the Auditor General in the 2019/20 financial year for the Assembly.

The Assembly paid Sh3 million in the 2019/20 financial year to CAF despite warning from internal auditors.

In the planned meeting, the leadership of both CAF and CoG will have to give a detailed account on how the funds they received have been utilised.

“We want to know how the CAF executive members have utilised the funds. We have heard that they use the monies to travel the world. CAF has become a cartel with no accountability,” added senator Kajwang.

The Committee also wants the Ethics and Anti-Corruption Commission take keen interest in the matter, conduct investigations and take a position on the funds have been utilised.

“As parliament, we have been soft but this is a very serious matter that requires urgent attention,” said Senator Kajwang.

“Both CAF and CoG must explain how the funds have been utilised.

Probe loss or non-revenue water in Lamu water company, watchdog committee directs EACC

The County Public Investments and Special Funds Committee has directed the Ethics and Anti-Corruption Commission (EACC) investigate corruption in the Lamu Water and Sewerage Company (LAWASCO) and submit a report on its findings within 14 days.

Committee chairman Godfrey Osotsi issued the order after an audit of the Company's operations revealed a recurrent financial losses and negative working capital.

The statements of the company's accounts and other comprehensive income indicate that the company raised Sh42.5 million in revenue generated from water sales during the year.

However, only Sh 1.1 million are indicated as estimated sales from 802 faulty meters reported to have malfunctioned.

The order was issued on Monday, August 21 when Governor Issa Timamy appeared before the committee to explain the operations of the company whose mandate is to supply water to residents.

“You must devise innovative solutions to restore the company's financial stability and self-sufficiency,” said Senator Osotsi.

The audit further revealed that the Company produced 848,253m³ of water during the year under review. However, only 454,445m³ or 54 per cent of the total volume was billed to customers resulting in revenue totalling Sh42.5 million.

The balance totalling 393,808m³, or approximately 46 per cent of total production was Non-Revenue-Water

(NRW) which was 21 percentage points above the allowable loss of 25 per cent set in guidelines issued by the Water Services Regulatory Board.

“At the average billing rates for the year under review, the Non-Revenue-Water may have resulted in an estimated loss on water sales amounting to Sh17 million,” observes the Auditor General in her report.

“The significant level of NRW is an indication that water in the Company's system is lost before it is billed or a large portion of residents do not pay for the water they consume. The NRW is a major hindrance to the Company's profitability and poses a significant risk to its ability to sustain its services.”

The audit further revealed that revenue is collected manually and the re-

spective transactions recorded in an electronic spreadsheet. However, management of the billing system was not supervised and further, alterations on the records were made without written approval.

In addition, policies and procedures on backup of data are not clearly set out and as a result, the risk of data loss and disruption of work on occurrence of unexpected events was high.

“There is need for internal control systems encompassing debt management and risk control policies,” added Senator Osotsi. The committee has given the County executive a 60-day deadline for implementation.

Seneta Asige aitisha udhibiti wa magari mijini

Seneta Crystal Asige anaitaka Wizara ya Barabara na Uchukuzi kwa ushirikiano na Baraza la Magavana na Baraza la Kitaifa la Hali ya Anga kutambua, kutangaza na kutekeleza siku za kutokuwepo kwa magari mijini kila mwezi na kuainisha maeneo ya bila magari katika sehemu za mijini kwenye Kaunti.

Kwenye Hoja aliyowasilisha kwenye Bunge la Seneti, Seneta Asige anavitaka vitengo hivyo kuweka mifumo ya uchukuzi wa umma iliyo nafuu na murua ikiwemo kubuniwa kwa mfumo wa uchukuzi wa mabasi ya umma mijini.

Seneta huyo Mteule aidha anavitaka vitengo hivyo kuhimiza matumizi ya pamoja ya mabasi ya elektroniki na vifaa vingine murua kwa matumizi kando na kubuni miundo mbinu itakayofanikisha vifaa vya uchukuzi visivyotumia injini kama baiskeli na wanaotembea kwa miguu kufika mijini.

Kadhalika Kiongozi huyo anasisitiza umuhimu wa kuwepo kwa muingiliano muafaka wa mifumo ya uchukuzi kurahisisha usafiri na usafirishaji.

“Wakenya wana haki ya mazingira safi na yenye afya kufungamana na Kifungu cha 42 cha Katiba ya Kenya,” alisema Seneta Asige.

“Mpango wa Kitaifa wa kuangazia Tabia nchi unatambua uchukuzi kuwa kitengo nambari nne katika uchangiaji wa gesi ambayo iwapo haitadhibitiwa itachangia madhara hasi kwa mabadiliko ya hali ya anga ambayo yatawaathiri vibaya mamilioni ya wakenya,” alifanua.

Kiongozi huyo alikariri kuwa kutokana na uhalisia kuwa kumekuwepo na ongezeko kubwa la magari ya binafsi nchini Kenya ambalo limechangia kuongezeka kwa ajali za barabarani, utoaji wa gesi aina ya Kaboni na msongamano wa magari vyote vikigharimu zaidi ya shilingi bilioni mia moja kila mwaka, pana haja ya mikakati mahsusi kutelezwa kuzikabili changamoto hizo.



