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# PERFORMANCE AUDIT REPORT OF THE AUDITOR - GENERAL

ON

RESPONSE TO FLOODS IN KENYA

BY

THE STATE DEPARTMENT FOR INTERNAL SECURITY AND NATIONAL  
ADMINISTRATION AND STATE DEPARTMENT FOR  
THE ARID AND SEMI-ARID LANDS AND REGIONAL DEVELOPMENT



MARCH 2023

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## Foreword by the Auditor – General

I am pleased to present this performance audit report on Response to Floods in Kenya by the State Department for Internal Security and National Administration and the Directorate of Special Programmes in the State Department for the Arid and Semi-Arid Lands and Regional Development. My Office carried out the audit under the mandate conferred on me by Section 36 of the Public Audit Act, 2015. The Act mandates the Auditor - General to examine the economy, efficiency and effectiveness with which public money has been expended pursuant to Article 229 of the Constitution of Kenya, 2010.

Performance, financial and compliance audits form the three-pillars of the audit assurance framework that I have established to give focus to the varied and wide scope of the audit work done by my Office. The framework is intended to provide a high level of assurance to stakeholders that public resources are not only correctly disbursed, recorded and accounted for, but their use results in positive impacts on the lives and livelihoods of the citizens. The main goal of our performance audits is to ensure effective use of public resources and promote service delivery to citizens.

Our performance audits examine compliance with policies, obligations, laws, regulations and standards, and whether the resources are managed in a sustainable manner. They also examine the economy, efficiency and effectiveness with which public resources have been expended. I am hopeful that corrective action will be taken in line with our recommendations in the report.

The report is submitted to Parliament in accordance with Article 229 (7) of the Constitution of Kenya, 2010 and Section 39 (1) of the Public Audit Act, 2015. I have also submitted copies of the report to the Principal Secretary, State Department for Internal Security and National Administration, Principal Secretary, the State Department for the Arid and Semi-Arid Lands and Regional Development, Principal Secretary, the National Treasury, the Chairperson, Council of Governors and the Chief of Staff and Head of Public Service.

  
CPA Nancy Gathungu, CBS  
**AUDITOR – GENERAL**

**24 March, 2023**

## List of Abbreviations

AIE	- Authority to Incur Expenditure
ASALs	- Arid and Semi-Arid Lands
CC	- County Commissioner
CEOP	- County Emergency Operation Plan
CISP	- International Committee for the Development of People
CMDRR	- Community Managed Disaster Risk Reduction
CSG	- County Steering Group
DCC	- Deputy County Commissioner
DMC	- Disaster Management Committee
DRM	- Disaster Risk Management
DRR	- Disaster Risk Reduction
IGRTC	- Intergovernmental Relations Technical Committee
JICA	- Japan International Cooperation Agency
KMD	- Kenya Meteorological Department
KRCS	- Kenya Red Cross Society
NDOC	- National Disaster Operations Centre
NGAOs	- National Government Administration Officers
NGO	- Non-Governmental Organization
NWHSA	- National Water Harvesting and Storage Authority
OAG	- Office of the Auditor-General
RC	- Regional Commissioner
SDGs	- Sustainable Development Goals
SDICS	- State Department for Interior and Citizen Services (Renamed as SDISNA)
SDISNA	- State Department for Internal Security and National Administration
SMS	- Short Messaging Service
WRA	- Water Resources Authority

## Glossary of Terms

The following definitions, adopted from the United Nations Office for Disaster Risk Reduction and Water Resources Authority, apply for purposes of this report: -

**Check dam:** A small, sometimes temporary, dam constructed across a river, stream, or waterway to counteract floods by reducing water flow velocity.

**Contingency planning:** A management process that analyses flood risks and establishes arrangements in advance to enable timely, effective, and appropriate response.

**Dyke:** A soil or cement compacted barrier built to stop water flooding onto low-lying land. Dykes can be multi-purpose, used both as a road and flood control barrier.

**Flood preparedness:** The knowledge and capacities developed by governments, response and recovery organizations, communities, and individuals to effectively anticipate, respond to and recover from the impacts of likely, imminent or current flood.

**Flood resilience:** The ability of a system, community or society exposed to hazards to resist, absorb, accommodate, adapt to, transform, and recover from the effects of a flood in a timely and efficient manner, including through the preservation and restoration of its essential basic structures and functions through risk management.

**Flood response:** Actions taken directly before, during or immediately after a flood in order to save lives, reduce health impacts, ensure public safety, and meet the basic subsistence needs of the people affected.

**Flood risk:** The combination of probability of a flood event and the potential of adverse consequences to human health, the environment, and economic activity associated with a flood event.

**Humanitarian emergency:** An event or series of events that represents a critical threat to the health, safety, security or wellbeing of a community or other large group of people, usually over a wide area.

**Vulnerability:** The conditions determined by physical, social, economic, and environmental factors or processes which increase the susceptibility of an individual, a community, assets or systems to the impacts of hazards.

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## Executive Summary

### Background of the Audit

1. The Water Resources Authority's (WRA) manual on flood management defines flood as a situation in which water from a river, stream or channel breaks its banks and covers large areas of land. Flood can also occur through rising lake levels or flash floods. Though a natural hydrological cycle event, flooding in Kenya is usually associated with massive destructions of property, erosion, displacement of populations and sometimes even death, leading to flooding being classified as a disaster.
2. The mandate for response to humanitarian emergencies during flooding is spread across various government entities. The key entities are; the State Department for Internal Security and National Administration (SDISNA), and the Directorate of Special Programmes in the State Department for the Arid and Semi-Arid Lands (ASALs) and Regional Development. Prior to reorganization of the Government vide Executive Order No. 1 of 2023, SDISNA was referred to as the State Department for Interior and Citizen Services (SDICS). The SDISNA is responsible for response coordination, which is managed through through the National Disaster Operations Centre (NDOC) and National Government Administration Officers (NGAOs).
3. The Directorate of Special Programmes is responsible for humanitarian relief and rehabilitation. The Directorate was transferred between State Departments two times in the course of the audit. The Directorate was under the then State Department for Devolution until September 2021 when it was transferred to the State Department for Social Protection, Senior Citizens Affairs and Special Programmes following the reorganization of government. The Directorate is currently in the State Department for the Arid and Semi-Arid Lands and Regional Development as per the Executive Order No. 1 of 2023.
4. The audit was performed due to the following factors: -
  - i. Floods occasioned by climate change have become a common occurrence in the Country, resulting in significant losses of property, lives, and livelihoods. According to the 2019 World Bank report on Kenya's Natural Disaster Risk Profile, floods affect an average of 150,000 people annually.

- ii. The occurrence of floods exacerbates poverty and food insecurity and compromises sanitation and water quality, leading to humanitarian crises. Floods do not only disrupt the provision of healthcare but also erode the gains made on housing/shelter, manufacturing, and agriculture. Despite the destruction, floods also present an opportunity for improvements in food security. If well managed, the water lost during flooding could be used for irrigation farming. Proper response to floods is, therefore, not only necessary for the achievement of the Government's development agenda but also the Sustainable Development Goal (SDG) 1 on end poverty in all its forms everywhere, Goal 2 on end hunger, achieve food security and improved nutrition and promote sustainable agriculture, Goal 6 on ensure availability and sustainable management of water and sanitation for all, and Goal 11 on make cities and human settlements inclusive, safe, resilient and sustainable.
  - iii. There has been increased public concern about flood emergencies in Kenya, especially due to climate change where heavy rainfall are experienced in areas that previously received less. Floods causing havoc across the Country have been discussed in Parliament and reported by print and electronic media.
5. An audit of Government response to floods was therefore necessary to establish the measures put in place by the Government to respond to flood related disasters to ensure minimal losses and effective and fast recovery after flooding.

### **Objective of the Audit**

6. The audit assessed the extent to which the measures put in place by the Government, through the State Department for Internal Security and National Administration (SDISNA), previously referred to as State Department for Interior and Citizen Services (SDICS), and the Directorate of Special Programmes, had ensured adequate response to humanitarian emergencies during flooding. This was examined using the following two (2) broad audit questions: -
  - i. To what extent had SDISNA, through the National Disaster Operations Centre, and the Directorate of Special Programmes put in place mechanisms to ensure adequate preparedness for response to flooding?

- ii. To what extent had SDISNA, through the National Disaster Operations Centre, and the Directorate of Special Programmes put in place measures to facilitate response and recovery during flooding?

## **Scope of the Audit**

7. The audit covered a period of five (5) years, from July 2017 to June 2022, and focused on the operations of the State Department for Internal Security and National Administration, through the National Disaster Operations Centre, and the Directorate of Special Programmes. The operations of the two (2) entities were examined with respect to the preparedness measures in place for response, evacuation of victims, relief processes, recovery after flooding, and coordination of actors. The audit covered four (4) flood-prone catchment areas. For the purpose of field data collection, six (6) counties spread across these catchment areas were sampled as follows: Baringo County and Narok County in Rift Valley catchment area; Busia County in Lake Victoria North catchment area; Garissa County and Tana River County in Tana catchment area; and Kisumu County in Lake Victoria South catchment area.

## **Summary of Audit Findings**

8. The State Department for Internal Security and National Administration and the Directorate of Special Programmes were charged with the responsibility of ensuring that flooding did not result in a humanitarian crisis. The audit noted that the State Department had structures in place to disseminate flood early warning information and coordinate flood response, while the Directorate of Special Programmes had a system in place to provide relief assistance to flood victims. These positive observations notwithstanding, the audit revealed that government response to humanitarian emergencies was characterised by inadequacies and deficiencies in response and recovery as indicated below: -

## **1. Inadequacies in Flood Response and Recovery**

### **a) Lack of Early Action, Despite Dissemination of Early Warning Information**

9. The audit revealed that flood early warning information was generated both by the Kenya Metrological Department (KMD) and the Water Resources Authority (WRA). The information was then communicated to stakeholders through various avenues, including the National Government Administration Officers' (NGAO) chain of command, local FM radio stations, and short messaging service (SMS) by the Kenya Red Cross Society. However, the audit noted lack of early action both from government actors, as well as the community.
10. Where good practice is in place, flood early warning information should be communicated to the County Commissioners or Deputy County Commissioners in flood-prone areas. The administrators should then convene stakeholder coordination meetings to discuss the contents of the early warning and evaluate the level of preparedness. However, the audit observed that only three (3) out of the fifty-four (54) county-level Disaster Management Committee (DMC) meeting minutes reviewed indicated evidence of deliberations on flood early warning information and evaluation of the level of preparedness. Most of the time, the administrators convened the meetings to discuss issues on relief distribution and other broader response issues, such as flood impacts and evacuation of victims after the occurrence of floods.
11. Similarly, focus group discussions revealed that the community found it difficult to move to higher grounds despite the early warnings. The community representatives interviewed stated that several factors affected their ability to take early action on the early warning. These included: lack of designated evacuation centres; inadequate basic amenities in the available evacuation camps; and fear of loss of property left behind in their homes.
12. Consequently, floods led to loss of lives and property in the affected areas, which would have been avoided if action had been taken following early warnings. The lack of early action on floods early warnings may be attributed to the lack of a framework for "early warning early action" in the Country.

## **b) Challenges in Evacuation of Victims**

13. To facilitate evacuation, good practice requires that SDISNA work closely with county governments to:
  - i. Map evacuation routes and communicate the same to the community;
  - ii. Establish and maintain evacuation centres; and
  - iii. Provide to the community evacuation tools and equipment, including boats and vehicles for transporting victims to evacuation centres.
  
14. The audit revealed that none of the counties sampled for audit had mapped evacuation routes. In addition, except for Kisumu County which had six (6) centres, none of the other sampled counties had designated evacuation centres. However, the designated evacuation centres in Kisumu were in a dilapidated state as observed during physical verifications. In the absence of designated centres, flood victims sought temporary shelter in schools, churches, social halls, and raised open grounds. Interviews and physical verification revealed that facilities in schools used as evacuation centres were often damaged, but the schools were not assisted in repairing their facilities after the flood victims vacated.
  
15. For comfortable stay in the evacuation camps, it would be expected that the Directorate of Special Programmes provides the affected persons with items such as tarpaulins, blankets, mattresses, mosquito nets, kitchen ware, and mobile toilets. However, review of documents and focus group discussions with the community revealed that the Directorate only provided food items, leaving out other items essential for their stay in the evacuation camps. The affected persons had to look for firewood to prepare their food.
  
16. Further, focus group discussions with community representatives revealed that evacuation of affected persons was done by community members most of the time. However, the community lacked the basic tools and equipment, such as rescue boats and life jackets and had no training on evacuation.
  
17. As a result of the inadequate evacuation, lives were lost, property destroyed, and livelihoods affected by flooding disasters. The audit attributed the challenges facing evacuation of victims to lack of clarity on the mandate between the national and county

governments on evacuation and ineffective coordination and support to the communities.

### **c) Relief Processes Were Marred with Weaknesses**

18. To save lives, the form of relief provided should be sufficient, based on needs, and delivered in a timely manner. The procurement and distribution of relief supplies should also be cost-effective.

19. Due to incomplete data provided by the Directorate of Special Programmes, the audit could not establish the sufficiency, timeliness, and cost-effectiveness of the relief processes. Nevertheless, the audit observed several weaknesses in the relief processes as highlighted below:

#### **i. Non-Adherence to the Set Guidelines on Relief Requests**

20. According to the Guidelines for Management of Relief Food Distribution, requests for relief assistance for rapid onset emergencies like floods should be made by the County Commissioner or, in exceptional circumstances, any other leader. The request should be accompanied by a detailed assessment report done by the County Steering Group or Disaster Management Committee and minutes of the Sub-County Relief Distribution Committee.

21. However, out of the 165 flood relief correspondences provided for audit from the sampled counties, 126 were relief allocation letters with no corresponding relief request documents. Out of the remaining 39 with information on relief requests, only 11 were made by either a Regional Commissioner, County Commissioner, or Deputy County Commissioner. The remaining 28 requests were made by political leaders. In addition, review of the relief correspondence files at the Directorate of Special Programmes office revealed that the request lacked the necessary supporting document such as assessment reports or minutes. The Directorate however honoured the requests and allocated relief items despite the lack of the required supporting documents.

## ii. Inadequate Enforcement of Accountability Mechanisms

22. The Guidelines for Management of Relief Food Distribution outline several accountability mechanisms, including; evidence of delivery by transporters, evidence of distribution of relief items to victims, and actual monitoring by the Directorate of Special Programmes. However, the correspondence files reviewed at the Directorate's office did not have any waybill to evidence delivery or relief food distribution reports from the County Commissioners or Deputy County Commissioners. The correspondence files reviewed at the counties had some relief distribution returns filed by the Chiefs. However, it was not easy to link them to the specific relief allocation to which they relate. In addition, there was no evidence of monitoring of relief supplies by the Directorate of Special Programmes.

## iii. Inefficient Records Management

23. For efficient relief processes, the Directorate of Special Programmes should develop and operate a records management system that not only provides for safe custody of information but also ensures efficient retrieval. However, the Directorate maintained a manual filing system, which did not provide a systematic way of obtaining information. For instance, a well-maintained correspondence file should have information that follows the entire relief process from request, allocation, transportation, and distribution to victims. However, the audit observed that such important information as supporting documents for relief requests, corresponding Authorities to Incur Expenditure (AIEs), waybills, and distribution returns were lacking in the files, making it difficult to follow the relief process.

## d) Limited Recovery Interventions Towards Communities and Critical Infrastructure

24. Recovery in flood management entails enabling people to return their livelihoods to normalcy and setting up systems to ensure resilience to floods in the future. The audit revealed that much of the recovery interventions implemented by the Government were limited to the repair of damaged roads

and bridges, leaving out community livelihoods and key critical infrastructures such as schools, hospitals, and marketplaces.

