



The **SENATE**

Safeguarding Devolution

Weekly

Speaker Kingi: Senate cannot concede mandate

The Speaker says apart from the provisions of the Constitution, Courts have made decisions addressing the jurisdiction of the Senate.



Speaker Kingi delivers a ruling during a sitting of the House.

Speaker Amason Kingi has declared that the Senate will never yield or concede on its oversight mandate even as he defended the Senators from allegations of corruption while discharging their constitutional mandate.

“Unless the Constitution is amended, the constitutional mandate of the Senate

is not negotiable or discretionary,” he declared last Wednesday in the Communication to the House, adding that it is a solemn trust which the House will continue to discharge faithfully and without fear or favour.

The Speaker’s Communication was designed to respond statements made in

the recent times in political forums questioning the constitutional mandate of the Senate in relation to oversight County Executives.

Former Prime Minister Raila has of late argued that the oversight of the county governors is the preserve of county assemblies.

During the 9th Devolution Conference in Homa Bay, the former Prime Minister criticised the Senate for repeatedly summoning county Governors to appear before its committees in Nairobi, saying the practice is unnecessary, undermines devolution and therefore a waste of time.

“County governments are supposed to be oversighted by County Assemblies, not the Senate. It is unnecessary for Senate to be summoning Governors to appear before Senators in Nairobi,” he said in Homa Bay, comments he repeated days later during another political meeting in Nairobi.

While he argued that only the County Public Accounts Committee and the County Public Investment Committee should conduct oversight of County Executives, he insisted that invitations to such meetings should only be limited to county executive Committee members, but not Governors.

Article 96 of the Constitution sets out the role of the Senate, which is to represent the counties and to protect the interests of the counties and their governments.

Article 96(3) gives the Senate the power to determine the allocation of national revenue among counties as provided for in Article 217 of the Constitution and also to exercise oversight over national revenue allocated to the county governments.

Article 125 decrees that either House of Parliament and any of its committees has power to summon any person to appear before it for the purpose of giving evidence or providing information. “This is exactly what the Senate has

been doing and will continue doing,” stated the Speaker in the Communication.

He noted that apart from the clear provisions of the Constitution on the issue, the Courts have made a number of decisions addressing the question of the jurisdiction of the Senate and other county government officials, and the demarcation of the oversight function between the Senate and County Assemblies.

In High Court Petition No. 334 of 2016, in the case, *Kyalo Kamina versus the Senate and Others*, the Court held that the Senate and the county governments are to work together to ensure that the purpose of devolution is achieved. It argued that the two institutions cannot work separately.

The court argued that since the county government receives funds from the national level, they cannot check themselves. Accountability has to come from

a body not within the county level, thus the Senate.”

This reasoning was reinforced by the Supreme Court in Petition No.24 of 2019, between the Senate and the Council of County Governors and Others.

While also considering the issue of the mandate of the Senate, the court stated as follows: “The purpose of the Constitution is to entrench good governance, the rule of law, accountability, transparency and prudent management of public finances at both levels of Government. Such grand purpose cannot be served if either the Senate or county assemblies begin to develop “centres of oversight/influence”.

The Court ruled that the county assemblies provide the first tier of oversight, while the Senate provides the second and final tier of oversight.

The Supreme Court held that in the performance of its oversight role over county revenue, the Senate has powers

to summon county governors to answer any questions or provide any requisite information.

On the question of corruption within Parliament, the Speaker said it is prohibited for Members to solicit, receive or accept any fee, compensation, gift, reward, favour or benefit of any kind to undertake or forego to undertake their functions even as he urged the Executive, other agencies of Government, county governments and all other persons, to protect the institution of the Legislature, which is the cornerstone of Kenya’s democracy.

“As the Speaker of the Senate, I have not received any complaint or information relating to bribery, extortion or any other corrupt practice against a Senator from a member of the Executive, Ministries, Departments or Agencies of Government, a Governor or other County Government Agencies. If I do receive such a complaint, I am obligated and will

take the necessary stern action without delay,” he told the House

He said holding the Legislature to account and requiring the highest standards of integrity is laudable, but it needs to be followed by collaborative action with the Legislature itself by favouring the appropriate offices of the Legislature with the information available to the Executive and other agencies, so that the Legislature can invoke the mechanisms at its disposal to take swift and stern action against any errant Members.

“The Executive as well as other agencies and all persons should support the Senate in its oversight role in the defence of the devolved system of government, which our people so painstakingly weaved together for themselves in order to address the disparities, inequalities and other injustices of the previous centralised constitutional order,” he said.

Devolution: The Senate’s battle for devolved governance

In the hallowed halls of Parliament, amid the daily debates and legislative sessions, a quiet but powerful drama has been unfolding for years. It’s a story not of political squabbles, but of a constitutional struggle—a relentless fight by the Senate to protect and strengthen devolution.

