

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 19th September, 2007

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.217*

HARASSMENT OF LICENSED BEACH  
OPERATORS IN KILIFI

**Mr. Deputy Speaker:** Hon. Members, we will start with the First Question by the Member for Bahari, Mr. Joe Khamisi.

Mr. Joe Khamisi is not there!

Question dropped!

*Question dropped*

*Question No.404*

SHORTAGE OF TEACHERS AT  
KOLANG' PRIMARY SCHOOL

**Mr. Deputy Speaker:** Next Question by Member for Muhoroni!

Prof. Olweny is not here!

Question dropped!

*Question dropped*

Next Question by the Member for Nakuru Town, Mr. Kariuki Mirugi. Is he here?

*Question No.465*

DESTRUCTION OF FLAMINGO PRIMARY  
SCHOOL ROOF BY BABOONS

**Mr. Mirugi** asked the Minister for Tourism and Wildlife:-

(a) whether he is aware that baboons destroyed the roof of Flamingo Primary School thus occasioning damage to the ceiling;

(b) whether he is further aware that monkeys and a tiger have been wrecking havoc

in Mwariki/Barut area near the park; and,

(c) when KWS will fund the reconstruction of the ceiling, compensate farmers for crop destruction and build a monkey-proof fence around the park.

**Mr. Deputy Speaker:** Mr. Mirugi, you ought to apologise first! This is the second time I am calling this Question!

**Mr. Mirugi:** Mr. Deputy Speaker, Sir, I beg to apologise for coming late.

**Mr. Deputy Speaker:** Very well! Mr. Minister for Tourism and Wildlife! Mr. Mirugi, the Minister is not here! What shall I do with your Question?

**Mr. Mirugi:** Mr. Deputy Speaker, Sir, I will request that you defer the Question, unless they walk in during Question Time!

**Mr. Deputy Speaker:** Right! Not unless--- Could I defer it to tomorrow?

**Mr. Mirugi:** Mr. Deputy Speaker, Sir, yes!

**Mr. Deputy Speaker:** The Question is, therefore, deferred until tomorrow afternoon.

*(Question deferred)*

That is the end of Question Time! Hon. Members, we have no more Questions.  
Next Order!

## MOTIONS

### ESTABLISHMENT OF NATIONAL DISASTER MANAGEMENT AUTHORITY

THAT, cognizant of the Government's past efforts in mitigating and minimizing disasters; aware that the National Disaster Operation Centre in the Office of the President lacks the capacity to effectively deal with all types of disasters; alarmed that Kenya has in the recent past been exposed to a variety of disasters including fires; highland malaria, swamp fever, floods, drought, famine, HIV/AIDS; transport accidents and terrorism leading to loss of human life, economic losses and environmental damage, noting the lack of a policy framework for an effective and comprehensive disaster management strategy and preparedness; this House grants leave to introduce a Bill for an Act of Parliament to establish an autonomous National Disaster Management Authority with the mandate and capacity to harness disaster preparedness and response.

*(Mr. Oparanya on 12.9.2007)*

*(Resumption of Debate  
interrupted on 12.9.2007)*

**Mr. Deputy Speaker:** Mr. Oparanya! I am sorry hon. Members! This Motion was moved by Mr. Oparanya. It was seconded. By the time the House adjourned, Mr. Syongo was on the Floor. He still has four minutes.

Is Mr. Syongo here to continue? Mr. Syongo is not here. Therefore, he forfeits his rights. It is open for any other Member who is willing to contribute.

Capt. Nakitare!

**Capt. Nakitare:** Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute to this Motion.

Mr. Deputy Speaker, Sir, all along, times have changed. It is an awakening call for this Government to make sure that we have a disaster operation unit in this country. When we talk about a disaster unit, we are talking about a search and rescue operation when there is a natural catastrophe like an earthquake. I was an eye witness on 2nd November, 1989, when an earthquake hit California in the United States of America (USA). I know what it means. It means that when there is an earthquake with a Richter Scale of 7.5, there is no building that can stand. There is no human being who can be rescued, unless we have disaster preparedness. Disaster preparedness does not mean having fixed industries. It means thorough training of our people, right from the schools, on how to evacuate a family of disabled, normal people, school children and babies from disasters like earthquakes. It is not standing against the wall as one hon. Member suggested the other day--- That cannot prevent a collapsing building from killing somebody. It is a matter of running away from tall buildings, tall trees and power lines.

Mr. Deputy Speaker, Sir, where did we fail? In the disaster operations that happened here in Nairobi, we have seen the cost of lack of knowledge. Even our fire-fighters are not trained. Imagine a pond in a place where people have been excavating materials for building, a person drowns and our Fire Department officers just look on. Why do we not train fire-fighters to be divers instead of waiting for personnel from Kenya Navy in Mombasa, which is over 400 kilometres away?

