



# The SENATE

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

## Weekly

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## Treasury CS to form task force to establish actual County pension liabilities after House adopts report

**Probe by committee established there are discrepancies between the data provided on the outstanding pension debt by the county governments and the respective pension schemes which require further analysis and reconciliation**

The House has approved the report of a watchdog committee that recommended an inquiry into the withheld pension funds by the 47 county governments, estimated to stand at over Sh80 billion.

The adoption of the report on non-remittance of pensions deductions by county governments means that the Cabinet Secretary in charge of National Treasury has 30 days to set up a multi-agency taskforce to establish the actual pension liabilities owed to staff of the defunct local authorities and county governments.

The report by the County Investments and Special Funds Committee indicates that counties owe pensioners over Sh80 billion with accrued interest.

Cabinet Njuguna Ndung'u will have to gazette the taskforce so as to give it the legal backing and funding to undertake the inquiry.

In its inquiry, the committee, which is chaired by Senator Godfrey Osotsi, established that there are great discrepancies between the data provided on the outstanding pension debt by the county governments and the respective pension schemes, which are Local Authorities Provident Fund (LAPFUND) and County Pension Fund (CPF) which require further analysis and reconciliation.

Data collected by County Assets and Liabilities Committees indicate that County Governments inherited liabilities totalling Sh9.98 billion in relation to unremitted pension deductions from defunct Local Authorities as at March 2013. The figures are drawn from records of the 175 defunct Local authorities.

This included Sh5.08 billion owed to LAPTRUST, Sh108 billion owed to

NSSF and Sh3.81 billion owed to LAPFUND.

But lack of proper regulations and enforcement saw the figure shoot to Sh50 billion post-devolution.

Records at the National Treasury indicate that the current returns submitted by pension schemes responsible for overseeing retirements benefits for county governments employees have reported Sh81 billion in unremitted pension contributions.

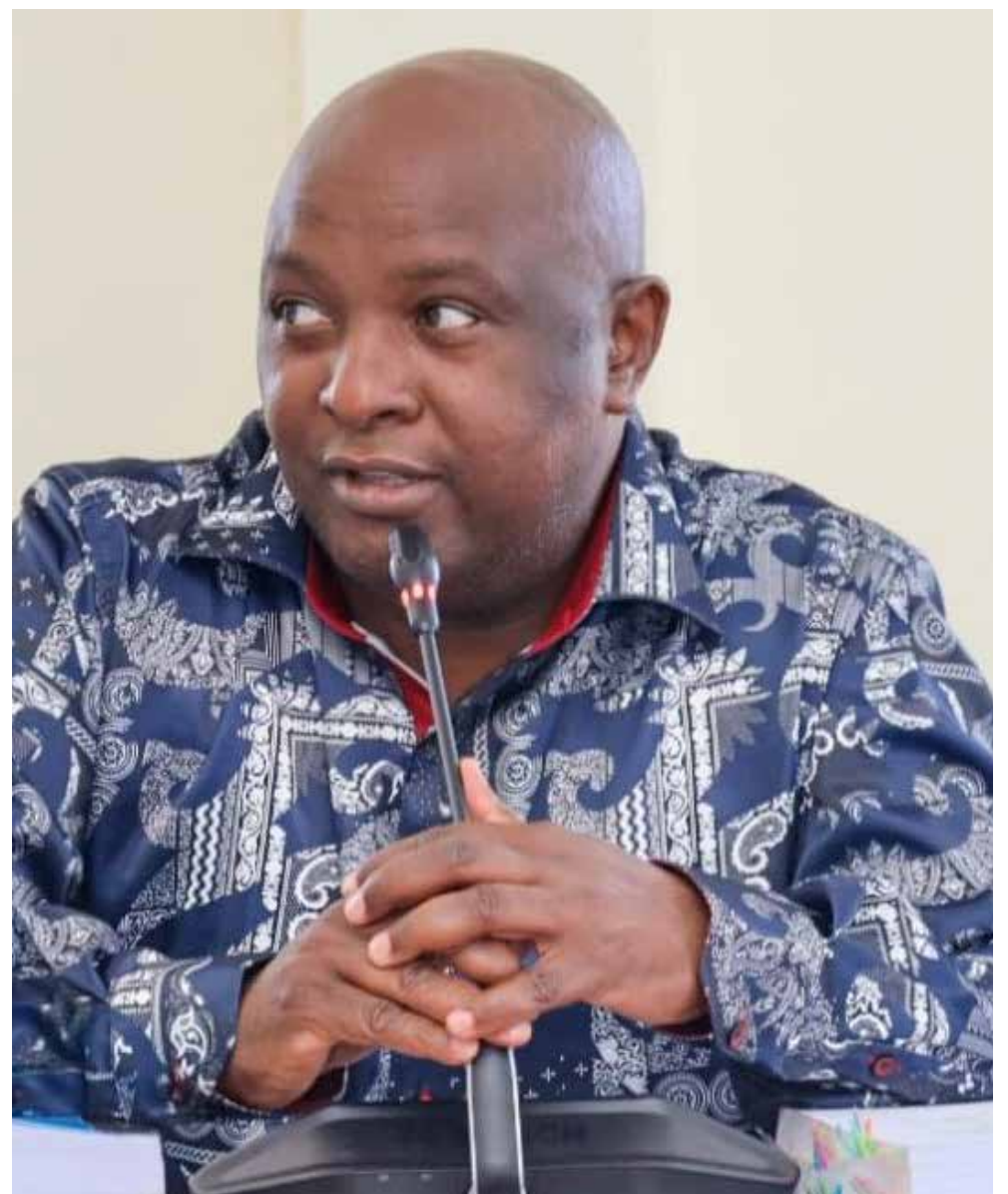
The Pension Schemes place the unremitted amount at over Sh80.1 billion while CoG stated the owed amount stands at Sh40.5 billion, plus the interest and penalties that have been charged on the principal amount owed.

The outstanding debts owed to LAPFUND is Sh57.5 billion out of which Sh6.9 billion was inherited from the defunct local authorities.

The outstanding debt owed to Local Authorities Pensions Trust (LAPTRUST) by the county governments stands at Sh33.5 billion, out of which Sh10.9 billion represents the debt owed pre-devolution, while Sh22.5 billion represented the debt owed post devolution.

In the case of the National Social Security Fund (NSSF), the debt inherited from the defunct local authorities totaled to Kshs1,873,078,769 while the debt owed by county governments totaled to Kshs2.7 billion. The Committee also noted that the debts owed by the defunct local authorities were not transferred effectively thus bringing challenges in their payments.

The pension schemes - LAPFUND, LAPTRUST and CPF - place the unremitted amount at Sh82.2 billion but governors insisted they have since paid Sh53.8 billion as at March 31, 2023.



Senator Osotsi

The Retirement Benefits Authority put the arrears at Sh82.2 billion.

The Sh82.2 billion includes Sh46.9 billion owed to LAPFUND, Sh30.4 billion owed to LAPTRUST and Sh4.9 billion owed to CPF while NSSF said it is owed Sh1.9 billion.

