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Senate directs counties to clear Sh115.7B pension debt

Lawmakers demand clearance of arrears, ties budget approvals to strict compliance and asset accountability measures.

County Governments will only access their funding if they clear the Sh115.7 billion pension liability accumulated over the years, the Senate has resolved

Each of the devolved units will have to provide a certificate of compliance from county pension schemes as proof of payment or non-payment of the previous year's budgeted pension deductions to the Controller of Budget before the release of funds.

This was one of the key resolutions of the House when it adopted the recommendations of the County Public Accounts Committee (CPAC) following its consideration of the Auditor-General's reports on the financial statements of 31 County Executives for the 2024/25 financial year.

In its report, which was approved by the Senate, the Committee identified pervasive and systemic fiduciary risks across the counties reviewed, pointing to a fundamental weakness in financial governance and internal controls.

"These findings underscore a significant departure from the principles of public finance as enshrined in Article 201 of the Constitution, which demands openness, accountability, and the prudent and responsible use of public money," said Senator Moses Kajwang, the Chairperson of the Committee.

A report by the Multi-Agency Technical Taskforce (MATT) on County Pension Liabilities, commissioned by the Senate and chaired by the National Treasury, noted that County Governments—comprising the Executive, Assembly, and Water Services Boards—owe pension schemes a total of Sh115.7 billion, inclusive of principal, interest, penalties, and the actuarial deficit.

The debt composition stands at Sh103.2 billion by the County Executive (89 per cent), Sh9.2 billion by Water Service Providers (8 per cent), and Sh3.2 billion by the County Assembly (3 per cent).

The report also noted that pension debt has accumulated over the years, rising from Sh21.3 billion (18 per cent of the total unremitted funds, inclusive of interest, penalties, and actuarial deficit) relating to the defunct local authorities in the pre-devolution period, to Sh115.7 billion (82 per cent of the total unremitted funds) as at 31st October 2024.

In its examination of the audit reports for the 2024/25 financial year covering 15 counties, the Committee observed that the total aggregated specific fiduciary risk related to pensions and pension arrears amounts to Sh3.9 billion.

The total aggregate specific pension arrears fiduciary risks include Nyeri County Executive, with long outstanding employee payables (including pensions) totalling Sh110.4 million; Narok County Executive, with unremitted retirement benefits contributions totalling Sh1.9 billion; and Bomet County Executive, with irregular payment of salaries and personal allowances (including overpayment of basic salary to former local authority staff, which constitutes a pensionable liability), as well as unremitted retirement benefits contributions amounting to Sh1.91 billion.

In its report, the Committee recommended that County Governments and their entities must prepare and approve budgets that are consistent with the agreed repayment plans.

"As a precondition for approving budgets, the CoB shall ensure that budgets incorporate the agreed repayment plans



Senator Moses Kajwang

prior to approval," the House resolved, as senators insisted that the CoB must also ensure that the approved budgets are utilised for their intended purposes.

A County Executive with a pension debt of Sh300 million or less shall repay the debt within one financial year, effective the 2025/26 financial year. A County Executive with pension debt of Sh1.5 billion and below shall, with effect from the 2025/26 financial year, make annual payments of at least Sh300 million over

a period of five years, or until full settlement, whichever comes first.

In its consideration of county entities' financial statements, the Committee warned that the debt—comprising interest and penalties—poses a serious threat to fiscal sustainability.

The Committee further observed that a significant number of county entities failed to maintain an updated and comprehensive Fixed Assets Register (FAR) in the format prescribed by the Public

Sector Accounting Standards Board (PSASB).

It noted that critical details such as serial numbers, acquisition dates, costs, and locations were often missing, in contravention of Regulation 136(1) of the PFM (County Governments) Regulations, 2015.

“Most counties have not formally adopted and implemented the report of the Inter-Governmental Relations Technical Committee (IGTRC) on assets and liabilities inherited from defunct local authorities, casting doubt on the accuracy of their asset base,” the Committee observed.

It added that a significant number of counties commenced and completed major capital projects on land for which they do not possess title deeds, certificates of lease, or valid allotment letters, thereby exposing public investments to



Members of the County Public Accounts Committee (CPAC): from left, Senator Okongo Omogeni, Senator Enock Wambua, Senator Samson Cherarkey, Senator Edwin Sifuna

legal disputes and potential loss.

During the debate on the report, the House resolved that County Governors must immediately complete the physical verification, valuation, and tagging of all county assets. A comprehensive Fixed Assets Register, in strict compliance with the format prescribed by the PSASB, must be finalised and submit-

ted to the Office of the Auditor-General (OAG) within 90 days of the adoption of the report.

“All County Governors must, within 90 days, formally adopt the IGTRC report and provide a clear status update on the implementation of its recommendations, including the transfer and recognition of all inherited assets and liabilities,” the House resolved.

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The House further directed Governors to prioritise the acquisition and regularisation of title deeds for all land parcels on which public projects are situated.

“A status report on this titling process, with clear timelines for resolution, must be submitted to the Office of the Auditor-General within 90 days of the adoption of this report.”

Pending bills: Counties given 90 days to clear Sh32.3B



Senator Steven Lelegwe and Senator Mwenda Gataya Mo Fire during a sitting of CPAC.



Senator Johnes Mwaruma, Vice chair, CPAC.

Thirty-one county governments have three months to clear pending bills amounting to Sh32.3 billion after the Senate approved recommendations by the County Public Accounts Committee (CPAC) following its consideration of the Auditor-General’s reports for the 47 counties for the 2024/25 financial year.

In its report, the Committee warned that the figure could be significantly higher due to unsupported and unreconciled liabilities.

“The total quantified liability from pending bills is at least Sh32.3 billion. However, the true liability is potentially much higher,” the Committee said, adding that the accumulation and non-disclosure of pending bills remain a pervasive problem across the 31 counties reviewed.

