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Senators support proposal compelling County Governors to assign duties to deputies

Deputy governors are as equal to the task as the governors. There is no task that is so difficult for them. Moving forward, the Senate should come up with concrete proposals that will ring-fence the office of the governor and the office of the deputy governor – Senator Kathuri Murungi



Senator Kathuri Murungi

Senators have supported a proposal that seeks to compel County Governors into assigning portfolios to their deputies, besides their role as principal assistants.

A majority of the lawmakers are openly pushing for an amendment to the law that, if enacted, will bind the county bosses into assigning duties to their deputies.

However, others demur, arguing that such a move is legally unnecessary as it amounts to interference in the inner running of the devolved units.

Section 32(3) of the County Governments Act provides that a Governor may assign the deputy governor any other responsibility or portfolio as a member of the county executive committee.

However, disagreements between the Governors and their deputies have grown exponentially since 2013, when the Counties Governments operational, becoming the single most variable that defines devolution.

Experts attribute the disagreements to the vague provisions in the Act.



Senator Dan Maanzo

Data in the Senate show that at least 21 deputy governors have filed complaints against their bosses with the Committee on Devolution and Intergovernmental seeking help to solve the challenges they face.

The Committee has considered three of the cases.

In the latest development, a member of the public has petitioned the House urging Senators to amend Section 32(3) of the Act with a view to making it mandatory for Governors to assign portfolios to deputy governors.

“Some first-time Governors have allegedly expressed fear that assigning their deputies some portfolios might render them (Governors) ineffective and unpopular, especially where their deputies display better performance in governance, leadership and service delivery,” says Mr. Japheth Makokha in a petition he has filed in the Senate on behalf of Triple the Impact Community Based Organisation.

“The public is questioning the usefulness of the office of the deputy governor



Senator Beatrice Ogola

in situations where they are not assigned a portfolio,” he adds.

Senator Dan Maanzo said the proposal on amendment to the Act may be appropriate, but pointed out that the framers of the Constitution declared that the deputy governor is the principal assistant to the governor.

“If you go on to force the governor to mandatorily give an assignment to the deputy governor, when you are a principal assistant, you may have so much work while assisting the governor,” said the Senator, warning that extra job may overwork the deputy governor.

“Although I agree that relationship has to be regulated, it is also a tricky relationship when a deputy governor decides to undermine a governor. While we keenly look at this Petition, we need to make sure that we understand why the framers of the Constitution left it the way it is.”

Article 179 of the constitution vests the executive authority of a County in the governor, deputy governor and the members of the executive committee.



Senator John Methu

Senator Godfrey Osotsi says despite the clear provisions in the law it is not clear how deputy governors end up being spanner boys of Governors.

“It is very unfair for deputy governors to be managed as small people in counties. Some have been denied facilities, for instance, vehicles. Some have been given vehicles with no fuel. Some even do not have an office. When I become a governor, I will give my deputy governor full responsibility and powers because the Constitution is very clear in Article 179.”

Senator Kathuri Murungi said he will push the amendment so that Deputy Governors can get some powers to be part of the system.

“My Bill is in the pre-publication scrutiny. I will be advising the Senate on my proposals for the county governors in the next few days,” said the Senator, who is also the Deputy Speaker.

“A deputy governor is as equal to the task as the governor is. There is no task that is so difficult for them. The Senate should come up with concrete proposals

that will ring-fence the office of the governor and the office of the deputy governor moving forward.”

Senator John Methu asked the lawmakers to put their best foot forward and think through the issue so that justice could be served to deputy governors.

“There is no divorce in the way these political marriages are formulated. Once you engage in a political marriage, it is a 5-year term. You will have to stay with your Deputy Governor for another five years. We must ensure that these marriages work whether they want or not.”

Senator Beatrice Ogola said the problem emerges because some get into the political marriage with illusionary ar-

rangements.

“Some deputy governors think that they are going to share power with governors on a 50-50 basis. That is never in the Constitution. How you work comes to interpersonal and intrapersonal skills,” she said.

She added: “Governors and their deputies begin by making choices, and choices have consequences. They must rely on interpersonal skills. They must not struggle over power, but look at the services they offer to the people in the county.”

Senator Samson Cherarkey supported the petition.

“Let us amend the law and give the

deputy governors designations. A deputy governor is elected because you do not only vote for a governor.

Senator Abbas Sheikh said deputy governors should be given responsibility so that they can function and work well with the governors in order to deliver.

“Most of them do not get out of the office and others have even gone back to study because they cannot work. Some of them report to the county secretaries and the County Executive Committee Members (CECM) who have even more powers than the deputy governor, yet they are principal persons to the governors,” said Senator Sheikh, who chairs the Devolution Committee.

The Devolution Committee is considering the Inter-Governmental Relations Bill which seeks to amend the Act to take in the interests of deputy Governors.

Deputy governors through their caucus have appeared before the Committee and submitted a memorandum detailing their issues.

Speaker Amason Kingi committed the petition to the Committee on Justice, Legal Affairs and Human Rights which is expected to consider the proposal and report back to the House in 60 days.

Justice Committee advises House to reject Bicameral Bill, says it claws back on role of Senate



Senator Wakili Hillary Sigei, chair, Justice Committee.



Members of the Justice Committee: Senator Hamida Kibwana (left), Senator Raphael Chimera and Senator Fatuma Dullo

The Committee on Justice, Legal Affairs and Human Rights has recommended that the Houses of Parliament (Bicameral Relations) Bill, 2023, be rejected on account that it violates the constitution.

The Bill, which originated from the National Assembly, and seeks to streamline conduct of business between the two Houses, is in the second reading stage.

However, the Committee in its report, warns that if enacted, the Bill will extensively claw back on the Senate’s legislative mandate as well as expose public and state officers to punitive measures for undertaking their functions.

“The Bill, as framed, violates the provisions of the Constitution by derogating from provisions of the Constitution and various judicial pronouncements on the procedure for introduction and processing of legislation in the two Houses as provided for in Article 110 of the Constitution,” observes the committee in the report.

The report was tabled in the House last week. By practice, such committee reports are vital tools which guide and shape debate on the legislation before the House.

