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THE SENATE

STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE
AND FOREIGN RELATIONS

.....
REPORT ON THE NATIONAL DISASTER RISK MANAGEMENT BILL,
2023 (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)
.....

APPROVED
RT. HON. SEN
AMASON J. KINGI

14/11/24

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COMMITTEE	
CLERK AT THE TABLE	Mercy

Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

November, 2024

DC-EG
Forwarded and recommended for approval
for tabling
13/11/2024

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LIST OF ABBREVIATIONS/ACRONYMS

ASALs	Arid and Semi-Arid Lands
COG	Council of County Governors
DRM	Disaster Risk Management
NDMA	National Drought Management Authority
NDMU	National Disaster Management Unit
NDOC	National Disaster Operations Centre
KNSCDR	Kenya National Steering Committee on Disaster Response

PRELIMINARIES

Establishment and Mandate of the Committee

The Standing Committee on National Security, Defence and Foreign Relations is established pursuant to Standing Order 228 (3) and the Fourth Schedule to the Senate Standing Orders and is mandated to consider all matters relating to national security and foreign relations, disaster reduction and preparedness, home affairs, defence, immigration and international relations. The functions of the Committee are to-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration and operations of its assigned ministries and departments;*
- b) study the programme and policy objectives of its assigned ministries and departments, and the effectiveness of the implementation thereof;*
- c) study and review all legislation referred to it;*
- d) study, assess and analyze the success of the ministries and departments assigned to it as measured by the results obtained as compared with their stated objectives;*
- e) consider the Budget Policy Statement in line with the Committee's mandate;*
- f) report on all appointments where the Constitution or any law requires the Senate to approve;*
- g) make reports and recommendations to the Senate as often as possible, including recommendations for proposed legislation;*
- h) consider reports of Commissions and Independent Offices submitted to the Senate pursuant to the provisions of Article 254 of the Constitution;*
- i) examine any statements raised by Senators on a matter within its mandate; and*
- j) follow up and report on the status of implementation of resolution within their mandate; and*
- k) follow up and report on the status of commitments made by the Cabinet Secretaries in their response to questions under Standing Order 51C.*

Membership of the Committee

The Committee is comprised of –

- | | |
|---|---------------------------|
| 1) Sen. William Cheptumo Kipkiror, CBS, MP | - Chairperson |
| 2) Sen. Karen Njeri Nyamu, MP | - Vice-Chairperson |
| 3) Sen. Fatuma Adan Dullo, CBS, MP | - Member |
| 4) Sen. Abdul Mohammed Haji, CBS, MP | - Member |
| 5) Sen. Julius Murgor Recha, CBS, MP | - Member |
| 6) Sen. Joseph Githuku Kamau, MP | - Member |
| 7) Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP | - Member |

- 8) Sen. Lenku Ole Kanar Seki, MP - Member
- 9) Sen. George Mungai Mbugua, MP - Member

Committee Secretariat

The Committee secretariat comprises of the following-

- 1. Ms. Carol Kirorei - Clerk Assistant I
- 2. Mr. Khatib Omar - Clerk Assistant III
- 3. Mr. Alex Mutuku - Senior Serjeant-at-Arms
- 4. Mr. Gilbert Juma - Legal Counsel II
- 5. Mr. Matano Kataa - Research Officer III
- 6. Mr. Emmanuel Barasa - Media Relations Officer III
- 7. Mr. Patrick Murindo - Serjeant-at-Arms
- 8. Mr. Charles Oyosi - Audio Officer

FOREWORD BY THE CHAIRPERSON

Honourable Speaker,

The National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023) was published vide Kenya Gazette Supplement No. 80 of 2023 of 31st May, 2023 and was introduced in the National Assembly by way of First Reading on 9th August, 2023. The Bill was considered by the National Assembly and passed with amendments on 20th June, 2024.

Pursuant to Article 110(4) of the Constitution, the Bill was referred to the Senate where it was introduced, by way of First Reading on Wednesday, 3rd July, 2024. Thereafter, the Bill stood committed to the Standing Committee on National Security, Defence and Foreign Relations for consideration.

In compliance with the provisions of Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committee proceeded to undertake public participation on the Bill. In this regard, the Committee published an advertisement in the Daily Nation and Standard Newspapers on Monday, 8th July, 2024 inviting members of the public to submit written memoranda to the Committee on the Bill. Additionally, the Committee sent invitations to key stakeholders inviting them to submit their comments on the Bill.

Following the call for submissions, the Committee received written memoranda from seventy seven (77) as contained in the Matrix of submissions attached to this Report as *Appendix 5*.

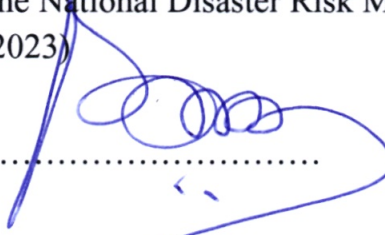
Honourable Speaker,

In considering the Bill, the Committee made a number of observations, key of these being that—

- i) Currently, there exists no legislative framework governing disaster risk management in the country. The Bill is therefore progressive as it seeks to establish a regulatory and institutional framework for disaster risk management;
- ii) Presently, disaster risk management at the national level is undertaken by various agencies established via Executive Orders and statutes. These entities include the National Disaster Management Unit (NDMU) and National Disaster Operations Centre (NDOC) domiciled under the Ministry of Interior and National Administration, as well as the Kenya National Steering Committee on Disaster Response which operates under the Office of the Deputy President, which are established under presidential directives. On the other hand, the National Drought

and Foreign Relations on the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023)

Signed



Date.....

13th Nov. 2024

**SEN. WILLIAM CHEPTUMO, CBS, MP,
CHAIRPERSON, STANDING COMMITTEE ON NATIONAL SECURITY,
DEFENCE AND FOREIGN RELATIONS**

Management Authority (NDMA) is established under the National Drought Management Act, Cap. 388, with the primary function of exercising the overall coordination of all matters relating to drought risk management with the view of ending drought emergencies in Kenya.

- iii) A majority submissions received from the stakeholders seek the amalgamation of the entities to establish the National Disaster Risk Management Authority at the national level with the primary obligation of coordination of disaster management operations across the country. It was however submitted that, given the existing legislative, financial and institutional arrangements and priorities, in particular, the expertise of specialized entities such as the National Drought Management Authority (NDMA), there is need for the proposed National Disaster Risk Management Authority to be a multi-hazard authority handling disasters including drought, while working closely with the National Drought Management Authority in the Arid and Semi-Arid Lands (ASALs) There was a contention with regard to the establishment of structures at the county level which include County Disaster Risk Management Committees, County Disaster Risk Management Centre and County Disaster Risk Management Agencies.
- iv) There is a clash and duplication of functions between the County Disaster Risk Management Committees and County Disaster Risk Management Centre as currently provided in the Bill.

Other detailed observations are contained in Chapter Three of this Report. This Report and the amendments proposed by the Committee are the product of extensive consultations that have taken place to ensure that we have a good law in place that will stand the test of time.

Honourable Speaker,

May I take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Bill successful.



I also wish to thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this important assignment. Lastly, I wish to thank the stakeholders who submitted written memoranda which greatly aided the Committee in considering the Bill.

Honourable Speaker,

It is now my pleasant duty, pursuant to standing order 148(1) of the Senate Standing Orders, to present the Report of the Standing Committee on National Security, Defence

ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS ON THE NATIONAL DISASTER RISK MANAGEMENT BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)

We, the undersigned Members of the Standing Committee on National Security, Defence and Foreign Relations, do hereby append our signatures to adopt this Report

No	Name	Signature
1.	Sen. William Kipkiror Cheptumo, CBS, MP <i>(Chairperson)</i>	
2.	Sen. Karen Njeri Nyamu, MP <i>(Vice-Chairperson)</i>	
3.	Sen. Fatuma Adan Dullo, CBS, MP	
4.	Sen. Abdul Mohamed Haji, CBS, MP	
5.	Sen. Julius Murgor Recha, CBS, MP	
6.	Sen. Joseph Githuku Kamau, MP	
7.	Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP	
8.	Sen. Lenku Ole Kanar Seki, MP	
9.	Sen. George Mungai Mbugua, MP	

CHAPTER ONE: INTRODUCTION

1.0 Introduction

1. The National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023) was published vide Kenya Gazette Supplement No. 80 of 2023 of 31st May, 2023 and was introduced in the National Assembly by way of First Reading on 9th August, 2023. The Bill was considered by the National Assembly and passed with amendments on 20th June, 2024. A copy of the Bill as passed by the National Assembly and referred to the Senate is attached to this Report as *Appendix 2*.
2. Pursuant to Article 110(4) of the Constitution, the Bill was referred to the Senate where it was introduced, by way of First Reading, on Wednesday, 3rd July, 2024 and thereafter stood committed to the Standing Committee on National Security, Defence and Foreign Relations for consideration. A copy of the Message from the National Assembly conveying the Bill to the Senate is attached as *Appendix 3*.

1.1 Objects of the Bill

3. The Bill seeks to establish a regulatory and institutional framework for National Disaster Risk Management and provide for enhanced effective and coordinated disaster preparedness, prevention, response, mitigation and recovery. The Bill further, aims at the reduction of disaster risks and vulnerabilities at the national and county levels of government and the enhancement of resilience to the impacts of disaster risks and climate change at both the national and county levels.

1.2 Overview of the Bill

4. **Part I** of the Bill (clauses 1- 4) provides for preliminary matters. Clause 1 provides for a short title, while clause 2 provides for the interpretation of definitions used in the Bill. Clause 3 provides for the objects of the Bill which are to provide for a legislative framework for disaster risk management; enhancement of effective and coordinated disaster preparedness, prevention, response, mitigation and recovery; reduce disaster risks and vulnerabilities at the National and County levels of government and the enhancement of resilience to the impacts of disaster risks and climate change at both national and county levels.
5. Clause 4 provides for the guiding principles for disaster risk management including a comprehensive approach to Disaster Risk Management for balancing between the reduction of risk and the enhancement of community resilience, while ensuring effective response and recovery capabilities; all hazards approach in managing disaster; enhancing local disaster risk management capability as the frontline to disaster risk management; respect, ethics and professional standards; transparency

and accountability; commitment in service to the people; and supporting the national government and the county government including the local communities, in disaster risk management.

6. **Part II of the Bill** (clauses 5-30) provides for the established institutional framework on disaster risk management. Clause 5 provides for the establishment of the National Disaster Risk Management Authority, while clause 6 provides the headquarters of the authority which shall be in Nairobi. Clause 7 provides for the functions of the authority, while clause 8 provides for its powers. Clause 9 provides for the establishment of the board of management of the authority and its composition.
7. Clause 10 provides for the qualifications of the Chairperson of the Authority. Clause 11 provides for the vacation of office of board members, while Clause 12 provides for the removal from office of the chairperson and board members. Clause 13 provides for the functions of the board, while clause 14 provides for its powers. Clause 15 provides for the committees of the board while, clause 16 provides for delegation to the board.
8. Clause 17 provides for the conduct of business and affairs of the board, while clause 18 provides for the remuneration of the board and staff of the authority. Clause 19 provides for the appointment of corporation secretary, while clause 20 provides for the Director-General who shall be the Chief Executive Officer of the Authority.
9. Clause 21 provides for the qualifications of the Director-General. Clause 22 sets the provision for the removal of the Director-General from office, while clause 23 provides for his/her vacation from office. Clause 24 provides for the staff of Authority. Clause 25 provides for the common seal of the authority, while clause 26 provides for protection from personal liability.
10. **PART III (clauses 27-30)** sets out the classification of disasters, plans and electronic information management systems. Clause 27 provides for the development and maintenance of electronic information system. Clause 28 provides for the development of disaster risk management plans. Clause 29 provides for the classification of disasters. Clause 30 provides for the declaration of a national disaster by the president via a *gazette* notice.
11. **PART IV** (clauses 31-51) provides for County Disaster Risk Management Committees. Clause 31 provides for the establishment of County Disaster Risk Management Committees comprising of the Governor, County Commissioner, County Executive Member in charge of disaster management, two persons with knowledge and experience in disaster management appointed by the Governor, a

person nominated by the Kenya Red Cross, a person Nominated by the Kenya National Chamber of Commerce and a person nominated by the civil society. Clause 32 provides for the functions of a County Committee, while clause 33 provides for the powers of a County Committee.

12. Clause 35 provides for the vacation from office of a Member of the County Committee. Clause 36 provides for the conduct of business and the affairs of the county committee. Clause 37 provides for procedure during disaster events. Clause 38 provides for annual reporting by the county committee to the County Assembly. Clause 39 provides County Committee guidelines with regard to disaster risk management. Clause 40 provides for the establishment of a unit for disaster management volunteers.
13. **PART V** (clause 41-44) contains financial provisions. Clause 41 sets out the funds for the Authority. Clause 42 provides for the financial year of the Authority. Clause 43 provides for the preparation of annual estimates of revenue and expenditure. Clause 44 provides for accounting and audit of the books of account by the Auditor General.
14. **PART VI** (clauses 45-51) contains miscellaneous provisions. Clause 45 provides for the duty to protect information held by the Authority, County Committee or Centres. Clause 46 provides for the limitation to access to information. Clause 47 provides for penalty from obstruction in the execution of the functions of disaster risk management. Clause 48 provides for penalties for making false claims to benefit from disaster relief. Clause 49 provides for the consequences for making false alarm for a disaster. Clause 50 provides for the penalties for misappropriation of relief money or material. Clause 51 provides for the offences committed by companies.
15. **PART VII** provides for delegated powers in which the Cabinet Secretary in consultation with the Council of Governors may make regulations for the operationalization of the proposed Act.
16. **PART VIII** sets out saving and transitional provisions. Clause 53 provides for the transfer of staff from National Disaster Operations Centre and National Disaster Management Unit to the Authority. Clause 54 provides for the transfer of assets and liabilities.
17. The **Schedule** sets out provisions as to the conduct of business and affairs of the board including convening of meetings, disclosure of interest by Members, execution of instruments and keeping of minutes.

1.4 Consequences of the Bill

18. Once enacted, the Bill will provide a regulatory and institutional framework for national disaster risk management.

CHAPTER TWO: PUBLIC PARTICIPATION ON THE BILL

2.0 Introduction

19. The Committee pursuant to the provisions of Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, proceeded to undertake public participation on the Bill. In this regard, the Committee published an advertisement in the Daily Nation and Standard newspapers on Monday, 8th July, 2024 inviting members of the public to submit written memoranda on the Bill. The advertisement was also posted on the Parliament website and social media platforms. A copy of the advertisement is attached as *Appendix 4*.
20. Additionally, the Committee sent invitations to key stakeholders inviting them to submit their comments on the Bill.
21. A copy of the summary of submissions received in the form of a matrix attached as *Appendix 5*.

2.1 Overview of Stakeholder Submissions on the Bill

I. The Coast Regional Budget Hub

22. The Coast Regional Budget Hub made the following proposals-
- a) That an amendment be made to change the title of the Bill to "*the National Disaster Risk Management Coordination Act, 2023*". This is because the Constitution of Kenya, 2010 provides for devolution and access to services-
- (1) The territory of Kenya is divided into the counties specified in the First Schedule.
 - (2) The governments at the national and county levels are distinct and interdependent and shall conduct their mutual relations on the basis of consultation and cooperation.
 - (3) A national State organ shall ensure reasonable access to its services in all parts of the Republic, so far as it is appropriate to do so having regard to the nature of the service.
- b) That the interpretation of the following be amended-
- i. "**Cabinet Secretary**" means the Cabinet Secretary responsible for Defence Forces;
 - ii. "**disaster**" means a progressive or sudden, widespread, localized, natural or human-caused and unforeseen occurrence which —

- iii. **"County Executive Committee Member"** means the county executive committee member responsible for finance.

