

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 26th July, 2023

Morning Sitting

*The House met at the Senate Chamber,
Parliament Buildings, at 9.30 a.m.*

[The Speaker (Hon. Kingi) in the Chair]

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Speaker (Hon. Kingi): Clerk, do we have quorum?

(The Clerk-at-the-Table consulted the Speaker)

Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Speaker (Hon. Kingi): I am informed that we now have the requisite quorum.

Clerk, kindly proceed to call the first Order.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE COUNTY
ASSEMBLY OF KILIFI

I would like to acknowledge the presence in the Speaker's Gallery this morning, of a visiting delegation of Members from the County Assembly of Kilifi and Secretariat, who are members of the *Ad Hoc* Committee on Investigation of the Shakahola Massacre, in Adu Ward, Kilifi County.

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The delegation is in the Senate for five days to hold meetings and present their recommendations to their counterpart committee in the Senate.

I request each member of the delegation to stand when called out so that you may be acknowledged in the Senate tradition.

1. Hon. Benson Karisa Ngirani - The Vice Chairperson
2. Hon. Mariam Mkumbi
3. Hon. Emmanuel Changawa
4. Hon. Paul Kitsao
5. Hon. Samson Zia
6. Hon. Ronald Mbura
7. Ms. Charity Mwambura
8. Mr. Shauri Nyule
9. Mr. Harold Sifa
10. Mr. Justin Amani Karabu
11. Mr. George Kumbatha
12. Ms. Linda Nyamwata

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful engagement.

I will allow the Senate Majority Leader, under one minute, to welcome the delegation.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I join you in welcoming the visiting Hon. Members from the County Assembly of Kilifi who are in this House for an important exercise of public inquiry or hearings on the unfortunate happenings at Shakahola that one of the Committees of this House is undertaking.

I hope that these local leaders will be able to give proper perspective from the local community on where the misses were and how one of the worst tragedies of this nature to ever befall this country happened. It would be important to get their views on who they strongly feel let this country down.

The last I saw in the news; we were drawing close to 400 lives that were lost. It is unfathomable that such massive loss of life can happen in our country with so many Government agencies present in Kilifi County. Therefore, it will be good to hear their perspective and presentation before the Committee and all that they wish to be done so that this never happens again in our country.

I welcome the Members from the County Assembly of Kilifi. I wish them a fruitful stay. May we benefit from their knowledge and insight into this particular unfortunate incident.

The Speaker (Hon. Kingi): Next Order, Clerk.

QUESTIONS AND STATEMENTS

QUESTIONS

The Speaker (Hon. Kingi): Hon. Senators, we had lined up three Cabinet Secretaries for purposes of responding to questions from Senators. During the Senate Business Committee (SBC) meeting yesterday, we received a letter from the Cabinet Secretary in charge of Labour and Social Protection indicating that he will be accompanying His Excellency the President to Dar es Salaam, Tanzania.

Therefore, he will not be able to be present today for purposes of responding to Question No. 20.

We had hoped that the Cabinet Secretaries for Foreign and Diaspora Affairs and Health, will be present today for purposes of responding to Question Nos. 18 and 19. However, I am informed by the secretariat that last night, we received two letters from the two Cabinet Secretaries indicating that they will be unable to attend this Session today. We have given instructions to the secretariat to respond to those letters but as we do that, I am afraid that we may not proceed with this Session because none of them is present today to respond to these Questions.

Therefore, we will have to move to the next Order as we write to the Cabinet Secretaries and particularly engage the Prime Cabinet Secretary because as an institution, we are not going to tolerate this behaviour. If a Cabinet Secretary is unable to attend such a session, courtesy demands that they write to the Senate in good time so that the Senate can re-arrange its Business.

Writing to the Senate a few hours to its Sitting shows discourtesy and we are not going to tolerate. Hon. Senators, we may not be able to prosecute Order No. 7 and we will move to Order No. 8 in the Order Paper.

*Question No. 018*RELEASE OF TURKANA COUNTY
PASTORALISTS ARRESTED IN UGANDA*(Questions deferred)**Question No. 019*ACCESSIBILITY OF HEALTH SERVICES
FOR PERSONS WITH DISABILITIES*(Questions deferred)*

*Question No. 020*LEVEL OF COMPLIANCE WITH THE
PERSONS WITH DISABILITIES ACT*(Questions deferred)***POINT OF ORDER**FAILURE BY CABINET SECRETARIES TO
APPEAR BEFORE THE SENATE

The Senate Majority Leader (Sen. Cheruiyot): On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Yes, Senate Majority Leader.

The Senate Majority Leader (Sen. Cheruiyot): Mr. Speaker, Sir, I stand guided by your decision. I want to bring to your attention that this is conduct unbecoming on the part of the two Cabinet Secretaries. Appearance before Parliament is not a privilege and is not something that you joke with.

While I appreciate that Cabinet Secretary Alfred Mutua and Cabinet Secretary Susan Nakhumicha have never served in Parliament and are maybe struggling to understand the importance of the standing of this House, what they have done this morning is out of order. They must be told so in no unequal terms.

Mr. Speaker, Sir, you cannot write to an institution barely a few hours before their Sitting to inform them of a travel to, I do not know which part of the world. Travelling to whatever part of the country and accompanying whoever including the President is not the business of this House.

What we have in this House is Business that has been brought by the people of Kenya through their representatives. We are not calling the two Cabinet Secretaries to engage them in idle talk. These are issues that the representatives of the people feel need to be answered. Many of these Questions have been on the Order Paper for quite a while.

Mr. Speaker, Sir, I certainly believe that Hon. Nakhumicha and Hon. (Dr.) Mutua did not just realize last night that they were travelling out of the country and were supposed to appear before the Senate. They have known this for weeks.

Mr. Speaker, Sir, you and I serve in the SBC and many Members in this Committee know that there are Cabinet Secretaries who wrote in advance asking for their appearances to be re-adjusted for one reason or the other. We have such Cabinet Secretaries.

Yesterday, we received a letter from the Cabinet Secretary for Labour and Social Protection who informed us in good time and, therefore, as a House we were able to plan and reschedule the appearance. However, to write to this House barely 12 hours before our Sitting to tell us that they are not appearing because they are globe-trotting cannot be taken kindly.

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Mr. Speaker, Sir, even as you direct the secretariat to write to these two Cabinet Secretaries, you must express the displeasure of this House to them. This is totally unacceptable. It needs to be firm and decisive. They need to be put in the know that this House did not take kindly to their non-appearance.

On the day that they eventually appear here, they should not be allowed to answer any question before they first apologize to this House for wasting our time. This is not proper and it is not what is expected of a Cabinet Secretary who serves in this Administration.

From the Floor of this House, we tell Hon. Nakhumicha and Hon. (Dr.) Mutua that they are grossly out of order. They should behave themselves properly next time. They should write to Parliament in good time because Parliament does not work out of idleness. These are issues that we present before this House on behalf of the people that send Members to this House.

I thank you.

The Speaker (Hon. Kingi): Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Thank you, Mr. Speaker, Sir, for this opportunity. I join the Senate Majority Leader in registering our disapproval and disappointment of this unbecoming behaviour. There is the Powers and Privileges Act, which allows a Cabinet Secretary to fail to honour this kind of invitation. The condition is clear that it is only 'with the leave of the President'.

The Minister for Labour and Social Protection remembered that, she informed the SBC and that was okay. We do not care that Hon. (Dr.) Mutua and Hon. Nakhumicha are greenhorns in serving the Executive and have never found their way into this Parliament and, therefore, they might not be knowing the import of these issues.

Mr. Speaker, Sir, the catchword is 'Parliament', not Senate or the National Assembly. I therefore request you to liaise with your counterpart in the National Assembly so that Parliament takes a position that any Cabinet Secretary who does not honour an invitation, will lose the opportunity of the business of their Ministry being processed in Parliament, until such a time they convince us that they are apologetic.

There are many Kenyans who are dying to serve this country as Cabinet Secretaries. If people want to have joyriders, let them have those joyriders outside Parliament and the Executive. The country requires to be pushed so that we can deliver where we are. We cannot do it when we have people who take trips as a priority to transacting Government business.

The Speaker (Hon. Kingi): Sen. Kavindu Muthama, you may proceed.

Sen. Kavindu Muthama: Asante, Mheshimiwa Spika. Naomba niwe kwa rekodi na wenzangu kuhusu hii tabia ya Mawaziri. Hata kwa Kamati, tuko na shida kubwa sana. Tumeita Waziri wa Fedha aje akutane na Kamati yetu mara tano. Kila wakati yeye husema ana shughuli. Hiyo shughuli ako nayo kubwa kuliko kutumikia wananchi wa Kenya ni gani? Nilikua nafikiri ni kwa Kamati tu peke yake.

Mheshimiwa Spika, sasa hata mbele yako wanaleta huu mzaha. Hii iwe ni funzo kwa wale wengine. Hawa mawaziri wachukuliwe hatua kali kabisa ili wajue wanajukumu la kuja na kujibu maswali ya mambo ya wananchi.

Kuna waziri tunaita kwa sababu ya walimu waliostaafu na hawajalipwa fidia. Tunakuomba Mheshimiwa Spika, chukua hatua kali pamoja na *secretariat* ya Seneti ili wajue hatuchezi tukija kukaa hapa. Hii ni kazi kama hiyo yao. Wanastahili kutupa heshima vile wanapewa heshima kule wako.

The Speaker (Hon. Kingi): Sen. Mutinda, proceed.

Sen. Tabitha Mutinda: Thank you, Mr. Speaker, Sir. I rise to support my leaders led by the Senate Majority Leader to condemn this shameful conduct from our Cabinet Secretaries. The President has clearly stated in this country that the Cabinet Secretaries should appear in Parliament. These Cabinet Secretaries should know that they are not appearing before us as individuals, they are appearing before us because our key and first mandate in this country is representation.

We are the representatives of the people in this country. It is disrespectful for a whole Cabinet Secretary to know very well that he or she should appear before Parliament to give feedback but fails to appear within the required time. It is not only disrespectful to these Members but to the President of this country who supported and said that they should appear before this House.

A disrespect to you, Mr. Speaker, Sir, equals disrespect to us as Members. This is not something that we should allow, moving forward. The Cabinet Secretary for Health, Hon. Susan Nakhumicha has not been appearing to the Health Committee in the Senate. Who is she in this country if she cannot appear before Parliament? We need answers. The first question when she appears will be, why do you not appear before Parliament? We need to know if in the job description that she signed stated that it will be her choice to either appear or not. We need to understand the job description of these Cabinet secretaries.

Is it in their choice to behave the way they want? We have matters we needed to ask. We have the business we needed to conduct. We are here because of the representation role we have in this country. If they are not going to execute their mandate, they need to tell Kenyans that we are not in a position to. Appearing before the Parliament is one of their responsibilities. If that cannot be achieved, then we need answers or give other Kenyans the opportunity to serve people in this country.

You know how matters of health are sensitive in this country and a whole Cabinet Secretary decides not to appear to answer questions. It is wrong. We cannot move forward like this. It is Wednesday, a day we set for this Senate to abandon our Committee Sessions to sit with the Cabinet Secretaries. As Kenya Kwanza, we have a manifesto to achieve the plans that we set during our campaign period. We can only achieve this when we the representatives sit with the Executive to discuss matters that need to be addressed. Then today somebody decides that they are not going to do that. Total disrespect.

Moving forward, we need to do better than this. It is what it is and we need better results.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. (Prof.) Kamar.

Sen. (Prof.) Kamar: Mr. Speaker, Sir, mine will be brief because you and I served in positions in the Cabinet before. The respect we had for the House was above everything else. It is a pity that Cabinet Secretaries are not appearing before us as they

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had promised. It is one thing to give an apology and another to send an apology when the House is already sitting. We are wasting a whole morning because of them. It is very important they get the message today that we are not happy.

We still have an issue with Cabinet Secretaries appearing in committees. We have had this problem in the Committee of Education. We even have had a problem that has come to this House and was forwarded to our committee on payment of teachers that was accrued between 1997-2002. The Cabinet Secretary in the National Treasury was supposed to come. He missed three times. We have fined him Kshs500, 000. He has sent a message that he should be forgiven for the Kshs500, 000 but he has not arrived yet.

I think as we conclude this discussion, you need to invoke that non-appearance fine because it is good that we also hold them responsible so that they feel the pinch. Kenya is losing because if we do not address the issues that Members have, issues that have come before us, we are wasting time.

I remember yesterday as we went through stocktaking in our committee, we discovered that we have performed at only 50 per cent. We have only addressed 50 per cent of the questions. The other 50 per cent, that is 10 questions, have not been responded to by Cabinet Secretaries, let alone appearance. We have told them to respond so that we can only invite them if need be.

I want to agree with the Senate Majority Leader and all those who have contributed that it is very important that we make our statement clear. However, my suggestion is that we invoke the Standing Order that has a fine so that we fine them and ensure that they start taking responsibility.

I thank you.

The Speaker (Hon. Kingi): Proceed Sen. Cheptumo

Sen. Cheptumo: Thank you, Mr. Speaker, Sir. I wish to add my voice to this very serious matter.

Article 1(ii) of our Constitution says:

“The people may exercise their sovereign power either directly or through their democratically elected representatives.”