The Bill was published on July 28, 2023 and introduced in the National Assembly on August 17, 2023 where it was passed with amendments on March 21, 2024.

It was referred to the Senate and was read the first time on March 28, 2024,

and thereafter committed to the Committee on Justice, Legal Affairs and Human Rights.

In supporting the observation, the Committee observes that the Bill, if enacted, will restrict the legislative and representative mandate of the Senate as provided in Articles 94, 96, 109, 110, 112 and 114 of the Constitution.

The Committee argues the Bill violates the Constitution and derogates from judicial pronouncements on the procedure for introduction and processing of legislation in the two Houses.

Further, the Committee argues, the Bill violates Article 118 of the Constitution by proposing that one House can elect not to conduct public participation for a Bill on account of a process conducted by the other House.

The Committee notes that the Bill contains provisions that seek to restrict access to judicial intervention, as well as punish state and public officers by introducing fetters and punitive measures to officers who would be deemed to have advised a House to pursue judicial intervention in a legislative matter, contrary to Article 236 of the Constitution.

The principal object of the Bill is to provide for how joint resolutions of questions relating to the nature of Bills under Article 110(3) are to be made, as well as how disagreements arising between the two Houses are to be dealt with.

The Bill deals with matters relating to

co-sponsorship of Bills and the conduct of joint proceedings, including joint sittings of the Houses, joint committees and mediation committees, and is therefore a key legislation that affects the conduct of core legislative business in both Houses.

Section 7 lists Bills on which no question can arise for joint resolution. They are a Bill to amend the Constitution which is considered by both Houses; a Bill relating to the election of members of a county assembly or a county executive which is considered by both Houses; the annual County Allocation of Revenue Bill which is considered by both Houses; an Appropriation Bill which is considered only by the National Assembly; a Finance Bill which is considered only by the National Assembly; any Bill providing for taxation and other revenue raising powers of the national government which is considered only by the National Assembly; and a Bill not concerning county governments which is considered only in the National Assembly.

The Bill restricts joint determination of the nature of a Bill, which Article 110(3) considers to be mandatory and a condition precedent before consideration of any Bill, to instances where a Speaker is “seized” of a question as to whether the Bill concerns county governments.

It introduces a definition of what a Bill not concerning county governments is and the Committee regrets that this is an attempt to exempt a large category of Bills from the joint determination of the

nature of the Bills by the Speakers under Article 110(3).

The Committee argues that this limits the Senate’s role in legislating on matters concerning counties. This threatens the interests of counties and devolution in general.

In Commonwealth and Kenyan Parliamentary practice, the First Reading of a Bill is considered as the first stage in the legislative process. The Committee notes that it is at this stage that the joint determination of the nature of a Bill should be done, and not the Second Reading, as suggested in this Bill.

This is because the Bill is considered by the relevant Committee of the House and subjected to public participation after the First Reading and before the Second Reading. In its report, the committee observes that consideration of the Bill will already have commenced if joint determination is done after the First Reading.

The committee is also unhappy that the Bill purports to subject Bills which have been passed by the Senate and thereafter referred to the National Assembly under Article 110 (4) to an additional process of determining whether they are money Bills.

The committee argues that Bills originating from the Senate have been held in abeyance in the National Assembly citing the “money Bill” argument.

“This process has led to uncertainty in the legislative process by taking Bills through a process that is unknown to the Constitution, which process was previously declared to be unconstitutional and expunged from the National Assembly’s standing orders.

This has ensured the continued erosion of the legislative mandate of the Senate and weakening of devolution,” the committee observes.

Warm Kenya-China ties good for economy and development, says Speaker Kingi



Speaker Amason Kingi in discussion with the People's Republic of China Ambassador to Kenya, His Excellency Zhou Pingjian, during the courtesy call at Parliament Buildings.

Speaker Amason Jeffah Kingi on Thursday hosted the Chinese Ambassador to Kenya, His Excellency Zhou Pingjian, who made a courtesy call in his office at Parliament Buildings on Thursday.

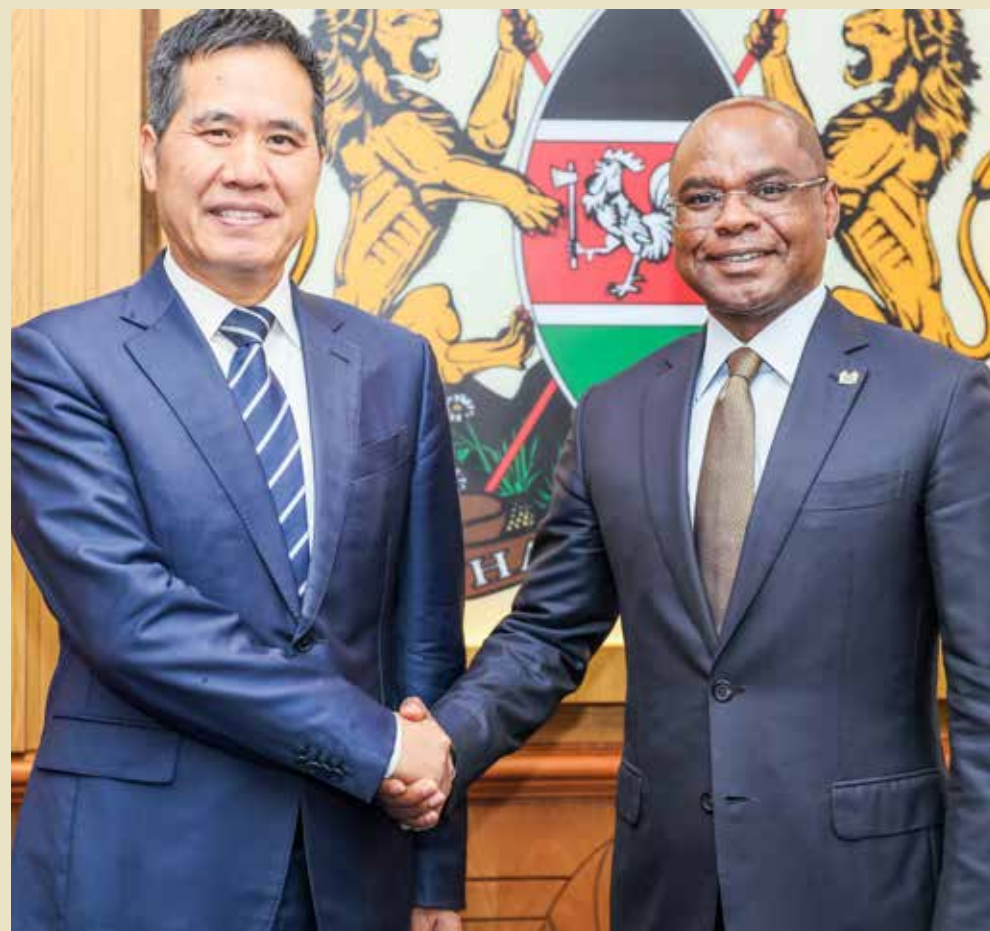
The envoy was accompanied by Mr Lin Yang, the Third Secretary at the Embassy of the People's Republic of China in Nairobi. Also present was the Director in the Office of the Speaker Ben Furaha.