While the Senate is renowned for its legislative wins, the true measure of the Senate’s power lies in the courtroom, where a series of landmark cases have shaped the very foundation of our governance. This is the story of the Senate’s journey from a new institution to the undisputed guardian of devolution.

The Fight for Oversight

In the early days of devolution, the lines of authority were blurred, and the Senate’s role as the upper house was often challenged. Governors, wary of what they saw as encroachment on their turf, resisted accountability. This led to a defining legal battle: *Senate v Council of County Governors & 6 others*.

At its heart, the case was simple: Can the Senate summon a governor to answer for county finances? Some governors argued that the Senate’s oversight was limited to nationally allocated funds, a claim that would have created a massive loophole for accountability.

The Supreme Court’s ruling was a watershed moment. It affirmed the Senate’s power to summon governors, declar-



Speaker Kingi walks out of the House at the end of the day’s business.

ing this authority essential for effective oversight.

“The Supreme Court affirms that the Senate has the power to summon governors to account for the management of public funds. This power is essential for the Senate to perform its oversight role effectively,” the ruling read in part.

More importantly, the court made a landmark ruling: the Senate’s oversight extends to all public funds, including locally generated revenue. This decision closed a critical loophole and cemented the Senate’s role as the ultimate watchdog over county finances.

“The Senate’s oversight authority is not limited to nationally allocated revenue but also extends to locally generated revenue by the counties.” This was a significant decision that expanded the Senate’s mandate and enhanced accountability at the county level.

The story didn’t end there. When the Court of Appeal considered the same case, it established a two-tiered system of oversight, with County Assemblies acting as the first line of defense and the Senate serving as the second and final tier. This legal precedent laid out a clear chain of command, ensuring that no county leader can evade accountability.

Defending Our Legislative Mandate

The Senate’s role goes beyond oversight; it is a co-equal partner in the leg-

► FROM PAGE 2

islative process, especially on matters concerning counties. This principle was tested multiple times, most notably in the Concurrence of Speakers Case.

The issue was simple but profound: can the National Assembly pass laws concerning counties without the Senate's involvement? The National Assembly had been doing just that, unilaterally passing numerous Bills that directly affected devolution.

The Senate challenged this in court, arguing that a joint determination by both Speakers was not a formality but a mandatory constitutional requirement.

The court's ruling was a stunning victory for the Senate. It affirmed that this joint concurrence process is non-nego-

tiable and, in a powerful and unprecedented move, declared over 20 Acts of Parliament unconstitutional, null, and void. The ruling not only invalidated years of legislation but also sent a clear message: the Senate's voice is not optional; it is fundamental.

This principle was further reinforced in the Division of Revenue Bill Stalemate, where the Supreme Court confirmed that the Division of Revenue Bill is a Bill "concerning counties" and therefore must be passed by both Houses.

"It is the view of this court that the Division of Revenue Bill is indeed a Bill concerning counties, and therefore, must be passed by both the National As-

sembly and the Senate. If the two Houses of Parliament disagree on the Bill, the matter must be subjected to a mediation process as provided for in the Constitution. The National Assembly cannot bypass this process," the Supreme Court ruling read.

The ruling prevented a constitutional crisis by affirming that a stalemate must be resolved through a mediation process, not by one house simply overpowering the other.

A New Chapter for Devolution

The legal battles have been hard-won, but they have firmly established the Senate as a formidable and essential in-

stitution in our governance framework. The rulings on issues ranging from the ill-conceived County Development Boards to the impeachment of governors have clarified and strengthened the system of devolution.

From the courtroom to the committee rooms, the Senate continues its work, scrutinising budgets, summoning officials, and ensuring that the promise of devolution—bringing resources and power closer to the people—is not just a dream, but a reality.

These cases are more than just legal precedents; they form the bedrock upon which the Senate has built, laying the foundation for a prosperous and accountable Kenya.

SPEAKER'S DIARY



The Moroccan Ambassador to Kenya, His Excellency Abderrazzak Laassel last week paid a courtesy to the Speaker Amason Kingi in his office at Parliament Buildings, Nairobi.

1. Speaker Kingi welcomes His Excellency Abderrazzak Laassel, the Moroccan Ambassador to Kenya, to his office when the envoy paid a courtesy call.
2. Speaker Amason Kingi poses for a picture with the Moroccan Ambassador to Kenya, Abderrazzak Laassel. The Speaker was joined by the Minority Leader Stewart Madzayo (right), Senator Hamida Kibwana (second right), Senator Fatuma Dullo (left) and Senator Veronica Maina (second left).
3. Speaker Kingi and the Moroccan ambassador to Kenya Abderrazzak Laassel during their meeting.

Senate Oversight: What the High Court said

While addressing the 9th Devolution Conference in Homa Bay County, former Prime Minister Raila Odinga said the Senate has no role in the oversight of County Executives and described invitation for County Governors to appear before the Senate as a waste of time.