Mr. Deputy Speaker, Sir, that is what is meant by preparedness as opposed to establishing an office in the Office of the President to dish out money or buy food or provide tents. That calls for search and rescue. The police unit and, other uniformed personnel, should be further trained as the first responders when there is a disaster. Up to this moment, some of them have not even gone through St. John's Ambulance first aid training. They do not even know how to resuscitate a person, or rescue a person who has suffocated. They have no first aid training. That is one of the aspects of preparedness. I do not criticise the Government, but I tell them what is necessary that they have to know. Therefore, it is the duty of this House to make sure that we draw the lines and show the Government that there is light at the end of the tunnel, by bringing to the House Motions like this one by hon. Oparanya.

Mr. Deputy Speaker, Sir, when you look at our search and rescue missions, the maritime on high seas, you will realise that many people drown by the beaches. We do not have divers at hand. Most of our open beaches are left for "swim-at-your-own risk". There are no rescuers. That is one of the unpalatable situations, where we are not teaching our nation how to be prepared. When it comes to fire-fighting, we do not have auxiliary fire-fighters in this country. I talk about this because a *Jua Kali* fire-fighting auxiliary unit is required.

These are volunteers who need not belong to a fire brigade, but they respond through a fire brigade when there is a fire outbreak. They know how to rescue people from burning houses. Only this morning, our attention was drawn to the fact that two children were burnt beyond recognition in a burning house. I do not think there were people in the neighbourhood. Those are some of the preparedness aspects we need to consider. Therefore, swamping this House with information in newspapers does not help.

Mr. Deputy Speaker, Sir, we have gone through terrorism. When we try to make laws that would scare off terrorists, we get resistance from a *bona fide* group of people, in the name of human rights activists, who do not want to see this Government going by law and order. When there is a blast, how many people are vigilant, or brave, enough to rescue somebody from a bombshell? How many people have been taught how to avoid the shrapnel when there is a blast? How do they take cover? How do they rescue the people who happen to be dying? That is another area.

The other area of disaster management is on our roads. It is totally disastrous that our traffic police officers are not trained to rescue people from the wreckage of a vehicle. They do not have equipment with which to cut through a wreckage of a vehicle to remove people after an accident

has happened. Those are some of the things that we would like to line up.

Mr. Deputy Speaker, Sir, we do not need to be told about fever, malaria or HIV/AIDS. It is upon the Government to make sure that such areas are covered. We need this Bill to establish a unit which will be independent of the Office of the President, so that it can be autonomous and nationwide. Such a unit will help whenever there is a problem like the landslides we have witnessed. If we had this preparedness at the grassroots level, we would, definitely, save our people from the flooding that we are experiencing.

Another area we have not talked about is the Meteorological Department, which now has GPS technology, which can gather data that can be analyzed to establish whether there is any looming disaster. Developed countries are advantaged because they can tell when a hurricane is developing. So, they warn their people to keep off the coastline and move to higher grounds. Sometimes our Meteorological Department does not even give us a proper weather forecast.

The weather forecasting that is done by that department leaves a lot to be desired. They can tell us that it will not rain today but, in the afternoon, it may rain. What follows is that people are swept away by floods. So, we need proper equipment. That also goes for the disaster operations that we have to look into. We do not just have to look upon the uniformed officers to help us. We also have to look into the issue of provision of equipment.

So, the National Disaster Management Authority that Mr. Oparanya is asking for should be given enormous support, so that we can have this country saved from some kind of deaths.

With those few remarks, I beg to support.

**Mr. Bahari:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

I want to very sincerely thank Mr. Oparanya for bringing this Motion, because it is very timely and crucial, perhaps, to this country. Looking at the kind of infrastructure that we have in place at present to handle, or meet, the challenges of disaster in this country, I would say it is literally non-existent. In my own constituency, I have had an occasion to attend to these kinds of problems.

Mr. Deputy Speaker, Sir, there is one office in Nyayo House, which is said to be operational 24 hours a day. What we have in that office are police officers, who can only receive reports to the effect that certain things have happened somewhere. What would a police officer of the rank of a corporal do in terms of disaster management? That is the office one is directed to. That is less than lukewarm in terms of preparedness or consciousness or seriousness on the part of the Government.

When disaster strikes, the people who are affected need immediate and effective response. You need all manner of equipment. You need aircraft, boats, four-wheel-drive trucks, fire extinguishers and other types of equipment, including geysers. In the disaster management office at Nyayo House, there are Administration Police constables and corporals, who can only report the matter. I have witnessed what happens there, because my constituency has had disasters.

