



13TH PARLIAMENT | 4TH SENATE

19TH JUNE, 2024

**ADDRESS BY THE SENATOR TO THE COUNTY ASSEMBLY OF
WAJIR**

**The Hon. Speaker of the County Assembly of Wajir,
Hon. Majority Leader, Hon. Minority Leader,
Hon. Members of the County Assembly,**

Good afternoon.

- Hon. Speaker**, I am pleased to address this eminent Assembly of our great County of Wajir, this being my inaugural address since the 2022 General Election. This occasion accords me the opportunity as your Senator, to share with you my thoughts and vision for our County. It also presents us with an opportunity to boost our collaboration between the Senate and the County Assembly as well as the County Executive for the benefit of our people.
- Hon. Speaker**, for the record, I wish to note that today's occasion is not merely an auspicious event but one that has clear statutory recognition as underpinned in standing order no. **253 (1)** of the Senate Standing Orders which state that: *A Senator may, in accordance with the rules of procedure of the County Assembly in which he or she is registered as a voter, attend and address the County Assembly or a committee of the County Assembly*) as well as standing order **25** of this Assembly's Standing Orders.

3. **Hon. Speaker**, it is my hope that this occasion will further strengthen and deepen our working relationship that is constitutionally designed to mutually benefit this Assembly and the Office of the County Senator. It is imperative that we as leaders regularly convene to reflect on our shared vision, take stock of our successes, challenges and continuously review our goals in order to meet the expectations of our people as we celebrate a decade of implementing Devolution.
4. **Hon. Speaker**, this occasion therefore accords me the opportunity to share with you some aspirations, expectations, insights, thoughts and vision about our county which are in harmony with the Constitution, *Vision 2030* and the *County Integrated Development Plan (CIDP)*.
5. **Hon. Speaker**, Besides the 2010 Constitution granting the Sovereignty of the People, Supremacy of the Constitution, Separation of Powers and Public Participation, Devolution is the most fundamental pillar it entrenched which ushered in new opportunities to mitigate against widespread underdevelopment and marginalization which are pertinent challenges that we as leaders are bound to address in order for our people to reap its intended fruits.
6. **Hon. Speaker**, in the last ten years of the first two cycles of the devolved governance, devolution was at its infancy. The period gave us an opportunity to establish the requisite structures including the Executive and the County Assemblies for the effective functioning of County governments.
7. **Hon. Speaker**, in this third cycle, County Assemblies are deemed to be starting from a point of advantage, building on the efforts and experiences of the first two Assemblies, and supported by a competent staff that has been equipped with the capacity to facilitate County Assemblies to effectively discharge their constitutional mandate.
8. **Hon. Speaker**, as elected leaders we must be alive to the reality that the infancy stage for our devolution is now over. The people of Wajir County expect and want to see the fruits of Devolution. It is therefore their earnest desire and hope that the current Assembly will rise to the occasion and play its role in realizing improved service delivery.

9. **Hon. Speaker**, as you are aware, *Article 6(2)* of the Constitution provides that the governments at the National and County levels are distinct and inter-dependent and shall conduct their mutual relations on the basis of consultation and cooperation. This is an important establishment that provides an interlinkage for the two levels of the legislature to cooperate and consult with each other for effective legislation, representation and oversight functions.
10. **Hon. Speaker**, Article 96 of the Constitution clearly stipulates the role of the Senate. The Senate represents the counties, and serves to protect the interests of the counties and their governments; participates in passing legislation concerning counties and determines the allocation of national revenue among counties. In addition, the Senate plays a pivotal role in determining the allocation of national revenue and oversight of the same between the two levels of government. This is discharged by the enactment of the *Annual Division of Revenue Bill, County Allocation of Revenue Bill as well the County Additional Allocation of Revenue Act*. The Constitution also bestows on the Senate, the unique responsibility to participate in the oversight of State Officers.
11. **Hon. Speaker**, on legislation, since the commencement of the 13th parliament, the Senate has considered and passed **thirty-five (35)** bills, out of which **thirteen (13)** have been assented to into law. This legislative period has been marked by a proactive and responsive approach to governance, with the senate addressing critical areas that resonate with the aspirations of Kenyans across the nation, the bills span a wide range of sectors including governance, socio-economic development, health, devolution, education, agriculture and livestock, ICT and innovation, which are key sectors for strengthening devolution.