He said the oversight of County Executives falls within the exclusive domain of the County Assemblies.

“County Assemblies are supposed to oversee County Executives, not the Senate,” he declared, adding that summoning of County Governors by the Standing Committees is a waste of time.

He went further to declare that the two watchdog committees, County Public Accounts Committee and the County Investments and Special Funds Committee, are the only institutions that should invite the County Executives.

Even then he maintained that the Committee should only deal with the County Executives members, not the County Governors.

Yet, in making the remarks, the former Prime Minister was wading into a matter that has been a source of intense conflict in the devolution space and which has provided the ground for legal battles between the Council of Governors and the Senate, but which has since been settled by the courts.

From the High Court, the Court of Appeal and the Supreme Court the matter has been litigated not once, and in all the instances the courts have held that the Senate is vested with powers to summon County Governors either directly or through its Committees to answer any question or provide information regarding the expenditure and management of County revenue.

The Courts have based their decisions on the premise that being the County’s Chief Executive, the Governor is responsible for the management of County revenue and all other resources. It is therefore only logical that he or she is accountable to Senate, which is mandated to oversee such revenue under Article 96 (3) of the Constitution.

The High Court justices Isaac Lenaola, Mumbi Ngugi and George Odunga in a landmark ruling declared that the Senate has the power to summon County Governors to appear before it, noting that such summonses are constitutional and lawful.

The judges said the role of the Governor under the County Governments Act is critical in fiscal management at the County level. The Governor is the Chief Executive Officer and the buck stops



Mandera Governor Mohamed Adan Khalif when he appeared before the County Public Accounts Committee (CPAC).



Governor Simon Kachapin and officers from the West Pokot County Executive in the Senate.

with him in the management of county resources.

“It is critical that such a provision exists so as to ensure responsibility of public resources which would ultimately enhance the national values as provided for under Article 10 of the Constitution as well as the spirit and tenor of constitution. We see no fault with the summons issued by the Senate and for avoidance of doubt, they are constitutional and lawful,” the judges ruled.

The justices argued that under Article 125 of the Constitution, the County Governor and the County Executive

Member for finance can be summoned by the Senate in exercise of the oversight mandate.

“Though the executive arm of the county Government is also answerable to the County Assemblies of their respective Counties, this does not preclude the said arm from providing information to the Senate when called upon to do so in exercise of their oversight mandate under Article 96(3),” the judges ruled even as they observed that one of the values of governance under Article 10 (2) of the Constitution is transparency and accountability.

The Court clarified that the County governors may appear with such officers as they deem necessary to answer questions under consideration. “Every officer in every State organ and at both levels of Government must respect and comply with any mechanism of accountability established by the Constitution and the law to the fullest extent possible,” they argued, adding that the Court under Article 259 must interpret the Constitution in a manner that promotes good governance through transparency and accountability.

“Put in another way, when persons in charge of the managing County finances



Governor Julius Malombe when he led his County Executive Members to explain his administration financial statements in the Senate's County Public Accounts Committee.

► FROM PAGE 4

are not held to account, the objectives of devolution set out under Article 174 which includes promoting democratic and accountable exercise of power; and to enhance checks and balances of powers, will be defeated.”

The judges made the judgement in the Petition filed by the Council of Governors and seven County Governors who had questioned the constitutionality of summonses issued to County Governors by the Senate through the Committee on County Public Accounts and Investments.

The summoned Governors were Isaac Ruto of Bomet County, William Kabogo (Kiambu County), Mwangi wa Iria (Murang'a County) and Jack Ranguma (Kisumu County).

The Senate had issued summons to the Governors, requiring them to appear before the County Public Accounts Committee on August 26, 2014. However, Governor Isaac Ruto of Bomet County, Governor William Kabogo of Kiambu County, Governor Mwangi wa Iria of Murang'a County and Jack Ranguma of Kisumu County declined to honour the summons despite the Court Orders. This prompted the Senate to pass a resolution, in accordance with Section 96 of the Public Finance Management Act, recommending that, the Cabinet

Secretary, Treasury halts the transfer of funds to their counties and the Controller of Budget to withhold the approval of withdrawal of public funds.

In the Petition, the four Governors were joined in solidarity by Dr Alfred Mutua (Machakos), Patrick Khaemba (Trans Nzoia), Ahmed Abdullahi (Wajir), Wycliffe Oparanya (Kakamega), Martin Wambora (Embu) and James Ongwae (Kisii), who had likewise been summoned but did not appear before the Committee.

The Governors argued that the Senate's role under Article 96 of the Constitution is limited to the protection of the interests of Counties at the national level which includes considering, debating and approving Bills concerning Counties and determining allocation of national revenue among Counties as provided for under Article 217 of the Constitution.