The problem in this country is that we want to respond to problems. We do not want to monitor situations, and ensure that those problems do not arise in the first place. We do not want to take any counter-measures. We are happier trying to respond. Even when we respond, the response is so disorganised that we end up being confused. In the process, it costs this country a lot, when we would have easily saved situations.

I am very confident that the Government is going to support this Motion and, perhaps, move with speed, and ensure that the proposed authority is established. I am sure that our people in the Office of the President must have been wondering what to do and how to move along. Even when there are no responses, we are told about the military aircraft. Of late, I know that the Kenya Wildlife Services (KWS) has been very helpful. However, I know that the KWS bought that

helicopter for the supervision of wildlife. Even when we talk to the military and the police, they tell us that their aircraft is all down. Sometimes, the response has not been that effective. This is a fact. I have been involved in these things and I know when we have these problems. I want to, very sincerely, appreciate the role the Kenya Red Cross Society has played in responding to disasters in this country. It is unbelievable that a small organisation like the Kenya Red Cross Society can effectively respond to disasters. In fact, when you talk to the Office of the President to offer assistance, they would talk to the Kenya Red Cross Society. So, there is no point of talking to them because you know where you can get help.

This Authority needs to work very closely with organisations like the Kenya Red Cross Society and many others. There are others which are based in Naivasha and they have some offices here. I know that they have the relevant equipment and they respond to disasters. Even without anybody requesting them to respond to disasters, you will find them on the site. They are very helpful.

The Authority, that is going to be established, should source its human resource from a multi-disciplinary team, which will include doctors, engineers and other professionals who can plan response to disasters. All that training is available in this country. There are people who are well qualified for those kind of activities. So, we quickly need to put this Authority in place. Even before the Authority is established, the Office of the President should put mechanisms in place that can, effectively, handle disasters.

Mr. Deputy Speaker, Sir, we are not only talking about relief food or mosquito kits, among other things. These are not the only things we are talking about. We are talking about a more serious approach to the issue of disaster. The focus must be preventiveness. In my own constituency, when we had problems of floods, I worked with the district team to ensure that the floods do not affect our trading centres. We cannot afford, every year, to fly food and drugs to flood-prone areas. At that moment, perhaps there is very little you can do. I do not know how much food you can airlift. Most of the time, it is very difficult.

Mr. Deputy Speaker, Sir, this Motion is long overdue and everything must be done, even if it means cutting into the budget of other Ministries, to ensure that the necessary tools and equipment are put in place, including human resource to ensure that this matter is tackled. Now that we are approaching the rainy season, I know that areas downstream in Tana River, Isiolo, Budalangi and other areas, are heavily flooded. It is extremely important that action is taken with the necessary speed that is required.

I beg to strongly support.

**Mr. Deputy Speaker:** Just for the guidance of hon. Members, the Motion will proceed until 10.05 a.m. The Government Responder is expected to reply at 9.35 a.m., that is ten minutes from now. The Mover will reply at 9.55 a.m. Since I will ask someone from the Government side to respond, I will ask Mr. Ligale from the Opposition side to contribute. I will then come back to the Government Responder.

**Mr. Ligale:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this important Motion. First, I want to thank hon. Oparanya for bringing this Motion which is long overdue. We have been lucky in this country that we have not had disasters of the magnitude that is felt in other countries. However, because of our own manmade activities, we are beginning to witness disasters such as the one in Budalangi and the landslides which are caused by poor methods of cultivation. There is need for us to plant trees to ensure that they do not happen.

This morning, I was watching Cable News Network (CNN) and learnt that there is a huge typhoon that has hit China, south of Shanghai. Within less than six hours, they had moved two million people from the path of the typhoon. I just wondered if we had that kind of disaster in this country, whether we would move that number of people within that period. They are able to do so

because of proper disaster preparedness. That is what we are talking about. We need to have infrastructure in place that would ensure that when disaster strikes, we are prepared, not only in terms of moving people out of arm's way, but also in ensuring that they get basic provisions in terms of rehabilitation so that when the tide has ended, they can go back to their homes without any particular problem.

When we talk about the worst disasters we have had in this country, one remembers the bomb blast that happened at the former American Embassy and the building that collapsed on Race Course Road. In both instances, we had to resort to assistance from outside this country. We had to bring in Israeli engineers and people from America to assist in rescue operations because we were not prepared.

It is time that this country established an Authority that would prevail in case such kind of disasters strike. We must put it in place. There will be disasters that will emanate from disease and natural happenings. For example, rains that have flooded our country and the typhoons that hit the Coast. Above all, most of the disasters that we are likely to encounter in the future will be due to manmade activities.