25. Due to limited recovery interventions, flood victims were unable to rebuild their livelihoods after the flooding, thereby increasing their vulnerability to floods in the future. The limited recovery efforts after the floods was attributed to lack of a clear mandate among government agencies dealing with floods, institutional capacity challenges, and lack of contingency planning.

#### **e) Inadequate Coordination of Actors**

26. As per Guiding Principles (d) and (e) of the Sendai Framework for Disaster Risk Reduction, coordination of disaster risk activities should embrace an all-of-society engagement and partnership with clear coordination mechanisms.

27. Even though coordination structures existed both at the national and county levels, the audit noted that the Coordination Committees were ad hoc and only operated during flooding. The audit also revealed that the various roles of actors in the coordination structures were not defined, both at the national and county levels. Besides, the audit did not find evidence of formal appointment of members into the national, county, and sub-county Coordination Committees.

28. Further, review of the minutes of county-level Coordination Committee meetings revealed that key stakeholders were not represented in the meetings. For instance, out of the 49 sets of minutes with complete information of attendees reviewed, 55% lacked representation of the county government or the Kenya Red Cross Society. This is despite of the focal role these institutions play in response to floods. In addition, the Coordination Committees did not hold frequent meetings to discuss broader response issues. Instead, the committees operated as relief distribution committees and mostly met to discuss how to distribute relief supplies received from the Directorate of Special Programmes.

29. The inadequate coordination of flood response activities did not only give room for interference with response activities but also resulted in an uncoordinated response characterised by duplication of efforts or delayed response.

30. The audit established that the challenges facing response to floods in Kenya were generally attributable to shortcomings in disaster preparedness, mainly in the area of disaster risk governance as indicated below.

## **2. Disaster Preparedness Challenges Facing Flood Response**

### **a) Unclear Mandate for Flood Response**

31. Floods being one of the leading natural disasters in the Country, it would be expected that there is established a focal lead agency at the national level to spearhead flood management. However, the audit revealed that there was no focal national government entity specifically charged with the mandate for flood response. Instead, responsibilities were spread across several entities, each tackling different aspects of flood as a disaster. In addition, the mandate was discharged as a Disaster Risk Management (DRM) function shared between the national and county governments. However, the audit observed that the functions of each level of government were not clearly defined. Consequently, the responses were characterised by duplication of efforts, lack of accountability, and non-action, especially from county governments.

32. The lack of a clear mandate on flood response may be attributed to lack of a legal framework for flood management in the Country which would provide for establishment of a focal lead agency. In addition, the delay in clarification of national and county government DRM functions also contributed a greater extent to lack of clarity in mandate.

### **b) Lack of Critical Laws and Policies**

33. The audit revealed that the Country did not have a specific legal framework on flood management and instead relied on available guidance on DRM. Nonetheless, the audit revealed that there is no national-level DRM law or policy. Interviews and review of documents revealed that the development of a national policy on disaster management commenced in 2002, but the policy was still in draft form as at the time of audit. Similarly, attempts to enact a national law on DRM commenced in 2018, but no law had been finalised as at the time of audit.

34. At the county government level, only Tana River County had developed a DRM law and policy, while Baringo County had a policy but was yet to finalize the law. Kisumu and Busia Counties had enacted DRM laws but had no policies in place.

35. Disaster legal framework assists in clarifying the roles, responsibilities, and coordination mechanisms for DRM across sectors, as well as between the national and county levels of government. Used effectively, the laws and policies can support an integrated, inclusive, and equitable approach to flood response and recovery. The observed challenges facing flood response and recovery can be attributed to lack of legal framework, which not only resulted in unclear mandates, but also contributed to challenges in coordination of actors.

### **c) Inadequate Institutional Capacity**

36. Interviews and review of documents revealed that both the Directorate of Special Programmes and NDOC were not facilitated with human and material resources necessary for flood response. Interviews with NDOC's management revealed that besides the administrative staff, all technical staff were on secondment. The management expressed concerns that staff were occasionally recalled back by their parent institutions immediately after training, despite the significant resources spent on training them. In addition, NDOC was expected to undertake disaster response coordination at the national level, while the National Administration Officers were responsible for coordination at the county level. However, the audit revealed that there were no staff specifically deployed for disaster coordination in the offices of County Commissioners or Deputy County Commissioners.

37. Similarly, review of documents revealed that the Directorate of Special Programmes had only two (2) officers in place, out of the required 13 staff as per the approved staff establishment. The officers in post were the Secretary, Special Programmes and the Director, Relief and Rehabilitation. It was reported that the Directorate had three (3) technical staff seconded by the then Ministry of Devolution, in addition to its two (2) officers. The five (5) staff were expected to undertake relief and rehabilitation activities for various types of disasters throughout the Country.

38. Further, despite floods in the Country being cyclical and occurring annually, the audit revealed that there was no specific budget line allocation for flood response, either in SDISNA or the Directorate of Special Programmes. Review of the documents revealed that the Directorate had a relief and rehabilitation budget line but only operation costs were budgeted for during annual planning, while funds for emergency and relief supplies were allocated in the course of the year. The Directorate's management explained that the arrangement was that the Directorate present a request to The National Treasury for funding whenever a disaster occurs. However, review of the Public Finance Management Act, 2012 revealed that disbursements from the Contingencies Fund should be restricted to urgent and unforeseen events which were not budgeted for and cannot be delayed as they threaten to harm the general public interest. The auditors understanding is that floods is almost an annual occurrence which should be budgeted for and monies from the Contingencies Fund should be drawn only after the budget is exhausted.
39. Interviews with NGAOs, both at county and sub-county levels, revealed that most of the time, the Directorate of Special Programmes delivered relief items to the counties without providing AIE allocations for last mile transportation, hence resulting in delays in distribution. Besides, while the Directorate was expected to monitor the distribution of relief to beneficiaries, there was no evidence of physical monitoring during the audit period. In addition, while the Directorate was expected to undertake relief and rehabilitation, the audit revealed that its activities were only limited to relief supplies, leaving out recovery interventions.
40. The audit attributed the inadequate institutional capacity for response to the lack of a legal framework on DRM in the Country. The NDOC was established in 1998; however, no legal framework had been developed to properly institutionalize it as a national government lead coordinator in disaster response. Similarly, despite its critical role, the Directorate of Special Programmes had been constantly transferred from one ministry to another which affected its staffing, as it was assumed that the recipient ministry would provide staff.

#### **d) Lack of Contingency Planning**

41. Good practice would require that the County Commissioners work with stakeholders, through County Disaster Coordination Committees to develop flood contingency plans in readiness for response. The contingency plans should detail the required response interventions and associated resources. The contingency plans should also assign response responsibilities to various actors, as well as outline a monitoring and evaluation framework. Once submitted, NDOC should consolidate county flood contingency plans into a national plan and share it with the stakeholders.
42. The audit revealed that there was no flood contingency plan developed at the national level. Instead, each entity developed its response plan based on the needs of each flood episode. At the county level, the audit revealed that only Bunyala Sub-County in Busia County and Baringo County had developed flood contingency plans.
43. The lack of contingency planning denies the county governments and the national government opportunity to mobilize resources early through the coordination structures and respond to floods in time. The lack of contingency plans may be attributed to lack of a clear guiding framework for flood contingency planning in the Country.

#### **Conclusion**

44. Although the Government through the relevant departments had put in place ad hoc measures to address flood related emergencies. It was evident from the audit findings that the Government, through the SDISNA and the Directorate of Special Programmes had not put in place adequate measures to respond to humanitarian emergencies during flooding.
45. Although the Kenya Meteorological Department together with Water Resources Authority provides flood early warning information to stakeholders, the audit noted lack of early action, mainly due to the lack of an “early warning early action” framework in the Country. Flood response is not only characterised by delayed and inadequate evacuation of victims leading to loss

of lives and livelihoods, but also inadequacies in relief processes thus causing suffering to victims while in the camps. Besides, the victims are always left on their own to struggle in recovery, with no additional assistance from the Government, thereby increasing their vulnerability to future flooding.

46. In addition, flood response is characterized by multiple actors with ad hoc mechanisms for coordination. Response operations involve a number of state and non-state actors, including; national government ministries, county governments, and NGOs, coordinated through ad hoc disaster management committees. The coordination committees lack guidelines for their operations.
47. The Government's ability to adequately respond to flood related humanitarian emergencies is hampered by challenges in preparedness, especially in the area of disaster risk governance. The Country lacks a legal framework to govern flood response operations. The development of a national-level disaster policy has delayed for about 20 years. In addition, the Country lacks a focal lead agency charged with flood response operations. The Directorate of Special Programmes and NDOC are expected to play a focal role in disaster response, but the two (2) institutions lack the requisite institutional capacity to discharge this responsibility. The NDOC is expected to be the lead coordinator, but it is not legally constituted and lacks the legal backing to supervise players in the system. The Directorate, on the other hand, has only five (5) technical staff yet it is expected to undertake relief and rehabilitation activities for all disasters in the country.
48. Moreover, contingency planning is a key component of flood response. Despite this, the audit has found lack of prioritization of contingency planning as the Country lacks contingency plans at the national level and in most counties. Response at both levels of government is based on an ad hoc mechanism with no prior planning.
49. Further, the community plays an important role in flood response, especially during evacuation of victims. Despite this, the audit observed that the Government has not done much in building capacity for response and recovery at the community level. The community, who are the first line responders, did

not have the requisite training and lacked the tools and equipment necessary to undertake evacuations. The community's role in flood response is also not clearly defined.

50. All the observed shortcomings affect the ability of the Government in responding to humanitarian emergencies brought about by floods and require the attention of the concerned actors to resolve them. Emphasis should be given to disaster risk governance as it is critical for adequate flood response.

## **Recommendations**

51. In view of the findings and conclusions of the audit, the following is recommended for consideration by key parties to improve on Government response to flood related humanitarian emergencies and to minimise loss of lives and livelihoods in the affected communities: -

- I. The State Department for Internal Security and National Administration should coordinate with the State Department for the ASALs and Regional Development to have the national disaster risk management policy and law enacted. This will not only address the institutional capacity challenges facing flood response operations but also resolve the challenges faced in mandates and coordination.
- II. The State Department for the ASALs and Regional Development should finalise the development of the National Relief Assistance Policy and follow through to enact the applicable law. This will resolve the inefficiencies observed in relief processes by providing clear and legally binding guidance.
- III. The State Department for the ASALs and Regional Development should liaise with the Public Service Commission to fill the vacant positions in the Directorate of Special Programmes. This, together with the enactment of the National Relief Assistance Policy, will enhance the Directorate's capacity to discharge its mandate.
- IV. The State Department for the ASALs and Regional Development should develop and implement an integrated relief records management system for ease of monitoring of the relief process.

- V. The State Department for Internal Security and National Administration, through the National Disaster Operations Centre (NDOC), should work closely with Office of the Deputy President and the Council of Governors to fast-track the clarification and gazettement of disaster risk management functions for the national and county governments. This will ensure clarity of responsibilities for evacuation, as well as recovery for the affected persons in the communities after flooding.
- VI. The State Department for Internal Security and National Administration, through the County Commissioners, should work with the County Disaster Coordination Committees to prepare and regularly update flood contingency plans with clear resource requirements for evacuation of victims, relief supplies, and recovery. The developed contingency plans should be submitted to NDOC for consolidation of resource gaps into a national contingency plan and be shared with the relevant stakeholders. This will ensure early mobilization of resources for response, as well as recovery.
- VII. The State Department for Internal Security and National Administration, through NDOC, should work with the relevant stakeholders to fast-track the development and implementation of an “early warning early action” strategy for the Country. This will enhance preparedness for flood response at the national and county levels.
- VIII. The State Department for Internal Security and National Administration, through the County Commissioners, should work closely with county governments to develop and implement a framework for community engagement in flood response activities. This will enhance the active involvement of the community in flood response operations.

# Chapter 1: Background of the Audit

## Introduction

- 1.1 According to the Water Resources Authority's (WRA) Manual on Flood Management, flood refers to as a situation in which water from a river, stream or channel breaks its banks and covers large areas of land. In addition, flood can also occur through rising lake levels, as witnessed in Lake Victoria and lakes along the Rift Valley. Floods can also occur when water from heavy rains covers a large area of previously dry land, commonly referred to as flash floods. More often, floods occur periodically as a natural and inevitable part of the hydrological cycle. However, a flood can become a disaster when it is of unusual magnitude, occur in unusual places, or occur unexpectedly, exceeding the ability of the affected community or society to cope with the event.
- 1.2 Flooding is ranked second after drought in Kenya's natural disaster risk profile<sup>1</sup>. Though a natural hydrological cycle event, flooding in Kenya is usually associated with massive destructions of property, erosion, displacement of populations and sometimes death. Kenya is divided into six (6) catchment areas, out of which four (4) are prone to flooding, namely; Lake Victoria North, Lake Victoria South, Rift Valley, and Tana. The major flood prone areas in Kenya are in Budalangi, Nyando, Narok town, Tana Delta, and Nyatike.
- 1.3 The history of flood related disasters in Kenya dates back to 1961 when Uhuru floods affected most parts of the Country, especially the Lake Victoria basin and the coastal areas of Athi and Tana basins<sup>2</sup>. Another remarkable flooding episode was the 1997/1998 El Nino rains, whose effects were widespread across the Country<sup>3</sup>. According to information obtained from interviews, Kenya also experienced floods attributed to a combination of increased rainfall and rising lake levels in Rift Valley and Lake Victoria

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<sup>1</sup> World Bank (2019). Kenya's Disaster Risk Profile.

<sup>2</sup> Opere, A (2013). History of Floods in Kenya. In Elsevier B.V. Developments in Earth Surfaces Processes. Vol. 16.

<sup>3</sup> Ibid 2; Huho J.M et al (2016). Profiling Disasters in Kenya and their Causes. Academic Research International, Vol. 7(1).

catchment areas between 2018 and 2020. The 2020 floods, for instance, were of high magnitude, only comparable to the 1961 floods.

- 1.4 The mandate for response to humanitarian emergencies during flooding is spread across various government entities, with the key ones being the State Department for Internal Security and National Administration (SDISNA), and the Directorate of Special Programmes in the State Department for the Arid and Semi-Arid Lands (ASALs) and Regional Development. Prior to reorganization of the Government vide Executive Order No. 1 of 2023, SDISNA was referred to as the State Department for Interior and Citizen Services (SDICS). SDISNA is responsible for disaster response coordination, which is managed through the National Disaster Operations Centre (NDOC) and National Government Administration Officers (NGAOs).
- 1.5 The Directorate of Special Programmes is responsible for humanitarian relief and rehabilitation. The Directorate was transferred between State Departments two times in the course of the audit. The Directorate was under the then State Department for Devolution until September 2021 when it was transferred to the State Department for Social Protection, Senior Citizens Affairs and Special Programmes following the reorganization of government. The Directorate is currently in the State Department for the ASALs and Regional Development as per the Executive Order No. 1 of 2023.

### **Motivation for the Audit**

- 1.6 The audit was performed due to the following factors: -
  - i. Floods occasioned by climate change have become a common occurrence in the Country, resulting in significant losses in property, lives, and livelihoods. According to the 2019 World Bank report on Kenya's Natural Disaster Risk Profile, floods affect an average of 150,000 people each year in Kenya. Between 2010 and 2018, floods resulted in a total of 768 deaths, affected a total of 1,220,793 people, and caused direct damages worth Kshs. 42.3 billion

in various sectors of the economy<sup>4</sup>. It was therefore necessary to establish the level of government's preparedness to respond to flood related humanitarian emergencies.

