

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 13th November, 2024

Morning Sitting

*The House met in the Senate Chamber,
Parliament Buildings, at 9.32 a.m.*

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

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kathuri): Clerk, do we have quorum?

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

Kindly, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

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

(The Quorum Bell was rung)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, we now have quorum.
Clerk, call out the first Order.

QUESTIONS AND STATEMENTS

QUESTIONS

The Deputy Speaker (Sen. Kathuri): Hon. Senators, this morning, we expected two Cabinet Secretaries; the Cabinet Secretary for Ministry of Health and Cabinet Secretary for Ministry of Tourism and Wildlife.

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I have just been informed that a letter has come from the Cabinet Secretary for Health, this morning, requesting for postponement of appearance before the Senate. They have given a reason that the Cabinet Secretary is indisposed thus unable to appear until a later date.

Number two is a request from the Cabinet Secretary for the Ministry of Tourism and Wildlife whose matter was discussed yesterday at the Senate Business Committee (SBC). Within the wisdom of SBC, they declined to give that amnesty or to give the Cabinet Secretary permission not to attend to answer the questions.

Through the Clerk's office, the SBC wrote back to the Cabinet Secretary for the Ministry of Tourism and Wildlife that she must appear before the Senate this morning. We now face a situation that none of the Cabinet Secretaries will be appearing before the Senate this morning. It is regrettable indeed, because we sacrifice a lot to come to this Chamber.

Those reasons given to me are completely not satisfactory. I want to give time to one or two Senators to also weigh in on this matter.

Proceed, Sen. Chute Mohammed.

POINT OF ORDER

FAILURE OF CABINET SECRETARIES TO APPEAR BEFORE THE SENATE

Sen. Chute: Thank you very much, Mr. Deputy Speaker, Sir. It has now become a trend for the cabinet secretaries not to appear before this honourable House. For example, the Cabinet Secretary for the Ministry of Health is supposed to communicate to us 24 hours before. Sending a letter today means that she does not care. This is a trend that has been going on and on. We have said many times, if you can remember, that the only issue that can allow them not to come before this House is if they have a Cabinet meeting.

I want this House to agree with me that this trend of ignoring this House must stop. We even suggested censure motions some time back. Today, as I stand here, I ask this House to institute a Censure Motion against these two Cabinet Secretaries.

Mr. Deputy Speaker, Sir, look at the issue of wildlife; billions of money are out there with Kenya Wildlife Services (KWS) that has not been paid up to today. When a Member poses a question for a Cabinet Secretary, it is the responsibility of that Cabinet Secretary to come before this House to answer those questions. If we keep on agreeing to their excuses, we will fail this country.

We, the elected Members and the nominated Members, are representing over 60 million people in this country. If a Question is asked by a distinguished Member of this House, then it should be known that he is doing so on behalf of 60 million Kenyans. It is time we make a decision if a Cabinet Secretary in this Government will ignore requests from this House. We will start with a Censure Motion. Thank you very much.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Wambua Enock.

Sen. Wambua: Thank you, Mr. Deputy Speaker, Sir. We have said before that we do not want to turn ourselves into a House of lamentations, especially when dealing with

wayward cabinet secretaries who have continued to show utter disrespect to the authority of this House.

For the Cabinet Secretary in charge of matters of health to communicate to your office this morning that she will not be appearing before the Senate when she is expected to be here at 10.00 a.m. is the newest level of contempt.

Mr. Deputy Speaker, Sir, I am alive to the happenings of last evening where the Chief Executive Officer (CEO) of Social Health Authority (SHA) was suspended. The reasons given for it is professional misconduct. I do not know whether there are any provisions in law for the suspension of Cabinet Secretaries for either professional or political misconduct, but this one must go to the highest office in the land.

When Senators come to the Chamber every Wednesday morning, the express reason for their appearance is to ask questions for and on behalf of the counties that they represent. Those questions are supposed to be responded to by cabinet secretaries. It is now becoming a trend.

I said this two weeks ago, that for two Wednesdays in a row, we were unable to transact the Wednesday morning sessions because cabinet secretaries were not available. We went on a break and came back. The first Wednesday after the break, the cabinet secretaries do not show up and what are we expected to do? Just lament, express our displeasure and wait for another Wednesday.

Mr. Deputy Speaker, Sir, things must happen and those things must begin to happen now. All of us were in this House a couple of weeks ago during the impeachment of the Deputy President. This House received a report that the then Deputy President was indisposed, but in the wisdom of this House, we continued with the process of impeachment.

We, therefore, have to continue with our sessions and interrogation on the Ministry of Health, even in the face of reports that the Cabinet Secretary is indisposed.

I have heard Sen. Chute say that perhaps we need to bring a Motion of censure against the Cabinet Secretaries. Maybe, that is not enough and the starting point would be to have a serious and candid conversation with the appointing authority of the Cabinet Secretaries. With that, we will get to know whether or not these sessions make sense to the Government.

The reason for these sessions, as I said, are exclusively to have an engagement with Cabinet Secretaries for and on behalf of our constituents. If you look at the Order Paper for every Wednesday morning, there is no provision for any another business, but questions to Cabinet Secretaries. Perhaps, we should disband the Wednesday morning sittings if they cannot appear. I am speaking for myself.

This morning, I was supposed to be doing homework with my son, but I had to leave him to come engage with the Cabinet Secretaries. Now, I have missed out on doing homework with my son and missing out on engagement with Cabinet Secretaries. For me, it is a wasted morning. Each Senator here will have a story to say about what they were supposed to be doing.