When a Cabinet Secretary displays contempt for this House, that Cabinet Secretary is directly challenging the sovereign power of the Kenyan people.

It is the President himself who formally wrote to this House under your leadership and requested us to amend our Standing Orders so that the Cabinet Secretaries should appear before the House and answer questions.

The intention of the President then and I think up to now, is so that he is able to be accountable to the Kenyan people. That was the intention. The question that therefore arises is, if the Head of the State has requested the House to amend the Standing Orders and we went ahead to do so and the same Cabinet Secretaries in the Executive fail to appear before this House, what then does that mean?

I agree with the leaders who have spoken before me that this is the moment that this House should take its position and put strict measures against these failing Cabinet Secretaries. If you look at Question No.18 on today's Order Paper which was supposed to be answered by the Cabinet Secretary for Foreign and Diaspora Affairs, it is about

Kenyans who were arrested in Uganda and charged in a court of law in Moroto District in Uganda for crossing over in search of pasture.

These are Kenyans who are already in custody in a foreign land. The Cabinet Secretary was supposed to come and address Kenyans here on what steps he is taking and he is not coming? You can see the extent of the pain that he is causing Kenyans by failing to come. Therefore, I agree with the Senate Majority Leader that this should not be taken lightly.

Mr. Speaker, Sir, you should also give guidance because when a Member in this particular House is out of order, you expel him or her from this sitting. What is the redress for the Kenyan people who are suffering, those who need to be addressed on matters of health, security, and water and the Cabinet Secretaries in charge fail to appear?

I think serious sanctions should be put in place. I think that this House has the power to discipline these Cabinet Secretaries.

The first time you may impose the payment of fine of Kshs500,000 to these two Cabinet Secretaries who have failed to appear before this House.

Going forward as I conclude, it is even more worrying that not only are they failing to appear here, they even fail to appear before the Committees. They do not appear in the chamber neither do they appear in the Committees. How will this House function in serving Kenyans? It is painful.

Mr. Speaker, Sir, I think you have the powers to impose certain serious penalties to these Cabinet Secretaries.

Thank you.

Sen. Dullo: Mr. Speaker, Sir, I have some information to give. First, there was a reason why the President and Members of Parliament (MPs) felt that Cabinet Secretaries should appear before this House to answer certain Questions that actually affect Kenyans. It is disrespectful of them to fail to appear before this House and to the people of Kenya.

We have provisions under the powers and privileges where Cabinet Secretaries are actually supposed to be summoned, failure to which they can also be charged a certain fee. We should start doing that so that these Cabinet Secretaries can respect this country. Some of us woke up very early to come and listen to them so that we represent our people. Their trips are not important compared to the challenges Kenyans are facing. We need to take serious action against those Cabinet Secretaries who actually give an excuse every now and then.

I thank you.

Sen. Mariam Omar: Thank you, Mr. Speaker, Sir, for giving me this opportunity to add my voice to this.

I am the Vice-Chair of the Committee on Health. We have summoned the Cabinet Secretary for the Ministry of Health four times and she has not appeared. She must differentiate between this and a private office. This is a public office and they have to differentiate what their role is. The first priority should be Kenyans. We have to strengthen devolution and the health sector.

The Cabinet Secretary for Investments, Trade and Industry has also been summoned but he has not appeared. This shows that they are not even serious with their

work. As a new Senator, I realised Cabinet Secretaries do not take the Senate seriously because we are not their budget makers.

Let them know clearly they need to prioritise and treat the National Assembly and the Senate equally. Both Houses are in the same Arm of Government and they are supposed to treat them equally. We have summoned them but they have not responded. That is disrespectful. When they were appointed to these positions, they took the oath that they will be ready to work with Kenya and the MPs. This shows disrespect and we have to summon them and charge them.

Thank you.

Sen. Seki: Thank you, Mr. Speaker, Sir. I also wish to contribute to this issue on the Floor of the House.

In our Committee on Trade, Industrialisation and Tourism, we have invited the Cabinet Secretary for Investments, Trade and Industry but he has never appeared. Equally, I am a Member of the Committee on Education and the Cabinet Secretary for Finance and National Treasury has always been absent on issues that involve Kenyans. Retired teachers of this Republic are retired and they have never received any pension for quite a number of years. These are very pertinent issues.

We really need to have very punitive penalties to these Cabinet ministers who are not appearing before this House and even Committees. I do not think we were wrong to change the Standing Orders. The President himself instructed that Cabinet Secretaries must appear before this House. I do not think we want to continue belabouring this point and even talking to them. We just need to penalise them and let them feel the consequences.

Otherwise, we are dissatisfied on what they are doing and the last minute notices that they give us. We have processes. This is a House of order with its own process and plans. I do not think they should come here to disrupt the entire process of the Senate.

Mr. Speaker, Sir, we want to support you to penalise these Cabinet Secretaries who refuse to appear here. It may even call for summoning the Prime Cabinet Secretary here to answer as to why his Cabinet Secretaries are not appearing before this House.

Thank you.

Sen. Veronica Maina: Thank you, Mr. Speaker, Sir. First, the Senate is very disappointed and has expressed its displeasure at the spite and the contempt that has been shown by the Cabinet Secretaries who have not appeared here.

Let me also be quick to point out that there are a number of Cabinet Secretaries who have shown respect and have met their constitutional obligation by appearing before this House. One of the Cabinet Secretaries we must distinguish is the one for the Ministry of Interior and Coordination of National Government. He has been very respectful to this House and has appeared twice and presented responses to questions that were raised by Senators on behalf of the people of Kenya.

Mr. Speaker, Sir, unfortunately, it appears as though the Cabinet Secretaries are not taking this as an important or very vital function of accountability to the people of Kenya. Kenyans are raising some of the questions because maybe the Cabinet Secretaries have not been fully effective in serving the people of Kenya.

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For that, they must remain accountable and continue to improve the services being rendered by the ministries. If those services are being rendered at an optimal level of 100 per cent, no Senator would call them here to ask questions on behalf of the people.

I also wish to point out that for repeat offenders, we should consider a Motion to censure them. Some Cabinet Secretaries do not want to come and explain the functions of their Ministry or respond to issues that have not been adequately tackled to the extent that citizens are asking questions on their areas of operation.

By and large, we wish to remind the Cabinet Secretaries – unfortunately, it is being done by Senators from the Kenya Kwanza side – that this House amended the Standing Orders to accommodate an opportunity and a platform for them to have a conversation with Kenyans through their representatives. For that reason, they must abide by the Standing Orders and the summons when they are summoned to the House or Committees. Otherwise, the penal sanctions should come into play.

Thank you.

The Speaker (Hon. Kingi): Sen. Wakili Sigei, proceed.

Sen. Wakili Sigei: Mr. Speaker Sir, it took time before I could appreciate that the opportunity was for me because of reference to my first name.

I would like to also express my displeasure on the conduct of Cabinet Secretaries. I was going through the Standing Orders, which were amended for a reason. Standing Order No.51(d) states that:

“The Senate may, where a Cabinet Secretary fails, without reasonable cause, to appear and respond to Questions under this Part, move a motion to censure the Cabinet Secretary.”

At the time of this amendment, I believe the reason was that Cabinet Secretaries should appear before the House to speak to Kenyans through their representatives on key questions that require their personal attention and attendance before the House.

One of the questions that was meant to be asked today by Sen. Cheptumo, that is Question No.18, is to do with Kenyans who are currently arrested in a foreign country. That question cannot wait for the Cabinet Secretary to come back from wherever he travelled to, to respond to it. It is something that should have been given priority over any other engagement by the Cabinet Secretary.

It is a show of disrespect to the House. It is a show of no desire to make sure that the Cabinet Secretary takes responsibility for their core mandate because this House is a representative of all Kenyans.

The Cabinet Secretary sits in the office to make sure that the role that this House performs is within the demands required. Therefore, their failure to appear, and worst is giving the excuse that they did in the last minute, is a complete disrespect of the House.

Mr. Speaker, Sir, I join my colleagues in expressing displeasure in calling the Cabinet Secretaries for Foreign and Diaspora Affairs and Health for failing to honour the House or giving the House sufficient notice on inability to appear. In order to make sure that we do not waste the time of this House in future, we need to ensure that we censure them where possible.

In particular, this House passed the Bill on Powers and Privileges where such individuals can be surcharged at a personal level and meet the cost that the law provides

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for their failure to perform their role using their own and not public resources. The moment we implement that, they will appreciate the need to comply.

Secondly and lastly, the Office of the Prime Cabinet Secretary, which coordinates the Offices of Cabinet Secretaries, must also be summoned, so that he also takes responsibility for his Cabinet Secretaries who fail to attend to the summonses of this House and its committees.

Hearing that certain Cabinet Secretaries take their pleasure and time to attend even to summonses by committees is completely out of order. We call upon them to immediately correct where they have failed to do so, whether intentionally or otherwise.

More importantly, this House needs to stamp its authority and surcharge them where possible, and also apply the provisions of Standing Order No.51(d) and censure them, so that Kenyans can also appreciate that once a public or State officer is given responsibility, there are consequences of their non-compliance on the responsibilities that their offices demand of them.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Oketch Gicheru. You can contribute while seated.

Sen. Oketch Gicheru: Good morning, Mr. Speaker, Sir. I have not been in the House for a while and I thank you for the support. I am still on sick leave, but sometimes it is sickly to be at home and not to be here. Sometimes the deliberations here are more important than being at home. I thank you so much for allowing me the flexibility to show up sometimes.

This is a pertinent issue. Sometimes it is hard for me to chime in because as you are aware, the Minority side is still in court on this particular issue of Cabinet Secretaries appearing before the House.

I wanted to contribute in the spirit of being in the Senate. Perhaps, our collective ideology is that this House should be the 'Upper' House. In some areas, we can deliberate and have a conversation on whether we should rethink some of the decisions we have made.

This is one of the instances that, perhaps the Minority side had predicted. We might have worse instances where Cabinet Secretaries might want to disparage the Standing Orders of this House for the same purpose that perhaps constitutionally, they are not obligated to obey the Standing Order of this House.

I believe I will be speaking for the Minority side when I say that there is a desire, and rightfully so, to have Cabinet Secretaries appear before the Houses of Parliament. If you read the Constitution, it does delineate the responsibility and accountability framework for Cabinet Secretaries. That delineation is limited to the extent that they have to appear before committees. So, this is a challenge that we are dealing with as a country.

I encourage the Senate to have a higher conversation on how we should make the accountability framework even stronger. To some extent, we might be faced with issues like proposing a constitutional amendment because the decisions, responsibilities and accountability for Cabinet Secretaries are well articulated under Article 153, which we have talked about many times and I want to go back to it for the purposes of this conversation.

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If you read Article 153(1) it states that:

“A decision by the Cabinet shall be in writing.”

Article 153(2) states that:

“Cabinet Secretaries are accountable individually, and collectively, to the President for the exercise of their powers and the performance of their functions.”

Mr. Speaker, Sir, now that the Standing Orders of this House have been amended for them to appear, in the event that they do not, does it mean that through your Chair, the Senate will write to the President to launch a complaint? If this House writes to the President to launch a complaint, what becomes the accountability framework for the Executive vis-à-vis the Parliament?

The moment we start exchanging with the Executive, particularly the President on the issue of Cabinet Secretaries not appearing before this House, we will be interfering with the Constitution. Secondly, the Constitution says that a Cabinet Secretary shall attend. Remember, accountability is provided for, first, in terms providing documents in writing and, secondly, where they are supposed to attend.

Regarding attendance, the Constitution says that a Cabinet Secretary shall appear before a committee of the National Assembly or the Senate when required by the committee to answer any questions concerning a matter for which the Cabinet Secretary is responsible.

With regards to provision of documents, if you read Article 153(4), that is where they should provide us with documents in writing. So, there is a lacuna that we have created with our Standing Orders. That is dangerous and exposes us.

Even if you were to impose something like a fine that some of my colleagues are proposing, on what basis does a Cabinet Secretary honour that kind of fine? If they go to court, I can assure you the court will stick to the interpretation of the Constitution.

I can assure you that the court will stick to the interpretation of what the accountability lab and framework for Cabinet Secretaries as required in the Constitution. I appreciate that this is a dilemma we are dealing with as a House.

Mr. Speaker, Sir, you must be respected as well as we. Whether informally or formally, I plead that this needs to have a higher conversation than just the National Assembly. This is because we are the House that has some sense of stability in terms of representation. As a Senate, we hold a majoritarian representation given that all the constituencies in our counties end up giving us that power to help this House think through this decision at a higher level.

I appreciate that the Majority side had decided that we adjust our Standing Orders and allow Cabinet Secretaries in. However, we are going to face a lot of dilemmas going forward. This is just an introduction to the dilemmas because some of them individually - as the Commission has said - will make sure they are protected by the Constitution and evade punishment by this House for not appearing before it, but in committees.

I urge if it suits this House to allow ourselves to have a bipartisan conversation. Let us higher level to ensure we keep the Cabinet more accountable to us, but within the frameworks of the Constitution. Even if it is a hard choice, we have to make as a country and amend the Constitution then let us do it.