A significant portion of the debt was described as long-outstanding and unsupported. Many counties, the report notes, have payables exceeding Sh1 billion, with large portions outstanding for more than 365 days, in violation of fi-

nancial regulations that require pending bills to be treated as a first charge on the County Revenue Fund.

Such delays, the Committee warns, have far-reaching economic consequences. “This has crippled local economies and placed an unfair burden on service providers,” the report states, even as it faults county governments for failing to provide proper documentation and ageing analyses for the debts—a move the Committee says makes it difficult to verify their accuracy and authenticity.

The report states that the failure to provide proper ageing analyses and supporting documentation renders financial statements inaccurate and unverifiable. Senators say the situation reflects weak financial discipline and accountability gaps within county administrations, with the accumulation of pending bills emerging as a recurring audit issue across multiple devolved units.

To address the crisis, the House directed counties to prepare and submit detailed and actionable payment plans within 90 days, prioritising the settle-

ment of all verified pending bills. “Trade payables due for more than 365 days are indicative of poor financial management,” said Senator Kajwang’, the Chair of the Committee, while moving the Motion.

All verified pending bills owed to staff, statutory bodies, and pension schemes will be treated as a first charge and settled promptly, the House resolved.

“All county governments must prioritise the payment of verified pending bills owed to staff, statutory deductions, and pension funds,” said Senator Ledama ole Kina.

In addition, counties have been ordered to clear verified pending bills amounting to less than Sh1 billion within the current financial year, while those exceeding Sh1 billion should be settled by the end of the 2026/27 financial year.

The Senate warned that failure to comply with the payment plans will attract sanctions, including denial of subsequent exchequer releases.

“Failure to comply will result in the withholding of subsequent quarterly

budget releases,” the report cautions.

The Controller of Budget has also been directed to factor in counties’ efforts to clear inherited pending bills before approving disbursements.

“The Controller of Budget is directed to consider a county’s efforts to clear inherited pending bills as a key factor when approving exchequer releases,” the Committee states.

Further, counties have been instructed to strictly align the settlement of pending bills with approved procurement plans and budgets to prevent irregular payments.

“County Governments shall only pay pending bills contained in their respective procurement plans,” the report says.

The Committee also recommended fiscal discipline measures, including prioritising the completion of ongoing projects and suspending new ones until existing obligations are settled.

Public participation in budgeting has also been emphasised, with the Controller of Budget directed to reject budgets that do not meet the legal threshold.

LSK welcomes Gender Bill but warns of risks of tokenism



Members of civil society groups when they appeared before the Justice Committee.



Senator Dan Maanzo



Senator Wakili Sigei, the chair, Justice Committee.

Law Society of Kenya (LSK) has urged Parliament to refine the Constitution of Kenya (Amendment) Bill, 2025 on the grounds that its current framework risks promoting tokenism, political patronage and increased fiscal pressure on taxpayers.

The Society however noted that the proposed law advances inclusion for women and persons with disabilities.

In its memorandum, which was submitted to the Committee on Justice, Legal Affairs and Human Rights, LSK said the Bill's intention to introduce additional seats to enforce the two-thirds gender rule in Parliament and guarantee at least five per cent representation of persons with disabilities is a positive step.

It however cautioned that affirmative action must remain transitional.

"Both women and persons with disabilities have historically been pushed

to the margins of political participation through systemic barriers that denied them equal opportunity," LSK noted, adding that affirmative action was never meant to permanently restructure Parliament but to correct historical injustice.

However, it warned that the proposed nomination system could weaken democratic accountability.

"A heavy reliance on nomination formulas risks creating dependency on political patronage rather than building genuine capacity for equitable electoral competition," observed LSK the Society said.

On fiscal concerns, LSK cautioned that expanding Parliament without structural reforms could erode public trust.

"Expanding Parliament through additional seats without adequate safeguards risks imposing unnecessary costs on the taxpayer while weakening confidence in

affirmative action as a tool of justice," it stated.

The Society further faulted the Bill for failing to address deeper structural barriers such as discriminatory party nomination processes and inaccessible electoral systems.

"Numerical compliance alone cannot resolve entrenched inequality if the root causes of exclusion are not addressed," it observed, urging a stronger political party accountability even as it argued that inclusion must begin at nomination level.

"Without binding obligations on political parties, affirmative action will remain a symbolic exercise rather than a transformative democratic tool," LSK warned.

The Society recommended mandatory quotas requiring at least one-third of candidates to be women and at least five

per cent to be persons with disabilities backed by sanctions including withdrawal of public funding and rejection of non-compliant party lists by the Independent Electoral and Boundaries Commission (IEBC).

It also proposed transparency reforms requiring parties to publish nomination criteria and undergo independent audits by the Registrar of Political Parties to reduce manipulation and tokenism.

LSK outlined a four-step enforcement sequence beginning with party compliance, followed by audits, sanctions for violations and a fallback nomination mechanism activated only after elections if constitutional thresholds are not met.

It stressed that affirmative action should remain a last-resort safeguard rather than a default political arrangement.

Senator Mumma calls for probe on SHA system



Senator Catherine Mumma

Senator Catherine Mumma wants the Committee on Health to investigate the challenges affecting the implementation of the country's health insurance framework under the Social Health Authority (SHA).

Citing Article 43 of the Constitution, which guarantees every Kenyan the right to the highest attainable standard of health, the lawmaker says the Social Health Insurance Fund (SHIF) is intended to anchor the government's

efforts toward universal health coverage.

"Despite its central role in facilitating access to health care services, the system continues to face operational difficulties, including digital system outages, delays in claim settlements, uncertainty regarding empanelled facilities and covered services, and concerns raised by health care providers and patients across the country."

She wants the Committee on Health to investigate the status of the digital system supporting the Social Health Authority (SHA), including the causes of recurring outages, any vulnerabilities or breaches linked to fraudulent claims, losses incurred, and measures taken to stabilise and secure the system.

In a request for a Statement, she also wants the Committee to provide information on the status of investigations and legal action relating to fraudulent claims under the SHA, including the reasons for delays in prosecution.