They further argued that the Senate's oversight role is at the national level and not at the County level. They contended that the Constitution does not vest the Senate with an oversight role with respect to expenditure of devolved funds unlike the National Assembly which has an oversight role over expenditure of national funds as provided for under Arti-

cle 95(4) (c) of the Constitution.

They also argued that the oversight role with respect to expenditure by County Governments is vested upon the County Assemblies in accordance with the provisions of Article 185(3) of the Constitution and that the County Assembly is the body that is constitutionally charged with the responsibility of ensuring that devolved revenue to a county government is spent in a manner that respects the principles of devolution and public finance.

It was the position of the County Governors that the Senate's mandate on public finances of a County is limited to making recommendations for improving the management of public finances as provided for under Section 8(1) (d) of the Public Finance Management Act of 2012 and not otherwise.

The Governors further submitted that they are the Accounting Officer of their respective Counties, but the County Executive member in charge of Finance who may delegate the power to accounting officers within the County.

That the Accounting Officer is accountable to the County Assembly as provided for under Article 226(2) of the Constitution and Section 149 of the Public Finance Management Act.

They argued that the Senate's power is limited to oversight over National agencies which manage National revenue allocated to the counties such as the National Treasury.

“There is a misconceived show of might on the part of the Senate in summoning Governors and is done in total disregard to the existing structures of County Financial Management. That County Assemblies would be undermined and be crippled when County Executives are made accountable to the Senate and not the County Assemblies,” they argued in their pleadings.

In their judgement, the judges agreed that County Governors are not the Accounting Officers in Counties because such officer is appointed and designated as such by the County Executive Committee Member for Finance.

As to the County Assemblies' power to exercise oversight over County funds, it was determined that this mandate is limited in scope and its application to the County Executive Organs and does extend to the national revenue.

The Court observed that under Article 96(3) of the Constitution, the Senate has an oversight role over national revenue allocated to the County Governments including the expenditure of the said revenue.

Supreme Court: Senate has power to summon Governors

The issue of the Senate and its oversight role was upended when the Supreme Court upheld the findings of the High Court and even the Court of Appeal.

In the judgement delivered in 2019, the Court ruled that in the performance of its oversight role over County revenue, the Senate has powers to summon County Governors to answer any questions or provide any requisite information and that Senate's oversight authority is not limited to nationally allocated revenue but extends to locally generated revenue by the Counties.

In a unanimous decision, the Supreme Court said as the County's Chief Executive, the Governor is responsible for the management of County revenue and all other resources and therefore it is only logical that he or she is accountable to the Senate, which is mandated to oversee such revenue under Article 96 (3) of the Constitution.

The Court said the powers of the Senate as provided for in the Constitution, was proof that the House is established to perform fundamental roles of governance concerning Counties: Legislative, budgetary, and oversight.

"The Senate has been granted considerable latitude in ensuring that County Governments operate at optimal and within accountability standards, if the objectives of devolution are to be realised," observed the Supreme Court Justices, adding that there is no way by which the Senate can perform such an important role without having the powers to summon a Governor and to require him/her to provide answers and offer explanations regarding the management of the County finances and related affairs.

"Without such power, the Senate would not be able to "protect the interests of the Counties", nor would it be able to exercise effective oversight over national revenue allocated to Counties," they argued

Article 96(3) of the Constitution is buttressed by Section 8 of the Public Finance Management Act, which provides for the responsibilities of the Senate Budget Committee in public finance matters. The Committee has responsibilities to examine financial statements and other documents submitted to the Senate and make recommendations to the Senate for improving the management of government's public finances, monitor adherence by the Senate to the principles of public finance set out in the Constitution, and to the fiscal responsibility principles.

The Supreme Court ruled that for the Senate to perform its functions as stip-



Senator Johnes Mwaruma, vice chair, CPAC, follow proceedings during one of the Committee's sessions. He is with Senator Fatuma Dullo and Senator Mwenda Gataya Mo Fire.



Senator Okongo Omogeni, Senator Enoch Wambua and Senator Edwin Sifuna during a CPAC sitting.



Senator Steven Lelegwe and Senator Omogeni

ulated in Section 8 of the PFMA Act, it must incorporate the input of the respective Chief Finance Officers of the Counties, who are in turn appointed by the Governor.

"The office that is ultimately answerable to the Senate, is that of the Governor. The Senate is constitutionally empowered to summon Governors to appear before it or any of its committees for purposes of answering questions and providing requisite information. In appearing before the Senate, there is nothing to stop a Governor from going with his/her technical team from the County Executive. By the same token, if the Senate is of the view that the questions to be answered or information to be provided do not need the personal input of the Governor, it may restrict its summons to

the relevant County official or Executive Committee," ruled the Court.

In the decision, Justices Martha Koome, Mohamed Ibrahim, Smokin Wanjala, William Ouko and Njoki Ndungu noted that a holistic reading of all the relevant provisions of the Constitution and the law, leads to the conclusion that both the Senate and County Assemblies have the power to oversee County revenue whether nationally allocated or locally generated.

