REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Wednesday, 7th October, 2020

The House met at the Assembly Chambers at 9.00 am.

[The Speaker (Hon. Patrick Waigwa) in the Chair]

PRAYERS

MOTION

PUBLIC PARTICIPATION REPORT ON DISASTER MANAGEMENT BILL, 2019

Hon. George Karuiru: Thank you, Mr. Speaker. Mr. Speaker, I beg to move the following motion;

THAT this Assembly adopts the Committee on Labour, Social Welfare and Community Services Public Participation report on the Laikipia County Disaster Management Bill, 2019 dated 30th September, 2020.

Mr. Speaker, I have a booklet that contains the report on the aforesaid public participation report. I just want to take Hon. Members through the report. I beg to give a reminder on the preface. Mr. Speaker, Sir, the Labour, Social Welfare and Community Services Committee was constituted by the House on 28th September 2017 and comprises of the following five members:

1. Hon. George Karuiru - Chairperson
2. Hon. Christopher Mark - Vice Chair person
3. Hon. Joseph Suge - Member
4. Hon. Irene Wachuka - Member
5. Hon. Stephen Nderitu - Member

On behalf of the Labour, Social Welfare and Community Services Committee allow me to extend my gratitude to the members of this committee for their dedication and commitment to their work. The Committee also extends its appreciation to the Office of the Speaker and the Clerk of the County Assembly for their support that has enabled the committee to participate in this duty and steer it on the path to accomplish its mandate.

INTRODUCTION

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Mr. Speaker, Sir, the Labour, Social Welfare and Community Services members were taken through the proposed bill, in which they gave their input. A notice to the public on the submission of memorandum was placed in the Standard and People Daily Newspaper on 22nd April, 2020. The advert is annexed to this report.

PUBLIC SUBMISSIONS

Mr. Speaker, Sir, the attached memoranda were received by the committee from various stakeholders and the public on the said bill. However, some of the following areas are highlighted and the possible proposed amendments;

The Sendai Framework for Disaster Risk Reduction, to which Kenya is a signatory, lays emphasis on preventing new risks, reducing existing risks and strengthening resilience. This is achieved through prevention, mitigation, preparedness, response, recovery and rehabilitation/reconstruction. The approach of managing risks in order to build resilience to disasters should be captured and reflected throughout the document.

1. Change the title of the Bill to read as; 'The Laikipia County Disaster Risk Management Bill, 2020.
2. Include the definition of Disaster Risk Management under the Interpretation clause.
3. The 2009 United Nations International Strategy for Disaster Reduction (UNISDR) Terminology for Disaster Risk Reduction provides the standard definitions for key terminologies with the aim of promoting common understanding and common usage of disaster risk reduction concepts for consistency in practice. They are the same definitions used in the National Policy for DRM in Kenya that was approved by Cabinet in May 2018. The definitions section of the Bill should align to these standards. Thus, the Bill should include the following definitions under the interpretation clause: Disaster Risk Management, Disaster Risk Reduction, Early Warning Systems, Forecast, Hazard, Prevention, Preparedness, Mitigation, Resilience, Response, Risk and Vulnerability as they are technical terms that have been used in the Bill. The definitions should be drawn from the National Disaster Risk Management Policy.
4. Section 3: Purpose of the Act- It is prudent for the Bill to spell out all the purposes for which it is created because any actions taken outside the outlined objectives will be considered *ultra vires*. The purpose of the Laikipia DRM can be expanded to include:
    a) Establish an efficient structure for the management of disasters and emergencies by promoting cooperation amongst actors with a role in disaster risk management;
    b) Enhance the capacity of communities and the county government of Laikipia to effectively manage the impacts of disasters and emergencies and to take all necessary action to prevent or minimize threats to life, health and the

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

environment from natural disasters and other emergencies;

c) Vest authority in persons to act during times of disaster and emergency in accordance with this Act, and to require the observance and implementation of directives given and initiatives taken by persons authorized under this Act;

d) Implement mechanisms to reduce risks and hazards that may cause, contribute to or exacerbate disaster or emergency situations in the county;

e) Establish the Laikipia County disaster risk management fund.

5. Section 5- Rename Laikipia County Disaster Management Fund to Laikipia County Disaster Risk Management Fund

   -Section 5(3a). The Fund shall be used for meeting the expenses for disaster preparedness, early warning systems, mitigating the impact of disasters, response, relief and reconstruction in the county after a disaster.

6. Section 7(2). To include the County Director of Meteorological Services as one of the members of the Coordinating Committee. (This will ensure the committee has forecast information relating to disasters to inform planning and resource allocation based on forecasted events).