She further wants the Committee to explain the criteria and procedures used to empanel health care facilities, the measures in place to enable the public to identify approved facilities, and the strategies being employed to enhance public awareness and access to SHA information, particularly for citizens who may not have access to digital platforms.

"The Committee should explain the measures in place to safeguard patient access to care, including support for survivors of defilement and other forms of gender-based violence (GBV), covering access to post-exposure prophylaxis, treatment for sexually transmitted infections, medical care for child pregnancies, including psychosocial support and related services, and whether systems exist to track such cases and link them with the relevant security and administrative agencies," she said.

BILLS

Move to unlock Equalisation Fund amid Sh46.5B arrears

The Equalisation Fund Appropriation Bill, 2025 has been introduced in the Senate after undergoing First Reading before the House took a short break.

The Fund was established under Article 204(1) of the Constitution with the purpose of addressing regional disparities in development. It mandates that 0.5 per cent of all revenue collected annually by the national government be allocated to the Fund. This amount is calculated based on the most recent audited revenues, as reviewed and approved by the National Assembly.

The Fund is specifically designated for delivering basic services such as clean water, accessible roads, health facilities and electricity to marginalised areas. Its purpose is to elevate the quality of these services to match national standards, thereby promoting equitable and sustainable development.

In its Second Policy on Marginalisation, the Commission on Revenue Allocation identified 1,424 marginalised sub-locations spread across 34 counties and 107 constituencies. Each of these areas was assigned a specific allocation factor, which determines how funds are distributed under the Equalisation Fund.

The approach is designed to ensure that resources are allocated equitably, targeting the most underserved communities.

The Bill, which originated from the



A sitting of the Senate.

National Assembly, seeks to appropriate Sh16.8 billion to the 1,424 marginalised areas identified across the country. Out of the total allocation, Sh6.2 billion comprises funds carried forward from the 2024/2025 financial year, while Sh10.6 billion has been allocated for the current financial year, 2025/2026.

The Sh10.6 billion includes Sh7.852 billion, representing 0.5 per cent of the most recent audited and approved national revenues, and Sh2.747 billion in arrears approved under the Division of Revenue Bill, 2025.

The Bill allocates Sh504 million for administrative and oversight expenses of the Equalisation Fund Board and Secre-

tariat—an amount within the 3 per cent ceiling provided under the Public Finance Management (Equalisation Fund Administration) Regulations, 2021.

The Bill identifies counties with the highest levels of marginalisation based on the Second Policy on Marginalisation.

Eight counties will receive over 60 per cent of the total allocation, including Turkana County, which will receive the largest share at Sh1.86 billion, followed by West Pokot (Sh1.7 billion), Narok (Sh1.3 billion), Mandera and Wajir (Sh1.2 billion each), Samburu (Sh1.1 billion), Garissa (Sh1.0 billion) and Baringo (Sh967 million).

To ensure the funds are used for their intended purpose, the Bill proposes that the funds will not be deposited into the County Revenue Funds (CRF). Instead, they will be transferred to special purpose accounts opened by each beneficiary county at the Central Bank.

This measure ensures the funds are utilised strictly for their intended purpose. The Bill also provides that its enactment will constitute legal authority for the Controller of Budget to approve and authorise disbursements.

Historically, the Equalisation Fund has been characterised by low allocations.

The Committee also highlighted the historical underfunding of the Equalisation Fund. As of June 2024, only Sh13.4 billion—equivalent to 22.4 per cent of the cumulative Sh59.96 billion due to the Fund—had been disbursed since its establishment.

Arrears currently stand at Sh46.5 billion, and the Senate has in the past questioned the backlog, noting that the funding shortfall not only undermines the Fund's credibility but also poses a serious threat to the achievement of its core mandate.

The Bill was committed to the Committee on Finance and Budget to facilitate public participation.

Senator Chute seeks to enforce Gender rule in CECMs



Senator Mohamed Chute

County Governors will have to adhere to the two-thirds gender principle when nominating and appointing members of the County Executive Committee, under a new Bill before the House.

The County Governments (Amendment) Bill, 2026 seeks to ensure that no more than two-thirds of County Executive Committee (CEC) members are of the same gender, thereby promoting gender equality in county governance as enshrined in Article 27(8) of the Constitution.

The Bill, sponsored by Senator Mo-

hamed Chute, was introduced in the Senate last week and committed to the Committee on Justice, Legal Affairs and Human Rights to facilitate public participation in line with Article 118 of the Constitution.

In justifying his proposal, Senator Chute seeks to amend Section 35 of the County Governments Act to enforce the two-thirds gender rule and ensure inclusivity in county executive appointments. The amendment mandates that no more than two-thirds of CEC members be of the same gender.

He says the enactment of the Bill will

ensure compliance with constitutional principles of inclusivity and diversity in the appointment of County Executive Committee members.

Apart from enforcing the two-thirds gender principle in CEC appointments, the Bill requires that nominations consider persons living with disabilities and that the composition of CECs reflects the cultural and community diversity of each county.

“This amendment will ensure that not more than two-thirds of County Executive Committee members are of the same gender, thereby promoting gender equality in county governance,” the Senator states in the Objects of the Bill.

Additionally, the Bill introduces a requirement for County Governors to consider persons living with disabilities in the composition of County Executive Committees. This provision aligns with Article 54 of the Constitution, which guarantees the rights of persons with disabilities to participate in governance and public affairs. The Bill further reinforces existing provisions requiring that County Executive Committees reflect the community and cultural diversity of their respective counties and adhere to constitutional principles of affirmative action.

Senator Chute also proposes to limit the number of Chief Officers to 20 per county to prevent bloated bureaucracies and control expenditure. Another provision states that if a governor fails to assent to a Bill within seven days, the Speaker of the County Assembly may step in to ensure its publication, thereby reducing executive obstruction.

The Bill also establishes a compliance mechanism, granting county assemblies the power to reject nominees who fail to meet the two-thirds gender rule, diversity requirements, and consideration of persons with disabilities.