Otherwise, they are not members of this House and they are not obligated to be here. They know this and you cannot punish them or keep them accountable for that unless you directly induce the same with the Presidency. This again brings conflict of accountability and responsibility between the Presidency and Parliament in general, but more specifically with regards to Senate.

I thank you.

The Speaker (Hon. Kingi): Proceed, Sen. Wamatinga.

Sen. Wamatinga: Thank you, Mr. Speaker, Sir. I also want to add my voice to this issue that has not only been affecting the business of the Committees. Indeed, a lot has been said about the legal implications and requirement. However, we especially on the Majority side have one obligation of representing and prosecuting government business.

If the Cabinet Secretaries - who are the instruments through which the Executive formulates and implements the policy - are not prepared to come and answer basic questions that would help us prosecute the same to the people we represent, how do we even work?

Considering there are a lot of legal implications that Sen. Oketch Gicheru has mentioned, I would want to disagree that it is a question of goodwill. Much of the work we aim to do in politics is about goodwill that is and should be there between the Members when it calls upon the Minority and Majority leaders to sit, close ranks and discuss issues that will ensure we advance and promote devolution.

Mr. Speaker, Sir, at times it is very discouraging more so when we are in recess and are scheduled to meet a Cabinet Secretary in a committee. You travel all the way from up country only to be told that morning that he or she is not appearing. That has happened several times and there are some that are totally notorious.

In the Standing Committee of Lands, Environment and Natural Resources, which I am member of, we have several issues and statements. I remember there was a statement by Sen. Wambua, which was requested last year in November about drought mitigation. We have not been able to address it up to now.

At times it quite shameful when you are addressing an issue, which has been overtaken by events. You do not even know what to tell people. We have statements we need to look into, but without the Cabinet Secretaries input, we are lost.

Mr. Speaker, Sir, the House and yourself have the power to engage maybe with the Presidency. This is because the excuse has been that a certain Cabinet Secretary had travelled or is travelling with the President or his Deputy. Most of the time it is the excuse we are given. At times, they are only travelling within the country.

The business they are going to prosecute when they are going for those meetings are the same matters we want to discuss in the committees. Therefore, it hampers the business of the committees when we are not able to answer questions, prosecute any statements or to explain to petitioners and people who placed the statements what the official position is.

My request to the Chair would be to use his position so that it does not become frustrating or demotivating for us, especially in the committees that we share. We are at times seen by Members of our committees as if we are shielding the Executive, yet we

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are not. We try to give excuses or explanations, but we cannot do it for five, six and seven times.

Mr. Speaker, Sir, it is time you cracked the whip and use your position to have a candid discussion with the Executive. A point will come when we shall state that: "If it is the Executives Presidency that is making them not appear, then we may as well sit back and let them prosecute the business; which we know shall not be good".

Mr. Speaker, Sir, it is important that you start a candid discussion as we do the writing officially. We will also tell the President that a Cabinet Secretary is travelling with him or his Deputy maybe in another county should come to an end.

The Speaker (Hon. Kingi): Proceed, Sen. Mumma.

Sen. Mumma: Thank you, Mr. Speaker, Sir, for allowing me to contribute to this conversation. I think what is happening is affirming the need for the Senate to fight for its independence so that it can move as itself not because there is a trigger from the Executive.

The Wednesday morning sessions were celebrated as ones which were going to bring a cure for the perennial non-appearance of the Cabinet Secretaries in the Senate. You can see that it does not seem to be any different. The Cabinet Secretaries do not want to come to committees and they have started snubbing this session.

It points to the fact that we needed to look at what our functions are independently and insist on implementing our powers without necessarily saying we are setting a session because it is the desire of the President.

Mr. Speaker, Sir, I wish to wear the shoe of Cabinet Secretary for the Ministry of Health, Hon. Nakhumicha, for a second. This session was on the trigger of the President that Cabinet Secretaries should come here every Wednesday. However, it is the same President whom we are being told has gone with hon. Nakhumicha to a foreign trip. We are talking about a House that acted in order to meet the President's needs and also a Cabinet Secretary trying to meet the President's need.

It shows that as a Parliament; as a Senate to focus on our mandate and implement it without feeling like we are doing so as a favour to the Executive. If we do not get back to that, we are losing this House.

I request that in all matters the Senate does not defer to the Executive. Otherwise, they feel we are a footnote in all their business and, therefore, our business can wait. Moreover, on short notice they can tell us to hold on because they have more important business to do as the Executive.

Mr. Speaker, Sir, it has been suggested that the Cabinet Secretary be surcharged. I agree. I hope the taxpayer shall not be paying the surcharge because it is the taxpayer who is being short changed here. If any Cabinet Secretary is to be surcharged on this matter, I request that the Senate ensures that the rule requires the Cabinet Secretary pay from their own personal resources. The taxpayer is not surcharged for the failure of a public officer in taking on their responsibility.

Finally, I request that this matter is not just swept under the carpet. The two Cabinet Secretaries should possibly be summoned before this House to discuss this matter before they come for the discussion of their Questions. They need to be

summoned before this Senate for a discussion with them on their behaviour in regard to this matter.

Mr. Speaker, Sir, I support.

The Speaker (Hon. Kingi): Sen. Wafula, please proceed.

Sen. Wafula: Asante, Bw. Spika, kwa nafasi hii. Jambo tunayozungumzia sasa inaweka Mawaziri katikati ya jiwe na pahali pagumu. Yule ambaye aliwateua na anawaamini kwa uchapakazi na uadhilifu wao ameona kwa hekima yake kuwapa nafasi kusafiri naye katika nchi za ng'ambo kutetea nafasi na hadhi ya nchi ya Kenya na mustakabadhi wa Wizara zao na nchi wanayokwenda.

Hapa sisi kama wawakilishi na watumwa wa wapigaji kura, vile vile tunadai wakuje hapa kutupa majibu yao. Ni kama shingo kuuliza kichwa: "Mbona hautumiki kumeza chakula unachotafuna?"

Bw. Spika, naomba kwamba Bunge la Seneti na wachapakazi wake wawe na udiplomasia wa mapema, kujadili ratiba na mipangilio kwa mapema. Vile vile Mawaziri na wasaidizi wao wawe na mawasiliano ya karibu na Bunge la Seneti ili mipangilio yao isilete aibu mbele ya Wakenya.

Kwa mfano, sisi ni Serikali. Wale tunaoshutumu ni wachapakazi wa Serikali. Itakuwaje mkono mmoja unaukata mwingine kwa madai kwamba mkono huu haujathibiti majukumu tuliyoupa? Mimi kama mmoja wa Maseneta wa Serikali, tutawarai viongozi wenzangu katika Serikali tuwe na kikao na tusemezane haya maneno. Hii ni kwa sababu, hatuwezi kuwa tunakuja hapa kulia na baadaye tena, tutakaa Mawaziri kupanga *agenda* ya nchi.

Asante, Bw. Spika.

Sen. Okenyuri: Thank you, Mr. Speaker, Sir, for this opportunity. I also want to express my displeasure for what has just happened. I do not know if Cabinet Secretaries are just too afraid of defending their performance records in this House or it is a matter of total disregard for democracy. This is the right avenue for a Cabinet Secretary to defend, show the public and articulate Government policy since Members of the Senate also do the same through the legislative means. The continuous behaviour we are seeing calls us as leaders to think about how we want to serve the Kenyans in this country.

Mr. Speaker, Sir, even if you are going to penalise these Cabinet Secretaries, if an individual has no drive to give service to Kenyans from both the Executive and the Legislative arms, it is not going to be having much impact. We need to have a serious conversation and not just on the Government side. We are now leaders representing Kenyans from different walks of life who are expecting the Executive to deliver on that end and Members of the Senate whom they voted for to deliver from their end.

This morning, I urge our colleagues on the Executive end to seriously think about the direction we want this country to be in. Before I came to this House as a Senator, I used to admire the constructive engagements the previous Houses would have. Lately, it is more like a routine. The vigour and quality of debates have all gone down. We have a problem. I wonder if this is what we want to show millions of Kenyans who have bestowed their mandate to us to lead them.

It is not about settling scores. I want to urge the Cabinet Secretaries that appearing here to explain Government policy is the best opportunity you have because

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we are the ambassadors who are going to take down the message to the various constituencies and wards.

Yes, last minute explanations have been given. On my end, I would want to imagine that if the President requests a specific Cabinet Secretary to accompany him, there might be matters that are relevant to the Kenyans and he deems it fit that the specific Cabinet Secretary accompanies him.

That should not be an excuse for Members to fail to attend this Question Time because where else do you want citizens to get answers from? You do not appear in committees. You do not appear in the Senate. Where do you want your help to come from? We do not want to go to the streets like our colleagues did.

Thank you, Mr. Speaker, Sir.

Sen. Abass: Mr. Speaker, Sir, I want to support my colleagues on the concerns that most of the Cabinet Secretaries have evaded this House. As you are aware, this is a presidential system of Government. It was only through the consultation of the Executive and Parliament that the Standing Orders of this House were changed for the convenience of the people of Kenya so at least, they can hear how the Executive and Parliament are related and working for them.

As you are aware, we have just changed. In the 12th Parliament, the Cabinet Secretaries were not coming. The Executive was not there. It is the same Executive that felt that the Ministers must appear in the Houses, so that at least Kenyans will be informed on what is going on in development and whatever is taking place.

It is very unfortunate that Ministers are evading both Houses, especially the Senate. One thing to note is that this is a House that is able to impeach even the President and the Governors. I know Cabinet Secretaries go to the National Assembly just because that is where they make their budgets. They believe that if you do not attend there, maybe they will not be able to get approval of their budgets.

It is very unfortunate that Cabinet Secretaries are evading the Houses, but that should not be the case. Both Houses need to consult regarding this matter. This is actually a suggestion that came from the Executive. Therefore, heavy penalties should be imposed on them for failing to answer their respective questions. Questions belong to the public. The same public that we represent and serve, including them. There is no reason for them to avoid coming to this House to answer to the public.

I urge my colleagues that we must take action that is appropriate to ensure that these Cabinet Secretaries attend the House when they are summoned.

Thank you, Mr. Speaker, Sir.

The Speaker (Hon. Kingi): Very well. Next order.

MOTIONS

INCORPORATION OF INTELLIGENT WATER MANAGEMENT SYSTEMS IN BUILDING PLANS FOR SUSTAINABLE LIVING

(Sen. Wamatinga on 14.6.2023)

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(Resumption of debate interrupted on 27.07.2023)

Sen. Wamatinga: Thank you, Mr. Speaker, Sir. I beg to reply. Let me start by thanking my colleagues who contributed a lot in this Motion.

They enriched the idea and suggested a way forward that we can embrace as a country, as we face the dangers of climate change.

Everybody agreed that it is time we started treating water as a prestigious commodity. In some places, water is more expensive than fuel. All along, we have treated water like a commodity that is not diminishable. However, the discussion we have had through the Motion brought a realization that we need to embrace methods to conserve and use water intelligently.

It must be part of the Government policy to ensure that moving forward, we do not only conserve water, but we also employ technology so that we can ensure water is utilized in the right way.

The country has come from a long drought, but now it is endowed with adequate rainfall. However, in a couple of months, we will be faced with drought. This is not due to unfavourable climate, but failure to ensure that we put measures in place to harvest water and use whatever we harvest intelligently.

Mr. Speaker, Sir, you have travelled across the globe and seen facilities with intelligent water systems; whereby the water tap will go on and off as you use it.

A country like ours is still struggling with resources and more than 80 per cent of the country is semi-arid. We must embrace such technologies so that the little water we get can be used for longer durations.

The Government has a plan to construct mega-dams. However, they will be of no use if we do not embrace modern technology to ensure that when we irrigate, we move away from furrow and open trench irrigation to technology-controlled drip irrigation system. This can only be realized if we put policy, legal infrastructures and measures in place so that we can enforce.

This would mean that for all the Government buildings we have, we must incorporate intelligent water systems. In addition to this, before a license is issued to new buildings that are coming up, we must ensure that we put intelligent water use systems in place.

We have Technical and Vocational Education and Training (TVET) colleges across the country. Plumbing and intelligent water systems is not complicated technology. The TVETs would give us an opportunity to introduce pipelines and systems through the youth empowerment programmes. These systems would then be incorporated into the buildings that will come up.

If we embrace that as a country, we will not only be able to save water, but at the same time, we will conserve the environment. It is important to note that every drop of water that gets into a household must be discharged somewhere.

We know that wastewater management in this country has become a major challenge. You only need to walk along the Nairobi River, Ngong River and several other rivers that flow all the way to the ocean and see how intoxicated they are because we have failed to manage the way we use our water and the water waste system.

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Today, there are solutions that are available and affordable that can be implemented to help the country manage the water systems. We should embrace water recycling so that we do not end up losing this important resource.

If we embrace intelligent water technology into our day-to-day usage, we will save more than 60 per cent of water that goes to waste. If you look at half a litre of a bottle of water bought from a supermarket, if you turn that into the litres we lose, you will see that we are losing lots of money that can be saved and used in more pressing issues. Therefore, it must be a policy of the Government. As leaders, we must preach to our people the importance of incorporating intelligent water systems when constructing.

