

THE COMMISSION ON ADMINISTRATIVE JUSTICE
(Office of the Ombudsman)



Hata Mnyonge ana Haki

OUR REF: CAJ/AO/4/12 (19)

14th February 2025

H.E Kenneth Lusaka

Governor
County Government of Bungoma
P.o Box 437-50200

BUNGOMA

Dear *Kenneth*

Advisory on the Newspaper Publications by the County Government of Bungoma.

The Commission on Administrative Justice (hereinafter referred to as the Commission) is a Constitutional Commission established pursuant to Article 59 (4) and Chapter 15 of the Constitution of Kenya, as read with the Commission on Administrative Justice Act, 2011. Under Article 249 (1) of the Constitution, the Commission alongside others, has the mandate to protect the sovereignty of the people, while also ensuring observance by state organs of democratic values and principles.

Further, Article 59 (2) (h) and (i) of the Constitution, which is replicated in Section 8 (a) and (b) of the Act grants the Commission powers to investigate any conduct of State Officers, or any act or omission in Public Administration that is alleged or suspected to be prejudicial or improper, or to result in any impropriety or prejudice. Section 8 (h) of the Act provides as one of the functions of the Commission to provide Advisory Opinions on proposals on improvement of Public Administration, while Section 2 (1) empowers the Commission to deal with a decision made or an act carried out in public service or a failure to act in discharge of a public duty.

The Commission's attention has been drawn to a publication in The Standard Newspaper on February 12, 2025 (copy herein attached). The publication highlights a Message of Goodwill & best wishes to Hon. Raila Amolo Odinga by H.E. Kenneth Lusaka, EGH, the Governor of Bungoma County. Whereas the Commission appreciates the message and joins in wishing Hon Raila Amolo Odinga the best in the upcoming African Union Chairmanship elections, we are concerned as to the source of funds utilized to pay for the publication.

With reference to the use of public funds, the Commission wishes to call your attention to the Public Finance Management Act, 2012 on the definition of public funds and its uses thereof. It is worth noting that public funds shall only be expended for public interests and where they are expended for partisan political activities it raises serious concerns amounting to misappropriation of funds. Public resources are entrusted to State or Public officials for the benefit of the entire community, and their use for any other reason other than for the benefit of the public not only undermines public trust but also compromises a State or Public officers' position of stewardship.

The Commission posits that publications on local dailies or other platforms by a public entity including a County Government paid for by use of public funds, which are not beneficial to the public, raises ethical questions and are potentially illegal. The Public Finance Management Act, 2012, among other relevant legislation, prohibit such misuse of public resources.

We are dutybound to highlight the responsibility of State and Public officers in the observance of the national values and principles of governance as espoused under Article 10 of the Constitution, specifically 10(2) (c) on good governance, integrity, transparency and accountability. The Commission emphasizes the importance of upholding the highest standards of ethical conduct in public service with reference to proper accountability of resources to spur efficient and effective public service delivery. The use of public resources for any other purposes other than public benefit is unacceptable and will not be tolerated.

It thus follows that in the event that the newspaper publication was funded through public funds, the Commission **ADVISES** that you make good the accounts and henceforth cease from using public resources for any activities not related for the wellbeing of the public. Further, ensure that all public resources under your stewardship are utilized solely for the benefit of the people of Bungoma County in accordance with the law and ethical standards.

We thank you for your continued cooperation and assure you of our highest regards.

Yours *Sincerely*
Charles Dulo

CHARLES DULO
CHAIRPERSON OF THE COMMISSION

Cc Auditor General

We are footing our own Addis bills, MPs say

Former Prime Minister Raila Odinga will be seeking to become AUC head on Saturday.

Reports indicate that a host of members of Parliament will be footing the bill for the entourage.

By BONIFACE OKENDO, NAIROBI

Reports that multiple lawmakers would be travelling to Addis Ababa, Ethiopia, ahead of the African Union Commission (AUC) elections raised an online furor yesterday, with many questioning the need for such a delegation.

Former Prime Minister Raila Odinga is seeking to succeed Moussa Mahamat as the AUC chairperson. He is accompanied by Djiouti's Foreign Affairs Minister Mahamoud Youssouf and Madagascar Foreign Minister Randriamandrato in an election scheduled for Saturday.

The outcry was mostly due to the

expenses that the nation would ostensibly incur by sponsoring a huge delegation to Addis Ababa. Such costs derive from the travel and accommodation expenses. The country has previously witnessed scandals involving hefty foreign travel costs by State officials and their delegations.

The Standard has established that a host of Members of Parliament will be part of the entourage. However, most deny receiving sponsorship from any State agency. Saboti MP Caleb Amisi said he was footing his bill to Addis.

"I have sponsored myself. I have my ticket and accommodation ready and I have M-Pesa messages," said Amisi, adding that he hoped to secure a spot at the public gallery to follow the proceedings.

"I am going because I am on the Defence and Foreign Relations Committee and a student of international relations. It is good to escort your party leader in such an important undertaking. Even if I was a private citizen I would have gone."