The task force shall comprise the

CS in charge of the National Treasury, the Attorney General and the Chief Executive Officers (CEOs) of CPF/LAPTRUST and LAPFUND.

Other members of the task force are the Controller of Budget, CEO of the NSSF, CEO Retirement Benefits Authority, CEO Intergovernmental Tech-



nical Committee, a representative of the County Assemblies, the chair of Council of Governors and the chair of County Executive Committee Members of Finance or their respective representatives.

The task force is mandated to establish the actual liabilities by reconciling and harmonising the amounts owed, including the principal amount owed, the accrued interest and accumulated penalties.

“In its reconciliation the task force shall ensure that the contribution rates,

chargeable interest levied and accumulated penalties on unremitted contribution is as per the law that establish each of the scheme,” reads the report in part.

Once established, the Task force will have 60 days to submit its report to the Senate.

Among other things, the task force is expected to develop appropriate formula and framework for payment of the pension liabilities that will enable settlement of the outstanding pension debt by the County Governments.

Other representatives are the Controller of Budget (CoB), National Social Security Fund (NSSF), Retirement Benefits Authority (RBA), County Assemblies Forum (CAF) and CoG.

When moving the report, senator Osotsi called for further analysis and reconciliation of the figures.

“County governments have a problem with remittance of pension deductions. The problem is two-fold; non-remittance by defunct local authorities and non-remittance by county governments,” said

Senator Osotsi, while moving the motion “This is why my committee decided to conduct an inquiry into this matter. CoG has failed to honour these liabilities on statutory obligations.”

As a result, he said, pensioners are languishing in poverty. “Some of them have passed on while others have been staging demonstrations at the LAP-FUND and County Pensions Fund offices,” he added.

## Uproar in House over three Cabinet Secretaries' no-show



Deputy Speaker Kathuri Murungi and Senators Eric Omogeni and Joyce Korir during the Liaison Committee meeting last week (left). Senator Enoch Wambua, Senator Boni Khalwale and Senator Danson Mungatana.

Senators have threatened to censure Cabinet Secretaries who refuse to honour invites to appear before the House to respond to concerns raised by members without reasonable cause.

The lawmakers warned the Cabinet Secretaries who fail to appear before the House are not only failing Parliament, but also in-subordinating the President.

In an emotional debate on Wednesday last week, Senators complained that Cabinet Secretaries get time to do everything else but appear in the House and advised them to stop ignoring Parliament and instead use the floor of the House to articulate government agenda.

“This House must be respected. If we continue allowing this kind of business or manners, then nobody will ever respect Parliament. Senators woke up very early in the morning to beat the traffic only to for the CSs not to appear,” Senator Kathuri Murungi, who is also the Deputy Speaker, said on the floor.

The anger of the House was pronounced after none of the three CSs who had been scheduled to appear before the House showed up.

The House had scheduled seven questions for response by three Cabinet Secretaries in the last week's Wednesday sitting.

The CSs were Kipchumba Murkomen (Roads and Transport), Dr Njuguna Ndungu, (National Treasury and Economic Planning) and Aisha Jumwa (Gender, Culture, Arts and Heritage).

CSs Murkomen and Ndungu wrote to the Speaker Amason Kingi indicating that they will not appear for purposes of

responding to the queries.

On the morning when CS Jumwa was scheduled to appear, she wrote to the Speaker indicating that due to a conflicting schedule, she will not appear for purposes of responding to the Question relating to her Ministry.

The Speaker told the House that reasons advanced by both CS Murkomen and Ndungu were found to be valid by the Senate Business Committee and re-scheduled the questions relating to Ministry of Roads and Transport and the Ministry of National Treasury and Economic Planning to a later date.

“We do not have a Cabinet Secretary this morning to respond to these Questions. Question Time naturally collapses and we shall move to transact other businesses as scheduled in the Order Paper,” said Speaker Kingi.

Standing Order No 51 (d) of the Senate House Rules gives the Senate the power to move a motion to censure a Cabinet Secretary where such a Cabinet Secretary fails, without reasonable cause, to appear and respond to Questions before the House.

Majority Whip Boni Khalwale singled out CS Jumwa saying that she is ripe for a Motion of censure because she has never appeared before the House.

“We have asked her to come and respond to matters of grave national importance. She is a let down to the structure of Government. She is failing the Executive,” said Senator Khalwale.

He added: “With due respect, without being seen to be using the name of the President, I put it to the President that

this is dereliction of duty. This Minister is not fit to hold public office.”

Deputy Minority Whip Enoch Wambua said the dignity of the Senate cannot be withheld if the House entertains a situation where CSs deliberately don't show up on the floor of the House.

“In other jurisdictions, the chair would stamp the authority of this House and demand that if there is a CS within the boundaries of this country, they must appear before this House in the next 30 minutes and that would happen,” Senator Wambua said.

The lawmakers said the non-appearance by the CSs was a calculated evasion meant to undermined the dignity of the House.

The House has just passed amendments to the Parliamentary Powers and Privileges Act and forwarded to the National Assembly for concurrence.

Among the amendments is to enhance penalties to individuals who refuse invitation to appear before parliament of its committees to Sh5 million from Sh500,000.

Senator Danson Mungatana said the removal from office of Cabinet Secretaries who defy invitations should only be taken after they had paid huge financial fines.

The lawmaker asked the Senate Business Committee to lead the way so that any individual who fails to appear before the House with a valid reason pays Sh1 million at the first instance.

The failure to appear before the House for the second time should attract a penalty of Sh5 million.

“Failure to appear for the third time should invoke Standing Order No 51 on censure,” said Senator Mungatana.

The Senators said the Bill should be enacted so that Cabinet Secretary should pay Sh20 million.

“Cabinet Secretaries who do not appear when required by this House, should be fined heavily,” said Senator Samson Cherarkey.

Speaker Kingi cautioned members against lamentations on the conduct of the CSs.

“Lamenting must stop. You have the sword. The sword is not with the Speaker,” Speaker Kingi said, adding that he had heard the compelling contributions from the floor as far as the failure of Cabinet Secretaries to attend Senate Sessions for purposes of responding to questions.

Speaker told the Senators the compelling contributions on the floor would have been relevant if they were made within the context of a Motion of censure.

“In the absence of a Motion of censure, what Senators are doing is merely lamenting. We cannot be reduced to a House of lamentations. This is not the first time Senators are lamenting and this may not be the last Senators will lament. You need to stop lamenting and take it to the next level.

“You have the sword under Standing Order No.51(d) and you can elect to continue lamenting or draw the sword and strike. It is upon you.”



## Speaker Kingi's one on one with legendary Leonard Mambo Mbotela



Speaker Kingi in discussion with veteran broadcaster Leonard Mambo Mbotela. Others in the picture are Senators Hamida Kibwana and Tabitha Mutinda. Mr Mbotela was accompanied by his son, Jimmy.



Speaker Kingi with Leonard Mambo Mbotela and his son, Jimmy.

Speaker Amason Kingi last Thursday hosted radio icon Leonard Mambo Mbotela in his office during which he hailed the legendary broadcaster for his excellent service to the nation.

