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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT- THIRD SESSION

THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL  
SECURITY

REPORT ON THE NATIONAL DISASTER MANAGEMENT AUTHORITY BILL  
(NATIONAL ASSEMBLY BILL NO. 10 OF 2019)

THE NATIONAL ASSEMBLY PAPERS L.A.D.	
DATE	19 FEB 2020 WEDNESDAY (AM)
TABLED BY:	HON PETER KALUMA FOR DC-ADMINISTRATION AND NATIONAL SECURITY
Chairman The Committee	

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FEBRUARY, 2020

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## **Chairpersons Foreword**

The Bill was read for the first time on Wednesday, 3<sup>rd</sup> April, 2019 and subsequently committed to the Committee pursuant to the provisions of Standing Order 127 (1), it is on this basis that the Committee makes this Report. The Committee on on Wednesday 10<sup>th</sup> April, 2019 put an advert on local daily newspapers inviting for comments from the public on the Bill.

I take this opportunity to thank all Members of the Committee for their input in the consideration of the National Disaster Management Authority Bill, 2019. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the National Assembly for the logistical support accorded to it during the exercise. The Committee also appreciates the role played by the media following its coverage of the proceedings, thus enhancing accountability and transparency

Pursuant to provisions of Standing Order 199 (6), and on behalf of the Departmental Committee on Administration and National Security, it is my pleasant privilege and honour to present to this House the Report of the Committee on the National Disaster Management Authority Bill, 2019.

**Hon. Paul Koinange, M.P. Chairperson**

## 1.0 PREFACE

The Departmental Committee on Administration and National Security was constituted on 14<sup>th</sup> December 2017 pursuant to provisions of Standing Orders 216(1).

1. The Committee executes its mandate in accordance with the provisions of Standing Order 216 (5), from which it draws its mandate to, inter alia;
  - a) investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments; and
  - b) study and review all legislation referred to it;
  - c) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204.
2. In executing its mandate, the Committee oversees the following Ministries and Departments:
  - i) The Ministry of Interior & Coordination of National Government
    - a) State Department of Interior
    - b) State Department of Border Control, Immigration and Registration of Persons.
    - c) State Department of Correctional Services
  - ii) The National Police Service Commission
  - iii) The Independent Policing Oversight Authority
  - iv) The Public Service Commission
3. According to Schedule II of the Standing Orders, the Committee is mandated to

Consider the following subjects:

- i) National Security;
- ii) Police Services;
- iii) Home Affairs;
- iv) Public Administration;
- v) Public Service,
- vi) Prisons;
- vii) Immigration

## 2.0 COMMITTEE MEMBERS

### Chairperson

Hon. Paul Karuga Koinange, MP  
MP for Kiambaa Constituency

**Jubilee Party**

### Vice-Chairperson

Hon. John Waluke, MP  
M.P for Sirisia Constituency

**Jubilee Party**

Hon. Wamunyinyi, Athanas Misiko  
Wafula, MP  
MP for Kanduyi Constituency  
**Ford Kenya Party**

Hon. Kaluma, George Peter Joseph, MP  
MP for Homa Bay Town Constituency  
**ODM Party**

Hon. (Dr.) Makali Mulu, MP  
MP for Kitui Central Constituency  
**Wiper Party**

Hon. Theuri George, MP  
Mp for Embakasi West Constituency  
**Jubilee Party**

Hon. Joshua Aduma Owuor, MP  
Mp for Nyakach Constituency  
**ODM Party**

Hon. Capt. (Rtd) Didmus Wekesa  
Barasa Mutua, MP  
MP for Kimilili Constituency  
**Jubilee Party**

Hon. Col. (Rtd) Geoffrey Muturi,  
King'ang'i, MP  
MP for Mbeere South Constituency  
**Jubilee Party**

Hon. Arbelle, Marselino Malimo, MP  
MP for Laisamis Constituency  
**Jubilee Party**

Hon. (Dr.) Tecla Chebet Tum, MP  
MP for Nandi County  
**Jubilee Party**

Hon. Josphat Kabinga Wachira  
Wathayu, MP  
MP for Mwea Constituency  
**Jubilee Party**

Hon. Nimrod Mbithuka Mbai, MP  
Mp for Kitui East Constituency  
**Jubilee Party**

Hon. Martin Ngunjiri Wambugu, MP  
Mp for Nyeri Town Constituency  
**Jubilee Party**

Hon. Abdi Omar Shurie, MP  
MP for Balambala Constituency  
**Jubilee Party**

Hon. Halima Mucheke Yussuf, MP  
Nominated Member  
**Jubilee Party**

Hon. Edward Oku Kaunya, MP  
MP for Teso North Constituency  
**ANC Party**

Hon. Peter Francis Masara, MP  
MP for Suna West Constituency  
**Independent Party**

Hon. Ahmed Kolosh Mohamed, MP  
MP for Wajir West Constituency  
**Jubilee Party**

## **2.1 Committee Secretariat**

The Committee is facilitated by the following Secretariat:-

Mr George Gazemba, ACArb, CPM  
**Principal Clerk Assistant**  
**Lead Clerk**

Mr. Joshua Ondari  
**Clerk Assistant**

Mr. Donald Manyala  
**Research Officer**

Ms. Brigitta Mati  
**Legal Counsel**

Mr. Yaqub Ahmed  
**Media Officer**

Mr. Edison Odhiambo  
**Fiscal Analyst**

Mr. Ian Otieno  
**Audio Officer**

## **2.2 ADOPTION OF THE COMMITTEE REPORT**

We, the undersigned Members of the Departmental Committee on Administration and National Security have, pursuant to Standing Order 199, adopted this report and appended our signatures to affirm our approval and confirm its accuracy and authenticity. (*See Attached Annexes*)

1. Hon. Paul Koinange, MP
2. Hon. John Waluke, MP (Vice-Chairperson)
3. Hon. Athanas Wamunyinyi, MP
4. Hon. George Theuri, MP
5. Hon. Peter George Kaluma, MP
6. Hon. Makali Mulu, MP
7. Hon. Didmus Wekesa Barasa Mutua, MP
8. Hon. Geoffrey Kingagi Muturi, MP
9. Hon. Marselino Malimo Arbelle, MP
10. Hon. Tecla Chebet Tum, MP
11. Hon. Josphat Kabinga Wachira, MP
12. Hon. Nimrod Mbithuka Mbai, MP
13. Hon. Martin Deric Ngunjiri Wambugu, MP
14. Hon. Abdi Omar Shurie, MP
15. Hon. Yussuf Mucheke Halima, MP
16. Hon. Peter Masara, MP
17. Hon. Ahmed Kolosh Mohammed, MP
18. Hon. Aduma Owuor, MP
19. Hon. Edward Oku Kaunya, M.P

### **3.0 BACKGROUND**

Article 109 of the Constitution states that “Parliament shall exercise its legislative power through Bills passed by Parliament and assented to by the President.

The National Disaster Management Authority Bill, 2019 was read for the first time on Wednesday 3<sup>rd</sup> April, 2019 and subsequently committed to the Committee pursuant to the provisions of Standing Order 127 (1) and report to the House.