This is a bipartisan issue and it has got nothing to do with the political alignment of anyone. These Cabinet Secretaries who are the face of the President are giving this Government a very bad name. That is what it is. I mean, you cannot be invited to come to

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the Senate, and in the morning of the day that you are supposed to appear is when you write a letter to the Speaker.

Mr. Deputy Speaker, Sir, if I were you, which I thank God that I am not, I would write the initial RTS, which means Return to Sender on that letter. It is a letter that should not even be read before the Senate. It is contempt.

With those remarks, I am at a loss as to whether we continue with these morning sessions on Wednesday or free Senators to engage in other activities, which would also be more beneficial, perhaps, to their families and to the people that they represent. It is better than to come sit here and wait for Cabinet Secretaries who have no respect at all for the Senate.

I submit.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Esther Okenyuri.

Sen. Okenyuri: Mr. Deputy Speaker, Sir, thank you for this opportunity. I equally wish to join my colleague Senators in expressing my displeasure in the failure by the Cabinet Secretaries to appear in this House, which has the mandate of the people. This is one of the reasons I want to side with the President when he says that he is a lonely voice in Government. The Cabinet Secretaries have a chance to add voice to what the Government is doing in serving Kenyans.

Unfortunately, we see a Cabinet Secretary tendering a very casual letter to Members, yet there is a very critical issue that was to be addressed this morning. There is the issue of polio vaccines and the allegations of children who have suffered adverse effects. I expected the Cabinet Secretary for the Ministry of Health to address and shed light on those matters.

Tuberculosis (TB) and Human Immunodeficiency Virus (HIV) are very critical issues that we, as a House, ventilate on, question on and get highlights on what the Government is doing. It is sad that when offered such a platform, our Cabinet Secretaries tend to prioritize other matters than life and death decisions that we, as a House, have to make. As a young legislator, I must say it is very disheartening.

These are people who should lead by example. However, this is what they are showing the young people, women of this country and very many other special interest groups that we represent. It is sad and I do not wish that Members keep lamenting over this issue. There is a clear-cut line on why Parliament acts as a separate arm of Government.

The cabinet secretaries need to prioritize the business of Parliament because it has the mandate of the people. I am very disappointed this morning that critical matters that were to be raised by different Senators will not be addressed, yet time goes by because the clock is slowly ticking. This should not be a joke like any other.

A serious discussion needs to happen around this because it has now become a norm for cabinet secretaries not to show up. Time elapses before one even gets a solution to what they raised. If it were patients, you would even have lost them before they get a redress on their matters.

Thank you.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Maanzo Daniel.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir. This morning, we were ready to deal with the question of health. There are many issues and questions relating to the

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Ministry of Health. There are questions on SHA and Social Health Insurance Fund (SHIF). We also have questions relating to the 1998 American bombing victims, where we had earlier on asked the Ministry of Health to provide specialized medical health care to these particular persons.

Before I came to the House, I met a constituent of Makueni County who shouted frantically at the gate that he needs help from me. He said that his child is stuck in hospital and he has been denied access because of SHA and SHIF, yet he had paid.

Mr. Deputy Speaker, Sir, these are the issues we wanted the Cabinet Secretary for Health to elaborate on. If we allow all cabinet secretaries to say that they have gotten ill every morning of Wednesday and no one ever comes to answer questions here, the country will suffer. We all understand that one can get sick or fall ill any time, although this House rejected it at the time of impeachment of the former Deputy President, Rigathi Gachagua.

It is something courts usually allow, but it is important that we have quite a number of cabinet secretaries. If one is taken ill, the others should appear because Wednesdays is our day with them. Even their boss, the President, knows that we have set aside Wednesday for this. That is why on this particular day, there is never an engagement of the Cabinet with the President, unless it is extremely urgent.

Cabinet Secretaries should take Parliament seriously. They are the image of the Government. On this particular matter, they have failed the Government terribly and something must be done. Either one resigns if they are unable to handle the business as a cabinet secretary or, as Sen. Chute has said, we take action as a House to discuss the conduct of this particular Cabinet Secretaries.

I thank you. I beg to say that it is important that the Cabinet takes this House seriously.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. David Wakoli. Senators, let us take two minutes because we might lament the whole morning.

Sen. Wafula: Asante, Mhe. Naibu Spika kwa kunipa nafasi hii angalau kutaja machache kuhusu mchecheto mzima wa mawaziri kukosa kuja hapa kujieleza kwa mapana na marefu. Bibilia inasema kwamba, Yesu alipokuwa anatembea na wafuasi wake, walimuona mwamamke mmoja wakamuita mzinzi na wakataka kumpiga mawe. Yesu kwa busara wake akawauliza ni nani miongoni mwao hana dhambi? Akawaambia yule asiye na dhambi atupe jiwe wa kwanza. Wengi walifyata midomo, wakaweka mikia katikati ya miguu na hatimaye wakamuacha binti huyo aliyekuwa anafanya biashara zake.

Mhe. Naibu Spika, hakuna mtu duniani humu hana dosari ama makosa. Kuteleza sio kuanguka. Jumba la Seneti lina haki kikatiba kuwasikiza na wao kutupa majibu kuhusu changamoto zinazowakumba wakenya. Ni dhahiri shahiri kwamba mfumo wa afya una changamoto. Tumeona viongozi wa madaktari wakitoa ilani. Hayo yote tunakubali. Tunachotarajia ni kwamba Waziri wa Afya na yule mwenzake waje kwa Jumba la Seneti tujadili kwa pamoja na tutafute njia mbadala za kutatua changamoto hizi.