“A county assembly shall not consider for approval a list of nominees to the executive committee unless the nominations comply with the gender rule, reflect the community and cultural diversity of the county, and take into account persons living with disabilities.”

If the rejection of a nominee results in non-compliance with the proposed requirements, the county assembly shall require the county governor to submit, within 14 days, the name of a qualified person whose nomination or appointment would ensure compliance.

“In such an instance, the county governor is required to submit names of nominees who comply with the diversity and inclusion requirements.

Another attempt to bar Governors from Senate

The Senate has invited members of the public to submit their views on the Constitution of Kenya (Amendment) Bill, 2026, which is already before the House. The Bill seeks to amend Article 99(2) of the Constitution to bar any individual who has served as a Governor from contesting a senatorial seat for at least five years after the end of their term.

The Bill, which is sponsored by Senator Kamau Murango, was introduced and committed to the Committee on Justice, Legal Affairs and Human Rights to undertake public participation.

In an advert published in local newspapers, the Clerk of the Senate, Jeremiah Nyegenye, has asked members of the public to submit any representations they may have on the proposals in the Bill by way of written memoranda.

“The memoranda may be submitted to the Clerk of the Senate on or before May 8, 2026,” said the advert that appeared in the Daily Nation of Wednesday, April 8, 2026.

Those interested can hand-deliver their memoranda to the Office of the Clerk at the Main Parliament Buildings, or send them via postal address 41842-00100, Nairobi. Alternatively, the mem-



Senator Kamau Murango

oranda can be emailed to clerk.senate@parliament.go.ke and copied to senate-jlahr@parliament.go.ke.

“In addition, the Senate will hold a public hearing on the Bill on a date and venue to be communicated,” said Mr Nyegenye.

This is the second time a similar Bill is being introduced in the House. The first attempt was made by Senator Raphael Chimera, but the Bill was withdrawn at the Second Reading stage.

At the time, Senator Chimera defended the proposal as reasonable and justifiable, arguing that the offices in question directly exercise oversight over county governments. He said the brief interlude would provide “a cooling-off period” to allow the Senate to examine audit issues raised against such governors in an impartial manner, without concern that the subject of scrutiny is a colleague expected to answer those questions.

In addition to Article 99, the Bill also seeks to amend Article 193(2), as well as Sections 24(2) and 25(2) of the Elections Act, to bar persons who have served as county governors from vying for election as Members of Parliament or Members of County Assembly for the first five years immediately after leaving office.

Article 99(2) outlines the circumstances under which individuals may be disqualified from contesting a parliamentary seat, while Article 193(2) deals with situations in which an individual may be disqualified from contesting a ward representative seat.

In justifying the Bill, Senator Murango notes that county governors are required to account to county assemblies and the Senate for financial and admin-

istrative decisions made during their tenure.

He argues that the enactment of the Bill would allow oversight bodies adequate time to inquire into any matters arising from the tenure of a former county governor without interference, which is likely particularly if the individual is elected as a Member of County Assembly or to the Senate.

He further states that this would enable voters to have a clear reference point when making informed decisions about a candidate’s suitability for another elective office, since all accountability processes would have been completed.

Annual audit reports prepared by the Office of the Auditor-General are submitted to the Senate and the relevant county assembly pursuant to Section 32 of the Public Audit Act for scrutiny.

“Barring former county governors from vying for elections will allow any ongoing accountability processes related to the administration and financial management of the county to be completed, as these would have a bearing on the suitability of the former county governor to hold any other elective position,” he states in the memorandum of objects of the Bill.

Thika City bid gains momentum as Senate holds public participation forum



Governor Kimani Wamatangi speaks to Thika town residents who attended the public participation meeting with Devolution Committee.



Senator Catherine Mumma, the vice chair of the Devolution Committee, signs the Visitors' Book as Senator Mohamed Chute (left) Senator Richard Onyonka, Senator Margret Kamar and Senator Karungo Thangwa (right) look on. Governor Wamatangi is on second right.



Senator Mumma speaks to the crowd during the event.

The journey toward the conferment of city status for Thika Municipality has reached a pivotal milestone after the Senate Committee on Devolution and Intergovernmental Relations held a high-stakes public participation forum at the Mount Kenya University Pavilion in Thika Town.

In a strong display of civic engagement, residents and stakeholders from across Kiambu County turned out in large numbers to champion what they described as a long-overdue aspiration.

The forum was officially opened by Senator Catherine Mumma, the Vice Chairperson of the Committee, who emphasised the Senate's commitment to the devolution agenda. She lauded the residents for their impressive turnout, describing it as a true testament to the civic spirit of the people of Thika.

Senator Mumma outlined the rigorous legal framework prescribed by the Urban Areas and Cities Act, which governs the transition of a municipality into a city.

She explained the significance of the proceedings, stating: "The purpose of this forum is to receive views and

submissions from the residents and stakeholders of Thika on the application by the County Government of Kiambu for the conferment of city status."

Under the law, the elevation of an urban area is a structured process beginning with Section 5 of the Act, which requires a municipality to meet specific criteria, including population size and economic viability.

The First Schedule of the Act further outlines essential services—ranging from functional sewerage systems to health facilities—that a municipality must provide to qualify for such a transition.

The process also involves a resolution by the County Assembly, which, in Thika's case, was transmitted to the Senate in June 2025 recommending the elevation. Section 9 of the Act provides that the President may, upon a resolution of the Senate, officially confer city status by granting a charter in the prescribed form.

The push for Thika's elevation is backed by strong data, with the Kenya National Bureau of Statistics confirming

to the Committee that Thika's population currently stands at 284,727—surpassing the legal threshold of 250,000 residents.

Kiambu Governor Kimani Wamatangi, who joined the Committee during the consultative sessions, submitted that Thika is the second most industrialised town in Kenya, hosting over 1,000 industries spanning manufacturing, agro-processing, and financial services.