12. Hon. speaker, In the face of evolving socio-economic challenges, the Senate has shown a determined focus on strengthening the framework of the governance of devolution aimed at ensuring the equitable distribution of resources, improved public service and inclusive economic growth. Legislations such as the County Government Additional Allocation Bill and the Equalization Fund Appropriation Bill underscores a pivotal shift towards rectifying historical inequalities and fostering sustainable development in marginalized areas.

13. Hon. speaker, the bills passed by the senate include but not limited to the following; -

- The Vocational Training Bill (Senate Bills No. 3 of 2022)
- The Natural Resources (Benefit Sharing) Bill (Senate Bills No. 6 of 2022)
- The Employment (Amendment) Bill (Senate Bills No. 11 of 2022)
- The Agricultural and Livestock Extension Services Bill (Senate Bills No. 12 of 2022)
- The County Boundaries Bill (Senate Bills No. 6 of 2023)
- The Persons with Disabilities Bill (Senate Bills No. 7 of 2023)

14. Hon. Speaker, The Senate Standing Committee on Devolution and Intergovernmental Relations, which I chair, has considered the following five bills –

a) The County Boundaries Bill, 2023, (Senate Bills No. 6 of 2023)

The Bill seeks to clearly define the boundaries of the counties of Kenya and to provide for a mechanism for the resolution of county boundary disputes; give effect to Article 188 of the Constitution by providing for the procedure for alteration of county boundaries and to provide for the establishment of an independent county boundaries commission to alter county boundaries if need be. The bill has been passed by the Senate and is now awaiting consideration by the National Assembly.

b) The County Assembly Services (Amendment) Bill, 2023 (Senate Bills No. 34 of 2023)

The purpose of this Bill is to amend the County Assembly Services Act, No. 24 of 2017 to clarify on the procedure for removal of a member of the County Assembly Service Board. The Bill additionally proposes to provide for a procedure for the suspension of a Clerk of the County Assembly taking into account principles of fair administrative action. In this respect, the Bill proposes to set out the pendency of a suspension. Further, the Bill seeks to ensure that the Clerk of a County Assembly exercises effective control over the staff of the Assembly to ensure the efficient running of the respective legislature.

c) The County Oversight and Accountability Bill, 2024 (Senate Bills No. 3 of 2024)

The purpose of the Bill is to implement Articles 96(1) and (3) of the 2010 Kenyan Constitution. Its main goal is to strengthen financial responsibility in the devolved units by encouraging openness and accountability in the county governments' acquisition and disposal of assets that generate liabilities. Additionally, it will offer a platform for involving the general public through the creation of public participation infrastructure.

d) The Intergovernmental Relations (Amendment) Bill, 2024 (Senate Bills No. 12 of 2024)

The principal object of this Bill is to amend the Intergovernmental Relations Act, No. 2 of 2012 to establish a structured framework for intergovernmental relations. This will enhance intergovernmental relations amongst the national government, County executive and County assemblies. The Bill proposes to provide the vertical role of Intergovernmental Relations Agency and enhance its functions and powers. The Bill proposes to amend the Intergovernmental Relations Act to provide for the Council of Governors Secretariat as well as the County Assemblies Forum and Secretariat to provide for their role in horizontal intergovernmental relations.

e) The County Governments (Amendment) Bill, 2023 (Senate Bills No. 25 of 2023)

The Bill proposes to enhance the voting threshold in a county assembly for the removal of a member of a county executive committee. Members of a County Executive are appointed to head various dockets in the county executive charged with discharging of devolved functions as set out in Part 2 of the Fourth Schedule to the Constitution. The Bill therefore affects the powers and functions of the county government and it is therefore a Bill that concerns counties in terms of Article 110 (1) (a) of the Constitution.