The deliberations touched on a wide range of issues with the two leaders also exploring how Parliaments in the two

countries would help foster the warm relations, especially in the realm of Parliamentary Diplomacy.

The Speaker reiterated that Kenya's trade with China was a key driver of the Kenyan economy with numerous exports from China finding their way to the Kenyan market.

"If you walk into any shop in Kenya, you will not miss a product manufactured in China on sale. This just demonstrates how far trade with China has impacted the Kenyan economy," the Speaker said.



Speaker Amason Kingi and the Ambassador of the People's Republic of China, His Excellency Zhou Pingjian after their meeting.

The envoy also extended an invitation to the Parliament of Kenya to send a delegation of legislators to the upcoming Forum on China-Africa Co-operation Summit to be held in Beijing.

On the matter of China and Taiwan,

the Speaker reiterated Kenya's position, as articulated by the Foreign Affairs Ministry, on the One-China Policy and the need to respect territorial integrity and non-interference in domestic affairs of China.

Speaker rescinds decision summoning CoB

The Controller of Budget Margaret Nyakango has received a reprieve over the recent summons issued by Speaker Amason Kingi.

Last March, the Speaker issued summons directing Ms Nyakango to appear before the House to explain why her office had failed to her quarterly reports on county budget performance to the House as required by law.

But in a communication to the House last week, the Speaker rescinded the decision, saying OCOB had regularly complied with the law.

"I have perused the report on Papers Laid in the Senate to ascertain whether the CoB has been adhering to the provisions of the Constitution," said the

Speaker in his communication noting that he had established the reports have been submitted to the Senate.

"That being the case, the matter of the appearance of the CoB before the Senate does not arise. The matter rests there."

The Majority Leader Aaron Cheruiyot had last March sought the intervention of the Speaker on the submission to Parliament by the Controller of budget (CoB) of the reports on the implementation budgets of the national and county governments.

The Majority Leader noted that from previous practice, quarterly reports on implementation of the budgets of the national and county governments submitted to Parliament by the CoB were

made available to Senators monthly and in their designated pigeon holes.

In the recent past, he noted, there had been a deviation from the established practice expressing concern that the lack of submission of the reports by the CoB was hindering the Senators' ability to effectively fulfill their oversight function.

While he agreed with the ruling, the Senator asked the Speaker to find ways of communicating with CoB so that she appreciates why it is important for Senators to have month on month reports on what their governors are doing with the finances that are being sent to their specific counties.

"That makes you a better Senator so that, you do not speculate or rumor mon-

ger, but do things which you know are accurate and verified from Government reports," he told the House.

Speaker agreed with the Majority leader but declared that there was no need to summon CoB) before Plenary.

"It will be done administratively through the office of the Clerk. The office of the Clerk is now obligated that whenever these reports are received, other than committing them to the Committee on Finance, they must be made available to all senators by depositing the same in the pigeonholes.

Parliamentary staff to head international legal body

Dr Johnson Okello, the Director of Legal Services in the Senate, has propelled Parliament into the world map after he was elected to head a body of legal drafters in the Commonwealth.

Dr Okello was unanimously elected the President of the Commonwealth Association of Legislative Counsel (CALC) during its general meeting in Jamaica last week.

He becomes the first African jurist to ever hold the position in the body's 40-year history.

"I thank you most sincerely for the trust and the faith you have shown by giving me the opportunity to spearhead the Association," said Dr. Okello soon after he was declared the winner.

He takes over from Mr Andy Beattie during the ceremony held in Montego Bay, Jamaica.

Before his election, Dr. Okello had served as CALC Council Member representing Africa Region for three terms.

He was elected by peers from Member Countries in an online voting that took place last April.

While commending Members for their dedication, commitment and hard work in ensuring that the Association remains alive to achieve its mandate, the new President promised to reinvigorate Regional Branches and ensure that the ideals of CALC are felt by the wider Membership.

He also encouraged Members to contribute vigorously to the legal journals and publications as one of the ways of sharing knowledge.

"We must grow, I will propel growth and development of the Association through creating professional regional offices that can transact business for the Association at close reach", stated Dr. Okello.

"When professionals meet at close range, it creates room for the growth and development of the Association as emerging issues are dealt with on a real-time basis," he emphasised.

Dr. Okello's election is a major achievement for Parliament and the legal fraternity in the country and Africa at large as it propels the country to the world map.

A holder of PhD in law, he has more than two decades experience in legal

practice having been admitted to the bar in 1998.

He takes over from Mr. Andy Beattie who comes from Scotland. He will head the body for the next two years.

Mr Beattie congratulated Dr. Okello saying that it was an honour to nominate him for the position assuring members that with him CALC was in safe hands.

"I thank you Members for your support during my reign. I am delighted to

welcome my colleague in leadership and assure you that in him the association is secure", said Mr. Beattie.

He implored Members to give adequate support to the new president to ensure a smooth running of the Association.

CALC is an association engaged in legislative drafting and other related legal work involving the law making process.

The body was established in 1983 in Hong Kong alongside the Commonwealth Law Conference.

It is a fully accredited organisation of the Commonwealth.