The two reflected on Mr Mbotela's life and how he rose to the pinnacle of his career through hard work, becoming a household name in the country and beyond.

The Speaker bought 10 copies of Mr Mbotela biography titled: "Jee Huu Ni

Uungwana: A Memoir".

The book gives insights into Mr Mbotela's life, mostly his career with the national broadcaster Voice of Kenya, later renamed Kenya Broadcasting Corporation (KBC).

The title: "Jee Huu Ni Ungwana", is picked from the broadcaster's flagship radio show that went with the same catchy phrase.

It takes readers through the broadcaster's eventful life and career and which made him a source of inspiration

to many, especially among the upcoming broadcasters.

The Speaker described Mr Mbotela as an icon and one who many Kenyans desire to meet and interact with face-to-face.

"It is a great privilege meeting you. I pray that God continues to grant you good health and strength so that you continue to mentor many of our youth," said the Speaker said.

Mr Mbotela lauded Speaker Kingi for his leadership of the Senate, saying

it has seen the House serve Kenyans effectively.

"I was elated when you were elected the Speaker of the Senate. I am happy for you not just because we both hail from the Coast region but because of the great work you have continued to do as Speaker of the Senate," said Mr Mbotela.

Present were Senator Tabitha Mutinda and Senator Hamida Kibwana, who also bought Mr Mbotela's book

## Speaker Kingi leads other Speakers in receiving President Ruto at the Senate



President Ruto with EALA Members after he inaugurated the third sitting of the 2nd session of Regional Assembly.

Speaker Amason Kingi led his National Assembly and EALA counterparts Moses Wetang'ula, and Joseph Ntakirutimana in receiving President William Ruto to Parliament when the head of State visited to preside over the official opening of the Regional Assembly's plenary sittings in Nairobi.

The address was held in the Senate Chamber with Speaker Ntakirutimana presiding over the session. Speakers Kingi and Wetangula did not attend the address but accompanied the President before and after the plenary session.

The rotational plenary sittings of EALA underline the oneness of the East African states and serve to enhance the Assembly's visibility, presence and influence in the region.

With nine elected leaders and eight ex-officio Members, who represent Kenya at EALA, the Assembly's presence in Nairobi, was viewed not only a homecoming for the Kenyan representatives but also a clear pointer to the high stakes Kenya has in EALA, as the region's apex legislative body.

President Ruto hailed the parliaments in the region and EALA for playing a leading role in championing regional integration. He challenged them to join the EAC Heads of State Summit in charting a course for the region as this was the only way to propel East Africa to greater heights of prosperity and development for the benefit of its over 300 million citizens.



## Maseneta wakemea uvamizi dhidi ya waandishi wa habari

Maseneta wamekemea vikali kitendo cha kuvamiwa kwa waandishi wa habari waliokuwa wakiangazia maandamano yaliyoandaliwa na walimu wa shule za chekechea katika Kaunti ya Bomet.

Wakichangia kwenye ombi la kauli iliyowasilishwa na Seneta Wakili Sigei, Maseneta walikitaja kitendo hicho kuwa ujangili dhidi ya waandishi wa habari wanaofanya kazi kufungamana na katiba ya Kenya wakitaka hatua kali zichukuliwe dhidi ya waliohusika kwenye uvamizi huo.

Wakiongozwa na Kiongozi wa wengi Aaron Cheruiyot, Maseneta walikilaani vikali kitendo hicho wakiusifu mchango mkubwa unaotekelezwa na waandishi wa habari kufanikisha utendazi muafaka nchini Kenya.

“Inanisikitisha sana kwamba waandishi wa habari wanaohudumu kwenye makao makuu ya Kaunti mbali mbali kote nchini Kenya wanalazimika kuishi kwenye mazingira magumu, kwamba endapo hawaufuati wimbo wa Gavana au serikali ya Kaunti husika, wanatishwa, kuvamiwa na kulengwa. Katika muda wa miaka michache iliyopita nimeona waandishi wa habari wakivamiwa katika zaidi ya Kaunti kumi,” alisema Seneta Cheruiyot.

“Si tu Kaunti ya Bomet, unapofuatilia habari za mashinani kwa umakini, utabaini kuwa kumekuwa na visa vingi vya uvamizi dhidi ya waandishi wa habari kwa sababu ya kuangazia taarifa inayohusu serikali fulani ya Kaunti, hivyo si suala ambalo tunafaa kulichukulia vivi hivi tu,” aliongeza.

Seneta huyo alikariri kuwa Magavana wote wanaowatuma wahuni kuwa-



Kiongozi wa Walio Wengi Aaron Cheruiyot.

vamia waandishi wa habari waliodinda kufuata amri zao ni lazima wakabiliwe vikali hatua hizo zikijumuisha kutajwa wazi.

Naibu Spika Kathuri Murungi aliunga mkono matamshi ya Seneta Cheruiyot akifichua kwamba inasikitisha kuwa waandishi wa habari wanakumbwa na hali ngumu huku Magavana wakiwatisha na kuwadhulumu wanapowajibika.

“Nakumbuka kisa cha mwaka jana ambapo mmoja wa waandishi wa habari katika Kaunti ya Meru alivamiwa na kupigwa kwenye mkutano uliohudhuriwa na Gavana na kuanzia wakati huo waandishi wa habari hawapati taarifa muhimu kutoka kwa maafisa wa Kaunti kutokana na hofu iliopo,” alifichua Seneta Kathuri.

Akichangia kwenye mjadala huo, Kiranja wa upande wa wengi Boni Khalwale alisikitikia hali ngumu ambayo waandishi wa habari wanahudumu kwayo akiwakashifu Magavana kwa kutumia nguvu na pesa kuwazuia waandishi wa habari kufanya kazi yao.

“Kamati ya Fedha and Bajeti ilian-



Seneta Wakili Hillary Sigei.

daa mkutano nje ya majengo ya Bunge kufichua matumizi mabaya ya afisi na kutumiwa vibaya kwa pesa za umma kunakofanywa na serikali ya Kaunti ya Kakamega, Kamati ilikuwa kule kwa muda wa siku mbili na hata baadhi ya vikao vilikuwa vinafuatiliwa moja kwa moja ila cha kushangaza ni kuwa hamna taarifa yoyote ilitangazwa kwa sababu Gavana aliwatisha waandishi wa habari kutumia vurugu na kuwapa wengine pesa,” alifafanua Seneta Khalwale.

Alitoa wito kwa waandishi wa habari haswa Baraza la Wahariri kusaidia katika kudumisha maadili kwenye taaluma ya uanahabari kwa kuweka mazingira na mwelekeo muafaka wa kuhudumu kwa wanahabari wote wakiwemo wanaohudumu jijini Nairobi na wa mashinani.

Kwa upande wake Kiongozi wa wachache Seneta Stewart Madzayo alikishitumu kitendo hicho akilihimiza Baraza la Vyombo vya Habari kusimama kidete kupigania haki za waandishi wa habari.