- 15. Hon. Speaker,** I believe that once enacted into law, the Bills will not only strengthen intergovernmental relations but also solve some of the emerging and prospective challenges that we have witnessed in our devolved system of governance.
- 16. Hon. Speaker,** this Assembly and the County Executive are jointly the custodian institutions of the expectations, hopes and aspirations of the people of Wajir County. This is a critical responsibility that my office considers as the ultimate foundation for its very existence.
- 17. Hon. Speaker,** it is my expectation that Hon. Members of this Assembly accord a similar premium to this responsibility as the primary reason for the Assembly's existence. Devolution is about promoting and entrenching grassroot democracy, giving the people power to exercise their constitutional mandate. This occasion will among other imperatives, enhance and deepen our commitment and working relationship that is constitutionally designed for the mutual benefit of the Assembly and my office.
- 18. Hon. Speaker,** devolution remains the most significant contributor to our country's growth as it has opened up the most rural and marginalized parts, improved access to healthcare, enhanced agricultural services, early childhood education, and expanded infrastructure.

19. **Hon. Speaker**, Article 202 (1) of the Constitution provides that revenue raised nationally shall be shared equitably among national and county governments. The Senate allocates this national revenue among counties through County Allocation of Revenue Act and the County Governments Additional Allocation Act. Article 202 (2) further states that counties may be given additional allocations from the national government's share of revenue, either conditionally or unconditionally.
20. For the period between FY 2013/14 to FY 2022/23, the county government of Wajir received a total equitable share of **Kshs.79.29 billion**. This is a significant amount of funds that is geared towards service delivery to our people. The pertinent question we need to ask ourselves is – **are we satisfied that all these funds have been put into optimal and prudent use? Have our people received commensurate quality service delivery? Can we do better? If so, what interventions can we put in place at individual or institutional level? How well have we played our collective responsibility in monitoring the use of these funds?**
21. **Hon Speaker**, in the proposed sharable revenue for the financial year 2024/2025 by the National Assembly, the County allocation was **385 billion** shillings. However, the mediation committee of the senate led by the Deputy Speaker and chair of the Liaison Committee of the Senate, managed to push the allocation to **400.117 billion** shillings, an increase of **15 billion** Shillings from the last allocation.
22. **Hon. Speaker**, as a result of the increase, the senate appropriated County sharable allocation which Wajir was allocated **Kshs. 10,214,592,219/-** in the financial year 2024/2025 compared to **Kshs. 9,853,665,422/-** in the financial year 2023/2024. indicating an increase of **Kshs. 360,926,797/-** equitable revenue share.
- It is also important to note that the Senate through mediation succeeded in the additional allocation to the counties through the passage of the Conditional Additional Allocations Bill 2024. Wajir County received **Kshs. 313,054,060/-** as conditional additional allocation to county government from the national government share of revenue in FY 2024/2025.
- The county is also set to receive **Kshs. 1,673,716,058/-** as conditional additional allocations from proceeds of loans or grants from development partners FY 2024/2025.

The county will also receive **Kshs. 251,017,218.26/-** as conditional additional allocations to county government from road fuel levy fund for FY 2025/2025, therefore in total Wajir County will receive **Kshs.12,452,384,148 /-** in FY 2024/2025.

