



# The SENATE

Weekly

Issue No. 0043

## Senators oppose reduction of Equalisation Fund allocation

**With seven years remaining before its sunset, Parliament has appropriated a total of Sh62.4 billion to the Equalisation Fund but the National Treasury has disbursed only Sh13 billion. The decision by the National Assembly to reduce allocation to the kitty has angered the Senate which describes this as a scheme to water down the intention of the fund.**



Senator Tibitha Mutinda



Senator Moses Kajwang



Senator Okiya Omtatah



Senator Samson Cherarkey

Senators have opposed the decision by the National Assembly to reduce allocation to the Equalisation Fund even as it faulted the National Treasury of failing to settle the arrears due to the Fund.

Article 204 of the Constitution creates the Equalisation Fund and mandates the national government to use the kitty to provide basic services including water, roads, health facilities and electricity to marginalised areas to bring the quality of the services in those areas to the level generally enjoyed by the rest of the nation.

The Fund is calculated as 0.5 per cent of all the revenue collected by the national government each year calculated on the basis of the most recent audited accounts of revenue received, as ap-

proved by the National Assembly.

The Fund was to run for 20 years from the promulgation date of August 2010.

The Senate had approved an allocation of Sh10.9 billion to the Fund when it considered and approved the Equalisation Fund Appropriation Bill, 2023.

However, when the Bill was submitted for concurrence, the National Assembly slashed the figure to Sh10 billion, a decision that has been rejected by the Committee on Finance and Budget of the Senate in its report on the matter tabled in the House.

Majority Whip Boni Khalwale rallied the House to reject the reduction saying it was a deliberate effort to water down the intention of the Fund.

"It is now only remaining seven years. Before we know it, the period for

Equalisation Fund will have come to an end," said the Majority Whip during the debate on the motion on the report of the Committee.

A total of Sh62.4 billion has been appropriated to the Equalisation Fund but only Sh22.5 billion has been allocated and the National Treasury has disbursed only Sh13 billion so far.

In the amendment by the National Assembly, Mandera lost Sh58 million. From the initial Sh792 million, it will now get Sh734 million if the amendment is upheld, Garissa County will lose Sh48 million, from Sh663 million to Sh615 million, allocation due to Baringo County will fall from Sh625 million to Sh580 million, Kajiado County from Sh436 million to Sh404 million, Kitui County from Sh418 million to Sh387 million

and Kwale from Sh307 million to Sh285 million.

Others are Kilifi County from Sh567 million to Sh526 million, Marsabit County from Sh494 million to Sh458 million, while Homa Bay County will lose Sh10 million, from Sh138 million to Sh128 million.

"This is clear violation of Article 219. When Parliament appropriates money, it should be disbursed henceforth because it is meant to bring equalisation," said Senator Samson Cherarkey, pointing out that the kittis is not meant for office expenses.

"It is meant for establishment of dispensaries, installation of electricity and construction of roads among other basics."

Senator Moses Kajwang questioned

the formula used by the National Assembly to reduce the allocation. He said the base is prescribed and specified in the Constitution and warned that agreeing with the proposal by the National Assembly will be akin to abdicating and running away from the Constitution.

Senator Kajwang noted that his county has many pockets of marginalisation, among them the islands of Ringiti, Remba, Takawiri, Mfangano and Rusinga that have been forgotten over the years.

“This money must go to Homa Bay in full as approved by the Senate. We must revisit the regulations under the Equalisation Fund. In the last Parliament, this House passed the regulations under very acrimonious circumstances,” he said.

The Senator urged the House to revisit the regulations under the Equalisation Fund, which were enacted in the 12th parliament.

The regulations were passed under acrimonious circumstances and the National Treasury promised to bring them back to be corrected.

The regulations place the responsibility of identifying and making decisions on projects under the Equalisation Fund to County Commissioners, Members of National Assembly and excluded county governments.

Senator Kajwang said the regulations must be looked at.

Senator Peris Tobiko said there is no

justification for the reduction and regretted that the country continues paying lip service to equality

Senator Okiya Omtatah warned the lawmakers that at time should the House standby as the Constitution is violated.

“The Constitution is an absolute bar to what the National Assembly has attempted to do. These figures are not based on the budget of 2024/25, which was rejected when the President declined to sign the Finance Bill into law,” he said, adding that there is no way the Country should peg the Equalisation Fund to the current budget.

“They are pegged on what has already been spent by the government. There are

constitutional requirements and you cannot depart from them.”

Busia County was supposed to get Sh18.9 million which has been reduced to Sh17.5 million.

Senator Tabitha Mutinda, who is also the vice Chair of the Finance and Budget Committee, said the total allocation to the fund since inception is sh22.5 billion against a total entitlement of Sh62.4 billion.

This, she said, points to arrears of Sh39.9 billion as the actual disbursement to the Fund to date is sh13.6 billion.

The Speaker deferred the vote on the motion to the next sitting of the House.

## Governor Kawira faces the House for third time



Senator Karen Nyamu and Senator Joseph Githuku at a past function.



Senator Godfrey Osotsi



Senator Dan Maanzo

For the third time in as many years, the Senate is being called upon to consider the removal from office through impeachment of Governor Kawira Mwangaza of Meru County.

And this week, on Monday and Tuesday, the House will have to return from recess to once again conduct the trial of the Governor who has in a span of two years has been impeached from office three times.

Last week, the County Assembly of Meru voted to impeach the Governor for the third time since she was elected in August 2022.

On Friday, Speaker Amason Kingi, in a notice in the Kenya Gazette, recalled the House for a Special Sitting slated for Monday, August 19 and Tuesday, August 20 to conduct one of the key constitutional functions of the Senate.