“Uandishi wa habari ni kitu muhimu sana katika taifa lolote la kidemokrasia. Kama ilivyoandikwa katika Taarifa hili,

ni jambo la kusikitisha kwamba polisi au watu waliotumwa walichukua sheria mikononi mwao na kuwapiga, kuwaumiza vibaya, kuwafurusha na kuharibu vifaa vilivyokuwa vinatumiwa kuchukua habari. Ni jambo la kusikitisha kwamba watu waliokwenda kuangalia kitu gani kilichokuwa kimetokea walitumiwa mjangili,” alikariri Seneta Madzayo.

Seneta Sigei aliyewasilisha ombi la kauli aliitaka Kamati ya Haki na Sheria kutoa taarifa kuhusu uvamizi huo dhidi ya waandishi wa habari kwenye Kaunti ya Bomet ikieleza hatua za uchunguzi ambazo zimechukuliwa kufikia sasa.

Kamati hiyo anayoingoa Seneta yuyo huyo itahitajika kubaini endapo kuna afisa yeyote wa Kaunti au mshirika wa Kaunti anayedaiwa kuhusika kwenye uvamizi huo wa Februari 20, 2024 ametiwa nguvuni na iwapo hamna ilieleze Bunge kwa nini mshukiwa hajatiwa mbaroni.

Vile vile Kamati hiyo inapaswa kukariri mikakati iliyowekwa na maafisa wa usalama katika Kaunti ya Bomet kuhakikisha tukio kama hilo halishuhudiwi tena.

Kadhalika Seneta Sigei anaitaka Kamati hiyo kuwasilisha ripoti kijumla ya utathmini wa hatua ambazo Baraza la Vyombo vya Habari nchini Kenya limechukua katika kulinda na kukuza uhuru wa vyombo vya habari hususan waandishi wa habari walioshambuliwa kwenye Kaunti ya Bomet wakitekeleza wajibu wao kinyume na Kifungu cha 34 cha Katiba ya Kenya na sehemu ya 6 ibara ya 1 (a) na (c) ya Sheria ya Baraza la Vyombo vya Habari ya mwaka 2013.

## Seneta wa Meru Kathuri Murungi ataka ripoti kuhusu usalama mpakani Meru na Isiolo

Seneta Kathuri Murungi ameitaka Kamati ya Usalama wa Taifa, Ulinzi na Mashauri ya Kigeni kutathmini na kutoa ripoti kuhusu uvamizi wa kimabavu unaofanywa kwenye mpaka wa Kaunti ya Meru na Isiolo.

Akiwasilisha ombi la Kauli, Seneta huyo aliitaka Kamati ya Usalama wa Taifa kufafanua udhaifu wa usalama, mianya na ukosefu wa usalama mpakani Meru na Isiolo katika Kaunti ya Meru hususan kwenye maeneo bunge ya Tigania Mashariki, Tigania Magharibi, Igembe Kaskazini na Igembe ya Kati ambayo kulingana naye imechangia katika kuzuka upya kwa uvamizi ambao umesababisha vifo vya zaidi ya watu hamsini, kutoweka kwa mifugo elfu sita, uharibifu wa mali na kuvurugwa kwa shughuli za kawaida miongoni mwa wananchi wanaoishi katika sehemu husika.

Anaitaka Kamati hiyo inayoongozwa



Naibu wa Spika Kathuri Murungi na Naibu wa Spika wa bunge la India Narhari Zirwali.

na Seneta William Cheptumo kuonesha mikakati ambayo imewekwa na serikali kuhakikisha familia ambazo zimewapoteza wapendwa wao, mifugo na mali zinafidwa kikamilifu ikionesha muda maalum uliowekwa kuwapa fidia hiyo.

Vile vile Kiongozi huyo anaitaka Kamati hiyo kukariri mikakati ambayo serikali inatekeleza kwa sasa kuhakikisha kuna usalama, amani imerejeshwa na kudumishwa kwenye sehemu zilizo-



Seneta David Wakoli.

athirika kando na kubaini mipango endeleu ya muda mrefu inayowekwa na serikali kuukomesha uvamizi wa kimabavu kwenye sehemu hizo ikizingatiwa kuwa maafisa wa usalama waliotumwa kuwafurusha wavamizi wameshindwa kufanya hivyo wala kuzuia uvamizi.

Kwingineko Seneta Wafula Wakoli amewasilisha ombi la Kauli kutoka kwenye Kamati ya Biashara, Viwanda na Utalii kuhusiana na kuporomoka kwa

kiwanda cha pamba cha Malakisi katika eneo Bunge la Sirisia, Kaunti ya Bungoma.

Seneta Wakoli kwenye ombi lake ameitaka Kamati hiyo kufafanua sababu zilizosababisha kuporomoka kwa kiwanda cha pamba cha Malakisi katika Kaunti ya Bungoma ikifafanua mikakati yoyote inayotekelezwa na serikali kufufua kiwanda hicho kando na kubaini iwapo kuna mgao wowote kwenye bajeti ya mwaka wa kifedha wa sasa kufanikisha ufufuzi huo.

Kadhalika Seneta anaitaka Kamati hiyo inayoongozwa na Seneta Seki Lenku ole Kanar kuweka wazi mikakati mingine inayotekelezwa na serikali kuvifufua na kuvidumisha viwanda vya pamba nchini Kenya hususan kwenye Kaunti za Bungoma, Busia na Kisumu ambako sekta ya pamba imekumbwa na changamoto tele.



# Kilifi leaders say no to Nuclear Power Plant



Minority Leader Stewart Madzayo.



Senator Okiya Omtatah..

Leader of Minority Stewart Madzayo says the people of Kilifi will not allow the setting up of a nuclear power plant in the county without their involvement and full disclosure of the processes in establishing the plant.

The Senator said residents of Kilifi are not prepared to handle catastrophes arising from the plant.

“We should protect the people of Kilifi and grant them the right for good health. You can imagine what will happen if the plant blows up. We are not ready for nuclear plant in Kilifi,” he said

Senator Madzayo made the comments during the public hearing on the petition by residents opposed to the setting up the plant in the county.

Kenya plans to construct its first nuclear power plant in 2027 as the government seeks to diversify its energy generation.

The government has advanced plans to float international tenders for the construction of the plant in either Kilifi or Kwale counties with a capacity of 1,000 Megawatts (MW) at an estimated cost of Sh500 million.

Senator Mungatana, who is a member of the committee on Energy, said they had made a decision as a committee to listen to nuclear power plant stakeholders.

He explained that Kenya must balance between safety, public interest and investment in counties adding that Sh500 is bot small money

Senator Okiya Omtatah, who presented the petition in the House on behalf of the petitioners, said article 10 of the

Constitution states that the National Values and Principles of Governance bind all state organs, state officers, public officers and all persons whenever any of them.

“The Kilifi residents are saying the nuclear power plant project should not be rushed. We don’t want to destroy the environment that we have to get something that we don’t have. Who benefits from this massive project and who is affected with the same,” said Senator Omtatah.

The senator said the country has not exhausted the geothermal resources which is cleaner green energy.