- ii. Good response to humanitarian emergencies during flooding is key to the achievement of Sustainable Development Goals (SDGs). The occurrence of floods exacerbates poverty and food insecurity and compromises sanitation and water quality, leading to a humanitarian crisis. Proper response to floods is, therefore, not only necessary for the achievement of Goal 1 on end poverty in all its forms everywhere, Goal 2 on end hunger, achieve food security and improved nutrition and promote sustainable agriculture, Goal 6 on ensure availability and sustainable management of water and sanitation for all, and Goal 11 on make cities and human settlements inclusive, safe, resilient and sustainable.
- iii. Further, floods pose a risk to the achievement of the Government's development agenda. Floods do not only disrupt the provision of healthcare but might also erode the gains made on housing/shelter, manufacturing, and agriculture. Despite the destruction, floods also present an opportunity for improvements in food security. If well managed, the water lost during flooding could be used for irrigation farming.
- iv. There has been increased public concern about flood emergencies in Kenya due to climate change where heavy rainfall are experienced in areas that previously received less. Flood occurrence is usually accompanied by humanitarian emergencies in the form of displaced populations, losses in lives and property and human health crisis. Floods causing havoc across the Country have been discussed in Parliament and reported by print and electronic media.

1.7 An audit of Government response to floods was therefore necessary to establish the measures put in place by the Government to respond to flood related disasters to ensure minimal losses and effective and fast recovery after flooding.

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<sup>4</sup> A Report on Floods and Landslides Impact and Early Recovery Needs Assessment in Kenya, 2020 by NDOC.

## Chapter 2: Design of the Audit

### Objective of the Audit

- 2.1 The audit assessed the extent to which the measures put in place by the Government, through the State Department for Internal Security and National Administration (SDISNA) previously known as the State Department for Interior and Citizen Services (SDICS) and the Directorate of Special Programmes, had ensured adequate response to humanitarian emergencies during flooding.
- 2.2 This objective was examined using the following audit questions: -
- i) To what extent had the State Department for Interior and Citizen Services, through the National Disaster Operations Centre, and the Directorate of Special Programmes put in place mechanisms to ensure adequate preparedness for response to flooding? Specifically:
- Availability of relevant laws and policies, both at the national and county level, to guide response and recovery activities;
  - Whether sufficient resources had been directed towards flood response and recovery;
  - The existence of a functional early warning system;
  - Contingency planning, both at the national and county level, to prepare for response; and
  - Community capacity building to facilitate their active involvement in response operations.
- ii) To what extent had the State Department for Interior and Citizen Services, through the National Disaster Operations Centre, and the Directorate of Special Programmes put in place measures to facilitate response and recovery during flooding? Specifically, the:
- Measures put in place to ensure effective evacuation of flood victims;
  - Measures put in place to facilitate sufficient, timely, and cost-effective relief supplies during flooding;

- Measures put in place to ensure recovery of communities and critical infrastructure, including bridges, hospitals, and schools, after flooding; and
- Coordination of actors during response.

### **Scope of the Audit**

- 2.3 The audit focused on operations of SDISNA, previously known as the State Department for Interior and Citizen Services, through NDOC and the Directorate of Special Programmes in the State Department of the ASALs and Regional Development. The operations of these two (2) entities were examined with respect to the preparedness measures in place for response, evacuation of victims, relief processes, recovery after flooding, and coordination of actors. Due to the incompleteness of data availed for audit, relief processes could not be examined for sufficiency, timeliness, and cost-effectiveness. Assessment of the early warning system was also limited to information dissemination and “early action”, leaving out flood forecasting, since it was not within the mandate of the two (2) audit entities.
- 2.4 The focus of the audit was on the four (4) flood-prone catchment areas. For the purpose of field data collection, six (6) counties spread across the flood-prone catchment areas were sampled as follows: Baringo County and Narok County in Rift Valley catchment area; Busia County in Lake Victoria North catchment area; Garissa County and Tana River County in Tana catchment area; and Kisumu County in Lake Victoria South catchment area.
- 2.5 The audit covered a period of five (5) years, from July 2017 to June 2022. The period was selected since it was the period during which Kenya experienced two (2) high-magnitude flooding episodes, in 2018 and 2020.

### **Assessment Criteria**

- 2.6 The assessment criteria were drawn from the Sendai Framework for Disaster Risk Reduction (2015-2030), which Kenya is a signatory. This was the only source

of criteria since the Country had no policy or law on flood response. The criteria are presented in detail in the findings section.

### **Methods Used to Gather Audit Evidence**

2.7 The audit was conducted in accordance with Performance Auditing Guidelines (ISSAI 3000) set by the International Organization of Supreme Audit Institutions (INTOSAI). The audit also used policies and procedures established by the Office of the Auditor-General (OAG). These guidelines and policies fulfil the requirements of the International Standards on Auditing (ISA).

2.8 To understand the role and assess the performance of SDISNA and the Directorate of Special Programmes in ensuring adequate response to flood related humanitarian emergencies, the audit used the following methodology.

#### **Sampling and Sample Size**

2.9 The audit used both stratified and purposive sampling to select the counties. Stratified sampling was used to ensure representation of all the flood prone catchment areas. Kenya is divided into six (6) catchment areas, out of which four (4) are prone to flooding, namely; Lake Victoria North and South basins, Rift Valley and Tana. Each of the flood prone catchment areas was treated as a stratum. Purposive sampling was then used to sample the areas that were most affected by floods in the recent past from each of the strata. Nine (9) flood-prone sub-counties were purposively sampled, namely: Nyando and Nyakach in L. Victoria South; Bunyala in L. Victoria North; Tana Delta, Tana North and Garissa Town in Tana; and Marigat, Narok town, and Trans Mara West in Rift Valley. Since the National Government focal point for coordination of response operations at the county level is the County Commissioner, the sampled sub-counties were placed into their respective counties. As such six (6) counties were sampled for audit, namely; Baringo County, Busia County, Garissa County, Kisumu County, Narok County, and

Tana River County. At the county level, random sampling was used to select the activities to be verified in each of the purposively sampled sub-counties.

### Interviews

2.10 The audit team conducted interviews with the State Department of Internal Security and National Administration's staff directly involved in flood response, Directorate of Special Programmes' staff, county government staff in the sampled six counties, and community representatives from the sampled flood-prone areas. **Appendix 1(a)** provides details of the people interviewed during the audit and the purpose of the interviews.

### Document review

2.11 To gain an understanding of the audit area, the audit team reviewed various documents as outlined in **Appendix 1(b)**.

### Physical Verification

2.12 Physical verification was carried out to assess the actual impact of floods and the status of response and recovery activities in the sampled flood prone areas. The activities verified are listed in **Appendix 1(c)**.

## Chapter 3: Description of the Audit Area

### Administrative Framework for Flood Response in Kenya

3.1 Institutional arrangement for flood response in Kenya is as shown in **Figure 1**.

**Figure 1: Institutional Arrangement for Flood Response in Kenya**

	Institution	Role
NATIONAL LEVEL	Ministry (the State Department for Internal Security and National Administration; the State Department for the ASALs and Regional Development)	<ul style="list-style-type: none"> <li>- National laws, policies and strategies</li> <li>- Relief supplies</li> <li>- Coordination</li> <li>- Data on flood impacts</li> </ul>
	<ul style="list-style-type: none"> <li>- National Water Harvesting and Storage Authority (NWHSA)</li> <li>- Water Resources Authority (WRA)</li> <li>- Kenya Meteorological Department (KMD)</li> <li>- Department of Preventive and Promotive health, Ministry of Health</li> </ul>	<ul style="list-style-type: none"> <li>- Water harvesting and flood control structures</li> <li>- Flood early warning</li> <li>- Prevention of communicable water-borne diseases</li> </ul>
COUNTY LEVEL	<ul style="list-style-type: none"> <li>- National Government Administration Officers (CCs and DCCs)</li> <li>- County Governments</li> </ul>	<ul style="list-style-type: none"> <li>- Relief distributions</li> <li>- Rescue operations</li> <li>- Public sensitization</li> <li>- Storm water management</li> <li>- County laws, policies and strategies</li> <li>- Coordination</li> <li>- Prevention of communicable water-borne diseases</li> </ul>
LOCAL LEVEL	<ul style="list-style-type: none"> <li>- National Government Administration Officers (Chiefs and sub-chiefs)</li> <li>- The community</li> </ul>	<ul style="list-style-type: none"> <li>- Communication of flood warning alerts</li> <li>- Rescue operations</li> <li>- Identification of beneficiaries for flood response and recovery activities</li> <li>- Catchment conservation and protection</li> <li>- Community based disaster risk management</li> <li>- Victims of flood emergencies</li> </ul>

Source: OAG's conceptualization based on audit interview minutes

- 3.2 Flood response is a shared function between the National and county governments as outlined in **Figure 1**. At the national level, the responsibility for flood response is spread across several entities. The main actors are the State Department for Internal Security and National Administration (formerly the State Department for Interior and Citizen Services) and the Directorate of Special Programmes in the State Department for the Arid and Semi-Arid Lands (ASALs) and Regional Development. Prior to the reorganisation of government vide Executive Order No. 1 of 2023, the Directorate was domiciled in the State Department for Social Protection, Senior Citizen Affairs and Special Programmes.
- 3.3 The Directorate of Special Programmes is responsible for relief and rehabilitation. Prior to government reorganization in September 2021, the Directorate used to be under the State Department for Devolution. The Directorate is assisted in relief distribution by the National Government Administration Officers (NGAOs), namely; County Commissioners (CCs) and Deputy County Commissioners (DCCs), in the State Department for Internal Security and National Administration (SDISNA). Prior to reorganization of the Government vide Executive Order No. 1 of 2023, the State Department was referred to as the State Department for Interior and Citizen Services. The State Department is also responsible for coordination during response, a role it discharges through the National Disaster Operations Centre (NDOC) and NGAOs. In addition, NDOC is responsible for collecting and disseminating data on flood impacts.

### **Other Key Actors in Flood Response**

#### **a) County Governments**

- 3.4 The Fourth Schedule of the Constitution of Kenya, 2010 considers disaster management a shared function between the National and county government. County governments are expected to be the first line of response in the event of floods. Their responsibility includes evacuation of flood victims, relief supplies, and prevention of communicable waterborne

diseases during flooding. County governments are also responsible for the development of county public water works, including county public water harvesting and storage works as per Schedule IV of the Constitution. In addition, county governments are required to develop stormwater management systems in built-up areas within their respective counties.

#### b) National Water Harvesting and Storage Authority

3.5 Established under Section 30 of the Water Act 2016, the National Water Harvesting and Storage Authority (NWHSA) is responsible for maintaining and managing water storage and flood control structures on behalf of the National Government. The Authority is the successor of the National Water Conservation and Pipeline Corporation. The Authority is expected to maintain or rehabilitate, as the case dictates, damaged flood control structures after a flooding episode.

#### c) Water Resources Authority

3.6 Established under Section 11 of the Water Act (2016), the Water Resources Authority (WRA) is mandated to manage water resources in Kenya. The Authority is responsible for monitoring water levels and issuing flood advisories as the case dictates.

#### d) Kenya Meteorological Department

3.7 The Kenya Meteorological Department (KMD) is a department under the Ministry of Environment and Forestry. It is mandated to provide timely early warning weather and climate information for safety of life, protection of property, and conservation of the natural environment<sup>5</sup>. KMD is therefore expected to work closely with WRA in undertaking flood monitoring and forecasting.

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<sup>5</sup> KMD's website accessed from <https://meteo.go.ke/about-us/our-department> on 16 Sept. 2021.

#### e) Kenya Red Cross Society

3.8 The Kenya Red Cross Society is a voluntary aid society auxiliary to the public authorities in the humanitarian field. According to Section 5 (1) of the Kenya Red Cross Society Act, 1965, the main objectives of the Society are as highlighted below:

- i. In the case of catastrophes or public disasters, to provide the victims thereof with relief;
- ii. To carry out training and certification in areas related to emergency services, pre- and post- hospital care, humanitarian assistance, and disaster management.

#### f) Development Partners and Non-Governmental Organizations

3.9 Development partners like the World Bank support flood management through financing flood risk reduction projects. Non-Governmental Organisations (NGOs), on the other hand, complement government activities in flood-prone areas. NGOs undertake activities such as advocacy, rescue operations, and relief supplies.

### Organisational Structure

#### The Former State Department for Interior and Citizen Services

3.10 Established under the National Government Coordination Act of 2013, NGAOs are responsible for the coordination of national government emergency response functions in their respective jurisdictions. As at the time of audit, the State Department for Interior and Citizen Services (SDICS) had no defined organogram regarding flood response. The responsibility was discharged under disaster management in the States Department's organisational structure, both by NDOC and National Government Administration Officers (NGAOs) chain of command. Headed by a director, NDOC reports to the Division of Disaster Management in the Directorate of Peace Building, Conflict Resolution, and Disaster Management. NDOC's

responsibilities include emergency response coordination and emergency data collection and dissemination.

- 3.11 At the top of NGAO's chain of command are the eight (8) Regional Commissioners (RC) who report directly to the PS, Interior and Citizen Services. Each RC has several County Commissioners in charge of counties. Below the County Commissioners are Deputy County Commissioners in charge of sub-counties, while the Wards are under Assistant County Commissioners. Below Assistant County Commissioners are Chiefs in charge of locations, Sub-Chiefs responsible for sub-locations, and eventually Village Headmen in charge of villages.

#### Directorate of Special Programmes

- 3.12 The Directorate of Special Programmes is headed by the Secretary, Special Programmes, who reports to the Principal Secretary, State Department for the ASALs and Regional Development. Until December 2022, the Secretary reported to the PS, State Department for Social Protection, Senior Citizens Affairs. Below the Secretary are directors responsible for Relief and Rehabilitation and Community Mobilisation functions, respectively. Below the Directors, are assistant directors responsible for either relief and rehabilitation of community mobilisation.

#### Process Description

- 3.13 The activities carried out in flood management mirror the disaster management cycle and can be broadly classified into; pre-flood activities, during-flood activities, and post-flood activities as outlined in **Figure 2**.

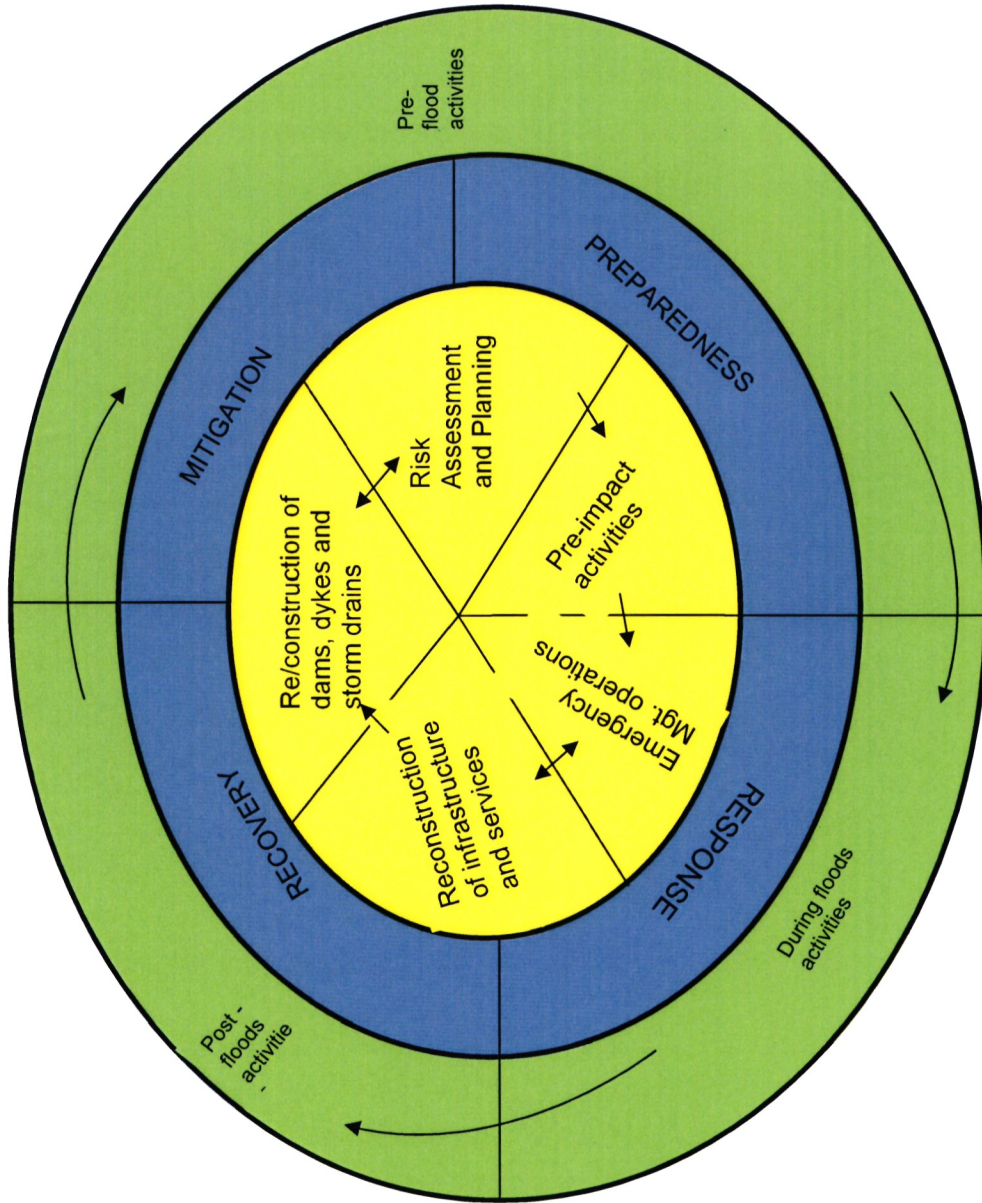
##### a) Pre-flood Activities

- 3.14 The activities at this stage focus both on mitigation and preparedness. The activities are not only geared towards building the resilience of communities

and systems, but also ensuring that the Government and community at large are ready to respond, should floods occur.