Waziri wa Afya na mwenzake wako na nafasi ya kujieleza kwa sababu ni wataalamu wa mda mrefu. Wanaweza kutuma arafa ama watueleze siku ambayo watakuwa tayari wiki ijayo ili kazi tulionayo Seneti iweze kusonga kwa kasi. Sitaki kuwa yule mfuasi wa kutupa mawe katika kundi la wale wakristo waliotaka uponyaji. Naomba Seneti iwape

nafasi hata iwapo wiki ijayo ili waje wajieleze kinagaubaga na tufunge ukurasa wa changamoto hizi na tusonge mbele.

Mwisho, hawa ni mawaziri wapya. Ni ufagio ambao lazima uanze kufagia na kutengeneza serikali. Tuwape nafasi japo tuna hasira. Hasira za mkizi ni furaha kwa mvuvi na sisi sio wavuvi. Sisi ni Jumba la Seneti linalopenda watu wote. Tuwape wote nafasi kufanya kazi kwa mujibu wa Katiba na yale yanayoweza kufanyika kibinaadam.

Asante.

The Deputy Speaker (Sen. Kathuri): Sen. Mundigi Alexander, proceed.

Sen. Munyi Mundigi: Asante Bw. Naibu Spika. Nina huzuni nyingi kwa sababu tuliposema Mawaziri watakuja hapa siku ya jumatano, tulikuwa na maono ya kusaidia mwananchi mashinani. Sisi kama Maseneta huwa tunatetea ugatuzi. Mawaziri wanafanya kazi mashinani ndio wananchi waweze kufaidia. Ninahuzunika kama Maseneta wataleta mambo ya ukoo na kuwatetea.

Kuna Mawaziri tuliwatimua na tukaleta wengine wapya ambao wamekuja na ujuzi wa kufanya kazi. Wakati mtu ameteuliwa, anafaa kuanza kazi siku hiyo kama vile Yesu alipokuwa anateua wanafunzi wake na wanaanza kufanya kazi siku hiyo. Tuko na mfano wa Naibu Rais, Mhe. Kindiki Kithure, alivyoteuliwa. Yeye alianza kazi mara moja. Nimeshangaa kuona Seneta mwenzangu akimtetea mtu kwa sababu ni wa kabila lake. Tutaawa ugatuzi tukifanya hivi.

Sen. Wafula: On a point of order, Mr. Deputy Speaker, Sir.

Sen. Munyi Mundigi: Nina huzuni kwa sababu kuna kijana mmoja ameuawa na ndovu Kiambere Ward wiki hii na familia yake haina pesa na kuna mchango unaendelea.

The Deputy Speaker (Sen. Kathuri): Sen. Mundigi---

Sen. Munyi Mundigi: Bw. Naibu Spika nina huzuni. Naomba unipe nafasi niongee kwa sababu rafiki yangu, Bw. Wakoli, ameongea akamaliza. Nina huzuni na nataka nisaidiwe. Kuna mtu anaitwa John Muturi Mugo aliuawa na ndovu jana na leo mvua inanyesha. Waziri wa Utalii na Wanyamapori angekuwa hapa leo.

Nina huzuni pia kuhusu mambo ya *Social Health Authority (SHA)* na *Social Health Insurance Fund (SHIF)*. Kuna mtu ametimuliwa na watu wanakufa na wengine wanaugua hospitalini. Nakataa yale mambo Maseneta wanapinga. Ningetaka hawa watu wachukuliwe hatua kali kwa sababu kuna Katiba ya kufuatwa katika Serikali ya muungano.

Asante.

The Deputy Speaker (Sen. Kathuri): Sen. Munyi Mundigi, when the Chair is talking, you should also give him an opportunity because I am the one controlling the House. There was a point of order which was persistently requested by Sen. Wakoli and you did not give him that opportunity while on the Floor. Since he is not on the Floor, it is not possible to rise on a point of order.

Sen. Wafula: Mr. Deputy Speaker, Sir, I want to clear my name,

The Deputy Speaker (Sen. Kathuri): Yes, you have one minute.

Sen. Wafula: Mr. Deputy Speaker, Sir, it is out of order, utter discontent and misuse of power for a colleague to rise on the Floor of this House and cast aspersions that whenever we stand on the Floor of this House, we are talking on tribal basis. I respect 'Dr.' Mundigi, but he is pushing away the title 'Dr.' and remaining with Mundigi. He needs to withdraw that statement and talk like a 'doctor'.

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I thank you.

The Deputy Speaker (Sen. Kathuri): You did not mention what he said that was out of order.

Sen. Wafula: Is he in order to allege that I am talking based on tribal lines? I am an hon. Senator speaking out of cognisance of pedagogy.

The Deputy Speaker (Sen. Kathuri): Sen. Mundigi, can you clarify that issue raised by Sen. Wafula.

Sen. Munyi Mundigi: Asante Bw. Naibu Spika. Sikuwa na nia yoyote mbaya kwa rafiki yangu, Sen. Wakoli, kutoka Bungoma. Naunga mkono Mawaziri wote walioteuliwa lakini nina shida na yale mambo yanayoendelea kuhusu *SHA* na nimeshangaa kwanini Waziri hakuja.