Dr. Okello is a ranking Member of the Law Society of Kenya (LSK), the Commonwealth Lawyers Association and East Africa Law Society.

He currently serves as the Secretary General of Africa Colloquium for Legal Counsels serving in Parliaments.



Dr Johnson Okello



Dr Okello makes his speech after he was declared winner in the election. In the background is Mr Andy Beattie, his predecessor.

Health Committee concern over transplant activities at Medheal Hospital, Eldoret



Senator Jackson Mandago, Chair, Health Committee.

The Health Committee is calling for a probe into claims of organ trafficking in the country.

The committee, chaired by Senator Jackson Mandago, termed as illegal reports that the Eldoret-based Medheal Hospital is involved in unethical transplant activities.

Issuing a statement in the House, Senator Mandago said the committee's after a press release by the Kenya Renal Association on the matter.

He told the House the statement from the Kenya Renal Association raised serious concerns about the reported commercialisation of transplants and transplant tourism at the facility.

"The allegations involved the sale of kidneys from vulnerable donors and the importation of patients for transplants; actions that directly violate the Health Act of 2017," said Senator Mandago.

The Health Act, 2017 strictly prohibits its organ trafficking.

"Such unethical practices not only undermine the integrity of the medical profession, but also tarnish the reputation of the Kenyan medical community on an international scale."

The Senator said the unethical trade in organs has led to a decline in voluntary donations and has forced a dangerous black market for organs, posing unprecedented risks to human life.

"This environment not only encourages trafficking, but also increases the likelihood of violence and exploitation. In addition to the immediate risk to human life posed by the organ trafficking black market, it is crucial to recognise the broader societal implications of such an ethical practice," he observed

Mediheal Hospital has been singled out by the Kenya Renal Association, the Senator clarified that it is essential to understand that the illegal trafficking of human organs is not isolated to just one institution.

Senator Mandago said this is indicative of a complex and growing global problem that involves various individual networks and facilities across the nation, region and abroad and thus necessitates a thorough investigation.

"This is to inform this House that my committee is well-seized of this matter and will be engaging the Cabinet Secretary for Health, the Kenyan Medical

Practitioners and Dentists Council, the Kenyan Tissue and Transplant Authority," said Senator Mandago.

The committee will reach out to affected communities with a view of ensuring that robust and immediate action is taken and comprehensive efforts are initiated for purposes of strengthening regulation, promotion of ethical practice and building public awareness.

He appealed to the Committee on the National Security, Defence, and Foreign Relations to engage all necessary government agencies and departments to ensure that "these criminal activities are brought to an immediate end".

The committee is also concerned about the the presence of toxic Benylin paediatric cough syrup in the Kenya market.

Benylin cough syrup is widely used to alleviate cough, chest congestion, hay fever and allergic reactions in children between the ages of two and 12 years old.

The Pharmacy and Poisons Board issued a public alert and announced the recall of Benylin Paediatric 100 ml Cough Syrup, Batch No.329304.

The syrup was manufactured by Johnson & Johnson in South Africa.

The recall was prompted by an announcement from Nigeria's National Agency for Food, Drug Administration and Control, which revealed unacceptable high levels of diethylene-glycol and ethyleneglycol in the product upon analysis.

Both substances are associated with acute toxicity and have been linked to the deaths of numerous children in Gambia, Uzbekistan and Cameroon since 2022.

"Aside from deaths, ingestion of high levels of this substance can lead to severe side effects, including abdominal pain, vomiting, diarrhea, altered mental states and acute kidney injury," Senator Mandago told the House, adding that it is concerning that the Pharmacy and Poisons Board did not detect the issue with the Benylin cough syrup sooner, especially considering its impending expiration in April, 2024.

He indicted the regulatory bodies saying lack of clarity regarding the syrup's presence in the market, the number of affected children, the extent of the recall and the potential existence of similar harmful products raises significant concerns about public safety and regulatory oversight.

"Urgent action is needed to ensure a thorough investigation into the extent of the issue, achieve a comprehensive recall of the affected product and prevent the circulation of similar harmful substances in the market," he said.

"Ensuring the safety and well-being of our children is a fundamental responsibility of any society. The committee is fully aware of the gravity of this matter and will be actively engaging with the Ministry of Health and the Pharmacy and Poisons Board to gather comprehensive information and establish the facts surrounding the toxic cough syrup issue."

Usalama umezorota katika Kaunti ya Vihiga, asema Seneta Osotsi

Seneta Godfrey Osotsi ametaka majibu kuhusu utovu wa usalama unaoikumba Kaunti ya Vihiga.

Kwenye ombi alilowasilisha Bungeni, Seneta Osotsi ameitaka Kamati ya Usalama wa Kitaifa Ulinzi na Mashauri ya Nchi za Kigeni kufafanua sababu za kuwepo kwa ongezeko la visa vya uhalifu katika Kaunti ya Vihiga vikijumuisha mauaji ya kikatili, ujambazi, uvunjaji wa nyumba na uvamizi wakati wa usiku.

Kamati hiyo inapaswa kwenye ripoti yake kuweka wazi hatua muafaka ambazo zimechukuliwa kufikia sasa kuliangazia tatizo la ukosefu wa usalama na ulikofikia uchunguzi kwenye visa ambavyo tayari vimeripotiwa kwenye masoko ya Luanda, Cheptulu, Majengo, Eshibuye na maeneo mengine tofauti katika kaunti ya Vihiga.

Aidha Seneta huyo ameiomba Kamati hiyo kulifahamisha Bunge la Seneti kuhusu utekelezaji wa makubaliano yaliyoafikiwa kufuatia mkutano wa pamoja kati ya Waziri wa Usalama wa nchi na Utawala wa Taifa na viongozi waliochaguliwa wakiwemo Seneta na Gavana uliofanywa mwezi Januari 2023 kwa nia ya kulishughulikia kero la ukosefu wa usalama kwenye kaunti ya Vihiga.