The justification for the amendment was that-

- i. Article 241 (3)(b) of the Constitution provides that the Kenya Defence Forces shall assist and cooperate with other authorities in situations of emergency or disaster, and report to the National Assembly whenever deployed in such circumstances;
 - ii. Section 111(1) of the Public Finance Management Act, 2012 provides that the County Executive Committee member for finance shall administer the county government Emergency Fund for the county government in accordance with a framework and criteria approved by the county assembly
 - iii. "county secretary" means the office of the county secretary established under section 44 of the County Governments Act No. 17 of 2012.
- c) That clause 31 be amended to remove the County Commissioner from the membership of the County Disaster Management Committee. In his or her place replace with the County Secretary. This is because the Constitution of Kenya, the National Government Coordination framework and the County Government's Act, 2012 provide for the alignment of the National government governance structure with the County Governments.
 - d) That the Intergovernmental Council be abolished, as there is already the National and County Government Co-ordinating Summit established under section 7 of the Inter-Governmental Relations Act, 2012.
 - e) That the entire of Part II on the Establishment of an Institutional Framework on Disaster Management be deleted because the function belongs to KDF under Article 243.
 - f) That the "Authority" be replaced with the County Disaster Risk Management Committees.
 - g) That under Part V on Financial provisions, replace the word "Authority" with "Kenya Defence Forces".
 - h) That a new section 45A be introduced to read as follows –

45A. The funds of the County Disaster Risk Management Centre shall consist of—

(a) such monies as may be appropriated by the County Assembly for the purposes of the Centre;

(b) such monies as may accrue in County Emergency Fund for the performance of its functions under this Act; and

(c) all monies from any other source provided for or donated or lent to the Centre.

- i) That there is need to provide for source of funding at the County Level.

II. Nairobi City County Government

23. The Nairobi City County Government proposed as follows-

- a) That there is need for distinction between an “emergency” and “disaster, because not all emergencies are disasters and not all disasters are emergencies. For example, if an aircraft falls and requires intervention of the county, it qualifies as an emergency but not a disaster.
- b) That clause 9 be amended to ensure that the Composition of the Board constitutes of an odd number of members and be in line with the *Mwongozo* Guidelines. The management of Boards is governed by the *Mwongozo* Code of Governance. The code stipulates that the membership of the Board should be between 7-9 members. Excluding the Director General who is an ex-officio member, the Board has twelve members. When there’s an even number of members who can vote, there’s a greater risk of deadlocks. This makes it difficult for the Board to make decisions, resolve conflicts or move forward with its agenda. An odd number ensures that there will always be a majority decision.
- c) That clause 36 (1) (h) which provides as follows be deleted—“Oversee the distribution of relief and emergency supplies”. The roles and responsibilities provided for the by the County Risk management Committee be limited to overall policy and strategy formulation and let the Centre undertake the operational responsibilities.

III. Ministry of Interior and National Administration

24. The Ministry of Interior and National Administration proposed as follows-

- i. That an amendment be made to clause 2 on definitions to include the following definitions-
 - (a) "**Contingency Planning**"— a management process that analyzes specific potential events or emerging situations that might threaten society or the environment and establishes arrangements in advance to enable timely, effective and appropriate responses to such events and situations.
 - (b) "**Initial Recovery Assistance**" - means Services as well as domestically and internationally Donated Funds intended to restore or improve the pre-Disaster living conditions of disaster affected communities, including initiatives to increase resilience to Disasters and reduce Disaster Risk
 - (c) "**Disaster relief**" means the goods, equipment, services and domestically and internationally donated funds provided to meet immediate humanitarian needs of disaster-affected populations, including rescue"

- (d) **"International Disaster Assistance"** means Disaster Relief and Initial Recovery Assistance that is provided by Assisting International Actors, or imported or otherwise brought into Kenya from abroad by or on behalf of assisting domestic actors.
- (e) **"Eligible Actor"** means any assisting actor that has been determined to be eligible to receive [legal facilities] in accordance with this Act.
- (f) **"Anticipatory / Early Action"** means a set of actions taken to prevent or mitigate potential disaster impacts prior to a shock or before acute impacts felt. The actions are carried out in anticipation of hazard impact and based on a prediction of how the event will unfold.
- (g) **"Climate change adaptation (CCA):"** Adjustments to ecological, social or economic systems in response to actual or expected climatic impacts, in order to moderate potential damages or to benefit from opportunities associated with climate change.
- (h) That in the definition of **"Disaster"** Consider clarifying inclusion of Public Health Emergencies even as these are primarily managed by other legislation. COVID and epidemics (especially as secondary impacts to natural disasters) have demonstrated the need to connect natural disaster and public health emergencies to guarantee a whole of society and government approach Suggested revision: "disaster means a progressive or sudden, widespread, localized occurrence caused by natural, man-made, biological and technical hazards which - "
- (i) **"Marginalised and at-risk groups"** defined to include populations could include Persons living with disability; populations at risk of sexual exploitation and abuse, minorities.

The rationale for the inclusion of the definitions is that it is important to define concepts in the Act.

- ii. That an amendment be made to the definition of Cabinet Secretary responsible for matters disaster risk management to read as *"the Cabinet Secretary responsible for matters related to internal security and national administration"*, but no justification was given for the amendment.
- iii. That an amendment be made for the inclusion of additional functions of the Authority such as: systematic integration of Disaster Risk Management and Climate Change Action in national development plans;
- iv. That a provision be made for inclusion in the Authority's function to Develop National Disaster Risk Atlas and coordinate the preparation and maintenance of disaster risk atlases including data banks and information on potential hazards

and vulnerabilities. A National Disaster Risk Atlas provides a detailed assessment of potential hazards and vulnerabilities across different regions. This comprehensive overview helps identify areas at greatest risk and informs decision-making for risk reduction.

- v. That a provision be made for inclusion in the Authority's function to carry out and coordinate National Damage and Loss Assessment in respect to disasters. The last assessment was carried out in 2022 with the assistance of the World Bank. In order to undertake effective building-back-better and recover, it's important to know what was damaged and lost.
- vi. That a provision be made for inclusion of the Authority's function to carry out Bi-annual National Drill and Exercises for Disaster Risk Management. This will help test our plans and strategies and will enable organizations and stakeholders know their roles.
- vii. That a provision be made for inclusion of the Authority's function to coordinate and organize the National Symposium for Disaster Risk Management and IDDR (International commitment and sharing lessons learnt and best practices for DRM). This is for the purpose of international commitment and sharing lessons learnt and best practices for DRM.
- viii. That a provision be made for inclusion of the Authority's power to engage with the state agency responsible for the development of curricula for integration of DRM at different levels of education. This is good for building the capacity of communities to mitigate and respond to risks associated with disasters.
- ix. That an amendment be made on the composition of the board by deletion of clause 9 (1) (b) and replace with Principal Secretary responsible for matters related to internal security and national administration. This due to the principle of subsidiarity with regards to coordination of government functions, risk assessment, critical infrastructure protection, prevention, preparedness, response and recovery from disaster.
- x. That a provision be made for inclusion of the Principal Secretary in the Ministry for the time being responsible for Environment and Climate Change under the Board and the Director responsible for Meteorological Services on the Board. This is because most of our disasters are climatic in nature.
- xi. That clause 28 on Disaster Management Plans, be amended for the addition of a provision for development of a national multi-hazard **early warning system** and subsequent guidelines for its implementation. For DRM to work it is essential to have a functional multi-hazard early warning system. It should therefore be a role of the authority to develop and operationalize a robust EW system and ensure that the EW information is accessible and understandable to all citizens.

- xii. That clause 29 on classification of Disasters, be amended to categorize disasters, severity, magnitude and levels of action as per the DRM policy (4 levels). This may be inserted as a Schedule to the bill. Under the classification of disaster, the Bill categorizes this into; National level and County level. This new classification presents an area of conflict in terms of declaration by there being no established threshold for either level.
- xiii. That clauses 29(1)(2) and (3) be amended to read as follows:
 - (1) Whenever a disaster occurs or threatens to occur, the County Disaster Risk Agency shall determine whether the event is a disaster under this Act, and if so, immediately
 - (a) assess the magnitude and severity or potential magnitude and severity of the disaster;
 - (b) notify the Authority to where the disaster meets the criteria stipulated in subsection (5); and
 - (c) record the prescribed particulars concerning the disaster in the prescribed register.
 - (2) In assessing the magnitude and severity or potential magnitude and severity of a disaster, the County Agency —
 - (a) shall consider the information and recommendations concerning the disaster received from various stakeholders in the area in the county and
 - (b) may enlist the assistance of an independent assessor to evaluate the disaster on site.
 - (3) The County Agency may reclassify a disaster classified under subsection (1)(b) at any time after consultation with the relevant County Executive Committee Member and Authority, if the magnitude and severity or potential magnitude and severity of the disaster differs from the initial assessment.
 - (4) A County Agency shall manage a disaster, if—
 - (a) it affects a single county; and
 - (b) the county concerned is able to effectively manage it.
 - (5) The Authority shall manage a disaster, if it affects —
 - (a) more than one county; or
 - (b) a single county which is unable to effectively manage it.

xiv. That an amendment be made by deleting clauses 31(6) and (7) and replace with the following new clauses 31(6) and (7) and delete clause 31(8) to read as follows:

- (6) Despite the classification of a disaster under this section, in designating responsibility for managing a disaster to a particular level of government, the Authority and respective County Agency may assist each other in managing a disaster.
- (8) The Cabinet Secretary shall in consultation with the Council of County Governors, by regulations prescribe the details of assessment of a disaster under this section.

All disasters occur in one of the counties. It is therefore imperative that the County Committee becomes the first reference point in assessing and responding to the disasters. Further, opine that the classification of disasters to be county or national may not be tenable rather the Bill should focus on the severity of the disaster. Hence the proposed to provide for what kind of disaster should the Authority and County Committee manage and respond to.

- xv. That clause 52 on regulation, be amended to consider adding regulations on immigration and tax exemption processes for International Disaster Response.
- xvi. That a Provision be made aimed at repealing the county legislations touching on disaster risk management as passed by various county Assemblies. The 4th schedule demarcates disaster management as a concurrent function of both levels of government. This means, both National Government and County Government have the constitutional mandate to enact legislation on DRM.
- xvii. That a provision be made for inclusion of a sub clause to ensure the integration of Disaster Risk Management and Climate Change Action. They are good principles for Disaster Risk Management.
- xviii. That there is need for the inclusion of the Cabinet Secretary responsible for matters relating to Environment and Climate Change in the Intergovernmental Council on Disaster Risk Management. Including Cabinet secretary responsible for environment and climate change on the intergovernmental council on DRM. They bring expertise in understanding environmental contexts, ensuring policy alignment and resource allocation towards resilience-building. Their involvement fosters cross-sectoral coordination and promotes long-term planning for climate-related disasters. This holistic approach enhances disaster management effectiveness.

- xix. That a provision be made to add a clause to address **funds flow** and access within the bill in relation to the DRM Fund regulations. This is to make possible to present, any appeal for support from government is subjected to rigorous and time-consuming PFM Act. This affects the timely response especially for funds from donors.

IV. Council of County Governors (COG)

25. The Council of County Governors proposed as follows-

- a) That an amendment be made by deleting the words “**County Committee**” and replace with the following: “**County Agency**” means the County Disaster Risk Management Agency established under section 31;
- b) That a provision be made to introduce the following new definition: “**County Director**” means the County Director responsible for matters relating to disaster risk management established under section 31A. This is to provide for the definitions of the words County Agency and County Director responsible for disaster risk management.
- c) That an amendment on the Authority Headquarters be made by deleting clause 6 and substituting the following;
 - (1) The Headquarters of the Authority shall be in Nairobi.
 - (2) The Authority may establish such other offices as it considers necessary for the discharge of its functions. This is to ensure that the headquarters of the Authority based in Nairobi and shall oversee coordination at national level. The Authority shall therefore link up with the County Disaster Agencies in the coordination of disaster across the Country. Thus, it is our considered opinion that the establishment of branches across the counties defeats the purpose of having County Disaster Institutions.
- d) That an amendment be made to clauses 11 (a)(d)(f)(h) and (j) to read as follows:
 11. The functions of the Authority shall be to—
 - (a) co-ordinate and implement disaster risk management on behalf of the National Government;
 - (d) develop and co-ordinate implementation of national disaster risk management policies, strategies, plans, projects, programs and budgets
 - (f) facilitate capacity building and technical assistance to the County Governments on all matters disaster risk management;

- (h) co-ordinate and support public awareness campaigns and civic education programmes on disaster risk management at national level;
 - (j) promote linkages with key ministries, international organizations, County Disaster Risk Agencies and national-based disaster risk management entities. This is to align to the provisions of the Fourth Schedule of the Constitution which assigns disaster management function to the two levels of government. Thus, it is imperative that the Authority coordinates disaster at the national level while the County Committees at the County level to avoid duplication of roles.
- e) That section 9(1)(f) be amended to read as follows-

9(1) (f) the Chief Executive officer of the Council of County Governors or a representative designated in writing. This is to permit the CEO of the Council of Governors to appoint a qualified representative to the Board, in the same manner that Principal Secretaries appoint their representatives.

- f) That clause 27(1) on electronic information system be amended to read as follows-

27(1). The Authority in consultation with the County Governments, shall develop and maintain an integrated electronic database containing—to provide for consultation in the development of an integrated electronic information system which captures data from all the 47 County Governments.

- g) That Part IV be amended by deleting the word “County Disaster Risk Management Committees” and substituting with words “**County Disaster Risk Management Agencies**” whenever it appears.

31. (1) There is established, in each county, a County_Disaster Risk Management Agency in each county.

(2) The members of the County Agency shall comprise--

- (a) a chairperson appointed by the Governor;
- (b) the County Executive Committee Member responsible for matters relating to finance or a representative designated in writing;
- (c) the County Executive Committee Member responsible for matters relating to disaster risk management or a representative designated in writing;
- (d) the county commissioner or a representative designated in writing;

(e) (i) County Director responsible for matters relating to disaster risk management who shall be an *ex officio* member of the Agency.

- h) That an amendment be made by deleting section 31(4) in its entirety. This is to provide for establishment of a dedicated County Disaster Risk Management agencies in the respective County Governments owing to the fact that disaster risk management is a concurrent function between the two levels under the Fourth Schedule to the Constitution. Further, the amendments are intended to strengthen the County Disaster Risk Management Agencies.
- i) That a provision be made to introduce the following new section 31A and 31B immediately after section 31 of the Act: **County Director.**

31A. (1) There shall be a County Director responsible for matters relating to disaster risk management in each County who shall be competitively recruited and appointed by the County Public Service Board and whose terms and conditions of service shall be specified in the instrument of appointment.

(2) The County Director shall be the Chief Executive Officer of the County Agency and responsible to the Agency for the-

(i) implementation of the decisions of the Agency;

(ii) day to day administration and management of the affairs of the Agency;

(iii) organization and management of the employees of the Agency; and

(iv) any other function that may be assigned by the Agency.

(3) A person shall be qualified for appointment as the County Director, if such person-

(a) is a Kenyan Citizen;

(b) holds a bachelors' degree in a relevant field from a university recognized in Kenya;

(c) has had a distinguished career in senior management position in either the private or public sector;

(d) holds at least seven year post-qualification profession experience in disaster risk management; and

(e) Satisfies the requirements of Chapter Six of the Constitution.