Pia umesikia nikingea kuhusu Bw. John Muturi Mugo kutoka Kiambere Ward. Stori yake ifanya mwili wangu usisikie vizuri. Ningeomba nisamehewe kwa yale nimeongea lakini *next time*, tutawatimua hawa Mawaziri. Umeona vile Sen. (Dr.) Khalwale ametoka hapa. Nadhani hayo ndio mambo yamemfanya atoke. Maseneta wengine wanakuja hapa wakiwa wanatetemeka.

Bw. Naibu Spika, sikuwa na nia mbaya.

The Deputy Speaker (Sen. Kathuri): Asante na pole kwa kuumwa.

(Laughter)

Sen. Kavindu Agnes, proceed.

Sen. Kavindu Muthama: Thank you, Mr. Speaker, Sir, for giving me this opportunity. It is sad to be here every Wednesday morning and not see any Cabinet Secretary coming to answer the questions. It is important for them to know that we have cancelled all other businesses for this House on Wednesday Morning to give the questions first priority because we needed to ask questions on the issues they should be doing. We have even cancelled Committee meetings.

I am here this morning because of the 1998 bomb blast. The people are suffering without any care from our Government. I was ready to face the Cabinet Secretary this morning to explain why these people cannot get medication. We have a lot of problems in our counties, especially Machakos County because *SHA* is not in operation when people go to hospital, yet they have paid their premiums. They cannot be discharging from hospitals and call us to foot their bills, and we keep on making phone calls to NHIF to know what is happening. This is wrong. The Cabinet Secretary for Health must appear before the Senate to answer the questions.

Even if she is unwell, she has an assistant or the Principal Secretary at the Ministry who should appear. It is not right for us to waste our time coming here every Wednesday and find there is no work we are coming here to do.

Thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Kavindu Muthama, our Standing Orders do not provide for the appearance of any other person except the Cabinet Secretary. The Principal Secretary is not admissible in the Senate. Check Standing Order No.51C. It will

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guide you on who should appear. Only the Cabinet Secretary should appear before the Senate.

Sen. Wakili Sigei, proceed.

Sen. Wakili Sigei: Thank you, Mr. Deputy Speaker, Sir. This House has a very high status under the Constitution, and summoning the Cabinet Secretaries to respond to Questions by Hon. Members is an important role.

As we have previously stated in this House, the Cabinet Secretaries, who are required to appear at any given time, have appropriate notice. The Questions they are supposed to come and answer are already available to them in good time.

For the Cabinet Secretaries not to appear this morning, some of them with very flimsy reasons, is an utter disrespect of the House. Being one of the Members of the House who has come in this morning to ask questions regarding not only the interests of the people whom I, in particular, represent but the entire country, it is unfortunate that we do not have them appearing in the House.

At the risk of creating an extension of the lamentations that you previously heard, I have looked at the two letters from the two Cabinet Secretaries. One letter has been received from the Cabinet Secretary for Health after the House has started. She has explained that she is indisposed.

From the previous resolutions of this House, this does not stand as the reason a Cabinet Secretary is unable to appear before the House. Number two, we did not receive this letter yesterday at the Senate Business Committee. The Standing Orders of this House, which apply to all who are required to appear, require them to submit any excuse or letter in good time to justify their non-appearance.

This shows utter disrespect to the House for the Cabinet Secretary to write and say she is merely indisposed. I would want to agree with the Hon. Senator Chute and the rest of my colleagues who have said that it is high time we censure these Cabinet Secretaries who have shown disrespect to the House. We have a right to discuss their conduct and censure them. If they are unable to appear before the House, and for no reason at all that is justifiable, then they have no business being holders of such high offices.

The other reason we should call them out is a letter received yesterday, which the Senate Business Committee (SBC) rejected. The Cabinet Secretary said in the letter that they were to attend a prior scheduled Ministerial event on black rhino ear notching and fitting of monitoring devices today.

A Cabinet Secretary can delegate this to a person of the lowest rank in that particular Ministry. It cannot be a reason for a Cabinet Secretary to abandon a responsibility to appear before the House to fit in monitoring devices to a rhino in the national park.

This is the sort of behaviour that we have said before: the moment these people get into office, they forget that they are holding such offices in the interest of the Kenyans. The best interest of Kenyans can only be served by appearing before this House to answer questions of national importance that represent the people who the Senators represent in this particular House.

This particular letter was rejected, and the Cabinet Secretary was asked to appear. We have not received a response to the letter that indicated to him or her that we are not buying the excuse.

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It is high time we censure these Cabinet Secretaries, so that they will appreciate the importance of appearing before the Senate. If they treat the House disrespectfully, they cannot take their responsibility as Cabinet Secretaries as seriously as they should.

We have many Kenyans who are capable, willing, and ready to serve in such offices. So, even as we regret the time we have wasted this morning, we also call upon the relevant authorities to summon these irresponsible Cabinet Secretaries to appear before the House. We are struggling right now with the issue of the health sector of the Social Health Insurance Fund (SHIF) and Social Health Authority (SHA).

This would have been an important opportunity for the Cabinet Secretary for Health to explain the situation to the Kenyans as it is. Yesterday, we saw the national news carrying a position taken to suspend the Chief Executive Officer (CEO) of SHA.