Throughout the day, various groups voiced their support while outlining their expectations, with Senators assuring them that their views would be central to the decision-making process.

The Thika Residents Association, among the first to present, expressed strong support for the transition, noting that city status would ensure that infrastructural development keeps pace with the town's rapid population growth.

This position was echoed by the Kiambu County Poultry Farmers' Co-operative Society, which stated that the elevation would boost farmers' incomes by increasing food demand and attracting investors in value-addition industries. The farmers further noted that city status

would unlock additional funding for road infrastructure, which is critical to ensuring produce reaches markets on time.

Representing the business community, Thika Small Traders Association Chairperson Joshua Njuguna said traders had no objection to the conferment of city status. However, he urged the government to prioritise key improvements to accompany the elevation, including the re-carpeting of feeder roads and the expansion of water supply.

The National Land Commission (NLC) also weighed in during the proceedings, confirming that Thika meets the threshold for city conferment and raising no adverse concerns regarding the application.

The Committee, chaired by Senator Mohamed Abbas, later inspected various amenities within Thika. Its findings, together with the views expressed by the public, will inform the Committee's final recommendation on whether the Senate should resolve to have the President grant Thika its long-awaited City Charter.

We have no power to create new constituencies, says IEBC



The Committee on Justice poses for a group photo with a section of non-state actors during a public engagement on the Constitution of Kenya (Amendment) Bill, 2025 which seeks to entrench the Gender rule.

The Independent Electoral and Boundaries Commission (IEBC) has said there will be no creation of new constituencies when it eventually embarks on the long-overdue boundary delimitation exercise.

Article 89 of the Constitution grants the Commission the power to review the number of electoral units. However, the law caps the number of constituencies and electoral wards.

The Constitution limits constituencies to 290, while the County Governments Act caps electoral wards at 1,450.

The last boundary review was conducted in 2012, establishing the current 290 constituencies and 1,450 wards. Under the Constitution, the IEBC is required to review boundaries every 8 to 12 years, meaning the exercise should have been completed by around March 2024.

The Commission has acknowledged the legal challenges but insists that the upcoming exercise will be limited to re-naming and alteration of boundaries.

“IEBC must operate within constitutional limits, including the cap on constituencies and other statutory provisions affecting wards, such as the County Governments Act,” the Commission said in a report submitted to the Senate Committee on Justice, Legal Affairs and Human Rights.

The report was filed in response to a statement sought by Senator Richard Onyonka.

On June 9, 2025, the senator had asked

the Commission to facilitate the subdivision of large constituencies in counties such as Kisii, Nyamira and Migori ahead of the 2027 General Election. He argued that such divisions would promote equitable representation and create more manageable electoral units in line with Articles 89 and 95 of the Constitution.

However, the Commission has ruled out any delimitation of electoral units before the 2027 General Election, citing time constraints, though it confirmed that significant preparatory work has already been undertaken.

This includes situational analysis, pilot studies and institutional capacity building.

The IEBC said the upcoming review will be conducted in phases, beginning with a comprehensive assessment of constitutional requirements, judicial guidance, available resources and the electoral calendar.

“Given the current timelines, including the need to allocate time for dispute resolution, it is not feasible to complete the review in time for the 2027 elections,” the Commission said.

The report was signed by Acting CEO Moses Sunkuli.

The Constitution requires that boundary delimitation be finalised at least 12 months before a general election.

Currently, the Commission is focused on preparations for the 2027 General Election. Mr Sunkuli warned that conducting the delimitation exercise alongside election preparations would com-



Senator Richard Onyonka

promise both electoral preparedness and institutional focus.

Among the Commission’s ongoing activities are electoral operations, legal reforms, continuous voter registration and preparations for the 2027 poll.

“We have assessed the practicality of undertaking these activities concurrently with the boundary delimitation exercise. We foresee significant bottlenecks if we attempt to conduct delimitation alongside these obligations ahead of the 2027 General Election,” he said.

He also told the Committee that the process has been delayed by issues surrounding the validity of national population census data in 14 out of 17 constituencies across Garissa, Wajir and Mandera counties.

The High Court invalidated the 2019 Kenya Population and Housing Census results for these areas, ruling that the process did not meet the required legal and procedural standards and that the data could not be relied upon for official purposes.

Rights groups rally behind Gender Bill



A representative of Civil Society Groups speaks during the meeting with the Justice Committee.

Civil Society Groups are mounting pressure on Parliament to finally implement the two-thirds gender rule and entrench disability inclusion after many years of failed promises.

The groups have backed the Constitution of Kenya (Amendment) Bill, 2025 which they described as a long-overdue corrective measure to years of constitutional underperformance.

The Federation of Women Lawyers in Kenya (FIDA-Kenya), the National Gender and Equality Commission (NGEC), the National Council for Persons with Disabilities (NCPWD) and Maendeleo ya Wanawake Organisation (MYWO) have all endorsed the Bill in separate memoranda to the Senate.

The groups are urging lawmakers to move beyond political rhetoric and deliver enforceable equality laws.

At the heart of the Bill is a formula-based mechanism that would trigger additional nominations to Parliament and county assemblies where elected seats fail to meet the two-thirds gender threshold.

This is alongside a proposed minimum five per cent representation for persons with disabilities in elective and appointive positions.

FIDA-Kenya says the proposed law was not only necessary but constitutionally unavoidable.

“This Bill is a constitutionally compliant and overdue intervention to cure persistent legislative inaction,” FIDA said and added that continued delay amounted to a breach of constitutional duty under Articles 27 and 81.

The lobby group warns that Kenya could not continue ignoring binding equality provisions.

It notes that Parliament had a responsibility to ensure legislation reflects the spirit of the Constitution.

FIDA welcomed the proposed nomination framework saying it provides a legally enforceable pathway to compliance but cautions that legal reforms alone would not solve entrenched inequality.

“Substantive equality cannot be achieved through numbers alone. It requires addressing structural barriers such as campaign financing gaps, political violence and exclusionary party practices,” it says in its memoranda.