Equalization fund (appropriation No.2 bill of 2023) Wajir county was allocated **Kshs. 768,129,691 /-**

- 23. Hon. Speaker,** I urge this Assembly to take note of funds channeled to the County and serve as the first level of oversight over the same. The Senate will do its part when it receives reports of the Auditor General on the use of the funds and where necessary, it shall invite the relevant officers to shed light on how public funds have been utilized and I expect this county to do the same.
- 24. Hon. Speaker, Article 209(3)** of the Constitution of Kenya empowers County Governments to raise revenue by imposing taxes in specific circumstances. Unfortunately, most county governments, including Wajir have not been able to attain yearly revenue targets. This has led to a situation where counties become heavily dependent on allocation from its share of the national government revenue.
- 25. Hon Speaker,** Chapter Eleven of Kenya's Constitution 2010 outlines the objectives of devolution, including promoting social and economic development and ensuring a fair distribution of national resources. According to *Article 209* and *210* of the Constitution, County Governments have the authority to impose levies, property rates, entertainment charges, and other taxes or fees as authorized by an Act of Parliament. This is in addition to the funds received through the Equitable Share of Revenue raised nationally and donors conditional grants. County governments should therefore explore ways to generate revenue to support their operations and fund local development initiatives through taxation, fees, and other charges for services provided to citizens.
- 26. Hon. Speaker,** Multiple studies conducted by the World Bank, National Treasury, and the Commission on Revenue Allocation (CRA) have revealed untapped revenue sources in the counties. A 2018 National Treasury study showed that nearly 90% of counties had not fully utilized their potential for Own Source Revenue (OSR), collecting less than 40% of their estimated revenue potential. A CRA 2022 report suggests that if optimal fiscal instruments were used at their full potential, counties would

be able to generate **Ksh. 260.6 billion**. To achieve this, there is need for effective policies and revenue generating systems to unlock this untapped revenue potential, allowing counties to allocate more resources to development. Failure to address this policy gap could lead to budget deficits, pending bills, service inadequacies, and hindered overall development.

27. **Hon. Speaker**, we must assess the current state of own source revenue in Wajir county and explore ways to improve collection practices for maximizing revenue generation.
28. **Hon. Speaker**, I want to commend the county government of Wajir, for generating a total of **Kshs 117.1 million** as own source revenue in the first nine month of FY 2023/2024, which represent **78 percent** of the annual target. Which is a significant improvement compared to **Kshs. 34.83 million** collected in the FY 2022/2023.
29. **Hon. Speaker**, as at FY 2022/2023 Wajir County had Pending bills of **Kshs 5.51 billion** which comprises of **Kshs 5.38 billion** from the county executive and **Kshs 171.34 million** from the county assembly.
30. **Hon. Speaker**, according to the controller of budget on pending bills Appendix 3: County Pending Bills as at 30th June 2023. Wajir county had a pending bill of **Kshs 5.51 billion**. However, according to auditor general report dated as at 31st march 2024, Wajir county had a pending bill of **Kshs 2.13 billion** which is solely by the county executive, for the same period the county assembly did not report any pending bills.
31. **Hon. Speaker**, it's important we ask ourselves, how the county pending bills were reduced from **Kshs. 5.51 billion** to **Kshs. 1.6 billion**. Does a privately procured audit firm have the mandate to reduce county pending bills? What is the fate of local contractors whose bills were declared ineligible? For proper accountability, I urge this assembly to interrogate and reports its findings on the County pending bills.
32. **Hon. Speaker**, Corruption has bedeviled our country both at the National and County levels. Scandal after scandal has emerged which threatens to tear our country apart. As a primary oversight institution, you have a crucial and critical role in ensuring prudent financial management in our County and in the process remove, the temptations of being culprits to corrupt practices.