The Governor is facing charges of gross violation of the Constitution, gross violation of various national and county laws and abuse of office.

Speaker Kingi informed the House of the impeachment during a Special Sitting on Wednesday, August 14. However, the House unanimously rejected the motion to establish an 11-member Special Committee to investigate the matter and instead resolved to hold the trial in the Plenary.



Governor Kawira Mwangaza testifies during her second impeachment trial in November 2023.

“As a legislator who has been in this House for quite a number of years, it is better to have the plenary deal with this matter, bearing in mind that we have had Governor Kawira come here twice,” said Senator Dan Maanzo, when rejecting the proposal for the matter to be handled through a special committee.

“In the interest of justice, and fairness, the country needs to follow the proceedings clearly and openly, so that when a final decision is made, whether for or against the Governor, everyone finds that the Senate has done justice.”

Senator Ledama ole Kina observed that there had been a lot of sensationalisation of impeachment, with severe allegations being thrown around by both parties.

“If we reduce this to a Committee, others might end up arguing that it is a clandestine move to save or impeach the governor. I think it is best if we carry out the exercise in plenary, so that we can sit here.”

Senator Wakili Sigei, Senator Wamatinga who were among the 11 members to sit on the Committee also opposed the committee route saying it was not the best route to serve justice.

“I still believe that the best way to serve justice to the people of Meru is to have this matter dealt with by a plenary,” said Senator Sigei, adding that the plenary, with its collective wisdom and fairness, was the most crucial and effective way to address the concerns that have

already been raised by MCAs.

Senator Wamatinga said “larger and bigger is better”, and drawing parallels by the President William Ruto to include members of the opposition into government, said this plenary will not only be seen to be accommodative, but also capture the spirit of the Gen Z who are tribeless and leaderless, and most importantly, where everybody is included.

Senators who supported the Committee were Senator Karen Nyamu, Senator Edwin Sifuna and Senator Godfrey Osotsi.

“The issue of Meru County has elicited a lot of interest in the country. As a committee, we should be given the opportunity to interrogate these issues and get to the bottom of it,” said Senator Nyamu, who also would have sat on the Committee had the House approved it.

Senator Sifuna supported the Committee method arguing that the House is on recess.

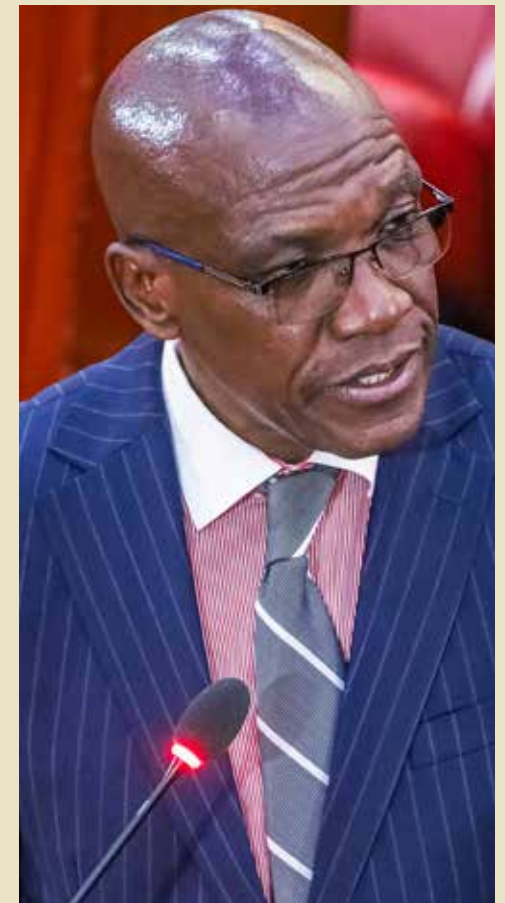
“Senators had committed to do other things. It is not fair to drag the entire Senate to sit here just to listen to these allegations,” he said, adding there is greater opportunity to cross-examine witnesses and ask supplementary questions when you go the committee way.

Senator Osotsi said the committee is the most effective tool for the trial.

# Speaker to rule on Nominated Senators role in Special Committee on impeachment



*Speaker Amason Kingi when he informed the House the decision by the County Assembly to impeach Governor Kawira Mwangaza during a special sitting last week.*



*Senator Boni Khalwale*

Speaker Amason Kingi has promised to deliver a ruling on whether the House has in the past violated the law when it picked Nominated Senators to sit on the Special Committees that usually conduct trials on the removal of County Governors from office through impeachments.

Section 33 of the County Governments Act and Senate Standing Orders provide for the procedure to be followed in the hearing and determination on the removal from office of a governor by impeachment.

Specifically, Section 33 (3) provide that the Senate may, by resolution, appoint a Special Committee comprising eleven of its members to investigate the matter, or investigate the matter in plenary.

Article 123 of the Constitution provides that when making decision on any matter concerning a Counties and their governments, the Senate shall vote

through delegations. The House has 47 delegations, designed around the elected senators.

A delegation consists of an elected Senator and Nominated Senators who are registered voters in the particular county.

The Constitution further provides that elected Senators are the heads of their delegation but they have an option to designate those who will vote in their absence.

Nominated Senators have no voting right when the matter under consideration concerns counties and their counties. However, Nominated Senators can cast votes in other any other matter, as long as it doesn't concern counties.