(4) The County Public Service Board may upon recommendation of the Agency remove the County Director from office in accordance with the terms and conditions of service for-

(a) inability to perform the functions of the office arising out of physical or mental incapacity;

(b) gross misconduct or misbehaviour;

(c) incompetence or neglect of duty;

(d) non-compliance with the requirements of Chapter Six of the Constitution; or

(e) any other ground that would lawfully justify removal from office under the terms and conditions of service.

31B. The County Public Service Board on recommendation of the County Agency may appoint such officers and staff as are necessary for proper and efficient discharge of functions of the Agency and upon such terms and conditions of service as it may determine. This is to provide for establishment of a dedicated County Disaster Risk Management agencies in the respective County Governments owing to the fact that disaster risk management is a concurrent function between the two levels under the Fourth Schedule to the Constitution. Further, the amendments are intended to strengthen the County Disaster Risk Management Agencies.

j) That clauses 32(1) (m) be amended to read as follows-

(m) prepare and submit periodic reports to the County Executive Committee; and add the following functions of the County Agency-

i. monitor and evaluate disaster risk management programmes and projects at the county level;

ii. promote linkages with key ministries, community service organizations, national organizations, county, sub-county and community-based disaster risk management entities; and

iii. undertake and co-ordinate routine hazard identification and vulnerability and risk assessments in all sectors at the county level. This is to align to the provisions of the Fourth Schedule to the Constitution on the role of the County Governments in disaster management.

k) That clause 36 on the establishment of Disaster Risk Management Centre, be amended by deleting section 36 in its entirety. The proposed County Disaster Risk Management Centre should be established as a dedicated department within the County Disaster Risk Management Agency. This integration will ensure

streamlined operations, enhanced coordination, and efficient resource allocation for comprehensive disaster risk management at the county level. By embedding the Centre within the existing agency, we can leverage existing expertise, infrastructure, and organizational frameworks to effectively mitigate, prepare for, respond to, and recover from potential disasters.

- l) That section 41 be amended by introducing a new section 41A immediately after section 41-

41A. The funds of the County Agency shall consist of —

- (a) such monies as may be appropriated by the County Assembly for purposes of the Agency;
- (b) such monies as may accrue to the Agency in the performance of its functions under this Act; and
- (c) all monies from any other source provided for or donations or lent to the Agency. This to provide for the funding of the County Agency to be able to undertake disaster risk management functions at the county level.

V. The National Treasury and Economic Planning

26. The National Treasury and Economic Planning proposed as follows-

- a) That clause 5 of the Bill be amended to do away with the National Disaster Risk Management Authority. This is because there exists a National Disaster Management Unit established by a Presidential Directive communicated through letter Ref. No. CAB/NSC/14/2/32 dated 8th August, 2013 as an effective and competent disaster management unit with an established command structure, budget and Standard Operating Procedures (SOPs) based on best practices. Establishment of an authority would usurp the roles already assigned through this Presidential directive.
- b) That clause 31 be amended to integrate the role of the Committee to the existing structure at the county level to avoid duplication of roles. This is because some counties have already set up County Disaster Risk Management Centres.

VI. St. Johns Ambulance

27. St. Johns Ambulance submitted as follows-

- a) That the Bill be amended to reduce on the membership of the Board as the current membership is bloated.
- b) That the Bill be amended to take care of the following —
 - i. Remove the Intergovernmental Council on Disaster Risk Management
 - ii. Include both Red-Cross and St. John's Ambulance to the Board as they bring extensive experience.

VII. Mr. Martin Muthukia

28. Mr. Martin Muthukia submitted as follows-

- a) That clause 10 on the qualifications of the Chairperson of the Board be amended such that the holders of the positions of the Chairperson of the Board of the Authority, the Director General of the Authority and the Head of the County Disaster Management Center must possess a master's degree or higher qualifications as opposed to a Bachelor's degree. This is to enhance professionalism.
- b) That a provision be made for the establishment of the Disaster Management Institute of Kenya. This will help in ensuring professionalism in the conduct of Disaster Management professionals in Kenya.

VIII. Nathan Ngumi

29. Mr. Nathan Ngumi submitted as follows-

- a) That the position of the chairperson should not be an appointive position by the President. This is to ensure competitive recruitment of candidates;
- b) That in the qualifications for the Position of the chairperson of the Board, the Bill does not provide for a requirement that one possess the relevant experience in disaster management which is critical. It should be a requirement that the professional experience of the candidate is *demonstrably relevant* to disaster risk management;
- c) That the selection of means by which the County Executive Committee Member circulates, publishes and publicizes the county disaster risk management plan should not be left to the discretion of the Member. They may intentionally disregard the needs of County residents. Instead, it should be a requirement that the plan is published in both *hard copy* available at county offices and *soft copy* available on the county website. Also, the plan should be published in English, Kiswahili and the dominant local/indigenous language of the county. Discretion as to the manner of publication by the County Executive Committee member is subject to abuse; and
- d) That there is no requirement for the head of the County Disaster Risk Management Centre to possess relevant experience in disaster management which is critical. This should be included for professionalism.

IX. Mr. Japheth Ogega-Masinde Muliro University of Science and Technology

30. Mr. Japheth Ogega submitted as follows-

- a) That a new clause be introduced aimed at protecting emergency responders. This is because Emergency Responders always operate in a challenging and high

stress environment where they face hostility and violence from distressed individuals and groups and therefore the need for protection.

- b) That a new clause be introduced on mandatory paid internship for the disaster professionals. There is need for a paid internship for emergency response graduates to ensure professional development of the graduates.

X. Ms. Mary Oritu

31. Ms. Mary Oritu submitted that the Committee ought to reject the Bill in its entirety.

XI. Mr. Felix Jomo

32. Mr. Felix Jomo submitted that the Bill should –

- a) provide clearer guidelines for coordinating disaster management efforts between national and county governments to ensure a seamless and efficient response;
- b) mandate the establishment of early warning systems and disaster risk reduction strategies at both the national and county levels; and
- c) include provisions for the protection and support of vulnerable groups such as women, children and the elderly, who are disproportionately affected by disasters. This is to generally strengthen the Bill.

XII. Mr. Stephen Abuga

33. Mr. Stephen Abuga submitted that the Bill should be rejected as it is not digested in understandable parts for the purpose of effective participation. There is need for the Committee to increase the time required to conduct public participation.

XIII. Association of Consulting Engineers of Kenya

34. The Association of Consulting Engineers of Kenya proposed the inclusion of the Cabinet Secretary responsible for Roads, Transport and Public Works in the Intergovernmental Council on Disaster management and the PS responsible for Roads, Transport and Public Works in the Board of the Disaster Risk Management Board. This is because Clause 2 (a) (ii) defines "disaster" as progressive or sudden, widespread, localized, natural or human caused occurrence that may (a) cause or threatens to cause — (ii) damage to property, infrastructure or the environment;

XIV. Baraza la Mwananchi and 44 others

35. Baraza la Mwananchi and 20 others proposed the creation of Authorities at the National and County levels increases bureaucracies and hampers efficient service delivery. They recommend –

- a) Withdrawing the Bill as it duplicates roles
- b) Reduce taxpayer burdens
- c) Utilize existing structures

XV. Mr. Wilson Nyenze

36. Mr. Wilson Nyenze reject the Bill on grounds of fiscal irresponsibility. The stakeholder is against the whole Bill for the following reasons-
- a) That the Government is in the process of merging various govern agencies to save on costs and therefore creation of a new Authority will defeat the purpose
 - b) That Section 110 (2) of the Disaster Bill provides for an allocation of 2% of the total county revenue towards emergency and disaster management.

XVI. Mr. Njoroge Wa Kamuiru

37. Mr. Njoroge Wa Kamuiru submitted that there is need for a provision for funding Framework to the Bill. The Bill lacks a funding framework which is crucial for disaster management and control.

XVII. Masinde Muliro University of Science and Technology

38. The Masinde Muliro University of Science and Technology raised the following concerns-
- a) In the guiding principles of the Act, adopt an all-inclusive government approach and gender sensitivity;
 - b) The Headquarters of the Disaster Risk Management Authority should be extended to all the forty seven (47) County Governments;
 - c) The Chairperson of the Board of the Authority should possess a Bachelor's degree in Disaster Management or related field;
 - d) The classification of disasters is inconsistent with global instruments;
 - e) There is need for clarity as to what the Disaster Risk Management Centre means; and
 - f) Provide for a funding framework for the Bill and reduce of the penalties in the Bill to ensure they are less punitive.

XVIII. Mr. Kelvin Ondieki Getanda

39. Mr. Kelvin Ondieki Getanda submitted that the Bill should provide—
- a) the link between the Act and the Climate Change Act;
 - b) a clear framework for institutions existing in Kenya;
 - c) key roles and responsibilities of other Disaster Agencies in Disaster Management;
 - d) provide a monitoring and evaluation mechanism;
 - e) focus on pro-active as opposed to reactive measures;
 - f) provide for innovative ways of mitigating disasters; and
 - g) that there is a need to ensure that there is a proper link between climate change and disaster management.

CHAPTER THREE: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

Committee Observations

40. Having considered the Bill and the submission received, the Committee made the following observations –
- a) Currently, there exists no legislative framework governing disaster risk management at the national level. The Bill is therefore progressive as it seeks to establish a regulatory and institutional framework for disaster risk management.
 - b) Presently, disaster risk management at the national level is undertaken by various agencies established vide presidential directives and statutes. These entities include the National Disaster Management Unit (NDMU) and National Disaster Operations Centre (NDOC) domiciled under the Ministry of Interior and National Administration, as well as the Kenya National Steering Committee on Disaster Response operating under the Office of the Deputy President, which are established through presidential directives. On the other hand, the National Drought Management Authority (NDMA) is established under the National Drought Management Act, Cap. 388 with the primary function of exercising the overall coordination of all matters relating to drought risk management with the view of ending drought emergencies in Kenya.
 - c) A majority of submissions received from the stakeholders seek the amalgamation of the current disaster risk management agencies to establish the National Disaster Risk Management Authority at the national level with the primary obligation of coordination of disaster management operations across the country. It was however submitted that, given the existing legislative, financial and institutional arrangements and priorities, in particular, the expertise of specialized entities such as the NDMA, there is need for the proposed National Disaster Risk Management Authority to be a multi-hazard authority handling disasters including drought, while working closely with the NDMA in the Arid and Semi-Arid Lands (ASALs).
 - d) At the county level, the Bill provides for the establishment of County Disaster Risk Management Committees with the primary role of advising the county governments and serving as the central agency in the implementation of disaster risk management activities at the county level. Further, clause 36 of the Bill provides for the establishment of County Disaster Risk Management Centres, as departments within the county governments, whose core function is implementing the decisions of the County Disaster Risk Management Committees. While a majority of the stakeholders supported the establishment of the County Disaster Risk Management Centre, there were divergent views on the establishment of the County Disaster Management Committees as proposed in the Bill. Whereas the Ministry of Interior and National Administration

- proposed the establishment of County Disaster Risk Management Committees, the Council of Governors proposed the establishment of County Agencies headed by a County Director.
- e) There is a clash and duplication of functions between the County Disaster Risk Management Committees and the County Disaster Risk Management Centre as currently provided in the Bill. This may hamper the functioning of county governments as far as disaster risk management is concerned.
 - f) While the Bill sets out financial provisions including appropriations by the National Assembly, there is no provision for a specific fund for disaster risk management which is a crucial element of the Bill. However, at the time of considering the Bill, the Committee noted that the National Treasury was in the process of creating the Disaster Risk Management Fund Regulations under the Public Finance Management Act, Cap. 412A.
 - g) From the submissions made, it was noted that there is need to provide for tax exemptions on goods and services extended as part of disaster risk management and response. This will foster confidence among institutions which provide support to the country in case of an occurrence of a disaster. This will also shorten the lengthy procedures currently required in receipt of relief in the event of disasters.
 - h) Various proposals were made to amend clause 9 to ensure that the composition of the Board comprises of an odd number of members to ensure that it is in line with the *Mwongozo* Guidelines. The Guidelines provide for between seven (7) to nine (9) members, whereas the Bill provides for twelve (12) members excluding the Director-General.
 - i) A further proposal was made that the holders of the Office of the Chairperson of the Board, the Director-General and the Head of County Disaster Management Centre must possess a master's degree as opposed to a bachelor's degree as a way of enhancing professionalism. The Committee, however, noted that such a requirement would be restrictive to a majority of qualified applicants.
 - j) There was need for involvement of the county governments in the development and maintenance of an integrated electronic database for the amalgamation of disaster risk management data from all the forty-seven (47) counties for purposes of cooperation, interdependence and consultation recognizing that disaster management is a shared function between the two levels of government.
 - k) There was need to introduce a clause aimed at the protection of emergency responders, acknowledging that they operate in a challenging and high stress environment as well as facing hostility and violence from distressed individuals and groups.
 - l) While there was a proposal to establish the Disaster Management Institute of Kenya, it was observed that this would be better addressed through a separate legislation, since the object of the Bill is to deal with substantive matters related to disaster risk management.

40. In light of the foregoing, the Committee recommended amendments to the Bill. The text of the proposed amendments is attached as *Appendix 6*.

Committee Recommendations

41. Having considered the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023) and the submissions received thereon, the Standing Committee on National Security, Defence and Foreign Relations recommends that Senate **passes the Bill with amendments** as proposed by the Committee.

LIST OF APPENDICES

- Appendix 1:** Minutes of the sittings of the Committee in considering the Bill
- Appendix 2:** The National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023), as passed by the National Assembly and referred to the Senate
- Appendix 3:** Message dated 26th June, 2024 from the National Assembly conveying the Bill to the Senate
- Appendix 4:** Advertisement published in the *Daily Nation* and *Standard* newspapers on 8th July, 2024
- Appendix 5:** Matrix of submissions and Committee comments/determination
- Appendix 6:** Amendments proposed by the Committee to the Bill

ANNEX 1

Minutes of the sittings of the Committee in considering the Bill



13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 105TH SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD ON THURSDAY, 11TH JULY, 2024 AT 9.30 A.M. IN COMMITTEE ROOM 6, FIRST FLOOR, BUNGE TOWER

PRESENT

1. Sen. Fatuma Adan Dullo, CBS, MP
2. Sen. Julius Murgor Recha, CBS, MP
3. Sen. Joseph Githuku Kamau, MP
4. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP
5. Sen. Lenku Ole Kanar Seki, MP - Ag. Chairperson
6. Sen. George Mungai Mbugua, MP

ABSENT WITH APOLOGY

1. Sen. William Cheptumo Kipkiror, CBS, MP - Chairperson
2. Sen. Karen Nyamu, MP - Vice-Chairperson
3. Sen. Abdul Mohammed Haji, CBS, MP

SECRETARIAT

1. Ms. Carol Kirorei - Clerk Assistant I
2. Mr. Khatib Omar - Clerk Assistant III
3. Mr. Alex Mutuku - Senior Serjeant-at-Arms
4. Mr. Gilbert Juma - Legal Counsel II
5. Mr. Matano Kataa - Research Officer
6. Mr. Charles Oyosi - Audio Officer
7. Mr. Nandemu Barasa - Media Relations Officer
8. Ms. Lydia Kagumba - Protocol Officer
9. Ms. Eunice Mugo - Intern

MIN. NO.SEN/NSDFR/513/2024

PRELIMINARIES

The meeting was called to order at 9.36 a.m. followed by a word of prayer.