The proposal seeks to establish an Act of Parliament to provide for the establishment of the National Disaster Management Authority.

Disaster management is a shared function assigned in the Fourth Schedule of the Constitution to both Levels of government. Paragraph 24 of Part 1 of the schedule assigns the function to the National Government whereas paragraph 12 of Part 2 assigns the same function to the County Government.

Disaster Management at the National Government level is a function assigned to a department in the Ministry of Interior and Co-ordination of Government (National Disaster Operation Centre, the National Disaster Management Unit and the Department of Special Programmes)

There is no law currently that governs disaster management at the national government level.

### **4.0 SITTINGS.**

The Committee considered the Public Service (Values and Principles) (Amendments) Bill, 2019 in its sittings held on Friday 16<sup>th</sup> August, 2019 and adopted its report on Tuesday 22<sup>nd</sup> October, 2019.



## **5.0 SUMMARY OF THE NATIONAL DISASTER MANAGEMENT AUTHORITY BILL, 2019**

The proposal seeks to establish an Act of Parliament to provide for the establishment of the National Disaster Management Authority.

**PART I (Clauses 1-2)** of the proposal provides for preliminary provisions of the Bill including the short title of the Act and the interpretation clause.

**PART II (Clauses 3-21).**

**Clause 3** establishes the National Disaster Management Authority as a body corporate and assigns it a legal person's veil.

**Clause 5** establishes the functions of the Authority.

**Clause 6** creates powers of the authority.

**Clause 8** on composition of the Board.

**Sub-clause (1)** on the membership of the Board:

**Sub-clause (2)** provide for appointment of the Chairperson by the Cabinet Secretary

**Clause 10** on term of office of Board Members: it provided for a five-year term renewable;

**PART III (Clauses 22-25)** of the proposal deals with the financial provisions. They are standard provisions for funds of state Corporations.

**PART IV (Clauses 26-27)** of the proposal deals with the respective roles of the national and county governments in disaster management.

**PART V (Clauses 28-32)** of the proposal contains miscellaneous provisions. It outlines the relevant legislation and guiding principles for the Cabinet Secretary when formulating delegated legislation, creates offences and penalties under the Bill.

**PART VI (Clause 33 35)** of the proposal deals with savings and transitional provisions.

## **6.0 CONSIDERATION OF THE NATIONAL DISASTER MANAGEMENT AUTHORITY BILL, 2019**

**PART I (Clauses 1-2)** of the proposal provides for preliminary provisions of the Bill including the short title of the Act and the interpretation clause.

**PART II (Clauses 3-21).**

**Clause 3** establishes the National Disaster Management Authority as a body corporate and assigns it a legal person's veil.

**Clause 5** establishes the functions of the Authority.

**Observation:** The proposal/functions does not provide for—

- (a) Who determines whether an event or a disaster or situation or class of event or situation is to be treated as an emergency or a disaster;
- (b) Who assesses the risk of an emergency occurring (assessment of a disaster must be done to determine its magnitude);
- (c) Who maintains plans for restitution of victims of emergencies and disasters determined to be disasters and emergencies by the Agency (is it the county government or the national government) Without clarity on this there may be duplicity and un-accountability in response to a disaster;
- (d) Which level of government will assist victims of disaster by providing relief, preventing or combating disruption, or dealing with the effects of the disaster (to avoid duplicity by levels of government);and
- (e) The bill does not provide for which entity will be first in responding to a disaster.

There is need to provide for the above issues to avoid a gap in the law.

**Clause 6** creates powers of the authority.

**Clause 8** on composition of the Board.

**Sub-clause (1)** on the membership of the Board:

- ❖ The Mwongozo guidelines provides for a maximum of nine members of the Board, the proposal proposes thirteen members;
- ❖ Mwongozo provides for at least a third membership of the Board to be independent persons who are not government or county employees.

**Sub-clause (2)** provide for appointment of the Chairperson by the Cabinet Secretary

- ❖ Mwongozo and the State Corporations Act provide for appointment of Chairpersons of state Corporations to be done by the President.
- ❖ The Composition of the Board depicts that of a Government co-ordination Committee, it's purely government, there is need to include other actors in the composition of the Board.

**Clause 10** on term of office of Board Members: it provided for a five-year term renewable;

- The term of Board members has been standard term of three years renewable
- There is need to align the same to the *Mwongozo* guidelines.

**PART III (Clauses 22-25)** of the proposal deals with the financial provisions. They are standard provisions for funds of state Corporations.

**PART IV (Clauses 26-27)** of the proposal deals with the respective roles of the national and county governments in disaster management.

**PART V (Clauses 28-32)** of the proposal contains miscellaneous provisions. It outlines the relevant legislation and guiding principles for the Cabinet Secretary when formulating delegated legislation, creates offences and penalties under the Bill.

**PART VI (Clause 33 35)** of the proposal deals with savings and transitional provisions.

The term of the Director General (provides for the DG to conclude his/her term); whereas it is good practice to transition those holding offices but should also be noted that the DG may be serving under permanent and pensionable terms. The transition should give an opportunity to the Board to recruit a DG.

## 7.0 PUBLIC PARTICIPATION

Pursuant to Article 118 of the Constitution and Standing Order 127 (3) the committee invited memoranda from the public vide a notice in the local dailies.

One of the most important features of the Country constitutional framework is the requirement of public participation in governance and other administrative activities. Specifically, the provisions of the following Articles are pertinent.

- i) Article 10 recognizes public participation as one of the national values;
- ii) Article 27 provides for equal treatment of all persons, while affirmative action in governance is provided for in Articles 54 and 56 of the Constitution;
- iii) Article 35 provides for the right of access to information held by the State or another person which is necessary for the exercise of any right or fundamental freedom;
- iv) Article 118 requires Parliament to conduct its business in an open manner and to facilitate public participation and involvement in the legislative and other business of Parliament and its committees. It also prohibits Parliament from denying the public and media access into its sittings unless there are any justifiable reasons.

The Constitution obligates the State and all State organs to ensure adequate public consultation on all public policies, legislation or any decision that is likely to impact on the people of Kenya. Failure to factor in the mandatory requirement of public participation exposes the legislative instrument or policy framework to constitutional challenges of legitimacy, hence making it actionable for unconstitutionality in a court of law.

Effective public consultation is based on principles of openness, transparency, integrity and mutual respect. The open process facilitates acceptability amongst the key stakeholders, subsequently facilitating efficient and effective implementation of the legislative instrument.

The committee put an advert on the Bill on the local dailies inviting for comments from the public.

## **8.0 CLAUSE BY CLAUSE CONSIDERATION OF THE BILL**

This part deals with the clause by clause consideration of the Bill by the Committee after taking into consideration the views of the aforementioned stakeholders.

### **CLAUSE 1- SHORT TITLE**

Clause 1 relates to the short title of the Bill.

#### **Committee observations and recommendation on clause 1**

There were no stakeholder comments received on this provision.

The Committee recommends that the Clause be agreed to as it appears in the Bill.

### **CLAUSE 2—DEFINITION OF TERMS**

Clause 2 of the Bill provides for definitions of the terms used in the Bill.