As I wind up, I thank Members who stood and contributed to this Motion. I urge them not to stop there. As they go to the *barazas*, church services, meetings or television shows, let them remind Kenyans that we have an obligation to ensure we collectively conserve our environment, so that it becomes sustainable for the future generation. This is something we are obliged to do. We should meet development goals while ensuring sustainability so that we do not lose the opportunity for the future generation to use this country and enjoy its fruits as we did.

Mr. Speaker, Sir, I beg to reply.

The Speaker (Hon. Kingi): Hon. Senators, pursuant to Standing Order No.84 (1) I proceed to make a determination that this matter does not affect counties and, therefore, voting shall be by voice. I will proceed to put the question.

(Question put and agreed to)

Next order.

ACCELERATING THE IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT GOALS

Sen. Mumma: Thank you, Mr. Speaker, Sir. I beg to move the following Motion-

AWARE THAT, the 2030 agenda for Sustainable Development adopted by all United Nations Member States in 2015 provides a shared global blueprint aimed at ending poverty, protecting the earth's environment, climate and ensuring that people everywhere enjoy peace and prosperity;

APPRECIATING THAT, the implementation of the 2030 Agenda for Sustainable Development in Kenya started by the official launch of the Sustainable Development Goals (SDGs) in Kenya in 2016 followed by the development of the Country SDGs roadmap to guide the transition from Millennium Development Goals (MDGs) to SDGs and the mainstreaming of the SDGs at both the National and County Governments;

CONCERNED THAT, the implementation of the 2030 Agenda for Sustainable Development in Kenya has been affected negatively by shocks such as continued drought since 2019 in Kenya and around the world, serious invasion by desert locusts, the COVID-19 pandemic and

other public health calamities and the current strained state of the Kenyan economy;

NOW THEREFORE, the Senate resolves that the State Department for Economic Planning, in consultation with the Council of Governors (COG), come up with reviewed implementation roadmaps for the two levels of Government taking into account the shocks that have impeded or any other that are likely to impede the implementation of the 2030 agenda for Sustainable Development.

Mr. Speaker, Sir, the Sustainable Development Goals (SDGs) are one of the many international obligations that Kenya has signed into. I move this Motion so that as Senate and possibly the entire Parliament, we need to recognize the need of carrying out the oversight role in our job. We need to find a way of holding the Executives at both the National and the county level, accountable to delivering on the obligations that we make internationally as Kenya.

The SDGs are a myriad and aligned to a number of our own development agenda. This is something that we have recognized. In 2008, we had or developed our own blue print, which is the Vision 2030 that has guided development planning in this country for all these years. After the adoption of the SDGs in 2016, Kenya assigned on to the SDGs and started aligning its medium-term plans alongside the Vision 2030. The Vision 2030 has three broad pillars. It has the economic pillar, the social pillar and the political pillar.

Mr. Speaker, Sir, the SDGs are 16 in number. I will just name them without any particular order. They include; no poverty, zero hunger, affordable and clean energy, decent work and economic growth, industry innovation and infrastructure, responsible consumption and production, climate action, life below water, life on land, good health and wellbeing, quality education, gender equity, clean water and sanitation, reduced inequalities and peace, justice and strong institutions.

[The Speaker (Hon. Kingi) left the Chair]

[The Deputy Speaker (Sen. Kathuri) in the Chair]

Mr. Deputy Speaker, Sir, all these are issues that we are trying to address as a country through our Vision 2030, the current national Governments own agenda and the county governments planning. What we do not do well in this country is to have a forum where we hold the Executive accountable on how they are moving on the targets they have set on each of these SDGs.

This Motion is seeking to require that the national Government economic planning department and the county governments through the CoG, come up with a framework that can assist the Senate and the National Assembly to speak confidently. They should say as Kenya, we have moved this far on this target number one and seven. However, we are not doing very well on this other target and the reasons as to why we are not doing well are these.

Mr. Deputy Speaker, Sir, in any planning anywhere on earth even in corporate planning, if you do not set marks, targets or measure performance, then there is nothing

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you are doing. You are just moving round the circles. I am afraid that Parliament has been moving around the circles. I doubt that anyone of us can confidently say that on SDG seven, Kenya is here and it is not doing very well or Kenya is doing very well or the County of Meru is doing well, but the County of Kakamega is not doing well. We need to get to that level where we are able as Parliament to say that we are moving well on SDGS.

Mr. Deputy Speaker, Sir, Article 2 of the Constitution makes ratified International Treaties and obligations as part of the laws of Kenya. We are the House that stands to make those laws and to monitor and oversight the implementation of those laws. This Motion is seeking to get the national Government and county government to move deliberately in a manner that will enable us to see that the County Integrated Development Plan (CIDP) of Busia County, has properly factored in and is able to give us information around the 16, seven or the eight SDGs on which it is able to report.

Mr. Deputy Speaker, Sir, I move to support and request that Sen. Ogola seconds this Motion.

I thank you.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Ogola.

Sen. Ogola: Mr. Deputy Speaker, Sir, I rise to second the Motion brought by Sen. Mumma on the SDGs.

The SDGs were ratification by the United Nation (UN) Member States in 2016 as the Mover stated. They formed what other countries use to prepare the national development plans. Due to the constitutional composition of this country where we have one national Government and 47 county governments, it means the SDGs are cascaded down right from the development plans of this country to the 47 counties that we have in this Republic.

The SDGs were premised on delivery of Vision 2030. It is important to note that we only have seven years remaining to the end of 2030. As the Mover indicates, she mentioned that the SDGs are 16, but they are 17 goals of the SDGs.

The 17 SDGs are as follows –

- (1) no poverty;
- (2) zero hunger;
- (3) good health;
- (4) quality education;
- (5) gender equality;
- (6) clean water and sanitation;
- (7) affordable and clean energy;
- (8) decent work and economic growth;
- (9) industry innovation and infrastructure;
- (10) reduced inequalities;
- (11) sustainable cities and communities;
- (12) responsible consumption and production;
- (13) climate action;
- (14) life below water;
- (15) life on land;

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- (16) peace, justice and strong institutions; and
- (17) partnership for all the goal.

Mr. Deputy Speaker, Sir, the main rallying point of the SDGs is, 'Leave no one behind'. I am also happy to mention that the last conference and the UN SDGs was in New York from the 9th to 19th of this month. Nobody was left behind in the participation from this country. We had a multi sectorial team composed of the legislators, county governments and the representatives of the national Government. That was really impressive at the conference and all was to emphasize on what is the participation, implementation programme that each county has.

Mr. Deputy Speaker, Sir, we, as the Senate, are so keen on the Sustainable Development Goals (SDGs) because a number of them talk about the mandate of the Senate. The county governments draw some of their functions from the SDGs.

The report that this country presented at the Conference was impressive. However, as a country or member State, we are still not performing up to the expectations.

It is upon this that I want to second this Motion by Sen. Mumma. We, as the Senate or Parliament, need to get reports on the status of the implementation of the SDGs from the national Government and county governments. We need to know our status over the years, so that we upscale our performance in the remaining seven years and meet the goals of the SDGs as spelt out.

Mr. Deputy Speaker, Sir, I second this Motion.

(Question proposed)

The Deputy Speaker (Sen. Kathuri): I can see a few Senators lined up to contribute.

Proceed, Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Thank you, Mr. Deputy Speaker, Sir. It is lovely to see you after a while.

The Deputy Speaker (Sen. Kathuri): Thank you. *Pole sana*. I can see something happened to you. I wish you quick recovery, Sen. Oketch Gicheru.

Sen. Oketch Gicheru: Thank you very much, Mr. Deputy Speaker, Sir. I am getting better. I am happy to, once in a while, pop into the House and contribute.

It is amazing that we are discussing SDGs this morning. These SDGs are a key framework to ensure that the human index in our country improves, with the ultimate goal of having a happy nation. That happiness is definitely signified by the element of dignity.

Mr. Deputy Speaker, Sir, a few elements of development in the past have been developments that are not keen on ensuring human dignity. We have read about key structural programmes and some of the Senators in this House actually did witness it in the 1990s and 1980s. They did not put up a framework that would ensure that growth and development are inclusive in nature. It did not wholesomely look at the root cause of problems facing nations, especially in Sub-Saharan African countries, and of course, Asian countries.

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In the context of Kenya, when SDGs were constituted by the United Nations (UN), I think it was the first attempt that saw a close focus on the problems that we were facing. The Seconder of the Motion, Sen. Ogola, has actually highlighted some of the SDGs that we are talking about. The first one is no poverty, the second is zero hunger, the third is good health and well-being, and the fourth is quality education, among others. These issues are basic needs in Kenya.

Mr. Deputy Speaker, Sir, if you remember, there is a time that basic needs were classified as simply housing, food and clothing. However, our country has moved, deliberately so, to include things like health and education as fundamental to conversations in this country. However, the Motion today is of course to an extent trying to assess what we have achieved with regard to the implementation of these SDGs.

Mr. Deputy Speaker, Sir, I want to invite your attention to the idea that even though we want to advance the implementation of SDGs, we should not forget to add Millennium Development Goals (MDGs). These MDGs were not attained. The worst thing is that when the time set for MDGs lapsed, there was no proper evaluation of the implementation and achievement of MDGs.

This Motion is very good for us, as a nation, notwithstanding what other countries are doing. We do not want to get to 2030 and then be in a situation where this was a time-bombed ideology in terms of development, and therefore, since the timeline has lapsed, we move forward to the next goals. We will then be in a country that is simply engaging in rhetorical narratives that other people are engaging in.

We, as a country, need to look at specific issues that constitute the challenges and opportunities that make it either impossible to achieve some of these development goals or are just impediments that can be dealt with. I wish to state very quickly that these will be fore when I cast my eyes upon Kenya's development agenda and economic planning.

This Motion would probably go all the way and become an Act that would be considered by relevant Ministries. The first thing I would want to see addressed by the relevant Ministry is the issue of a privatization framework of these goals in view of our country. Most of the countries that I have seen try to achieve these goals have been very good at articulating the suitability and availability of resources with regard to these goals. As a country, we have not heard the Ministry that has got relevant instruments of economic planning articulating our suitability in terms of resources, both human and other resources, in regards to some of these goals.

When these goals came, many things ended up changing. In view of the dynamism of population and different innovations, we need to constantly review the suitability of resources and more specifically, the suitability of the ministerial framework put in place to be able to attain these goals. That is something I would want to see. When these goals came into place, we, as a country, had not articulated the functionality of our devolved system.

Mr. Speaker, Sir, it will be good for the relevant Ministry to also look at the fitting elements to local context of our devolved systems in the context of this Bill. This is because, as you know, the Fourth Schedule cannot be ignored when you look at development goals. The Fourth Schedule of the Constitution gives a lot of some of these functions to the devolved systems of this country.

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As we look at this Bill, one thing that was also lacking that perhaps Sen. Mumma should look at, as she will be working on this Bill, is in the context of stress areas that the Ministry will look at. It is the idea that both ministerial decisions as well as county government decisions must be reliant on the issue of data.

Mr. Deputy Speaker, Sir, I remember, when we retreated with the National Intelligence Service (NIS) to talk about the issue of data sovereignty of this country, one of the biggest issues that came up was that, we do not even have infrastructure as a country to own our data. This Bill gives an opportunity for the Mover together with other Senators, to think critically on how to put a framework to ensure that our State statistical bodies can ensure that decisions with regard to SDGs are following data.

As things stand now, as a country, we are still relying on the national financial institutions and private research institutes to rethink data with regard to SDGs. This needs to be looked at very critically.

Mr. Deputy Speaker, Sir, I also wanted to see an elaborate framework on the issue of stability in this Bill. Like many African countries with democracy, sometimes we tend to experience some kind of civil unrest or protests before or after an election. We are not in a war situation, as we have seen in other countries that have been very demeaning to SDGs. That notwithstanding, we are a country that experiences a sense of instability before, during and after elections.

I want to see a framework that can be put into this Bill to look at how stability contributes to SDGs implementation. You can imagine industrial, innovation and infrastructure development as well as just building more progressive cities under the SDGs that require sustainable development in urban areas. Nairobi City, for instance, is a mega and prime City in the entire African Continent. How do we envision this kind of Bill making a progressive development that instability does not affect the implementation of SDGs in this country? I would want us to see how we can include this in the Bill.

Lastly, I invite the Mover of the Motion, my good friend, Sen. Mumma, to also think about the rapid population growth that we are experiencing. This is because when these goals were put in place, some countries such as Kenya, in Africa, experience exponential population growth that do not necessarily go with the timelines given by these SDGs.

For our neighbours in Uganda, 50 per cent of the country is almost 15 years of age. Today, the average age of a Kenyan is about 19.5 years. Therefore, we have a country that is extremely young, but the population keeps on growing very fast that sometimes the timeline given for these SDGs does not meet the place of change with regard to development factors that are indicated in the SDGs that we are seeing here.

Of course, if the SDGs are anything to go by, they are about improving the human development index or the dignity of the people. It is about the people and to some extent, animals and the planet at large, but the core functionality is the people.

Therefore, there should be a framework that can assess, address and keep up with the population growth matrix of our country. I hope that this can be looked at even at the county level because different counties have different population growth matrices.