- 3.15 Resilience building takes the form of both structural and non-structural measures. Structural measures include such things as the construction and maintenance of dams, dykes, gabions along river banks, and storm drains. These activities are mainly undertaken by the National Water Harvesting and Storage Authority and county governments. The Authority is expected to closely monitor and maintain these structures throughout their lifetime.
- 3.16 In addition to flood mitigation, activities at this stage are also focused on preparedness. The Directorate of Special Programme and NDOC, working with other key players, are expected to provide the policy and legal framework that governs flood response.
- 3.17 Another crucial pre-flood activity is flood early warning carried out by KMD in collaboration with WRA. The warnings are issued either in form of heavy rainfall advisories or seasonal forecasts. Based on the forecasts, the Principal Secretary, Interior and Citizen Services is expected to officially communicate to the key national government ministries and NGAOs, advising them to embark on appropriate mitigations and also prepare for response. Seasonal forecasts should trigger contingency planning.

Figure 2: Flood Management Cycle



**Key Activities Carried Out at Each Phase**

Pre-flood Activities

- Flood risk assessment
- Contingency planning
- Construction and maintenance of flood control infrastructure
- Land-use planning and management
- Public communication and education
- Resource mobilization
- Monitoring, forecasting and early warning
- Unblocking of drainage channels in urban flood prone areas
- Community training and capacity building

During Flood Activities

- Identifying the exact locations of the distressed local communities
- Evacuation of people to safer grounds
- Temporary shelter to displaced persons
- Relief supplies

Post Flood Activities

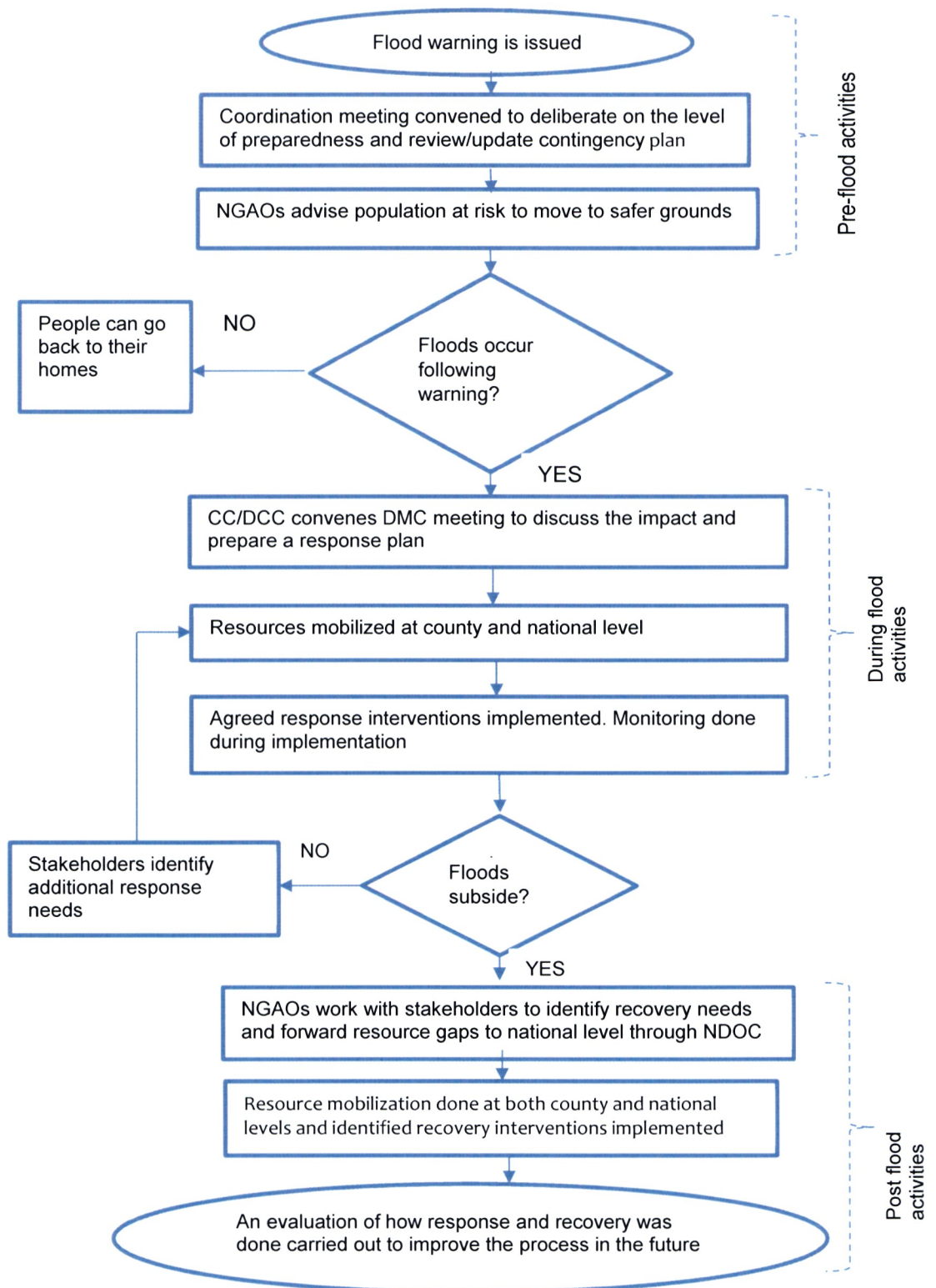
- Reconstruction of damaged buildings and infrastructure
- Recovery and regeneration of the environment and the economic activities in the flooded area
- Review of the flood management activities to improve the process and planning for future events in the area affected and more generally elsewhere
- Compensation

Source: OAG's conceptualization based on information from audit interview minutes

## b) During Flood Activities

- 3.18 The main activity at this stage is response. Flood response is a multi-sectoral activity, carried out by the former State Department for Interior and Citizen Services, together with the Directorate of Special Programmes, working with other key stakeholders, including county governments.
- 3.19 Once the County Commissioners receive official communication on flood forecasts, a County Disaster Management Committee (DMC) or County Steering Group (CSG) should be convened to deliberate on the contents of the forecasts, identify possible mitigation measures and activate the contingency plan in readiness for response. A similar meeting is expected to take place at the national level, spearheaded by the PS Internal Security and National Administration, to evaluate the level of preparedness at the national level.
- 3.20 Once an actual flood occurrence is reported, the County DMC and CSGs should undertake a comprehensive needs assessment and come up with a response plan with clear resource needs. The identified resource gaps should be forwarded to the National Government through NDOC, to facilitate national-level resource mobilization.
- 3.21 Once resources are available, the identified response interventions are implemented. Monitoring and evaluation are done during and after the response to help highlight any gaps and challenges experienced. Invariably, flood response follows the process outlined in **Figure 3**.

**Figure 3: Flood Response Process**



Source: OAG's conceptualization based on information from audit interview minutes

### c) Post-Flood Activities

3.22 The focus after a flood episode is to try and return livelihoods to normalcy, while at the same time setting up systems so that communities are resilient to future floods. The recovery process starts with a needs assessment whereby NGAOs and the key stakeholders should work closely with the community to identify the recovery needs as shown in **Figure 3**. The identified needs that fall within the mandate of the National Government are then forwarded to NDOC for onward forwarding to the respective line ministries. Through its parent ministry, NDOC should coordinate line ministries to reconstruct damaged infrastructure. The line ministries should also assist to recover and regenerate the environment and economic activities in the flooded area. In extreme situations, affected people and structures may be relocated. Monitoring and evaluation of flood recovery activities should be done to improve the process and planning for future floods.

### Funding

3.23 Flood response activities are funded by the Government through the exchequer. A review of the State Department for Devolution's financial documents for the period under review did not reveal any specific itemised budget for flood response. However, there was a relief and rehabilitation budget line that was responsible for various types of emergency responses, including floods. A review of the documents revealed that the estimates approved during annual planning only covered daily operations costs. However, allocations for emergency relief were made in the course of the year following a disaster occurrence as shown in **Table 1**.

**Table 1: Funding and Expenditure on Relief and Rehabilitation**

Year	Initial Budget (Ksh.)	Adjustments (Ksh.)	Final Budget (Ksh.)	Expenditure (Ksh.)
2021/2022	33, 215, 594	1, 200, 000, 000	1, 233, 215, 594	1, 216, 534, 010
2020/2021	33, 537, 747	74, 262, 833	107, 800, 580	104, 245, 513
2019/2020	54, 177, 389	1, 491, 844, 008	1, 546, 021, 397	1, 474, 787, 924
2018/2019	50, 388, 068	918, 353, 528	968, 741, 596	886, 194, 202

Source: State Department for Devolution financial documents

3.24 Although the audit team had also requested for information on budget and expenditure on flood response from NDOC, the entity only provided expenditure information for the years 2019/2020 and 2020/2021, which only covered burial expenses assistance given to the bereaved families. According to the expenditure records provided, NDOC spent a total of Ksh. 4,744,700 out of which Ksh. 2,751,200 were burial expenses for flood related disaster victims.

## Chapter 4: Audit Findings

4.1 The responsibility of ensuring that flooding does not result in a humanitarian crisis was being undertaken by both the State Department for Interior and Citizen Services (SDICS), currently known as the State Department for Internal Security and National Administration (SDISNA) and the Directorate of Special Programmes in the State Department for the Arid and Semi-Arid Lands (ASALs) and Regional Development. The State Department had established structures to disseminate flood early warning information and coordinate responses. The Directorate of Special Programmes, on the other hand, had a system in place to provide relief assistance to flood victims. The observations notwithstanding, the audit revealed that government response to floods was characterised by inadequacies and deficiencies in response and recovery. This was attributed to challenges in governance and preparedness by the agencies entrusted with the role. The findings of the audit are as follows: -

### 1. Inadequacies in Flood Response and Recovery

#### a) Lack of Early Action, Despite Dissemination of Early Warning Information

- 4.2 Priority 4(b) of the Sendai Framework for Disaster Risk Reduction (DRR), calls on member states to invest in, develop, maintain, and strengthen people-centred multi-hazard, multi-sectoral forecasting and early warning systems, disaster risk and emergency communications mechanisms, social technologies and hazard-monitoring telecommunications systems. For flood early warning to be effective:
- i. Warnings must be communicated in time to populations at risk to enable people prepare themselves to move to safer areas; and
  - ii. Warnings must be communicated to decision-makers and communities in ways that can trigger action. The focus must be on “early warning early action.”
- 4.3 The audit revealed that both SDISNA and the Directorate of Special Programmes received flood early warning information from the Kenya Metrological Department

(KMD). In addition, the entities received flood advisories from the Water Resource Authority (WRA). The information received was then communicated to the community through the National Government Administration Officers' (NGAO) chain of command. In addition, KMD disseminated flood early warning information directly to stakeholders at the county level through its County Director of Meteorological Services. Other channels through which the community received early warning information, as was reported during focus group discussions, included; short messaging service (SMS) by the Kenya Red Cross Society, local FM radio stations, relatives upstream, and social media. Despite the dissemination of early warning information, the audit observed lack of early action both from government actors, as well as the community.

- 4.4 Where good practice is in place, flood early warning information should be communicated to the County Commissioners or Deputy County Commissioners in flood-prone areas. The administrators should then convene stakeholder coordination meetings to discuss the contents of the early warning and evaluate the level of preparedness. However, only three (3) out of the 54 sets of coordination meeting minutes reviewed indicated evidence of deliberations on flood early warning information and evaluation of the level of preparedness as shown in **Table 2**. A review of the Disaster Management Committee (DMC) minutes revealed that the meetings were convened to discuss issues on relief distribution and other broader response issues, such as flood impacts and evacuation of victims after the occurrence of floods.

**Table 2: Early Action as Reflected in Coordination Meetings During the Period 2017/18 To 2021/22**

County	Total No. of DMC minutes reviewed	Minutes discussing early warning	Minutes discussing relief distribution	Minutes discussing other issues
Baringo	3	0	1	2
Busia	30	2	11	17
Garissa	1	0	1	0
Narok	0	-	-	-
Kisumu	13	1	12	0
Tana River	7	0	0	7
<b>Total</b>	<b>54</b>	<b>3</b>	<b>25</b>	<b>26</b>

Source: OAG review of DMC minutes

- 4.5 Similarly, focus group discussions revealed that despite the early warning, communities found it difficult to move to higher grounds. The community representatives reported during a focus group discussion that several factors affected their ability to take early action on early warning. These included; lack of designated evacuation centres, inadequate basic amenities in the available evacuation camps, and fear of loss of property left behind in their homes. Under such circumstances, the community preferred to stay put until the actual occurrence of floods.
- 4.6 Review of documents revealed that floods had led to loss of lives and property in the affected areas, which would have been avoided if action was taken following early warning. For instance, according to data obtained from NDOC, a total of 76 people spread across the Country lost their lives as a result of the 2020 floods, as outlined in **Appendix 2**.
- 4.7 The lack of early action on flood early warning may be attributed to lack of a framework for “early warning early action” in the Country. NDOC’s management indicated that the need for a framework had been identified and its development had commenced. The audit noted that while early warning information is often communicated advising people to move to higher grounds, information on places where the community can move to is only communicated after the actual occurrence of flooding. Similarly, interviews with County Commissioners and NDOC revealed that stakeholders only took coordination meetings seriously after news of flood occurrence was aired in the media.

#### **b) Challenges in Evacuation of Victims**

- 4.8 Targets (a), (b) and (c) of the Sendai Framework for DRR seek to substantially reduce disaster risk and losses in lives and livelihoods by 2030. This calls for proper evacuation of the affected persons during floods to save lives and property. Further, Priority 4 of the Sendai Framework for DRR is on enhancing disaster preparedness for effective response and to “build back better” in recovery, rehabilitation, and reconstruction. To achieve this, the Framework calls

on member states to strengthen the capacity of local authorities to evacuate persons living in disaster-prone areas.