#### **Committee observations and recommendation on clause 2**

The Committee observed that —

(a) the Bill relates to disaster management and as such the definition is not provided for in the Bill; and

(b) there were no stakeholder comments received on this provision.

The Committee recommends that the Bill be amended as follows—

THAT Clause 2 of the Bill be amended by inserting the following term in its proper alphabetical sequence—

“disaster management” means a continuous and integrated multi-sectoral, multi-disciplinary process of planning and implementation of measures aimed at-

- (a) preventing or reducing the risk of disasters;
- (b) mitigating the severity or consequences of disasters;
- (c) emergency preparedness;
- (d) a rapid and effective response to disasters; and
- (e) post-disaster recovery and rehabilitation;”

#### **Justification**

***To provide for the definition of the term disaster management used in the Bill.***

### **CLAUSE 3—ESTABLISHMENT OF THE AUTHORITY**

Clause 3 provides for the establishment of an Authority to be known as the National Disaster Management Authority which is a body corporate.

**Committee observations and recommendation on clause 3**

There were no stakeholder comments received on this provision.

The Committee recommends that the Clause be agreed to as it appears in the Bill.

**CLAUSE 4—HEADQUARTERS OF THE AUTHORITY**

Clause 4 of the Bill provides for the headquarters of the Authority to be in Nairobi and establishment of other offices in counties.

**Stakeholder views**

**Disaster Mitigation Professionals Association**

Areas prone to hazards to be mapped out and departments be established in areas with higher vulnerability and susceptibility to disasters. E,g flood departments should have offices in either Migori or Tana river. This will fast track events around disaster cycle in the region.

**Committee observations and recommendation on clause 4**

The Committee observed that—

- (a) disasters are never predictable and may occur anywhere in the country;
- (b) county governments may establish their own disaster management offices and there may be duplication of roles if the Authority is to establish offices in counties; and
- (c) clause 4 (2) to be redrafted to provide for “regions in the country”.

The Committee recommends that the Bill be amended as follows—

THAT clause 4 of the Bill be amended in subclause (2) by deleting the words “in other counties” and substituting therefor the words “across the regions in the country”

**Justification**

To enable access to services of all parts of the country

**CLAUSE 5—FUNCTIONS OF THE AUTHORITY**

Clause 5 provides for the functions of the Authority.

**Stakeholder views**

**Disaster Mitigation Professionals Association**

The Association proposed that the Authority should co-ordinate activities in consultation with other stakeholders.

**Committee observations and recommendation on clause 5**

The Committee observed that Clause 5 should be redrafted to delink the performance of the Authority to be dependent on county governments. The Authority is a national government organ and it should perform its functions independent of other governments or bodies except where such functions encompass coordination of activities.

The Committee recommends that the Bill be amended as follows—

THAT Clause 5 of the Bill be amended—

- (a) in the opening statement by deleting the words “in liaison with the county governments”;
- (b) by inserting the following paragraph immediately after paragraph (b)—
  - (ba) adopt a coordinated inter-agency and inter-ministerial approach in disaster prevention, preparedness, mitigation, response and recovery activities;
  - (bb) advice the national and county governments on disaster management measures;
  - (bc) promote linkages with key ministries, community service organisations, international organisations, county, sub-county and community based disaster management entities;
  - (bd) coordinate and collaborate with relevant agencies and institutions to facilitate capacity enhancement and research in disaster related issues;
  - (be) coordinate training and research and development in fire-fighting , search and rescue ambulance services;

**Justification**

*To provide for coordination of disaster management activities at national and county level by the Authority*

**CLAUSE 6—POWERS OF THE AUTHORITY**

Clause 6 of the Bill provides for powers of the Authority.

**Committee observations and recommendation on clause 6**

The Committee observed that—

- (a) there were no stakeholder comments received on this provision; and
- (b) the clause needs to be redrafted to take into account clause 18 of the same Bill which provides for experts.

The Committee recommends that the Bill be amended as follows—

THAT Clause 6 of the Bill be amended by inserting a new paragraph immediately after paragraph (g)—

“(h) engage services of such experts in respect of any of the functions in which the experts are considered to have special competence.”

**Justification**

*to place powers of the Authority in the same clause that is clause 18 to inserted in clause 6 as paragraph (h)*

**CLAUSE 7—DELEGATION BY THE AUTHORITY**

Clause 7 of the Bill provides delegation of powers of the Authority to any committee, member, officer or agent of the Board.

**Committee observations and recommendation on clause 7**

The Committee observed that there were no stakeholder comments received on this provision.

The Committee recommends that the Clause be agreed to as it appears in the Bill.

#### **CLAUSE 8—BOARD OF THE AUTHORITY**

Clause 8 of the Bill provides for the composition of members of the Authority

##### **Stakeholder views**

##### **Disaster Mitigation Professionals Association**

The Association submitted the following—

- (a) the authority is over represented by members from the ministries and there is need to have more representatives with the expertise on disaster management activities;
- (b) provide for members who are qualified and experienced in matters of disaster management education;
- (c) provide for three fire representatives be elected from the body of other stakeholders;
- (d) provide for office bearers have qualifications and experience relating to large scale coordination management in disaster related fields;

##### **Committee observations and recommendation on clause 8**

The Committee observed that—

- (a) mwongozo and the State Corporations Act provide for appointment of Chairpersons of state Corporations to be done by the President;
- (b) mwongozo guidelines provides for a maximum of nine members of the Board, while the Bill proposes thirteen members;

The Committee recommends that Clause 8 be amended as follows—

THAT Clause 8 of the Bill be amended—

- (a) in subclause (1) by —
  - (i) deleting the words “ or their representative appointed in writing” wherever they occur;
  - (ii) deleting paragraph (h) and (k);
- (b) in subclause (2) by deleting the words “Cabinet Secretary” and substituting therefor the word “President”;
- (c) by deleting subclause 3 and substituting therefor the following new subclause —

“(3) A person shall be qualified for appointment as Chairperson if the person —

  - (a) is a citizen of Kenya;
  - (b) holds a degree from a university recognized in Kenya; and
  - (c) has knowledge and experience in disaster and emergency management of not less than three years.”
- (d) in sub clause (4) by deleting the words “or member of the Board under subsection (1) (k)”.

##### **Justification**

*To align the provision to mwongozo guidelines although the Board is peculiar in nature therefore the need include more members from the national government sector and exceed the number of persons provided in the guidelines.*



## **CLAUSE 9—VACANCY IN OFFICE**

Clause 9 of the Bill provides for vacation of office of an office holder.

### **Committee observations and recommendation on clause 9**

The Committee observed that there were no stakeholder comments received on this provision. The Committee recommends that the Clause be agreed to as it appears in the Bill.

## **CLAUSE 10—TERM OF OFFICE**

Clause 10 of the Bill provides for the term of office of the office holders.

### **Committee observations and recommendation on clause 9**

The Committee observed that—

- (a) there were no stakeholder comments received on this provision;
- (b) the term of office of Board Members is for a five-year term renewable; and
- (c) the term of Board members has been standard term of three years renewable therefore there is need to align the same to the *Mwongozo* guidelines.