Vile vile Kamati hiyo inayoongozwa na Seneta William Cheptumo imetakiwa

kubaini hatua ambazo zinachukuliwa sasa na Wizara kuupa uwezo mpango wa udumishaji usalama wa jamii kwenye Kaunti ya Vihiga ikizingatiwa kuwa mpango huo umedorora pakubwa kutokana na kukosa uungwaji mkono kikamilifu kutoka kwa serikali ya taifa na malumbano ya mara kwa mara miongoni mwa asasi za usalama kwenye Kaunti.

Wakati uo huo Seneta Osotsi ameitaka Kamati ya Afya kutoa taarifa kuhusu kile ambacho amekitaja kuwa kuadhibiwa kusikozingatia utaratibu uliowekwa kisheria ambako kunawakumba wahudumu wa afya katika Hospitali ya Rufaa ya Vihiga.

Seneta Osotsi anasema adhabu hizo sisizozingatia utaratibu wa kisheria zikiwemo kuwasimamisha kazi kwa muda wahudumu na kuwasimamisha kazi zimeathiri motisha ya wahudumu wa afya kwenye hospitali mbali mbali za Kaunti ya Vihiga na hivyo kuathiri utoaji wa huduma bora za afya kwa wenyeji wa Kaunti.

Anasema licha ya Kamati ya Afya kuzuru Kaunti hiyo na kuandaa mkutano na usimamizi, Kaunti imekosa kuzingatia kwa makini maafikiano yaliyotokana na mkao huo hali ambayo Seneta Osotsi aliitaja kuwa ya kusikitisha pakubwa.

Seneta Osotsi sasa anaitaka Kamati ya Afya kubaini na kuwasilisha ripoti Bungeni kuhusu idadi ya wahudumu wa afya ambao wameadhibiwa pasi kuzingatia utaratibu katika Hospitali ya Rufaa ya Kaunti ya Vihiga tangu mwaka 2022 hadi sasa, kufafanua msingi wa sheria uliozingatiwa kabla ya adhabu kutolewa na kuweka wazi visa vyovyote vya kutolewa kwa adhabu bila kuzingatia utaratibu na kutohusishwa kwa Halmashauri wa Huduma za Umma kwenye Kaunti.

“Chunguzeni mazingira yanayosababisha adhabu zinazotolewa kwa sasa zikiwemo kusitishwa kwa mshahara, kusimamishwa kazi kwa muda na kusimamishwa kazi kwa wahudumu wa afya mkikariri sababu za Halmashauri ya Huduma za Umma kwenye Kaunti kutohusishwa katika utoaji wa adhabu hizo,” alikariri Seneta Osotsi.

“Fafanua hatua zozote ambazo Halmashauri ya Huduma za Umma kwenye Kaunti ya Vihiga imechukua kuingilia kati na kubatilisha adhabu zilizotolewa kinyume cha utaratibu dhidi ya wahudumu wa afya na kuhakikisha kuwa utoaji wa huduma kwa wananchi hauathiriwi kwa vyovyote vile,” aliongeza.

Kamati hiyo inayoongozwa na Seneta wa Kaunti ya Uasin Gishu Jack-



Seneta Osotsi

son Mandago imetakiwa kutoa taarifa kuhusu ulikofikia utekelezaji wa hatua zilizoafikiwa kwenye mkutano kati ya Seneti kupitia kwa Kamati ya Afya na serikali ya Kaunti ya Vihiga mwaka uliopita.

Kadhhalika Seneta Osotsi kwenye ombi lake anaitaka Kamati ya Afya kushinikiza kuchukuliwa kwa hatua inayofaa itakayohakikisha Halmashauri ya Huduma za Umma kwenye Kaunti inazingatia kikamilifu wajibu wayo la sivyo iwajibishwe ipasavyo.

Seneta Mumma ataka majibu kuhusu taasisi za ufundi kwenye Kaunti ya Nairobi

Seneta Catherine Mumma ameiomba Kamati ya Elimu kwenye kueleza mikakati ambayo serikali ya Kaunti ya Nairobi kwa ushirikiano na Wizara ya Elimu imeweka kufadhili na kukahikisha elimu ya ufundi kwenye vyuo vya umma inafikiwa kwa usawa na vijana wanaoishi katika makazi yasio rasmi kwenye Kaunti ya Nairobi.

Seneta Mumma anaitaka Kamati hiyo kubaini iwapo serikali ta Kaunti ya Nairobi ina sera yoyote ya mpangilio kundenzeza upatikanaji wa elimu hitaji na mafunzo kama msingi wa kuzifikia fursa za ajira kama inavyoshinikiza Katiba ya Kenya kwenye kifungu cha 45 na 53 kwa vijana wanaoshi katika makazi yasio rasmi kwenye Kaunti ya Nairobi.

Iwapo sera hiyo ipo, Seneta Mumma anataka Kamati ya Elimu iifafanulie Seneti utekelezaji wake.

“Wasilisha kwenye Seneti taarifa kuhu-



Seneta Catherine Mumma

su idadi ya vyuo vya ufundi vya umma vijijini ambavyo vipo katika makazi yasio rasmi kwenye Kaunti ya Nairobi kama Mathare, Kibera, Kawangware, Mukuru miongoni mwa mengine na kubaini iwapo kule ambako vimewekwa kunawezesha kufikiwa na idadi nzuri ya vijana kwenye makazi yasio rasmi husika,” alifafanua Seneta Mumma.

“Tafuta na kuwasilisha kwenye Bunge

la Seneti taarifa kutoka kwa Wizara ya Elimu kuhusu idadi na majina ya taasisi za ufundi za umma zinazopatikana katika makazi yasio rasmi kwenye Kaunti ya Nairobi na idadi ya zilizosajiliwa binafsi katika makazi hayo,” aliongeza Seneta Mumma.

Seneta huyo ambaye ombi lake lilisomwa na Seneta Beatrice Ogolla, aidha ameiitaka Kamati ya Elimu kubaini na kuwasilisha taarifa kwenye Seneti kuhusu kiwango cha fedha ambazo Wizara ya Elimu na serikali ya Kaunti ya Nairobi zimetenga na kutumia kwenye taasisi za ufundi na vyuo anuwai vilivyopo katika makazi mbali mbali yasio rasmi kwenye Kaunti ya Nairobi katika mwaka wa kifedha wa 2022/2023 na 2023/2024.