4.9 To facilitate evacuation, good practice requires that SDISNA work closely with county governments to:

- i. Map evacuation routes and communicate the same to the community;
- ii. Establish and maintain evacuation centres; and
- iii. Provide to the community evacuation tools and equipment, including boats and vehicles for transporting victims to evacuation centres.

4.10 The audit revealed that none of the six (6) sampled counties had mapped evacuation routes. It was reported during interviews with the sampled County Commissioners and officials from county governments that the community often used their knowledge of the area terrain to decide on the routes to follow during evacuations. NDOC's management indicated that ideally mapping of evacuation routes should be done by the county governments, through their disaster management units.

4.11 In addition, except for Kisumu County which had six (6) centres, none of the other sampled counties had designated evacuation centres. However, interviews and review of documents revealed that the six (6) designated evacuation centres in Kisumu were in a dilapidated state. This was also confirmed through physical inspection of one (1) of the camps; Kamagaga Evacuation Camp. The camp had only one (1) hall that was in dire need of repairs as shown in **Picture 1**. In addition, the camp had one (1) ablution block with two (2) toilets. The toilets were filled up and sunken, thereby posing public health risks. Reviews of document revealed that the evacuation centres were constructed by the Japan International Cooperation Agency (JICA) in 2009 and handed over to the community; however, no maintenance had been done since the handing over.

**Picture 1: Kamagaga Evacuation Camp in Nyando, Kisumu County**



*Photos showing broken window panes in the evacuation hall and the status of the ablution block*

*Source: Photos taken by the audit team in February, 2022*

4.12 In the absence of designated centres, the audit revealed that affected persons sought temporary shelter in schools, churches, social halls, and raised open grounds. However, interviews and physical verifications revealed that the facilities in schools were often damaged but the schools were not assisted in repairing their facilities after the flood victims vacated. For instance, the audit team conducted physical verifications at Ombaka Primary School in Nyando Sub-County which housed the 2020 flood victims. It was observed that all the classrooms had completely damaged floors and ablution blocks destroyed, filled up and sinking as shown in **Picture 2**. The school administration reported that despite the level of damage, the school had not received any funds to aid in repairs.

**Picture 2: Ombaka Primary School Used as a Camp for 2020 Nyando Flood Victims**



*Photos showing the state of the classroom floors and the ablution blocks*

*Source: Photos taken by the audit team in February, 2022*

4.13 For comfortable stay in the evacuation camps, it would be expected that the Directorate of Special Programmes provides affected persons with items such as tarpaulins, blankets, mattresses, mosquito nets, kitchenware, and mobile toilets. However, focus group discussions with the sampled community representatives revealed that the Directorate only provided food items most of the time. The community representatives reported that mostly it was the Kenya Red Cross Society

that provided non-food items. This was also confirmed through review of documents. Out of 20 relief request letters with information on allocation, 12 requests were for both food and non-food items but only food items were allocated. The affected persons had to look for firewood to prepare their food.

- 4.14 Further, interviews revealed that community members assisted each other in evacuation without the input of either the national or county government. The community representatives reported that they lacked the basic tools and equipment such as rescue boats and life jackets and had no training on evacuation. The communities used their knowledge and locally available tools and equipment such as canoes to evacuate themselves.
- 4.15 As a result of the inadequate evacuation, lives were lost, property destroyed, and livelihoods affected from flooding disasters. For instance, according to data obtained from NDOC, a total of 76 people spread across the Country lost their lives as a result of the 2020 floods as outlined in **Appendix 2**.
- 4.16 The audit attributed the challenges facing evacuation of victims to the lack of clarity on the mandate between the national and county governments on evacuation. Disaster management is a shared function as per Schedule IV of the Constitution of Kenya. However, it remained unclear as to how evacuation responsibilities should be distributed between the two (2) levels of government. In addition, evacuation was affected by the ineffective coordination and support to the communities.

### **c) Relief Processes Were Marred with Weaknesses**

- 4.17 Priority 4 (h) of the Sendai Framework for DRR seeks to enhance disaster preparedness for effective response and to “build back better” in recovery, rehabilitation, and reconstruction. To achieve this, the Framework calls on member states to promote regular disaster preparedness, response, and recovery exercises. This would ensure a rapid and effective response to disasters and related displacement, including access to safe shelter, essential food, and non-food relief supplies, as appropriate to local needs.
- 4.18 To save lives, the form of relief should be sufficient, based on needs, and delivered on time. The procurement and distribution of relief supplies should

also be cost-effective. In addition, the administration of relief processes should follow the Guidelines for Management of Relief Food.

4.19 The audit revealed that all relief supplies distributed by the Directorate of Special Programmes were sourced from Nairobi and transported to various counties, occasioning high costs of transportation. Interviews with County Commissioners and Deputy County Commissioners revealed that the Directorate delivered relief items to the counties without providing funds for last mile transportation in most of the times, causing delays in delivery to the affected persons. The community representatives also indicated that the relief supplied by the Government was not only insufficient but also delayed in most cases. The audit team requested for information on relief processes from the Directorate of Special Programmes. However, the information provided by the Directorate was incomplete and could not allow for an assessment of the entire relief process. The Directorate provided relief correspondence files with information on relief requests and allocations only. The provided documents also had information gaps. As such, the audit could not establish the sufficiency, timeliness, and cost-effectiveness of the relief processes. This section only highlights the general weaknesses observed in the relief processes.

i. [Non-Adherence to the Set Guidelines on Relief Requests](#)

4.20 According to the Guidelines for Management of Relief Food Distribution, requests for relief assistance for rapid onset emergencies like floods should be done by County Commissioners, or in exceptional circumstances, any other leader either by telephone, email, or any other quicker mode of communication and channelled directly to the Principal Secretary in charge of special programmes. The requests should be accompanied by a detailed assessment report done by the county level Disaster Management Committee or County Steering Group and minutes of the Sub-County Relief Distribution Committee.

4.21 However, out of the 165 flood relief correspondences provided for audit from the sampled 6 counties, 126 were relief allocation letters with no

corresponding relief request documents. Out of the remaining 39 with information on relief requests, only 11 were made by either a Regional Commissioner, County Commissioner, or Deputy County Commissioner as shown in **Table 3**. The remaining 28 requests were made by political leaders.

**Table 3: Summary of Relief Requests During the Period July, 2017-June, 2021**

County	No. of relief requests made by:			Total
	Allocations with no requests	NGAO (RCC/CC/DCC)	Politicians	
Baringo	4	2	1	7
Busia	33	6	4	43
Garissa	34	1	5	40
Kisumu	20	2	16	38
Narok	3	0	0	3
Tana River	33	0	1	34
<b>Total</b>	<b>126</b>	<b>11</b>	<b>28</b>	<b>165</b>

*Source: OAG analysis of relief request and allocation correspondences*

4.22 In addition, review of the relief correspondence files at the Directorate of Special Programmes office revealed that the request lacked the necessary supporting document such as assessment reports or minutes. The Directorate however honoured the requests and allocated relief items despite the lack of the required supporting documents. Besides, out of the 39 relief request letters reviewed, 27 did not have any information on victims. Nevertheless, the Directorate honoured 15 of them and allocated relief in addition to the 126 allocations that had no backing request information. It was not clear how the Directorate decided on the quantity of relief items to allocate.

4.23 Failure to follow the provisions on relief requests outlined in the Management of Relief Food Distribution Guidelines created room for interference in relief processes. In addition, the review of relief correspondences revealed that the Directorate allocated a flat rate quantity to the sub-counties, irrespective of the number of affected households, which may have led to over or under-allocation of relief items.

4.24 It was noted that the Guidelines currently in use were issued as a circular in 2017, hence not legally binding. Besides, the Guidelines were not readily available at the County Commissioners' offices. It was, however, noted that the Directorate of Special Programmes had commenced drafting a national policy on relief assistance. Once finalized, the policy will provide legally binding guidance on relief processes.

ii. **Inadequate Enforcement of Accountability Mechanisms**

4.25 Efficient relief processes require the establishment and enforcement of accountability mechanisms. From interviews and review of Relief Management Guidelines, some of the accountability mechanisms include:

- County Commissioners to report back to the Directorate of Special Programmes on the actual beneficiaries of relief supplies;
- A team of the Directorate's officials to perform regular monitoring of relief distribution at county level; and
- In case of contracted transport, both the transporter and the County Commissioner or Deputy County Commissioner to sign a waybill showing the quantity loaded and delivered to the county, a copy of which should be submitted back to the Directorate for filing.

4.26 The Directorate did not provide the audit team with waybill or relief food distribution reports submitted by the County Commissioners or Deputy County Commissioners of the affected regions. The disaster management correspondence files reviewed at the counties had some relief distribution returns filed by the chiefs. However, it was not easy to link them to specific relief allocations to which they relate. In addition, there was no evidence of monitoring of relief supplies by the Directorate of Special Programmes. The Directorate's management reported that it had a skeleton staff at the headquarter with no representation at the county level and hence could not conduct real time monitoring of relief operations.

4.27 Consequently, the Directorate was not in a position to provide a proper account of how the relief is distributed in the counties, including the number of beneficiaries. The sampled community representatives claimed that there

were instances of relief being given to non-victims, as the list of identified beneficiaries was often compromised. However, the audit could not confirm the claims since information on actual beneficiaries was lacking in most of the cases.

### iii. Inefficient Records Management

4.28 For efficient relief processes, the Directorate of Special Programmes should develop and operate a records management system that not only provides for safe custody of information, but also ensures efficient retrieval.

4.29 The Directorate maintained a manual filing system that did not provide a systematic way of obtaining information. Besides, a review of the files revealed inconsistency and mixing up of documents in various correspondence files. For instance, a well-maintained correspondence file should have information that follows the entire relief process from request, allocation, and transportation, through to distribution to victims. However, such important information as supporting documents for relief requests, corresponding Authorities to Incur Expenditure (AIEs), waybills, and distribution returns were lacking in the files. This made it difficult to follow the entire relief process. The Directorate's management reported that the activities under relief process were carried out by different units within the State Department, namely; Procurement, Finance and Special Programmes, each maintaining its own files independently. In addition, while it would be expected that the correspondences are filed systematically per each relief request, the filing was random, based on the correspondence date. Consequently, retrieval of information from the files was time-consuming and did not allow for ease of tracking the relief process.

### d) Limited Recovery Interventions Towards Communities and Critical Infrastructure

4.30 Recovery in flood management entails enabling people to return their livelihoods to normalcy and setting up systems to ensure resilience to floods in the future. Priority 4 of the Sendai Framework for DRR is on enhancing disaster preparedness for effective response and to "build back better" in

recovery, rehabilitation, and reconstruction. To achieve this, the Framework calls on member states to, among other things:

- i. Promote the incorporation of Disaster Risk Management (DRM) into post-disaster recovery and rehabilitation processes; facilitate the link between relief, rehabilitation, and development; use opportunities during the recovery phase to develop capacities that reduce disaster risk in the short, medium, and long term, including through the development of measures such as land-use planning, structural standards improvement; and the sharing of expertise, knowledge, post-disaster reviews and lessons learned and integrate post-disaster reconstruction into the economic and social sustainable development of affected areas. This should also apply to temporary settlements for persons displaced by disasters.
- ii. Consider the relocation of public facilities and infrastructures to areas outside the risk range, wherever possible, in the post-disaster reconstruction process, in consultation with the people concerned, as appropriate.

4.31 The audit revealed that besides the repair of damaged public infrastructure, the Government, both national and county, did not do much to aid the community in recovery after floods. Focus was only on the reconstruction of cut out roads and damaged bridges, leaving behind other key critical infrastructures such as schools, hospitals, and marketplaces. For instance, the audit observed that the 2020 floods in Nyando Sub-County submerged the entire Ogenya Village affecting a dispensary, primary school, and market centre as shown in **Picture 3**. As at the time of the audit, only the primary school had been relocated, while the market centre and dispensary were non-operational. Similar observations were noted in Mabinju Sub-Location in Bunyala Sub-County which was also affected by the rising water of Lake Victoria in 2020. The sub-location was completely sub-merged affecting the school, dispensary, market centre and electricity supply. As at the time of audit physical verification in February 2022, much of the water had receded, but the area was still cut out of electricity and none of the affected public infrastructures was operational, except for the primary school.

**Picture 3: Public Facilities Destroyed by Floods in Ogenya Village**



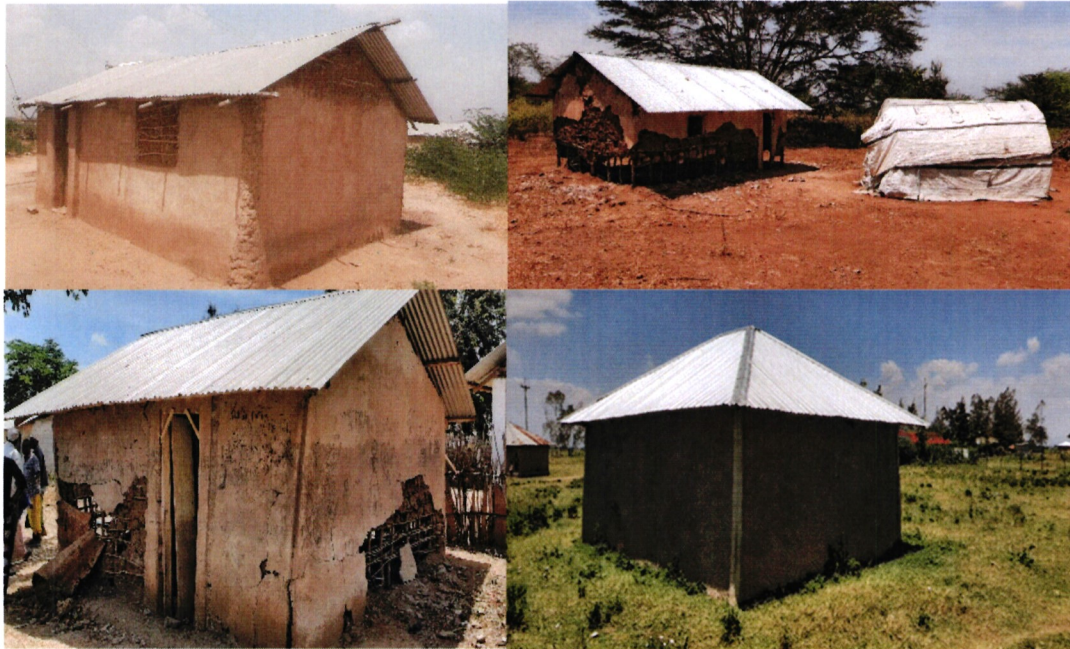
*Top left-old Ogenya Primary School; top right-new Ogenya Primary School; bottom left-Ogenya Dispensary; bottom right- Ogenya Market*

*Source: Photos taken by the audit team in February, 2022*

4.32 From interviews with the sampled Deputy County Commissioners and community representatives, recovery work targeting affected households was limited and mainly done by NGOs. It was reported that sometimes the Directorate of Special Programmes could provide a few iron sheets as part of response relief supplies. The audit noted that the only major recovery activity targeting the community during the audit period was the Shelter Reconstruction Project implemented by the Government, through the Kenya Red Cross Society (KRCS), in 2018/19. The project, which targeted 5,000 households in 25 affected counties, involved reconstruction of houses for vulnerable victims whose houses were destroyed by the 2018 floods. However, focus group discussions with community representatives revealed that mostly the houses were single roomed semi-permanent structures.

Besides, the community representatives reported that the houses were constructed in areas prone to flooding and majority of them had been destroyed by floods. This was also confirmed through physical verification, which revealed that most of the houses had either been destroyed by floods or were in a dilapidated state as shown in **Picture 4**.