If you look at our urban development, you will see that we are increasingly not obeying by-laws. We have had several buildings collapsing in this city. I am afraid that this is going to be a major phenomenon in the future because of our own tendencies not to follow by-laws that require that we put in place buildings that have been approved by the relevant local authorities. If this is going to happen - and I am afraid that it will happen - we must be prepared to deal with that manmade disaster. There is no any other way of dealing with it other than having an Authority in place that will have the mandate, the resources and structures in place to ensure that we respond appropriately and effectively to disasters so that we are not caught unaware. That Authority cannot be dependent on the kind of activities that my brother, hon. Bahari, was talking about, where you only report to a police station at Nyayo House, where you have Administration Policemen who direct you to the Kenya Red Cross Society or another place to seek assistance. It must be an Authority that will have the mandate, full power behind it, resources and structures to respond accordingly.

So, I support very strongly, the idea of setting up the National Disaster Management Authority. The sooner we do it, the better for us. Whether we like it or not, disasters will continue to come and more so, because they are manmade inflicted, or due to lack of basic requirement or because we have put up structures that are going to collapse and hurt our people. We must ensure that this Authority is in place. I am sure that the Government will vote positively and if it does, we must try and ensure, even if within this year's budgetary allocation we cannot accommodate it, then in the future we should provide for better resources. But we need this National Disaster Management Authority like yesterday.

With those few remarks, I beg to support.

**Mr. Deputy Speaker:** Mr. Wario, you have five minutes.

**The Assistant Minister, Ministry of State for Special Programmes (Mr. Wario):** Asante, Bw. Naibu Spika kwa fursa hii. Namshukuru Mwenyezi Mungu na ninawaambia Wakenya waombe Mwenyezi Mungu ili awaepushe na gharika na jangwa la kiasili. Nasema hivyo kwa sababu sio chuo au Wizara yenye uwezo wa kushughulikia gharika au jangwa la kiasili. Kwa nini nasema haya? Kimbunga cha *Katrina* kilipogonga nchi ya Amerika, licha ya kuwa nchi hiyo ni *superpower*, walikutwa katika hali ya kutojiweza. Sio nchi, wizara au halimashauri ambayo ina uwezo wa kutatua matatizo ya jangwa la kiasili. Hata hivyo, juhudi za Shirika la Msalaba Mwekundu ni nzuri. Wameg'ang'ana mara nyingi kunapotokea kwa dharura gharika ya kiasili. Mara nyingi wamefika mahali hapo na kusaidia Wakenya. Wanastahili kupongezwa.

Bw. Naibu Spika, juzi kumetokea mafuriko. Wakati huo, maswala yanayohusiana na

jangwa yalikuwa katika Wizara yetu. Tulikimbia kwenda kuokoa maisha ya watu. Tulipofika mahali ambapo mzee fulani aliyekuwa na mbuzi - alituambia: "Iwapo nyinyi mmekuja na helikopta na hamtambeba mbuzi wangu, mniache nife hapa." Haya ni maswala mazito kuliko vile tunavyoyachukulia wakati huu. Ni heri kuwepo na rasilimali na itengwe, ili kila Wizara iwe na mipango maalumu ya kushughulikia gharika.

Lakini tukisema kwamba kutakuwa na halimashauri moja, hata iwe na ndege au pesa, sioni kama hiyo itakuwa suluhisho kwa sababu nchi nzima, kila Wizara katika Serikali inafaa iwe na kitengo cha kushughulikia jangwa la kiasili.

Kwa hayo machache, ninasema asante.

**Mr. Deputy Speaker:** Before the Government Responder, I still have some three minutes. Mr. Mwandawiro!

**Mr. Mwandawiro:** Bw. Naibu Spika, asante sana. Nafikiri kuwepo kwa mamlaka ya kupambana na majangwa ambayo yanatokana na hali ya kimaumbile ni muhimu sana. Katika dunia ya leo hamuwezi kukaa tu halafu mfikirie eti, mtatutua mambo yote na hulka kutoka kwa Mwenyezi Mungu. Mwenyezi Mungu ametupa akili na tunaishi duniani. Binadamu ana uwezo wa kujipanga hata ingawa majangwa ya kiasili ni magumu sana. Kwa mfano, hivi sasa, kuna jiwe kubwa sana ambalo limeanguka katika mji wa Peru na kuleta mambo mengine mapya kabisa. Mambo ya hulka ambazo zinatoka mbinguni zinaanguka hapa duniani. Lakini binadamu lazima awe na uwezo wa kujipanga kwa majangwa.