Kwingineko Seneta Julius Murgor amewasilisha ombi akiitaka Kamati ya Elimu kuangazia maslahi ya walimu wa shule za chekechea katika Kaunti ya

Pokot Magharibi.

Seneta Murgor anataka ufafanuzi kuhusu msingi wa sheria uliotumika katika kugeuza masharti na mipango ya kuhudumu ya walimu wa chekechea kulikotekelezwa hivi maajuzi.

Anaitaka Kamati hiyo kuwasilisha utaratibu wa kina wa mishahara kwa walimu wa shule za chekechea katika Kaunti ya Pokot Magharibi ikifafanua kubadilika badilika kwa hivi maajuzi kwa mishahara hususan kupunguzwa kwa ada kwa walimu wa shule za chekechea kwa takribani asilimia 28.

Aidha Kamati hiyo imetakiwa kuweka wazi mikakati yoyote inayofanywa na serikali ya Kaunti kwa nia ya kuimarisha hali ya walimu wa shule za chekechea katika Kaunti nzima ya Pokot Magharibi.

Consult Parliament, Senators' order to regulation-making authorities

Senators has started debate on the Meteorology Bill, 2023 who seeks to put in place a legislative framework to regulate the meteorological services in Kenya and to coordinate and monitor meteorological services.

The Bill proposes to establish the Kenya Meteorological Service Authority, whose mandate will be the provision, regulation, coordination, and management of meteorological services.

Majority Leader Aaron Cheruiyot moved the Bill on Wednesday last week describing as an important proposal because Kenyans live in a data-driven society.

“Before Kenyans make any decision nowadays, they prefer to ask what science says about it. What is the legitimate information and the single source of truth? Nowadays, because of technology, there are many places through which Kenyans can get information and meteorological services. Some are accurate, and some inaccurate. Yet, some of the decisions that our citizens take based



Majority Leader Aaron Cheruiyot moved the debate on the Meteorology Bill.

on the information they receive have far-reaching implications,” he said when moving the Bill.

The Majority Leader said as a member of the global community, Kenya has made certain global commitments which the passage of this Bill helps Kenya to fulfil. The commitment includes, the Convention of the World Meteorological Organisation and the International Civil Aviation Organisations where Kenya has signed up.

Clauses 5 to 8 of the Bill estab-

lishes the Authority and provides for its functions and powers which is to maintain surface, upper air, marine meteorological observation network, establishment and maintenance of integrated information system for exchange of this data across the globe.

It also helps in issues such as forecasting, product dissemination and provision of aeronautical and meteorological services for safety, since we are part of the international global community.

Clause 9 to 28, provides for the management of the Authority who are the board of directors or representatives.

It provides for qualifications for the chairperson of the board who will be required to skills in the relevant fields.

The Chairperson will be appointed by the President and the qualification they need to meet is at least 10 years' experience in the relevant field and hold a degree that is recognized in the Republic of Kenya.

The chairperson will not hold a

position that is likely to place that person in an environment of conflict of interest.

The Bill provides for the establishment of a Research and Training Institute.

Senator Cheruiyot told the House that the establishment of the Kenya Meteorological Services Authority will ensure that the country has accurate and timely weather forecasts for severe weather.

“Research is important and it is what informs where the world is headed. It is possible to build a credible research institution so that the countries that keep on coming to Kenya to learn will come and benchmark and know that Kenya is a standard bearer,” said Senator Cheruiyot.

Clauses 41 to 47 provide the provisions relating to offences and penalties on what you are supposed to do and what is the mistake. We have a very interesting media in this country.

Consult Parliament, Senators order to regulation making authorities

Lawmakers have urged all regulation making authorities to always consult Parliament before they public their statutory instruments.

Senators say that those charged with publishing statutory instruments must always remember that they are exercising donated powers from the Senate and the National Assembly.

“Do not rush to the gazette, come for a pre-publication consultation, so that if there is a problem, we will tell that you what you are trying to publish conflicts with the parent Act and the Constitution. Come so that we work together to get efficient working of government,” said Senator Danson Mungatana.

The Senator was making contributions to the debate on the Statutory Instruments (Amendment) Bill, 2023.

The House is currently debating the Bill which was moved by the Majority Leader Aaron Cheruiyot.

“This is a mother law on all regulations that are supposed to be considered by the Houses of Parliament. It is not possible by other subsidiary legislation

to take these powers away. Anything that will have the force of law outside there by way of regulation will have to follow the route that will now be dictated by this Bill,” said Senator Cheruiyot when moving the Bill.

Clause 2 of the Bill seeks to amend Section 11 of the Act and determines that Delegated Legislative Committee in the two Houses will require the regulation making authority to submit an instrument to Parliament.

Parliament is thereafter expected to publish them within seven days after the committee has resolved that it has been placed before the House.

Currently, we have statutory instruments, which are applied by various state agencies without the input of the relevant committee of Parliament.

By extension, they are devoid of the input of the public because the committee of Parliament is deemed to be a representation of the people.

Subsections 4 and 5, says that Parliament may, where a statutory instrument ceases to have effect in accordance with

subsection (4), notify the public in two newspapers that the instrument is a nullity.

Currently, Parliament has no way of notifying other entities on the expiry of a statutory instrument. It is incumbent on the other bodies and the authorities that are handling the Act to notify the public once the regulations are no longer in force.

Clause 24 of the Bill provides that those people who are in authority or those people with donated power have the mandate to make statutory instruments, if and when they fail to do so, the Bill provides for a penalty for inaction. Also, the penalties have been enhanced from Sh20,000 to not less than Sh500,000 or three years in prison if a person or an institution that has authority has failed to do so.

“This Bill is a reminder of the regulations making agencies to them that the law-making process does not belong to the Executive or the authorities that have been set up by law,” said Senator Mungatana, who is also the vice chair



Senator Danson Mungatana, Vice chair, Committee on Delegated Legislation.

of the Committee on Delegated Legislation.

“The law-making process, legislation, and powers belong to the Senate and the National Assembly. When we donate the powers to them for them to make regulations, it is so that they can make those laws that we have made here, the mother laws, effective.”

“This instrument was necessitated by the fact that some of these regulation making agencies would finish with regulations and then forget even to publish to the people.”