The Speaker promised to deliver the ruling at the request of Majority Whip Boni Khalwale and Senator Samson Cherarkey on Wednesday. This was during debate on the motion for the establishment of a Special Committee to

investigate Governor Kawira Mwangaza who was impeached by the County Assembly of Meru County for gross violation of the constitution.

The Motion for the establishment of a Special Committee was defeated, paving the way for the hearing of the impeachment charges against the Governor to be heard in Plenary.

Senator Khalwale argues that Nominated Senators cannot sit in a special committee on impeachment because they have no vote. He wants The Speaker to clarify whether the House has violated the law each time Nominated Senators have been allowed to sit on the Special Committee considering that they cannot cast a vote in the removal motions.

"Since it requires a delegation to make a decision on removal of a governor, has the inclusion of the Nominated Senators to participate in the decisions of the Special Committee been illegal?" Senator Khalwale asked, while calling

on the Speaker to make the ruling.

Senator Khalwale wants the Speaker to give an interpretation of Article 123 and clarify the place of Nominated Senators in such situations in future.

Besides Article 123, Senator Cherarkey requested the Speaker to give an interpretation of Article 145 (7) as relates to the decision of the Senate in the likely impeachment of a President.

Senator Cherarkey wants to know the role of the Nominated Senators in the removal of the President from office through impeachment as the constitution does not substantively refer to the delegations in the event the House considers the impeachment of the President..

"We need your interpretation on what it means. Since the Nominated Senators cannot participate in the impeachment of a governor because it is by delegations, what happens in future if a president has to be impeached?" asked Senator Cherarkey.

## We're happy with Senate Mashinani preps, Clerk Nyegenye



1. Clerk Jeremiah Nyegenye and Members of the Senate Board of Management pose for group picture with the leadership of County Assembly of Busia led by Speaker Fredrick Wafula Odilo
2. Clerk Jeremiah Nyegenye and Speaker Fredrick Odilo addresses the press after the group's tour of the County Assembly facilities.
3. Clerk Jeremiah Nyegenye leads the Senate team in the meeting with the Busia County Executive led by Governor Paul Otuoma.

A delegation of the Senate Board of Management has endorsed the preparations for the 4th Senate Mashinani, giving it a clean bill of health during a tour last week.

The delegation, led by Clerk of the Senate Jeremiah Nyegenye, was in the County to assess Busia County's level of preparedness to host the sittings of the Senate.

The team assessed key facilities including the Assembly Chamber that will host both the plenary and committee sittings as well as other areas crucial to the event.

At the Assembly, the team was received by the County Assembly of Busia

Speaker Fredrick Wafula Odilo and acting Clerk Mr Gabriel Arambo.

The delegation also held meetings with Governor Otuoma who said residents are looking forward to hosting the event as it will offer them a platform to raise issues of concern to them.

Senate Mashinani is meant to provide an opportunity for Kenyans to interact and engage with their leaders on issues that concern them with a view to finding solutions to every day challenges.

"We are happy with the progress made and the state of facilities. We are confident Busia County has what it takes going by the level of preparedness witnessed," said Mr Nyegenye after the tour



4. The Senate Board of Management led by the Clerk conduct a tour around the County Assembly of Busia.
5. Clerk Nyegenye and Governor Paul Otuoma during a media briefing on Senate Mashinani at the County Headquarters.

of the Assembly.

"We are now deep into the count-down towards the 4th edition of the Senate Mashinani and we are very excited to be in the frontier County of Busia. As we continue to ascertain the level of preparedness I am happy with the progress that we have seen so far with regards to the state of facilities at the County Assembly. We are ready to roll up our sleeves and get straight to work in making the plans on the ground a success."

Speaker Odilo told the team the Assembly is well prepared to host the Senate. "We are going to make sure that this Senate Mashinani works and we will do whatever it takes to make sure that outcome is achieved," said Mr Odilo.

Governor Otuoma said it was a great privilege for the County to host the Senate, which he described as the apex body responsible for the well-being of counties.

"We are looking forward to an enriching engagement where we will articulate several issues including the dicy revenue sharing formula among others," said Governor Otuoma.

The presence of Senators in the county will offer an opportunity for the Senate to interact with the people and leaders of the county while also listen to the challenges the county is facing and how to work together in tackling them.

Senate Speaker Amason Kingi, Majority Leader Aaron Cheruiyot and Minority Leader Stewart Madzayo will lead another delegation to visit the county ahead of the event.

The team toured the Chamber and checked its condition and the number of seats, lighting, lavatories, sound system, access to the public and holding rooms for CSs who may appear before the Senate plenary to respond to Questions raised by Members.

During the sittings, Senators will visit various projects in the county, hold public participations forums on various issues before the Senate as well as interact with the people.

Busia County Commissioner Chaunga Mwachaunga assured the team of adequate security.

# Senator wants coast land injustices probe

The Committee on Land, Environment and Natural Resources is being called upon to initiate investigation into allegations of human rights violations and land injustices within the affected plots of land in Mombasa County with a view to ensure that rightful people are issued with land lease agreements.

The Committee is also required to utilise the findings of the investigation to formulate lasting solutions to the ongoing land ownership issues faced by residents of the County.

In a petition filed in the House by Senator Miraj Abdulrahman, the residents want the Senate to put in place mechanisms that will allow them to directly pay taxes to the Government.

The petitioners reside on the parcels of land registered as original plot numbers MN/11/803, 804, 805, 806, 807, 80, 49 and 79, Mainland North of Mombasa, VIMN/211/12/R secondary Kashani, 360/11/MN, Kisauni, 219/XV11/232/XV11, Mwembekuku, 1068/XV11/XLV/54, Bondeni, all in Mombasa Island.