Miaka nenda, miaka rudi, tumeona watu wakiuliwa kule Budalangi kwa mafuriko ya maji. Ikiwa tutajitayarisha kwa mambo hayo na kuwa na mamlaka halisi, tutaendelea kujipanga nayo. Tunajua kwamba magonjwa kama UKIMWI ni majangwa ambayo tukijitayarisha na kukabiliana nayo vizuri, kulingana na maendeleo ya kisayansi na kiteknolojia ambayo binadamu ameweza kuwa nayo, tunaweza kupambana nayo na kujitayarisha kupambana na majangwa mengine. Lakini mambo hayo hayawezi kutokea kwa bahati tu. Hatuwezi kungojea majangwa yaje halafu tushtukie kama ilivyotokea wakati tulipigwa bomu hapa na maharamia wa kimataifa. Tulishtuka kwa sababu ilitokea kwa ghafla na hatukujua tutafanya nini.

Bw. Naibu Spika, lazima tuwe na mpango halisi. Na mimi ninaona ya kwamba, ili kupambana na majangwa, ni muhimu kupitisha hapa Bungeni Mswada na sheria kama hiyo, ili tuunde taasisi maalum ambayo itajifundisha kutoka pahali pengine duniani ambapo kumetokea majangwa, ili endapo jangwa litatokea, tuwe tayari. Tukiwa tayari, hata kama majangwa ni magumu sana--- Kwa sababu mengine hayawezi kuzuiliwa kisayansi au kiteknolojia. Tumeona majangwa kule Marekani na Japan ambapo kuna teknolojia ya hali ya juu, lakini wameshindwa kukabiliana nayo. Lakini, haidhuru, tutakuwa tayari zaidi na hatutakuwa tunaamka kama watu ambao hatuishi dunia ya leo ambapo sayansi na teknolojia iko juu.

Kwa hayo machache, naunga mkono.

**Mr. Deputy Speaker:** It is time for the Government Responder. Who is responding?

Mr. Munya!

**The Assistant Minister, Office of the President (Mr. Munya):** Mr. Deputy Speaker, Sir, from the outset, I would like to thank Mr. Oparanya for bringing this important Motion. It shows that we care and he also cares about lives that are sometimes lost and property that is destroyed when disasters strike. But it is important to, first of all, understand what framework we operate in as a Government, when dealing with disasters and the capacity that is already there.

After the *El Nino* rains that destroyed most of our infrastructure and caused a lot of suffering in this country, the Government responded by creating the National Disaster Operation Centre (NDOC) in 1998. This centre is manned 24 hours. So, it works 24 hours because disasters can strike any time. This centre is manned by personnel from various Ministries and various departments including the Department of Defence (DoD), Kenya Police, Ministry of Water and

Irrigation and Provincial Administration. So, it is a multi-Ministry and multi-departmental centre. It is not a centre run by one particular department, even though it operates under the Office of the President. The Office of the President is the co-ordinating centre. But you need personnel, resources and technical support from other departments to be able to respond to disasters.

Mr. Deputy Speaker, Sir, the mandate of the centre is to monitor all disasters on 24 hour basis and to mobilize national resources to combat rapid onset of disasters. It also co-ordinates disaster management activities and collaborates a network with other stakeholders in responding to disasters, either when they have happened or preventing them in case they are predicted.

Mr. Deputy Speaker, Sir, To fulfil its mandate, the NDOC performs the following roles: Co-ordinating disaster management activities at national level before, during and after a disaster; to ensure all key personnel and volunteer agencies are informed so as to activate disaster contingency plans; it also translates decisions of the National Disaster Co-ordination Committee into action and transmits instructions to relevant Ministries and departments; and, it also prepares inventory of resources and assets countrywide, for use in the event of a disaster because the resources and the assets that may be required are not at one particular place because disasters are varied. Mr.

Deputy Speaker, Sir, even if you take one centre, there is no way you can be able to bring all the resources that you might need because disasters are varied. They are not the same! It can be a fire disaster, a landslide or people drowning while they are swimming. It can be anything! It can be something that we cannot even imagine. So, it is not possible for a Government to have one centre that has all those resources. That is why you need a co-ordinating centre that can be able to mobilize resources from wherever they are at any time. Disasters can strike at any corner of the country. So, even if you have an authority at one place, how will it be able to respond within the short time that it is required, if you do not have a co-ordinating centre and one Ministry that has reach across the country like the Office of the President, specifically, the Provincial Administration that has reached the villages?

That is why the centre is manned by the Office of the President and the involvement of the Provincial Administration is very important in the timeliness of being able to respond when disasters strike. The centre also prioritizes a list of needs for donors to meet short-falls in relief supplies because sometimes the Government may not have the required resources at that particular time depending on the magnitude of the disaster. It is not just our Government, even in the United States of America (USA) when hurricane *Katrina* struck, they needed aid from outside because it was not something that was foreseen and which the Government could have been ready to handle on its own. That is why sometimes even international and local donor support is required when disasters of a big magnitude occur. The Centre also prepares evacuation plans, shelter and identifies executing agencies.