Others who spoke on condition of



Saboti MP Caleb Amisi, one of the legislators planning to travel to Addis Ababa to witness the election of AUC Chairperson on Saturday. (Boniface Okendo, Standard)

anonymity said they were also sponsoring themselves to witness the polls. The Ministry of Foreign Affairs has also denied picking the MPs' tab.

"Why should we?" Foreign Affairs Principal Secretary Korir Sing'oei said in response to inquiries whether the ministry was sponsoring MPs. Sources within Parliament who spoke in confidence also said they were "not aware" of any travel plans for the lawmakers.

Beginning today, most legislators and dignitaries will troop into the AU

headquarters. Kenya's delegation will be led by President William Ruto and Prime Cabinet Secretary Musalia Mudavadi (the Foreign Affairs Cabinet Secretary).

Mudavadi is expected to attend the 46th Ordinary Session of the Executive Council, which comprises Ministers of Foreign Affairs. The ministers will meet today and tomorrow and will elect eight AUC commissioners.

Dr Ruto will attend the AU's 38th Session of the Assembly of the Heads of State and Government on Saturday

and Sunday, and elect the chairperson and his deputy.

Mudavadi left for Addis last evening and is expected to intensify campaigns for Kenya's candidate, the Prime Cabinet Secretary's spokesperson announced.

"Prime Cabinet Secretary and Cabinet Secretary for Foreign & Diaspora Affairs today leaves for Addis Ababa, Ethiopia to lead the last-minute campaigns for Rt Hon Raila Odinga's AUC chair bid," said Jacob Ng'etich, the Director of Press Services at the Office of the Prime Cabinet Secretary and Ministry of Foreign Affairs.

"Raila's victory as the Chairperson of the AUC will leverage Kenya's position in the continent, and put a Kenyan at the helm of the key decision-making in the continent where he will be the amplifying voice and bargaining power of Africa," an upbeat Ng'etich added.

He said that the former premier's agenda would be to bridge the infrastructural development gap, integration, economic transformation and enhance intra-African trade through the African Continental Free Trade Area, among other priorities.

With 49 AU states voting for the commission's chairperson and deputy chairperson, Raila needs 33 to win the first round. Last week, Raila's campaign secretariat's co-chair, Elkanah Odembo, told the Standard on Tuesday that they estimated Raila had secured the support of 28 nations.

bowino@standardmedia.co.ke



REPUBLIC OF KENYA COUNTY GOVERNMENT OF BUNGOMA



Message of Goodwill & Best Wishes to Hon. Raila Amolo Odinga



H.E. Kenneth Lusaka, EGM,
Governor Bungoma County

Dear Hon. Raila Amolo Odinga,

As you stand on the threshold of an extraordinary opportunity to serve as the next Chairperson of the African Union, I extend my heartfelt goodwill and best wishes for your journey ahead. Africa has long looked to visionary leaders like you to help guide it towards a future that is prosperous, united, and at peace. Your life's work, defined by unwavering dedication to the betterment of our continent, has positioned you not only as a leader but as a symbol of hope, resilience, and transformative change.

Your remarkable contributions in both national and continental arenas speak volumes about your unyielding belief in the potential of Africa. From advocating for democracy, human rights, and social justice to pushing for inclusive growth and regional integration, your vision of an Africa that thrives through collective effort is one that inspires millions. Your leadership has always been driven by a deep sense of service and a commitment to the values that can bind us as one united people.

As you pursue the esteemed position of Chairperson of the African Union, the challenges before you will no doubt be formidable. However, your experience, wisdom, and ability to bring diverse perspectives together are the very qualities that will allow you to navigate these challenges and create an Africa that speaks with one voice, rises above its divisions, and stands proudly in the global arena. Your dedication to strengthening democratic institutions, advocating for sustainable development, and advancing regional peace will resonate deeply within the heart of every African.

The African Union, under your leadership, will undoubtedly see a new chapter—

one characterized by bold solutions to the pressing issues of conflict, poverty, inequality, and climate change. Your belief in the importance of solidarity among African nations will inspire a renewed commitment to multilateralism, to the protection of human rights, and to the pursuit of an Africa where every citizen, regardless of background, feels empowered to contribute to our shared destiny.

May this campaign for the African Union Chairmanship be a reflection of the hope and promise you bring to this endeavor. Your ability to unite, inspire, and lead with integrity will undoubtedly resonate with all those who long for a united, thriving Africa. You are not only a candidate for this position, but a beacon of possibility for the future of our continent.

I have full confidence that your tireless dedication to the values of peace, unity, and progress will shape the future of the African Union for generations to come. As you continue on this journey, know that the hearts and minds of millions of Africans stand with you, supporting your vision for a better, brighter tomorrow.

May your efforts be rewarded with success and fulfillment, and may the African Union under your leadership chart a course that will be remembered as a defining moment in the history of our continent.

With deepest respect and best wishes for your success in the forthcoming African Union Chairmanship elections and beyond.

Sincerely,
H.E. Kenneth Lusaka, EGM,
Senator Speaker Emeritus & Governor, Bungoma County.