The Committee recommends that Clause 9 be amended as follows—

THAT Clause 9 of the Bill be amended by deleting the words “and members appointed under section 7(1) (k) shall hold office for a term of five years” and substituting therefor the words “shall hold office for a term of three years”.

### **Justification**

#### ***To align the provision to mwongozo guidelines***

## **CLAUSES 11, 12 AND 13**

Clauses 11, 12 and 13 provide for conduct of business and affairs of the Board, Remuneration and the Director –General who is the Chief-executive officer

### **Committee observations and recommendation on clauses 11, 12 and 13**

The Committee observed that there were no stakeholder comments received on these provisions.

The Committee recommends that the Clauses be agreed to as they appear in the Bill.

## **CLAUSE 14—QUALIFICATIONS OF THE DIRECTOR GENERAL**

Clause 14 of the Bill provides for the qualifications of the Director General of the Authority.

### **Committee observations and recommendation on clause 14**

The Committee observed that—

- (a) there were no stakeholder comments received on this provision;
- (b) the bill restricts qualifications to one field that may not be readily available in the country

The Committee recommends that Clause 14 be amended as follows—

THAT Clause 14 of the Bill be amended—

- (a) by deleting paragraph (b) and substituting therefor the following new paragraph—  
“(b) holds a degree from a university recognized in Kenya;”

- (b) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) has knowledge and experience in matters related to disaster management of not less than ten years.”

### **Justification**

To open qualifications to other relevant fields related to disaster management.

### **CLAUSES 16 AND 17**

Clauses 16 and 17 provide for the removal of the Director –General and appointment of Staff respectively.

#### **Committee observations and recommendation on clauses 16 and 17**

The Committee observed that there were no stakeholder comments received on these provisions.

The Committee recommends that the Clauses be agreed to as they appear in the Bill.

### **CLAUSE 18—EXPERTS**

Clause 18 of the Bill provides the recognition of experts in disaster management.

#### **Stakeholder views**

##### **Disaster Mitigation Professionals Association**

The Association submitted that the Bill should provide for and recognize the utilization of technocrats in the wider field of disaster management and persons who are willing to contribute to the attainment of international standards that will protect the people from disaster impacts and also raise the level of faithfulness in international partners and players.

#### **Committee observations and recommendation on clause 18**

The Committee observed that—

- (a) The clause is often abused by state agencies by giving preference to experts as opposed to staff or other persons within the government that have such special competence;
- (b) Kenya, by virtue of Article 2 of the Constitution is bound to implement international obligations related to disaster management and providing for recognition of utilization if technocrats are superfluous and repetitive.

The Committee recommends that Clause 18 be amended as follows—  
THAT Clause 18 of the Bill be deleted

**Justification**

*To be provided as powers the Authority may exercise for the performance of their functions.*

**CLAUSES 19, 20 AND 21**

Clauses 19, 20 and 21 provide for the Common seal of the Authority, Protection from liability for any member of the authority, and liability for damages for persons who have caused damage in the course of duty respectively.

**Committee observations and recommendation on clauses 19, 20 and 21**

The Committee observed that there were no stakeholder comments received on these provisions.

The Committee recommends that the Clauses be agreed to as they appear in the Bill

**Clauses 22, 23 24 and 25 (Part III—Financial Provisions)**

This part provides for the standard financial provisions.

**Committee observations and recommendation on clauses 22, 23, 24 and 25**

The Committee observed that there were no stakeholder comments received on these provisions.

The Committee recommends that the Clauses be agreed to as they appear in the Bill

**Clause 26—RESPECTIVE ROLES OF NATIONAL AND COUNTY GOVERNMENTS**

This clause provides for the roles of national and county governments.

**Committee observations and recommendation on clause 26**

The Committee observed that —

- (a) there were no stakeholder comments received on these provisions;
- (b) the clause is to be amended to reflect that the Cabinet Secretary is the party involved in development of policies.

The Committee recommends that Clause 26 be amended as follows—

THAT clause 26 of the Bill be amended in subclause (3) by deleting the words “on the advice of the Authority”

**Justification**

Cabinet Secretary develops policies.

## **INSERTION OF NEW CLAUSES**

The Committee observed that the Bill does not address the following areas—

- (a) Who determines whether an event or a disaster or situation or class of event or situation is to be treated as an emergency or a disaster;
- (b) Who assesses the risk of an emergency occurring (assessment of a disaster must be done to determine its magnitude);
- (c) Who maintains plans for restitution of victims of emergencies and disasters determined to be disasters and emergencies by the Agency (is it the county government or the national government) Without clarity on this there may be duplicity and un-accountability in response to a disaster;
- (d) Which level of government will assist victims of disaster by providing relief, preventing or combating disruption, or dealing with the effects of the disaster (to avoid duplicity by levels of government);and
- (e) The bill does not provide for which entity will be first in responding to a disaster.

The Committee further recommends the insertion of the following new clauses to be incorporated in the Bill.

<p>Electronic Information System</p>	<p><b>21A. (1)</b> The Authority shall develop and maintain an electronic database containing-</p> <p>(a) particulars of—</p> <ul style="list-style-type: none"> <li>(i) national, county organs involved in disaster management;</li> <li>(ii) non-governmental organisations involved in disaster management;</li> <li>(iii) disaster management experts;</li> <li>(iv) private sector organisations with specialised equipment, skills or knowledge relevant to disaster management;</li> <li>(v) private sector voluntary agencies involved in disaster management; and</li> <li>(vi) foreign non-governmental organisations and international organisations involved in disaster management;</li> </ul> <p>(b) in coordination with the Bureau of Statistics, information concerning disaster including information on—</p> <ul style="list-style-type: none"> <li>(i) phenomena, occurrences, activities and circumstances that cause or aggravate disasters;</li> <li>(ii) risk factors underlying disasters and ways and means to reduce such risks;</li> <li>(iii) disaggregated data on disaster loss and damage showing the type of disaster, type of impact and its gender, age geographical disaggregation dimensions;</li> <li>(iv) recurring occurrences that result in loss, but which are not classified as disasters under this act;</li> <li>(v) prevention and mitigation;</li> <li>(vi) early warning system;</li> <li>(vii) areas and communities that are particularly vulnerable to disasters; and</li> </ul>
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	<p>(viii) traditional knowledge relating to disaster management;</p> <p>(c) the directory of role-players referred to in subsection(1)(a)and the names and particulars of their respective contact persons;</p> <p>(d)emergency preparedness, response and recovery resources and capacity in the national and county governments and in the non-government sectors, including the location and size of, and other relevant information relating to-</p> <p>(i) police stations;</p> <p>(ii) hospitals clinics and other health facilities;</p> <p>(iii) emergency medical services;</p> <p>(iv) public buildings and other facilities that maybe used as emergency shelters or hospitals in the event of a disaster;</p> <p>(v) fire-fighting services;</p> <p>(vi) airports, airstrips, harbours, and railway stations; and</p> <p>(vii) any other critical infrastructure including power stations, power distribution networks and water reservoirs</p> <p>(f) emergency response resources and capacity in neighbouring states and relevant international relief agencies;</p> <p>(g) emergency preparedness in the different spheres of government;</p> <p>(h) each disaster classified by the authority;</p> <p>(i) disaster management research and training facilities.</p> <p>(3) The Authority shall ensure that the data base is accessible.</p> <p>(4)Despite subsection (3) the Authority-</p> <p>(a)shall-</p> <p>(i) establish security safeguards to ensure that access to the information on the database does not violate the right of the subject of information to privacy;</p> <p>(ii) on request by the subject of information on the database,</p>
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	<p>immediately redact or restrict access to the information; and</p> <p>(b) may classify parts of the database as restricted areas and limit access to those parts to authorised persons.</p>
<p>Disaster Management Plans</p>	<p><b>21B.</b>The Authority shall-</p> <p>(a)develop and regularly review a National disaster Management plan and strategy for organs of state and other institutional role-players involved in disaster management;</p> <p>(b)collaborate with the counties in coordinating the implementation of the policies, plans and strategies; and</p> <p>(c) develop guidelines for the integration of the concept and principles of disaster management in national and county integrated development plans, protocols, programmes and initiatives; and</p> <p>(d)mainstream gender issues in the plans and strategies.</p> <p>(2)The national disaster management plan and strategy shall include information on-</p> <p>(a)measures to be taken for the prevention and response to disasters and the mitigation of their effects;</p> <p>(b)measures to be taken for preparedness and capacity building to effectively respond to any impending disaster;</p> <p>(c)minimum requirements for the provision of shelter, food, drinking water, medical services and sanitation in relief camps;</p> <p>(d)roles and responsibilities of different Ministries, county governments, and relief agencies in respect of measures specified in paragraph(a),(b),and(c);and</p> <p>(e) any other matter relevant to disaster management.</p> <p>(3)In developing and reviewing a disaster management plan under subsection(1),the Authority shall collaborate with departments, agencies and institutions involved in the implementation of the development plans and the leaders involved in the oversight of the implementation of the development plans.</p>