This will be a very important element in this Bill, to the extent that it can guide the relevant Ministry that will be dealing with these SDGs in the context of making sure

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that the implementation of SDGs is achieved in Kenya. Not only achieved, but excellently attained to the extent that we can be proud that we contextualised SDGs in the context of Kenyan development plan. We should be able to say that even if there will be some development goals that will be put together by different nations, our own achievement will be superb according to our own targets as a nation.

Mr. Deputy Speaker, Sir, thank you for this opportunity to support this Bill awesomely.

The Deputy Speaker (Sen. Kathuri): Very well.

Next is Sen. (Prof.) Kamar.

Sen. (Prof.) Kamar: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to support this Motion on accelerating the implementation of SDGs as articulated by Sen. Mumma. I thank and congratulate her for a well-articulated Motion.

Mr. Deputy Speaker, Sir, when Sen. Mumma was explaining that, she mentioned two points that I think need to continue to be emphasised. This is about the implementation roadmap; a measuring implementation. The biggest problem that we have in many of the laws that we have ratified as a country is the fact that we ratify and keep them safely in drawers and implementation becomes a problem.

The SDGs were as a result of the failure of the Millennium Development Goals (MDGs). They were articulated---

(Interruption of debate on the Motion)

The Deputy Speaker (Sen. Kathuri): Sorry, Sen. (Prof.) Kamar. Kindly give me three minutes I execute something, then you will proceed.

Thank you.

COMMUNICATION FROM THE CHAIR

SUBSTANTIATION OF CLAIMS MADE BY SEN. MAANZO, MP

Hon. Senators, yesterday, the presiding Speaker made a Communication that affected three Senators. This was as a result of the utterances that they made in the House in the course of the debate last week on Tuesday, 18th July, 2023. The three Senators are Sen. Cherarkey, Sen. Beth Syengo and Sen. Maanzo.

During yesterday's afternoon Sitting, Sen. Maanzo was absent in the House, not intending to be present. Now that he is here and feels that he is carrying a heavy load on his back, I want to give him an opportunity, pursuant to Standing Order No.105 (2), to forthwith substantiate the claims. Let me read him the claims.

Sen. Samson Cherarkey, MP, sought the intervention of the Chair, to require Sen. Daniel Maanzo, MP to substantiate the statement that "what is happening in Sondu is politically instigated."

Sen. Maanzo, I invite you to forthwith substantiate your claims, failure to which, the Senator shall be deemed to be disorderly within the meaning of Standing Order

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No.121. In the absence of such substantiation, the Senator will be required to withdraw the statement and apologies to the Senate.

I thank you.

Sen. Maanzo, you may have the Floor.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir. First of all, apologies for not being in the House yesterday. I was pursuing an anticipatory bail on my behalf and on behalf of others in the High Court, and I was successful in the evening. Now, I have orders of the court that I can move freely and come and participate in the Senate.

On the Statement that I made on that particular day on the Motion, immediately after, I met the two area Senators. I got information from Sen. Cheruiyot that the trouble in Sondu was a stolen motorbike. It has been sorted out by the two Senators and they have taken care of the people who were injured. They have also controlled the political situation in that area.

Mr. Deputy Speaker, Sir, I congratulate them for that. That was a show of leadership by Senators of this House. Having been so informed by our experienced Senators who were on the ground, I take this opportunity to withdraw and apologize for the same.

I am much obliged, Mr. Deputy Speaker, Sir.

(Applause)

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Maanzo.

Sen. Osotsi: On a point of order!

The Deputy Speaker (Sen. Kathuri): What is out of order, Sen. Osotsi? Are you challenging his withdrawal?

Sen. Osotsi: No, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): You have just come in and now trying to get some airtime through the backdoor, while Sen. (Prof.) Kamar is waiting to execute her Motion.

Sen. Osotsi: Mr. Deputy Speaker, Sir, I did not want to interrupt the Senator. I have been in Parliament for some time. You and I were in the National Assembly in the last session.

I am increasingly becoming concerned about misuse of Standing Order No.105 by Members. We need to relook at it so that we do not penalize opinions made in this House, which is enshrined in the Constitution. Members should have free speech in the Chamber.

All the time, Members rise up on Standing Order No.105 regarding statements of fact, even where a Member has expressed their mere opinion. If we continue with the same, we are going to curtail freedom of speech in this Chamber.

My concern is that Members need to---

The Deputy Speaker (Sen. Kathuri): Sen. Osotsi, just have your seat so that I give you information on what is being substantiated. What Sen. Maanzo said insinuated that what was happening in Sondu was politically instigated. If there was a clash or misunderstanding between one group and another and that matter is said to be politically instigated, tension will develop and that is where problems start.

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Sen. Maanzo went ahead to find out what happened and he is happy. He congratulated the two leaders who sat down and ironed out the matter. I have no problem with you coming up with a proposal to the Procedure and Rules Committee so that they look at your proposal. You have that latitude. Go ahead and come up with a proposal and submit it to the relevant Committee, so that when we change the Standing Orders, your proposal is also considered. Right now, allow us to continue with this important Motion.

Proceed, Sen. (Prof.) Kamar.

(Resumption of debate on the Motion)

Sen. (Prof.) Kamar: Thank you, Mr. Deputy Speaker, Sir, for cutting it short. I was worried that they might take longer. They should have been in the House at the beginning, so that they are given a chance to make their apologies to one another.

When Sen. Mumma was making her presentation, she emphasized the need of having a measure of implementation because sometimes most of the ratified laws or agreements that are international in nature get lost. I am happy that she has picked that and pointed out the relevant Ministry that should work with the Council of Governors (CoG).

This is an important Motion for the Senate because of the fact that most of the issues articulated by a colleague who spoke before me are within the tenets of the Senate as far as the Fourth Schedule is concerned. I want to touch---

(Several Senators stood up in their places)

Mr. Deputy Speaker, Sir, I also need protection from colleagues who are interfering with you.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, kindly take your seats.

(Sen. Cherarkey spoke off record)

No, you are also interrupting my business.

(Sen. Cherarkey and Sen. Miraj resumed their seats)

Sen. (Prof.) Kamar: Mr. Deputy Speaker, Sir, the areas emphasised by the Sustainable Development Goals (SDGs) were products of the Millennium Development Goals (MDGs) that failed. Most of the countries in the Sub-Saharan Africa did not meet MDGs, hence the transition to the SDGs which are still keeping us on toes.

It is important that the Government looks at how we can implement them. It is also important for the Senate because of the Oversight Fund. We need to ask ourselves questions. Now that we have the Oversight Fund, what exactly are we going to do and what will we oversight?

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That could form a major part of the agenda because we can look at the various sectors and have our committees get to serious business. They should go to the ground and establish how we can move our people out of poverty.

Poverty has been with us for far too long. We should not be having anyone below the poverty line in this country. That is something that should have been solved in the 50 years since our Independence, but we are still faced with that.

The country now has an opportunity because we have devolved funds. We have the National Government-Constituencies Development Fund (NG-CDF). There is also a Fund that was supposed to bridge the gap in this country. That is the Equalization Fund.

The SDG No.10 talks about reducing inequalities, both within and between countries. In Kenya, we have disparities within the counties. That was recognized during the development of the Constitution, 2010. At that time, the Equalization Fund was supposed to bring everybody to almost the same level within the first 10 years. It is now more than 10 years. We must start asking ourselves about the impact the money has done.

The Equalization Fund was delayed because the matter was not resolved. Now that it is there, we need to ask ourselves what we can do. The Fund was meant to bring everybody to an equal footing as far as education was concerned and building of classrooms.

Sometimes one wonders. We have children in this country who study under trees when we have millions in terms of the NG-CDF and more money to the counties. Why should our children study under trees?

We still have water and sanitation issues. That is SDG No.6. Why should we be reminded every day that children are drinking dirty water? We need to seriously look at that. We need to know that water is devolved except for policy concerns. What are our governors doing? Could our governors give us a roadmap on how they are going to implement that?

It is unfortunate because during campaigns, we tell women that as soon as they employ us, we will focus on the area of water, so that every homestead has water. How much have we done? That is a function of devolved governments, but how many homesteads have water?

There is also the issue of ensuring there is zero hunger. This one saddens me a lot because I did agriculture. I was an extension officer for many years before I joined the university to lecture in the same field of agriculture for many years. However, when you look back, you ask yourself where poverty comes in this country and why we are still hungry.

There is a time when every district had a National Cereals and Produce Board (NCPB) store. Food would be distributed immediately after harvesting when prices were still low. Therefore, farmers did not have to incur losses because of post-harvest season. Food was being ferried to various corners of the country.

When I was a consultant for the United Nations Environment Programme (UNEP) in Marsabit, I came across wonderful stores that could accommodate not only maize, but there was also rice from Mwea and maize from Trans Nzoia. You could tell that the maize had been transported for the sake of the people in that region.

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At that time, the focus on poverty eradication was very high. It looks like we have gone back and we are not ensuring there is food for the needy corners of this country.

We have the producing counties and we have counties that have the ability to produce more. It is worse now with climate change. So, the distribution of food should eliminate this thing called poverty, hunger in particular, in this country.

We have people who live in slums. What programmes do our counties have? What do our governors have? They have the money that we have voted, so that they take care of this country.

Food is a right in the Bill of Rights in the Constitution, to the extent that a child has a right not only to good, but also nutritious food. How are we taking care of that? Children who are in school in nomadic areas are also suffering, which is why we are having a lot of hunger.

We have hunger because nobody is paying attention to them. Earlier in the morning, we discussed about Cabinet Secretaries not coming. One of the key areas that we had wanted, and a Question has come to this House twice on, is how children including those with disabilities are being fed. Who is feeding them? How much is being paid for them? We know where the money is. It is in the Budget, but has it reached them?

This is a very important Motion and I support it. We must have a way of measuring. I think it has landed in the right place. The Senate should also have its own programme that will enable Senators to go out and measure progress as far as implementation is concerned.

Most of these are issues that have been devolved. We must start thinking about how we can reduce and completely eliminate hunger. Sustainable Development Goals (SDGs) are talking about the elimination of hunger. If we do not start measuring where we are now and where we should be in the next year, we will not be able to progress. That is why I fully support this Motion that is seeking a way in which we have a structured manner of implementing this. In particular, we should come up with a roadmap that can be measured by this Senate.

I think this is for us and I thank Sen. Mumma for giving us. This is an opportunity for Senators to be able to implement what we should have implemented. More so, when we come to deal with the oversight fund, let us use it very carefully to ensure that everybody in the country benefits from the Senators as far implementation of Section 4 is concerned. I really look forward to Senators working with implementing agencies to come up with that roadmap.

Sometimes we give people an assignment and they take one year that you can develop in a shorter time. We hope that, for the purposes of implementing this Motion, she will be able to work with the relevant Ministry and the Council of Governors (CoG), which is within our own docket as the Senate to make sure that we implement it.

Its implementation will ensure that our people benefit from no poverty, zero hunger, proper health and ensuring healthy lives in this country, quality education and all those others, including one that I really treasure, at No.10, which is reducing inequalities in this country.

Without reducing inequality, we will still be in the streets fighting ourselves. We must reduce that; it is the trigger. We, however, thank the Government this time because

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it has said it wants to do a “bottom-up” approach. Therefore, if it is bottom-up, these are the issues to address and implement. As the Government addresses this, we should be able to get rid of this poverty within the shortest time possible.

Mr. Speaker, Sir, I support.

The Deputy Speaker (Sen. Kathuri): Thank you. Well-spoken, Professor.

Sen. Cherarkey, you may proceed.

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity. From the onset, I congratulate and thank Sen. Mumma, who is one of the Members of the Speaker’s Panel. She is doing very well. This is a very unique area on SDGs.

It behooves all of us that we left Millennium Development Goals (MDGs) that were supposed to be achieved in a certain period of time. This is a wonderful Motion. Many people would assume that the Senate is trying to look for the job that they want to do. However, the courts have decided.

Do you remember the Supreme Court decision? I was following the proceeding earlier on because I was held up in exigencies of duty somewhere. The citations are escaping my mind, but the courts including the Supreme Court of Kenya have ruled that Senate does not only oversight Equitable Shareable Revenue. It also overlooks Own-Source Revenue.

I am aware that some Cabinet Secretaries fail to honour the Question Time. They think that going to the National Assembly is better than going to the Senate because they have the power of budgeting. I think that they are behind the news because the Supreme Court has ruled again that both Houses under Article 93 of Parliament, the Senate and the National Assembly participate in the budget-making process.

Question time is the order of the House. Amendment of Standing Orders to that effect came from the Executive and we know the President means very well. Some Cabinet Secretaries continuously skive or fail to appear before the Senate to answer public questions.

This is not Sen. Kathuri, Sen. Joe Nyutu, Sen. (Prof) Kamar or Sen. Mumma’s Questions. These are Questions that we are asking on behalf of Kenyans. We are marking those Cabinet Secretaries. When the time comes, appropriate action shall be taken against them because we cannot have a country where people fail to account for the decisions they make in office. They do not make them free of charge. We pay them to do so.

Therefore, I wanted to put that into perspective, so that people do not imagine that somebody is looking for the work they want to do. Our role is anchored in the Constitution, including the role of coming back with SDGs.