“Why are we exploring the nuclear plant when other countries like Germany are shutting down their nuclear power plants in phases?”

# Justice Committee wants NGEAC to explain violations of women rights

The Committee on Justice, Legal Affairs, and Human Rights has challenged the National Gender and Equality Commission (NGEC) to explain the measures it has taken to deal with violations of rights of women since its inception.

The Committee also wants the Commission to provide details of its efforts to bring perpetrators of such violations to account.

During the meeting between the two sides, the Committee, which is chaired by Senator Wakili Hillary Sigei, questioned NGEC commissioners over their mandate in response to a statement sought by Senator Hamida Kibwana.

Senator Kibwana has raised concerns about gender-based violence in the Kenyan political arena.

The Committee demanded the Commissioners explain the actions the Commission has put in place to encourage and support women to come forward and report incidences of emotional torment, threats and harassment.

Senator Kibwana cited the impeachment of Governor Kawira Mwangaza as an example of the problem, highlighting sexually threatening statements that cir-

culated during the proceedings.

The Senator is seeking recommendations for legislative interventions to strengthen the protection of women against gender-based violence and questioned strategies used by the NGEC in executing its mandate.

NGEC Chairperson Joyce Mutinda acknowledged the severity of the issue and condemned insults directed at Governor Mwangaza.

NGEC’s response to the attacks included direct outreach to the Governor and public statements criticising the offensive remarks. Dr. Mutinda emphasized that the commission protects the rights of both men and women.

Explaining NGEC’s work in combating gender-based violence in Kenya, Dr Mutinda expressed concern on the rise of femicide cases and those of missing children, emphasising the need for swift investigation and follow-through.

Senator Sigei echoed the concerns, adding that men are also victims of violence but choose to suffer silently.

The Senator said it is important to include men in the broader conversation and efforts to address gender-based violence.



Senator Sigei.



## Committee wants stakeholders to protect devolution



Devolution Committee Chair Mohamed Abbas with PS Teresia Malokwe at the sidelines of the retreat in Naivasha.



Members of the Committee pose for a picture with Devolution stakeholders in Naivasha.



Senator Catherine Mumma consults PS Malokwe (seated).

The Committee on Devolution and Intergovernmental Relations has admitted that devolution is facing challenges that call for stakeholders to work together and seal the gaps that have undermined progress.

The chair of the committee, Senator Mohamed Abbas, said the roles of the institutions in devolution space is interconnected and challenged the actors to seal all loopholes in existing legislation in order to protect Devolution.

Senator Abbas made the comments when the committee hosted the Ministry of Devolution and the Intergovernmental Relations (IGRTC) for a consultative meeting in Naivasha.

The Ministry was represented at the meeting by Ms Teresia Malokwe, the Principal Secretary, while the IGRTC was represented by the chairperson, CPA Kithinji Kiragu, and CEO Mr Kipkirui Chepkwony.

“The three of us must engage as stakeholders and seal the loopholes in the law so that we can protect devolution. The role of the three institutions is interconnected,” said Senator Abbas.

Senator Catherine Mumma, the vice chair, said the mandate of the Committee is to ensure the Senate delivers on its constitutional mandates of oversight, representation and legislation.

The retreat was aimed at identifying

emerging challenges and to define a road map that will ensure devolution is successful as envisioned in the constitution.

PS Malokwe promised to work closely with the Committee to cure the existing legislative gaps that have hindered service delivery in counties.

She appraised Senators on the functions of the department and the policy direction, the legislative gaps and opportunities for collaboration and cooperation with the Committee.

The IGRTC took members through the institutional framework governing Intergovernmental Relations in Kenya pointing out the weaknesses and challenges facing the intergovernmental

structure.

Mr Kamotho Waiganjo, a consultant at State Department of Devolution made a presentation on the National policy on devolved government.

Senators were also taken through linkages between the State Department for Devolution and County Governments, the status of unbundling functions and the valuation and transfer of assets to counties by IGRTC.

Members of the committee present were, Senators Mohamed Chute, George Mbugua, Peris Tobiko and Wafula Wakoli.

## It's sore thumb, Petioners tell committee on Security on banditry in Samburu County



Members of the Security Committee, led by chairman William Cheptumo, with the petitioners from Samburu County.



A section of Samburu residents submit their memorandum after they made their submission to the Committee on the banditry in Samburu.

Over 60 people have been killed and thousands others displaced in Samburu County due to banditry attacks, a House Committee has been told.

A section of residents of Samburu laid bare the sorry state of insecurity being experienced in the county when they appeared before the Committee on National Security, Defence and Foreign Relations on Thursday.

The residents appealed to the Committee, which is chaired by Senator William Cheptumo, to intervene and ensure security is restored in the affected areas.

“Despite the constitutional protection of the rights of all Kenyans, including the right to life, right to property and se-

curity of person, residents of Lorroki and Malaso Divisions have been enduring a sustained security crisis for approximately two years now,” they told the Committee.

Worst hit areas are Amaya, Nasur, Loibor Ngare Camp, Lolkulono Camp, Loosuk, Lolmolok Lororos.

Between 3,000 to 4,000 cattle and goats, respectively, have been stolen as a result of the attacks, they told the committee.

In Loibor Ngare Camp for instance, an estimated 3,000 people have been displaced due to the attacks, in Lolkulono Camp (2100 ), Loosuk(2350) while in Lolmolok Lororos 2200 have been displaced.

The feud between the Baringo East and Samburu Central dates back to April 2006. The situation was however contained 5 years later following several meetings but reemerged in 2021 after a police constable and OCS were killed in attacks.

The petitioners argue that despite the Ministry of Interior's efforts to contain the situation, insecurity has remained a great challenge.

“Despite presence of multi-agency security forces deployed in these divisions, their efforts to contain the security situation have yielded little to no success. The current security measures have proven insufficient in providing adequate protection for the residents and

their property,” Petitioners argued.

They revealed that efforts by the residents to have the matter addressed by relevant authorities are yet to yield fruits.

They now want the Senate to push the government to kick out the bandits from the affected areas and support the residents to move back to their homes with assured safety and security.

The petitioners are calling for the creation of Samburu West Sub County with headquarters at Loosuk Centre. The sub county should cover Poro Ward, Loosuk Ward, Logorate lengewan, Lolmolok, they said.

They also want a police station set up at Loosuk as it was gazetted in 2022 with more police officers being deployed.



# CPAC describes Isiolo County as a crime scene, calls for probe on funds usage by officials

The County Public Accounts Committee (CPAC) has described Isiolo County Government as a crime scene and directed investigative agencies to move and establish how the billions of shillings allocated to the county have been expended since the advent of devolution 10 years ago.

The Committee, which is chaired by Senator Moses Kajwang, issued the directive on Friday after an extensive tour of Isiolo town where members of the committee inspected developments projects, an event that was snubbed by the entire County leadership led by Governor Ali Guyo.

“From what we have seen from our inspection, we can state without fear that Isiolo is a crime scene,” declared Senator Kajwang at the end of the inspection.