<p>Classification of Disasters</p>	<p><b>21C.(1)</b>When a disastrous event occurs or threatens to occur, the Authority shall determine whether the event is a disaster under this Act, and if so, immediately-</p> <p>(a) assess the magnitude and severity or potential magnitude and severity of the disaster;</p> <p>(b) classify the disaster as a county or national disaster in accordance with subsections(4),(5)and(6);and</p> <p>(c) record the prescribed particulars concerning the disaster in the prescribed register.</p> <p>(2) When assessing the magnitude and severity or potential magnitude and severity of a disaster, the Authority-</p> <p>(a) shall consider information and recommendations concerning the disaster received from a County Committee;and</p> <p>(b) may enlist the assistance of an independent assessor to evaluate the disaster on site.</p> <p>(3)The Authority may reclassify a disaster classified under subsection (1) (b) at any time after consultation with the relevant County Committee if the magnitude and severity or potential magnitude and severity of the disaster differs from the initial assessment.</p> <p>(4)A disaster is a county disaster if-</p> <p>(a)it affects a single county; and</p> <p>(b)the county concerned is able to effectively manage it.</p> <p>(5)A disaster is a national disaster if it affects-</p> <p>(a)more than one county; or</p> <p>(b)a single county which is unable to effectively manage it.</p> <p>(6)Until a disaster is classified by the Authority, it shall be deemed a county disaster.</p> <p>(7)Despite the classification of a disaster under this section designating primary responsibility for managing a disaster to a particular level of government, the two levels of government may</p>
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	assist each other in managing the disaster.
Declaration of a state of emergency due to disaster.	21D. In the event of a national disaster, the president may, pursuant to Article 58 of the Constitution, by notice in the Gazette, declare a state of emergency.

**Insertion of a new Part IVA**

The Committee recommends the insertion of new Part IVA that provides for the roles of County government in relation to disaster management.

**PART IVA—COUNTY DISASTER MANAGEMENT**

Establishment of county disaster management committee.	<p>27A.(1) There is established, for each county, a County Disaster Management Disaster Management Committee comprising-</p> <ul style="list-style-type: none"> <li>(a) the governor of the county, or a representative appointed in writing by the governor who shall be its Chairperson;</li> <li>(b) the county executive member responsible for matters relating to disaster management, who shall be its secretary;</li> <li>(c) the county executive member responsible for matters relating to finance;</li> <li>(d) the county executive member responsible for matters relating to health;</li> <li>(e) the county executive member responsible for matters relating to information;</li> <li>(f) the county executive member responsible for matters relating to environment;</li> <li>(g) the County Commissioner;</li> <li>(h) the County Police Commander;</li> </ul> <p>(2) The members of a County Committee shall elect one of the members appointed to be the vice-chairperson of the County Committee.</p>
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	<p>(3)A member of a County Committee appointed under paragraphs (a) of subsection (1) shall serve for a term of three years, renewable for one further term.</p> <p>(4)The members of a County Committee shall serve on a part-time basis and shall be paid such allowances as may be determined by the county government in consultation with the Salaries and Remuneration Commission.</p>
<p>Functions of a County Committee.</p>	<p>27B.(1)A County Committee shall-</p> <ul style="list-style-type: none"> <li>(a)advise the county government on matters relating to disaster management;</li> <li>(b) serve as the central agency in the implementation of disaster management activities in the respective county;</li> <li>(c)establish and implement a county early warning and emergency communication strategy that is in line with the national early warning and emergency communication strategy;</li> <li>(d)formulate the county disaster management plans and policy in line with the national plan and policy;</li> <li>(e)promote civic education and public awareness,training and capacity building on disaster management in the county including in schools;</li> <li>(f)make recommendations to the county government regarding all financial matters in relation to disaster management;</li> <li>(g)promote an integrated and coordinated approach to disaster management in the county, with special emphasis: on prevention, mitigation preparedness, response and recovery by other role- players involved in disaster management in the county;</li> <li>(h)collaborate with the national government, relevant agencies and leaders involved in overseeing disaster management in the county, on matters relating to disaster management; <ul style="list-style-type: none"> <li>(i) act as a repository of, and conduit for, information concerning- <ul style="list-style-type: none"> <li>(i) damage and loss arising from disasters;</li> <li>(ii) impending disasters; and</li> <li>(iii)disaster management in the county;</li> </ul> </li> </ul> </li> <li>g) act as an advisory and consultative body on issues concerning disasters and disaster management in the county to- <ul style="list-style-type: none"> <li>(i)state organs;</li> </ul> </li> </ul>