Executing agencies may differ depending on the nature of the disaster.

It also arranges clearance for aircraft, ships and even visa clearance for overseas relief personnel and agencies, if we need them, depending on the nature of disaster.

It also prepares media programmes for public information and Press briefings. It also carries out annual review, evaluation and validation of national and sectoral disaster mitigation plans with a view of improving their effectiveness and efficiency.

Mr. Deputy Speaker, Sir, from what I have said, it is very clear that managing disasters requires immense resources and expertise. The Centre, therefore, works closely with partners to fulfil its mandate. It works with the Kenya Police, the Department of Defence, Meteorological Department, Media houses, members of the public, institutions of higher learning, fire services, the United Nations (UN), Non-Governmental Organisations (NGOs), Community Based Organisations (CBOs) and any other relevant organisation that may be of use or help when disaster strikes.

Mr. Deputy Speaker, Sir, with the arrangements I have already explained, we may not need



a Bill of Parliament to establish an autonomous National Disaster Management Authority. If we create an autonomous body, it will not be able to have the capacity and legal mandate to mobilise personnel and resources from the Government and NGOs to respond to disasters.

Mr. Deputy Speaker, Sir, the Office of the President is the best placed to co-ordinate all the other Ministries, NGOs and international organisations, if need arises. An autonomous body will not be able to set up structures at the grassroots level compared to the Office of the President which has existing structures up to the sub-locations.

Mr. Deputy Speaker, Sir, the National Disaster Operation Centre, under the current set-up, has disaster committees at the provincial and district levels.

Mr. Deputy Speaker, Sir, contrary to popular opinion, the Centre has been very effective in responding to disasters from when they happen. Sometimes people require quick action. They want to see results. But in some situations, we cannot have results very quickly. If people are buried under an avalanche in case of a landslide, we have to do very meticulous work. We must be very careful in order to save lives if there are people who are alive. However, there are people who would expect us to come with bulldozers and dig up the area very fast. How can we do that without killing the people who are alive down there? Sometimes, the public gets frustrated when they see evacuation going on very slowly. That is the nature of evacuations. If a building collapses, like the one that collapsed here the other day, we want to save the lives of the people down there. So, when bringing down the building, we have to do it very slowly and carefully to make sure that the survivors are not killed in the process.

Mr. Deputy Speaker, Sir, right now, what we need is not creating an autonomous body, but strengthening the Centre. Let us give it the necessary properly trained personnel who can respond. They should be personnel of various training and expertise that is required in disaster management. Give it the necessary resources to be able to work and organise the co-ordination aspect, so that there is better co-ordination when responding to disasters.

Mr. Deputy Speaker, Sir, we also need to have long-term planning in order to prevent disasters that are preventable. Some disasters are preventable, for example, floods that we talk about all the time. Could we build dams on rivers that flood every year to harvest the water and use it for other purposes, so that it does not go and cause havoc downstream? These things can be done. Building of dykes is not a solution in itself. It is short-term, but when there are floods and the dykes cannot contain it, what do we do? We need to harvest water. There are some places that are looking for water, but cannot find it. We waste our water! We have a lot of it and need it. This long-term planning cannot be done by an Authority. It needs the effort of the entire Government.

Mr. Deputy Speaker, Sir, the other important thing we also need to do in preventing disasters is to make sure that we do not settle in areas prone to landslides. The Government is coming up with plans to make sure that people do not live in areas prone to disasters, for example, hill sides. When it rains the hills collapse and people are killed. Of course, we cannot blame the people who live there. Maybe, they do not have any other land. They do not have any other place where they can earn a livelihood. It is for the Government to come up with plans to re-settle them. Buy them land in safe places and settle them.

Mr. Deputy Speaker, Sir, on environmental degradation which is one of the key factors causing some of the disasters we are talking about, we need to give the National Environment Management Authority (NEMA) teeth to bite. We should make sure that our environment is managed properly, so that most of the disasters caused by heavy rains and water are managed. Most flooding that takes place is because where the water comes from, the environment has been degraded. Trees have been cleared from hill sides where we have sources of water. The water, therefore, does not sip through. So, environmental management is a very key aspect of the preventive aspect of disasters.

Mr. Deputy Speaker, Sir, Government authorities should make sure that houses are built properly and according to design. An authority alone cannot do that. These are responsibilities that run across the Ministries and local authorities. Everybody needs to be involved in it. Even as we support the spirit of this Motion, a national autonomous authority would not help. It is not an appropriate solution.

We oppose this Motion. We need to strengthen the Centre. We also need a clear policy which gives us a direction and the planning we need to deal with disasters. I can confirm that we have a draft Policy Paper which requires some fine-tuning and then it will be brought to the House for endorsement. That way, we will be able to strengthen the National Disaster Operation Centre to carry out the mandate that it was set up to fulfil.