This is a time when Kenyans need to understand the things or positions or options the Government is taking, in order to make sure that they streamline the representations that we have in the Ministry of Health. If the Cabinet Secretary can just wake up in the morning and say that she is indisposed and cannot appear before the Senate, we do not buy it, and it is not acceptable. We are calling them out because they are failing Kenyans and the Government that is highly expected to perform and support the programmes that help the people of Kenya.

It is not acceptable at all. We do not, as a House, condone such character and behaviour by the Cabinet Secretary. I join my colleagues in calling them out and saying this is improper.

I thank you.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, the time we had set for this intervention is almost over. When I give you time to contribute, please, take two minutes. The whole country heard the Senate this morning. The earlier we conclude this discussion, the better. I want to give one of the Senators who had a question to the Ministry of Tourism and Wildlife.

Sen. Murgor, proceed.

Sen. Murgor: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to add my displeasure about the behaviour of Cabinet Secretaries.

This shows the attitude that our Cabinet Secretaries have towards the Senate. It seems like they have no regard for the Senate. They probably do not have a clue about what this House stands for or what the members represent. Therefore, that translates into them not prioritising the situation and the plight of the citizens that these Members represent.

When the citizens of Kenya bring their situations and plights in hospitals and to us, these people have no interest in attending and prioritising the situation of health, those killed by elephants, and many others.

Therefore, their priorities are not Kenyan. They are not in agreement with what Members of this House consider to be Kenyans' concerns. The highest level of action needs to be taken so that a lesson is learnt, bringing awareness and awakening status to the Cabinet secretaries. I agree with one Member that said that we should take our---

The Deputy Speaker (Sen. Kathuri): Sen. Murgor we had set two minutes so that we can conclude this discussion. Proceed, Sen. Ogola.

Sen. Ogola: Thank you, Mr. Deputy Speaker, Sir. I was happy to come and share with the Cabinet Secretary for Health especially because we have come from recess and we have been engaging with members of our communities. We have a lot of issues that are affecting health which we needed the Cabinet Secretary to clear.

This morning, I am standing in for Sen. Tobiko, and Sen. Mumma especially to get clearance on the Linda Mama initiative which sought to achieve universal health access to maternal child health services. We all know my interest on maternal issues and so I missed this opportunity. However, I hope the Cabinet Secretary is going to get well and come to the Senate so that we are able to sort a number of these issues.

People do not decide when they fall sick and so I am happy at least the Cabinet Secretary wrote a letter. A number of my colleagues have compared it to the impeachment process of the Deputy President that we had. I remember the Senate took its time and adjourned at the request of Senior Counsel, Hon. Paul Muite, when he indicated that the former Deputy President was sick and we took a break. When we came back, the Senior Counsel also requested that we break up to 5.00 p.m. and the Senate did so.

That was a demonstration that we also appreciate that people do not choose when to get sick. We had a constitutional timeframe to observe but we went ahead. It showed we respected the right of the Deputy President then. When the Cabinet Secretary gets well, we will come out to the Senate to share on the ---

The Deputy Speaker (Sen. Kathuri): Sen. (Dr.) Murango proceed.

Sen. (Dr.) Murango: Asante, Bw. Naibu Spika. Ili nifike hapa mapema nilitoka nyumbani kumi asubuhi. ndio nipate nafasi ya kujadili kuhusu mengi hususan yanayohusu Wizara ya Afya ambayo ni muhimu sana katika nchi hii. Tunaweza jenga barabara na mambo mengi lakini hatuwezi yatekeleza majukumu haya kwa wafu. Wanaotumia hizo huduma ni waliohai.

Namwomba Daktari Hon. Barasa apone haraka na apate nafasi ya kuja kujibu maswali. Waswahili husema kiserema hulima kuliko jembe jipya. Yeye ni daktari, kwa hivyo ni mzoefu wa mambo yanayolingana na hospitali na basi majibu ambayo tungepata saa hii yanafaa kusuluhisha maswali yote yaliyoulizwa.

La kutatanisha sana ni majibu ya Waziri anayehusika na Wanyama pori, Hon. Duale, aliyekuwa pia Kiongozi wa Walio Wengi katika Bunge la Kitaifa. Lakini leo---

The Deputy Speaker (Sen. Kathuri): Samahani sio Hon. Duale ila ni Hon. Miano. Hon. Duale ni Waziri wa Mazingira na Misitu

Sen. (Dr.) Murango: Hon. Rebecca Miano. Samahani nimepewa taarifa isiyo ya kweli na rafiki yangu hapa. Bw. Naibu Spika, Hon. Miano hakuwa mgonjwa lakini ameamua kuenda kuweka vifaru, vifaa vya ufuatiliaji katika hifadhi ya wanyama pori. Katika taratibu ya wanaombeba na uzito, anatuchukulia kwa bei rahisi kama bei ya chumvi. Ameweka vifaru kwanza halafu Bunge la Seneti linafuata.

Kwa nini hangempa mwengine jukumu hilo? Nina uhakika kuwa sio yeye anaweka vifaa hivyo. Tumepoteza nafasi ya kuongea kuhusu kinachoendelea katika serikali. Waswahili husema ukikalia kuti kavu kuanguka sio ajali na---

The Deputy Speaker (Sen. Kathuri): Nimependa misamiati yako, ndugu, lakini muda unatukataza. Wacha tukuongeze dakika moja lakini utumie muda huu vizuri kuleta misamiati mingine mingi.