	<p>(ii)the private sector and non- governmental organisations; and</p> <p>(iii) community based organisations, indigenous groups, communities and individuals;</p> <p>(k)initiate and facilitate efforts to make funding of disaster management in the county available;</p> <p>(l)promote research into the aspects of disaster management at the county; and</p> <p>(m) devolve disaster management measures and structures to sub-county and village level.</p> <p>(2)The county executive committee member responsible for disaster management within the county shall, within fourteen days of the preparation of a county disaster management plan, submit to the clerk of the county assembly, a copy of the disaster management plan for tabling before, and approval by the county assembly.</p> <p>(3)The county executive committee member shall, once the county disaster management plan is approved, circulate, publish and publicise the plan, to the residents of the county, through such means as the county executive committee member may consider necessary.</p>
Powers of County Committee.	<p>27C. (1)A County Committee shall have all the powers necessary for the proper performance of its functions under this Act, and, in particular, but without prejudice to the generality of the foregoing, the Committee shall have power-</p> <p>(a) receive any grants, gifts, donations or endowments and to make legitimate disbursements there from;</p> <p>(b) delegate some of its powers to a public officer;</p> <p>(c) undertake any activity necessary for the execution of any of its functions; and</p> <p>(d)to enter premises to secure the supply of water, access a disaster area or for any other purpose related to disaster prevention or response.</p>
Vacation of office.	<p>27D.The office of a member of a County Committee shall become vacant if the member-</p> <p>(a) resigns by issuing notice in writing addressed to the County Executive;</p> <p>(b) is absent from three consecutive meetings of the County Committee without the permission of the chairperson;</p> <p>(c)is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;</p> <p>(d)is convicted of an offence that constitutes a serious violation of Chapter Six of the Constitution;</p> <p>(e)is unable, by reason of mental or physical infirmity, to discharge his or her functions; or</p>

	(f)dies.
Conduct of business and affairs of a County Committee.	27E.The conduct of the business and affairs of County Committee shall be as provided in the Second Schedule, but subject thereto the Committee may regulate its own procedure.
Procedure during disaster events.	27F.(1)When a disastrous event occurs or threatens to occur in a county, a County Committee shall determine whether the event is a disaster under this Act, and, if so, immediately-  (a)initiate the implementation of the county disaster management plan and emergency procedure;  (b)initiate efforts to assess the magnitude and severity or potential magnitude and severity of the disaster;and  (c)inform the Authority of the disaster and its initial assessment of the magnitude and severity or potential magnitude and severity of t (2)When informing the ,Authority ,in terms of subsection(1)(c),the County Committee may recommend the appropriate classification ,of the disaster.
Annual report to County Assembly.	27G.A County Committee shall prepare and submit its annual report to the county assembly on-  (a)its activities during the year;  (b)results of its monitoring of prevention and mitigation initiatives;  (c)disasters that occurred during the year in the county together with information on-  (i) their classification, magnitude and severity;  (ii)the effects they had;  (iii)problems experienced in dealing with the disasters;  (d) progress on the preparation and regular updating of disaster management plans and strategies in the county;and  (e) an evaluation of the implementation of disaster management plans and strategies in the county.

<p>County Committee may make regulations.</p>	<p>27H.A county executive committee member may,for the purposes of managing a disaster,and with the approval of the county assembly,make regulations for-</p> <ul style="list-style-type: none"> <li>(a) measures for disaster prevention, mitigation,preparedness,response and recovery;</li> <li>(b)collection and publication of data relating to disaster management</li> <li>(c) use of listed premises as shelters to manage a disaster;</li> <li>(d)activation of a disaster response plan; or</li> <li>(e) conduct public awareness and civic education on disaster management.</li> </ul>
<p>Fire disaster management system.</p>	<p>27 (I) (1)Each county exccutive committce member shall be responsible for the development and implementation of a fire disaster management system and shall for this purpose-</p> <ul style="list-style-type: none"> <li>(a)establish an effective fire management system for the prevention and management of fire disasters in the respective county;</li> <li>(b)ensure the provision of adequate personnel and equipment for the prevention and management of fire disasters in the county;</li> <li>(c)provide adequate information and carry out sensitization programmes on the prevention and management of fire disasters;</li> <li>(d)put in place an effective mechanism for fire rescue services; and</li> <li>(e)do such other thing necessary for the effective implementation of a fire disaster management system.</li> </ul> <p>(2)The county executive committee member shall,in the performance of the functions under subsection (1)-</p> <ul style="list-style-type: none"> <li>(a)adopt a multi-disciplinary and multi-sectoral approach in firefighting;</li> <li>(b)factor in climate variations into firefighting;</li> <li>(c)disseminate information on firefighting;</li> <li>(d)establish and encourage volunteer community firefighting initiatives; and</li> <li>(e) be guided by the national values and principles of governance as set out under Article 10 of the Constitution.</li> </ul> <p>(3) Each county government shall enact legislation for the implementation of fire disaster management system in their respective county.</p>

## **9.0 COMMITTEE OBSERVATIONS**

1. The proposal seeks to establish an Act of Parliament to provide for the establishment of the National Disaster Management Authority.
2. Disaster management is a shared function assigned in the Fourth Schedule of the Constitution to both Levels of government. Paragraph 24 of Part 1 of the schedule assigns the function to the National Government whereas paragraph 12 of Part 2 assigns the same function to the County Government.

## 10.0 COMMITTEE RECOMMENDATIONS

The Committee having considered the National Disaster Management Authority Bill, 2019 will be proposing following amendments-

**Clause 5** should be amended to provide for—

- (f) Who determines whether an event or a disaster or situation or class of event or situation is to be treated as an emergency or a disaster;
- (g) Who assesses the risk of an emergency occurring (assessment of a disaster must be done to determine its magnitude);
- (h) Who maintains plans for restitution of victims of emergencies and disasters determined to be disasters and emergencies by the Agency (is it the county government or the national government) Without clarity on this there may be duplicity and un-accountability in response to a disaster;
- (i) Which level of government will assist victims of disaster by providing relief, preventing or combating disruption, or dealing with the effects of the disaster (to avoid duplicity by levels of government);and
- (j) Which entity will be first in responding to a disaster.

### **Clause 8**

By deleting Clause 8(b) and substituting the following new paragraph—

(b) the Principal Secretary in the Ministry responsible for coordination of National Government or representative of the same rank appointed in writing.

**Rationale:** *this is to ensure that junior officers are not sent to represent the Principal Secretary in such meetings.*

**Clause 8** is amended by deleting sub-clause 8(h) and (k)

**Rationale:** *This is to comply with Mwongozo guidelines which provides for a maximum of nine members of the Board*

### **Clause 10**

By deleting Clause 10 and substituting the following new paragraph—

- (a) The Chairperson and Members appointed under section 7(1)(k) shall hold office for a term of three (3) years renewable for one other term.

**Rationale:** *The term of Board members has been standard term of three years renewable.*

**Clause 14**

By deleting Clause 14(b) and substituting the following new paragraph—

(b) Holds relevant post graduate qualification

**Rationale:** *this will allow other qualified people from relevant field to apply for the position.*

SIGNED..........

HON. (HON. PAUL KOINANGE, MP)

(CHAIRPERSON)

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

DATE.....*19/1/2020*.....