They claim that they are the legal landowners residing on the specified plots of land. However, they are referred to as “tenants-at-will” and forced to pay monthly rent to absentee landlords.

They further claim that the landlords conduct unfair rent practices by charging them illegal monthly rent without providing formal receipts, arbitrarily increase the rent without any consultations.

“Despite paying rent for many years, none of us have registered lease agreements,” the residents say in the Petition, adding that the landlords have illegally subdivided the original plots into smaller parcels without the consent of the petitioners.

“They did not follow proper procedure for changing land use from agricultural to residential areas and assigned exorbitant valuations to each subdivided plot.”

The claim they are not squatters in the plots having inherited the land from their forefathers, who acquired through legitimate agreements with the original landowners.

“We have made the best efforts to



Senator Miraj Abdulrahman shares a light moment with Speaker Amason Kingi and Senator Raphael Chimera.

have the matters addressed by the relevant authorities all of which have failed to give a satisfactory response.

They want the House to make recommendation for the legal recognition of their tenancy rights and undertake a comprehensive analysis to define the specific challenges faced by coastal

communities regarding land ownership. The petitioners also want the Committee to make recommendation on provision of clear definitions for terms such as “squatters,” “absentee landlords,” and “houses without land” within the context of ongoing coastal land reforms.

# Senator wants explanation on TVET capitation delay

Senator Beth Syengo requested for a Statement on the delay in disbursement of capitation funds to Early Childhood Development and Education (ECDE) institutions in Nairobi City County.

She wants the Committee on Education to outline the reasons for the recurring delay in disbursement of capitation funds to ECDE in institutions across the country, with a specific emphasis on Nairobi City County, measures put in place to resolve the issue and ensure timely disbursement of funds in the future.

The Senator further asked the committee to explain the accountability mechanisms in place, as well as any other strategies implemented by the county government to guarantee proper utilization of the capitation funds disbursed to the ECDE institutions.

Further, Senator Syengo raised the issue over the delayed release of capitation to the Technical and Vocational Education Training institutions (TVET) institutions. She wants the Committee on Education to explain the delay in disbursement of capitation funds, outlining reasons for the recurring delay in disbursement of capitation funds to TVET institutions across the country, state any measures put in place in the Ministry of Education to resolve the issue and to ensure timely disbursement of funds in future.



Senator Beth Syengo

The committee should explain the accountability mechanisms in place as well as any other strategies implemented by the national government to guarantee proper utilisation of capitation funds disbursed to the institutions.

Senator Chesang’ wants the Committee on Finance and Budget to explain the anomalies in the payroll for both contracted staff and those on permanent and pensionable terms serving the County Executive of Trans Nzoia County Government.

He wants the Committee to provide detailed information to ascertain the circumstances under which the County



Senator Allan Chesang’

Executive paid and continues to pay salaries using manual processes instead of the recognised and verifiable Integrated Personnel and Payroll Database System (IPPDS).

The statement should give particulars regarding the manual processing of salaries amounting to an excess of Sh77.17 million within the first nine months of the financial year 2023/24 alone and indicate details of the beneficiaries’ total amount paid to each individual.

He wants the details to include the date and terms of appointment and state how and when such monies were subsequently paid to the state beneficiaries

for each of the 12 months in the financial year 2023/24.

“The committee should state measures being taken by the County Executive to immediately stop manual payment of salaries and salary-related personnel emoluments, including the use of ad hoc processes in compliance with the approved county IPPD system in processing salaries to county workers,” he stated.

Other areas he wants included in the statement is the disclosure of monthly salaries requisitions as submitted to the Controller of Budget (CoB) for approval during the same period, details of when the approvals were granted and when the approval salary amounts were paid to respective County Executive workers.

“The statement should indicate whether there was any diversion of exchequer releases meant for salaries. If so, specify the expenditure items, stating reasons for these diversions,” he said.

“The statement should provide the trend of County Executive wage bill allocation and development allocation for the financial year 2023/24, including indicating supplementary revisions in the same period and provide approved allocation on the same for the current financial year 2024/25, ascertaining the status of compliance to fiscal responsibility as required by the Public Finance Management (PFM) Act 2012.”

# Cabinet Secretary to authorise tobacco imports in Bill



Senator Catherine Mumma, the Promoter of the Tobacco Control (Amendment) Bill, 2024.

Individuals involved in the manufacture or import of tobacco products will have to obtain approval from the Cabinet Secretary for Health before they supply their products, according to a proposed law before the House.

The Tobacco Control (Amendment) Bill, 2024, proposes that the manufacturers or importers will have to obtain the approval at least six months before the date on which they intend to supply the product. Where such individuals were in business before the proposed law comes into force, and they intend to continue supplying the product, they will have to make the request for approval within three months.

The Bill, which is sponsored by Senator Catherine Mumma, proposes that the application for approval will contain the name and contact details of the person who manufactures the product, the importer of the product, where applicable, and if neither is based in Kenya, a

responsible person in Kenya.

The application will also include the ingredients contained in, and emissions resulting from the use of, the product by brand and variant name, including quantities.

Toxicological data regarding the product's ingredients, in heated form and emissions, their effects on the health of consumers when inhaled and taking into account any addictive effect, information on the nicotine dose and uptake when consumed under normal conditions.

It will also include a description of the components of the product, including the opening and refill mechanism of the electronic cigarette or refill container, the production process and whether it ensures conformity with the requirements of the law and a declaration that the manufacturer shall bear full responsibility for the quality and safety of the product when supplied and used under

normal conditions.