The organisation further urges the Independent Electoral and Boundaries Commission (IEBC) to take a firmer stance on party lists.

The National Gender and Equality Commission (NGEC) supported the Bill but raised concerns over how the proposed five per cent disability threshold would be calculated.

NGEC warns against what it terms as “mathematical dilution” of inclusion.

“The five per cent must be computed strictly from elected members. Including affirmative seats risks weakening the real representation of persons with disabilities,” says NGEC.

The Commission further proposes amendments to Articles 81, 100 and 177 to strengthen enforcement and expand inclusion to youth, minorities and other marginalised groups.

“Kenya must move from symbolic in-

clusion to enforceable equality. The law must leave no room for interpretation that undermines affirmative action.”

The National Council for Persons with Disabilities (NCPWD) also backed the Bill saying it gives practical effect to Article 54(2) of the Constitution guaranteeing representation of persons with disabilities.

“The proposed amendments are a critical step towards ensuring meaningful inclusion of persons with disabilities in leadership and governance structures,” the Council says.

The Council supports provisions introducing special seat nominations where electoral outcomes fall short as well as expanded use of party lists under Article 90.

The Council also welcomed proposals requiring political parties to adopt transparent nomination processes and comply with strict inclusion rules.

“We are also supportive of the two-term limit for party list nominees as it will encourage leadership renewal and prevent monopolisation of opportunities,” it adds.

MYWO, however, warns against reducing women’s representation to a mere procedural exercise and urges for safeguards to prevent tokenism.

“These seats must not become political rewards. They must reflect genuine commitment to gender equality and leadership,” MYWO affirms.

The organisation further called for explicit inclusion of women with disabilities to address discrimination.

“Women with disabilities experience



Senator Veronica Maina.

double exclusion. Any reform that ignores them will fall short of constitutional equality,” MYWO says.

MYWO chairperson Rahab Muiu said Kenya must treat equality as a constitutional obligation rather than a matter of political convenience.

“Equality is not optional. It is a duty imposed by the Constitution and Parliament must act accordingly,” she said.

She further urged periodic review of the framework after two general elections to assess progress and close implementation gaps.

Senator Maina rallies House to close Gender gap



Senator Catherine Mumma



Senator Esther Okenyuri



Senator Veronica Maina



Senator Agnes Muthama



Senator Crystal Asige

Senator Veronica Maina has urged the House to maintain its oversight of the health and justice sectors and fast-track the implementation of the two-thirds gender principle, saying that rights on paper mean little without the power of enforcement.

“Justice is not merely the absence of discrimination, but the presence of accountable systems. Parity is not a favour; it is a constitutional benchmark,” she told the House, adding that the Senate must ensure that the justice gap for women and girls across the 47 counties is not only identified, but also decisively closed.

The lawmaker made the call when she issued a personal statement on the participation of the Senate delegation in the 70th Session of the Commission on the Status of Women (CSW) held at the United Nations (UN) Headquarters in New York from March 9 to 19, 2026.

The Commission on the Status of Women (CSW) is the highest global body dedicated to the promotion of gender equality. This year’s session was par-

ticularly significant as it addressed the priority theme, “Ensuring and strengthening access to justice for all women and girls.”

The deliberations focused on dismantling structural, economic, and social barriers that continue to hinder women from fully realising their rights, despite existing legal protections.

Senator Maina led the delegation, which also comprised Senator Catherine Mumma, Senator Agnes Kavindu Muthama, Senator Essie Okenyuri, and Senator Crystal Asige.

She told the House that the delegation ensured the Senate remained a leading voice in the global negotiations.

“Our engagement was defined by a commitment to showcase Kenya’s progress in strengthening access to justice for women and girls, while advocating for solutions rooted in the lived experiences of our citizens,” she said.

She added: “As a panellist in the IPU-UN Women Parliamentary Meeting, I informed the global parliamentary community of Kenya’s legislative strides,

specifically the Constitution of Kenya (Amendment) Bill, 2025. I highlighted how the proposed top-up mechanism seeks to resolve the decade-long two-thirds gender rule impasse, ensuring that our Parliament is constitutionally compliant and representative of all Kenyans.”

Senator Asige served as a panellist in a high-level session on scaling solutions for digital violence, which focused on combating Technology-Facilitated Gender-Based Violence (TFGBV). She articulated the urgent need for a robust regulatory framework to address emerging harms such as AI-generated deepfakes and online harassment, which disproportionately target women and persons with disabilities.

On realising maternal justice through accountable health systems, Senator Mumma participated as a panellist in a critical session on building accountable local systems to advance maternal health justice. She shared Kenya’s experience in decentralising health oversight and emphasised that access to justice for

women must include the right to safe, dignified, and accountable maternal healthcare at the county level.

At the Judiciary flagship event, the Senate delegation supported Chief Justice Martha Koome at the Ford Foundation Center, where discussions centred on Kenya’s multi-door justice model, anchored in the Social Transformation through Access to Justice (STAJ) blueprint. The model has been celebrated globally for its focus on bringing justice closer to communities through the Alternative Justice System (AJS), rather than relying solely on distant courtrooms.

Member states reached a consensus on a roadmap to dismantle structural barriers to justice.

“These conclusions provide a comprehensive framework for member states, and for us as a House of oversight, to ensure that justice systems are well resourced, that legal aid is expanded, that recognition and support are given to community justice workers, and that we prioritise the development of a human rights-based framework for digital justice and AI governance.”

Senator calls for probe on Samburu teachers stalled promotions



Senator Steven Lelegwe

The Senate is looking into concerns over stalled promotions, prolonged acting appointments, and difficult working conditions facing teachers in Samburu County.

This follows a Petition presented to the House by Senator Lelegwe Ltumbesi on behalf of affected teachers in the county.

The Petition highlights the plight of teachers who have served in acting capacities for years without confirmation, promotion, or commensurate pay.