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Sen. (Dr.) Murango: Bw. Naibu Spika, kusiwe na mazoea ya Mawaziri kukataa kuja hapa baada ya kualikwa. Waswahili pia husema kuti la mazoea humwangusha mgema. Mawaziri hawa wataanguka kwa sababu ya kuzoea kukosa kuja hapa. Asante.

The Deputy Speaker (Sen. Kathuri): Sen. Wamatinga proceed.

Sen. Wamatinga: Thank you, Mr. Deputy Speaker, Sir. I also rise to express my displeasure with the conduct of some of the Cabinet Secretaries. I also wish Hon. Dr. Barasa quick recovery. On average we have been doing quite well. Maybe what we also need to do is look at the time we spend with them both in the House and in the committees.

Some of the Questions that we put through to the Cabinet Secretaries are raised in the committees. We need to also look at their schedules because a Cabinet Secretary might be committed elsewhere. This appearance and non-appearance that occurs when we come here on Wednesdays expecting to get answers might be from a disconnect between the way we work and the way the Executive works.

It is high time that we brought this in tandem and most importantly knowing what informed this Wednesday session so that we can create a kind of an interactive moment where we are able to go and tell our constituents - the people we represent - that this is what the Government is doing.

Indeed, I also agree with my fellow Senators that when the President expressed his displeasure that he is working alone, I really pitied him. If the Cabinet Secretaries do not pull up their socks, then in the next couple of years, we will all be sent home.

As we prepare ourselves to deliver to Kenyans, we must recommit starting from the Executive, Legislature and Judiciary to serve the people of Kenya and knowing that we prioritize the business of the people of Kenya; most importantly in appearing and telling them what we are doing and when we want to do it and how we are doing it.

It is paramount so that the people can understand that we are committed to serving them. I also expressed my displeasure and wish that we will change the engagement moving forward.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Mandago proceed.

Sen. Mandago: Thank you, Mr. Deputy Speaker, Sir, for the opportunity you have given me, first, to register that we have regulations and rules on how to handle Cabinet Secretaries who do not appear for a session. I would request that the Senate first issues summons to those Cabinet Secretaries so that we are sure in the next session that they will be able to attend the Senate and answer to a few questions particularly on matters of health.

There are a number of concerns and you know my committee has many Statements from all these Hon. Members on the implementation and the roll out of the Social Health Authority (SHA). The opportunity that Cabinet Secretaries are being given is a good to ventilate on the issues and also speak to the nation about some of the challenges and the issues that have been raised by citizens from across Kenya.

This is a good platform for them to explain to the nation how they are handling some of those challenges. I would therefore want to ask that Cabinet Secretaries take the matters of the Senate House and Parliament seriously. There seems to be a culture brewing in the Executive particularly from the Cabinet Secretaries and Principal Secretaries (PSs) of contempt on elected leaders.

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Mr. Deputy Speaker, Sir, it is time they realised that we equally have a mandate to represent the people who have elected us the same way they have been given a mandate by the Executive to implement. Working together we can achieve more and better results than working at cross purposes.

I submit.

The Deputy Speaker (Sen. Kathuri): Sen. Kisang proceed.

Sen. Kisang: Thank you, Mr. Deputy Speaker, Sir. I also add my displeasure to the absence of the Cabinet Secretaries. If you remember, it is the Executive that requested to come to the House to answer Questions. It was not Parliament that initiated this particular issue. So, you can imagine a Cabinet Secretary such as Hon. Miano going to witness putting tracking devices on rhinos instead of sending the Director General of Kenya Wildlife Services (KWS) or the PS. This is a contempt of the highest order.

Mr. Deputy Speaker, Sir, she needs to be censored or even impeached because she is terrible.

Secondly, we wish the Cabinet Secretary (CS) in charge of the Ministry of Health a quick recovery. I was telling my colleague that, I hope that in the evening when we watch news, we are not going to see her in the news talking about the Social Health Authority (SHA) yet she is saying that she is indisposed. That would be serious contempt, because Kenyans are crying about SHA.

People are not getting medical attention, especially in public hospitals, yet and the Ministry is in the habit of going around and lying to Kenyans that things are working. They are not working.

She had a golden opportunity today to come and tell Kenyans what is ailing the implementation of SHA because there was nothing much to do. The National Health Insurance Fund (NHIF) did not have a lot of issues. They should have just done reorganization of the NHIF so that Kenyans can continue receiving medical cover as they used to.

We have EduAfyra and Linda Mama medical schemes, yet people cannot access them as we speak. So, as soon as she recovers, she needs to come here at the earliest opportunity to answer to Kenyans.

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

Sen. Korir: Thank you, Mr. Deputy Speaker, Sir. I would like to also register my great regrets on the absence of the CSs who were supposed to appear before this House this morning. This is a House of procedures and rules, and I wonder when we are ready with the questions which have been set, not yesterday, but within the prescribed timeframe, and at the last minute we are told that the relevant CSs are not able to attend.

Hon. Deputy Speaker, Sir, it is high time this House sets the timeframe in terms of response on when the relevant CSs are supposed to respond to the House to say whether they are coming or not. All of us have come this morning ready with a number of questions that are running across the minds of Kenyans because health is a serious issue. Right now, in the social media, there is a child who lost life in Bomet due to negligence.

Hon. Deputy Speaker, Sir, these are issues that are affecting us in the health sector. We should not be taking a lot of time, the whole morning, discussing the absence of the CSs instead of handling issues that are affecting Kenyans. We need to change this. We

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need to set rules, because this is a House of procedure. We should not be here deliberating on a number of CSs who will be missing. This is not the first day. It is now becoming a norm. We need to handle this with a lot of concern so that we will not waste time coming in the morning.

