

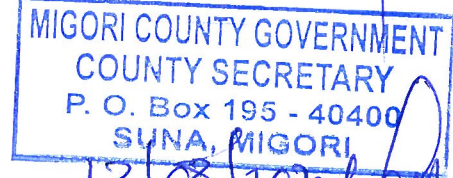
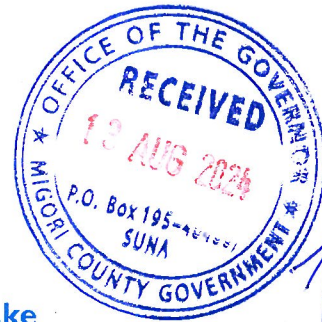
PETITION ON PROVISION OF ACCESS TO INFORMATION REGARDING THE APPROVED FY2024 - 2025 MIGORI COUNTY WARD-BASED BUDGET

**SUBMITTED TO: COUNTY SECRETARY
MIGORI COUNTY GOVERNMENT
PO BOX 195 - 40400
MIGORI
Email: info@migori.go.ke**



COPIED TO:

- **OFFICE OF THE GOVERNOR**
Email: info@migori.go.ke
- **MIGORI COUNTY ASSEMBLY**
Email: info@migoriassembly.go.ke



13/08/2024
[Handwritten signature]

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SUBMITTED ON: 13th AUGUST 2024

13th August 2024

County Secretary
County Government of Migori,
PO Box 195 - 40400,
Migori.

Dear Sir,

RE: PETITION FOR THE PROVISION OF ACCESS TO THE APPROVED FY2024-2025 WARD-BASED BUDGET

We, the residents of Migori County, in the exercise of our rights as guaranteed under Articles 35 (Right of access to information), 10 (National Values and Principles of Governance), and 174 (Objects of Devolution) of the Constitution of Kenya, 2010, hereby petition your esteemed office. Our concern lies in the apparent failure of the Migori County Government to provide public access to the detailed, approved ward-based budgets for the current fiscal year, which undermines transparency, accountability, and public participation in the county governance.

To effectively petition the Migori County government regarding the failure to provide access to information on the Fiscal Year (FY) 2024/2025 ward-based budget, it's crucial to lay out the facts clearly and concisely. These facts will form the foundation of our petition by detailing the issues and establishing the grounds for our requests. Below is an outline that guides the structuring of these facts:

FACTS GIVING RISE TO THE PETITION

1. Background and Legal Framework:

THAT the constitutional and legal provisions mandates public access to information and participation in government processes. Specifically, Articles 35 (Access to information), 10 (National Values and Principles of Governance), and 174 (Objects of Devolution) of the Constitution of Kenya, 2010, alongside the Public Finance Management Act, 2012 that requires public involvement in budget processes.

2. Identification of the Issue:

THAT the Migori County Government has failed to provide the residents with access to the approved ward-based budget for FY 2024/2025. This failure obstructs transparency, accountability, and public participation in county governance.

3. Attempts at Accessing the Information:

THAT previous unsuccessful efforts were made on 8th June 2024 through a memorandum undersigned by networks and other residents to obtain the budget information, including formal requests, inquiries to county offices, or attempts to access the information through available county platforms (websites, public notices, etc.).

4. Impact of the Lack of Information:

THAT the absence of access to the ward-based budget affects the residents' ability to engage in the county's fiscal planning and oversight. That accessing the ward-based budget information is crucial for public participation, oversight, and ensuring accountability and transparency in the utilization of public resources as provided under Articles 10, 201, and 202 of the Constitution, and reinforced by the Public Finance Management Act and the County Governments Act.

5. Contravention of Legal and Constitutional Obligations:

THAT failure of Migori County government to provide this information violates the stipulated legal and constitutional mandates requiring public access to information and involvement in governance processes.

6. Lack of Public Participation and Its Effects:

THAT this failure to disclose budget information has hindered effective public participation in the governance process, potentially affecting the equitable allocation of resources and the prioritization of community needs within the wards.

7. Previous Instances and Patterns:

THAT previous incidents as stated in item 3 above, where Migori County Government has since failed to provide critical governance information, is a clear demonstration of a pattern of neglect or oversight in transparency and public participation obligations.