MIN. NO.SEN/NSDFR/514/2024

ADOPTION OF THE AGENDA

The agenda for the meeting was adopted having been proposed by Sen. George Mungai Mbugua, MP and seconded by Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP as follows-

1. Preliminaries
2. Adoption of Agenda
3. Consideration of the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023) (*Committee Paper No 96*)
4. Any other Business
5. Date of the next meeting and Adjournment

MIN. NO.SEN/NSDFR/515/2024

**CONSIDERATION OF THE NATIONAL
DISASTER RISK MANAGEMENT BILL,
2023 (NATIONAL ASSEMBLY BILLS NO.
24 OF 2023)**

The Committee considered Paper No. 96 (*Consideration of the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023)*)

During deliberations-

1. Members were informed that an advertisement had been published in the local dailies on Monday, 8th July, 2024 requesting for submission of views on the Bill from the public. Further, letters had been sent to various stakeholders requesting for their submissions on the Bill;
2. Members observed that the membership of the Authority consisted of only two (2) representatives from the Council of County Governors out of the ten (10) representatives, whereas disaster management was a shared function between the national and county governments; and
3. Members observed that there was need for an amendment to the Bill to include vulnerable groups at the county level.

Resolution

The Committee-

1. **noted the contents of the Paper; and**
2. **resolved to hold a public participation forum with relevant stakeholders to receive submissions on the Bill.**

MIN.NO.SEN/NSDFR/516/2024

ANY OTHER BUSINESS

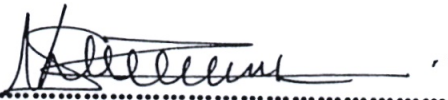
Senate Mashinani

Members noted that the Senate Mashinani was scheduled to be held in September, 2024 in Busia County. The Committee tasked the Secretariat schedule meetings and activities within the mandate of the Committee for the upcoming event.

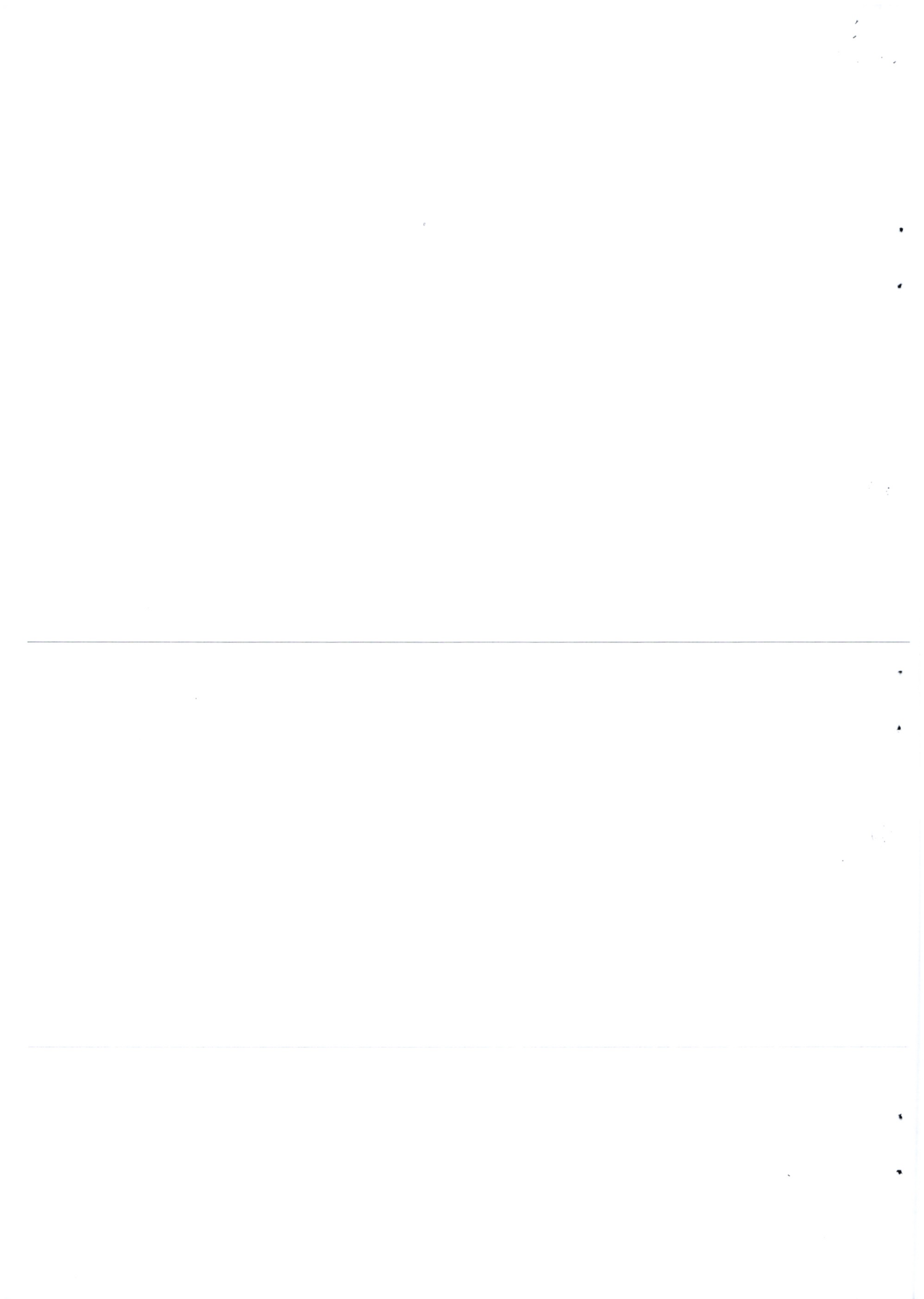
MIN.NO.SEN/NSDFR/517/2024

DATE OF THE NEXT MEETING AND
ADJOURNMENT

The Acting Chairperson adjourned the meeting at 9.58 a.m. The next meeting would be held on Tuesday, 16th July, 2024 at 9.30 a.m.

SIGNED: 

DATE: 1-8-24





13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 108TH SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD ON WEDNESDAY, 28TH AUGUST, 2024 AT 12.00 NOON IN JAHAZI CONFERENCE ROOM, VOYAGER BEACH RESORT

PRESENT

- | | |
|--|--------------------|
| 1. Sen. William Cheptumo Kipkiror, CBS, MP | - Chairperson |
| 2. Sen. Karen Nyamu, MP | - Vice-Chairperson |
| 3. Sen. Abdul Mohammed Haji, CBS, MP | |
| 4. Sen. Fatuma Adan Dullo, CBS, MP | |
| 5. Sen. Lenku Ole Kanar Seki, MP | |
| 6. Sen. George Mungai Mbugua, MP | |

ABSENT WITH APOLOGY

1. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP
2. Sen. Joseph Githuku Kamau, MP
3. Sen. Julius Murgor Recha, CBS, MP

SECRETARIAT

- | | |
|------------------------|---------------------------|
| 1. Mr. Joseph Mwangi | - Senior Clerk Assistant |
| 2. Ms. Carol Kirorei | - Clerk Assistant I |
| 3. Mr. Khatib Omar | - Clerk Assistant III |
| 4. Ms. Caroline Cherop | - Clerk Assistant III |
| 5. Mr. Alex Mutuku | - Senior Serjeant-at-Arms |
| 6. Mr. Gilbert Juma | - Legal Counsel II |
| 7. Mr. Matano Kataa | - Research Officer |
| 8. Mr. Charles Oyosi | - Audio Officer |

IN ATTENDANCE

- | | |
|-----------------------------|---|
| 1. Mr. Thomas Sakah | - Director, Internal Security |
| 2. Mr. Gordon Muga | - Senior Deputy Secretary, Ministry of Interior |
| 3. Col. (Rtd.) David Samoei | - Director, NDOC |
| 4. Col. (Rtd.) F.E. Emathe | - Deputy Director NDOC |

- | | |
|-------------------------|---------------------------------|
| 5. Col. Hared Adan | - CEO- NDMA |
| 6. Ms. Mary Njenga | - Parliamentary Liaison Officer |
| 7. Mr. Peter Murgor | - Red Cross Society |
| 8. Mr. Kepha Onyiso | - Ministry of Interior |
| 9. Ms. Caroline Nyaga | - Senior State Counsel |
| 10. Dr. Ombachi K. | - Senior Lecturer |
| 11. Ms. Evelyn Koech | - UNDP |
| 12. Ms. Isabel Njihia | - UNDRR |
| 13. Ms. Yvonne Wanjiku | - Kenya Red Cross Society |
| 14. Mr. Mohamed Babu | - Kenya Red Cross Society |
| 15. Mr. Samuel Marwa | - Data Officer NDOC |
| 16. Ms. Amygrace Njangi | - PSC Intern |

MIN. NO.SEN/NSDFR/532/2024

PRELIMINARIES

The meeting was called to order at 12.05 p.m. followed by a word of prayer.

MIN. NO.SEN/NSDFR/533/2024

ADOPTION OF THE AGENDA

The agenda for the meeting was adopted after being proposed by Sen. George Mungai Mbugua, MP and seconded by Sen. Lenku Ole Kanar Seki, MP as follows-

1. Prayer
2. Adoption of the Agenda
3. Sensitization on the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023)
4. Any Other Business
5. Date of the Next Meeting and Adjournment

MIN. NO.SEN/NSDFR/534/2024

SENSITIZATION ON THE NATIONAL DISASTER RISK MANAGEMENT BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)

The Director, Internal Security Mr. Thomas Sakah thanked the Members for attending the meeting and apologized on behalf of the Principal Secretary, State Department for Internal Security and National Administration who was engaged in other official duties. Mr. Sakah noted that the Ministry had submitted a written memorandum on the Bill and that the Bill was expected to cure all the challenges the country was facing in the management of disasters.

The representatives from Red Cross and UNDP (United Nations Development Programme) noted that the legislation would put in place a much needed framework for disaster management in the country and that the 13th Parliament presented an opportunity to have the Bill passed having failed in the 11th and 12th Parliament.

Remarks from the Chairperson

The Chairperson thanked the Ministry of Interior and National Administration, NDOC, UNDP and other partners for convening the Retreat. He further noted that the Senate was keen to gather insights to enrich the Bill and that the Bill was timely to address a wide range of disasters in the country.

Remarks from the Vice - Chairperson

The Vice Chairperson reiterated the Committee commitment to support and enrich the Bill to address disaster concerns in the country and that the submissions provided by the Ministry together with its partners would be considered by the Committee and a Report on the Bill would be tabled in the Senate in due course.

Resolutions

The Committee resolved that submissions from the Ministry and its development partners be consolidated and submitted to the Committee.

MIN.NO.SEN/NSDFR/535/2024

ANY OTHER BUSINESS

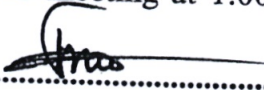
Meeting with the National Steering Committee on Disaster Response

Members were reminded of a meeting with the National Steering Committee on Disaster Response scheduled to be held on the Thursday, 12th September, 2024 to deliberate on the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2024) Members were urged to attend the meeting.

MIN.NO.SEN/NSDFR/536/2024

DATE OF THE NEXT MEETING AND
ADJOURNMENT

The meeting was adjourned the meeting at 1.00 p.m.

SIGNED: 

DATE: 26.10.24



13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 109TH SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD ON THURSDAY, 12TH SEPTEMBER, 2024 AT 12.00 NOON IN COMMITTEE ROOM 21, FIFTH FLOOR, BUNGE TOWER

PRESENT

1. Sen. Fatuma Adan Dullo, CBS, MP -Ag. Chairperson
2. Sen. Julius Murgor Recha, CBS, MP
3. Sen. George Mungai Mbugua, MP

ABSENT WITH APOLOGY

1. Sen. William Cheptumo Kipkiror, CBS, MP - Chairperson
2. Sen. Karen Nyamu, MP - Vice-Chairperson
3. Sen. Abdul Mohammed Haji, CBS, MP
4. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP
5. Sen. Joseph Githuku Kamau, MP
6. Sen. Lenku Ole Kanar Seki, MP

SECRETARIAT

1. Ms. Carol Kirorei - Clerk Assistant I
2. Mr. Khatib Omar - Clerk Assistant III
3. Mr. Alex Mutuku - Senior Serjeant-at-Arms
4. Mr. Gilbert Juma - Legal Counsel II
5. Mr. Matano Kataa - Research Officer III
6. Mr. Charles Oyosi - Audio Officer
7. Mr. Mike Mwamuye - Public Communications Officer
8. Mr. Jahzeal Obara - Intern

IN ATTENDANCE

1. Dr. Steven Jackson - UN Resident Coordinator
2. Mr. Murimi Murage President - Legal and Policy Advisor Office of the Deputy
3. Mr. Pankaj Shah - Pankaj Foundation – Team Leader

- | | |
|-------------------------------|---|
| 4. Ms. Isabel Njihia | - Risk Governance Officer UN |
| 5. Ms. Ruth Lemlem
Manager | - Kenya Association of Manufacturers- Legal |
| 6. Ms. Dania Khan | - UN RC Office, Senior Partnership Officer |
| 7. Mr. Corneillus Weira | - UN RC Office- DRM Advisor |
| 8. Mr. Alex Owiti | - Secretariat/Media |

MIN. NO.SEN/NSDFR/537/2024

PRELIMINARIES

The meeting was called to order at 12.22 p.m. followed by a word of prayer and introduction of the Members and the attendees present.

MIN. NO.SEN/NSDFR/538/2024

ADOPTION OF THE AGENDA

The agenda for the meeting was adopted having been proposed by Sen. George Mungai Mbugua, MP and seconded by Sen. Julius Murgor Recha, CBS, MP as follows-

1. Prayer
2. Adoption of the Agenda
3. Meeting with the National Steering Committee on Disaster Response to receive submissions on the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023) (*Committee Paper No. 103*)
4. Any Other Business
5. Date of the Next Meeting and Adjournment

MIN. NO.SEN/NSDFR/539/2024

MEETING WITH THE NATIONAL STEERING COMMITTEE ON DISASTER RESPONSE TO RECEIVE SUBMISSIONS ON THE NATIONAL DISASTER RISK MANAGEMENT BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)

The Acting Chairperson welcomed the National Steering Committee on Disaster Response to the meeting to deliberate on their submissions on the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023).