   -Section 7(2(b). Should specify the office of the County Commissioner (This is the office in charge of coordinating disaster management activities between the National and County governments where the disasters might be requiring national assistance).

   -Section 7(3). H.E the Governor shall be the chairperson of the County Disaster Risk Coordinating Committee.

7. Section 8: Rename Disaster Management Coordination Forum to Disaster Risk Management Coordination Forum.

8. Section 10. A declaration of disaster activates plans, powers and processes that are outside the normal mode of operation and which would ordinarily be unlawful. This could provide grounds for abuse of powers. The duration for this kind of operations should be outlined. Thus, this section should clearly state:

   -the duration of the disaster that has been declared

   -the termination of a declaration (time-frame).

9. Section 11: Rename Disaster Management Master Plan to Disaster Risk Management Master Plan.

   - The Disaster Management Master Plan established under section 11 is intended to develop scenarios and build objectives, define managerial and technical actions, and test and put in

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

place potential response systems to effectively anticipate and respond to disasters. Thus, the Plan should also include information on:

(a) The comprehensive hazard profile of the County. (The Country's hazard profile will inform the allocation of resources where they are needed most.)

(b) the manner in which the mitigation measures and early warning systems shall be integrated with the development plans and projects;

(c) The roles and responsibilities of each department of the county government in relation to the measures specified. (Assigning roles to specific offices enhances accountability.)

(d) The plan shall be implemented continuously, in preparation or mitigation of disaster, in response to disaster and in recovery from disaster. The plan shall be reviewed and updated annually by the Department. (To cater for all the phases of the DRM cycle).

10. Section 14(1). The Annual Status Report that shall be prepared by the Department should also be submitted to the Assembly.

COMMITTEE'S RECOMMENDATIONS

Mr. Speaker Sir, the Labor, Social Welfare and Community Services Committee recommends that;

1. The Bill proceeds to second reading.
2. Members of the house to consider the views of the public at the Committee of the Whole House.
3. The House adopts the Labor, Social Welfare and Community Services Public Participation report on the Laikipia County Disaster Management Bill, 2019.

Mr. Speaker, through you, there is that public notice. As we had the hard times of COVID 19, it was put in the gazette as the law allows. We did a public participation and we tried to cover everybody in the Republic of Kenya and outside through the papers. Some of the submissions we had are from the crucial and critical people from Impact and Red Cross who had closely associated with the Committee of Laikipia County and all the County Assemblies of Kenya.

I think we are among the 20 County Assemblies who have put this bill in place. Mr. Speaker, the two groups are active on matters of emergencies or risk in disasters. As the report says we highlighted on the courses. The issues that transpires to disaster, their inputs are factored in. As it is clearly shown the Governor, during the formulation of the report we had not thought of who would declare the emergency in the county.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

As I have clearly read with the incorporation of the County Commissioner who is in the middle of the county and the National Government will be incorporated. The Governor being the President of the County is one called whenever we have a disaster that ought to be declared. Our County is among the risky counties. Last week there was a meeting in Laikipia North and I congratulate the Chairperson for Cohesion, Justice and Legal Matters and the team that participated because there was human conflict over land and death was experienced.

Laikipia West especially Ol Moran Ward, there have been crisis. We have had long rains that have led to crops in farms being carried away by rains. We have lost lives and livestock and these are disasters. That is why there is a clause that have been put here to think of whenever there is a disaster and even after the disaster. Mr. Speaker, this is a very noble act to put in place.

11. We have the ongoing crisis of COVID 19. We were not prepared and we had to make a Supplementary Budget to enhance the usage and to put some budgets to be able to curb and mitigate the COVID 19. When this bill is in place as a county we are going far because we will always be prepared that there is a particular budget put in place that we can follow up. Mr. Speaker, the last clause before the recommendations that "*Section 14(1), The Annual Status Report that shall be prepared by the Department should also be submitted to the Assembly."*

This is very crucial and critical because I know the last time we had a budget 138 million to curb COVID-19, we have not had a good report as a County Assembly for oversight. I hope the departments concerned will table a report on the usage of the said amounts. When we have this, it outlines very well we will be having annual reports and the accountability will be in place.

As the submissions were put across, we went through all the procedures and I beg Hon. Members to embrace this report. As you are aware, before COVID-19 we went through the first reading. This afternoon we will go for the second reading and third reading will go on procedurally. Not forgetting we all come from specific areas and if we shall be asked what our area have encountered there must be a disaster in your area.