8. Community Efforts to Engage with County Governance:

THAT there has been previous unsuccessful initiatives and efforts by residents and community groups to engage with the county government on budgetary matters, a clear demonstration of the community's commitment to participatory governance.

9. The Need for Remedial Action:

THAT there is an urgent need for Migori County Government to remedy this neglect and fulfill its constitutional and legal obligations concerning transparency, accountability, and public participation during budget making processes.

LEGAL AND CONSTITUTIONAL FOUNDATION OF THE PETITION

Requesting access to information regarding approved budgets, including those at the ward level in Migori County, falls within the legal and constitutional frameworks that provide for transparency, accountability, and public participation in governance processes in Kenya. The following are key legal and constitutional foundations that underpins the nature of this petition.

I. The Constitution of Kenya, 2010

- **Article 35 (Access to Information):** This Article provides that every citizen has the right of access to information held by the State and information held by another person and required for the exercise or protection of any right or fundamental freedom. It mandates the State to publish and publicize any important information affecting the nation. This foundational right directly supports the request for information on county budget allocations and expenditures.

- **Article 10 (National Values and Principles of Governance):** This includes transparency, accountability, and public participation among the core values and principles of governance. A petition for access to budget information would invoke this article, emphasizing the need for citizen involvement in public financial management.

- **Article 201 and 202 (Principles of Public Finance and Equitable Sharing of National Revenue):** These articles stress the importance of openness and accountability in financial matters, including public money management at the county level.

2. Access to Information Act, 2016

This Act operationalizes the constitutional right of access to information. It lays out the procedure for applying for access to information held by a public entity or private body, necessary for the exercise or protection of any right, and outlines the process and timelines for the public entities to comply with these requests.

3. Public Finance Management Act, 2012

This Act provides for the management of the public finances at both national and county levels of government. It emphasizes transparency and accountability in the financial affairs of county governments, including the preparation and public access to budget documents.

4. County Governments Act, 2012

The Act provides for the governance and management of counties, including public access to documents like the County Integrated Development Plan (CIDP), Annual Development Plans, and budgets. It underscores the participation of people at the county level in governance processes, including budgetary matters.

REASONS WHEREFORE our humble prayers are as follows:

1. Immediate Disclosure: That the Migori County Executive takes immediate steps to ensure the approved ward-based budget for the current fiscal year is made accessible to all residents through convenient means, including but not limited to, online platforms, local administrative offices, and public libraries, in accordance with Article 35 of the Constitution.

2. Public Participation: That the County Executive establishes a consistent and inclusive framework for public participation in the budgetary process, as emphasized under Article 174(e) and 201(a) of the Constitution, allowing citizens to contribute to budget formulation, review, and implementation stages.

3. Accountability Mechanism: That a clear and efficient mechanism is instituted for holding accountable those responsible for the oversight in ensuring transparency and accessibility of budget documents to the public, as per the principles of accountability and transparency enshrined in Article 10 and 232 of the Constitution.

4. Regular Updates: That the County Executive commits to providing regular, timely updates on budget implementation progress, challenges, and adjustments, if any, to enhance the effectiveness of public oversight and engagement in county governance.

5. Capacity Building: That efforts are made towards organizing workshops and informational sessions for the residents, aimed at building their capacity in understanding and engaging effectively with the budget process, fostering a well-informed citizenry.

6. Legal Compliance: That the County Executive ensures strict adherence to the Public Finance Management Act, 2012, and other relevant statutes and regulations, in all matters relating to budget preparation, approval, and implementation, safeguarding public resources against wastage and misappropriation.



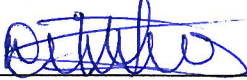





Conclusion






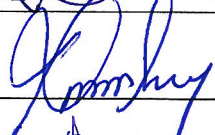


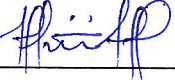

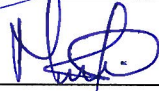
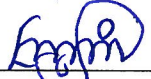





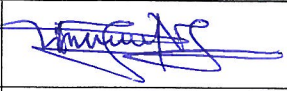

In light of the above prayers, we earnestly appeal for your prompt action towards rectifying the highlighted concerns. We believe that through collaborative effort and goodwill, we can achieve a transparent, accountable, and participatory governance system in Migori County, in line with the spirit of devolution as envisioned in the Constitution of Kenya, 2010.