In the upshot, MDGs were for developing countries. However, we came to SDGs and it then moved to all countries regardless of whether they are rich or poor. Therefore, the SDGs are important because we will have the Super Power Countries, including the First World Countries, Developing Countries, Under Developed Countries and Third World Countries sitting at the table and discussing the future of the planet.

There are four dimensions that SDGs want to achieve. One is the people, two is prosperity, three is Planet, which is the Earth; four is Partnership and five is Peace. When you encapsulate the 17 SDGs, it boils to five dimensions. For example, as Sen. (Prof)

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Kamar has said, the issue of poverty looks at the dimension of the people. One agenda is that there should be no poverty across the country or the Globe.

Secondly, we should have zero hunger. It is sad that in this day and time, some Kenyans have at this time come from a very serious drought in Africa and even across the World.

Then we have good health. I am happy that the Government through the plan of His Excellency the President and the Government wants to roll out Universal Health Coverage (UHC) to ensure that every Kenyan has access to medical health. This is under those SDGs.

The Government, on the issue of the National Health Insurance Fund (NHIF), wants to ensure that people, who do not at least earn, pay NHIF based on the earnings and the rationalization. An ordinary Kenyan, a *Mama mboga*, or a *Boda Boda* rider will pay less for an NHIF card. However, you and I who are salaried should pay more to cover the others.

The issue of health and well-being is very important. I hope it includes also the issue of reproductive health and nutrition for children who are still facing a lot of challenges on access to health. Article 43 has put it very well that access to health is one of the critical issues.

Health is one of the critical issues. I want to thank the President through the manifesto in the plan that one of the factors that has been given attention is the issue of access to Universal Health Coverage across counties.

Mr. Deputy Speaker, Sir, while we agree that health has been devolved, there is still a big role that counties play. You served in the 'Lower House' before. The role of the National Government has been to develop the health policy. That is why when we want the National Government to partner with counties in terms of providing medical healthcare, it is very important that counties take their rightful position.

I come from a county where the issue of healthcare has become a challenge. Healthcare is on its knees. When you go to Kapsabet County Referral Hospital, there are no drugs. The services are very poor. That is why the biggest question that many Kenyans continue to ask is: should we roll back? Should we bring back health to be a national Government function? It is a question that many Kenyans continue to ask. If it is not providing sufficient services of health, for example, in Busia or Kakamega or Nandi counties, what should be the role of the National Government, yet the health function has been devolved?

We need to be honest. I have seen counties where when they are allocating money for health in their budget, they put a certain amount of money, then when they think health is not very important, they pull back the resources from that account and take it to the other functions like roads, emergency services and what we call disaster management. We must be honest with ourselves.

Health continues to be a challenge especially in our counties. Counties must take their rightful position in providing health. Where I come from, Nandi County, we are still performing very poorly in terms of service provision. There are no drugs. I am happy that the Public Service Commission has renewed contracts of Universal Health Coverage. The

facilities and the infrastructure that are there like the expansion of Obuja Health Centre is still a problem, yet there was money that was allocated.

When you go to the paediatric section in Kapsabet County Referral Hospital, it is wobbling. When you go to the expansion of Maraba Maternity Wing, it is also wobbling. I went to Chepterwa in Nyayo Ward and it has stalled, and yet the National Government gave money many financial years ago. Can you believe Nandi County has been able to receive over Kshs40 billion since I became the Senator of Nandi in this Republic of Kenya?

On the issue of health, if you have to use Nandi County as a standard of provision of health, because I do not know about other counties, then Nandi County specifically continues to perform poorly in terms of health provision and service to the great people of Nandi.

There is a statement I asked the Committee on Health about the status of health services in Nandi. They are yet to respond. We cannot continue dispensing funds to the counties and then when you go there, you are told by *wananchi*: “*Mheshimiwa*, I went to the hospital, but I was not given drugs.” When you go to Kapsabet Town, there are many chemists and people are saying Kapsabet is doing very well because there are many chemists. There are many chemists because there are no drugs at Kapsabet Referral Hospital.

People say there are so many private clinics in Kapsabet Town. It is because there are no medical services at Kapsabet County Referral Hospital. In fact, we are failing in implementation of the Sustainable Development Goals (SDGs).

Another point that I wanted to make is under Article 43 on the issue of access to clean water. It is sad. Where I come from, we still struggle to access water. Nandi is rainy throughout the year, but can you believe we still have challenges of waterborne diseases because we cannot access clean water?

I am happy that the national Government has constructed and upgraded Keben Dam to the tune of Kshs14 billion. It will provide water to Kapsabet Town and its environs around Lessos, Keben and even Nandi Town.

There is still a challenge on water and sanitation. I am happy and I want to thank the national Government because they have allocated around Kshs1.2 billion to Longorian Water Project and Nandi Hills Water and for a sanitation program within Nandi. We are still looking at Kesses Dam, which we need to expand to a tune of Kshs1.2 billion, so that water can move through gravity all the way to Lessos to Cheptiret, and all the way to Baraton.

That is the only way counties can realize the implementation of the 17 SDG goals. I am using Nandi as an example because I am well versed with it and it is where I come from.

Another factor that I want to highlight, apart from clean water and sanitation is that even in this City - the Senator of Murang'a is seated behind Sen. Joe Nyutu – there is the issue of access to water provision to Nairobi City County. I remember there was a tussle with the former county government on ensuring that we get water to Nairobi.

Getting water in Nairobi is like getting medicine. You are never sure. Many Kenyans in this City, approximately four million to six million cannot even access water.

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Apparently, the millions of litres that come to Nairobi City is not sufficient. You can get drugs and other things in Nairobi City easily than accessing water. Therefore, it is still a challenge.

Sanitation in this City is also a challenge. When you go to Mukuru kwa Njenga, Kibera, Mathare and many other slums within this City, there is still a big challenge of sanitation.

In line with what the President has on the plan, we are talking about affordable housing. When we have this affordable housing by the President, it will allow the management of access. If you go to Kilimani, you will find that the Chinese come and construct a building of 1,000 people, yet the sewerage system that is there is only meant for 10 people. How do these 1,000 people operate with the sewerage system that is there?

Finally, I can see my light is on, on good health and the 17 SDG goals, there is the issue of quality education. I want to agree with Nelson Mandela that education becomes one of the critical tools that can be used to fight inequality.

On the issue of industry. I am happy that President William Ruto launched the electric motorbikes. I am happy because it is one of the 17 SDG goals. The President has also talked about innovation and infrastructure.

We have the *Jua Kali* sector, which we should continue supporting. In the interest of time, when you look under Article 132 on functions of the President, Part 1(c) says that the President shall provide progress report.

When you look at the SDGs, it is anchored in Article 10. I do not know whether Sen. Mumma has looked at Article 10 on principles of national governance and good values; that the President should be able to provide this progress report to the House. When the President is doing the annual State of the Nation address, he can provide this.

Under Article 2 (vi), international obligations where Kenya is a signatory, we become part of the entire process. Therefore, looking at the upshot and interpretation of Article 132 on the functions of the President, it says ‘give a progress report to the Nation on all the measures taken and the progress achieved in realization of national values referred to in Article No. 10.’ Therefore, what Sen. Mumma is doing is within the Constitution.

I hope in the future, as the President submits the progress report on, for example, human rights, some of the issues under the SDGs are captured in white, blue and red rights under the conventions that Kenya has signed under the United Nations Declaration on Human Rights. Kenya is a signatory to many instruments that are there.

I would want to see the outcome and the prayers that will be achieved and the resolution of the House, so that we can have counties playing an active role. Decent work, economic growth, innovation, reduce inequality, sustainable cities and communities, just to run through. Those are part of the 17 SDGs that have been built on. Kenyans should know that SDGs are meant for all countries, but the Millennium Development Goals (MDGs) were meant for developing countries.

I support this Motion.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Thank you. Sen. Cherarkey, the resolution sought from the Senate is that the Senate resolves that the State Department for Economic

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Planning, in consultation with the Council of Governors, comes up with a reviewed implementation roadmap for the two levels of Government.

Sen. Mungatana, you may proceed.

Sen. Mungatana MGH: Bw. Spika, ninachukua nafasi hii kusema asante kwa kunipa nafasi niongee kuhusu Mswada huu.

Kwanza, ninampa kongole Sen. Mumma kwa kuleta Mswada huu hapa Bunge la Seneti.

Mswada huu ni wa maana sana. Kama wenzangu walivyosema, tunaongea kuhusu maswala ya maendeleo katika dunia nzima.

Mataifa ya dunia yalikubaliana kwamba kuna vipengele 17 ambavyo mataifa yote duniani yanafaa kuhakikisha vinafanyika katika nchi zao ili dunia nzima ipate maendeleo.

Kenya ilijiandikisha kama moja ya mataifa ambayo yanadhamiria kufanya maendeleo na kupata vipengele 17 vifanyike katika nchi yetu.

Mswada huu unalenga kuleta vipengele ambavyo vitahakikisha ya kwamba kuna ripoti ambayo inatoka Serikali kuu na nyingine kwa serikali za ugatuzi. Serikali za ugatuzi zinafaa kufuatilia mipangilio ya kuleta vipengele 17, kuhakikisha vinafanyiwa kazi namna gani katika gatuzi zao. Pia, Serikali kuu inafanya bidii gani kuhakikisha vipengele hivyo vinafanyiwa kazi, ama barabara gani inatumika ili wanainchi wa Kenya na dunia nzima iweze kuendelea mbele?

Ninaunga mkono Mswada huu kwa sababu kipengele cha kwanza kinasema kwamba duniani kusiwe na njaa; *no poverty*. Ukiangalia saa hii, gatuzi zote za Kenya, ukiongeza gatuzi letu la Tana River, hakuna namna ambayo imewekwa katika sheria ambayo inamsukuma gavana wa kaunti kutoa habari kuhusu hali ya njaa.

Kwa sasa, hakuna *mechanism* ambayo inamshurutisha Rais kutoa habari kuhusu kipengele cha kwanza cha vipengele 17 ambavyo vilikubalika katika dunia nzima, aelezee kuhusu mambo ya njaa katika nchi ya Kenya.

Tukirudi katika kipengele hiki, kwa sasa zote tunafurahi hasa sisi ambao tunatoka katika gatuzi la Tana River na wengine ambao wanatoka sehemu ambazo tumepata mvua. Tunamshukuru Mungu kwamba mvua imekuja.

Lakini, tunajua kwamba baada ya mvua, kutakuwa na kiangazi. Sasa mipangilio ya kuhakikisha ya kwamba wanainchi na mifugo haitapata shida, tukifuatilia hicho kipengele cha kwanza, hatujaona gavana akiongelea kuhusu hayo.

Ndio maana tukipitisha Mswada huu, utashurutisha sio gavana wa Tana River tu, lakina magavana wote wawe wanapanga mipangilio ili wanainchi wasife njaa.

Kipengele cha pili kinaongelea kuhusu kuondoa umaskini. Umaskini ni shida ni ya kibinafsi. Watu wetu wengi wanakosa pesa na namna ya kujikimu? Lakini, viongozi ambao tumewapa nafasi ya kuendelea gatuzi zetu hauwasikii wakiongea ama kuzungumzia kuhusu umaskini katika gatuzi zao.

Kwa mfano, hausikii magavana hao wakiongea kuhusu shida ya ukosefu ama uchochole katika Kaunti ya Nairobi. Ndio, kuna watu ambao wako sawa lakini kuna wengi ambao wanaumia.

Hausikii Miswada kama hiyo ikiongelewa na magavana au kaunti zetu zote. Ndio maana, Mswada ambao Sen. Mumma ameuleta unatufaa sana kwa sababu utaleta mamna ya kupima. Kila wakati magavana wanapata nafasi, wanakuja kuongea kuhusu mambo ya

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uchumi, ukosefu wa chakula na mambo ya elimu. Sio *education* tu lakini katika kipengele hiki wanasema *quality education*.

Gatuzi letu la Tana River utakuta kuna sehemu ambazo shule ziko sawa. Lakini, ukiingia huko ndani, utakuta sehemu ambazo hakuna madawati na madarasa ya kutosha na wengine bado wanakaa chini ya miti katika gatuzi lilo hilo.

Tukiongea kuhusu mambo ya *quality education*, wengine wanapata *education* ilhali wengine wanakosa kupata hiyo *quality* kwa sababu ya hali ambayo wanapanga mambo yao.

Ikiwa Mswada huu utapita vile tunavyoomba, tunajua ya kwamba gatuzi zote zitawajibika na ziweze kusawazisha sehemu zote za elimu hapa Kenya.

Kuna *issue* ambayo inaendelea hapa. Moja ya vile vipengele vya kuonyesha kuwa tunaendelea ni kuwa ma maji safi. Saa hii, mwenzangu ameongea kuhusu gatuzi la Nairobi. Lakini gatuzi la Tana River, sehemu nyingi sana watu wanalia, hakuna maji safi.

Tena sisi tuna Mto Tana ambao hauishi maji. Ni mto ambao siku zote, kutoka Januari mpaka Desemba uko ma maji. Hata hivyo, Gavana wa Tana River na Tana River Water and Sewerage Company (TAWASCO), hawajapanga namna ya kuhakikisha ya kwamba watu wanapata maji ya kutosha ili kumaliza uchochole na magonjwa kwa wananchi wa Tana River.