33. **Hon. Speaker**, in order to increase our spending capacity on development projects for the benefit of our people, we need to strive for financial independence. We can only do this if we increase our revenue collection and ensure accountability in the use of that revenue. An increased revenue base will be possible if the county streamlines its operations including business-licensing procedures.
34. **Hon. Speaker**, on efforts to attract investments, the Assembly needs to work closely with the County executive to attract high-value investors for the benefit of the people of Wajir. The starting point for creating an enabling environment for investment is to provide adequate social amenities such as water, health facilities, land and good access roads as provided for in the Constitution. It must concern this county assembly that no new investors were documented in the last ten years.
35. **Hon. Speaker**, I urge the Hon. Members of this House to take the lead in the interrogation and review of the County Integrated Development Plan to make it more relevant to the people of Wajir County, while anchoring it to the Vision 2030.
36. **Hon. Speaker**, as much as it is paramount that I emphasize my role as a Senator in lobbying for increased share of revenue allocation to Wajir County, it is equally important by the same breath to highlight the role of the Senate under Article 96(3) to exercise oversight over the national revenue allocated to the county governments. This is a role I solemnly take and earnestly commit to discharge.
37. **Hon. Speaker**, Article 91A of County Government Act, establishes county development committee. It is instructive to note that Wajir county government after Ten years of devolution, is yet to establish the county development committee as required by law. I urge all the stakeholders to prioritize the establishment of the committee with immediate effect.
38. **Hon speaker**, I also request the honorable members to formulate ward based fund bill to give the fund a legal effect and establish ward-based fund sharable formulae and ward development committees.
39. **Hon. Speaker**, it is imperative to remind Hon. Members of the very crucial oversight role of the County Assembly over the administration of county funds.

40. **Hon. Speaker**, the Assembly is constitutionally mandated and empowered to exercise oversight over the functions of the county executive including its organs, and also to exercise oversight over county spending by approving the county budget and expenditure. And this exercise does not simply end with going through some accounting books and annual or periodic audit reports.
41. **Hon. Speaker**, these are duties and responsibilities explicitly stipulated in Article 185 of the Constitution of Kenya and Section 8 of the County Governments Act 2012. **I emphasize this role not because the Hon. Members are not aware of it, but because it is a critical duty that is particularly important for creating an environment of transparency and accountability in the administration of county funds.** Budget tracking by requiring periodic progress and evaluation reports in project and program implementation is important and necessary.
42. **Hon. Speaker**, the people of Wajir County look up to this Assembly to ensure that fiscal discipline is maintained in County Expenditure and that county funds are actually utilized to positively impact the lives of the people of this county.
43. **Hon. Speaker**, I pledge my support to the Assembly in this regard, I am willing to make my office available for our collaboration to guarantee that our community's resources are used exclusively for the purposes outlined in the law, and to uphold accountability and transparency throughout the process.
44. **Hon. speaker**, in the spirit of parliamentary democracy, the county assembly should conduct stakeholder engagement on how to improve the values of modern-day democracy, I am alive to the fact that our county assembly does not allow the public and media to follow its proceedings due to lack of enough space to accommodate both the media and members of the public.
45. **Hon. Speaker**, it is disappointing that after ten years of devolution, the Plenary Chamber of the Assembly lacks essential facilities including a public gallery. This is a clear indication of the absence of setting priorities to improve the image and status of the Assembly. I urge the County Assembly Service Board and the Hon. Members to work towards a face-

lift of the Chambers or fast track the completion of the new county assembly facility.

- 46. Hon. Speaker**, entrenching good governance in public service requires selfless effort and determination by the leaders, as well as patriotism and sense of obligation by the citizens. In politics, the voters often long for virtuous qualities such as truthfulness that goes beyond words. A government that truly represents its people will require a different kind of politics that reflect our lives. In essence, we must do things differently from the yester years if we are to make that difference in the lives of the people of Wajir County.
- 47. Hon. Speaker**, pursuant to the provisions of section 59 (1) (d) and (f) of the county government Act 2012, the county public service board shall, on behalf of the county government,
- d)** prepare regular reports for submission to the county assembly on the execution of the functions of the Board;
 - f)** evaluate and report to the county assembly on the extent to which the values and principles referred to in Articles 10 and 232 are compiled within the county public service; -whereas such reports are not presented the county assembly must demand for it.
- 48. Hon. Speaker**, I am reliably informed that the recent recruitment of medical personnel by Wajir county public service board is yet to take effect despite the board issuing appointment letters on November 2023. The county assembly committees on health and labor should investigate the cause of delay in deploying this crucial workforce.
- 49. Hon. Speaker**, in the FY 2021/2022 AND FY 2022/2023 Wajir county development expenditure was 26 percent and 23 percent respectively, the development expenditure is therefore below the required threshold of 30 percent as per section 107 2(b) of the PFM Act.
- 50. Hon. Speaker**, may I also take this opportunity to urge members of the public to exercise their rights under Article 119 of the Constitution to petition the Senate on any matter regarding the operations of the county government in general. Members of the County Assembly too can individually or as a group petition the Senate in the same way. It is my hope that a vigorous engagement with the public will enhance public