Upon invitation by the Acting Chairperson, the United Nations Resident Coordinator made his presentation as summarized below-

1. the National Steering Committee on Disaster Response was established by H.E. the President in May, 2024 to-
 - a) mobilize resources to augment the National Governments emergency actions; and
 - b) support the development of a framework to calibrate the role of the private sector in climate change mitigation and adaptation
2. the provisions of the Bill sought to-

- a) establish an institutional framework on Disaster Risk Management via the proposed National Disaster Risk Management Authority (NDRMA) and the County Disaster Risk Management Committees; and
 - b) provide a legal framework to coordinate disaster risk management response.
3. the Policy and Legal Sub-Committee then reviewed and proposed amendments and additions to the Bill that were anchored in national policy and legislation and aligned with international standards and best practices;
 4. the Sub-Committee drew its membership from the Government, United Nations and Private sector, and was led by Anthony Mwangi, CEO Kenya Association of Manufacturers and Dr. Stephen Jackson – UN Resident Coordinator;
 5. the Committee proposed the following recommendations on the Bill-
 - a) the Bill should adopt a greater alignment of provisions with international frameworks adhering to the Sendai Framework, Paris Agreement and the United Nations Framework Convention on Climate Change (UNFCCC) which had been agreed by all Member States at the UN General Assembly. Providing guiding principles that align with the Sendai Framework would promote further domestication of the framework and ensure coherence between the implementation of international agreements and national legislation. The framework derived definitions from the Open-Ended Intergovernmental Expert Working Group on Indicators and Terminology including disaster, disaster risk management, disaster risk reduction, disaster preparedness, resilience in the Bill. The National Steering Committee on Disaster proposed that the definition could be further strengthened and made more prominent;
 - b) the Bill adopts a multi-hazard approach. A multi-hazard approach (inclusive of drought) affecting different areas of the country to promote comprehensiveness in its overall functionality and efficiency; and acknowledging expertise and experiences at the national and county level. Such an approach would enable inclusive risk-informed decision-making;
 - c) the Bill Enhances emphasis on prevention, preparedness, resilience and early warning in addition to response functions to build a climate smart and adaptable disaster- management system;
 - d) the Bill clarifies and strengthens institutional architecture: The Committee recommended establishing a single multi-hazard national level authority (the National Disaster Risk Management Authority) to coordinate and implement the full cycle of Disaster Risk Management response that would reduce fragmentation in its current form;
 - e) the Bill accommodates diversify and a clarity on financing strategies: The National level in the Bill shouldered the responsibility for financing and proposes a two-pronged approach to managing funds for disaster risk management;
 - f) the Bill promotes Partnership and Community Engagement: NDRMA to adopt a multi-stakeholder approach across all disaster risk reduction initiatives that engages and continually consults through the inter-ministerial governance structure;
 - g) the Bill fosters Cross Border Coordination including reference to cross-border coordination and information sharing pertaining to disasters or crises which had a

- regional impact as part of early warning, prevention and response;
- h) the Bill ensured Transparency and Accountability: The importance of transparency and accountability in all aspects of disaster risk management was emphasised by the Steering Committee;
 - i) the Bill Promotes Strategic Coherence: Kenya had prioritized climate change adaptation and disaster risk management through the adoption and development of a rich strategic and legal policy framework; and
 - j) the Bill promoted inclusivity in consultations, planning, prevention and response activities, regardless of age, gender, document status or geographical location.

Queries raised by Senators

The Senators thanked the UN Resident Coordinator for the informative presentation and proposed that chemical and biological disasters be included in the Bill and that persons living with disability be included in the vulnerable groups under the Bill. They then sought the following clarifications-

1. what qualified a disaster to be declared as a national disaster;
2. why the country was still unable to address disasters with preparedness yet they were recurrent;
3. whether disaster management could include food management to furnish areas with shortages of food from areas with bounty of food resources;
4. reasons why the country had not changed its focus to a pro-active approach in managing disasters e.g. the projected drought in the country; and
5. the status of the response to a Statement sought by Sen. Samson Cherarkey, MP on the current drought ravaging vast regions in the county on 24th February, 2023 which had not been responded to.

Responses by the National Steering Committee on Disaster Response

1. there was a delay in the declaration of national disasters resulting in late entry by international partners for support. There was need for a more coordinated approach to manage the same;
2. a framework to address biological and chemical disasters ought to be adopted to address the issue and inclusivity ought to bring together all members of the society without any discrimination;
3. the response on the Statement would be furnished in an official letter by the Principal Secretary, State Department for Cabinet Affairs;
4. the Committee moved food distribution to cash transfers which still posed a challenge to communities which could not reach food;
5. the earmarking of the counties' budgets to allocate 2% of the total budget to disaster management should be made mandatory through amendments to the PFM Act.

The Members thanked the delegation for their insights on enriching the Bill and stated that the same would be considered while proposing amendments to the Bill.

Resolutions

The Committee-

1. that the National Steering Committee on Disaster Response furnishes the Committee with a write up setting out the modalities of consolidation of the country's disaster risk management into a single unit and the coordination of that unit with the county governments to be submitted by 17th September 2024; and
2. that the pending response to a Statement sought by Sen. Samson Cherarkey, MP on the current drought ravaging vast regions in the county on 24th February, 2023, which was long overdue, be responded to by the Principal Secretary, State Department for Cabinet Affairs.

MIN.NO.SEN/NSDFR/540/2024

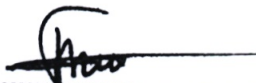
ANY OTHER BUSINESS

There was no other business discussed at the meeting.

MIN.NO.SEN/NSDFR/541/2024

DATE OF THE NEXT MEETING AND
ADJOURNMENT

The Acting Chairperson adjourned the meeting at 1.26 p.m. The next meeting would be held on Tuesday, 17th September, 2024 at 12.00 p.m.

SIGNED: 
.....

DATE: 26.10.24
.....



13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 110TH SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY, 24TH SEPTEMBER, 2024 AT 12.00 NOON IN COMMITTEE ROOM 5, 1ST FLOOR, BUNGE TOWER

PRESENT

1. Sen. Fatuma Adan Dullo, CBS, MP
2. Sen. Joseph Githuku Kamau, MP
3. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP - Ag. Chairperson
4. Sen. Lenku Ole Kanar Seki, MP
5. Sen. George Mungai Mbugua, MP

ABSENT WITH APOLOGY

1. Sen. William Cheptumo Kipkiror, CBS, MP - Chairperson
2. Sen. Karen Nyamu, MP - Vice-Chairperson
3. Sen. Abdul Mohammed Haji, CBS, MP
4. Sen. Julius Murgor Recha, CBS, MP

SECRETARIAT

1. Ms. Carol Kirorei - Clerk Assistant I
2. Mr. Khatib Omar - Clerk Assistant III
3. Mr. Alex Mutuku - Senior Serjeant-at-Arms
4. Mr. Gilbert Juma - Legal Counsel II
5. Mr. Matano Kataa - Research Officer
6. Mr. Nandemu Barasa - Media Relations Officer
7. Mr. Charles Oyosi - Audio Officer

MIN. NO.SEN/NSDFR/542/2024

PRELIMINARIES

The meeting was called to order at 12.20 p.m. followed by a word of prayer.

MIN. NO.SEN/NSDFR/543/2024

ADOPTION OF THE AGENDA

The agenda for the meeting was adopted having been proposed by Sen. Fatuma Adan Dullo, CBS, MP and seconded by Sen. George Mungai Mbugua, MP, as follows-

1. Prayer
2. Adoption of the Agenda
3. Confirmation of Minutes of the previous sittings
 - Minutes of the 96th, 97th and 98th Sitting held on 21st June, 2024
 - Minutes of the 99th and 100th sitting held on 22nd June, 2024
 - Minutes of the 101st sitting held on 2nd July, 2024
4. Matters arising from the previous Minutes
5. Consideration of submissions received from the public on Disaster Response to receive submissions on the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023) (*Committee Paper No. 104*)
6. Any Other Business
7. Date of the Next Meeting and Adjournment

MIN. NO.SEN/NSDFR/544/2024

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

This agenda item was deferred to the next sitting.

MIN. NO.SEN/NSDFR/545/2024

CONSIDERATION OF SUBMISSIONS RECEIVED FROM THE PUBLIC ON THE NATIONAL DISASTER RISK MANAGEMENT BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)

The Committee considered Paper No. 104 (*Consideration of submissions received from the public on Disaster Response to receive submissions on the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023)*).

During deliberations-

1. Members observed that the submissions were lengthy and would require more time to consider effectively;
2. Members observed that the National Treasury and Economic Planning is currently in the process of establishing a Disaster Risk Management Fund under the draft the Public Finance Management (Disaster Risk Management Fund) Regulations. There was therefore need for harmony in the provisions of the Bill and the Regulations;
3. Members recalled the contributions made during the Second Reading of the Bill with regard to the proposed establishment of the National Disaster Risk Management Authority under clause 5 of the Bill and the transition of staffers of the National Disaster Operations Centre (NDOC) and the National Disaster Management Unit (NDMU) under clause 31 of the Bill; and
4. Members noted that the proposal by the Council of County Governors for the proposed establishment of the County Disaster Risk Management Agencies under clause 31(1) of

the Bill was unclear in light of the Bill's existing provisions on the County Disaster Risk Management Committees and the County Disaster Risk Management Centre.

Resolution

The Committee-

1. noted the contents of the Paper;
2. resolved to invite the following stakeholders to meetings the following week to provide clarity on the issues raised on the Bill-
 - a) the Cabinet Secretary, Ministry of Interior and National Administration;
 - b) the Cabinet Secretary, the National Treasury & Economic Planning; and
 - c) the Council of County Governors.

MIN.NO.SEN/NSDFR/546/2024

ANY OTHER BUSINESS

Meeting with the Cabinet Secretary, Ministry of Interior and National Administration

Further to the resolution to invite the Cabinet Secretary, Ministry of Interior and National Administration to address the Committee's concerns on the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023), the Committee resolved that communication be sent to the Cabinet Secretary to address other pending legislative business before the Committee at the meeting. These include the following-

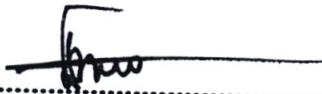
- a) a Petition concerning compensation of police officers injured in the line of duty;
- b) the Motion on the current State of the Nation; and
- c) pending Statements before the Committee.

MIN.NO.SEN/NSDFR/547/2024

DATE OF THE NEXT MEETING AND
ADJOURNMENT

The meeting was adjourned the meeting at 1.16 p.m. The next meeting would be held on Thursday, 26th September, 2024 at 12.00 p.m.

SIGNED:



DATE:

26.10.24



13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 113TH SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY, 8TH OCTOBER, 2024 AT 12.00 NOON IN COMMITTEE ROOM 6, FIRST FLOOR, BUNGE TOWER

PRESENT

1. Sen. William Cheptumo Kipkiror, CBS, MP - Chairperson
2. Sen. Fatuma Adan Dullo, CBS, MP
3. Sen. Abdul Mohammed Haji, CBS, MP
4. Sen. Joseph Githuku Kamau, MP
5. Sen. Lenku Ole Kanar Seki, MP

ABSENT WITH APOLOGY

1. Sen. Karen Nyamu, MP - Vice-Chairperson
2. Sen. Julius Murgor Recha, CBS, MP
3. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP
4. Sen. George Mungai Mbugua, MP

SECRETARIAT

1. Ms. Carol Kirorei - Clerk Assistant I
2. Mr. Khatib Omar - Clerk Assistant III
3. Mr. Gilbert Juma - Legal Counsel II
4. Mr. Matano Kataa - Research Officer III
5. Mr. Nandemu Barasa - Media Relations Officer III
6. Mr. Patrick Murindo - Serjeant-at-Arms
7. Ms. Shirley Milimu - Audio Officer

MIN. NO.SEN/NSDFR/560/2024

PRELIMINARIES

The meeting was called to order at 12.15 p.m. followed by a word of prayer.

MIN. NO.SEN/NSDFR/561/2024

ADOPTION OF THE AGENDA

The agenda for the meeting was adopted having been proposed by Sen. Abdul Mohammed Haji, CBS, MP and seconded by Sen. Lenku Ole Kanar Seki, MP, as follows-

1. Prayer
2. Adoption of the Agenda
3. Confirmation of Minutes of the previous sittings
 - *Minutes of the 96th, 97, and 98th sitting held on 21st June, 2024*
 - *Minutes of the 100th sitting held on 22nd June, 2024*
 - *Minutes of the 101st sitting held on 25th June, 2024*
4. Matters arising from the previous Minutes
5. Consideration of submissions received from the public on the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023) (*Committee Paper No. 104*)
6. Briefing on correspondence before the Committee (*Committee Paper No. 106*)
7. Any Other Business
8. Date of the Next Meeting and Adjournment

MIN. NO.SEN/NSDFR/562/2024

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

This agenda item was deferred to the next sitting.

MIN. NO.SEN/NSDFR/563/2024

CONSIDERATION OF SUBMISSIONS RECEIVED FROM THE PUBLIC ON THE NATIONAL DISASTER RISK MANAGEMENT BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)

The Committee considered Paper No.104 (*Consideration of submissions received from the public on the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023)*).

Resolution

The Committee-

1. noted the contents of the Paper; and
2. resolved to reschedule meetings with the Cabinet Secretary, Ministry of Interior and National Administration, the Cabinet Secretary National Treasury and Economic Planning and the Council of County Governors to deliberate on their memoranda on the Bill;
3. resolved to hold a Report Writing Retreat on the Bill between 24th and 27th October 2024 within the Nairobi Metropolitan Area.

MIN. NO.SEN/NSDFR/564/2024

BRIEFING ON CORRESPONDENCE BEFORE THE COMMITTEE

The Committee considered Paper No.106 (*Briefing on correspondence before the Committee*).

Resolution

The Committee-

1. noted the contents of the Paper;
2. resolved to propose the dates of 5th to 9th December, 2024 for the proposed Capacity Building Programme on Security and National Interests organized by the Centre for Parliamentary Studies and Training (CPST).

MIN.NO.SEN/NSDFR/565/2024

ANY OTHER BUSINESS

1. Retreat with National Intelligence Service

The Committee was informed that the National Intelligence Service had proposed the following dates for the scheduled Retreat in Nanyuki, Laikipia County-

- a) 21st – 22nd November, 2024; and
- b) 5th – 6th December, 2024.

The Committee resolved to hold the Retreat with NIS between 21st and 22nd November, 2024.

2. County Visits

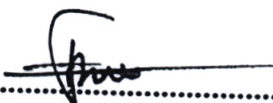
The meeting was informed that the Deputy Speaker had proposed 22nd to 24th October, 2024 for the scheduled county visits to Meru and Embu Counties for public participation on the Narcotic Drugs and Psychotropic Substances Control Amendment Bill, 2024 (Senate Bills No. 1 of 2024).

The Committee deemed the proposed dates inconvenient and directed the secretariat to liaise with the Office of the Deputy Speaker for alternative dates.

MIN.NO.SEN/NSDFR/566/2024

DATE OF THE NEXT MEETING AND
ADJOURNMENT

The Chairperson adjourned the meeting at 1.10 p.m. The next meeting would be held on Tuesday, 22nd October, 2024 at 12.00 noon.

SIGNED: 

DATE: 26.10.24



13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 115TH SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD ON FRIDAY, 25TH OCTOBER, 2024 AT 8.00 A.M. IN MT. KILIMANJARO ROOM, FOUR POINTS BY SHERATON - AIRPORT NAIROBI

PRESENT

- | | |
|--------------------------------------|--------------------|
| 1. Sen. Fatuma Adan Dullo, CBS, MP | - Ag. Chairperson |
| 2. Sen. Karen Nyamu, MP | - Vice-Chairperson |
| 3. Sen. Julius Murgor Recha, CBS, MP | |
| 4. Sen. Lenku Ole Kanar Seki, MP | |
| 5. Sen. George Mungai Mbugua, MP | |
| 6. Sen. Joseph Githuku Kamau, MP | |

ABSENT WITH APOLOGY

- | | |
|--|---------------|
| 1. Sen. William Cheptumo Kipkiror, CBS, MP | - Chairperson |
| 2. Sen. Abdul Mohammed Haji, CBS, MP | |
| 3. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP | |

SECRETARIAT

- | | |
|------------------------|-------------------------------|
| 1. Ms. Carol Kirorei | - Clerk Assistant I |
| 2. Mr. Khatib Omar | - Clerk Assistant III |
| 3. Mr. Alex Mutuku | - Senior Serjeant-at-Arms |
| 4. Mr. Gilbert Juma | - Legal Counsel II |
| 5. Mr. Matano Kataa | - Research Officer III |
| 6. Mr. Nandemu Barasa | - Media Relations Officer III |
| 7. Mr. Patrick Murindo | - Serjeant-at-Arms |
| 8. Mr. Charles Oyosi | - Audio Officer |

MIN. NO.SEN/NSDFR/572/2024

PRELIMINARIES

The meeting was called to order at 8.38 a.m. followed by a word of prayer.