“Nothing seems to be working in Isiolo County despite the billions of shillings the county has received in equitable shareable revenue for the last 10 years,” he added.

The Committee was in the County to meet with Governor Guyo who had been invited to respond to audit queries raised by the Auditor General in the County’s revenue and expenditure accounts for the 2019/20 financial year.

The Governor skipped the meeting held at the Isiolo County Assembly premises. The Speaker, the Clerk and MCAs also snubbed the event which was meant to ensure transparency and accountability for leaders charged with the responsibility of ensuring prudent use of funds.

The Governor has been first invited to appear before the committee in April 2023 but for first times ever since, he has always



CPAC Chair Moses Kajwang leads members of the Committee to inspect construction works at Isiolo Stadium on Friday.



Part of Isiolo Stadium whose construction works have stalled since 2021.



Senator Kajwang addresses the media at Mwangaza Dispensary in Isiolo town accompanied by Senators Omtatah (left) Mariam Omar, Fatuma Dullo, Samson Cherarkey and Richard Onyonka.

advanced one reason or the other, on why he was not ready to appear.

That is why the Committee decided to visit Isiolo to meet and inspect the projects funded by the county government.

To show its displeasure, the Committee fined the Governor Sh500,000 as provided for in the Parliamentary Powers and Privileges Act and directed the Inspector Gener-

al to arrest and deliver the Governor to the committee on the date to be communicated.

Members of the Committee inspected construction works at the proposed County Assembly premises, the proposed County Headquarters, the Isiolo Level 4 Hospital Mortuary, the Isiolo Market, the Isiolo Stadium and the Mwangaza Dispensary.

However, the Committee could not ac-

cess the County Headquarters because the contractor had been instructed by the Governor to lock the entrance not to allow the committee inside.

At the mortuary, the cooler had malfunctioned causing health risks to residents and the Committee directed the local Public Health officers to close down the facility until the problem was fixed.

## This Week in History



“While the sugar company is closed down as a health hazard, the other side of the coin indicates that there will be grievous suffering by the employees of the company, the sugarcane farmers and the community as a whole. Huge losses will be experienced since the harvested sugarcane and the one due for harvesting will rot as it will have no market.”

Senator Beatrice Kwamboka contributing to a debate on the Statement on the closure of Kibos Sugar Company by Nema on March 11, 2020.



“In my view, there is the fact that someone is refusing to submit deductions and the fact that when people make remedial measures to stop the SACCO from being liquidated, yet someone else does not want to renew their license. Who is this person who is interested in the SACCO and has high linkages that nobody can touch? Whatever that is going on is illegal.”

Senator Farhiya Ali contributing to the debate on the Petition calling for the liquidation of Moi University Savings and Credit Society (Musco) on March 11, 2020



“In courts of law, there are some matters that are handled with a certificate of urgency. Though we do not have such a term in our Standing Orders, I think this is a matter that should be disposed of with some urgency so that the people who have brought this Petition to this House can have some hope in it.”

Senator Eric Omogeni contributing to the debate on the Petition calling for the liquidation of Moi University Savings and Credit Society (Musco) on March 11, 2020.



“This is an indication that the levels of unemployment will go up. I request the Committee to look at how we will strengthen the mandate of NEMA and what they should be doing. Right now, there is pollution everywhere yet they are running to close down these big institutions. This is just a way of earning money for themselves.”

Senator Mary Seneta contributing to a debate on the Statement on the closure of Kibos Sugar Company by Nema on March 11, 2020.



# House to conduct trial on removal from office of Kisii Deputy Governor

The Senate will this week consider the trial for removal from office of Kisii Deputy Governor Robert Monda after an attempt to establish an 11-member Special Committee collapsed, paving the way for the matter to be heard in plenary.

Dr Monda was impeached by MCAs who accuse him of gross misconduct, violation of the constitution, and abuse of office.

The particulars of the impeachment allege that the deputy Governor leveraged his position for personal financial gain and attempted to influence the decision on recruitment of staff at the Gusii Water and Sanitation Company (GWASCO).

Charges tabled at the Senate, indicate that Dr Monda allegedly contravened Article 75 of the Constitution by offering a bribe to GWASCO Managing Director Lucy Wahito

Wachira in an attempt to sway the appointment process for the position of Commercial Manager.

In seeking to have Dr Monda removed from office, the County Assembly's case will rely on three witnesses and affidavits.

Efforts to establish a Special Committee to investigate the allegations against the deputy governor collapsed on Thursday when a motion to that effect by the Majority Leader Aaron Cheruiyot failed to get a seconder.

Senator Edwin Sifuna declined to second the motion, forcing the matter to be taken to the plenary.

"Clearly, Majority Leader does not have a seconder for this motion and with the setback the matter shall be heard in plenary. I will be giving further directions in due course," ruled Speaker Kingi.

The Senate Business Committee



Senator Sifuna, who refused to second the motion establishing the Special Committee, and Senator Kajwang in a past event.

(SBC) had listed eleven members to form part of the Special Committee.

Dr Monda's trial marks the fourth impeachment hearing in the 13th Parliament and the second involving a deputy governor, after that of

Governor Kawira Mwangaza (twice) and Siaya Deputy Governor William Oduol.

Both survived attempts to remove them from office.

## OVERSIGHT

# CPISFC meets Kericho and Turkana Governors over special funds

The Committee on County Public Investments and Special Funds last week scrutinised Auditor General's reports on how Kericho and Turkana counties utilised funds they received in the 2020/21 financial years.

The first entity to appear before Committee was Kericho County on Tuesday, March 5 when Governor Erick Mutai faced the committee to explain the status of the Kericho County Bursary Fund, the Kericho County Alcoholic Drinks Control Fund, and the Kericho County Emergency Fund.

The Auditor General has flagged out inaccuracies in the county's financial statements prompting the Committee to direct the County to resubmit the records of the Bursary fund for consideration.

The Committee directed the Office of the Auditor-General to undertake a forensic audit on the Bursary fund and submit a report with the Committee within 60 days.

This is after the Committee directed the Governor to ensure proper accounting standards are followed and county staff receive adequate finance training.



Turkana Governor Jeremiah Lomorukai.

Failure to comply with the directives could lead to investigations and prosecutions, the committee ruled.

Turkana Governor Jeremiah Lomorukai, who appeared before the Committee on Wednesday, March 6, the committee

was particularly concerned with inconsistencies between county legislation governing these funds and national laws.

Senator Osotsi, who chairs the committee, ordered the Governor to ensure alignment of the laws.

"Ensure that all pieces of county legislation do not offend existing national legislations and where there are inconsistencies, national legislation should take precedence," Senator Osotsi told the Governor.

The committee interrogated audit irregularities in the Turkana County Education and Skills Development Fund, the Turkana County Executive State and Public Officers Car Loan and Mortgage Scheme Fund, and the Turkana County Emergency Fund.

The committee demanded the County must establish internal control systems, including an Internal Audit Committee and a Risk Management Policy, failure to comply with improved borrowing practices and timely document submission for audits could also lead to formal investigations and potential legal action.