**Picture 4: Shelter Reconstructing Project Houses in Kisumu and Tana River Counties**



*Source: Photos taken by the audit team in February, 2022*

4.33 The audit observed some flood mitigation activities implemented by the Government, through the National Water Harvesting and Storage Authority (NWHSA), to cushion the communities from future flooding. In Bunyala Sub-County, Busia County, the Northern and Southern dykes had been rehabilitated to increase their height. In Nyando Sub-County, Kisumu County, gabions were being constructed along the banks of River Nyando near Ahero bridge. The Olopito Check Dam in Narok County had also been reconstructed to reduce flooding. However, siltation was observed on the newly constructed Olopito Check Dam, which may affect its effectiveness in controlling floods in the future. The observed flood control structures were as shown in **Picture 5**.

**Picture 5: Flood Control Structures**



*Top left- rehabilitated dyke in Bunyala; top right-gabions along river Nyando banks; bottom left-old Olopito check dam, Narok; bottom right-newly constructed Olopito check dam*

*Source: Photos taken by the audit team in February, 2022*

- 4.34 Due to the limited recovery interventions, the affected persons were unable to rebuild their livelihoods after the floods, thereby increasing their vulnerability to future floods. The audit observed that some of the victims of the 2020 floods were still in camps in Baringo, Kisumu, and Busia Counties. However, the exact number could not be ascertained as at the time of audit. Despite some of the victims still being in the camp, the Directorate of Special Programmes had stopped the issuance of relief assistance. The audit also observed that even though most of the victims had gone back to their homes, the majority were not able to rebuild their houses and were living in tents.
- 4.35 The limited recovery efforts after flooding was attributed to lack of clear mandate, institutional capacity challenges, and lack of contingency planning. From interviews, the audit observed that it was not clear whether it should be the responsibility of the national or county government to facilitate the community in recovery. In addition, it was reported that the recovery of

infrastructure is a multi-agency affair, with NDOC as a coordinator. However, the audit observed that NDOC was not legally constituted and therefore lacked legal backing in supervising the activities of line ministries. Further, the audit observed that only Baringo County and Bunyala Sub-County had up-to-date contingency plans that had identified recovery resource requirements.

#### **e) Inadequate Coordination of Actors**

- 4.36 Priority 2 of the Sendai Framework for DRR calls for strengthening disaster risk governance to manage disaster risk. To achieve this priority, member states are required to establish and strengthen government coordination forums composed of relevant stakeholders at the national and local levels, such as national and local platforms for disaster risk reduction. As per Guiding Principles (d) and (e) of the Sendai Framework for DRR, coordination of disaster risk activities should embrace an all-of-society engagement and partnership with clear coordination mechanisms.
- 4.37 The audit revealed that there were structures in place for the coordination of flood response at the national and county levels. At the national level, there was a national multi-agency committee, chaired by the Principal Secretary, State Department for Internal Security and National Administration. At the county level, coordination was done through DMCs co-chaired by the County Commissioners and a representative of the Governor, with membership drawn from all the key actors within the county. A similar structure existed at the sub-county level chaired by the Deputy County Commissioner, and sometimes it was replicated up to the location level. However, the audit noted that these committees were ad hoc and only operated during flooding.
- 4.38 The audit also revealed that the various roles of actors in the coordination structures had not been defined at the national and county levels. Besides, the audit did not find evidence of formal appointment of members into the national, county, and sub-county DMCs.
- 4.39 To assess the functioning of the coordination structures, the audit team reviewed minutes of the county coordination meetings covering the period

from October 2017 to December 2021 and made the following observations. Narok County did not avail minutes of coordination meetings for audit, while five (5) out of the 54 sets of minutes provide by the remaining sampled counties did not have clear information on attendees and could not be included in the analysis.

4.40 Out of the 49 sets of minutes with complete information of attendees reviewed, 55% lacked representation of county government or the Kenya Red Cross Society as shown in **Table 4**. This is despite of the focal role these institutions play in response to floods.

**Table 4: Representation of Key Stakeholders in Flood Response Coordination Meetings**

County	Total No of minutes reviewed	Number of minutes in which county government and Red Cross were present in the meetings	Number of minutes in which county government and Red Cross were missing in the meetings
Baringo	3	3	0
Busia	27	13	14
Kisumu	11	0	11
Tana River	7	6	1
Garissa	1	0	1
<b>Total</b>	<b>49</b>	<b>22</b>	<b>27</b>
%	<b>100</b>	<b>44.90</b>	<b>55.10</b>

*Source: Analysis of DMC minutes from sampled counties and sub-counties*

4.41 It was also observed that the Coordination Committees did not hold frequent meetings to discuss broader response issues. Instead, the committees operated as relief distribution committees and mostly met to discuss how to distribute relief supplies received from the Directorate of Special Programmes. For example, out of the 54 minutes reviewed, 25 purely discussed relief distribution. All the 13 DMC minutes obtained from Kisumu County were on relief distribution, with the exception of two (2) as shown in **Table 5**.

**Table 5: Nature of Issues Discussed During Coordination Meetings**

County/Sub county	Total No. of minutes reviewed	Number of minutes in which broader issues of flood response were discussed	Number of minutes in which relief distribution was discussed
Kisumu	13	2	11
Busia	30	18	12
Baringo	3	2	1
Tana river	7	7	0
Garissa	1	0	1
Total	54	29	25

*Source: Analysis of DMC minutes from sampled counties and sub-counties*

- 4.42 In addition, an evaluation of flood response at the end of each flood episode is necessary to generate knowledge that can be used for improvement in the response processes. However, the audit revealed that there had never been a formal evaluation of flood response activities either by SDISNA or the Directorate of Special Programmes.
- 4.43 The inadequate coordination of flood response activities did not only give room for interference of response activities but also resulted in an uncoordinated response characterised by duplication of efforts or delayed response. For instance, review of documents and interviews revealed that there was interference during relief request and distribution to the victims.
- 4.44 The audit attributed the inadequate coordination to lack of a clear legal framework to govern flood response, both at the national and county levels. The audit revealed that coordination of flood response activities as carried out by NGAOs in the counties was based on the pre-devolution District Development Committee framework. While Tana River, Kisumu, and Busia Counties had enacted Disaster Risk Management (DRM) Acts with clear provisions on coordination committees, none of the counties had operationalised the committees as outlined in their DRM laws.

## **2. Disaster Preparedness Challenges Facing Flood Response**

- 4.45 The audit established that the challenges facing government response to floods in Kenya were generally attributable to shortcomings in disaster

preparedness, mainly in the area of disaster risk governance as indicated below.

4.46 Priority 2 of the Sendai Framework for DRR calls for strengthening disaster risk governance to manage disaster risk. To achieve this priority, member states are required, among other things, to:

- i. Mainstream and integrate disaster risk reduction within and across all sectors and review and promote the coherence and further development, as appropriate, of national and local frameworks of laws, regulations, and public policies;
- ii. Adopt and implement national and local disaster risk reduction strategies and plans, across different timescales, with targets, indicators, and timeframes, aimed at preventing the creation of risk, reduction of existing risk, and strengthening of economic, social, health, and environmental resilience; and
- iii. Assign, as appropriate, clear roles and tasks to community representatives within DRM institutions and processes and decision-making through relevant legal frameworks.

4.47 Further, Priority 4(a) of the Framework calls on member states to prepare or review and periodically update disaster preparedness and contingency policies, plans, and programmes with the involvement of the relevant institutions, considering climate change scenarios and their impact on disaster risk, and facilitating, as appropriate, the participation of all sectors and relevant stakeholders. In addition, Priority 4(f) calls on member states to train the existing workforce and voluntary workers in disaster response and strengthen technical and logistical capacities to ensure better response in emergencies.

4.48 However, the audit revealed several governance and preparedness challenges that affect flood response as indicated in the following paragraphs.

#### **a) Unclear Mandate for Flood Response**

- 4.49 Floods being one of the leading natural disasters in the Country, it would be expected that there is established a focal lead agency at the national level to spearhead flood management. However, the audit revealed that there was no focal national government entity specifically charged with the mandate for flood response. Instead, responsibilities were spread across several entities, each tackling different aspects of flood as a disaster.
- 4.50 In addition, the mandate was discharged as a DRM function shared between the two levels of government, national and county. However, the audit observed that the functions of each level of government were not clearly defined. The audit revealed that the Intergovernmental Relations Technical Committee (IRTC), working with stakeholders in DRM, including NDOC and the Directorate of Special Programmes, prepared a report unbundling the disaster management functions between the two levels of government. However, the unbundled functions were yet to be gazetted as at the time of finalising this report.
- 4.51 The lack of clarity and placing responsibilities among various entities led to duplication of efforts in some cases and lack of accountability due to the independence of entities with no focal agency to hold them accountable. Besides, the sharing of responsibilities among various agencies led to non-action, as no agency was fully accountable for flood response. The audit revealed that while the National Government should only come in when the magnitude of flood emergency is beyond the capacity of county governments, counties often waited for the National Government to initiate flood response activities. The lack of a clear mandate may be attributed to the lack of legal framework for flood management in the Country which would provide for establishment of a focal lead agency. The delay in clarification of DRM functions of each level of government has also contributed a greater extent to lack of clarity in mandate.

#### **b) Lack of Critical Policies and Laws**

- 4.52 The audit revealed that the Country did not have a specific legal framework on flood management and instead relied on available guidance on DRM.

Nonetheless, the audit revealed that there is no national-level disaster management law or policy. Interviews and review of documents revealed that the development of a national policy on DRM commenced in 2002, but the policy was still in draft form at the time of audit. The version of the policy approved by the Cabinet in 2017 was not subjected to Parliament for enactment and was under review at the time of audit. Similarly, attempts to enact a national law on DRM commenced in 2018, but no law had been finalised at the time of audit.

4.53 Further, interviews revealed that NDOC issued county governments with a template which they were expected to customize and develop county-level DRM legal framework. However, out of the six counties sampled for audit, only Tana River County had developed a DRM law and policy while Baringo County had a policy but was yet to finalize the law. Kisumu and Busia Counties had enacted DRM laws but had not developed DRM policies. It was also noted that four out of the six counties sampled had enacted the Emergency Fund Act. The status of enactment of DRM laws and policies in the counties was as presented in **Table 6**.

**Table 6: Status of Enactment of DRM Laws and Policies in the Counties**

County	Draft Policy	DRM	DRM Policy	DRM Bill	DRM Act	Emergency Fund Bill	Emergency Fund Act
Tana River	-		✓	-	✓	X	X
Garissa	X	X	X	-	X	-	✓
Narok	X	X	X	-	X	-	✓
Kisumu	X	X	X	-	✓	-	✓
Busia	X	X	X	-	✓	-	✓
Baringo	-		✓	✓	X	X	X
<b>Total</b>	<b>0</b>		<b>2</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>4</b>

Source: OAG analysis of audit minutes, documents and information from respective county websites

4.54 Disaster legal framework assist in clarifying the roles, responsibilities, and coordination mechanisms for DRM across sectors, as well as between the national and county levels of government. Used effectively, the laws and policies can support an integrated, inclusive, and equitable approach to flood response and recovery. The observed challenges facing flood response and

recovery outlined in this report can be attributed to lack of legal framework, which not only resulted in unclear mandates, but also contributed to challenges in coordination of actors.

- 4.55 Interviews with senior officers of NDOC revealed that there have been vested interests of different entities on the enactment of a Disaster Risk Management policy and law at the national level. According to NDOC's management, some entities views are that the enactment of a national-level DRM law and policy may lead to the consolidation of DRM functions under one (1) entity, which may deny them access to DRM funds in the future. The audit also revealed that other than providing counties with a template for the development of a DRM law, NDOC did not follow up with the counties to ensure that they enact and implement DRM laws. NDOC's management reported that similar observations were made by the World Bank. The management reported that following the recommendations of the World Bank, NDOC has since piloted the development of DRM laws in eight (8) counties and followed through the process up to until the enactment of County Multi-Hazard Emergency Operation Plans (CEOPs).

### **c) Inadequate Institutional Capacity**

- 4.56 Interviews and review of documents revealed that both the Directorate of Special Programmes and NDOC were not facilitated with both human and material resources necessary for flood response. Interviews with NDOC's management revealed that besides the administrative staff, all technical staff were on secondment. The management expressed concerns that staff were occasionally recalled back by their parent institutions immediately after training, despite the significant resources spent on training them. In addition, NDOC was expected to undertake disaster response coordination at the national level, while NGAOs were responsible for coordination at the county level. However, the audit revealed that there were no staff specifically deployed for disaster coordination in the offices of County Commissioners or Deputy County Commissioners. Disaster coordination was treated as one of the administrative duties.
- 4.57 Similarly, review of documents revealed that the Directorate of Special Programmes had only two (2) officers in place, out of the required thirteen (13) staff as per the

approved staff establishment as shown in **Table 7**. The officers in post were the Secretary, Special Programmes and the Director, Relief and Rehabilitation. It was reported that the Directorate had three (3) technical staff seconded to it by the then Ministry of Devolution, in addition to its two (2) officers. The five (5) staff were expected to undertake relief and rehabilitation activities for various types of disasters throughout the country.

**Table 7: Directorate of Special Programme's Staff Establishment as at May, 2021**

Position	Approved Establishment	No. in Post	Variance
Secretary, Special Programmes	1	1	0
Director, Special Programmes	2	1	1
Deputy Director, Special Programmes	2	0	-2
Assistant Director, Special Programmes	2	0	-2
Principal Programme Officer	2	0	-2
Senior Programme Officer	2	0	-2
Programmes Officer	2	0	-2
<b>Total</b>	<b>13</b>	<b>2</b>	<b>-11</b>

*Source: Directorate of Special Programme's Staff Establishment*

- 4.58 The audit also revealed that despite floods in the country being cyclical and occurring annually, there was no specific budget line for flood response either in the SDISNA or the Directorate of Special Programmes. Review of the documents revealed that the Directorate had a relief and rehabilitation budget line but only operation costs were budgeted for during annual planning, while funds for emergency and relief supplies were allocated in the course of the year. The Directorate's management explained that the arrangement was that the Directorate present a request to The National Treasury for funding whenever a disaster occurs. However, review of the Public Finance Management Act, 2012 revealed that disbursements from the Contingencies Fund should be restricted to urgent and unforeseen events which were not budgeted for and cannot be delayed as they threaten to harm the general public interest. The auditors understanding is that floods is almost an annual occurrence which should be budgeted for and monies from the Contingencies Fund should be drawn only after the budget is exhausted.
- 4.59 Similarly, NDOC's management claimed that they used to receive an annual budgetary allocation of Ksh. 50 million towards disaster response. However, this

had declined over the last five (5) years, with the current allocation being Ksh. 35 million. The audit team could not ascertain the allocation, as NDOC did not provide information on budgets and expenditures on disaster response for audit.

4.60 Interviews with NGAOs both at county and sub-county levels revealed that most of the time, the Directorate delivered relief items to the counties without providing the AIE allocations for last mile transportation, resulting in delays in distribution. This was also confirmed by the Directorate's management, but no analysis could be performed to ascertain the claims since the data availed for audit was incomplete. Besides, while the Directorate is expected to monitor the distribution of relief to beneficiaries, there was no evidence of physical monitoring during the audit period. In addition, while the Directorate is expected to undertake relief and rehabilitation, the audit revealed that its activities were only limited to relief supplies, leaving out recovery interventions.

4.61 The audit attributed the inadequate institutional capacity for response to the lack of a legal framework on DRM in the Country. The Government established NDOC in 1998, however, no legal framework had been developed to properly institutionalize it as a national government lead coordinator in disaster response. Similarly, despite its critical role, the Directorate of Special Programmes had on several occasions been transferred from one ministry to another during the restructuring of government operations. At some point, Special Programmes was a whole ministry, then a state department, and eventually a directorate. The Directorate's management reported that, the movement negatively affected its staffing as it was assumed that the recipient ministry would provide staff. Further, the audit established that it was only in 2018 that the Directorate recruited its first set of permanent staff.