MIN. NO.SEN/NSDFR/573/2024

ADOPTION OF THE AGENDA

The agenda for the meeting was adopted having been proposed by Sen. Julius Murgor Recha, CBS, MP and seconded by Sen. Lenku Ole Kanar Seki, MP, as follows-

1. Prayer
2. Adoption of the Agenda
3. Consideration of draft amendments on the National Disaster Risk Management Bill, 2023 (National Assembly bills no.24 of 2023)
4. Any Other Business
5. Date of the Next Meeting and Adjournment

MIN. NO.SEN/NSDFR/574/2024

CONSIDERATION OF DRAFT AMENDMENTS TO THE NATIONAL DISASTER RISK MANAGEMENT BILL, 2023 (NATIONAL ASSEMBLY BILLS NO.24 OF 2023)

The Committee considered the draft amendments to the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023).

During the deliberations-

- 1) Members proposed that clause 6 be amended to emphasize the linkage between the county governments and the national government for cooperation and collaboration. The Committee further directed that a comparative analysis be done on the coordination of the disaster risk management function between two levels of government in other jurisdictions;
- 2) noted that there was need for the comments of the Cabinet Secretary, National Treasury and Economic Planning seeking written submissions with regard to the establishment of the Disaster Risk Management Fund, which could inform further amendments at Committee of the Whole

Resolution

The Committee resolved to seek written comments from the Cabinet Secretary, National Treasury and Economic Planning on to the establishment of the Disaster Risk Management Fund.

MIN. NO.SEN/NSDFR/575/2024

ANY OTHER BUSINESS

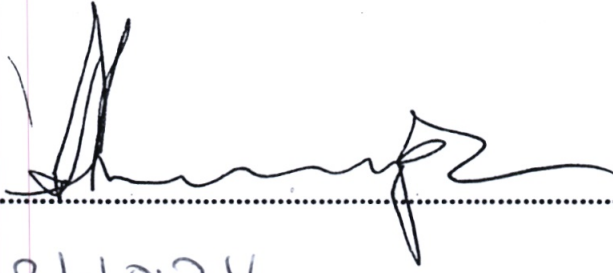
There was no other business discussed in the meeting.

MIN.NO.SEN/NSDFR/576/2024

DATE OF THE NEXT MEETING AND ADJOURNMENT

The Chairperson adjourned the meeting at 11.15 a.m. The next meeting would be held on Friday, 25th October, 2024 at 2.00 p.m.

SIGNED:

A handwritten signature in black ink, appearing to be 'A. Murphy', written over a dotted line.

DATE:

31.10.24

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13TH PARLIAMENT | 3RD SESSION

MINUTES OF THE 116TH SITTING OF THE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN RELATIONS HELD ON FRIDAY, 25TH OCTOBER, 2024 AT 2.00 P.M. IN MT. KILIMANJARO ROOM, FOUR POINTS BY SHERATON - AIRPORT NAIROBI

PRESENT

- | | |
|--------------------------------------|--------------------|
| 1. Sen. Fatuma Adan Dullo, CBS, MP | - Ag. Chairperson |
| 2. Sen. Karen Nyamu, MP | - Vice-Chairperson |
| 3. Sen. Julius Murgor Recha, CBS, MP | |
| 4. Sen. Lenku Ole Kanar Seki, MP | |
| 5. Sen. George Mungai Mbugua, MP | |
| 6. Sen. Joseph Githuku Kamau, MP | |

ABSENT WITH APOLOGY

- | | |
|--|---------------|
| 1. Sen. William Cheptumo Kipkiror, CBS, MP | - Chairperson |
| 2. Sen. Abdul Mohammed Haji, CBS, MP | |
| 3. Sen. (Prof.) Tom Odhiambo Ojienda, SC, MP | |

SECRETARIAT

- | | |
|-----------------------|-------------------------------|
| 1. Ms. Carol Kirorei | - Clerk Assistant I |
| 2. Mr. Khatib Omar | - Clerk Assistant III |
| 3. Mr. Alex Mutuku | - Senior Serjeant-at-Arms |
| 4. Mr. Gilbert Juma | - Legal Counsel II |
| 5. Mr. Matano Kataa | - Research Officer III |
| 6. Mr. Nandemu Barasa | - Media Relations Officer III |
| 7. Mr. Charles Oyosi | - Audio Officer |

MIN. NO.SEN/NSDFR/577/2024

PRELIMINARIES

~~The meeting was called to order at 2.10 p.m. followed by a word of prayer.~~

MIN. NO.SEN/NSDFR/578/2024

ADOPTION OF THE AGENDA

The agenda for the meeting was adopted having been proposed by Sen. Julius Murgor

Recha, CBS, MP and seconded by Sen. Lenku Ole Kanar Seki, MP, as follows-

1. Prayer
2. Adoption of the Agenda
3. Consideration and adoption of the National Disaster Risk Management Bill, 2023
(National Assembly bills no.24 of 2023)
4. Any Other Business
5. Date of the Next Meeting and Adjournment

MIN. NO.SEN/NSDFR/579/2024

**CONSIDERATION AND ADOPTION OF
THE REPORT ON THE NATIONAL
DISASTER RISK MANAGEMENT BILL,
2023 (NATIONAL ASSEMBLY BILLS NO.24
OF 2023)**

The Committee considered the Report on the National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023).

The Committee adopted the report with the proposed amendments after being proposed by Sen. Fatuma Adan Dullo, CBS, MP and seconded by Sen. Lenku Ole Kanar Seki, MP.

MIN. NO.SEN/NSDFR/580/2024

ANY OTHER BUSINESS

There was no other business discussed in the meeting.

MIN.NO.SEN/NSDFR/581/2024

**DATE OF THE NEXT MEETING AND
ADJOURNMENT**

The Chairperson adjourned the meeting at 3.15 p.m. The next meeting would be held on Saturday, 26th October, 2024 at 8.00 a.m.

SIGNED:

DATE:
31-10-24

ANNEX 2

The National Disaster Risk Management Bill, 2023 (National Assembly Bills No. 24 of 2023), as passed by the National Assembly and referred to the Senate



REPUBLIC OF KENYA

PARLIAMENT

NATIONAL ASSEMBLY BILLS
(Bill No. 24 of 2023)

THE NATIONAL DISASTER RISK MANAGEMENT BILL, 2023

(A Bill published in the Kenya Gazette Supplement No. 80 of 2023 and passed by the National Assembly, with amendments, on 4th June, 2024)

N.A./B/No.24/2023

**THE NATIONAL DISASTER RISK MANAGEMENT
BILL, 2023
ARRANGEMENT OF CLAUSES**

Clause

PART I— PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Objects of the Act.
- 4—Guiding principles.

**PART II — ESTABLISHMENT OF THE
INSTITUTIONAL FRAMEWORK ON DISASTER
RISK MANAGEMENT**

- 5—National Disaster Risk Management Authority.
- 6—Headquarters.
- 7— Functions of the Authority.
- 8— Powers of the Authority.
- 9— Composition of the Board.
- 10— Qualification of the chairperson of the Board.
- 11—Vacation of office.
- 12—Removal from office.
- 13—Functions of the Board.
- 14—Powers of the Board.
- 15—Committees of the Board.
- 16—Delegation by the Board.
- 17—Conduct of business and affairs of the Board.
- 18—Remuneration of the Board and staff of the Authority.
- 19—Appointment of Corporation Secretary.
- 20—Director-General.
- 21—Qualification of Director-General.
- 22—Removal of Director-General.

23—Vacation of office of the Director General.

24—Staff of the Authority.

25—Common Seal of the Authority.

26—Protection from personal liability.

**PART III—CLASSIFICATION OF DISASTER,
PLANS AND ELECTRONIC INFORMATION
SYSTEMS**

27—Electronic information system.

28—Disaster risk management plans.

29—Classification of disasters.

30—Declaration of National State of Disaster.

**PART IV—COUNTY DISASTER RISK
MANAGEMENT COMMITTEES**

31—Establishment of County Disaster Risk Management
Committees.

32—Functions of a County Committee.

33—Powers of a County Committee.

34—Vacation of office.

35—Conduct of business and affairs of a County
Committee.

36—Establishment of County Disaster Risk Management
Centre.

37—Procedure during disaster events.

38—Annual report to county assembly.

39—Guidelines by County Committee.

40—Disaster Risk Management Volunteers.

PART V—FINANCIAL PROVISIONS

- 41—Funds of the Authority.
- 42—Financial year.
- 43—Annual estimates.
- 44—Accounts and audit.

PART VI—MISCELLANEOUS PROVISIONS

- 45—Duty to protect information held by the Authority
County Committee or Centres.
- 46—Limitation of the right to access information.
- 47—Obstruction.
- 48—False claim.
- 49—False alarm.
- 50—Misappropriation of relief money or material.
- 51—Offences by companies.

**PART VII—PROVISIONS ON DELEGATED
POWERS**

- 52—Regulations.

**PART VIII—SAVING AND TRANSITIONAL
PROVISIONS**

- 53—Transfer of Staff.
- 54—Transfer of assets and liabilities.

**SCHEDULE—PROVISIONS AS TO THE CONDUCT
OF BUSINESS AND AFFAIRS OF
THE BOARD**

**THE NATIONAL DISASTER RISK MANAGEMENT
BILL, 2023**

A Bill for

AN ACT of Parliament to establish the National Disaster Risk Management Authority and County Disaster Risk Management Committees; to provide a legal framework for the co-ordination of disaster risk management activities; and for connected purposes

ENACTED by the Parliament of Kenya as follows—

PART I—PRELIMINARY

1. This Act may be cited as the National Disaster Risk Management Act, 2023.

Short title.

2. In this Act, unless the context otherwise requires—

Interpretation.

“Authority” means the National Disaster Risk Management Authority established under section 9;

“Board” means the Board of the National Disaster Risk Management Authority constituted under section 13;

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to disaster risk management;

“Centre” means a County Disaster Risk Management Centre established under section 37;

“climate change” means a change in the climate system which is caused by significant changes in the concentration of greenhouse gases as a consequence of human activities and which is in addition to natural climate change that has been observed during a considerable period;

“County Executive Committee Member” means the county executive committee member responsible for matters relating to disaster risk management;

“County Committee” means the County Disaster Risk Management Committee established under section 35;

“Director-General” means the Director-General of the Authority appointed under section 24;

“disaster” means a progressive or sudden, widespread, localized, natural or human-caused occurrence which—

- (a) causes or threatens to cause—
 - (i) death, injury or disease;
 - (ii) damage to property, infrastructure or the environment; or
 - (iii) significant disruption of the life of a community; and

- (b) is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources;

“disaster risk” means the potential loss of life, injury, or destroyed or damaged assets which could occur to a system, society or a community in a specific period of time, determined probabilistically as a function of hazard, exposure, vulnerability and capacity;

“disaster risk management” means a continuous and integrated multisectoral, multi-disciplinary process of developing, planning and implementing of policies, strategies and measures aimed at –

- (a) having in place a permanent structure of disaster risk management at the county and national level;
- (b) identifying and mapping disaster prone or vulnerable areas, situations or people;
- (c) issuing early-warning of eminent disaster;
- (d) relocating populations in case of eminent disasters;
- (e) preventing or reducing the risk of disasters;
- (f) mitigating the severity or consequences of disasters;
- (g) protecting the most vulnerable populations in disasters including women, children, persons with disabilities and the elderly;

- (h) emergency preparedness;
- (i) a rapid and effective response to disasters;
- (j) post-disaster recovery, restoration and rehabilitation;
and
- (k) using technology to better manage disasters.

“disaster risk reduction” means either a policy goal or objective, and the strategic and instrumental measures employed for—

- (a) anticipating future disaster risk; and
- (b) reducing existing exposure, hazard or vulnerability;

“early warning system” means an integrated system of hazard monitoring, forecasting and prediction, disaster risk assessment, communication and preparedness activities, systems and processes that enables individuals, communities, governments, businesses and others to take timely action to reduce disaster risks in advance of hazardous events;

“emergency preparedness” means—

- (a) measures in place which enable organs of the national and county governments and other institutions involved in disaster risk management, the private sector, communities and individuals to mobilize, organize and provide relief measures to deal with an impending or current disaster or the effects of a disaster; and
- (b) the knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to and recover from the impacts of likely, imminent or current hazard events or condition improving resilience;
- (c) having in place a policy at the national and county level on disaster response;
- (d) having in place a structure at the county and

national government level that enables quick response in cases of disaster;

- (e) having in place a monitoring system at the national and county level on disaster risk;
- (f) having in place an early-warning system at the national and county level on disaster risk;
- (g) having in place a continuous public education and awareness of the public on disaster risk response including emergency numbers and centres;
- (h) having in place facilities and equipment for effective and quick response to disasters including fire tracks, land, water and air ambulatory services; and
- (i) establishing a centre for emergency convergence during disasters.

“financial year” means the period of twelve months ending on the thirtieth day of June in each year;

“hazard” means a process, phenomenon or human activity that may cause loss of life, injury or other health impacts, property damage, social and economic disruption or environmental degradation;

No. 2 of 2012.

“mitigation” means the lessening or minimizing of the adverse impacts of a hazardous event;

“preparedness” means the knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions;

“prevention” means activities and measures to avoid existing and new disaster risks;

“reconstruction” means the medium and long-term rebuilding and sustainable restoration of resilient critical infrastructures, services, housing, facilities and livelihoods required for the full functioning of a community or a society affected by a disaster, aligning with the principles of sustainable development and “build back better”, to avoid or reduce future disaster risk;

“recovery” means the restoring or improving of livelihoods and health, as well as economic, physical, social, cultural and environmental assets, systems and activities, of a disaster-affected community or society, aligning with the principles of sustainable development and “build back better”, to avoid or reduce future disaster risk;

“response” means actions taken directly before, during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected;

“risk” means the combination of the probability of an event and its negative consequences;

“risk assessment” means the methodology used to determine the nature and extent of risk by analysing potential hazards and evaluating existing conditions of vulnerability which may potentially harm exposed people, property, services, livelihoods and the environment

“Summit” has the meaning assigned under section 2 of the Intergovernmental Relations Act, 2012;

“the two levels of government” means all relevant departments and agencies of the national and county governments;

“vulnerability” means 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.

3. The object of this Act is to—

Objects of the Act.

- (a) provide for a legislative framework for disaster risk management;
- (b) enhance effective and co-ordinated disaster preparedness, prevention, response, mitigation and recovery;
- (c) reduce disaster risks and vulnerabilities at the national and county levels of government; and
- (d) enhance resilience to the impacts of disaster risks and climate change at both the national and county levels.

4. The guiding principles to disaster risk management

Guiding principles.

shall be—

- (a) a comprehensive approach to Disaster Risk Management for balancing between the reduction of risk and the enhancement of community resilience, while ensuring effective response and recovery capabilities;
- (b) all hazards approach in managing disaster;
- (c) enhancing local disaster risk management capability as the frontline to disaster risk management;
- (d) respect, ethics and professional standards;
- (e) transparency and accountability;
- (f) commitment in service to the people;
- (g) protecting vulnerable groups including women, children, persons with disabilities and older persons of the society; and
- (h) supporting the national government and the county government including the local communities, in disaster risk management.

**PART II — ESTABLISHMENT OF THE
INSTITUTIONAL FRAMEWORK ON DISASTER
RISK MANAGEMENT**

5. (1) There is established the National Disaster Risk Management Authority.

National
Disaster Risk
Management
Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) borrowing and lending money; and
- (d) doing or performing all other things or acts which may be lawfully done or performed by a body corporate for the furtherance of the provisions of this Act.

6. (1) The Headquarters of the Authority shall be in Nairobi. Headquarters.

(2) The Authority may establish such other offices as it considers necessary for the discharge of its functions.