REPUBLIC OF KENYA



NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITY

ATTENDANCE SCHEDULE


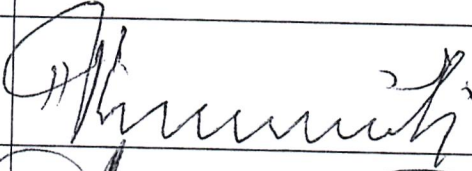
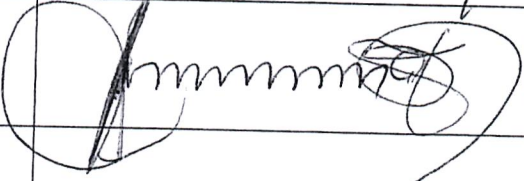

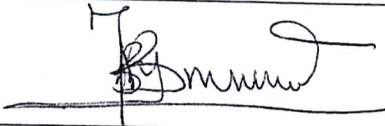
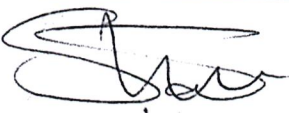

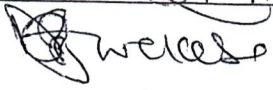
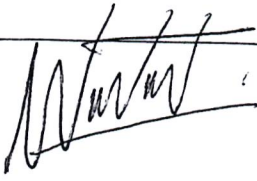
DATE: 29<sup>th</sup> October, 2019



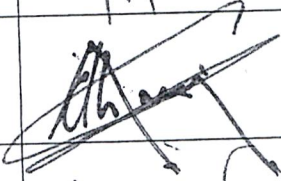
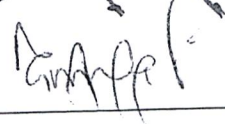
TIME: 11.00 a.m.


VENUE: Boardroom on 11<sup>th</sup> Floor, Protection House

AGENDA: Adoption of the following reports on bills:

- a. The Public Service (Values & Principles) (Amendment) Bill, 2019
- b. The National Disaster Management Authority Bill, 2019
- c. The County Government (Amendment) Bill, 2018

NO.	NAME	SIGNATURE
1.	Hon. Paul Koinange, MP - Chairperson	
2.	Hon. John Waluke, MP - Vice Chairperson	
3.	Hon. Wafula Wamunyinyi, MP	
4.	Hon. George Peter Kaluma, MP	
5.	Hon. Dr. Makali Mulu, MP	
6.	Hon. George Theuri, MP	
7.	Hon. Aduma Owuor, MP	
8.	Hon. Didmus Wekesa Barasa Mutua, MP	
9.	Hon. Geoffrey Kingagi Muturi, MP	

10.	Hon. Marselino Malimo Arbelle, MP	
11.	Hon. Dr. Tecla Chebet Tum, MP	
12.	Hon. Josphat Kabinga Wachira, MP	
13.	Hon. Nimrod Mbithuka Mbai, MP	
14.	Hon. Ngunjiri Wambugu, MP	
15.	Hon. Abdi Omar Shurie, MP	
16.	Hon. Halima Mucheke, MP	
17.	Hon. Peter Masara, MP	
18.	Hon. Oku Kaunya, MP	
19.	Hon. Ahmed Kolosh Mohamed, MP	

Signed..........Date.....29/10/19.....  
George Gazemba, ACI Arb, CPM,  
Principal Clerk Assistant,  
Departmental Committee on Administration and National Security.

Signed..........Date.....21/11/19.....  
Florence Atenyo-Abonyo,  
Director, Committee Services.

**MINUTES OF THE FIFTIETH (50) SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON TUESDAY, 29<sup>TH</sup> OCTOBER, 2019 AT 10.00 A.M. IN THE BOARDROOM ON 11<sup>TH</sup> FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS**

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**PRESENT**

1. Hon. Paul Koinange, MP - *Chairperson*
2. Hon. John Waluke, MP - *Vice – Chairperson*
3. Hon. Wafula Wamunyinyi, MP
4. Hon. Peter George Kaluma, MP
5. Hon. Dr. Makali Mulu, MP
6. Hon. George Theuri, MP
7. Hon. Aduma Owuor, MP
8. Hon. Peter Masara, MP
9. Hon. Oku Kaunya, MP
10. Hon. Ahmed Kolosh Mohamed, MP
11. Hon. Dr. Tecla Chebet Tum, MP
12. Hon. Didmus Wekesa Barasa Mutua, MP
13. Hon. Geoffrey Kingagi Muturi, MP

**ABSENT**

1. Hon. Abdi Omar Shurie, MP
2. Hon. Ngunjiri Wambugu, MP
3. Hon. Josphat Kabinga Wachira, MP
4. Hon. Halima Muccheke, MP
5. Hon. Marselino Malimo Arbelle, MP
6. Hon. Nimrod Mbithuka Mbai, MP

**IN ATTENDANCE**

**COMMITTEE SECRETARIAT-**

1. Mr. George Gazemba - Principal Clerk Assistant II
2. Mr. Joshua Ondari - Clerk Assistant
3. Mr. Donald Manyala - Research Assistant
4. Mr. Josphat Bundotich - Senior Serjeant-At-Arms
5. Mr. Ian Otieno - Audio Officer
6. Mr. James Oloo - Support Staff

**MIN No.175 /2019:-**

**PRELIMINARIES**

The chairperson officially welcomed Members to the meeting at 10.30 a.m. after prayers were said.

**MIN No.176 /2019:-**

**CONFIRMATION OF MINUTES**

1. Minutes of the 42<sup>nd</sup> sitting held on Friday, 27<sup>th</sup> September, 2019 were confirmed as a true record of the deliberations having been proposed and seconded by the Hon. Peter Kaluma, MP and the Hon. Peter Masara, MP respectively.
2. Minutes of the 43<sup>rd</sup> sitting held on Friday, 27<sup>th</sup> September, 2019 were confirmed as a true record of the deliberations having been proposed and seconded by the Hon. John Waluke – Vice-Chairperson, MP and the Hon. Oku Kaunya, MP respectively.
3. Minutes of the 44<sup>th</sup> sitting held on Tuesday, 15<sup>th</sup> October, 2019 were confirmed as a true record of the deliberations having been proposed and seconded by the Hon. Peter Kaluma, MP and the Hon. Wafula Wamunyinyi, MP respectively.
4. Minutes of the 45<sup>th</sup> sitting held on Thursday, 17<sup>th</sup> October, 2019 were confirmed as a true record of the deliberations having been proposed and seconded by the Hon. Peter Kaluma, MP and the Hon. Peter Masara, MP respectively.
5. Minutes of the 46<sup>th</sup> sitting held on Saturday, 19<sup>th</sup> October, 2019 were confirmed as a true record of the deliberations having been proposed and seconded by the Hon. Oku Kaunya, MP and the Hon. John Waluke – Vice-Chairperson, MP respectively.
6. Minutes of the 47<sup>th</sup> sitting held on Tuesday, 22<sup>nd</sup> October, 2019 were confirmed as a true record of the deliberations having been proposed and seconded by the Hon. Dr. Tecla Tum, MP and the Hon. Peter Kaluma, MP respectively.

**MIN No. 177/2019:-**

**ADOPTION OF THE REPORTS ON BILLS**

**Report on the County Governments (Amendment) Bill (Senate Bill No. 13 of 2018)**

The report was unanimously adopted by the Committee after having been proposed and seconded by the Hon. Peter Masara, MP and the Hon. Peter Kaluma, MP respectively.