#### **d) Lack of Contingency Planning**

4.62 Good practice would require that County Commissioners work with stakeholders, through the County DMCs to develop flood contingency plans in readiness for response. The contingency plans should detail the required response interventions and associated resources. The contingency plans

should also assign response responsibilities to various actors, as well as outline a monitoring and evaluation framework. Once submitted, NDOC should consolidate county flood contingency plans into a national plan and share it with the stakeholders.

4.63 The audit revealed that there was no flood contingency plan developed at the national level. Instead, each entity developed its response plan based on the needs of each flood episode. At the county level, the audit revealed that only Bunyala Sub-County and Baringo County had developed flood contingency plans. Bunyala Sub-County had developed a flood contingency plan for 2021 to 2025 while Baringo's flood contingency plan was dated 2021. It was reported during interviews that Garissa, Kisumu, Narok, and Tana River Counties had developed County Emergency Operation Plans (CEOPs) with the help of NDOC. However, only Tana River County provided a copy of the plan for audit verification.

4.64 The audit noted that government response to flood was more of an ad hoc approach, without prior planning, leading to the suffering of victims. The lack of contingency planning denies the national government and the county governments the opportunity to mobilize resources early, through the Coordination Committees, and respond to floods in time. The lack of contingency plans may be attributed to the lack of a guiding framework for flood contingency planning in the country.

#### **e) Limited Community Involvement in Flood Response**

4.65 The audit revealed that the community plays a critical role in flood response, especially during evacuation of flood victims and identification of beneficiaries for relief support. However, interviews revealed that the community's role in flood response had not been defined and documented, but rather assumed. The audit also revealed that the community discharged its role through the local-level DMCs that work closely with the Chiefs and Sub-Chiefs. However, interviews and review of documents revealed that out of the six (6) counties sampled for audit, neither the National nor county government had offered any form of training to local-level DMCs. However,

it was noted that the International Committee for the Development of People (CISP) had trained local-level DMCs in Tana River, Baringo, and Narok Counties on Community Managed Disaster Risk Reduction (CMDRR).

4.66 Further, the community representatives reported that the local level DMCs were not provided with the relevant equipment and tools such as gum boots, life jackets, torches, and rescue boats to aid them in performing rescue operations.

4.67 Due to inadequate involvement, the community could not play an active role in flood response, including holding actors to account for non-action. The audit observed that the community considered themselves as mere beneficiaries and not key players in response operations.

4.68 The audit attributed the inadequate involvement of communities in flood response to the lack of an established framework for community engagement in flood response activities. The framework would define the community's role in response and also outline the level of engagement with the Government.

#### **Auditees' Response to Audit Findings**

4.69 At the conclusion of the audit, an exit meeting was held and subsequently a management letter was sent to the two (2) audit entities, requesting for their comments on the audit findings. The comments from the auditees' management are presented in **Appendix 3**.

## Chapter 5: Conclusion

- 5.1 Although the Government through the relevant departments had put in place ad hoc measures to address flood related emergencies. It was evident from the audit findings that the Government, through the SDISNA and the Directorate of Special Programmes had not put in place adequate measures to respond to humanitarian emergencies during flooding.
- 5.2 Although the Kenya Meteorological Department together with Water Resources Authority provides flood early warning information to stakeholders, the audit noted lack of early action, mainly due to the lack of an “early warning early action” framework in the Country. Flood response is not only characterised by delayed and inadequate evacuation of victims leading to loss of lives and livelihoods, but also inadequacies in relief processes thus causing suffering to victims while in the camps. Besides, the victims are always left on their own to struggle in recovery, with no additional assistance from the Government, thereby increasing their vulnerability to future flooding.
- 5.3 In addition, flood response is characterized by multiple actors with ad hoc mechanisms for coordination. Response operations involve a number of state and non-state actors, including; national government ministries, county governments, and NGOs, coordinated through ad hoc disaster management committees. The coordination committees lack guidelines for their operations.
- 5.4 The Government’s ability to adequately respond to flood related humanitarian emergencies is hampered by challenges in preparedness, especially in the area of disaster risk governance. The Country lacks a legal framework to govern flood response operations. The development of a national-level disaster policy has delayed for about 20 years. In addition, the Country lacks a focal lead agency charged with flood response operations. The Directorate of Special Programmes and NDOC are expected to play a focal role in disaster response, but the two (2) institutions lack the requisite

institutional capacity to discharge this responsibility. The NDOC is expected to be the lead coordinator, but it is not legally constituted and lacks the legal backing to supervise players in the system. The Directorate, on the other hand, has only five (5) technical staff yet it is expected to undertake relief and rehabilitation activities for all disasters in the country.

- 5.5 Moreover, contingency planning is a key component of flood response. Despite this, the audit has found lack of prioritization of contingency planning as the Country lacks contingency plans at the national level and in most counties. Response at both levels of government is based on an ad hoc mechanism with no prior planning.
- 5.6 Further, the community plays an important role in flood response, especially during evacuation of victims. Despite this, the audit observed that the Government has not done much in building capacity for response and recovery at the community level. The community, who are the first line responders, did not have the requisite training and lacked the tools and equipment necessary to undertake evacuations. The community's role in flood response is also not clearly defined.
- 5.7 All the observed shortcomings affect the ability of the Government in responding to humanitarian emergencies brought about by floods and require the attention of the concerned actors to resolve them. Emphasis should be given to disaster risk governance as it is critical for adequate flood response.

## Chapter 6: Recommendations

6.1 In view of the findings and conclusions of the audit, the following is recommended for consideration by key parties to improve on Government response to flood related humanitarian emergencies and to minimise loss of lives and livelihoods in the affected communities: -

- I. The State Department for Internal Security and National Administration should coordinate with the State Department for the Arid and Semi- Arid lands (ASALs) and Regional Development to have the national disaster risk management policy and law enacted. This will not only address the institutional capacity challenges facing flood response operations but also resolve the challenges faced in mandates and coordination.
- II. The State Department for the ASALs and Regional Development should finalise the development of the National Relief Assistance Policy and follow through to enact the applicable law. This will resolve the inefficiencies observed in relief processes by providing clear and legally binding guidance.
- III. The State Department for the ASALs and Regional Development should liaise with the Public Service Commission to fill the vacant positions in the Directorate of Special Programmes. This, together with the enactment of the National Relief Assistance Policy, will enhance the Directorate's capacity to discharge its mandate.
- IV. The State Department for the ASALs and Regional Development should develop and implement an integrated relief records management system for ease of monitoring of the relief process.
- V. The State Department for Internal Security and National Administration, through the National Disaster Operations Centre (NDOC), should work closely with Office of the Deputy President and the Council of Governors to fast-track the clarification and gazettment of disaster risk management functions for the national and county governments. This will ensure clarity of responsibilities for

evacuation, as well as recovery for the affected persons in the communities after flooding.

- VI. The State Department for Internal Security and National Administration, through the County Commissioners, should work with the County Disaster Coordination Committees to prepare and regularly update flood contingency plans with clear resource requirements for evacuation of victims, relief supplies, and recovery. The developed contingency plans should be submitted to NDOC for consolidation of resource gaps into a national contingency plan and be shared with the relevant stakeholders. This will ensure early mobilization of resources for response, as well as recovery.
- VII. The State Department for Internal Security and National Administration, through NDOC, should work with the relevant stakeholders to fast-track the development and implementation of an “early warning early action” strategy for the Country. This will enhance preparedness for flood response at the national and county levels.
- VIII. The State Department for Internal Security and National Administration, through the County Commissioners, should work closely with county governments to develop and implement a framework for community engagement in flood response activities. This will enhance the active involvement of the community in flood response operations.

## Appendices

### Appendix 1: Methods of gathering evidence

#### a) List of People Interviewed

Person Interviewed	Reasons for Interview
Director, National Disaster Operations Centre (NDOC)	<ul style="list-style-type: none"> <li>- Understanding of the legal and institutional framework for flood response; both national and county levels</li> <li>- Understanding of preparedness for flood response</li> <li>- Understanding of the mandate of the State Department for Interior and National Administration in flood response</li> </ul>
Deputy Director, National Disaster Operations Centre (NDOC)	<ul style="list-style-type: none"> <li>- Understanding of flood as a disaster in Kenya</li> <li>- Understanding of coordination of actors during flood response</li> </ul>
Other key staff of National Disaster Operations Centre (NDOC)	<ul style="list-style-type: none"> <li>- Understanding of flood as a disaster in Kenya</li> <li>- Understanding the processes/procedures involved in flood response</li> <li>- Information on the developments or challenges that has taken place over the years in the area of flood response and recovery</li> </ul>
Secretary, Directorate of Special Programmes	<ul style="list-style-type: none"> <li>- Understanding of the legal framework for flood response</li> <li>- Understanding of the Directorate of Special Programmes' mandate for flood response in Kenya, including the key actors and the institutional and coordination framework</li> </ul>
Director, Relief and Rehabilitation-State Department for Special Programmes	<ul style="list-style-type: none"> <li>- Understand the processes or procedures involved in response and recovery</li> <li>- Understanding of preparedness for flood response</li> <li>- Information on the developments or challenges that have taken place over the years in the area of flood response and recovery</li> <li>- Gather information on funding for flood response and recovery</li> </ul>

<p>County Commissioners (Busia, Kisumu, Narok, Garissa, Baringo and Tana River Counties)</p>	<ul style="list-style-type: none"> <li>- Understanding of the history of flood at the county level</li> <li>- Understanding the role of NGAOs in flood response</li> <li>- Information on the impact of floods at the county level</li> <li>- Information on flood response activities at the county level</li> <li>- Understanding the level of preparedness at the county level</li> </ul>
<p>Deputy County Commissioners (Bunyala, Nyando, Nyakach, Transmara West, Garissa Town, Marigat, Tana Delta)</p>	<ul style="list-style-type: none"> <li>- Information on the developments or challenges that has taken place over the years in the area of flood response at the county level</li> </ul>
<p>The County Government officers responsible for disaster management (Busia, Kisumu, Narok, Garissa, Baringo and Tana River Counties)</p>	<ul style="list-style-type: none"> <li>- Understanding of the legal framework for flood response at the county level</li> <li>- Understanding of the history of flood at the county level</li> <li>- Understanding the role of county government in flood response</li> <li>- Information on the impact of floods at the county level</li> <li>- Information on flood response activities at the county level</li> <li>- Understanding the level of preparedness at the county level</li> </ul>
<p>Community Representatives (Shika Adabu and Galili in Tana River County, Sankuri in Garissa County, Narok Township and Emarti in Narok County, Kanyagwal in Kisumu County, Lugare in Busia County, Kiwanja Ndege IDP camp in Baringo County)</p>	<ul style="list-style-type: none"> <li>- Understanding the history of floods in flood prone areas</li> <li>- Understanding the role of the community in flood response</li> <li>- Understanding the level of preparedness by the community in flood response</li> <li>- Gather information on flood response and recovery activities implemented in the sampled stations</li> <li>- Gather information on the challenges faced by the communities during flood response</li> </ul>

## b) Documents Reviewed

Document Reviewed	Information Obtained
Constitution of Kenya, 2010	Gather information on constitutional provisions on disaster management
Water Act, 2016	Understanding of the legal framework governing the operations of WRA and NWHSA
The Sendai Framework for Disaster Risk Reduction, 2015-2030	Policy provisions on flood response which formed the audit criteria
County disaster management laws	Information on legal provisions for flood response at the county level
Guidelines and procedures for Management of Relief Food Distributions	Criteria for assessment of relief processes
Executive Orders Nos. 1 of 2013, 2016, 2018 and 2020	Information on the reorganisation of the State Department for Special Programmes
Sustainable Development Goals document	Information on SDG targets relating to flood response
Financial documents	Understanding of the trend in funding and expenditures of the Directorate of Special Programmes and NDOC with regards to flood response
Minutes of various coordination forums	Understanding of flood coordination mechanisms and flood response activities
Correspondence files	Information on response and recovery at the national and county levels
Contingency plans	Understanding of the level of preparedness at the county level

### c) List of Stations Sampled

County Name	Activities Verified	
	Activity Name	Activity Type
1. Tana River	Portion of dyke at Banda Location constructed by TARDA in 1981	Flood control and recovery
	Houses constructed by the Kenya Red Cross Society	Response and recovery
	Houses destroyed by flood in Watha Village, Gala Estate	Response and recovery
	Village Cluster Project by the County Government	Response and recovery
	Relief food store and lorry	Response
2. Narok	Check dam at Olopito Elmasharain constructed by NWHSA	Recovery
	Earth dam constructed by NWHSA	Recovery
	Relief food store and lorry	Response
3. Kisumu	Gabions constructed by NWHSA at Ahero Bridge	Response and recovery
	Nyakwere Market, Ombaka Primary School, Rae Primary School, Kweyo Roho Msalaba Church, used as evacuation centres	Response
	House constructed by the Kenya Red Cross Society	Response and recovery
	Portion of dyke at Kanyagwal Location	Flood control and recovery
	Flood impact at Ogenya Village	Response and recovery
4. Busia	Portion of dyke at Mabinju Sub-Location constructed by NWHSA	Flood Control and recovery
	Houses submerged at Mabinju Sub-Location	Response and recovery
	Bunyala Cultural Centre and Omena processing plant used as evacuation centre	Response
	Bulala Community Radio Station	Preparedness and response
	Relief food store and lorry	Response
5. Baringo	Kiwanja-Ndege flood IDP Camp	Response
	Schools submerged by floods and relocated i.e. Salabani Primary School, Ngambo Primary and Secondary Schools	Response and recovery

## Appendix 2: Impact of 2020 Floods as Captured in NDOC Data

	County	No. of people dead	HH displaced	Total population affected
1.	Kisumu	5	16,086	36,204
2.	Tana River	0	7,228	24,880
3.	Trans Nzoia	10	5,632	6,750
4.	Turkana	7	5,341	38,265
5.	Lamu	0	5,295	18,623
6.	Busia	2	4,659	17,846
7.	Siaya	1	3,579	22,435
8.	Garissa	10	2,645	136,360
9.	Nakuru	8	2,392	8,556
10.	Narok	2	1722	5839
11.	Homa Bay	1	1,877	7,680
12.	Migori	1	1,267	–
13.	Baringo	8	846	6,558
14.	Kisii	0	784	3,120
15.	Elgeyo Marakwet	0	482	1,702
16.	Nairobi	0	280	451
17.	Kiambu	0	172	–
18.	Taita Taveta	0	163	515
19.	West Pokot	13	152	–
20.	Bomet	0	122	–
21.	Marsabit	1	110	179
22.	Nyandarua	0	101	–
23.	Isiolo	2	80	–
24.	Laikipia	0	80	560
25.	Kericho	0	73	–
26.	Kilifi	1	70	–
27.	Samburu	2	67	340
28.	Meru	0	64	447
29.	Nandi	0	49	425
30.	Muranga	1	20	100
31.	Nyeri	0	19	80
32.	Mandera	0	10	686,201
33.	Kwale	0	5	1,232
34.	Kitui	0	0	125
35.	Bungoma	2	–	1,757
36.	Kajiado	1	–	–
37.	Kakamega	0	–	2,284
38.	Mombasa	–	–	289
	<b>Total</b>	<b>76</b>	<b>59,750</b>	<b>1,024,290</b>