participation in management of the affairs of the county, which underpins our constitution.

- 51. Hon. Speaker,** The Constitution of Kenya stipulates the mandate of the Members of County Assembly as representation, legislation, and oversight. It is imperative that I highlight the fact that these mandates be executed diligently and professionally. The County Assembly should set forth its legislative agenda and work towards establishing and approving bills, policies, and regulations that will have a positive impact on the socio-economic lives of the residents of Wajir County. I am well informed that from October 2022 to date, this County Assembly has passed seven bills and three regulations other than the County Budget Estimates, County Integrated Development Plan (CIDP), County Fiscal Strategy Paper (CFSP), and Annual Development Plan (ADP). There is a need to be more innovative and focused towards increasing the number of bills that will have a positive impact on the lives of the residents of the county.
- 52. Hon. Speaker,** I take cognizance that while County Assemblies are fundamental pillars of good governance in county governments as the first tier of oversight, a lack of financial autonomy has made them subservient to the executive, thus compromising their oversight function. I'm pleased to inform you that the Senate is working towards granting financial autonomy for the County Assemblies through amendments to the Public Finance Management Act.
- 53. Hon. Speaker,** it is important that I mention every Hon. Member has the role and responsibility to voice the concerns, needs, and aspirations of their constituents, and as such, a member should not be hindered from fulfilling this responsibility as long as the concerns, needs and aspirations are within the confines of the law.
- 54. Hon. Speaker,** I have gone through the County Assembly Standing Orders, and I am convinced that the Standing Orders have to be reviewed. The current Standing Orders lack provisions for virtual meetings for committees as well as the appearance of CECMs before the House to respond to the assembly's statements. I recommend the relevant Assembly House Committee to see the significance of reviewing the Standing Orders to align with the changes effected in other Parliamentary institutions.

- 55. Hon. Speaker,** The Access to Information Act 2016-part 2 section 4 demands that every citizen has the right to seek information, and as such, the Assembly should provide the public with information relating to County Budget Estimates, statutory documents such as County Integrated Development Plan (CIDP), Annual Development Plan (ADP), County Fiscal Strategy Paper (CFSP) and Committee reports through the Assembly website and other acceptable avenues. An informed citizenry shall be a pillar in the realization of political and socio-economic milestones.
- 56. Hon. Speaker,** public participation in the legislative agenda of the Assembly is a constitutional requirement. All the statutory documents, policies and Bills should be subjected to this integral process of good governance. I urge the Assembly to acknowledge and honor the views and inputs of the public.
- 57. Hon. Speaker,** I commend the ambitious health plan of our county government on health. The proposed accident and emergency center, upgrading of four sub-county hospitals to level 4 is a move to the right direction. It is my expectation that there shall be a constant supply of pharmaceutical and non-pharmaceutical items across all hospitals in our county.
- 58. Hon. Speaker,** As I conclude, I urge you Honorable Members to work closely with the Senate and its Committees to build a close and fulfilling relationship for effective service delivery to the people.
- 59. Hon. Speaker,** I feel privileged for this opportunity to address our distinguished Assembly. I hope this marks the beginning of an effective collaboration and dedicated service to the people of Wajir County.

I table this speech for further deliberation by the Assembly.

Thank you all and May God bless our County!!

**Sen. Abass Sheikh
Mohamed,
Senator, Wajir County**