**Report on the National Disaster Management Authority Bill, 2019**

The report was unanimously adopted by the Committee after having been proposed and seconded by the Hon. John Waluke, MP –Vice-Chairperson and the Hon. Wafula Wamunyinyi, MP respectively.

**Report on the Public Service (Values & Principles) (Amendment) Bill, 2019**

The report was unanimously adopted by the Committee after having been proposed and seconded by the Hon. Oku Kaunya and the Hon. Peter Kaluma, MP respectively.

**MIN No.178 /2019:-**

**ADJOURNMENT**

There being no other business to transact, the meeting was adjourned at noon until a date and time to be communicated to Members.

Signed.....  
Chairperson

Date.....5<sup>th</sup> Dec 2019

Politics. Voters consider "King Bibi" versus "Bibi fatigue"

# Israelis vote to decide on PM's record reign

Novice ex-general Gantz could stop fifth term for Netanyahu.

By Reuters  
Jerusalem

Israelis voted yesterday in an election that could hand right-wing Prime Minister Benjamin Netanyahu a record fifth term or see him dethroned by an ex-general who has pledged clean government and social cohesion.

During the campaign leading up to polling day, the rival parties waged a vitriolic online battle, accusing each other of corruption, fostering 'gotry and being soft on security.

Mr Netanyahu's closest rival in the campaign was Benny Gantz, a former chief of the armed forces. Mr Gantz's centrist Blue and White party, which includes other former



A combination picture shows Benny Gantz (left), leader of Blue and White party voting at a polling station in Rosh Ha'ayin and Israel's Prime Minister Benjamin Netanyahu voting at a polling station in Jerusalem, yesterday. [Reuters]

generals, has challenged Netanyahu's hitherto unrivalled national security credentials.

After an election eve visit to the Western Wall, Netanyahu, 69, voted at a polling station in Jerusalem yesterday morning, accompanied by his wife, Sara.

"This is truly the essence of democracy and we should be

blessed with it," he said, shaking hands with election officials and posing for selfies. "With God's help the State of Israel will prevail. Thank you very much. Go to vote."

Casting his vote in Rosh Ha'ayin near Tel Aviv, Gantz, 59, said: "This is a day of hope, a day of unity. I look into eve-

ryone's eyes and know that we can connect."

After the election Israel's president, Reuven Rivlin, will consult the leaders of every party represented in the Knesset and select the person he believes has the best chance of forming a government.

Polling stations opened at 7am (0400 GMT) across the country and closed at 10pm (1900 GMT). The victor may not be decided immediately. No party has ever won an outright majority in the 120-seat parliament, meaning days or even weeks of coalition negotiations lie ahead.

One factor may be the turnout of voters from Israel's 21 per cent Arab minority. Many were angered by Israel's nation-state law, passed in 2018, which declared that only Jews have the right of self-determination in the country. Netanyahu supported the legislation.

## In Brief

### India. 11 million face eviction, displacement

At least 11 million people in India risk being uprooted from

their homes and land as authorities build highways and airports and cordon off forests, activists said yesterday, undermining a Government push to provide housing for all citizens by 2022. The estimate includes about 1.9 million indigenous families whose land claims under the Forest Rights Act have been rejected, said advocacy group Housing and Land Rights Network. Last year, authorities demolished at least 114 houses every day, evicting about 23 people every hour. [Reuters]

### Brussels. Bloc faces resistant China for talks

Chinese Premier Li Keqiang and EU institution leaders met in Brussels yesterday for an annual EU-China summit that the bloc has seized on to pressure Beijing over trade and investment. After years of offering free access to its markets, the EU is losing patience with the slow pace of Beijing's own market liberalisation. It is also growing concerned over

state-led Chinese companies' dominance of some EU markets and acquisitions of strategic industries. European Commission President Jean-Claude Juncker said the summit "would not be simple". "We will explain that in Europe we are insisting that European firms in China should enjoy the same rights as Chinese firms in Europe," he said in a speech before the meeting. EU's newly assertive stance has made it difficult to agree a final summit declaration. [Reuters]

### US. Pompeo bars 16 Saudis from entry

US Secretary of State Mike Pompeo has banned 16 Saudi from entering the United States over the death of Saudi journalist Jamal Khashoggi, the US State Department has said. In a

statement, the State Department said that Mr Pompeo was publicly designating the individuals "for their roles in the murder of Jamal Khashoggi". Mr Khashoggi was murdered inside the Saudi consulate in Turkey's Istanbul in October 2018. Riyadh initially denied any knowledge of the killing. [Xinhua]

## REPUBLIC OF KENYA



### THE NATIONAL ASSEMBLY TWELFTH PARLIAMENT - THIRD SESSION

In the matters of consideration by the National Assembly:-

1. The Narcotics Drugs and Psychotropic Substances (Control) (Amendment) Bill (National Assembly Bill, 2019)
2. The National Disaster Management (Authority) Bill (National Assembly Bill, 2019)

### SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The Narcotics Drugs and Psychotropic Substances (Control) (Amendment) Bill, 2019 seeks to amend the Narcotics Drugs and Psychotropic Substances (Control) Act. No. 4 of 1994 in order to enhance the penalties of the offence of trafficking narcotic drugs; define who law enforcement officers are in respect to the Act; and prescribe offences for a law enforcement officer who aids or abets or is an accessory to any offence under the Act.

The National Disaster Management (Authority) Bill (National Assembly Bill, 2019) seeks to establish a centralized system of responding to and managing disasters in the country.

The above mentioned Bills have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Departmental Committee on Administration and National Security for consideration and thereafter report to the House.

Pursuant to Article 118 (1)(b) of the Constitution and Standing Order 127, the Committee invites interested members of the public to submit any representations they may have on the said Bills. The Submissions may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Building, Nairobi; or emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke); to be received on or before Tuesday, 16<sup>th</sup> April, 2019 at 5:00 pm.

MICHAEL SIALAI, EBS  
CLERK OF THE NATIONAL ASSEMBLY

## REPUBLIC OF KENYA



### THE NATIONAL ASSEMBLY TWELFTH PARLIAMENT - THIRD SESSION

In the matters of consideration by the National Assembly:-

1. The Employment (Amendment) Bill (National Assembly Bill, 2019)
2. The National Cohesion and Integration (Amendment) Bill (National Assembly Bill, 2019)

### SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and of Parliament and its Committees". The National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The Employment (Amendment) Bill (National Assembly Bill, 2019) seeks to amend the Employment Act, 2007 in order to afford pre-adoptive leave to parents who apply for the adoption of children who are not their natural children born to them by birth.

The National Cohesion and Integration (Amendment) Bill (National Assembly Bill, 2019) seeks to amend section 17 of the National Cohesion and Integration Act, 2008 which deals with the procedure of appointing Commissioners.

The above mentioned Bills have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Departmental Committee on Labour & Social Welfare and the Select Committee on National Cohesion & Equal Opportunity respectively for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the respective Committees invite members of the Public to submit representations they may have on the said Bills. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke); to be received on or before Tuesday, 16<sup>th</sup> April, 2019 at 5:00 pm.

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