“Where the information submitted is incomplete, the Cabinet Secretary may request the manufacturer to provide such further information as may be necessary for the determination of the application,” states Clause 14D (2) of the Bill, which was introduced in the House last week.

Senator Mumma seeks to amend the Tobacco Control Act to make further provisions on the regulation of smoking and production and sale of tobacco products, including electronic nicotine delivery systems.

The Bill also aims to ensure that the advertising of tobacco products is regulated and that the sale of tobacco products, including electronic nicotine delivery systems, to persons under the age of eighteen years is prohibited.

“The Bill seeks to ensure that no products, particularly electronic nicotine delivery systems are manufactured, distributed, imported or sold in Kenya with-

out the prior authorisation of the Cabinet Secretary responsible for health,” says the Senator in the reasons of the Bill.

She says the amendment is necessitated by the current situation where products have been introduced into the market and distributed without authorisation or understanding of the public health impact of such products.

The Senator seeks to amend Section 14 of the Act on conformity with requirement so that no person shall manufacture or place on the market for sale, distribution or use an electronic nicotine delivery system or refill container.

She proposes that the sale or use of nicotine delivery system only if the nicotine-containing liquid is contained in a dedicated refill container not exceeding a volume of ten millilitres, in a disposable electronic cigarette or in single use cartridge and that the cartridges or tank does not exceed a volume of two millilitres.

Besides application for approval, the manufacturers will have to submit samples of the product for which approval is being sought.

The samples will be tested for conformity with the requirements and the accuracy of the information submitted in the request for approval.

The Bill empowers the Cabinet Secretary to prescribe fees payable for testing of samples and confirmation of information on the product.

The Cabinet Secretary may ban any product which does not conform to the requirements of the law from being manufactured or sold and will have power to publish a list of products that have been approved or banned from sale, the name of the authorised manufacturer or importer of the product, the date the product was approved or banned and the duration and validity date of the approval.

No manufacturer will be allowed to produce or supply tobacco products containing vitamins or other additives that create the impression that a tobacco product has a health benefit or presents reduced health risks.

The Senator cites the case of caffeine or other additives and stimulant compounds that are associated with energy and vitality additives which have colouring effects on emissions.

In the case of tobacco products for smoking, the lawmaker cites additives that facilitate inhalation or nicotine uptake, additives which increase the toxicity or addictiveness of the product or additives which result in a characterising flavour.

# Seneta Lomenen aomba idadi ya NPR kuongezwa

Ipo haja ya serikal kuzingatia kuwaajiri maafisa wa polisi wa akiba (NPR) zaidi hasa katika sehemu zinazokumbwa pakubwa na uvamizi na wizi wa mifugo katika Kaunti ya Turkana.

Seneta James Lomenen akiwasilisha taarifa kwenye Bunge alisema inasikitisha kuwa sehemu kadhaa kwenye Kaunti ya Turkana hasa mipakani katika Kaunti ndogo za Turkana Mashariki na Turkana Kusini zimeendelea kukumbwa na uvamizi wa kimabavu na ukiukaji mkubwa wa sheria huku wakazi wakivamiwa, kuawa na mifugo kuibwa.

Alisema Kaunti ya Turkana imekumbwa na uvamizi wa kihistoria hali ambayo sasa imegeuka kuzalisha changamoto kubwa zikiwemo biashara katika wizi wa mifugo na mauaji ya mara kwa mara.

Hali hiyo kulingana na Seneta Lomenen imechangia uvunjaji zaidi wa sheria, ukosefu wa amani na maendeleo katika Kaunti ya Turkana huku baadhi ya wenyeji wakilazimika kuhama makwao kwa hofu ya kuawa.

Alifichua kuwa zoezi la mbeleni la kuwapokonya silaha maafisa wa polisi wa akiba liliacha mwanya uliowaruhusu baadhi ya watu kwa ushirikiano na wanasiasa kujinufaisha binafsi.

Aliongeza kuwa licha ya hatua ya Wizara ya Usalama wa Ndani kuwaajiri na kuwatuma zaidi ya maafisa wa akiba



Seneta James Lomenen

1,372 katika eneo la Kaskazini ya Bonde la Ufa mnamo mwaka 2023, bado kuna uhaba mkubwa wa maafisa hao kwenye Kaunti ya Turkana hususan mpakani Uganda, Ethiopia na Sudan Kusini sawia na uvamizi wa ndani kwenye mipaka ya Kaunti ya Samburu, Baringo na Pokot Magharibi.

“Uhaba wa maafisa hao wa akiba umeathiri pakubwa uwezo wao kuwakabili vilivyo wezi wa kimabavu wakati wa uvamizi,” alikariri Seneta Lomenen.

“Natoa wito kwa Wizara ya Usalama wa Ndani kuweka mikakati kabambe

kwa dharura kuwaajiri maafisa zaidi wa NPR kuangazia uhaba na hivyo kuzihakikishia usalama tosha jamii husika katika Kaunti ya Turkana,” aliongeza.

Kiongozi huyo alitoa sababu kadhaa za umuhimu wa kuongezwa kwa maafisa wa polisi wa akiba katika juhudi za kuu-kabili uhalifu.

Alisema kutumwa kwa maafisa hao kutagharimu fedha za kiwango cha chini kukilinganishwa na maafisa wa kawaida wa usalama akiongeza kuwa kutokana na maafisa wa NPR kuwa wenyeji wa mae-neo husika, itakuwa rahisi kupata taarifa

muhimu kwa kuwa wanazielewa sehemu hizo kikamilifu na hivyo kuboresha vita dhidi ya uvamizi na wizi wa mifugo.