Because my fellow Hon. Members are very positive, I hope we are all here for the welfare of our communities. If anything can happen without our knowledge there is a particular department that can be able to hold. If the Assembly have closed we will be called for an emergency meeting to put some funds for curbing a disaster that might come forth.

Mr. Speaker, I beg Hon. Members to embrace this report as we look forward to making it a law so that it can be implemented. With those few remarks I beg Hon. Christopher Mark Said to second this motion. Thank you.

Hon. Chris Mark: Thank you, Mr. Speaker. I would like to recommend the committee with the leadership of the Chair. It has been a good journey because we are going to be one of the first counties if this report is adopted by this House who will have a Disaster Management Bill. As the Constitution requires it is key we get feedback from the members of the public of this county.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

The public participation through these MOU's gave us opportunity to seal loopholes like how to ensure that the fund is utilised effectively and is not open to mismanagement. Also to make sure there is communication with different organs.

These are just some of the many things and I will not repeat what my able chair has said. I urge my colleagues to support this report. Just to add, there is a challenge I would like to raise here that has continued to happen yet we need it sorted so that we can get effective communication. When this advertisement was gazetted for people to bring in submissions, Laikipians and stakeholders suffered a lot because there is a certain email put on the papers by this County Assembly that is faulty.

It was done during this memorandum and the youth bill even after we had raised issues that the website is faulty. I don't know whether it is a miscommunication but someone somewhere in charge of advertisement should know that that email is not working. People had to come here physically yet we are trying to embrace we are in digital era. Mr. Speaker that may look like a small issue but imagine we could have gotten a lot of memorandums from people who could not have come here physically. They could have accessed the document in the website.

When we are trying to send and it kept on bouncing, we raised the issue with the able chair and it was promised that it will be sorted only for us to experience another issue when we had put an advertisement for the memorandums of the youth service bill. I know this is a very hardworking House. We will be putting things in the newspaper. We want effective communication from the audience outside. I wish this issue can be sorted out once and for all. With that said I ask Hon. Members to support this report. I second it fully. Thank you, Mr. Speaker.

(Question proposed)

Hon. Stephen Ndiritu: Asante, Bwana Spika. Nasimama hapa kuunga mkono ripoti ambayo imeletwa na Mheshimiwa Karuiru. Hii ni ripoti ambayo imekaguliwa na kamati. Kabla ya Virusi vya COVID-19 vilikuja wananchi walikuwa na nafasi nzuri ya kuandika mapendekezo yote walikuwa nayo. Sisi kama kamati, kazi yetu ni kuhakikisha Kaunti ya Laikipia iko na sheria ya usimamizi wa janga. Nafikiri hii sheria itaokoa wanalaikipia kulingana na misukosuko ambayo inaingia katika Kaunti yetu.

Watu wa Laikipia wanapata janga mara kwa mara. Wakati wa kiangazi tunaadhirika na ni vizuri kaunti ziwe zimejitayarisha kwa sababu mambo kama haya yanaweza kuleta hasara katika Kaunti. Bwana Spika, maoni ambayo tumechukua na ripoti yenyewe imeangalia mambo ambayo wananchi wangetaka ifanyiwe. Wamesema vile wangetaka Kaunti ya Laikipia ikae. Kwa hayo machache sitaongea sana kwa sababu mwenyekiti amesomea hili Bunge ripoti vizuri na amewaelezea umuhimu wa hii sheria ambayo imekuja hapa.

Naomba kamati na waheshimiwa wote ambao wako kwenye hiki kikao waungane ili tuunge hii ripoti mkono ili twende katika hatua hiyo ingine. Asante, Bwana Spika.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Hon. Peter Matunge: Thank you, Mr. Speaker. I thank the committee for a comprehensive report on the Disaster Management Bill. Mr. Speaker, mine is to support the report because disaster bill is one of the most critical bills that ought to have been done earlier. Today I am happy because the committee have done a positive and comprehensive report capturing all the recommendations of the public so that when members make the decision we will go to the next stages of the bill.

We can be able to include the suggestions of the public. Mr. Speaker, this bill captures things that may disrupt our lives because it talks of disaster and a disaster is a serious disruption of the functioning of the society resulting to loss that may affect the lives of the people. Mr. Speaker, again it went ahead to talk about the risks and this gives us the opportunity as a county to prepare the probability of having risk as a county.

The bill gives us the issues to do with response and mitigating these disasters that can happen in our counties through a prepared method. Mr. Speaker, disasters are not limited to floods and drought. Most of the time we talk about disaster, people tend to limit their minds to issues of floods and drought. In Laikipia many forms of disaster may occur because the common ones we know are drought and floods.

