



DEVOLUTION ADVISORY ON PRESIDENT'S SPEECH ON THE STATE OF THE NATION

This brief is an analysis of the president's speech on the state of the nation address; unlike the previous year's address where Cabinet Secretaries and Permanent Secretaries enriched the state of the nation address by giving score cards on the state of the various ministries.

DEVOLUTION ADVISORY: PRESIDENT'S SPEECH ON THE STATE OF THE NATION

Introductions

The Constitution of Kenya 2010, section 132 obligates the President of Kenya to give a State of the Nation address on the progress the government is making in achieving the national values and principles of governance as outlined in section 10. The president is also obligated to show progress on how the country is fulfilling its international obligations as stipulated in the constitution section 2(5).

On economic and social rights Articles 41 addresses issues of labour relations and 43 speaks to rights to health, housing, food, water, social security and education as rights that Kenyan's are entitled to enjoy and justiciable within the legal framework.

This brief is an analysis of the president's speech on the state of the nation address; unlike the previous year's address where Cabinet Secretaries and Permanent Secretaries enriched the state of the nation address by giving score cards on the state of the various ministries.

This advisory is based on the five sectors of the economy namely; Health, Education, Social Justice, Agriculture and Water

Health Sector

The government has rolled out the management equipment services program. Five global suppliers have assessed 94 hospitals in 47 counties and the 4 national referral hospitals to deliver the necessary equipment from May this year. The equipment will provide health services such as cancer, dialysis and Intensive Care Unit.

On maternal health care, provision of free maternal hospital services has enabled hospital delivery to go up to 80%. Maternal mortality has reduced to 360 from 488 deaths per 100,000 live births. To enhance the programme, the Government allocated Kshs.3.8billion for reimbursement to health facilities for deliveries in the financial year 2013/2014 and Kshs.4.04billion in 2014/2015. To date, the programme covers a total of 2,388 health facilities comprising 301 Hospitals and 2,087 health centers and dispensaries¹. Clinics have also been introduced by First Lady beyond Zero Campaign. NHIF new agreement will take effect by April 2015 and will provide universal health care.

Recommendation

While it is laudable to see progressive reduction in infant mortality rate², the address has not highlighted other important health indicators such as immunization³, HIV/AIDs

¹ Government of Kenya, Kenya Gazette Notice No.2117-Annual Report on Measures taken and Progress achieved in the Realization of National Values and Principles of Governance, March, 2015- Government Printers

² 2013/2014 President's State of the Nation address showed that Mortality rates have decreased from 488 per 100,000 to 414 per 100,000 live births in 2009 and the current address 2014/2015 stood at 360 deaths per 100,000 live births

prevalence⁴ and Anti-retroviral Drugs⁵ access and the general health financing in Kenya as was the case in the scorecard of the Ministry of Health in 2013/2014.

The two levels of government should work together to address opacity surrounding the procurement process of the health equipment. Instead of the national government hiring equipment, they should have bought and only contracted the contractors to service the equipment⁶.

Education Sector

The Jubilee Administration has scrapped examination fees and capped secondary school fees. Budgetary allocation has also been increased from 30 billion in 2013/2014 to 40 billion this year with the objective of rolling out free and compulsory primary and secondary education in the next 5 years. Government has also established the President's Secondary School Bursary Scheme, which benefits 13,050 OVCs. Overall, 500,000 households are benefitting from the 25 billion kitty.

A total of Kenya shillings 1.2 billion has been transferred to 21,458 schools for construction of ICT Hardware storage rooms, and more than 2,500 teachers have undergone ICT training. This action will provide a qualified workforce that guarantees the swift rollout of the Laptop Project.

To address existing regional disparities in accessing education and training, the Government increased the number of national schools to 103, increased the transition rate from primary school to 78%; provided free registration for examination in public primary and secondary schools. Further, the Kenya Literature Bureau (KLB) and Jomo Kenyatta Foundation (JKF) donated books to public primary, secondary schools and universities valued at Kshs.2, 720,000 and Kshs.2, 566,021 respectively⁷.

To strengthen governance in the education sector, the Government commenced review of the Basic Education Act, 2013 and development of regulations to remove overlaps and enhance efficiency and effectiveness in the management of basic education.

Recommendations

The speech has just highlighted the infrastructure being put in place for the roll out of the laptop project, yet there is no mention of how the 14 billion laptop tender irregularity will be unraveled two years on. The minister of education has been mentioned adversely, yet he is not among the cabinet secretaries in the list of shame by Ethics and Anti- Corruption Commission.