7. The functions of the Authority shall be to— Functions of the Authority.

- (a) co-ordinate and implement disaster risk management;
- (b) co-ordinate and collaborate with relevant regional and international agencies and institutions in disaster risk management;
- (c) advise the national and county governments on disaster risk management measures;
- (d) develop and co-ordinate implementation of national and county disaster risk management policies, strategies, plans, projects, programs and budgets;
- (e) promote and co-ordinate research in disaster risk management;
- (f) facilitate capacity building for disaster risk management at both the national and county levels of Government;
- (g) co-ordinate the provision of psycho-social support to persons affected by a disaster or involved in disaster risk management;
- (h) co-ordinate and support public awareness campaigns and civic education programmes on disaster risk management;
- (i) monitor and evaluate disaster risk management programmes and projects;
- (j) promote linkages with key ministries, community service organizations, international organizations, county, sub-county and community-based disaster risk management entities;
- (k) co-ordinate the preparation and maintenance of national, county and sub-county disaster risk atlases including data banks and information on potential hazards and vulnerabilities;

- (l) undertake and co-ordinate routine hazard identification and vulnerability and risk assessments in all sectors;
- (m) co-ordinate resource mobilization strategies;
- (n) submit periodic reports to the Cabinet and the Summit;
- (o) ensure the implementation of international obligations related to disaster risk management;
- (p) accredit international volunteers involved in disaster risk management; and
- (q) perform any other functions as may be prescribed by this Act or any other written law relevant to the discharge of the functions of the Authority.

8. (1) The Authority shall have all the powers necessary for the proper performance of its functions under this Act, and, in particular, but without prejudice to the generality of the foregoing, the Authority shall have power to—

Powers of the Authority.

- (a) receive grants, gifts, donations or endowments and make legitimate disbursements therefrom;
- (b) enter into association with other bodies or organizations within or outside Kenya as the Authority may consider desirable or appropriate and in furtherance of the purpose for which the Authority is established;
- (c) open a bank account or bank accounts for the funds of the Authority;
- (d) invest funds of the Authority not immediately required for its purposes; and
- (e) undertake any activity as may be necessary for the better carrying out of the functions of the Authority.

(2) The Authority shall exercise powers required to ensure compliance with any directive issued under its authority and take or cause to be taken such measures including bringing actions in a court of law or tribunal.

(3) The Authority may on giving reasonable notice of its intention to take such measures, direct an organization,

department, authority, person or body of persons to perform, within such times and in such manner as it shall specify, any other duty imposed by or under this Act or any other written law in relation to enforcement and compliance.

(4) Where there is failure to comply with the direction, the Authority may perform or cause to be performed the duties in question and the expense incurred shall be recoverable by the Authority from the organization, department, authority, person or body of persons referred to under subsection (3), by way of a civil debt.

9. (1) The management of the Authority shall vest in a Board which shall comprise—

Composition of
the Board.

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary in the Ministry for the time being responsible for matters relating to disaster risk management or a representative designated in writing;
- (c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance or a representative designated in writing;
- (d) the Principal Secretary in the Ministry for the time being responsible for matters relating to defence or a representative designated in writing;
- (e) the Principal Secretary in the Ministry for the time being responsible for matters relating to drought management or a representative designated in writing;
- (f) the Chief Executive Officer of the Council of Governors;
- (g) one person, who has knowledge and experience in disaster risk management, nominated by the Council of County Governors and appointed by the Cabinet Secretary;
- (h) a person nominated by the Kenya Red Cross Society and appointed by the Cabinet Secretary;
- (i) a person nominated by the Kenya Private Sector

Alliance and appointed by the Cabinet Secretary;
and

(j) the Director-General of the Authority who shall be an *ex-officio* member of the Board.

(2) The Chairperson and members of the Board, other than an *ex-officio* member, shall hold office for a period of three years and shall be eligible for re-appointment for one further term.

(3) The Cabinet Secretary shall ensure that no more than two thirds of the persons appointed under subsection (1) shall be of the same gender.

10. (1) A person shall be qualified for appointment as a chairperson under section 13(1)(a), if that person—

Qualification of
the chairperson of
the Board.

- (a) holds a bachelor's degree from a university recognized in Kenya;
- (b) has a distinguished career in a senior management position in either the private or public sector;
- (c) holds at least ten years' post-qualification professional experience; and
- (d) satisfies the requirements of Chapter Six of the Constitution.

(2) A person is not qualified for appointment as a chairperson or member of the Board, if that person—

- (a) is a member of Parliament or County Assembly;
- (b) is a member of a governing body of a political party;
- (c) is a member of a Commission established under the Constitution;
- (d) is an undischarged bankrupt;
- (e) has been removed from office for contravening the Constitution or any other law;
- (f) has, in the conduct of his affairs, not met any statutory obligations; or
- (g) is serving as a member of another Board.

11. The office of a member of the Board, other than an

Vacation of
office.

ex-officio member, shall become vacant if the member—

- (a) is unable to perform the functions of his office by reason of mental or physical infirmity;
- (b) is adjudged bankrupt;
- (c) is convicted of a criminal offence for a term of imprisonment for a period exceeding six months;
- (d) is absent from three consecutive meetings of the Board without justifiable cause;
- (e) resigns, in writing, addressed, in the case of the chairperson to the President, and in the case of any other member, to the Cabinet Secretary;
- (f) fails to declare his interest in any matter being considered by the Board;
- (g) violates Chapter Six of the Constitution; or
- (h) dies.

12. The chairperson or member of the Board may be removed from office for—

Removal from Office.

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct or misbehavior;
- (c) being absent from three consecutive meetings without justifiable cause;
- (d) incompetence or neglect of duty;
- (e) failure to declare his interest in any matter being considered by the Board;
- (f) non-compliance with the requirements of Chapter Six of the Constitution; or
- (g) any other ground that would lawfully justify removal from office under the terms and conditions of service.

13. (1) The Board shall be responsible for the general control of the performance and management of the undertakings and affairs of the Authority, and shall include a general duty to ensure that the functions of the Authority

Functions of the Board.

are carried out in an efficient, transparent and ethical manner and that no particular person or body is given undue preference or subjected to any undue disadvantage.

(2) The Board shall consider and advise the Cabinet Secretary on the development and maintenance of disaster risk management policy framework and the objectives of the Authority.

(3) Without prejudice to the generality of subsections (1) and (2), the Board shall consider and advise the Cabinet Secretary on—

- (a) legislative proposals relating to disaster risk management;
- (b) measures for the promotion or support of any county government on disaster risk management;
- (c) the determination and setting priorities for the general performance targets by the Authority;
- (d) the consideration and determination of the strategic plan and budget of the Authority;
- (e) measures to ensure that the disaster risk management measures are initiated and implemented; and
- (f) such other matters relating to disaster risk management in Kenya.

14. (1) The Board shall have all the powers necessary for the proper performance of the functions of the Authority in accordance with the provisions of this Act and in particular, but without prejudice to the generality of the foregoing, the Board shall have power to—

- (a) control and oversee the administration of the assets of the Authority in such manner and for such purposes as best promotes the purposes for which the Authority is established;
- (b) determine the provisions to be made for capital and recurrent expenditure and for reserves of the Authority;
- (c) in collaboration with the relevant bodies, suspend

Powers of the Board.

or limit sale, dispensing, or transportation of firearms explosives or such other products which it deems inappropriate in disaster areas;

- (d) request any information or documents relating to its mandate from any organization, state department or agency;
- (e) establish operational or administrative units for the effective coordination of disaster risk management;
- (f) in collaboration with relevant bodies, co-ordinate the evacuation of people in disaster prone areas;
- (g) access and utilize available resources of government including warehouses, equipment and such other facilities as may be reasonably necessary for disaster emergency operations; and
- (h) summon any person whom they may consider necessary in the implementation of their mandate.

15. (1) The Board may, from time to time, establish such committees as it considers necessary for the effective carrying out of its functions under this Act.

Committees of the Board.

(2) The Board may by resolution, engage such experts for a specified period as may be necessary to assist in the proper discharge of its functions.

16. The Board may, by resolution either generally or in any particular case, delegate to any of its committees or to any member, officer, employee or agent of the Board, the exercise of any of the powers or the performance of any of the functions or duties of the Board under this Act or under any other written law.

Delegation by the Board.

17. The conduct and regulation of the business and affairs of the Board shall be as provided in the Schedule, but subject thereto the Board may regulate its own procedure.

Conduct of business and affairs of the Board.

18. (1) The chairperson and members of the Board shall be paid such remuneration or allowances as the Board in consultation with the Salaries and Remuneration Commission may determine.

Remuneration of the Board and staff of the Authority.

(2) The officers, agents and staff of the Authority shall be paid such remuneration and allowances as the Board in

consultation with the Salaries and Remuneration Commission may determine.

19. (1) There shall be a Corporation Secretary who shall be appointed by the Board on such terms and conditions as the Board may determine and who shall perform such duties as the Board may, from time to time, assign.

Appointment of Corporation Secretary.

(2) In the performance of his or her duties under this Act, the Corporation Secretary shall be responsible to the Director-General.

20. (1) There shall be a Director-General of the Authority who shall be competitively recruited and appointed by the Board, and whose terms and conditions of service shall be specified in the instrument of appointment.

Director-General.

(2) Without prejudice to the generality of the provisions of subsection (1), the Director-General shall be appointed for a period of three years renewable once.

(3) The Director-General shall be the Chief Executive Officer of the Authority and shall be subject to the direction of the Board and shall be responsible to it for the —

- (a) implementation of the decisions of the Board;
- (b) day to day administration and management of the affairs of the Board;
- (c) organization and management of the employees of the Board; and
- (d) any other function that may be assigned by the Board.

21. (1) A person shall be qualified for appointment as the Director-General, if such person—

Qualification of the Director-General

- (a) is a Kenyan Citizen;
- (b) holds a bachelor's degree in a relevant field from a university recognized in Kenya;
- (c) has had a distinguished career in a senior management position in either the private or public sector;
- (d) holds at least ten years' post-qualification professional experience; and

(e) satisfies the requirements of Chapter Six of the Constitution.

(2) A person is not qualified for appointment as the Director-General, if that person—

- (a) is a member of Parliament or County Assembly;
- (b) is a member of a governing body of a political party;
- (c) is a member of a Commission established under the Constitution;
- (d) is an undischarged bankrupt;
- (e) has been removed from office for contravening the Constitution or any other law; or
- (f) has, in the conduct of his affairs, not met any statutory obligations.

22. The Board may remove the Director-General from office in accordance with the terms and conditions of service for—

Removal of
Director-General.

- (a) inability to perform the functions of the office arising out of physical or mental incapacity;
- (b) gross misconduct or misbehavior;
- (c) incompetence or neglect of duty;
- (d) non-compliance with the requirements of Chapter Six of the Constitution; or
- (e) any other ground that would lawfully justify removal from office under the terms and conditions of service.

23. The office of the Director-General shall become vacant if the Director-General—

Vacation of office
of the Director
General.

- (a) is unable to perform the functions of office by reason of mental or physical infirmity;
- (b) is adjudged bankrupt;
- (c) is removed from office on any of the grounds provided under section 26;
- (d) resigns, in writing, addressed to the Board;
- (e) fails to declare his interest in any matter being

considered by the Board;

(f) violates any of the provisions of Chapter Six of the Constitution; or

(g) dies.

24. (1) The Board may appoint such officers, agents and staff as are necessary for the proper and efficient discharge of the functions of the Authority and upon such terms and conditions of service as the Board may determine.

Staff of the Authority.

(2) The Board may, on the advice of the Director General, engage on behalf of the Authority, the service of such experts in respect of any of the functions of the Authority in connection with which they are considered to have special competence.

(3) In appointing staff under sub-section (1), due regard to ethnic, gender representation, representation of young persons and persons with disabilities shall be taken into account.

25. (1) The common seal of the Authority shall be kept in the custody of the Corporation Secretary and shall not be used except on the order of the Board.

Common Seal of the Authority.

(2) The common seal of the Authority shall, when affixed to a document and authenticated be judicially and officially noticed and unless the contrary is proved, any order or authorization by the Authority under this section shall be presumed to have been duly given.

26. (1) No matter or thing done by a member of the Board or any officer, employee, or agent of the Authority shall, if the matter or thing is done bona fide for executing the functions, powers or duties of the Authority render the member, officer, employee or agent personally liable to any action, claim or demand whatsoever.

Protection from personal liability.

(2) Any expenses incurred by any person in any suit or prosecution brought against him in any court, in respect of any act which is done or purported to be done by him under the direction of the Authority, shall, if the court holds that such act was done in bona fide, be paid out of the general funds of the Authority, unless such expenses are recovered by him in such suit or prosecution.

(3) The provision of this section shall not relieve the Authority of the liability to compensate or pay damages to any person for any injury to him, his property or any of his interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially of any works.

**PART III—CLASSIFICATION OF DISASTER,
PLANS AND ELECTRONIC INFORMATION
SYSTEMS**

27. (1) The Authority shall develop and maintain an electronic database containing—

Electronic
information
system.

(a) particulars of—

- (i) national and county organs involved in disaster risk management;
- (ii) non-governmental organisations involved in disaster risk management;
- (iii) disaster risk management experts;
- (iv) private sector organisations with specialized equipment, skills or knowledge relevant to disaster risk management;
- (v) private sector voluntary agencies involved in disaster risk management; and
- (vi) foreign non-governmental organisations and international organisations involved in disaster risk management;

(b) information concerning disasters including information on—

- (i) phenomena, occurrences, activities and circumstances that cause or aggravate disasters;
- (ii) risk factors underlying disasters and means to reduce such risks;
- (iii) disaggregated data on disaster loss and damage showing the, type of disaster, type of impact and its gender, age geographical disaggregation dimensions;
- (iv) recurring occurrences that result in loss, but which are not classified as disasters under

- this Act;
- (v) prevention and mitigation of disaster;
 - (vi) early warning systems;
 - (vii) areas and communities that are vulnerable to disasters; and
 - (viii) indigenous knowledge relating to disaster risk management;
- (c) the directory of role-players and the names and particulars of their respective contact persons;
- (d) emergency response resources and capacity in the national and county governments and in the non-government sectors, including the location and size of, and other relevant information relating to—
- (i) police stations;
 - (ii) hospitals, clinics and other health facilities;
 - (iii) emergency medical services;
 - (iv) public buildings and other facilities that may be used as emergency shelters or hospitals in the event of a disaster;
 - (v) fire-fighting services; and
 - (vi) airports, airstrips, harbours, and railway stations;
- (e) emergency response resources and capacity in neighbouring states and relevant international relief agencies;
- (f) emergency preparedness in the different spheres of government;
- (g) each disaster classified by the Authority under section 33; and
- (h) disaster risk management research and training facilities.

(2) The Authority shall ensure that the database is accessible to the public in accordance with the Access to Information Act, 2016, the Data Protection Act, 2019 and any other relevant law.

(3) Despite subsection (2), the Authority—

(a) shall—

- (i) establish security safeguards to ensure that access to the information on the database does not violate the right to privacy;
 - (ii) subject to the information on the database, restrict access to the information; and
- (b) may classify parts of the database as restricted areas and limit access to those parts to authorized persons.

28. (1) The Authority shall—

- (a) develop and regularly review the national disaster risk management plan and strategy for organs of State and other institutional role-players involved in disaster risk management;
- (b) collaborate with the counties in co-ordinating the implementation of the policies, plans and strategies;
- (c) develop guidelines for the integration of the concept and principles of disaster risk management in national and county integrated development plans, protocols, programmes and initiatives; and
- (d) mainstream gender issues in the plans and strategies.

Disaster risk management plans.