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

The Senate Minority Leader (Sen. Madzayo): Asante Bw. Naibu Spika. Ni jambo la kusikitisha kuona kila kuchao, tukiwita Mawaziri ambao wanatakikana kuja kuwajulisha wananchi wa Kenya na kujibu maswali ambayo yana umuhimu katika taifa la Kenya, hususan, upande wa afya, kunakuwa na upotevu wa kuja katika Bunge la Seneti kueleza Wakenya ni shida gani iliyoko. Mara nyingi, kumekuwa na vifo vya wagonjwa na ukosefu wa *insurance* wanaosema wananchi wanapata, ila wakifika hospitali wanajereshwa. Ni muhimu ikiwa Mawaziri hao wanaweza kujitokeza na kujibu haya maswali.

Bw. Naibu Spika, la mwisho ni kwamba, itakuwa aibu na kusikitisha, ikiwa Waziri ameitwa kuja kujibu maswali katika Seneti na akose kuja. Huu ni ukiukaji wa sheria na Bunge hili linaweza kuchukua hatua ya kuwapatia summons kama zile za kortini ili afike hapa na akikosa kuja tena anaweza kupigwa faini. Bunge hili lina uwezo wa kuwapiga faini.

Kuna umuhimu wetu tupeleke *message* ngumu ama ya uzito zaidi ili hawa watii agizo la hii Bunge la Seneti.

Asante.

The Deputy Speaker (Sen. Kathuri): Sen. Boy Issa Juma, please proceed.

Sen. Boy: Asante Bw. Naibu Spika. Ningependa kukemea sana kwa sababu saa hii, hasa katika Kaunti ya Kwale, nilikuwa nimejiandaa siku ya leo kumwuliza maswali Waziri wa Afya.

Kuna wangonjwa wengi ambao wako katika *Referral Hospital* ya Msambweni wiki iliyopita. Nilienda nikashuhudia wagonjwa wakirudishwa kwa sababu ya hii mambo ya SHA.

Sisi kama Wakenya tutakuwa huru ama tutajivunia afya lini? Hata waheshimiwa wenzangu leo walikuwa wamejiandaa kwa sababu katika kaunti zetu 47, shida kubwa saa hii ni hiyo *insurance* ya SHA.

Nakemea sana. Ikiwa Waziri alijua yeye ni mgonjwa kutoka Jumatatu au Jumanne angetuma ujumbe mapema lakini ujumbe umekuja tu jana ama leo, ilhali watu wamejiandaa kuuliza maswali kupata mwafaka, kwa nini hii SHA inaleta shida katika kaunti zetu.

Mhe. Naibu Spika, kama Seneta wa Kwale County nakemea sana. Siku nyingine huyo Waziri anafaa aje *personally*, na kama hawezi atuambie mapema “Siku fulani nitakuja”. Nakemea sana huyu Waziri. Anafaa arekebishe hii tabia. Hafai kutuma barua dakika ya mwisho halafu kesho tunamwona katika runinga akiwa Samburu. Hiy ni tabia mbaya sana na anapaswa akome. Watu wa Kwale County wanasema wanataka hii SHA ifanye kazi kwa haraka sana.

Asante.

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

Sen. Mwaruma: Asante Mhe. Naibu Spika, kwa hii fursa uliyonipa.

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Tulipoanza huu Muhula, tulibadilisha kanuni tukasema, *Wednesdays* Mawaziri wawe wakija kujibu maswali ya Maseneta. Ikiwa Mawaziri, watendakazi, au *the Executive* wanaona kwamba hawawezi kuja hii siku kujibu maswali, tubadilisha kanuni kwa sababu kuna kazi nyingi sana za kufanya.

Kuna maswali mengi ya Kamati ambayo hayajajibiwa na mengine yamemaliza miaka, kama vile maswali ya mashamba na *tourism*, mambo kupigano kati ya wanyama pori na wananchi. Kuna maswala mengi ambayo tungekuwa tunayafanya katika Kamati siku kama ya leo.

Kwa hivyo, kama Mawaziri hawawezi kuja, ni vizuri tuangalie ili tubadilisha Kanuni ama *Standing Orders* ili tupate *Wednesdays* kama siku ya kuita Mawaziri na Kamati zetu kufanya kazi kawaida ili tuendeleo kutunga sheria nakufanya zinginezo.

Otherwise, hii *SHA* haifanyi kazi. Huduma za afya zimedorora, haielewki inafanya kazi vipi na wananchi wetu wanateseka. Kwa hivyo, nakashifu kwa kinywa kipana kutokuja kwa Waziri wa Afya katika hili Bunge.

Asante.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, in accordance with Standing Order 45(2), I would like to reorganize this business.

The Orders appearing as Nos.8, 9, 10 and 11 are deferred till next time.

MOTIONS

NOTING OF REPORT OF THE 14TH ASSEMBLY OF FP-IGGLR HELD IN ZAMBIA

THAT, the Senate notes the report of the 14th Ordinary Session of the Plenary Assembly and Related Meetings of the Forum of Parliaments of the International Conference of the Great Lakes region, held in Livingstone, Zambia, from 15th to 19th April, 2024 laid on the Table of the Senate on Thursday, 30th May, 2024.