Kadhalika Seneta huyo wa chama cha Jubilee alifichua kuwa kutumwa kwa maafisa hao kutahakikisha kuchukuliwa kwa hatua hima wakati wa uvamizi na hivyo kuimarisha usalama huku wenyeji wakishiriki pakubwa katika kutoa habari za kijasusi kuhusiana na makundi ya uvamizi.

Alipongeza mikakati ya hivi maajuzi ya serikali ikiwemo utoaji wa bima ya matibabu kwa maafisa wa NPR akisema hatua hiyo imewapa pakubwa motisha maafisa wa polisi wa akiba.

Kwa sasa Seneta Lomenen anaitaka Kamati ya Usalama wa Taifa, Ulinzi na Masuala ya Kigeni kwenye Seneti kulizamia kwa dharura suala hilo na kuhakikisha kuwa Wizara ya Usalama wa Ndani inawaajiri maafisa zaidi wa NPR kando na kuweka mikakati kabambe kuliangazia kero la ukosefu wa usalama kwenye eneo hilo.

Aidha aliwahimiza Maseneta wenzake kushirikiana kutafuta suluhu kwa tatizo sugu la uvamizi na wizi wa mifugo na kuimarisha miundo mbinu ya usalama katika sehemu zote za taifa la Kenya ili kukuza maendeleo katika kila pembe ya nchi.

# Seneta Cherarkey ataka majibu kuhusu ukatili dhidi ya waandamanaji mjini Kapsabet

Seneta Samson Cherarkey ameitaka Kamati ya Usalama wa Taifa, Ulinzi na Mashauri ya Kigeni kufanya uchunguzi na kuwasilisha ripoti Bungeni kuhusu ukatili ulioelekezwa kwa waandamanaji na kundi lililolijami mjini Kapsabet, Kaunti ya Nandi.

Seneta Cherarkey anadai mnamo Agosti 6, 2024, wakazi wa Kaunti ya Nandi waliingia barabarani mjini Kapsabet kuandamana kikatiba wakitaka kuwasilisha ujumbe kwa Gavana wa Kaunti hiyo kulalamikia ukosefu wa uwajibikaji na uwazi katika utawala sawia na ukosefu wa maendeleo kwenye Kaunti nzima.

Hata hivyo Seneta Cherarkey anadai waandamanaji hao walivamiwa kwa njia ya kikatili na kundi la watu waliojihami na silaha butu wakidai kulinda biashara yao dhidi ya waandamanaji huku watu watatu wakijeruhiwa na pikipiki moja kupotea.

Seneta Cherarkey sasa anaitaka Kamati ya Usalama kubaini mazingira ambamo kundi hilo lililolijami lilifaulu kuzurura bila masharti yoyote na kuwa-

hangaisha kikatili wenyeji mjini Kapsabet mnamo Agosti 6, ikifafanua hatua za kinidhamu ambazo zimechukuliwa dhidi ya maafisa wa polisi wa Kaunti ya Nandi ambao labda kimakusudi au kwa kukwepa wajibu wao waliruhusu vitendo vya uvunjaji wa sheria mjini Kapsabet wakati wa maandamano hayo.

Kadhalika Seneta huyo anaitaka Kamati hiyo kuweka wazi idadi na majina ya washukiwa ambao wametiwa mbaroni na kufikishwa mahakamani kwa kuvuruga amani, kuwalemaza na kwa ukatili kuwaumiza wakazi wenye amani waliokuwa wanaendesha shughuli zao za kibiashara mjini Kapsabet siku hiyo.

Kamati hiyo inayoongozwa na Seneta William Cheptumo inatakiwa pia kufafanua hatua ambazo zimechukuliwa kuwawajibisha wahusika wengine wanaodaiwa kushiriki katika kulisajili na kulifadhili genge la wahalifu mjini Kapsabet.

Kwingineko Seneta Crystal Asige ameitaka Kamati ya Leba na Masuala ya

Jamii kwenye kutoa taarifa kuhusu namna ilivyofanya timu ya Kenya kwenye mashindano ya Olimpiki ya mwaka 2024 yaliyoandaliwa jijini Paris nchini Ufaransa.

Seneta Asige anaitaka Kamati hiyo kutathmini namna ilivyofanya timu ya Kenya kwenye mashindano hayo ikifafanua mikakati yoyote ya mageuzi iliyowekwa na serikali kuimarisha matokeo ya timu za Kenya kijumla siku za halafu.

Kamati hiyo inayoongozwa na Seneta Julius Murgor inatakiwa pia kubaini endapo wanasaikolojia wa michezo, wataalam wa lishe sawia na wakufunzi hitajika walikuwa miongoni mwa wafanyakazi na wasaidizi ambao walisafiri pamoja na timu ya Kenya iliyoshiriki kwenye mashindano ya olimpiki na kama sivyo sababu zitolewe.

Aidha Seneta huyo anaitaka Kamati hiyo kwenye ripoti yake kwa Seneti kuweka wazi mikakati iliyowekwa kushughulikia mahitaji ya afya ya akili ya timu inaposhiriki kwenye mashindano ya olimpiki.