"The fact that County revenue is locally generated does not remove it from the purview of Senate oversight," they argued, noting that such revenue still falls within the rubric of "public finance" whose use must remain under the radar of scrutiny and oversight by the State organs established for that purpose.

"Similarly, the fact that County revenue is nationally allocated does not place it beyond the oversight of County Assemblies. Otherwise on what basis would the latter approve budgets and scrutinise their implementation?" they posed.

The Justices said the purpose of the Constitution is to entrench good governance, the rule of law, accountability, transparency, and prudent management of public finances at both levels of Government adding that such grand purpose cannot be served if either the Senate or County Assemblies begin to develop "centres of oversight/influence".

"In this regard, the County Assemblies provide the first tier of oversight while the Senate provides the second and final tier of oversight. We do not see how, by exercising its oversight role in the manner we have determined, the Senate can be said to be violating the principle of Separation of Powers. Nor do we perceive a potential danger of encroachment upon the mandate of the independent offices of the Controller of Budget or the Auditor General as contended by the respondents. What the Senate cannot do under the guise of oversight, is to usurp the County Executives' mandates or to purport to supervise County Assemblies."

Wellness Committee plans for future

The reconstituted Senate Staff Wellness Committee has started off its work on a high. This after it held a strategic retreat in which members discussed practical ways of enhancing the physical, financial, and emotional wellbeing of Parliamentary staff.

During the retreat, the Committee deliberated on how best to encourage holistic wellness through healthy diets, regular exercise, self-care practices, and professional talks on everyday life challenges. Among the proposed sessions were discussions on parenting, building and construction, caring for elderly parents, and the responsible use of social media.

Dr Brenda Ogembo, the Chairperson of the Committee, underscored the importance of ensuring wellness initiatives are not just captured in plans but fully implemented across the institution. She observed that every directorate will have representatives to serve as wellness champions, driving the committee's agenda within their departments.

The retreat was attended by the Clerk of the Senate Jeremiah Nyegenye and the Deputy Clerk Eunice Gichangi, who reaffirmed management's support for creating a healthier and more supportive work environment for staff.

The planning outcomes are expected to shape a year-long programme of activities designed to improve staff health, morale, and productivity while embedding wellness as a culture within the Senate.



Dr Brenda Ogembo, chair, Senate staff Wellness Committee, speaks during the retreat.



Clerk of Senate Jeremiah Nyegenye, Deputy Clerk Eunice Gichangi and Chief Serjeant At Arms Samson Sorobit (left), join members of the Wellness Committee for a photo session during the retreat.

MOTION

House extends recess time

The Senate has altered its calendar for the Fourth Session after it extended the ongoing recess by a month. This follows the adoption of a motion sponsored by the Majority Leader Aaron Cheruiyot.

The motion, which was seconded by the Minority Leader Senator Stewart Madzayo, sought to reschedule the commencement of Part V of the session to Tuesday, September 23, 2025.

Initially, the House was to resume its sittings on September 7, 2025, in line with the Senate Calendar that was approved early in the year.

Senator Cheruiyot explained that pressing national matters had compelled the House to convene during the ongoing recess, thereby disrupting committee work, public participation forums and



Majority Leader Aaron Cheruiyot.

constituency engagements scheduled for this period.

“Many people interpret recess as the time to rest but in reality it is a critical

period for committees to conduct public hearings, scrutinise bills and allow members to connect with their constituents,” Senator Cheruiyot told the House, add-

ing that interruption the anticipated trial of Kericho Governor Eric Mutai during the impeachment trial this week, will interfere with the activities hence the need to extend the recess.

The Majority Leader further noted that, in light of ongoing deliberations on urgent matters before the House, Senators may be required to sit for extended hours, including late-night sessions, similar to past impeachment hearings.

To accommodate such possibilities and safeguard committee work, the Senate Business Committee (SBC) recommended the extension.

By adopting the motion, the Senate has effectively adjusted its calendar, allowing for an additional two-week recess after the conclusion of the impeachment trial.

Impeachment: Will Governor Mutai be second time lucky?



Governor Eric Mutai is congratulated by Kericho County Executive staff after he survived attempts to remove him from office through impeachment in October 2024.

For three days starting Wednesday this week, the full House will conduct the trial hearings on the proposed removal from office of Kericho Governor Eric Mutai after the Motion for the establishment of the 11-member Special Committee to probe the matter fell through for lack of a seconder.

The Motion was brought by Majority Leader Aaron Cheruiyot but collapsed when the Minority Leader Steward Madzayo declined to second it.

The Majority Leader, while moving the motion, emphasised that both plenary and committee hearings were legitimate avenues under the law, noting that past impeachments had produced mixed outcomes regardless of the route taken.