We repay loans by selling water to counties, CS Njeru tells House



Cabinet Secretary Zachariah Njeru addresses Senators on Wednesday

The Government sells water in bulk to Water Service Providers (WSPs) so as to repay the loans it takes to implement major water projects in the sector, a Cabinet Secretary has told the Senate.

Mr Zachariah Njeru, the Cab-

net Secretary for Water, Irrigation and Sanitation, told lawmakers on Wednesday that selling the water in bulk is the only way to recoup the investment and pay back the loans.

“As a Ministry, we initiate these major projects and once we complete them, we give them to the county governments. To ensure we get money to repay the loans, we sell water in bulk to Water Service Providers (WSPs) that are under the counties. This is a sure way of getting back money from them,” he said.

The Cabinet Secretary was responding to a Question from Senator George Mbugua who had wanted to know how the Government repays the loans it borrows to finance the mega projects when water is devolved function.

“Water is a devolved function and the national Government has continued to acquire loans and grants to fund water projects in the counties. What arrangements the Ministry has with the county governments on the

running of the projects, so that we can recoup the money the Government has put in,” said Senator Mbugua.

The Cabinet Secretary agreed that water is devolved.

“To ensure we get money to repay the loans, we sell water in bulk to Water Service Providers (WSPs) that are under the counties. This is a sure way of getting back money from them,” he said, adding that the counties only responsibility is to distribute the water. When we release water to counties, we plan to have bulk meters to charge them.”

CS Njeru also clarified claims that water projects that are meant to supply the commodity to Nairobi and its satellite towns had stalled.

Senator Kanar Seki ole Kanar had told the House that the progress of projects across the Nairobi satellite towns that are under the Athi Water Services and the Northern Tunnel financed by the German Kreditanstalt für Wiederaufbau (KfW) Develop-

ment Bank has stalled.

He cited the case of Kajiado North, where the infrastructure has been done to almost 95 per cent, but it has stalled for the last six months.

“There is a lot of expectation from the public to see the project completed, so that we can commission it. I want to know when this project will be completed, why it has stalled.”

Cs Njeru denied the claims. “No work has stalled. In fact, the northern collector is undergoing testing,” he said, promising to provide a comprehensive statement to the House later.

He promised to engage county governments and explore ways of how they can use the Equalisation Fund to help on water matters.

He said the Ministry does not have control of the Fund.

“This is an engagement we can have with county governments, since we work together, and see how we can use that Fund to advance water in various counties.

The process of clamping on illegal mining is ongoing, CS Mvurya tells House

The Government has budgeted Sh2.9 billion in the financial year ending June 2024 to be paid to the counties as part of 20 per cent of part of mineral royalties collected for the period 2016/22 financial years.

However, Mr Salim Mvurya, the Cabinet Secretary of Mining for Mining, Blue Economy and Maritime Affairs, told the House that the delay in disbursing the community share of the collected royalties stems from the absence of a regulatory framework governing mineral royalty sharing to communities.

“Substantial progress has been achieved in establishing the framework. The relevant regulation has undergone prerequisite procedural scrutiny and is currently under review by the delegated parliamentary committees,” he told the House when he appeared on the floor for the Question Time on Wednesday.

The Cabinet Secretary said since the law came into effect in 2016, there has not been sharing of mineral royalties.

“This is the first time. We have consolidated sharing from 2016 to 2022. We

are working with various investors to ensure that they are prompt in the disbursements.”

CS Mvurya told the lawmakers that one of the key reforms the Government is pushing is to clamp down on illegal mining activities across the country.

The Cabinet passed a resolution to establish a mining police unit and Mr Mvurya said all the officers have now reported.

“We have done orientation so that they can understand the mining law and issues. One of the things we have done is that there was a very big mining area in Dabel, Marsabit County, which has now been closed because of the issues of illegal mining. We have also closed Koru in Isiolo.

In the last two weeks, Ministry officials in Migori, Siaya, and Narok were able to close all the illegal mining operations in those counties.

The Ministry has recommended the deportation of some of the international investors who are doing illegal mining because they did not have papers to work

in Kenya.

“The process of clamping on illegal mining is ongoing. We have a timetable. We went low a bit because of the weather but with better weather, we will continue to do the same across the country.”

The Ministry is not just doing closure of mines, but also encourage investors to operate within the legal framework. They need to file applications so that the Government can give them proper license.

“The challenge of illegal mine is bigger having had a lot of time when licenses were not being applied because of moratorium. We will make sure that we arrest this particular challenge.”

Majority Leader Aaron Cheruiyot said various parts of this country have been flagged as red hotspots for illegal miners and wanted to know what the government is doing to ensure that the industry develops and becomes a significant contributor to the Gross Domestic Product (GDP).

“It has the potential and we can grow this industry to help us reduce our debt



Cabinet Secretary Salim Mvurya briefs the House on the achievements of his Ministry

exposure and meet our obligations as a government. Illegal miners that are spread across the country, for instance, in Kilgoris, Migori, Tsavo et cetera, are undermining all efforts,” he said

“I assure the House that we are bringing order in the sector and we will make sure that we arrest the challenge,” said the CS

Committee raises the red flag over overflowing dams due to torrential rains

The Committee on Energy says the dams used by Kenya Electricity Generating Company (KenGen) to generate electricity were affected by recent heavy downpour.

Senator Wamatinga Wahome, who chairs the Committee, told the House there is a huge overflow from the dams. He made the comments after his team assessed the situation.

“The situation is very critical critical,” he told the House.

During the tour, the committee was told that Masinga Dam was discharging 850.34 cubic meters of water per second. Kabaru Dam was discharging about 1,076.10 cubic meters per second. Gitaru Dam was discharging 1,495 cubic meters of water per second while Kindaruma Dam was discharging 1,174 cubic meters of water per second,” he said.

Kiambere Dam was discharging 1,316 cubic meters per second.

The release of the water is through the cascading manner, meaning that the dam that releases water back to the Tana River is Kiambere Dam, which was discharging 1,316 cubic meters per second.

“The general perception has been that KenGen, by practice, releases this wa-

ter from dams back to the Tana River. However, this is not the case,” he told the House.