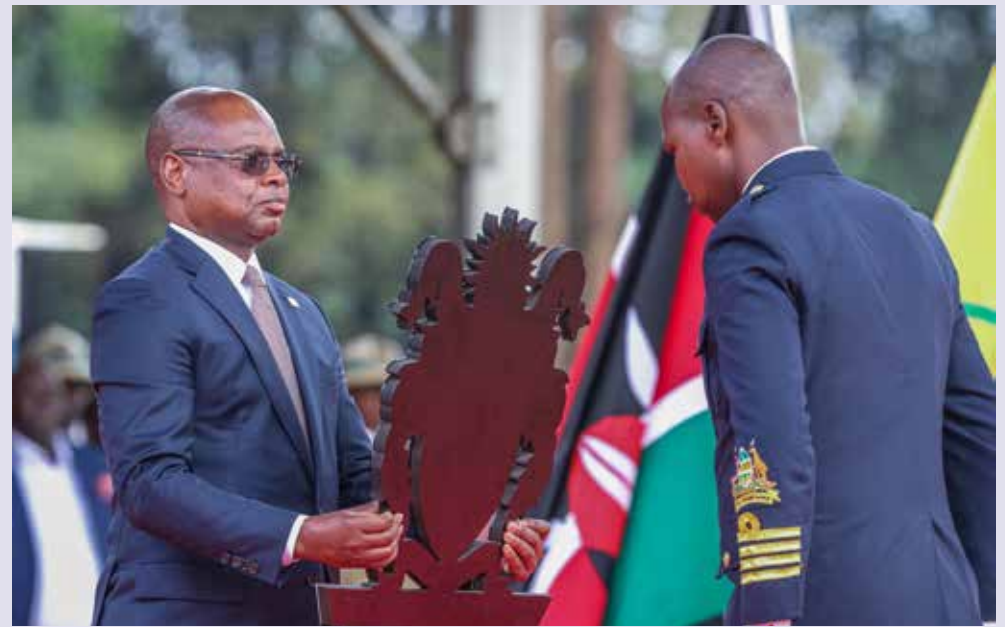


Seneta Samson Cherarkey

# A win for Senate as Eldoret town acquires city status



*President William Ruto stamps the public seal on the Presidential charter conferring City Status to Eldoret Municipality.*



*Speaker Kingi receives the new City of Eldoret logo from the Speaker of the Uasin Gishu County Assembly.*

**E**ldoret Municipality has formally become Kenya's fifth City after President William Ruto granted the charter to the Eldoret Municipal Board on Thursday, August 15, 2024.

The event was attended by the Deputy President Rigathi Gachagua, Speaker of the Senate Amason Kingi, National Assembly Speaker Moses Wetangula, Lands Cabinet Secretary Alice Wahome, Head of Public Service Felix Koskei among other leaders and Senators.

The event was the culmination of a long legal process which included Senate's approval of a report of the Committee on Devolution that did the inspection of the town and its readiness to acquire a City status.

The process had started with the County Assembly of Uasin Gishu adopting a Report of the Ad-hoc Committee on conferment of city status to the Municipality in May, 2023.

The Clerk of the County Assembly then informed the Speaker of the Senate of the resolution. Speaker Amason Kingi consequently referred the matter to the Devolution Committee.

Section 5 and the First Schedule of the Urban Areas and Cities Act, enumerates the criteria for acquiring city status

which include a population of 500,000 urban residents, an international airport, diplomatic hub, national stadium, university, five-star hotel, solid waste management, cemetery and crematoria, among many other requirements.

In the spirit of ensuring public participation and the importance of ensuring Eldoret Municipality met the criteria, the Committee did a county visit in August of 2023 and met among other stakeholders, the county Governor, the ad-hoc committee that had considered the recommendation, the County Assembly's Joint Committees on Land and Physical Planning and that of Housing and Urban Development, the Board of Municipality of Eldoret followed by a public baraza at the Eldoret Multipurpose Social Hall. The Committee also took submissions from various stakeholders nationwide.

After an analysis from various interactions the Committee observed that Eldoret had the required population for an urban centre, capacity to generate potential revenue from market, business permits, et al, a Land Use Development Plan for 2021 – 2026, and proper infrastructure including markets, street lighting, airport, roads and fire stations, effective waste disposal systems.



*Speaker Amason Kingi receives a symbolic key signifying the entry into Eldoret City from the Speaker of Kakamega County Assembly.*



# Senator Asige not satisfied with Olympics performance

Senator Crystal Asige says the performance of Team Kenya at the 2024 Summer Olympics Games fell short of expectations and wants the Committee on Labour and Social Welfare to look into the matter. In a statement before the House, the lawmaker wants the committee to outline any planned strategic changes by the government to improve the overall performance of Kenyan teams in future.

The committee should clarify whether sports psychologists, sports nutritionists as well as strength and conditioning coaches were part of the complement of supportive staff that traveled with Team Kenya to the Olympic Games.

“If this is not the case, the committee should explain the reason why,” observed the Senator, adding that the committee should outline any measures put in place to address mental health needs of the team while participating in the current and future Olympic Games.

Senator Wakili Sigei used the statement time to bring the attention of the House to the health sector in Bomet County, which he said is choking under the trouble of stalled projects.

The Senator wants the Committee on Health to issue a comprehensive statement regarding the stalled infrastructure projects in the County.

He noted that incomplete and abandoned health infrastructure projects in



Senator Crystal Asige

Bomet County represent a significant waste of public resources and have deprived the residents of Bomet of the health services and benefits they rightfully deserve.

“Projects under the Health Department have remained incomplete or abandoned between three to ten years, leading to substantial waste of public resources,” explained the Senator. He named the projects as Kagasi Dispensary Labin Ndanai/Abosi Ward in Sotik Constituency, Chepkalwal Dispensary in Ndanai/Abosi Ward in Sotik Constituency, Kimuchul Dispensary in



Senator Wakili Sigei

Chemamer Ward in Bomet East Constituency, X-Ray and theatre Rooms at Sigor Sub-County Hospital in Sigor Ward of Chepalungu Constituency.