With those few remarks, I urge hon. Members not to support this Motion.

**Mr. Deputy Speaker:** Mr. Oparanya, now you can reply!

**Mr. Oparanya:** Mr. Deputy Speaker, Sir, first of all, I want to thank hon. Members who contributed to this Motion. I want to thank Mr. J.M. Mutiso who seconded this Motion. Prof. Maathai, Capt. Nakitare, Messrs. Muite, Syongo, Ligale, Bahari, Wario and Mwandawiro who contributed to this Motion.

Mr. Deputy Speaker, Sir, you have heard what the Assistant Minister has said. We are not saying that the National Disaster Operation Centre (NDOC) in the Office of the President is not working well. When I moved this Motion, the Assistant Minister was not in this House. I will be happy to share the research that I have done with him. I obtained part of the information that I have from the Office of the President. There was a general feeling that NDOC, although it is there, is not effective. That is why we are saying that we need an autonomous institution that will be properly funded---

*(Mr. Munya conferred with  
other hon. Members)*

Mr. Deputy Speaker, Sir, could you protect me, please? The Assistant Minister is not listening!

**Prof. Anyang'-Nyong'o:** He is just talking!

**Mr. Oparanya:** Mr. Deputy Speaker, Sir, I am not saying that we shall have an authority that will just be in the air - an amorphous institution. I said clearly that, that institution will be under the Office of the President---

*(Mr. Munya conferred with  
other hon. Members)*

**Prof. Anyang'-Nyong'o:** On a point of order, Mr. Deputy Speaker, Sir. Mr. Oparanya is responding to the Assistant Minister's response. Is it in order for the Assistant Minister to continue discussing with his colleagues, when he should be listening to the hon. Member?

**Mr. Deputy Speaker:** Well, I do not think the Chair can police who is listening and who is not! But I expect the Assistant Minister to listen!

Continue, Mr. Oparanya!

**Mr. Oparanya:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that there is no need of setting up a separate unit. When I moved the Motion, I said that we need an institution that is independent. But because of its functions, it will still be under the Office of the President. All the institutions that we have in country, whether they are parastatals or commissions, must be under a particular Ministry. I said that when that institution is set up, it will be under the Office of the

President because of what it is supposed to do. It will need to draw its resources from the Provincial Administration. I said that, that particular institution will have branches at the grassroots up to the national level. That is from sub-locations, divisions, districts, provinces and up to the national level.

If the Assistant Minister listened to hon. Members when they were contributing to the Motion, they said that, at the moment, we do not have proper structures. We need an institution with proper structures and which can respond to disasters when they occur.

We know that some of the disasters that have happened in this country have been caused by corruption. Buildings have collapsed in River Road. Why? That is because of corruption. We know that there are laws and rules to be followed. But they are not followed. So, we need an institution that will be following some of those issues. We need an institution that will have proper resources and capacity to respond to disasters in this country.

Mr. Deputy Speaker, Sir, the compensation aspect of those who are affected by disasters is not there. That is why we need a proper policy framework so that, when there are disasters, those affected are effectively compensated.

Being a country that attained Independence 44 years ago, it is a shame that when we have a disaster, we request for sniffer dogs from Israel. How can we, at the moment, be importing dogs when we have disasters in this country? Imagine the time taken to transport a dog from Israel to this country. It takes a long time. That dog does not cost billions. If we had an institution that is looking into issues of disasters, it would set up a centre to train dogs for disaster management.

Mr. Deputy Speaker, Sir, the institution will ensure that there is proper management of the environment. We have institutions like the National Environment Management Authority (NEMA), but they are not doing their work. I have seen that somewhere along the banks of Kitisuru River, somebody is building flats. How do you allow such a thing to happen? If we had such an institution, it would ensure that proper procedures are followed and the necessary approvals are obtained before such structures are allowed to be put up.

Mr. Deputy Speaker, Sir, climate change is a reality. If we have to ensure that we prevent disasters, we have to be equipped with all the information relating to climatical changes. You remember what happened in Malava recently. Crude equipment was used to try and save the lives of the people. If we had such an authority in place, it would have responded on time. We would have saved many lives.

Mr. Deputy Speaker, Sir, I would like to take this opportunity to thank institutions like the Red Cross, which have helped to save many lives in this country, when we have disasters. I would like to request this House to support the establishment of a National Disaster Management Authority (NDMA), so that we are prepared to manage disasters when they happen in this country. It is a reality that disasters will be there and we will live with them. It is only that we do not know when they will happen.

Mr. Deputy Speaker, Sir, with those remarks, I beg to move.