“There is no process or route that is flawed. It is Members to determine which route they want to consider a certain matter,” he said before he invited the Minority Leader to second the motion.

However, Senator Madzayo bluntly declined, leaving the motion without the mandatory seconder.

“The Majority Leader had someone to second his Motion. The proposed person was the Minority Leader, who did not second. The Majority Leader did not appoint any other person. It is his Motion. Therefore, the Motion failed to be seconded and is deemed to have been withdrawn,” ruled Speaker Kingi.

With the Special committee route abandoned, the Speaker directed that the impeachment will now proceed in plenary.

“The Senate will proceed to investigate the proposed removal from office by impeachment of the Governor of Kericho County, in plenary,” ruled Speaker Kingi.

The plenary hearings are scheduled for Wednesday, August 27, Thursday, August 28 and Friday, August 29, 2025.

This is the second time the Governor will be facing an impeachment trial in the Senate less than a year after he survived similar attempt to remove from office in October Last year. At that time, he survived through a technicality after the Senators agreed with the preliminary objec-

tion that had been raised by the Governor

The Governor will be praying that the gods that smiled his way during the last trial once come in handy.

In the charges read to the House by Speaker Amason Kingi on Wednesday, the Ward representatives accuse Governor Mutai of gross violation of the constitution and other laws, abuse of office and gross misconduct.

The particulars of the charge on the violation of the Constitution that the Governor authorised the misappropriation and misallocation of county finances through fictitious payments for goods, services and works which were never delivered or only partially done totalling Sh 85.7 million.

This includes irregular claims such as the maintenance of 15 residential houses, undelivered agricultural inputs like soya beans and maize germ, and overpriced supplies, including sodas allegedly bought at five hundred shillings per bottle, tissue paper at two thousand seven hundred and fifty shillings per bale, and hand towels at three thousand six hundred shillings a piece.

Payments amounting to Sh5.1 million were also made to companies without supporting documents, including Mengro Products Limited, Hildama Construction, Brissack Construction, Prospera Ventures and IBM Pro Construction.

“In some cases, contractors were paid twice from retention accounts for works completed more than five years ago,” states part of the charges as read by Speaker Kingi.

The MCAs further accuse the Governor of contravening procurement laws by failing to establish tender opening committees, neglecting to seek professional opinions, splitting contracts to avoid open tendering, and failing to conduct market surveys.

This, the MCAs say, resulted in exorbitant pricing of goods and services, which were often paid for in advance despite the county accumulating pending bills amounting to Sh1.1 billion.

The County Assembly’s Ad Hoc Com-



Governor Mutai and his staff offer prayers after the Senate rejected Kericho County Assembly’s Motion of impeachment in 2024.



Governor Mutai walks out of Parliament after the Senate rejected the MCAs Motion to send him home in 2024.

mittee on Alleged Fictitious Payments, in its report tabled in August 2024, confirmed fraudulent documentation, forged signatures and deliberate attempts to cover up theft.

The Governor is accused of having presided over the misappropriation of over Sh351 million under the National Agricultural Value Chain Development Project (NAVCDP). “Funds intended to support farmers’ cooperatives in all thirty wards were diverted, with only nineteen wards benefiting, and even then, many received only substandard furniture and farm inputs without delivery notes or proof of quality.” Similarly, he also resided over irregularities under the Financing Locally-Led Climate Action (FLOCCA) Fund, where projects were distributed unfairly and based on nepotism.

The Governor ensured that his home ward of Chemosot alone received projects worth Sh21.7 million, while several other wards received none.

The Governor is also accused of presiding over the misappropriation of the funds raised for the victims of horrendous Londiani junction accident tragedy in which over Sh9 million of public raised funds were lost.

He also reneged on his undertaking to implement the Report of the County Assembly’s Ad hoc Committee formed to probe the misappropriation of funds meant for the victims of the accident.

On claims of abuse of office, the MCAs allege that the Governor has engaged in skewed and nepotistic appointments of county employees.

They claim that the Governor hired his brother as a revenue clerk and confirmed his aide’s wife as a nurse ahead of other long-serving contract nurses who were denied similar opportunities.

“These appointments were not only

irregular but also discriminatory, undermining the values of fairness, equity and integrity in public service,” says the pleadings.

He is also accused of illegally appointing a County Attorney while a substantive office holder was still in place. The appointment was challenged before the Employment and Labour Relations Court which declared it unlawful, unprocedural and unconstitutional, and further ordered the Governor personally to pay costs of Sh2 million.

He is also accused of politicising public recruitment by causing the advertisement of vacancies for doctors, nurses and ECDE teachers despite knowing that the county had no financial capacity to hire such staff. The process was later abandoned.

He also irregularly deployed health staff without any consultation with, or authority of the County Public Service Board, creating confusion and disruption in the delivery of health services.

On the allegation touching on gross misconduct, the Governor is accused of leading an illegal land invasion and acting in contempt of court immediately after assuming office.