Also on the list of stalled projects is the Kitaima Dispensary in Chesoen Ward of Bomet Central Constituency and Maternity Wing of Segutiet Dispensary in Chesoen Ward of Bomet Central Constituency. He wants the Committee to provide reasons that led to each of the projects remaining stalled, abandoned or unutilised.

The committee is also required to provide the minutes of the tender awards,

copies of tender advertisements and tender evaluation reports for each of the projects. He also wants the committee to provide the Bill of Quantities for each of the projects and the implementation status and or development stage. The details should include the budgetary allocations, expenditure, payments made to the respective projects and any such other pending payments. Senator Sigei further wants the Committee to state the timelines within which the projects are anticipated to be completed or to be put into utilisation.

## This Week in History



“This mediated version is important to the extent that Senators represent counties and their governments and whatever agreements are signed by the executive affect resources in the counties. In the bad old days, people just used to sit in Cabinet offices and sign away national wealth to themselves and their friends. That is how if you look at this country today, all the rich people have been civil servants, Permanent Secretaries (PS), directors and all manner of people. We have gone a full cycle. Now the new wealthy people are sons of those people. We must move away from a situation where an individual given an office to work for the people of Kenya works for himself. That is why Parliament must be involved. The country is moving into an era of petroleum, gas and mineral wealth economy. The representatives of the people in both Houses must be involved.”

Senator Moses Wetangula contributing to the debate on the adoption of the Mediation Committee Report on the Natural Resources Bill on August 24, 2016.



“The mediation under the Constitution is now getting root to the extent that I dare say again, as I have always done, that there should be no fear by our counterparts in the National Assembly to deal with Bills passed by the Senate because the provision to mediate where we disagree is always there. I have not heard of any Bill that has been rejected in totality at mediation. In very many words, that means that what we disagree with is much narrower than we appear to be.”

Senator Mutula Kilonzo Jr contributing to the debate on the adoption of the Mediation Committee Report on the Natural Resources Bill on August 24, 2016.



“With respect to extractive industry, globally there is now a movement towards greater transparency and accountability in this area. What has bedeviled those countries that should have otherwise been oil-rich or resource-rich is the lack of accountability and rampant corruption and cartels that are manifest in these areas. I, therefore, commend the work of the Mediation Committee. God has apparently blessed us with massive natural resources and as we move into this new tier of extractive industry, I hope we will have the frameworks necessary to ensure that there is great transparency and actual benefit to our economy. As we move into the oil sector, we should not go the Nigerian way and create a dependency but we diversify our economy so that we can continue to rely on areas of manufacturing, agriculture and other areas that are more durable and sustainable when the oil market crashes.”

Senator Hassan Omar Hassan contributing to the debate on the adoption of the Mediation Committee Report on the Petroleum Bill on August 24, 2016.



“From the geophysical and other surveys of this nation, many more counties are going to be endowed with oil production and other petroleum related products. We need to have forward-looking petroleum policy and laws. We need to establish institutions that will manage the extraction of petroleum products in this country. We must avoid the emergence of cartels and tenderpreneurs in the petroleum industry. That kind of development has ruined Nigeria and made it very difficult for the nation to benefit from the extraction of petroleum. That is why it is called the oil curse because as Sen. Murungu says, it is the management of the petroleum extraction and its use that turns it into a curse.”

Senator (Prof.) Anyang' Nyong'o contributing to the debate on the adoption of the Mediation Committee Report on the Petroleum Bill on August 24, 2016.



1. Senator Miraj Abdulrahman (left), Senator Hezema Lemaletian and Senator Wakili Hillary Sigei follow events during the conferment of City status on Eldoret municipality by President William Ruto.
2. Senator Munyi Mundigi and Senator Miral Abdulrahman at the event in Eldoret town.
3. Clerk Jeremiah Nyegenye poses for a picture with Students from Starehe Boys Centre who are undertaking a two-week service in the Senate under the school's Voluntary Service Scheme (VSS).
4. Speaker Amason Kingi stands alongside President William Ruto, Deputy President Rigathi Gachagua and National Assembly Speaker Moses Wetangula for the National Anthem during the conferment of city status on Eldoret town.
5. Speaker Amason Kingi and National Assembly Speaker Moses Wetangula in discussion at the inauguration of Eldoret town as a new city.
6. Senator Catherine Mumma and Senator William Kisang follow the flow of events when Eldoret became Kenya's fifth city.



## A PUBLICATION OF THE SENATE

© Copyright 2023

**Email:** [Senate.weekly@parliament.go.ke](mailto:Senate.weekly@parliament.go.ke)

**Editor:** Ibrahim Oruko

**Team Leader:** Lucianne Limo

### Writers

- Otiato Andayi
- Njeri Manga
- Josphat Ngeno
- Derick Luvega
- Stanley Gikore
- Nandemu Barasa

- Juliet Masinde
- Violet Nalianya
- Lemeteki Lorinyu

**Hansard:** Erick Kipkoech

### Photographers:

James Kimiti Nyambura  
Job Owaga  
Russells Kipngetich

### Designed by:

KENYA LITERATURE BUREAU  
Publishers and Printers  
Belle-Vue Area, KLB Road, Off Popo Road  
P. O. Box 30022-00100, GPO Nairobi,  
Telephone: +254 (20) 3541196/7,  
Mobile: +254 711 318 188/ +254 732 344 599  
Email: [info@klb.co.ke](mailto:info@klb.co.ke)  
Website: [www.klb.co.ke](http://www.klb.co.ke)