Jambo la kushangaza ni ukienda upande wa Bura, Hola, ambayo ni jiji kuu la Tana River, na Garsen ambayo ni moja ya majiji makubwa, hakuna maji.

Unapata watu wanakaa bila maji mwezi nzima. Watu wanakosa maji kisha ada ya maji inakuja kutoka Tana River Water and Sewerage Company (TAWASCO) ikiwahitaji walipe maji ilhali hakuna maji wamepata.

Tunataka Mswada huu upitishwe na Seneta wote. Tuunge mkono ili sheria hii ikipita, Magavana wote; sio tu wale wa Kaunti ya Tana River; washurutishwe kutoa ripoti ya hali ya maendeleo ya maji. Watoto wetu wanapata magonjwa. Wengine wanapata shida na kusumbuka sana. Ukitazama picha jioni za miji yetu mikubwa katika gatuzi zetu unashangaa nini kinachoendelea.

Mtoto anaenda asubuhi shule akirudi jioni, badala ya kufanya kazi ya ziada, anachukua mtungi na kuusukuma hadi mtoni. Anaachukua mtungi na kuusukuma tena hadi nyumbani. Anachoka sana. Mtoto ataifanya aje kazi ya ziada? Jambo la kushangaza ni kuwa hakuna sheria ambayo inashurutisha gavana kutoa ripoti kuhusu hali ya maji katika kaunti zetu.

Hoja hii ikipitishwa Magavana wataingia na shurutisho la kuwasaidia wananchi. Tunawaona magavana ambao wanamaliza mihula yao na kuna wengine wamehudumu mihula miwili. Nyumba na magari yao ni ya kifahari na maisha yao ni mazuri. Maisha ya uchochole ya wananchi ni yale yale. Tunataka vipengele hivi 17 visaidie wananchi na hata dunia nzima kwa sababu bado tunaona kuwa shida ni zile zile.

Tunafurahia Mswada huu ambao umewasilishwa katika Seneti. Itaweka namna ya kupima ili watu ambao wamepata nafasi hizi kupitia kura zao wafanye haki kwa wananchi wetu.

Kwa hayo mengi, nauunga mkono. Asante.

The Deputy Speaker (Sen. Kathuri): Asante sana. Sen. Mungatana, MGH. Nampa Sen. Veronica Maina fursa hii.

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Sen. Veronica Maina: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. As we continue in the House, I hear the Kiswahili Language is gaining such popularity. The Swahili speaking Senators are close to intimidating those who cannot speak it fluently. We may need to take some Kiswahili classes.

Having said that, I take this opportunity, first, to congratulate my friend, Sen. Mumma, for bringing this important Motion to the Floor of this House. Discussing and looking at the way forward for a progressive review of the 17 Sustainable Developmental Goals (SDG) for the nation of Kenya.

Mr. Deputy Speaker, if you read keenly, SDG one to 17, they all move into the area of sustainable development; development that is holistic, transformative and looks into ending poverty; up to the final SDG goal that goes into partnerships and how the partnerships for the goals could be achieved. If I were to start with the SDG No.17, we now cannot doubt how important those partnerships would be for the achievement of the SDGs. In spite of the fact that the world transitioned from Millennium Developmental Goals (MDGs) to the SDGs, the attainment of these SDGs has not been very easy for any nation and neither has it been easy for our country. This is because it is easier said than done.

The SDGs were a global call for action towards improvement and transformation of the citizens of the world. If I contextualize and look at Kenya, we could say the improvement of the lives of Kenyans is a dream. It is a big global goal. I do not know whether it is an illusion because we are remaining seven years before getting to the year 2030. Maybe then, the United Nations (UN) shall come back into a conversation around the table to discuss other goals or review those current goals.

Are we close to attaining those goals as a nation? Maybe we all have the answer that, yes, we may have started the journey but we are not very near to the end of that goal. Why could this be? If you go to the streets today and ask Kenyans about the SDGs, they may not contextualize it as anything they know of. However, we may understand it at our level having been in the Senate or Parliament, or at different levels of education.

The ordinary mwananchi may not understand what SDGs are all about. They understand it in a different context when it comes to the needs of the people. If you talk to them about the food, they may understand it. If you talk to them about water, then they will understand it. Have our nations taken the initiative to help the people understand about the global goals? Once, again, maybe that approach was not taken at the initial stage of implementation. However, all is not lost because we have institutions; county governments and the national Government, which are bound by international covenants that are supposed to push the implementation of such goals to a level where they can be realized by the citizen.

The closest you come to those goals being legislated upon within our laws is maybe being the Constitution. In Article 42 of the Constitution, you will find something on every person having a right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of the present and future generation through legislative and other measures.

Article 43 of the Constitution is on Economic and Social Rights. Let us look at SDG No.1 on eradication of poverty. How far have we, as a nation, walked towards its

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eradication? It means then than the Motion that has been brought to this House is so important. If these goals were to be pursued both at the national and county level, you might find the contestations we have today would be a thing of the past. A person who has the means of working towards eliminating poverty in their homes, family and community may not have much time to go to the streets for *maandamano* to agitate for this or that. Do we then say that, as counties or the national Government, we need to do much more? Do we need to look at how we monitor the progress towards realization of these goals?

My answer would be, yes. If every county was to take up the 17 SDGs; give itself an implementation matrix - though we have seven years binding before the lapse of the period within which the SDGs were timed - then we would be making a step towards their realization. Realization of these goals, dreams, global intentions that was put forth.

Africa, just like our nation, is well resourced. When Africa goes to negotiate, undertake or sign up for implementation of such goals, how does the rest of the world perceive her? Do we have resources? Are we nations that are able to sustain and push through such goals of eradication of poverty? My answer would be, yes. However, the negotiation at the global stage sometimes may not be meeting the needs of Africa.

Our engagement, as nations, on international platforms may fundamentally need to be adjusted. This is because if we were to look at the wild planning to have a global call of action towards realisation of these goals and juxtapose it against the financial framework that Africa has been subjected to, then we can gauge the clear intention of the world towards Africa.

If the resources that are being subjected to exploitation in Africa would receive compensation, we would have adequate resources, then engagement ensuring that Sustainable Development Goals (SDGs) can be realised within the continent of Africa.

It is a question that we would need to start thinking about, as a nation, even in this implementation matrix as we oversight the resources in the counties. What kind of a financial matrix are counties like Kwale which have titanium and those which are having partnerships with the international community having? Are we negotiating with blind eyes on one edge? When the international community comes to the counties, their eyes are opened and the resources are being taken away as we are busy discussing how to realise the 17 SDGs.

Mr. Deputy Speaker, Sir, in the matrix that has been proposed during the reviewed implementation roadmap, we need to put a customised implementation roadmap and monitoring tool that ensures we are not just looking at documents that are theoretical or crafted by different communities for their specific needs and when we come down to the resources that are in our counties, we are allowing these resources to be taken away.

I remember when the construction of the super highway was being done, there was this allegation that all the resources that were scooped from Thika Road were being loaded into containers and shipped out of the country. Are those allegations true? If we cannot take care of the resources that are within our counties and account for them, can we then say we are accounting for our states and nations when we go to international platforms?

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I have reason to support this very important Motion. I urge Sen. Mumma to consider putting a matrix there that is pushed to an international platform where we hold the international community to account on how the resources in the African continent are being utilised by citizens of the world, so that we are looking at a holistic development that brings about a peaceful community and communities that are at peace with everyone across the globe.

The Deputy Speaker (Sen. Kathuri): Sen. Tobiko, please proceed.

Sen. Tobiko: Mr. Deputy Speaker, Sir, I take this first moment to congratulate Sen. Mumma for this well-thought-out Motion which is relevant at this particular time in our country.

It is true that it is about time we took stock of our development, as a country, particularly in relation to the Millennium Development Goals (MDGs). Kenya has been on this track of the MDGs from 2015 up to this moment. It is good that both levels of Government, national and counties, take stock of how far we are.

The Sustainable Development Goals (SDGs) were meant to realise better living standards for all in terms of poverty eradication, economic empowerment, good education, good health services for the people and infrastructural development.

As Sen. Mumma has mentioned in the Motion, the country has faced a number of natural calamities that may not have been foreseen at the time of crafting of the development goals. There was a COVID-19 Pandemic, long droughts, an invasion of the locusts, and not very restful political moments including now and immediately after the elections. This is time that has gone unaccounted.

Mr. Deputy Speaker, Sir, this calls to the attention of all of us to take stock. Kenyans were very hopeful by the time President Kibaki took over. He tried to put the country on track in terms of achievement in realising the MDGs. We saw a lot of development in terms of infrastructure directing the energy of the country towards sustainable development.

I do not know how we came to lose track. We must have lost track somewhere because seemingly, we started concentrating on other things. A lot of money went to the counties which was the right thing to happen but the resources that went to the counties today, if audited properly, are not commensurate to the development that we see.

I am always very sad when I go deep into the interiors of our counties. Yesterday, I went to bury a good friend, Mr. Joseph Saidimu, a teacher who has contributed a lot in terms of education in my area. It is sad that we lost him and may God rest his soul in peace. Whenever I am on those roads, I feel pain that some parts of our counties do not look like they belong to this country. The roads are terrible and water provision is at its lowest. I wonder whether we are progressing or retrogressing.

Have the resources that have gone to our counties helped us or are we still mark timing on one spot? It beats logic. The kind of billions of shillings that are mentioned every day in this House that have gone to our counties yet we do not see commensurate services. In terms of health services, we still have women giving birth in their homes with no birth attendants or medical facilities nearby for them to be rushed. We are losing lives.

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Mr. Deputy Speaker, Sir, the Arid and Semi-Arid Lands (ASAL) have faced a long drought. Unfortunately, the drought is back. We have enjoyed one or two months of good rain. It is over and places like Kajiado are now back to drought. Sadly, there is no mitigation measures in place by both levels of Government. We should do an audit as a country on what we ought to have achieved by now and what remains to be achieved by 2030, so that we bring ourselves back on track.

We have a road in my place that had a big billboard indicating that it is a Vision 2030 project. The billboard is wearing out now. The road is connecting Isinya Town with Konza Technopolis City. I do not see much happening in the Technopolis. The road is still waiting to be tarmacked, yet 2030 is just at the corner.

These good blueprints and special plans which are global, national and county are being launched every day but are we realising anything? It leaves a lot of room for debate and engagement, to see where we are headed. Are we headed in the right direction? Did we lose track? Can we come back on track in terms of development? We are seven years away from 2030. Can we see whether we can salvage anything between this 2023 and 2030?

Kenyans are waiting for us. There are no other leaders they are waiting for, but the leaders in this House today and those in the Executive. It is incumbent upon us to bring the country back on track to make sure we address the poverty level, cost of living and peace that Kenyans need to be guaranteed. We should be talking to each other. I am happy Sen. Mumma is not on the streets. She is here engaging us.

This is a good Motion and this is the way to go. This is the only time we can move our country in the right direction. When we have others in the streets and a whole section of us talking to ourselves, then we are headed in separate ways. We are not helping the country and this is not the direction we should go. We should move in the same direction by coming here and discussing what Kenya requires. Kenya belongs to all of us and we do not have a spare Kenya. We only have one country called Kenya.

I support this Motion and the idea of audits being done both at the county and national level. The Kenya Kwanza Government began very well. The President engaged all the 47 governors in the Summit. They drew a plan of how they were to move forward. All the monies for the counties were released. There was a lot of goodwill from the President to move the country forward. I believe we can come back on track.

Thank you, Mr. Deputy Speaker, Sir and Sen. Mumma.

The Deputy Speaker (Sen. Kathuri): Thank you, Sen. Tobiko.

Sen. Okenyuri, proceed.

Sen. Okenyuri: Asante sana, Bw. Naibu Spika kwa nafasi hii. Ningependa kumpongeza Seneta mwenzangu, Sen. Mumma, kwa kuleta Hoja hii ili kujadili malengo ya maendeleo endelevu. Hapa pia tunaangazia ruwaza ya Mwaka 2030. Sijui kama mambo haya yatabakia kuwa tu ndoto.

Serikali ambazo zimekuwepo zimekuwa zikitia jitihada kuona kuwa mambo haya yametendeka nchini. Nikikumbuka mwaka wa 2016 nilikuwa nimetoka chuoni na aliyekuwa Katibu Mkuu wa Umoja wa Mataifa, Ban Ki-Moon, alitoa ripoti iliyoonyesha mambo mengi haswa kuhusiana na nchi hii. Ripoti nyingi zilionyeshwa kuwa bado

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wananchi katika nchi hii wako na shida katika sekta ya kilimo, kupata umeme, afya ya uzazi na elimu.

Pengine Sen. Mumma ambaye amewasilisha mwenye Hoja hii, amepata nafasi ya kutukumbusha kuwa sisi kama viongozi tunapotaka kuleta mabadiliko, haitachukua siku moja tu bali muda. Ndiposa NInapenda kuwakumbusha wale wenzetu wa upande wa upinzani kuwa Rais William Ruto ameonyesha ueledi na ameweka mikakati tofauti.