He led a mob to invade private property belonging to Mr Joseah Kiplangat Kogo in Kericho town, tearing down its fence and designating it as a county dumpsite.

“This was done without the consent of the owner, without approval from the National Environment Management Authority (NEMA), without gazettelement by the county, and in defiance of a subsisting court order,” MCAs say, noting that the action amounted to contempt of court, blatant disregard for the rule of law, and exposed the county to damages and costs.



On August 24, Speaker Amason Kingi joined the faithful of Ndhiwa Catholic Church, Homa Bay County, for a worship service and a fundraiser for the construction of a new sanctuary. The Speaker was invited by Senator Beatrice Akinyi Ogolla.

1. *Senator Beatrice Ogolla receives Speaker Kingi when he arrived in Homa Bay County for a Church service and a fundraiser.*
2. *Speaker Kingi shares a light with Senator Moses Kajwang (left) and Senator Eddy Oketch during the fundraiser.*
3. *From left, Senator Eddy Oketch, Senator Joyce Korir, Speaker Kingi, Senator Moses Kajwang and Senator Beatrice Ogola before the church service.*

Senator wants probe into Deaflympics preps

Concerns have emerged in the Senate over Kenya's participation in the upcoming 25th Summer Deaflympics scheduled for November in Tokyo amid allegations of mismanagement in planning and execution.

Senator Crystal Asige is seeking a Statement from the Committee on Labour and Social Welfare over the matter.

She wants the Committee to probe the level of preparedness for Kenya's deaf athletes, the funding of their programmes and the transparency of the organising structures.

The Senator questioned the funding mechanisms and strategic plans meant to guarantee the full participation and welfare of athletes, raising alarm over the underfunding of deaf sports in the last two financial years.

"We must ensure that our deaf athletes are adequately supported and represented in Tokyo, and that past mistakes in funding do not continue," she told the House.

Central to the concerns is the alleged misappropriation of over Sh10 million earmarked for the World Deaf Championships, which led to Kenya's suspension by the International Committee of Sports for the Deaf (ICSD).

The suspension reportedly disrupted deaf sports development in the country



Senator Crystal Asige

for nearly two years.

Senator Asige pressed the Committee to clarify why individuals previously linked to the financial scandal remain involved in current Deaflympics preparations. She further called for an

explanation of the oversight measures in place to prevent further misuse of public funds.

The Senate also heard calls for assurances that all 12 sporting disciplines will be fairly included in team selection,

training and funding.

Additionally, lawmakers pushed for details on governance safeguards and independent oversight mechanisms to promote transparency and accountability in the management of deaf sports.

Alarm over failure of SHA Programme in Nakuru County

Concerns have emerged over the effectiveness of the Social Health Authority (SHA) programme in Nakuru County, with Senator Tabitha Keroche warning that residents are being denied access to critical healthcare services due to poor infrastructure.

The Senator has sought a statement from the Committee on Health on the issue. She said the crisis was across the county and had affected the delivery of health services under the SHA programme.

She noted that the failure of the programme in Nakuru is not rooted in flaws within the national health financing policy, but rather in the deteriorating state of public health facilities in the county.

According to the legislator, public hos-



Senator Tabitha Keroche

pitals in Nakuru are facing severe shortages of essential medicines and critical diagnostic equipment such as CT scans, MRI and X-ray machines.

Many of the facilities are either missing or non-functional, leaving patients enrolled under the SHA programme unable to access the care they are entitled to.

She warned that the shortcomings have sparked misplaced public outrage directed at the National Government, despite the SHA programme reportedly functioning well in other counties where hospitals are adequately resourced.

"The Committee on Health should investigate the reasons behind the Nakuru County Government's failure to provide essential medicines and medical sup-

plies, as well as the status of key diagnostic equipment across public hospitals in the county," she told the House.

She further demanded that the Ministry of Health and SHA should outline interventions being undertaken to ensure equitable rollout of the programme nationwide and clarify what accountability measures exist for county governments that frustrate the implementation of national health policies.

The lawmaker noted that if the Nakuru County Government does not equip public hospitals with medicines and diagnostic machines, where 90 per cent of residents seek their medical services, then the SHA programme would be rendered useless, despite the majority of residents having already registered.

Senators welcome new member



Senator Consolata Wakwabubi takes the oath of office.

The Senate has welcomed its newest member, Senator Consolata Nabwire Wakwabubi, who was sworn in to represent special interest groups at a ceremony presided over by Speaker Amason Kingi.

Senator Wakwabubi took the Oath of Allegiance before Speaker Amason Kingi in a session marked with applause and warm congratulatory messages from colleagues.

“Congratulations, Hon Senator. Welcome to the Senate,” Speaker Kingi declared and acknowledged Senator Wakwabubi’s family and friends who had gathered in the Speaker’s Gallery to wit-

ness the ceremony.