Source: NDOC disaster database

Appendix 3: Auditees' Management Response on the Audit Findings

Audit observation	Auditees' management response	OAG's response
<p><b>1(a) Lack of Early Action Despite Dissemination of Early Warning Information</b></p> <p><b>Par. 4.4:</b> Only three (3) out of the 54 sets of coordination meeting minutes reviewed indicated evidence of deliberations on flood early warning information and evaluation of the level of preparedness. Meetings were convened to discuss issues on relief distribution and other broader response issues such as flood impacts and evacuation of affected after the occurrence of floods.</p>	<p>Agreed</p>	<p>Early action involves urgent meetings at various levels within the counties; for example, County Steering Group (CSG) meetings, DCCs or Sub-County Administrators' meetings, Ward level meetings, and public barazas. The meetings focus on relocation of affected communities to displacement centres and subsequent support in terms of food, non-food items, medical, education and cash transfers. Records of these meetings may or may not be available due to the urgency involved.</p> <p>The finding remains as reported.</p> <p>The explanation points to actions being taken post occurrence of floods just as was reported.</p> <p>The plan should be in place to mitigate against losses.</p>

Audit observation	Auditees' management response	OAG's response
<p><b>1(b) Challenge in Evacuation of Victims</b></p> <p><b>Par. 4.10:</b> None of the six (6) counties sampled for audit had mapped evacuation routes.</p> <p><b>Par. 4.11:</b> The sampled six (6) counties did not have designated evacuation centres except Kisumu County which had six (6) centres though in a dilapidated state.</p> <p><b>Par. 4.13:</b> The Directorate of Special Programmes did not provide the victims in evacuation centres with the much-needed non-food items such as tarpaulins, blankets, mattresses,</p>	<p>Agreed</p>	<p>The Disaster Risk Management policy spells out county governments as the first responder to disasters and emergencies. They therefore respond to disaster and emergencies to the level where county resources are inadequate then they request assistance from the National Government.</p> <p>The National Government further works closely with county governments to build the capacity of counties to undertake evacuation of flood victims effectively.</p> <p>Evacuation is a challenge due to topography, size of population affected, transport network and preparedness level of the affected county.</p>
<p>Since the auditee agrees with our findings on evacuation centres, our finding remains as reported.</p> <p>The Office acknowledges the observation from the auditee on the collaboration between the two levels of government. However, the policy being referred to is still in draft form.</p>		

Audit observation	Auditees' management response	OAG's response
<p>mosquito nets, kitchen ware and mobile toilets.</p> <p><b>Par 4.14:</b> Evacuation was often done by community members who not only lacked training but also the required tools and equipment.</p> <p><b>Par. 4.16:</b> Disaster management is a shared function as per Schedule IV of the Constitution of Kenya. However, it remained unclear as to how evacuation responsibilities should be distributed between the two levels of government.</p>	<p>State Department for Security and National Administration, through NDOC</p>	<p>Directorate of Special Programmes in the State Department for the ASALs and Regional Development</p>

Audit observation	Auditees' management response	OAG's response
<p><b>Auditees' management response</b>            State Department for Internal Security and National Administration, through NDOC</p> <p><b>Directorate of Special Programmes in the State Department for the ASALs and Regional Development</b></p>	<p><b>1(c) Relief Processes Were Marred with Weaknesses</b></p> <p><b>i) Non-adherence to set guidelines on relief requests</b></p> <p><b>Par. 4.21:</b> Out of the 165 flood relief correspondences reviewed, 126 were allocations without requests, 11 were requests made by either a Regional Commissioner, County Commissioner or Deputy County Commissioner and the remaining 28 were requests made by politicians.</p> <p><b>Par. 4.22:</b> The relief correspondence files lacked assessment reports</p>	<p>The Guidelines/Procedures for Management of Relief Food Distribution (Annex I) articulate that requesting of relief food shall emanate from the County Relief Food Distribution Committee. In case of emergencies, and for quick response, the County Commissioner or, in exceptional circumstances, any other leader shall channel the request directly to the Principal Secretary, by telephone, email or any other quicker mode of communication.</p> <p>The finding remains as reported in the report.</p>

Audit observation	Auditees' management response	OAG's response
<p>or minutes accompanying relief requests, but the Directorate of Special Programmes honoured them and allocated relief items.</p> <p><b>Par. 4.24:</b> It was noted that the Guidelines currently in use was issued as a circular in 2017 hence not legally binding.</p> <p><b>ii) Inadequate enforcement of accountability mechanisms</b></p> <p><b>Par 4.26:</b> The correspondence files at the Directorate's office did not have any waybill or relief</p>	<p>State Department for Security and National Administration, through NDOC</p> <p>Directorate of Special Programmes in the State Department for the ASALs and Regional Development</p>	<p>The finding remains as reported in the report since the auditee agrees with the observation.</p> <p>The Guidelines are in form of circular, hence the Directorate is in the process of developing a National Relief Assistance Policy that will provide legal guidelines on relief processes.</p> <p>The Directorate allocates relief commodities to various counties through Deputy County Commissioners for intervention of disasters, emergencies, drought or other stressors. Targeting beneficiaries and distribution is done by the National Government officers through the county structures; therefore, they are expected to account for the same by filing reports/returns to</p>

Audit observation	Auditees' management response	OAG's response
<p>distribution reports from the County Commissioners or Deputy County Commissioners. There was also no evidence of monitoring of relief supplies by the Directorate of Special Programmes.</p> <p><b>iii) Inefficient records management</b></p> <p><b>Par. 4.29:</b> The Directorate of Special Programmes maintained a manual filing system that did not provide for a systematic way of obtaining information. The files did not have information on the entire relief process and also had instances of inconsistency and mixing up of documents.</p>	<p>State Department for Internal Security and National Administration, through NDOC</p>	<p>the Directorate. Periodic reminders are also done to the officers through the Principal Secretary, State Department for Internal Security and National Administration.</p> <p>The relief management records are available for inspection and audit. However, relief management unlike other programmes is more operational. Most of the activities in the relief process are carried out by the support units. For instance, procurement of relief supplies is done by the procurement unit and its subsequent release using waybills as per the Procurement Act. The Procurement unit uses the waybills to process payments hence they are the custodians of the documents. Also, AIEs are prepared by the Finance Unit</p>
	<p>State Department for Internal Security and National Administration, through NDOC</p>	<p>returns as reported in the finding. No documented evidence on periodic reminders have also been provided.</p> <p>However, to access documentation the nature of relief calls for an integrated records management system that can allow for access of information on the entire process with ease. Even after making formal request, the Directorate could not</p>

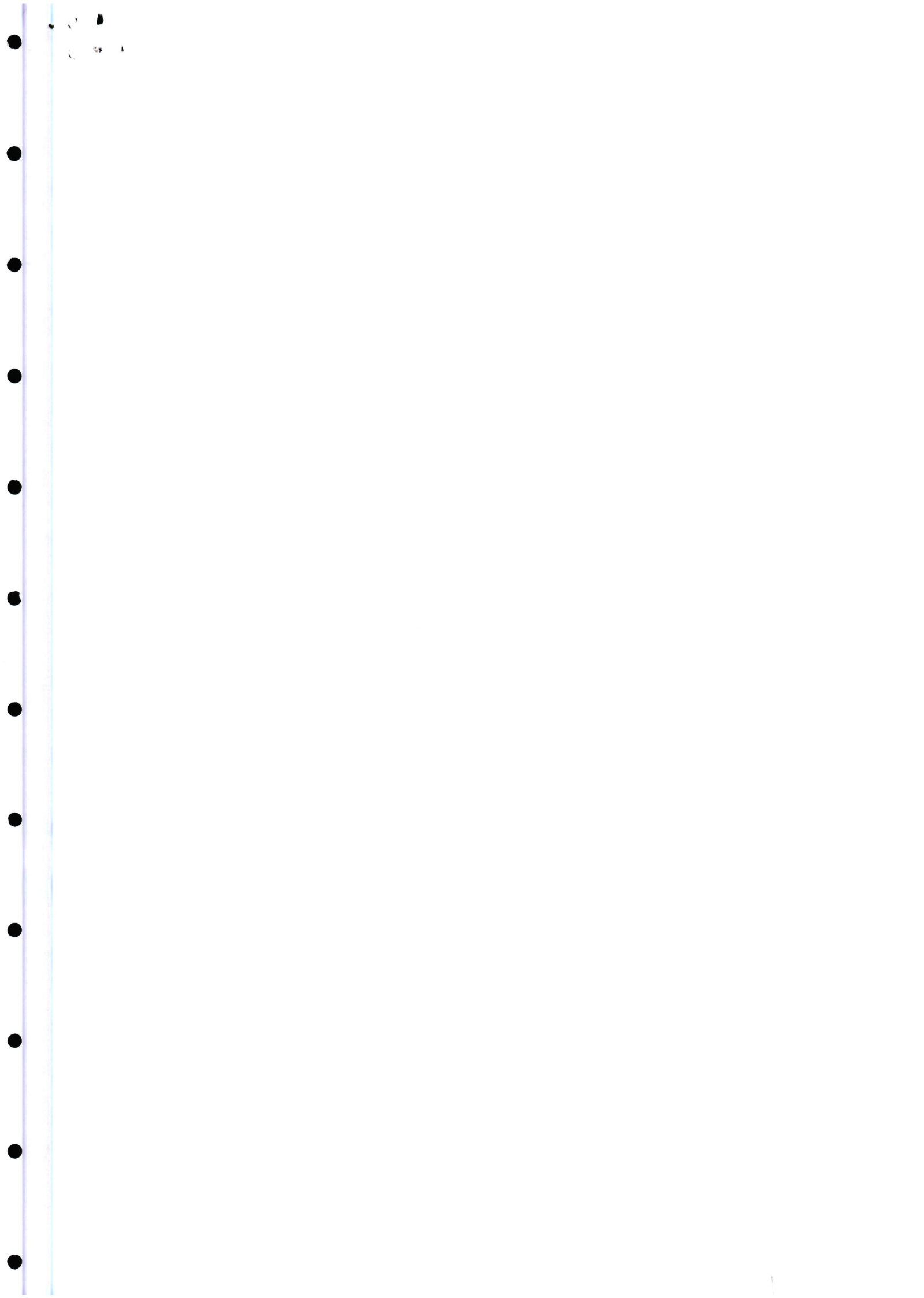
Audit observation	Auditees' management response	OAG's response
	<p>State Department for Security and National Administration, through NDOC</p>	<p>Directorate of Special Programmes in the State Department for the ASALs and Regional Development</p>
<p>by the Accounts Unit, and dispatched to the sub-counties through the main registry.</p>	<p>provide the documents on the entire relief process for audit purposes. The finding, therefore, remains as reported.</p>	<p>provide the documents on the entire relief process for audit purposes. The finding, therefore, remains as reported.</p>
<p><b>1(d) Limited Recovery Interventions Towards Communities and Critical Infrastructure</b></p>		
<p><b>Par. 4.31:</b> Recovery interventions only focused on cut out roads and damaged bridges leaving out the community livelihoods and critical public infrastructure such as hospitals and marketplaces.</p> <p><b>Par. 4.32:</b> Recovery interventions targeting community livelihoods were limited and mainly done by Non-Governmental Organizations</p>	<p>Agreed</p>	<p>Recovery interventions are usually undertaken through a multi-stakeholder approach based on the respective sectors affected; for example, health, roads, and education. The National Government in partnership with other sector players and development partners issue to flood victims non-food items to help them rebuild their livelihoods after floods disaster. There are however challenges that are being addressed on a continuous basis. We are continually requesting The National Treasury to provide more funds to meet the needs of the increasing number of people affected by floods.</p>
<p>The Office</p>	<p>The Office</p>	<p>acknowledges the planned efforts to improve on recovery which shall be looked at during a follow-up audit. The finding remains as reported.</p>

Audit observation	Auditees' management response	OAG's response
	<p>Auditees' management response</p> <p>State Department Directorate of Special Programmes in the Internal Security and National Administration, through NDOC</p>	<p>Prominence is now on preparedness and post-disaster recovery. In this effort, other Ministries, Departments and Agencies will play an important role and will, therefore, be involved through a multi-agency and multi-sectoral approach to managing floods. Through the NGAO, the communities will increasingly be involved in finding local solutions to flood disasters.</p>
<p><b>1(e) Inadequate Coordination of Actors</b></p>		
<p><b>Par. 4.37:</b> Coordination structures were in place though ad hoc in nature.</p> <p><b>Par. 4.40:</b> Fifty-five percent (55%) of the minutes of county coordination meetings reviewed revealed lack of representation of key actors such as county government and the Kenya</p>	<p>Agreed</p>	<p>The finding remains as reported.</p> <p>No supporting evidence have been provided to confirm that there is adequate coordination. The weakness highlighted in the response agrees with audit observation. The proposed improvements</p>

Audit observation	Auditees' management response	OAG's response
<p>Red Cross Society in the meetings.</p> <p><b>Par. 4.41:</b> County Coordination Committees did not meet frequently and only met to discuss relief food distribution in most of the cases.</p>	<p>State Department for Security and National Administration, through NDOC</p> <p>Directorate of Special Programmes in the State Department for the ASALs and Regional Development</p>	<p>similarly be reviewed to improve their performance.</p> <p>shall be looked at during a follow-up audit.</p>
<p><b>2(a) Unclear Mandate for Flood Response</b></p>		
<p><b>Par. 4.49:</b> The responsibility was spread across several entities, each tackling different aspects of flood as a disaster with no focal lead agency.</p> <p><b>Par. 4.50:</b> Flood response was handled as a shared function between national and county levels of government but with no clearly defined functions.</p>	<p>Agreed</p> <p>By its very nature, flood disasters require a multi-agency and multi-sectoral approach for effective management. Hence, the mandate of managing floods is spread over various entities e.g. Ministry of Interior and National Administration, Ministry of Environment and Forestry, Ministry of Water, Sanitation and Irrigation, Ministry of Health, Red Cross, among others. Nonetheless emphasis is on the enhancement of the capabilities of the</p>	<p>The finding remains as reported.</p> <p>While the Office agrees that managing flood requires a multi-agency and multi-sectoral approach, there is need for a focal lead agency to coordinate the various players. There is also need to clarify the</p>

Audit observation	Auditees' management response		OAG's response
	State Department for Security and National Administration, through NDOC	Internal and Regional Development MDAs that are charged with the responsibility of management of various aspects of floods.	functions of national and county governments.
<b>2(b) Lack of Critical Laws and Policies</b>			
<b>Par. 4.52:</b> No national level law on flood management. National law and policy on disaster risk management were in draft form	Agreed	Agreed	The finding remains as reported.
<b>2(C) Inadequate Institutional Capacity</b>			
<b>Par. 4.56-4.57:</b> All the technical staff at NDOC were on secondment while the Directorate of Special Programmes had two (2) staff against approved 13. <b>Par. 4.58:</b> No specific budget line for flood response both at the State Department of Internal Security and National Administration and the	Agreed	Water resources management is a shared responsibility between the National Government and the County Government as reflected in Schedule IV (Distribution of functions between National and the County Governments) of the Constitution of Kenya, 2010. However, there is need to enhance the capacities of the respective institutions involved in flood management at the national and county levels.	The finding remains as reported. The response agrees with the audit observations.

Audit observation	Auditees' management response	OAG's response
Directorate of Special Programmes.	State Department for Security and National Administration, through NDOC	Directorate of Special Programmes in the State Department for the ASALs and Regional Development
<b>2(d) Lack of Contingency Planning</b>		
<p><b>Par. 4.63:</b> No national level contingency plan. At the county level, only Bunyala Sub-County and Baringo County had flood contingency plans.</p>	<p>Agreed</p> <p>There are existing contingency plans (published and unpublished) at the national and county levels. However, there is an ongoing process to fine tune and align them through the guidelines for preparing Contingency Plans/ County Emergency Operations Plans (CEOPs) so that they can operate harmoniously.</p>	<p>The finding remains as reported as only two (2) mentioned contingency plans were provided for audit. The work in progress will be assessed during a follow up audit.</p>
<b>2(e) Limited Community Involvement in Flood Response</b>		
<p><b>Par. 4.65:</b> The community's role in flood response was not defined but rather assumed. The community had also not been trained to effectively discharge their role in the local level disaster management committees</p>	<p>Agreed</p> <p>-</p>	<p>The finding remains as reported</p>



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