Seneta Crystal Asige.

Serikali yatakiwa kudhibiti matumizi ya sigara za elektroniki



Seneta Catherine Mumma.

Wizara ya Afya imetakiwa kuandaa kikao cha dharura kitakachowaleta pamoja washikadau wote kubuni sera ya kudhibiti matumizi ya sigara za elektroniki na bidhaa zote zinazohusiana na sigara hizo na mauzo yazo kwenye vyombo vya habari asilia sawia na mitandao ya kijamii.

Kwenye Hoja iliyowasilishwa kwenye Bungeni na Seneta Catherine Mumma, Wizara hiyo imetakiwa pia kushirikiana na washikadau kubuni kanuni zitakazoelekeza uzalishaji, mauzo, matangazo na matumizi ya nikotini iliyoundwa kwa njia ya kisintetiki na kudhibiti biashara ya bidhaa bandia.

Seneta huyo Mteule anasema kupitia kwa Hoja hiyo kuwa kufungamana na sehemu ya 68 ibara ya kwanza (b) ya Sheria ya Afya ya mwaka 2017, serikali ya kitaifa ina wajibu wa kupunguza matumizi ya tumbaku na bidhaa zingine zenye uraibu kando na kuwalinda wato-

to na wananchi wengine dhidi ya bidhaa hizo na moshi kutokana na uvutaji wa sigara.

Anasema sehemu ya 32 ya Sheria ya Kudhibiti Tumbaku ya mwaka 2017 inampa kila mtu haki ya kuwa kwenye mazingira yasio na moshi unaotokana na uvutaji wa sigara.

Kiongozi huyo aidha anasema licha ya Sheria ya Udhibiti wa Tumbaku kuweka kanuni zinazoangazia masuala yakiwemo kudhibiti uvutaji wa sigara kwenye maeneo ya umma, matangazo ya bidhaa za tumbaku, udhamini na upakiaji wa bidhaa hizo, sehemu ya pili ya Sheria hiyo haina mwelekeo muafaka kuhusu udhibiti wa bidhaa zingine zisizo za tumbaku na hivyo kukosekana kwa masharti kwenye matumizi, matangazo, udhamini, upakiaji na kuwekwa alama kwenye bidhaa za nikotini ya kisintetiki jambo analosema limechangia pakubwa ongezeko la matumizi ya sigara za elektroniki miongoni mwa vijana na watoto wenye umri mdogo.

GUESS WHO!

How well do you know your Senators?



Tell us who this is and win yourself a copy of the Senate Standing Orders, autographed by the Hon. Senator himself.

Email us at:

Senate.weekly@parliament.go.ke

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

Thanks Brenda Cherotich and Glen Kiprotich for your responses. You separately guessed that lawmaker in question is Nyamira Senator Eric Omogeni.

Unfortunately, your guess was wrong.

Consequently, there is no winner for last week's quiz. We give readers a second chance to try to guess the identity of the Senator in question.

**Staff of the Senate and Parliament of Kenya are not eligible to participate in this quiz.*

This Week in History



"There can be no better level of government to be in charge of environmental control, to fight environmental degradation and to work for afforestation if it is not the county government. However much we plant trees, if there are other things going on which lead to environmental degradation which lead to the depleting of water resources, then our forests will not be there. Afforestation and planting of more trees must go hand in hand with environmental control and preservation of water catchment areas and forests."

Sen. (Prof.) Anyang'-Nyong'o
Contributing to debate on the motion of the Mediation Committee Report of the Natural Resources Bill during the Special Sitting held on **Wednesday, August 24, 2016.**



"This Bill in its mediated version will go a long way in strengthening the governance of our country in the area of natural resources. We are coming from an era where Government officials and functionaries wielded huge powers over natural resources which should not be the case. This Bill, therefore, vests the power of supervising access to natural resources and their exploitation on the people's representatives, which is Parliament."

Sen. (Prof.) Kithure Kindiki
Contributing to debate on the motion of the Mediation Committee Report of the Natural Resources Bill during the Special Sitting held on **Wednesday, August 24, 2016.**



"When it comes to benefits sharing; our Constitution provides that any investment in any particular area should benefit the local people. Forests in this country for a long time have discriminated against the local people. The people in the wards and counties have largely not benefited from the exploitation of forests and its products like timber. There is no specific allocation set aside for the local benefit. The fees that accrue for harvesting have not been shared with the local communities. This Bill will ensure that the local communities share the benefits that accrue."

Senator Henry Ndiema
Contributing to debate on the motion of the Mediation Committee Report of the Natural Resources Bill during the Special Sitting held on **Wednesday, August 24, 2016.**



"The history of Africa and petroleum management is known. Examples are Nigeria, Angola and many other countries. It has actually been a curse. We very much anticipate that our mining of petroleum in Kenya will be a blessing. We can only achieve that by having good laws as has been done by the participants of this Mediation Committee."

Senator (Dr.) Wilfred Machage
Contributing to debate on the motion of the Mediation Committee Report of the Petroleum Bill during the Special Sitting held on **Wednesday, August 24, 2016.**



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