³ 2013/2014 Immunization rate is at 85% beyond the 80% WHO standards since 2009

⁴ 2013/2014 HIV prevalence has reduced from 13% to 6.5% since 2009

⁵ 2013/2014 HIV- 650,000 people are on ARVs

⁶ Machira Moses, Standard Newspaper, 15th April, 2015- The national government will utilize over 38 billion over time in hiring and maintaining these equipment. This raises the cost effectiveness of this approach compared to purchasing and contracting maintenance.

⁷ Government of Kenya, Kenya Gazette Notice No.2117, March, 2015

This year's address has no fine details on the education indicators such as the enrolment rates⁸, sanitary towel provision⁹, which makes it difficult to track progress of these important indicators in measuring access to the right to education. However, it gave statistics on number of national schools¹⁰ and Technical and Vocational Education Training¹¹.

Social Justice Sector

Safety-net Programme to transfer cash to vulnerable members of society, orphans, persons with severe disabilities, the elderly and urban poor. The government is currently supporting 35,000 self- help groups, and continues to promote social security to the aged citizens and other vulnerable groups. The Older Persons Cash Transfer program covers 164,000 households while the OVCs Cash Transfer supports 252,000 households and 27,000 persons with severe disabilities. Also the health subsidy program covers 12,000 households. The program has 30,000 principle beneficiaries registered by National Health Insurance Fund (NHIF)¹².

Recommendations

While the Cash Transfer programme is laudable, there is dire need to stem corrupt practices that has infiltrated the process of selecting needy cases. There is need to plug the gaps and tighten the identification process of potential beneficiaries

There government needs to show progression in the number of houses-holds benefiting from the safety net program as the figures have remained the same (500,000¹³ households in 2013/2014 and 2014/2015).

The social security program should give statistics on households that have been weaned out of the social security program to enable new needy households to be enrolled.

Agricultures Sectors

Agricultural sector has remained to be the backbone of our economy and will continue to be the major driver of our economy

In the 2013/2014 address, the President speech recognized the right to be free from hunger and to have adequate food of acceptable quality. An initiative to enhance the country's food security is the 10,000 Acres farm in the Galana-Kulalu Scheme being brought under irrigation

⁸ 2013/2014 President's address Enrolment are as follows; primary 10 million, Secondary 2 million and University over 300,000

⁹ 2013/2014 President's address on Provision of sanitary towels to 500,000 girls was done at a cost of 200 million. The government has set aside 500 million to provide sanitary towels for this financial year

¹⁰ GoK, Gazette Notice No.2117- Total number of national schools to 103, March 2015

¹¹ 2013/2014 to Increase the number of TVETs from current 34 to 135 from next year in 2015 moving forward

¹² 2014/2015 President's address breakdown of social justice beneficiaries 35,000 self -help groups ,The Older Persons Cash Transfer program covers 164,000 households while the OVCs Cash Transfer supports 252,000 households and 27,000 persons with severe disabilities. Also the health subsidy program covers 12,000 households

¹³ 2013/2014 President's address stated that the number of beneficiaries of social security has increased from 236,000 to 500,000

in order to shift agriculture from dependence on rain¹⁴. A soil mapping program coupled with providing subsidized farm inputs to farmers is also going on.

The model pilot farm scheme was started in partnership with the private sector, covering the initial 500 of the targeted 1.2million acres. The project will optimise productivity through an array of targeted investments in crop, livestock and fish production thereby contributing to the country's food security. Other schemes include Ngurumani in Kajiado, Mosiro in Narok, Kabaa in Machakos and Namelok in Turkana¹⁵. These schemes are meant to provide food security in Arid and Semi-Arid Lands.

In the fisheries subsector, the Government coordinated joint trans-county fisheries monitoring, control and surveillance and restocked inland natural water bodies such as Masinga, Kamburu, Kiambere dams and rivers Mara and Koitobos.

The Ministry of Agriculture, Livestock and Fisheries undertook an initiative to create Disease Free Zone (DFZ) to protect livestock from diseases and improve access to international meat market. The pilot program was designed for the proposed Bachuma Livestock Export Zone (LEZ) in Taita Taveta County. This is aimed at achieving the envisaged DFZ Vision 2030 project. Further, Kenya Tsetse and Trypanosomiasis Eradication Council (KENTTEC), is implementing the Tsetse and trypanosomiasis suppression in Faza Island and Emsos in Bogoria.

