



The Clerk,
J.M Nyegenye,
The Senate,
P.O Box 41842 - 00100,
Nairobi – Kenya,
Parliament Buildings

Monday 30th March, 2015

REF: PETITION ON PUBLIC HEARINGS/RECIPT OF MEMORANDA ON THE PUBLIC FINANCE MANAGEMENT REGULATIONS

We the undersigned, who are citizens of the republic of Kenya and interested members of the public, wish to draw the attention of the House to the following

- (a) That the Senate Committee of Delegated Legislation, Through the Senate, has embarked on inviting public submissions on the ;
 - i. The Public Finance Management (National Government) Regulations,2015;
 - ii. The Public Finance Management (County Government) Regulations,2015;
 - iii. The Public Finance Management (Equalization Fund) Guidelines,2015;
- (b) The invitation was placed in a national newspaper in an economy where the majority poor do not have access to newspapers¹. Limiting the notice to only that specific communication channel means that the fora as unavailable to inform the widest number of citizens

“I don’t buy newspapers. I only read a newspaper when I visit an office.”

A resident in Sarang’ombe ward, Kibra Constituency Nairobi County

¹ TISA MTEF report 2014/15, 15/16

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- (c) The invitation was placed on the 27th March, 2015 calling for submissions on the above matter on 1st April 2015, meaning that interested members of the public had only four (4) days to read, review and give input on a 270 page document. This is insufficient notice
- (d) The regulations (270 page document) as of 30th March was not available on the senate website as indicated by the advertisement meaning that interested members of the public will only have 2 days to prepare their submissions and present them on the 1st April, 2015

The regulations are going to implement provisions of the PFM Act, 2012 as the legal framework in exercising controls on public spending and improving the quality of public expenditure. For that reason we the petitioner pray that the Senate to;

- (a) Stop the intended Sessional committee on delegated legislation public hearings on the Public finance regulations and guidelines slotted for 1st April, 2015 and/or;
- (b) Re-advertise not only in the newspaper but other key channels of communication in all 47 county offices
- (c) Defer it to a later date that will allow the citizen atleast 14 days from date of notice to date of submission
- (d) The public must have access to all the relevant documents atleast 14 days from the date of notice to the date of submission

The Constitution 2010, Articles 10, 174, 196 and 201 affirm that public participation is a constitutional and statutory requirement that ensures that, over and above the people electing their representatives, they have an opportunity to make direct input into decisions.

Other

1. This matter is not pending before any court of law or other constitutional or legal body
2. A similar letter has been addressed to the Chair of the Committee of Delegated Legislation and the Speaker of the Senate

I further wish to bring to your attention public participation guidelines developed by the Ministry of Devolution and Planning for County Governments. I strongly suggest the Senate undertake an urgent process to demonstrate the same.

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FINANCE MANAGEMENT REGULATIONS**

Signed

Wanjiru Gikonyo

National Coordinator, The Institute for Social Accountability

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I.D number

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