“For prolonged periods ranging between three to seven years, a significant number of teachers in Samburu County have been serving in acting capacities as school principals and deputies without formal confirmation, promotion, or commensurate remuneration,” he told the House.

The petitioners say the affected teachers continue to handle key administrative, financial, and academic responsibilities but remain in lower job groups, earning less and missing out on responsibility allowances.

They complain that despite efforts to have the issue addressed administratively through the Kenya Secondary School Heads Association (KSHA), Samburu

branch, to the Teachers Service Commission, no satisfactory response has been received to date.

“Despite the absence of formal appointment, the teachers continue to discharge full administrative, financial, and academic responsibilities equivalent to substantive office holders,” the Petition states.

The situation is compounded by the harsh environment in Samburu County, where schools grapple with poor infrastructure, teacher shortages, and insecurity.

Senator Ltumbesi said this has made teaching and school management even more challenging.

“The schools in Samburu County operate under extremely challenging conditions characterised by inadequate infrastructure, limited teaching and learning resources, teacher shortages, insecurity in some areas, and poor road and communication networks,” reads the Petition.

Teachers in acting roles are also forced to juggle classroom duties and administrative work without recognition, a burden that is hurting performance and stability in schools.

“Teachers in acting capacities are sub-

jected to a double burden without formal recognition and responsibility allowances, thereby affecting efficiency, institutional stability, and overall education outcomes,” the petitioners say.

They warn that the prolonged uncertainty has led to career stagnation, burnout, and frequent leadership changes, which have disrupted learning programmes and lowered morale among teachers.

“This has resulted in career stagnation, professional demoralisation, reduced morale among teachers, and inequitable treatment compared to their counterparts in other regions,” the Petition reads.

Efforts to resolve the matter through the Teachers Service Commission (TSC) have borne no fruit, with the petitioners terming the delay a violation of fair labour practices and constitutional protections.

“Despite numerous appeals to the Teachers Service Commission and other relevant authorities, the matter remains unresolved.”

The petitioners appeal to the Senate to inquire into the prolonged acting appointments of teachers and establish the extent and causes of delays in confirmation and promotion.

They want senators to direct the TSC to facilitate the immediate confirmation and promotion of all qualified teachers serving in acting capacities, recommend payment of all accrued responsibility allowances and salary arrears for the period served in acting positions, and develop and enforce a clear policy framework limiting the duration of acting appointments within the teaching service.

“The Senate should recommend targeted interventions to improve working conditions in ASAL regions, including the provision of infrastructure, staffing, and incentives for teachers,” the petitioners say, adding that this will ensure equitable deployment and staffing of teachers to reduce workload and enhance the quality of education in Samburu County.

They also want the Senate to recommend policy and legislative measures to protect teachers serving in leadership and marginalised areas from systemic neglect, and to make any other recommendations or take any action it deems fit to address the plight of teachers in Samburu County and improve education outcomes.

Senators plan to fast-track Kenya's AI policy framework



Senator Thangwa

As countries worldwide race to harness the opportunities of the Fourth Industrial Revolution, the Senate is considering measures to strengthen the country's position in the digital economy.

Consequently, the House is set to debate a Motion that seeks to fast-track the development of a national policy framework on artificial intelligence and emerging technologies.

The aim of the Motion, sponsored by Senator Karung'o Thangwa, is to position Kenya as a leader in the digital economy.

The lawmaker has already given notice of the Motion, which calls for a comprehensive approach to harness the opportunities presented by the Fourth Industrial Revolution while safeguarding national interests.

In the notice, Senator Thang'wa

told the House that rapid technological change, driven by artificial intelligence, blockchain, and financial technology, is already reshaping global economies and demands urgent policy attention.

"The Fourth Industrial Revolution is redefining economies globally through emerging technologies such as Artificial Intelligence (AI), blockchain, and financial technology," he said, noting that Kenya has made significant progress in digital infrastructure and mobile innovation.

This, he said, places Kenya at a vantage point to lead Africa's tech transformation if the right policy environment is put in place. "Kenya has made commendable strides in digital infrastructure and mobile innovation, positioning itself as a potential leader in Africa's tech-driven future," he states in the Motion.

The Motion further anchors Kenya's ambitions within continental efforts. It cites the African Union's adoption of a Continental AI Strategy aimed at fostering ethical, inclusive, and development-focused use of artificial intelligence across member states.

The recently launched Kenya National Artificial Intelligence Strategy 2025–2030 provides a foundation for the policy. However, the Motion notes that it requires complementary policy and

legislative backing to unlock its full potential.

"The absence of a comprehensive framework may hinder innovation among local start-ups and youth-led tech enterprises, and slow down Kenya's ability to harness AI for inclusive growth," the Motion warns.

Under the proposal, the Senate seeks to compel the Ministry of Information, Communications and the Digital Economy to develop a robust policy that promotes research and development of locally relevant AI solutions.

The Ministry would also be required to establish ethical guidelines and create innovation-friendly regulatory sandboxes should the Motion receive the approval of senators.

It further pushes for stronger public-private partnerships to build digital skills and innovation ecosystems, as well as the integration of AI and coding into the education curriculum to prepare future generations for a tech-driven economy.

"There is a need to align Kenya's development with global standards in AI adoption while also safeguarding national values, inclusivity, and employment."

AWARDS

Senator Okenyuri feted at Commonwealth Youth Summit

Senator Esther Okenyuri has been recognised for her continued commitment to championing transformative youth policies in the Senate and through her Essy Okenyuri Nyaituga Foundation, while fostering partnerships to empower young people to actively shape their future.

She was recognised during the 2026 Commonwealth Youth Development Summit, convened at the University of Oxford, UK—a global platform that brings together youth practitioners, policymakers and young changemakers committed to shaping the future of youth development across Commonwealth countries.

The award was from the Common-

wealth Youth Council.