Both Governors have 60 days to implement the Committee's recommendations and demonstrate compliance to the Office of the Auditor-General.



# Senators seek answers for matters concerning their constituents



Senators Mohamed Chute and Mwenda Gataya Mofire, Betty Montet, George Mbugua and Tom Ojienda

**Senator Mohamed Chute** wants the House furnished with the total amount of funds allocated to Marsabit County Government for 2021/22, 2022/23 and 2023/24 financial years.

In the request for a statement delivered in the House, the legislator says the information should contain a breakdown of development and recurrent expenditure, detailing the various expenditure categories like salaries and wages, infrastructure projects, social services and administrative expenses.

The Senator wants the Committee on Finance and Budget to provide details of any other significant expenditures for both the Executive and the County Assembly.

“The Committee should provide details of any budget alterations, including over-expenditure or under-expenditure compared to the budget allocation during the said financial years,” he says in his request.

The lawmaker wants the committee to outline any supplementary budgets enacted by the County Government since 2021 and explain the reason for their implementation.

The Committee should also table a comprehensive status report of all projects initiated by the County Government of Marsabit from the 2021/22 financial year.

**Senator David Wakoli** wants information on the reservation of procurement opportunities for the youth, women and Persons with Disabilities (PWDs) in Bungoma County presented to the House.

He wants the Committee on Finance and Budget to provide a list of all tenders awarded by the county government to the youth, women and PWDs in between 2022/23 and 2023/24 financial years stating their respective areas of speciality and address.

He also wants a breakdown of the total procurement expenditure at the county government for 2017/18 financial year indicating the proportion paid to the youth, women and PwDs.

He wants a clarification on whether the county government has met the 30 per cent threshold for the award of procurement tenders to the youth, women and PwDs as mandated by the law and an explanation on the measures put in place by the national and county governments to ensure compliance with the provisions of the Act.

In another request, the Senator wants the Committee on Trade, Industrialisation and Tourism to explain the collapse of Malakisi Cotton Ginnery in Sirisia Constituency.

The legislator wants the House provided with an explanation on the circumstances that led to the collapse and the steps being taken by the Government to revive the ginnery and clarify whether a budgetary allocation has been made in the current financial year.

He wants the committee to state initiatives implemented by the Government to revitalise and sustain the cotton industry in Kenya, particularly in Bungoma, Busia and Kisumu counties where the industry has faced significant challenges.

**Senator Munyi Mundigi** is concerned about the policy of the Ministry of Education that provides that minimum qualification for teachers in Primary and Early Childhood Education should be a Diploma.

The Senator wants the Committee on Education to explain the fate of teachers possessing a Primary Teachers Education Certificate (P1) and Early Childhood Development Education (ECDE) Certificate for both ECDE and primary education teachers.

The Senator wants the Committee to state the number of teachers holding P1 and ECDE certificates currently in service and employed by the Teachers Service Commission (TSC) and county governments.

He also wants the timelines provided for the proposed programme upgrade for the underqualified teachers to attain the required diploma qualifications in alignment with the Ministry of Education’s guidelines.

He also wants the Government to shed light on the fate of the Blended Upgrading Programme as initially outlined by the Ministry, which was to resume post-normalisation of the school calendar following disruptions caused by the Covid-19 Pandemic.

“The Ministry should state interventions to address the situation of teachers within the TSC who have not had the opportunity to upgrade their qualifications to a diploma level in light of the failure to resume the Blended Upgrading Programme,” he says, adding that the Committee should explain how this aligns with the policy requiring all primary school teachers to possess a diploma in primary teacher education.”

**Senator Beatrice Montet** wants the Committee on Labour and Social Welfare to provide a list of all Collective Management Organisations (CMOs) currently licensed and operating in the country.

Besides specifying their physical ad-

resses, the Senator also wants the Committee explain why the Kenya Copyright Board continues to issue licenses to CMOs despite artists raising complaints about the performance of the CMOs and non-remittance of their dues.

She says the CMOs have continued to distribute minimal amounts as royalties despite enhanced collections.

She therefore wants the Committee to provide a breakdown of all monies collected and distributed by the CMOs in the last one year stating whether the distribution adheres to the guidelines that stipulate that a minimum of 70 per cent of the collections be distributed as royalties to artists.

She wants the committee to furnish the Senate with the register of artists currently used in the distribution of royalties indicating whether there are plans to update the register to weed out ghost artists.

**Senator Mariam Omar** wants the Committee on National Security, Defence and Foreign Relations to give the data on the number of passports application pending at Directorate of Immigration and an explanation on steps being taken by the Ministry of Interior and National Administration to clear the backlog.

She says the delay in processing the passports has hindered youths from pursuing employment opportunities abroad.

She thus wants a clarification on whether Muslims intending to perform Hajj pilgrimage in Mecca in three months’ time can be assured of prompt and timely issuance of passports.

**Senator George Mbugua** had similar request to the Committee on National Security, Defence and Foreign Relations.

The Senator wants the Committee to report on the efficiency of processing of passport applications by the Directorate of Immigration Services. He wants the committee to explain measures put in place by the Ministry of Interior and National Administration to expedite the renewal and issuance of passports, particularly for Kenyans living in the diaspora.

The lawmaker wants to know whether the Government is planning to review and streamline passport processing procedures for newborns in the diaspora who are yet to be issued with birth certificates in light of the challenges currently faced in this regard.

He wants the Government to step up pro-

cessing of passport applications to match the growing demand resulting from increased labour migrations.

“The Committee should outline actions taken by the Government to root out systematic corruption at the Directorate of Immigration Services which has continually undermined fair and efficient processing of passport applications for every Kenyan,” says the Senator in his request.

**Senator Tom Ojienda** wants a statement from the Committee on Education regarding the payment of hardship allowance to teachers in the flood prone Nyando Sub-County, Kisumu County.

He wants details of the budgetary allocation for hardship allowances for teachers serving in flood-prone areas in the 2020/21 to 2022/23 financial years and an explanation on why the Ministry of Education is yet to categorise Nyando Sub County, which is flood-prone, as a hardship area for teachers in the area to benefit from hardship allowances.

In the request submitted to the House by Senator Lematian, the Senator wants the committee to explore the immediate and long-term measures put in place by the Government to ease working conditions for teachers in the flood-prone areas of Kisumu County.

**Senator Ledama ole Kina** wants the committee on Trade, Industrialisation and Tourism to report on the operations of the Ewaso Ngiro Tannery and Leather Factory, its annual budget, yearly production capacity and volume, as well as the market demand for its products.

He wants the committee to explain how the tannery involves the local communities in its operations, providing details of the recruitment process and the percentage of the workforce drawn from the Maasai Community.

He also wants details of the availability and origin of the equipment and raw materials utilised in the tannery, the proportion that is sourced from the locality.