*(Question put and negatived)*

#### A BILL TO AMEND HELB ACT

THAT, in view of the inequitable and unstructured distribution of loans managed by the Higher Education Loans Board for students in institutions of higher learning; aware that the funds' distribution has tended to favour students from urban areas and highly populated regions of this country; cognizant of the need to provide all young persons with equal opportunities to acquire knowledge and specialized

skills; this House grants leave for the introduction of a Bill for an Act of Parliament to amend the Higher Education Loans Board Act, Chapter 213A of the Laws of Kenya, to provide for a decentralized Constituency Higher Education Loans Scheme (CHELS) to ensure equitable distribution of loans' funds at the constituency level to students in both regular and parallel programmes studying in public and private universities and for matters incidental thereto and connected therewith.

**Mr. Deputy Speaker:** Prof. Mango is not here. Therefore, this Motion is dropped.

*(Motion dropped)*

**Mr. Deputy Speaker:** Next Order!

Mr. Mirugi is not there so the Motion is dropped!

#### INTRODUCTION OF OMBUDSMAN BILL

THAT, aware that the lack of a public office for Kenyans to report complaints for administrative actions and inactions by the Government of Kenya or its appointed agents causes anger, despondency and a feeling of powerlessness and creates fertile ground for corruption; taking into account that Kenyans need an office that would efficiently and effectively address their complaints and concerns; noting that a public watchdog established to receive and investigate public complaints against state officials would protect whistle blowers and enhance good governance, this House grants leave to introduce a Bill for an Act of Parliament entitled the "Ombudsman Bill" to provide for the creation of an independent office of the Ombudsman which will receive and investigate reports on omissions and commissions of public officials and for matters connected therewith.

*(Motion dropped)*

**Mr. Deputy Speaker:** Next Order!

#### GRANTING OF MANDATORY PAID MATERNITY LEAVE TO WOMEN EMPLOYEES IN PUBLIC/PRIVATE SECTORS

**Ms. Ndung'u:** Mr. Deputy Speaker, Sir, I beg to move:-

THAT, in view of the reproductive and productive role women play in the growth of the Kenyan economy and noting that the Government is a signatory to the resolution of the International Conference on Population and Development (ICPD) 1994; noting further that the Government has committed itself to attaining the UN Millennium Development Goals (MDGs); conscious that both women and children in this country suffer from serious post-natal health problems, this House grants leave to introduce a Bill for an Act of Parliament entitled the Employment (Amendment) Bill to amend the Employment Act, Cap.226 of the Laws of Kenya and the Regulation of Wages and Conditions of Employment Act, Cap.229, in order to grant all women employees, both in the public and private sectors, three months

mandatory paid maternity leave, excluding the annual leave and male employees two weeks paternity leave.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. Kagwima) took the Chair]*

The reasons for introducing this maternity policy are many. First, it is intended to ensure that there is no discrimination against women by punishing them for both participating in their productive roles in the economy and for their reproductive roles as mothers. Pregnancy is not an illness, yet time needs to be taken off to ensure the wellbeing of not only the mother but also of the child. The traditional roles of women have always been those of child-bearing and child-nurturing. But as we have moved into modern society, these traditional roles have changed in that, now, there are more women in full employment and who are also bread winners. Indeed, there are more women who are heads of households, including single mothers, be they widows, divorced women or simply women who are single but are now having children. Therefore, women are participating in both productive and reproductive work.

Pregnancy is not an illness but it has many health---

*(Mr. Oparanya stood up in his place)*

**The Temporary Deputy Speaker** (Mr. Kagwima): Order, Ms. Ndung'u! What is it, Mr. Oparanya?

### QUORUM

**Mr. Oparanya:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It seems there is no quorum!

**The Temporary Deputy Speaker** (Mr. Kagwima): Yes, it looks like here we have less than 30 hon. Members. Please, ring the Division Bell!

*(The Division Bell was rung)*

*[The Temporary Deputy Speaker  
(Mr. Kagwima) left the Chair]*

*[Mr. Deputy Speaker resumed the Chair]*

**Mr. Deputy Speaker:** Order, hon. Members! Please take your seats.

*(Mr. Oparanya stood up in his place)*

Could you take your seat, Mr. Oparanya?

### ADJOURNMENT

**Mr. Deputy Speaker:** Hon. Members, as you can realise it is now 10.10 a.m., and there is

no quorum in the House. Therefore, I will have to adjourn the House. Please stand up!

It is regrettable that this morning we have not performed well. There were no Questions asked or answered. We have had also to drop three Motions and now we are going to adjourn very prematurely, because of lack of quorum.

The House is, therefore, adjourned until this afternoon, Wednesday, 19th September, 2007, at 2.30 p.m.

The House rose at 10.10 a.m.