Thank you for your attention to this matter. We look forward to your positive response and the swift implementation of our requests.

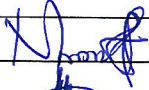



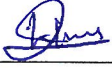

Yours faithfully,

SIGNED at MIGORI this 13th day of AUGUST 2024

No.	Name	ID No.	Phone Contact	Signature
1.	ELIZABETH NYAKOREMA	31208001	0792300482	
2.	ELVAS MASIKA	24616504	0724688172	
3.	NICHOLUS MOSABI	35673030	0710873161	
4.	THERESIA MBINYA	35824258	0742045760	
5.	EMANUEL MWITA	32631820	07400514238	
6.	Bekeye Nicholas	28474860	0794746438	
7.	AMAR GATI MOGANA	37286401	0746101188	
8.	CECILIA BOICE MAGABE	33157675	0791247413	

9.	NYAMOHANGA JOHN NYAMOHANGA	31973111	0758791712	
10.	KEHANGORA SARAH JOHN	36627250	0798513767	
11.	PATRICK MOTATIRO	35005431	0717734506	
12.	CHERRY WANKWE	32855128	0743538054	
13.	PATRICK KEHOWO	35370613	0797052243	
14.	NGARIBA JOSPHAT	31820132	0712651631	
15.	NSATO KEVIN CHACHA	32256591	0729692183	
16.	ELIZABETH WEGESA	41185710	0797495461	
17.	JOHN KERARIO CHACHA	38007596	0769109426	
18.	Pauline Mundhari	38111741	0110910628	
19.	Wankuru Nelson	38096398	0745420404	
20.	EUNICE RIOBA	37912579	0758423563	
21.	NWITA JACKSON	33779230	0707490889	
22.	Annah Nyandika	38387220	0743632827	
23.	Johnfred Muro	37912614	0759766619	
24.	KEGORGES PETER MURIA	28494510	0715203313	
25.	RITA MARWA	37903014	0798042000	
26.	JOHN MALICENYAMUSI	30398783	0718857047	
27.	BRABIEL NCONAMKA	32218129	0717791445	

28.	MARGARIE NCHAUWA	27968467	0715234715	Handwritten
29.	DAVID KIRIBWA	21816836	0711992060	Handwritten
30.	LUCAS MASWI	40749696	0742852568	JUNO
31.	Rael Chacha	11557152	0704097266	RS
32.	Robert Chacha	41478577	0795904470	Chacha...
33.	Margaret Robi	38169891	0794866906	Handwritten
34.	Manuel Muliwabe	34270719	0742377438	Handwritten
35.	SIBENA JACKSON	37937199	0115221773	Handwritten
36.	LOYCE NYAKERARIO	22176651	0703649815	Handwritten
37.	Geline Nyangi Mwita	31927346	0714693129	Handwritten
38.	SUZAN MUTHIRI	27306244	0706542072	Handwritten
39.	DAVID BOKEMARWA	33157346	0792889096	Handwritten
40.	Joyce Gati Mwita	35879885	0796114846	Handwritten
41.	Elizabeth Gati Charles	30128558	0723539928	Handwritten
42.	PENINAH MOHAMU	23352712	0745756611	Handwritten
43.	Lucas Nskomi	87804214	0111355677	Handwritten
44.	James Mwita	28274863	0721783708	Handwritten
45.	DANARUS 'K. MUKITA	28160545	0746279951	Handwritten
46.	MARY ROBI	40040703	0792465205	Handwritten

47.	Nambura Michael	29202909	0746579747	
48.	Thomas Nambura	37131503	0799444935	
49.	MARWA AMOR MUGINI	31460202	0704301434	
50.	FRANCIS MWITA MASABI	27354755	0723647734	
51.	Kigitaro Eunice	34732915	0799650617	
52.	Muchoma Gular	39376613	0797255264	
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