The committee should inform the Senate of the environmental implications of the tanning and waste disposal process and outline measures put in place to mitigate any environmental risks and hazards





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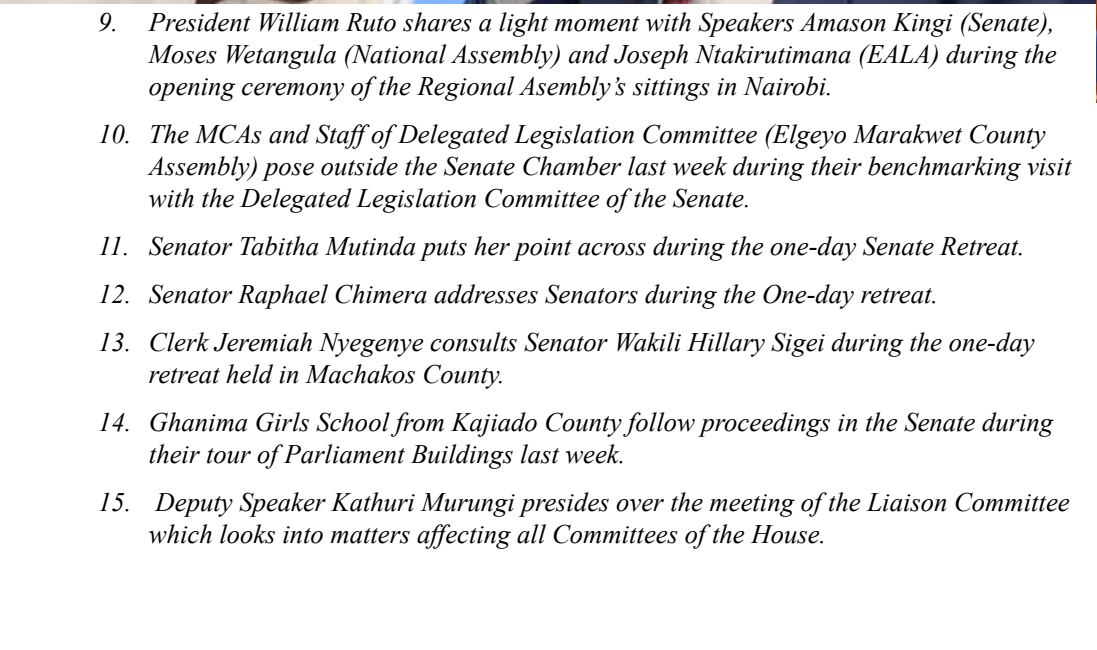
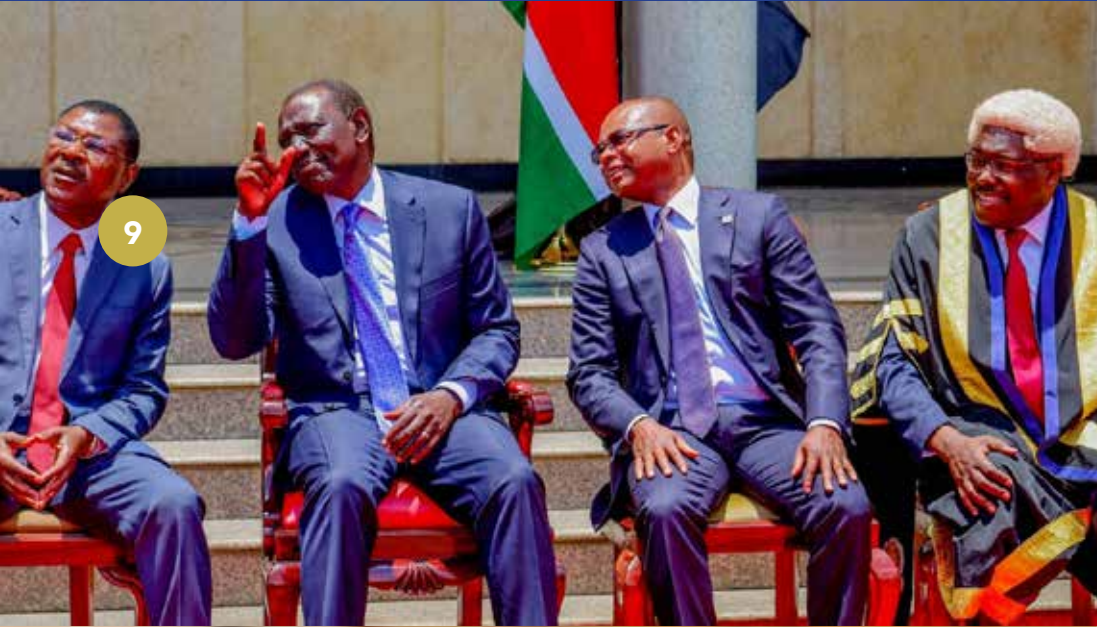


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- Original membership serves for 3 sessions, the remainder of the term.
- **Mandate:** set out under standing order 1
- **Meetings:** CPAC held a total of 104 meetings to sub-committees – standing order 20
- Meeting adjourned for lack of quorum.
- Meeting adjourned for lack of quorum.
- Meeting adjourned for lack of quorum.

1. MCAs and staff of Vihiga County Assembly follow proceedings in the Senate Chambers during their benchmarking tour of Parliament last week.
2. Students and teachers of Koru Girls' Secondary School, Kisumu County, pose for a picture during their educational tour of Parliament Buildings on Wednesday last week.
3. Senator Edwin Sifuna and student leaders from the University of Nairobi who were on a tour of Parliament Buildings.
4. Senator Catherine Mumma is honoured for her role in promoting democracy in Kenya during the celebrations to mark the 20th Anniversary of the Centre for Multi Party Democracy (CMD-Kenya) in Nairobi. Senator Beth Syengo looks on.
5. Senator Mumma joins other dignitaries in cutting the cake to celebrate the 20th of the CMD-K anniversary at the Serena Hotel, Nairobi.
6. Senator Stephen Lelegwe with residents of Samburu County who have presented a petition to the Senate on the Cattle Rustling menace.
7. Speaker Kingi addresses Senators during the one-day retreat which was planned to take stock of the achievements and challenges of the 4th Senate of the 13th Parliament and plan ahead.
8. Deputy Clerk Eunice Gichangi takes Senators through the business pending before the House during the retreat organised by Speaker Kingi.





9. President William Ruto shares a light moment with Speakers Amason Kingi (Senate), Moses Wetangula (National Assembly) and Joseph Ntakirutimana (EALA) during the opening ceremony of the Regional Assembly's sittings in Nairobi.
10. The MCAs and Staff of Delegated Legislation Committee (Elgeyo Marakwet County Assembly) pose outside the Senate Chamber last week during their benchmarking visit with the Delegated Legislation Committee of the Senate.
11. Senator Tabitha Mutinda puts her point across during the one-day Senate Retreat.
12. Senator Raphael Chimera addresses Senators during the One-day retreat.
13. Clerk Jeremiah Nyegenye consults Senator Wakili Hillary Sigei during the one-day retreat held in Machakos County.
14. Ghanima Girls School from Kajiado County follow proceedings in the Senate during their tour of Parliament Buildings last week.
15. Deputy Speaker Kathuri Murungi presides over the meeting of the Liaison Committee which looks into matters affecting all Committees of the House.





## A PUBLICATION OF THE SENATE

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