Majority Leader Aaron Cheruiyot lauded the new lawmaker’s appointment and urged her to embrace the responsibility of her new role. “It is a great privilege to serve this country as a Senator. I know that as our colleague begins her legislative journey this afternoon, she has a steep learning curve,” Senator Cheruiyot said.

Other Senators also extended their welcome, offering words of encouragement and advice to the new Senator.

While Senator Edwin Sifuna congratulated and welcomed her to the House,



Speaker Kingi congratulates the new Senator after she took oath of Office

Senator Tabitha Keroche emphasised the importance of women’s representation in the House.

She hailed UDA for ensuring the seat remained with a female nominee following the exit of Ms Gloria Orwoba.

Senator Boni Khalwale described Senator Wakwabubi’s swearing-in as “a crowning moment” for UDA, crediting it to her contribution during 2022 election campaigns.

“Coming at this time, when the integrity of Parliament is under the microscope, I hope everybody will realise that

institutions of Kenya are greater than any Kenyan,” Senator Khalwale said.

Senator Joe Nyutu and Senator Richard Onyonka, advised the new legislator to balance party loyalty with independent thought, warning that nominated members often face unique political pressures.

“To those whom much is given, much is expected,” Senator Onyonka remarked.

Senator Wakwabubi thanked all for the support and expressed gratitude to her party after taking her oath of office.

This week in History – August 31, 2017.

Clerk rejects calls to bar candidates for Speakership on basis of integrity.



Senator James Orengo

On the first day when the third Senate of the 12th Parliament convened after the 2017 general election, Senator James Orengo rose on the point of order and cited the provisions relating to leadership and integrity as contained in Chapter Six of the Constitution. He wanted the Clerk of the Senate, who was the chair of the sitting to explain whether any process had been undertaken to ensure that those who apply for the position of Speaker would not undermine the authority of the Senate This is by ensuring that there are no pending decisions against any of the applicants or no adverse finding against any particular candidate. “Mr Clerk, it would be terrible if at any one time the person who occupies the position of the Chair of this House has matters which were still pending or any adverse findings made by the previous Senate. That would undermine the authority of the House. I just wanted as a matter of clarity to know whether there has been compliance with the Chapter on Leadership and Integrity and that the House undertook a leadership and integrity test before putting the names before us for the process of electing the Speaker,” he said.



Senator Isaac Mwaura said:

“Article Seven of the Constitution on Fair Administrative Action is very clear. I would want to imagine of that same law, that it is very clear in the provisions on enabling legislation. We must exhaust all means of appeal if at all one is to be found guilty or convicted. He needs to be given explanation why, for example, some of these conclusions may be made by whatever body or committee that would make such a decision. The work of Parliament is not to convict. Our work is not to cast aspersions. In our parliamentary committees, we may look at each case based on its own merit. Therefore, if any candidate was to be found guilty or convicted after exhausting all forms of appeal or redress, then it is very clear that such convictions would have found him to be unfit to hold public office and he would vacate it.”



Senator Mithika Linturi said:

“In the absence of investigations having been completed and in the absence of this gentleman having been found culpable by the due process of law, then it will be very unfair for us to condemn him before the application of due process. I plead with Senators that where a matter has not been decided--- I would want anybody to reason out, assume that we deny this gentleman an opportunity to run for Office of Speaker, then these investigations are done and he is not convicted or found to have not been culpable, what will happen? The position will have gone. Since there are options of removing a State officer from office as provided by Article 251, I would persuade my dear colleagues to find that it is only necessary, for now, to allow the Senate to conduct the election of the Speaker other than dwelling on this issue.”



Mr Jeremiah Nyegenye, the chair of the sitting, ruled:

In determining the eligibility of a person to vie for Speaker we have recourse to eligibility to vie as a Member of Parliament (MP). There are institutions which are responsible for determining eligibility for one to vie as an MP. In this case, the Office of the Clerk had recourse to the Independent Electoral and Boundaries Commission (IEBC) asking whether all the persons who had presented themselves for nomination were eligible to vie as MPs. The body with the infrastructure and wherewithal to make a determination of eligibility under our Constitution for one to vie as an MP is the IEBC. We had recourse to them, and their response in respect of each of the persons who is listed on the ballot was that they are eligible to vie as MPs. Indeed, some of them vied for the position of MP. Every person would readily agree that it is not a requirement that prior to putting yourself forward for election for the position of Speaker or for that matter any other, that there be no allegation that has ever been made against you. That allegation must rise to the point where it has been determined by legitimate bodies and that a final determination has been made. We do not find that there is such a determination in respect of any of the candidates. We are advised by the IEBC in that manner. Accordingly, I must make the determination that, and in specific answer to Senator Orengo, we ascertained that each of these persons was eligible in terms of the Constitution and the Standing Orders and, therefore, I make a determination that we will proceed.



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