"I accept this recognition with deep humility, fully cognisant that it is not an individual milestone but a reflection of the trust, resilience and shared vision of the communities, partners and young people whose voices continue to inform and inspire my work in the Senate and at the grassroots level through the Essy Okenyuri Nyaituga Foundation," she said, adding that the recognition renews her determination.

"I remain committed to championing transformative policies, fostering meaningful partnerships and advancing sustainable pathways that ensure young people have the opportunity not only to participate in shaping their future but to actively define it."



Senator Esther Okenyuri receives the award in London.

Counties blow half of revenue on salaries



Governor Kenneth Lusaka before CPAC

Senators have directed county Governments to submit action plans outlining measures to reduce their wage bills within 90 days and comply with the law on remuneration.

The lawmakers made the resolution when they approved the recommendations by the County Public Accounts Committee on its consideration of the auditor general's reports for the county entities for the 2024/25 financial year.

The House directed that all County Governors must submit a time-bound action plan detailing specific measures to contain the wage bill. They also urged

the counties to enhance their own-source revenue to improve the wage-to-revenue ratio.

Additionally, the House tasked the Salaries and Remuneration Commission (SRC) with outlining strategies to help counties achieve compliance.

"The SRC is directed to submit time-bound strategies to achieve a 35 per cent public wage bill to revenue ratio," said Senator Otieno Kajwang, as he moved the debate on the Motion on the reports.

County governments are facing mounting fiscal crisis as they are spending more than half of their revenue on



Governor Fatuma Achani defends her financial accounts before CPAC.

salaries.

The Committee found that the total wage bill across the counties reviewed stood at nearly Sh39.85 billion making them exceed the legal threshold of 35 per cent.

"In some instances, the wage bill consumed over 50 per cent of total receipts," the committee says in its report, noting that it violates the statutory requirement that personnel costs should not exceed 35 per cent of total revenue.

This is raising concerns about fiscal sustainability.

"The total quantified wage bill fiscal

risk exposure is approximately Sh39.85 billion," the Committee notes.

The Committee warns that the ballooning wage bill is crowding out development expenditure, consequently undermining the objectives of devolution.

"This high recurrent expenditure severely constrains the fiscal space available for development projects," the report says.

The committee further observed that the trend reflects poor financial planning and weak enforcement of fiscal responsibility principles.

This Week in History - On April 13, 2016

House debates State of the Nation Address 2016



Senator Kembi Gitura said:

"More than Sh1 trillion has been devolved to the county governments. The hope was that the Sh1 trillion which has been equitably distributed among the 47 counties could be seen and felt. However, the opposite in virtually all the counties is the truth. Almost nowhere can the effect of the money be felt. Members will recall that when the President asked his rhetorical question, whether the Sh1 trillion is being felt on the ground, the answer from the Floor of this House was that it is not being felt anywhere. Senators who were in that gathering realised that in truth, this money is not being felt. Where did it go and why is it not being felt on the ground? I was very happy when I heard the President say that he joins Kenyans in demanding total accountability. To use his words, he said; "This is your money." He ended by saying that there are no, and there will be no sacred cows. What is the truth in the counties? For how long will governors line their nests with people's money? How long will they be allowed to do off-shore investments? When will we start lifestyle audits so that we understand how a governor who did not even have one car before elections now drives in a fleet of cars and has a helicopter?"



Senator Boni Khalwale said:

"The President spoke of the nationalist covenant among Kenyans and the values that our nation must adopt in order to move forward. I want to speak about the difference between the President's intention and those who work for him and the work of the implementers who work with him. I congratulate the Government for the work they have done. It is important for us as we look forward, to appreciate something that has been done. If you appreciate something that has been done, even as a student, you can then begin to want to do the same thing. I agree with the President that we must re-evaluate our thinking and look at ourselves from within. I also agree with him that we must discipline our society. We have become an undisciplined society. No nation has ever developed in



Senator Abdirahman Ali Hassan said:

"This was, and will remain one of the most important key addresses in the recent times and in future in Parliament. I was, particularly, thrilled by his Address. Everybody else was happy, except those who decided not to listen. They never listened and should not even comment because they never heard and were not there to see the mood in the House. We are talking about our country. One day, we will not be there, maybe it will be talked about by the future generations after we have left. Our country has been independent for the last 50 years. Other countries have been independent for the last 240 years. In this case, I have in mind the United States of America (USA) which became independent on 4th July, 1776. They remember their year of independence and 4th July as the Independence Day. They are proud of that. They take stock of their achievements. Therefore, the Presidential Address was not a way of wasting time. It is done worldwide. Every country which is proud of its name has to recount its achievements and failures. The President's key Address last Thursday was noted. It was very good. I support everything he said, 100 percent."



Senator Daniel Karaba said:

"We all know food is important to the human body. Kenya is also known as an agricultural country. But it is unfortunate that Kenyans are suffering for the drought that is causing a crisis of food. All this is caused by lack of accountability by those charged with the responsibility of ensuring that there is enough food for all in this country. The Ministry of Agriculture, Livestock and Fisheries is the one charged with ensuring food security. But the officers are sleeping on the job because there is no fertilizer. There are areas in this country where irrigation is necessary for food production. But it is not happening. This House must offer a solution to the Ministry on how to execute their mandate."



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1. *Members of the Senate Board of Management and other Parliamentary officers pose for a photo during their Third Quarter Financial Reporting Working Retreat for the 2025/26 Financial Year in Nairobi County. The Retreat was organised to enlighten members of the Board on the accrual reporting framework and the qualitative aspects of financial reporting, including directorate reports on targets and achievements realised during the first three quarters of the financial year.*
2. *Deputy Clerk of the Senate Eunice Gichangi delivers her speech during the Retreat. She underscored the importance of quarterly reporting as a statutory and management tool in the financial reporting cycle.*
3. *Mr Anthony Njoroge, Director Litigation and Compliance, speaks at the Retreat.*
4. *Mr Richard Kemboi, the Chief Procurement Officer, makes his contribution as Mr John Ngumbao, the Deputy Director, Finance and Accounts, listens.*



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