When the mega-dams were built, a control mechanism called a spillway is built together with the dam. Spillways are structures that either form part of the dam or are constructed just besides the dam. They are used when a reservoir is filled past the floodwater safely and in a controlled way over to a dam around it or through it.

The Committee also flew to Garissa to assess the damage that has been caused by the floodwater from Tana River.

Senator Wamatinga said his team saw villages and houses marooned by water, roads washed away, and heard of untold suffering endured by the people of Garissa.

“The irony of the whole matter is that the last rain that Garissa had experienced was on April 25, 2024, seven days before the visit, yet, the town was flooded with water from Tana River, which had broken its banks,” he told the House.

A temporary measure to mitigate the situation would be to raise the wall of Masinga Dam by one meter.

This, he said, would significantly delay the overflowing of water down-

stream.

“A permanent solution, however, is the construction of the dykes at the most vulnerable, sensitive places in the Tana River and the construction of the High Grand Falls Dam. Dykes are flood mitigation structures created in the river that prevent water from flowing beyond a certain height.”

He added that the other permanent solution is the building of the High Grand Falls Dam, one of the flagship projects in the Kenya Vision 2030.

He told the House that the issue concerning river flow regulation and supply for irrigation domestic and industrial purposes is being addressed.

This is after the Government in September, 2023 signed a Public-Private Partnership (PPP) agreement with a United Kingdom (UK) firm for the construction of the High Grand Falls at a cost of Sh425 billion.

A complete dam will be able to hold 5.7 billion cubic meter of water and generate over 700 megawatts of electricity and control the floodwaters from Tana River.



Senator Wahome Wamatinga, chairman, Energy Committee.

This Week in History



“This is an indication that things are not going right in the counties. The Senate needs to be concerned because we are here courtesy of the counties; to represent their interests; to protect the counties and their governments. The fact that everyone is complaining every day about what is happening in the counties--- Clearly the Governors whom my dear friend from Mombasa was so keen to read their statement for hours are not up to task. We all come from counties and we know what is happening. It is very painful to see that the little money that we struggle – taxpayers in this country pay taxes we struggle here day and night trying to get money to these institutions and yet it is wasted due to lavishness and conspicuous consumption.”

Senator Billow Kerrow contributing to debate on the petition on the alleged misappropriation of funds by the County Government of Wajir on May 21, 2015.



“That puts a lot of responsibility on us and we have to make sure that we sustain this kind of trust from the public. That will require the Committees, which are assigned these Petitions to make sure that they do a thorough job. It requires proper facilitation so that we sustain that trust from the public.”

Senator (Eng.) Hargura Godhana contributing to debate on the petition on the alleged misappropriation of funds by the County Government of Wajir on May 21, 2015.



“We need to look at the funding for the county assemblies and the capacity building. We should receive petitions that have already been processed by the county assemblies. If these things are dealt with at that level, then the Senate becomes the sort of appellate level. It is therefore important for us to support our county assemblies so that they deal with these issues at the local level before they come to the Senate.”

Senator Stephen Sang contributing to debate on the petition on the alleged misappropriation of funds by the County Government of Wajir on May 21, 2015.



“I applaud the Petitioners for being bold enough to bring these issues which if found to be true, are serious. It is also a demonstration that the public and county assembly members are now realising the role of the Senate; that they can petition the Senate directly. I urge all Members of the County Assemblies (MCAs) to explore this channel whenever they have issues of accountability.”

Senator Henry Ndiema contributing to debate on the petition on the alleged misappropriation of funds by the County Government of Wajir on May 21, 2015



1. Senate Clerk Jeremiah Nyegenye and Deputy Clerk Mohamed Ali take a moment for a group picture with Ms Alana Poole, the Deputy Head, Global Hub UN Futures Lab Network, and her team during their visit to Parliament Buildings.
2. Mr Jeremiah Nyegenye, the Clerk of the Senate, shares a light moment with Ms Alana Poole, the Deputy Head, Global Hub UN Futures Lab Network, when she paid a courtesy call to Parliament Buildings.
3. Water, Irrigation and Sanitation Cabinet Secretary Zachariah Njeru arrives in Parliament Buildings to respond to concerns raised by Senators during the Question Time.
4. Mining Cabinet Secretary Salim Mvurya with Senator Mohamed Chute (left) and Issa Boy.
5. Cabinet Secretary Salim Mvurya and Principal Secretary, Blue Economy Betsy Njagi, with Serjeant-at-Arms of the Senate after he answered Questions in the House.
6. Senator Danson Mungatana with Cabinet Secretary Salim Mvurya, Senator Samson Cherarkey, Senator Miraj Abdulrahman and Senator Issa Boy
7. Deputy Speaker Kathuri Murungi (in red tie) joins other lawmakers for a photo session with Cabinet Secretary Salim Mvurya after Question Time. Others in the picture, from left, are: Senator Mutinda, Senator Betty Montett, Senator Raphael Chimera, Senator Mundigi Munyi, Senator Miraj Abdulrahman, Senator Veronica Maina, Senator Danson Mungatana, Senator Issa Boy, Senator Mohamed Chute (partly hidden). Also in the picture is Blue Economy PS Betsy Njagi.



8. Mining Cabinet Secretary Salim Mvurya with Senator Miraj Abdurahman (left), Senator Tabitha Mutinda and Senator Veronica Maina after he answered Questions from the lawmakers on Wednesday last week.
9. Cabinet Secretary Salim Mvurya shares a light moment with Senator Samson Cherarkey, Senator Tabitha Mutinda and Deputy Speaker Kathuri Murungi after he appeared in the House.
10. Senator Samson Cherarkey poses for a photo with religious leaders from Nandi County who had visited Parliament for a familiarisation tour.
11. Senator Samson Cherarkey displays the Nandi County flag at the Parliament Buildings when he hosted religious leaders from the County.
12. Law students from the University of Nairobi follow proceedings in the Senate Chamber during their study tour last week.
13. Speaker Amason Kingi joins law students from the University of Nairobi for a group picture after their study tour of Parliament Buildings.
14. A group of law students from the University of Nairobi who were on a study tour of Parliament Buildings.



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