Hivi karibuni, tutaona bei ya vyakula ikishuka. Kwa nini? Kwa sasa wakulima wengi wamepata mbolea ya bei nafuu na hatutaona watu wakienda kuandamana kwenye barabara kwa sababu chakula kitakuwa kwa wingi. Hii ni njia moja. Sehemu tofauti katika kaunti zinaweza kuleta miundombinu mbalimbali ili kuhakikisha wananchi wanapata vyakula na wao kama viongozi wajiunge pamoja nao. Hata kama uko kwenye sehemu ambayo haiko serikalini wakati huu, cha muhimu ni kuangalia wananchi waliokupigia kura.

Ninaunga mkono Hoja hii mkono kwa sababu, vijana hawajajihusisha na kilimo. Pengine Hoja hii inatupa fursa ya kuangalia mambo ambayo kaunti zetu zinaweza kufanya ili kuwasaidia vijana kuwa na mipango tofauti kwenye sekta ya ukulima.

Taifa hili linategemea ukulima kulisha wananchi na kufanya biashara. Pengine vijana wakiwekwa katika sekta hii ya kilimo, labda tutaona mabadiliko. Vijana wanafaa kufuata nyayo zilizoachwa na wale waliowatangulia.

Nimefurahishwa na Hoja hii ya Sen. Mumma. Nimefurahi kwamba leo, umeona ni muhimu kutukumbusha sisi viongozi, kwamba kuna mambo ambayo tunafaa kufuatilia. Ili Ruwaza ya Mwaka 2030 isisalie ndoto tu, lazima sisi kama viongozi tutie bidii ili itendeke.

Bw. Naibu Spika, leo nimejaribu kuzungumza kwa lugha ya Kiswahili, nikifuata mkondo wa Seneta wa Mombasa, Sen. Faki, ambaye alileta Kauli Bungeni. Sisi tunakienzi Kiswahili. Umoja wa Kimataifa umekipa Kiswahili nafasi ya kipekee. Mimi kama kijana mtungaji sheria, ninashabikia mkondo huo. Kama Wakenya pia, tunashabikia mkondo huo.

The Deputy Speaker (Sen. Kathuri): Asante, Sen. Okenyuri. Nikiangalia Maseneta ambao wako hapa, Sen. Veronicah Maina anaelewa kile umesema lakini Sen. Mumma amepata changamoto. Sidhani anaelewa ruwaza ni nini. Ruwaza 2030 ni Vision 2030.

Kwa vile hakuna Seneta mwingine ambaye ana nia ya kuzungumza, nitamwita mwenye Hoja hii kujibu.

Sen. Mumma: Mr. Deputy Speaker, Sir, I would like to let you know that in 1985, I was the leading student in the country in Kiswahili Literature or *Fasihi*. However, you are right that I have not been speaking Kiswahili. Congratulations, Sen. Okenyuri. You have done us proud. I did not know you can speak in Kiswahili like that.

Mr. Deputy Speaker, Sir, I rise to reply to this Motion. I thank every Senator who has contributed to this Motion; that is, Sen. Ogola who seconded it, Sen. Oketch Gicheru, Sen. (Prof.) Kamar, Sen. Cherarkey, Sen. Mungatana, Sen. Veronica Maina and Sen. Okenyuri. All of them have brought out key issues. All that enriching information will be incorporated. We will redraft it to input the rich contributions.

This Motion seeks to help us move from doing cosmetic things in the international arena and bringing back accountability on development back home. Even as we speak on the SDGs, you will be shocked. I think you know it but we have never thought through. When we report internationally on the SDGs, we report on the same issue to other international bodies.

The right to health is one of the SDGs. It is in the International Covenant on Economic, Social and Cultural Rights (ICESCR), the African Charter on Human and Peoples' Rights, the Convention on the Rights of the Child, the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Convention on the Rights of Persons with Disabilities (CRPD).

The Executive has reports by different bodies on the right to health. However, never have we had the Executive reporting to the people of Kenya, through Parliament, specifically on these issues that we are speaking to.

If this mechanism is adopted as colleagues have contributed, we will not only hold them accountable to the ordinary Kenyan but we will also make it easier for the Executive to have one report from which they can draw the reports to the different committees in the African region and globally, where they report on these issues. What we are raising here today is an important tool that I hope the Executive and the CoG will embrace as an accountability tool.

The key issues that I have picked from colleagues is that this will help us to entrench a proper mechanism for measuring development, not only at the county but also at the national level.

It will also be a good accountability tool, so that when we are told that a dam is being built and it is going to reform a whole county like we have been told today, for instance, in Nandi, we will know how much money went into the dam. We will also be following up to know that before the dam was constructed, only 20 per cent of the people in Nandi could access water. After the dam is in place and connections have been done, we have moved to 60 per cent. That is how we should work.

The ordinary Kenyan will be able to speak to these issues, so that we do not use fancy language that can only be understood by the international community. If we come up with a tool that is clear, when that report is submitted to the Senate about, for example, how Murang'a, Kakamega or Kisumu counties have done, then the people of Kakamega, Murang'a or Kisumu will follow.

I can assure you that the people of Kakamega have no clue on what the Government of Kenya was doing two weeks ago in New York while reporting on the SDGs. I do not even know as a Senator exactly what they were reporting on the counties that I am interested in. This mechanism will help us to move from that.

There are other issues that I have picked. A Senator indicated that we need to customize the implementation and monitoring so that we, first, account to ourselves before we account to people out there. We should come up with a simple matrix that the people of Kenya can relate to.

As I speak, there is something called a dashboard through which countries are supposed to report on the SDGs. That dashboard is on a website of the Ministry of Planning. It is not even accessible to us.

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We need to move to a level where we work together. Whatever reporting mechanism, it should be simpler and also respond to our issues as the Senate.

Sen. (Prof.) Kamar stated the need for this Senate to be involved in developing these matrixes. This is because we have an interest in overseeing the development of counties and the national Government. For us to do so, she suggested that, as a Senate, we need to take an interest in this issue.

Mr. Deputy Speaker, Sir, I thank my colleagues and the House for this opportunity. I request the secretariat that as we develop it, we will update this Motion because it has been enriched so much that we should send it out as a Senate to end up with a tool that will guide our oversight role.

I beg to reply.

The Deputy Speaker (Sen. Kathuri): Sen. Mumma, I thank you for sitting through as Members contributed to this Motion. Sometimes Movers move Motions and leave. They do not take note of issues that Senators raise. I encourage that as much as possible, Movers of Motions and Bills should sit through, so that they pick issues raised on the Floor.

Hon. Senators, as far as Standing Order No.84(1) is concerned, this Motion does not concern counties. Therefore, I will put the question.

(Question put and agreed to)

Next Order.

INTEGRATION OF ETHNIC MINORITIES AND MARGINALIZED COMMUNITIES IN KENYA

AWARE THAT, Kenya is a multi-ethnic country with a rich diversity of cultures, languages and traditions;

FURTHER AWARE THAT, ethnic minorities and marginalized communities face significant social, economic and political challenges including discrimination, marginalization and exclusion;

ACKNOWLEDGING THAT Articles 10 (2) b, 21(3), 27, 56, 91(1)(e), 100, 174(e), 177(1) (c), 204(3)(b), 216(4) and the Fifth Schedule to the Constitution of Kenya obligate the state to promote and protect the welfare of ethnic minorities and marginalized communities;

APPRECIATING THAT, the Government has put in place policies, legal and institutional frameworks including affirmative action programs to address the needs of other special interest groups namely children, persons with disabilities (PWDS), youth, women and the elderly;

CONCERNED THAT, ethnic minorities and marginalized communities remain largely unaddressed through similar interventions due to lack of an existing national policy and legislative framework;

NOW THEREFORE the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action, the National Gender and

Equality Commission and any other relevant state departments in collaboration with the Council of Governors: -

- i.) Initiate measures to identify and address the specific needs and challenges faced by ethnic minorities and marginalized communities in Kenya; and
- ii.) Develop and implement national policy and legislative framework for the integration of ethnic minorities and marginalized communities in Kenya as envisaged in the Constitution of Kenya.

The Deputy Speaker (Sen. Kathuri): I can see that the Mover of this Motion is not in the House at this hour. The new regulations of this House require that we drop Motions because you cannot have Motions on the Order Paper and then you do not communicate or request a colleague to move it. Therefore, we are forced to drop such Motions, so that it goes back to the queue. The Motion is therefore dropped.

(Motion dropped)

Let us move to the next one.

DECLARATION OF CATTLE RUSTLING AS A NATIONAL
DISASTER AND ESTABLISHMENT OF A SPECIAL FUND FOR VICTIMS

THAT AWARE THAT, cattle rustling is a major menace and security threat in the South and North Rift regions and some other regions of the country;

CONCERNED THAT, the menace has since left irreparable and negative socio-economic impact which include but are not limited to increased number of widows, widowers, orphaned children, poverty, displacement of people leading to Internally Displaced Persons (IDPS), disruption of educational programs and other economic activities owing to the destruction and/or closure of educational, health and other institutions;

FURTHER CONCERNED THAT; the people living in the affected regions have been denied the enjoyment of their social, economic and political rights as guaranteed to them under the Bill of Rights as enshrined in Chapter Four of the Constitution;

NOW THEREFORE, the Senate resolves that the National Government through the Ministry of Interior and National Administration and in collaboration with the Council of Governors:

1. Declares cattle rustling a National Disaster;
2. Establish a National Task force on cattle rustling to:
 - (i) Investigate the causes of the rampant cattle rustling in the said region and the Country at large;
 - (ii) Establishes extent of loss and damage the cattle rustling has occasioned to the communities in all the affected Counties;

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3. Create a special fund for mitigating the losses suffered by and in compensating all victims of cattle rustling and settle all internally displaced persons occasioned by the menace.

The Deputy Speaker (Sen. Kathuri): Sen. Cheptumo is not in this House. Therefore, this Motion is dropped. It will go back to the queue.

(Motion dropped)

Next Order.

REPORT OF THE 146TH ASSEMBLY OF IPU
AND RELATED MEETINGS

THAT, the Senate notes the Report of the 146th Assembly of the Inter-Parliamentary Union (IPU) and Related Meetings, held in Manama, Kingdom of Bahrain, from 11th to 15th March, 2023, laid on the Table of the Senate on Tuesday 2nd May, 2023.

The Deputy Speaker (Sen. Kathuri): The Mover of this Motion is the Senator of Meru, Sen. Kathuri. He is supposed to move this Motion.

Sen. Mumma, are you able to move it now that I am engaged in other duties? You understand the issues of IPU because you were part of the delegation to Bahrain.

(Sen. Mumma consulted the Clerk-at-the-Table)

Do you have the notes? Maybe, we can defer it to the afternoon sitting. I will support you with the notes.

(Motion deferred)

Next Order.

ARBITRARY ARRESTS OF KENYAN FISHERMEN
BY UGANDAN AUTHORITIES

THAT, AWARE THAT the communities around the lake rely on fishing as their main economic activity, their source of food and employment;

CONCERNED THAT the fishermen have reported harassment from the Ugandan security personnel including arbitrary arrests and imposition of unreasonable fines;

FURTHER CONCERNED THAT in November, 2021 the Kenya International Boundaries office formed a Joint Committee with the Ugandan authorities that did not effectively delineate the boundaries that would have helped avoid conflict between the two Countries;

NOW THEREFORE the Senate resolves that -

a) the Ministry of Foreign and Diaspora Affairs in collaboration with the Ministry of East African Community (EAC), the ASALs and

Regional Development engages the counterpart ministries in the Republic of Uganda to;

- i) Fast-track the delineation of the Kenya-Uganda boundary;
- ii) Develop measures to curb the arrests of Kenyan fishermen by Ugandan authorities;
- iii) Institute a protocol for sustainable development of the Lake Victoria Basin on the sharing of resources between partner states; and

b) The Ministry of Interior and National Administration to deploy the Kenya Coast Guard in the territorial waters of Lake Victoria to enforce maritime security and safety.

The Deputy Speaker (Sen. Kathuri): The Mover of this Motion is Sen. (Dr.) Oburu. He is also not in the House. The Motion is dropped.

(Motion dropped)

REVIEW OF THE MINIMUM WAGE NECESSITATED BY HIGH COST OF LIVING

THAT, AWARE THAT minimum wages in Kenya are specified as part of a national wage policy and guided by the Regulation of Wages and Conditions of Employment Act (CAP 229) aimed at reducing poverty as well as protecting and promoting the living standards of workers;

CONCERNED THAT, despite the increase in Kenya's minimum wage in May 2022 by 12% to help workers cope with the surge in consumer prices, the current inflation rates have had a knock-on effect on the cost of living and doing business in the country with the prices of goods, household energy bills, and transport remaining stubbornly high;

NOW THEREFORE the Senate resolves that the Cabinet Secretary for Labour and Social Protection engages all stakeholders including the General Wages Advisory Board (GWAB) and the Agricultural Wages Advisory Board (AWAB) with a view of raising the minimum wage by at least 50% as from 1st May, 2023.

The Deputy Speaker (Sen. Kathuri): The Mover is Sen. Nyamu. She is also not in the House and therefore, the Motion is dropped.

(Motion dropped)

Next Order.

ADJOURNMENT

The Deputy Speaker (Sen. Kathuri): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until today, Wednesday, 26th July, 2023 at 2.30 p.m.

The Senate rose at 12.54 p.m.