



For Immediate Release

Council of Governors' Boycott of County PAC Summons Raises Alarm

Governors must honor Senate CPAC summons as allegations of extortion are probed

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Okoa Uchumi Campaign and the National Integrity Alliance (NIA) express profound concern over the recent allegations by the Council of Governors (CoG) that the Senate County Public Accounts Committee (CPAC) and the County Public Investments and Special Funds Committee (CPIC) are engaging in political witch-hunts, extortion, and harassment of governors summoned to appear before them. The CoG consequently resolved that governors would suspend appearances before CPAC until concerns raised are adequately addressed. The council also demanded the reconstitution of CPAC, citing alleged misconduct by four of its members.

These allegations raised by the CoG though quite egregious are not new and raise very serious concerns on the conduct of State Officers contrary to the Constitution of Kenya (2010) under Chapter Six on Leadership and Integrity. By their own admission, Governors have in some of these instances paid the bribes allegedly sought from them but are aggrieved at the lack of reciprocal action from the Senators. This unholy alliance of bribery to defeat the cause of justice and accountability on use of public funds is not lost on Kenyans.

Evasion of constitutionally mandated accountability

The CoG's resolution to boycott appearances before CPAC signals a troubling trend: an attempt to evade constitutionally mandated accountability. Under Articles 96 and 125 respectively, the Senate has the authority to exercise oversight over national revenue allocated to county governments and to summon any person to appear before it. These provisions are not discretionary courtesies extended to governors but rather are binding constitutional obligations, the boycott of which would undermine the rule of law and constitutional principles that all State Officers are accountable for lawful and prudent use of public resources. This does not however, mean that allegations of misconduct should be ignored. They must be independently investigated but cannot be used as a means to justify the avoidance of oversight, as in this instance.

The misuse of public funds has been consistently highlighted by the Office of the Auditor General and many Kenyans carrying out their civic duty of social accountability. Oversight

from the County Assemblies, the National Assembly and the Senate has in many instances been absent and/or cosmetic, resulting in very little success in curtailing pilferage of public resources. Many Kenyans continue to suffer at the hands of this unholy alliance of unaccountability and abuse of process.

Persistent delays in the auditing processes continue to aggravate the evasion of accountability despite constitutional audit timelines. The Courts have pronounced that audit reports submitted by the Auditor General beyond the six-month constitutional timeline, as set under Article 229 (4) of the Constitution, are null and void, making any oversight legally ineffective. Yet, the delays, which are a result of late submissions by county entities, often undermine public finance oversight and create leeway for governors to exploit such invalid reports as a justification to boycott committee summons, further entrenching impunity in the management of public resources. Compounding this issue is the historical disregard for timely audited accounts which undermines revenue allocation, oversight and accountability. Under Article 229 (8) of the Constitution and under the Public Audit Act, once audit reports are submitted, they must be debated and acted upon within three months to ensure timely oversight. Thus, using outdated accounts or delaying deliberations deprives counties of allocations, shields mismanagement from scrutiny and perpetuates inequities.

Loss of public trust in devolution and service delivery

The failure of our governments both at national and county level to hold up to the constitutional standards of transparency and accountability has resulted in an all-time loss of public trust in devolution and service delivery. This was clearly demonstrated during the GenZ youth led civic action that called parliament and the executives to order.

We, as Kenyans under the Okoa Uchumi Campaign and National Integrity Alliance, will therefore not stand in silence as Kenyans continue to suffer, while institutions meant to safeguard public interests have been infiltrated by greed and corruption, resulting in the current stand off.

Our demands:

1. That **any actions by the Council of Governors or the Senate must** be respectful of constitutional mandates. The CoG cannot therefore dictate how and when they appear before parliamentary committees including directing the Senate on membership to committees. This is a clear affront to the constitutional independence of the Senate and should therefore be ignored and any state officer acting in furtherance to this resolution will have contravened the Constitution.
2. The **Council of Governors** should immediately formally report the issues raised to the Ethics and Anti-Corruption Commission.
3. The **Senate** should institute the necessary disciplinary proceedings to ensure that the allegations by the CoG are speedily addressed to safeguard the integrity of the Senate. The outcomes of these investigations should be made public within a reasonable time before the conclusion of the hearings on the 2024/2025 audit report, within the three-month timeline for parliament's consideration of the audit reports.

4. That the **National Assembly** notifies Kenyans of their **current state of adherence** to the requirements of Article 229 of the Constitution and the Public Audit Act for all Ministries, Departments and Agencies within their oversight mandate and share a list of recommended action to the relevant actors.
5. The **Ethics and Anti-Corruption Commission (EACC)** should make public the nature and outcome of investigations instituted against state officers in the executive and/or parliament following multiple allegations of bribery in Parliament and the County Assemblies.
6. The Office of the **Director of Public Prosecutions (ODPP)** should act promptly and prioritise prosecution of corruption and economic crimes matters that emanate from audit processes and parliamentary oversight engagements. Further, any allegations of abuse of office or misappropriation of public funds disclosed in the course of accountability forums such as CPAC should lead to immediate investigation and prosecution.
7. **Legislative bodies** at both national and county levels **should collaborate** with the Office of the Auditor General to ensure timely, efficient and effective scrutiny of public funds. Parliamentary and County Watchdog committees should make use of technical support from the Auditor General when reviewing reports and adopt technology to streamline their work. This will prevent governors from using procedural delays or incomplete oversight as reasons to avoid appearing before CPAC.
8. The **EACC** should **conduct independent investigations** and provide a public report on the allegations as well as ODPP to open criminal proceedings to the culpable governors and senators
9. **Failure** to act by the Senate, EACC and ODPP, should trigger **Kenyans** to institute civic and judicial interventions to push for enforcement of Chapter Six provisions as regards the allegations by the CoG.

Signed by:

1. **The Institute for Social Accountability(TISA)**
2. **Transparency International Kenya**
3. **Kenya Human Rights Commission**
4. **Inuka Kenya Ni Sisi**
5. **Mzalendo Trust**
6. **Katiba Institute**
7. **International Commission of Jurists (Kenyan Section)**
8. **National Taxpayers Association**
9. **Social Justice Center Working Group**
10. **Crawn Trust**
11. **EATGN**
12. **Econews Africa**

- 13. Institute of Public Finance Kenya**
- 14. Kenya Tuitakayo**
- 15. Okoa Mombasa**
- 16. Amnesty International Kenya**
- 17. Bunge Mashinani Initiative**
- 18. Twaweza East Africa**