NOTING OF REPORTS ON THE 63RD AND 64TH OACPS PARLIAMENTARY ASSEMBLY AND THE 43RD AND 1ST ACP-EU JOINT PARLIAMENTARY ASSEMBLY

THAT, the Senate notes the Reports of the-

(i) 63rd Session of the Organization of African, Caribbean and Pacific States (OACPS) Parliamentary Assembly and the 43rd Session of the African, Caribbean and Pacific -European Union (ACP-EU) Joint Parliamentary Assembly meetings in held Brussels, Belgium from 19th to 28th June, 2023; and

(ii) 64th Session of the Organization of African, Caribbean and Pacific States (OACPS) Parliamentary Assembly and the 1st Session of the African, Caribbean and Pacific -European Union (ACP-EU) Joint Parliamentary Assembly meetings in held in Luanda, Angola from 17th to

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21st February, 2024, laid on the table of Senate on Wednesday, 6th December, 2023 and Wednesday, 2nd October, 2024 respectively.

DESIGNATION OF A MONTHLY CAR FREE
DAY AND COUNTY CAR FREE ZONES

THAT, AWARE THAT Kenyans have a right to a clean and healthy environment pursuant to Article 42 of the Constitution;

NOTING THAT the National Climate Change Action Plan identifies transportation as the fourth largest contributor to greenhouse gas emissions, which if uncontrolled, will result to negative impact of climate change with adverse effect to millions of Kenyans;

CONCERNED THAT the number of private vehicles has significantly grown, leading to increased road accidents, carbon emission and vehicle congestion, costs of which are in excess of Kshs100 billion in GDP per year;

NOW THEREFORE the Senate urges the Ministry of Roads and Transport, Ministry of Environment, Climate Change and Forestry, in collaboration with the Council of Governors and the National Climate Change Council to –

- i) Identify, publicize and execute suitable monthly car-free days and County car-free zones in urban areas across the country;
- ii) Identify and develop County car-free zones, also known as “pedestrians’ precincts”, in urbanized areas, where its infrastructure and activities are restricted to pedestrians alone;
- iii) Provide affordable, safe and universally designed public transport access to and around these car-free zones, including, but not limited to, development of Bus Rapid Transport (BRT) in the urban areas;
- iv) Design inclusive mobility infrastructure that supports non – motorized transport facilities, such as pedestrian spaces, bicycle lanes and green spaces, within the Central Business District of every County; and
- v) Ensure inter-modal connectivity among the various transport modes.

STOPPAGE OF TRANSFER OF
FUNDS TO ISIOLO COUNTY

THAT AWARE THAT, pursuant to Article 96 of the Constitution, the Senate represents the counties and serves to protect the interests of the counties and their governments, and that the Senate exercises oversight over national revenue allocated to the county governments;

FURTHER AWARE THAT, Article 124 of the Constitution establishes Committees to carry out specific mandates and that Article 125 of the Constitution gives any Committee the power to summon any person

to appear before it for the purpose of giving evidence or providing information;

WHEREAS, the Senate Standing Committee on Health invited and later summoned the Governor of Isiolo County, Hon. Abdi Ibrahim Hassan, to respond to questions relating to, among others, the ongoing crisis at Isiolo Morgue, NHIF deductions and remittance status and total amount of pending bills owed to the county hospital, which invitation he failed to honour on 21st May, 2024 and similarly failed to honour the summonses on 28th May, 2024 and 10th June, 2024;

AND WHEREAS the Governor of Isiolo County failed to honour an invitation by the County Public Investments and Special Funds Committee to respond to issues raised in the Auditor-General's Reports on Isiolo County Bursary Fund, the Isiolo County Emergency Fund and the Isiolo County Youth, Women and People with Disability Fund for the Financial Years 2019/2020, 2020/2021 and 2021/2022 on 28th May, 2024;

AND FURTHER WHEREAS the Governor of Isiolo County failed to honour five (5) invitations on diverse dates between 28th March, 2023 and 8th March, 2024 by the County Public Accounts Committee to respond to queries raised by the Auditor General in the Financial Statement of the County Executive of Isiolo for the Financial Years 2019/2020 and 2020/2021;

CONCERNED THAT following the numerous incidents of failure and or refusal by the Governor of Isiolo County to honour invitations and summonses, the County Public Accounts Committee scheduled for a meeting at Isiolo County offices on 8th March, 2024 which the Governor failed to attend;

FURTHER CONCERNED THAT the committees of the Senate, pursuant to Article 179 (4) of the Constitution, invited Governor Abdi Ibrahim Hassan in his capacity as the Chief Executive Officer of the County, and he failed and/ or refused to appear before the committees to answer the respective audit queries raised by the Auditor-General with respect to whether or not public monies have been applied lawfully and in an effective manner by the county government;

NOW THEREFORE, THE SENATE RESOLVES THAT –

1) Pursuant to Article 228 (4) and (5) of the Constitution, the Controller of Budget should not authorize any withdrawal of public funds by the County Government of Isiolo until the Governor has responded to the issues raised in the summonses to the satisfaction of the Senate; and

2) The National Treasury, pursuant to Article 225 of the Constitution and Section 96 of the Public Finance Management Act, stops forthwith the transfer of funds to the County Government of Isiolo.

(Motions deferred)

ADJOURNMENT

The Deputy Speaker (Sen. Kathuri): Therefore, Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until today, Wednesday, 13th November, 2024 at 2.30 p.m.

The Senate rose at 10.50 a.m.