The bigger percentage of this county is covered by semi-arid area which means we can be affected by drought, floods and fire. We have upcoming slums in our major towns in Nanyuki and Nyahururu. We have a congested population and fire may happen. This is one of the disaster that we should be able to prepare ourselves for. The issues of road accidents and collapsing of buildings that are upcoming in Nanyuki. A building may collapse like it happened in Nairobi and this is a disaster.

We should be able to prepare as a county to fight and limit the consequences that may affect people. We should not forget diseases. Currently we are under a pandemic which is a disaster. We may have an outbreak of a disease that can affect the bigger functioning of our society. Mr. Speaker, this is an important bill and I totally concur with the committee that we should go on with it.

Mr. Speaker, I am happy because part 4, section 3 the committee has elaborated and added the objectives of the bill and one of them is; *establish an efficient structure for the management of disasters and emergencies by promoting cooperation amongst actors with a role in disaster risk management*. This means we are going to pull more resources. We are going to bring more stakeholders both private and government so that we can be able to address the disaster that may affect our county.

The other one *Enhance the capacity of communities and the county government of Laikipia to effectively manage the impacts of disasters and emergencies and to take all necessary action to prevent or minimize threats to life, health and the environment from natural disasters and other emergencies.* Mr. Speaker, when a disaster happens the most important thing for us is to reduce the impact of that disaster. For the disaster not to affect a bigger percentage of the

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

population we can be able to reduce that impact as a county.

The other one is; *vest authority in persons to act during times of disaster and emergency in accordance with this Act, and to require the observance and implementation of directives given and initiatives taken by persons authorized under this Act.* When a disaster happens in Laikipia we do not have somebody to vest authority and to work on the same but I am happy the bill is giving that authority for somebody to act on that so if any disaster happens in Laikipia we can have somebody responsible for that. The Governor and the County Commissioner will be part of that committee that is going to make decisions and pull resources to respond to mitigating further consequences of the disaster

The other one is; *implement mechanisms to reduce risks and hazards that may cause, contribute to or exacerbate disaster or emergency situations in the county*. Those are important objectives that we should include but the most important is; *establish the Laikipia County disaster risk management fund.* This is because we do not have to run a program without funds. We need resources to resources to respond to it.

Mr. Speaker, by establishing a fund this gives us an opportunity to have resources to respond to a disaster on time rather than passing emergency funds. With those few additional recommendations, I support the report of the committee. Thank you.

Hon. Joseph Suge: Thank you, Mr. Speaker. I rise in support of the report on the Laikipia County Disaster Management Bill, 2019. Mr. Speaker, allow me to first recommend the committee on the good work done led by our able chair Hon. Karuiru. The committee had to burn their mid-night oil in coming up with this public participation report.

Mr. Speaker, we are all aware of the chances that we had due to COVID-19 pandemic. We had to invite the memorandum from the public. In this report we have included and factored in all the recommendations by the members of the public. We had to invite the impact team as well as the Red Cross team who are experts in regards to disaster risk management.

Mr. Speaker, I wish to recommend on a few issues as far as the objectives of the bill. It is true that the Laikipia County has been operating since the inception of devolution without disaster risk management. We have experienced a lot of disasters in the county including floods and fire in the county. These disaster risk management is a road map that will guide the county in combating disaster and dealing with it.

In the County Budget we budget 2% to mitigate the issues of disaster. The bill will also assist as far as the requirement of the oversight by the Assembly. I support the report because it is good and I urge Hon. Members to support the same report. I believe the Chair the Chair has gone through the report and the report is good. We have factored all the requirements by the people and the citizens of the county.

On management we have structured the committee starting with the County

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*

Management Committee to ward levels. If the county will work with these committees from ward levels, we can establish and reduce the disasters from ward level. As Hon. Matunge has said, in our county we have centres which have slums coming up and with the wards committee we can open the access roads that will reduce fire in case of fire outbreak. I support the report and I urge Hon. Members to support. Thank you, Mr. Speaker.

Speaker: Hon. Members, with no other contributions this brings us to the conclusion of that debate. As you all know, this is a public participation report. It is just for our information. With those contribution, the report stands adopted. That allows the bill to proceed to the next stage but we can use the views to help in our discussions in the second reading of the bill and in the Committee of the Whole. This information that is being given to us should be able to help us there. This is a report that we do not put the question but we just discuss it and debate it as a House for us to get that information from the public. That brings us to the end of this particular motion.

ADJOURNMENT

Speaker: The sittings of this House now stands adjourned until later today Wednesday, 7th October, 2020 at 2.30 p.m.

The House rose at 9:38 a.m.

Disclaimer: *The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.*