These food security programmes focuses on marginalized areas in order to improve their livelihood and living standards.

Recommendations

The government needs to address allegations of corruption that threatens to derail the Galana-Kulalu food security initiative and ensure that those responsible are charged

There is need for Kenyans to be made aware of the status of this initiative and how much resources have been lost due to graft.

While these food security initiatives are noble, the government has to transfer functions that are in the county domain to counties and also make public the resources that have been deployed in these schemes for accountability.

Water Sector

In the year 2013/2014 in his state of the nation address, the president underscored the importance of water as right, and which must be clean, safe and in adequate quantities. Government had undertaken to build water dams and pans to improve ability to store water in homes and farms.

The Government through the State Department of Water and Regional Development Authorities continued to improve access to water and sanitation. During the review period,

¹⁴ 2013/2014 Permanent Secretary for Agriculture, Livestock & fisheries address indicated that the initiative plans to put 1 million acre of land under irrigation.

¹⁵ Government of Kenya, Kenya Gazette Notice No.2117-Annual Report on Measures taken and Progress achieved in the Realization of National Values and Principles of Governance

the Government provided water and sanitation services to an additional population of 1,554,590 people raising national coverage from 66.7% to 68.2%. Further, the Ministry through Water Services Trust Fund (WSTF) and Water Service Boards (WSBs) improved water and sanitation access in underserved areas through construction of water infrastructures benefiting over 500,000 people. Further, an additional 795,294 people in urban areas have been reached with improved sanitation increasing the coverage from 70.6% in the previous period to 72.2% in the reporting period. In rural sanitation, the Ministry reached an additional 951,246 people during the period under review. This increased the access coverage in rural areas by 2.2% from 63.8% in the previous review to 66.0%.

Recommendation

In the 4th schedule of the constitution, water and sanitation is a county function, but the national government has isolated counties in performing this function by funding Regional Development Authorities to carry out county functions¹⁶. This function will be better performed by counties as they are in touch with the service delivery needs of their people.

Conclusion

In order to make the President's State of the Nation Address more structured¹⁷, informative and useful to Kenyan's, the address must highlight achievement and challenges in each sector of the economy rather than under broad themes such as good governance, transparency and accountability, Protection of the Bill of Rights among others.

The Annual Report on Measures taken and Progress achieved in the Realization of National Values and Principles of Governance should be reader friendly and published in a more accessible media. Therefore the report should be produced in an abridged format and published in a user friendly media and be free of charge rather than only in a gazette notice.

The scorecard highlights by Cabinet and Permanent Secretaries in 2013/2014 were more informative in terms of statistics for monitoring and tracking progressive realization of Economic Social and Cultural rights and for human rights based approach to development practitioners to evaluate, based on international standards on maximum availability of resources and core minimum obligation as pertains to access to these rights.

¹⁶ Roselyn Abala (April 21,2015), The Standard Newspaper- "Devolution Revolution"

¹⁷ KHRC's Ten Point Model County Awards Criteria and Scheme: A Human Rights-Centred Framework on Devolved Governance , March 12th 2015 /<http://resource.khrc.or.ke:8181/khrc/handle/123456789/157>

BIBLIOGRAPHY

1. Government of Kenya, Kenya Gazette Notice No.2117-Annual Report on Measures taken and Progress achieved in the Realization of National Values and Principles of Governance, March, 2015- Government Printers
2. Machira Moses, Standard Newspaper, 15th April, 2015- *"Counties Spent Paltry Amount of Revenue on Development"* pg.2
3. 2013/2014 President's State of the Nation address
4. Roselyn Abala (April 21,2015), The Standard Newspaper- *"Devolution Revolution"*
5. KHRC's Ten Point Model County Awards Criteria and Scheme: A Human Rights-Centred Framework on Devolved Governance , March 12th 2015
[/http://resource.khrc.or.ke:8181/khrc/handle/123456789/157](http://resource.khrc.or.ke:8181/khrc/handle/123456789/157)

Physical Address: Opp.Valley Arcarde, Gitanga Road, Lavington P.O Box 41079 -00100
Tel: +254 -20 2044545/2106709/3874998 Fax:+254-20 3874997 Tel: 0700435211
E-mail: admin@khrc.or.ke; SOyomo@khrc.or.ke; oyomos@yahoo.com Website:
www.khrc.or.ke