(2) In developing and reviewing the disaster risk management plan under subsection (1), the Authority shall collaborate with departments, agencies and institutions involved in the implementation of the development plans and the persons involved in the oversight of the implementation of the development plans.

29. (1) Whenever a disaster occurs or threatens to occur, the Authority shall determine whether the event is a disaster under this Act, and if so, immediately—

- (a) assess the magnitude and severity or potential magnitude and severity of the disaster;
- (b) classify the disaster as a county disaster or national disaster in accordance with subsections (4), (5) and

Classification of disasters.

(6); and

(c) record the prescribed particulars concerning the disaster in the prescribed register.

(2) In assessing the magnitude and severity or potential magnitude and severity of a disaster, the Authority—

(a) shall consider the information and recommendations concerning the disaster received from a County Committee; and

(b) may enlist the assistance of an independent assessor to evaluate the disaster on site.

(3) The Authority may reclassify a disaster classified under subsection (1)(b) at any time after consultation with the relevant County Committee, if the magnitude and severity or potential magnitude and severity of the disaster differs from the initial assessment.

(4) A disaster is a county disaster, if—

(a) it affects a single county; and

(b) the county concerned is able to effectively manage it.

(5) A disaster is a national disaster if it affects—

(a) more than one county; or

(b) a single county which is unable to effectively manage it.

(6) Until a disaster is classified by the Authority, it shall be deemed to be a county disaster.

(7) Despite the classification of a disaster under this section, in designating primary responsibility for managing a disaster to a particular level of government, the national and county level of government may assist each other in managing a disaster.

(8) The Cabinet Secretary shall by regulations prescribe the details of classification of a disaster under this section.

30. (1) In the event of a national disaster, the President may declare a National State of Disaster by notice in the *Gazette*.

Declaration of
National State of
Disaster.

(2) The declaration of a National State of Disaster shall contain—

- (a) a concise statement of the reasons for the declaration; and
- (b) the duration of the declaration.

(3) A National State of Disaster declared under subsection (1)—

- (a) shall lapse on the date specified in the notice declaring the national state of disaster;
- (b) may be terminated by the President at any time before the lapse of the period specified in paragraph (a); or
- (c) may by notice in the *Kenya Gazette* be extended by the President, any time before the period specified under paragraph (a) lapses.

(4) During the subsistence of a declaration of a National State of Disaster, the President may make orders, or the issue directives, concerning—

- (a) the release of any available resources of the national government including stores, equipment, vehicles and facilities;
- (b) the release of personnel of a national state organ for rendering of emergency services;
- (c) the implementation of all or any of the provisions of a national disaster management plan that are applicable in the circumstances;
- (d) the evacuation to temporary shelters of all or part of the population from the disaster-stricken or threatened area if such action is necessary for the preservation of life;
- (e) the regulation of traffic to, from or within the disaster-stricken or threatened area;
- (f) the regulation of the movement of persons and goods to, from or within the disaster-stricken or threatened area;
- (g) the authorization of or direction to any person, or any class of persons, to render essential services of a type that that person, or a person of that class, is

competent to provide and the provision of reasonable compensation in respect of services so rendered;

- (h) the regulation of the distribution, sale and availability of essential goods, services and resources;
- (i) emergency procurement procedures;
- (j) the imposition of such penalties as may be specified for any contravention of or failure to comply with the provisions of the orders or any directions issued or conditions prescribed by or under the orders or regulations, which may include the confiscation of goods, property or instruments by means of which or in connection with which the offence has been committed:

Provided that no order or regulation shall make provision for the imposition of imprisonment for a period of exceeding six months or of a fine exceeding twenty thousand shillings;

- (k) other steps that may be necessary to prevent an escalation of the disaster, or to alleviate, contain and minimise the effects of the disaster.

(5) When a State of National Disaster lapses or is terminated as provided for in this section, any regulation, order or directive made or issued in consequence thereof shall thereby cease to be in force:

Provided that nothing in this section shall affect the validity of anything done pursuant to a declaration of a national state disaster or any regulation, order or directive made in consequence thereof, prior to the cessation of the declaration of the state of national disaster, the regulation, order or directive as the case may be; or from any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

**PART IV— COUNTY DISASTER RISK
MANAGEMENT COMMITTEES**

31. (1) There is established a County Disaster Risk Management Committee in each county

Establishment
of County
Disaster Risk
Management
Committees.

(2) The members of the County Committee shall comprise—

- (a) the Governor who shall be the chairperson;
- (b) the county commissioner who shall be the co-chairperson;
- (c) the county executive committee member responsible for matters relating to disaster risk management who shall be the secretary;
- (d) the County Police Commander;
- (e) two persons, a man and a woman, with knowledge and experience in disaster risk management appointed by the Governor;
- (f) a person nominated by the Kenya Red Cross Society and appointed by the Governor;
- (g) a person nominated by the Kenya Chamber of Commerce appointed by the Governor;
- (h) a person nominated by the civil society organization with expertise in disaster risk management in the county appointed by the Governor.

(3) In appointing members under subsection (2) (e), (f), (g) and (h), the Governor shall observe the principle of gender equality, and representation of the youth, persons with disabilities and the marginalized communities.

(4) The members of a County Committee shall elect one of the members appointed under subsection (2) (e), (f), (g) and (h) to be the vice-chairperson.

(5) A member of the County Committee appointed under subsection (2) (e), (f), (g) and (h) shall serve for a term of three years and shall be eligible for re-appointment for one further term.

(6) The members of the County Committee shall serve on a part-time basis and shall be paid such allowance as may be

advised by the Salaries and Remuneration Commission.

(7) The County Committee may engage an expert into its membership for effective discharge of its functions.

(8) The County Committee shall regulate its own procedure in the conduct of its business and affairs.

32. (1) A County Committee shall—

Functions of a
County
Committee.

- (a) advise the county government on matters relating to disaster risk management;
- (b) serve as the central agency in the implementation of disaster risk management activities in the respective county;
- (c) formulate the county disaster risk management plans and policy in line with the national disaster risk management plan and policy;
- (d) promote civic education and public awareness, training and capacity building on disaster risk management in the county including in schools;
- (e) make recommendations to the county government regarding financial matters in relation to disaster risk management;
- (f) promote an integrated and coordinated approach to disaster risk management in the county, with special emphasis on prevention, mitigation preparedness, response and recovery by other role-players involved in disaster risk management in the county;
- (g) collaborate with the national government, the Authority and relevant agencies on matters relating to disaster risk management;
- (h) oversee the distribution of relief and emergency supplies;
- (i) act as a repository of, and conduit for, information concerning—
 - (i) damage and loss arising from disasters;
 - (ii) impending disasters; and
 - (iii) disaster risk management in the county;

- (j) act as an advisory and consultative body on issues concerning disasters and disaster risk management in the county to—
 - (i) state organs;
 - (ii) the private sector and non-governmental organisations; and
 - (iii) community based organisations, indigenous groups, communities and individuals;
- (k) initiate and facilitate efforts to make funding available for disaster risk management in the county;
- (l) promote research into the aspects of disaster risk management in the county; devolve disaster risk management measures and structures to sub-county and village level;
- (m) submit periodic reports to the Authority; and
- (n) carry out any other function as may be expedient to the better carrying out of the functions of the County Committee.

(2) The County Executive Committee Member shall, within fourteen days of the preparation of a county disaster risk management plan, submit to the clerk of the county assembly a copy of the disaster risk management plan for tabling before, and approval by the county assembly.

(3) The County Executive Committee Member shall, once the county disaster risk management plan is approved, circulate, publish and publicise the plan to the residents of the county, through such means as the County Executive Committee Member may consider appropriate.

33. A County Committee shall have all the powers necessary for the proper performance of its functions under this Act, and, in particular, but without prejudice to the generality of the foregoing, the Committee shall have power to—

- (a) receive any grants, gifts, donations or endowments and to make legitimate disbursements there from;
- (b) delegate some of its powers to a public officer;
- (c) undertake any activity necessary for the

Powers of a
County
Committee.

execution of any of its functions; and

- (d) enter premises to secure the supply of water, access a disaster area or for any other purpose related to disaster prevention or response.

34. The office of a member of a County Committee shall become vacant if the member—

Vacation of office.

- (a) resigns by issuing notice in writing addressed to the County Executive;
- (b) is absent from three consecutive meetings of the County Committee without justifiable cause;
- (c) is convicted of an offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;
- (d) is convicted of an offence that constitutes a serious violation of Chapter Six of the Constitution;
- (e) is unable, by reason of mental or physical infirmity, to discharge his or her functions; or
- (f) dies.

35. The conduct of business and affairs of a County Committee shall be as provided in the Second Schedule, but subject thereto the County Committee may regulate its own procedure.

Conduct of business and affairs of a County Committee.

36. (1) Each county shall establish a County Disaster Risk Management Centre which shall be headed by an expert in disaster risk management.

Establishment of County Disaster Risk Management Centre.

(2) The Head of the County Disaster Risk Management Centre shall be competitively recruited by the County Public Service Board.

(3) A person shall be qualified for appointment as the Head of a Centre, if that person—

- (a) holds a bachelor's degree from a university recognized in Kenya;
- (b) has a distinguished career in a management position in either the private or public sector;
- (c) has at least five years' post-qualification professional experience; and
- (d) satisfies the requirements of Chapter Six of the

Constitution.

(4) The functions of the County Disaster Risk Management Centre shall be to—

- (a) implement the decisions of the County Committee;
- (b) specialize in matters concerning disaster risk management in the county;
- (c) promote an integrated and coordinated approach to disaster risk management in the county with special emphasis on prevention and mitigation, by—
 - (i) county organs; and
 - (ii) other stakeholders involved in disaster risk management in the County;
- (d) act as a repository of, and conduit for, information concerning disasters, impending disasters and disaster risk management in the county;
- (e) give advice and guidance by disseminating information regarding disaster risk management; and
- (f) act as an advisory and consultative body on matters concerning disaster risk management in the County to—
 - (i) county department and agencies;
 - (ii) the private sector and non-governmental organizations; and
 - (iii) communities and individuals;
- (g) make recommendations to the County Committee and the County Government regarding the funding of Disaster Risk Management in the County;
- (h) make recommendations to any relevant organ of national or county government—
 - (i) on legislative or policy issues on Disaster Risk Management;
 - (ii) on the alignment of County legislation with this Act and the national Disaster Risk Management policy; or

- (iii) in the event of a County disaster, on whether a County state of disaster should be declared in accordance with this Act;
 - (i) recommend to the County Public Service Board the recruitment of volunteers;
 - (j) recommend to the County Public Service Board, the recruitment of staff specialised in disaster risk management;
 - (k) promote disaster risk management capacity building, training and education, including in schools and in the county;
 - (l) promote research into all aspects of disaster management in the county;
 - (m) carry out drills and exercises on disaster risk management;
 - (n) undertake resource mobilization;
 - (o) provide advice and guidance by disseminating information regarding disaster risk management in the County and the communities that are vulnerable to disasters;
 - (p) submit periodic reports to the County Committee; and
 - (q) exercise any powers and perform any duties delegated and assigned under this Act.
- (4) A Centre may engage in any lawful activity in the County, whether alone or together with any other organization, aimed at promoting the proper exercise of its powers or performance of its duties.

37. (1) When a disaster occurs or is forecasted to occur in a county, a County Committee shall determine whether the event is a disaster under this Act, and, if so, immediately—

- (a) assess the magnitude and severity or potential magnitude and severity of the disaster;
- (b) implement applicable contingency plan and emergency procedures;
- (c) inform the Authority of the—

Procedure during disaster events.

- (i) disaster and its initial assessment of the magnitude and severity or potential magnitude and severity of the disaster; and
- (ii) initial implementation of applicable contingency plan and emergency procedures.

(2) In informing the Authority in terms of subsection (1)(c), the County Committee may recommend the appropriate classification of the disaster.

38. (1) A County Committee shall prepare and submit its annual report to the county assembly on—

Annual report to county assembly.

- (a) its activities during the financial year;
- (b) results of its monitoring and evaluation of prevention and mitigation initiatives;
- (c) disasters that occurred during the financial year in the county together with information on—
 - (i) their classification, magnitude, severity and impacts; and
 - (ii) challenges experienced in dealing with the disasters; and
- (d) progress on the preparation and regular updating of disaster risk management plans and strategies in the county.

(2) A County Committee shall prepare and submit its annual report to the county assembly through the County Executive Committee responsible for disaster risk management within one month after the end of every financial year.

(3) The County Executive Committee member responsible for disaster risk management shall within one month after the end of every financial year submit the report to the County Assembly.

(4) Upon receipt of the report, the County Assembly shall, within one month, consider the report and may approve it with or without amendments.

39. A county executive committee member responsible for disaster risk management may, for the purposes of managing a disaster, make guidelines to provide for—

Guidelines by County Committee.

- (a) measures for disaster prevention, mitigation, preparedness, response and recovery;
 - (b) collection and publication of data relating to disaster risk management;
 - (c) use of listed premises as shelters to manage a disaster;
 - (d) establishment of designated public convergence zones in case of emergencies;
 - (e) activation of a disaster response plan;
 - (f) monitoring and evaluation on matters relating to disaster risk management;
 - (g) conduct of public awareness and civic education on disaster risk management; and
 - (h) establishment of a unit and command structures of volunteers;
 - (i) the minimum requirements for qualification as a volunteer;
 - (j) the manner in which any member of a Unit of Volunteers may be deployed;
-
- (k) the training of volunteers;
 - (l) the use of equipment by volunteers;
 - (m) the defraying of expenses incurred by volunteers;
 - (n) uniforms of volunteers;
 - (o) insignia to be worn by—
 - (i) different units of volunteers;
 - (ii) different components within a unit of volunteers;
 - (iii) different positions of command within a unit of volunteers;
 - (p) the transfer of a volunteer from one unit of volunteers to another unit of volunteers;
 - (q) code of conduct of volunteers; and
 - (r) any other matter that may be necessary in dealing with disaster risk management.

40. (1) A Centre may establish a unit of volunteers to participate in Disaster Risk Management in a County.

Disaster Risk
Management
Volunteers.

(2) Any person that meets the prescribed minimum requirements may apply to enroll as a volunteer in the unit of volunteers of a relevant County.

(3) The Centre shall maintain a register of all volunteers enrolled in a unit of volunteers.

(4) A Centre that has established a unit of volunteers shall submit the prescribed particulars of any person that has enrolled in terms of subsection (2) to the County Committee within twenty-one days of such enrolment.

(5) Upon receipt of an up-to-date register of volunteers from the Centre, the County Committee shall, within twenty-one days, submit the register to the Authority.

(6) A unit of volunteers may participate in exercises related to disaster risk management organised by one or more County Disaster Risk Management Centres, or the Authority.

(7) This section does not preclude—

- (a) a County Disaster Centre from calling on persons who are not members of a unit of volunteers to assist the County in dealing with a disaster; or
- (b) any number of persons from taking reasonable steps to deal with a disaster in an appropriate manner until a County takes responsibility for that disaster, and, where appropriate, to continue dealing with the disaster under the control of the County.

PART V—FINANCIAL PROVISIONS

41. The funds of the Authority shall consist of—

Funds of the
Authority.

- (a) such monies as may be appropriated by the National Assembly for the purposes of the Authority;
- (b) such monies as may accrue to the Authority in the performance of its functions under this Act; and
- (c) all monies from any other source provided for or donated or lent to the Authority.

42. The financial year of the Authority shall be the

Financial year.

period of twelve months ending on the thirtieth June in each year.

43. (1) At least three months before the commencement of a financial year, the Board shall cause to be prepared the estimates of revenue and expenditure of the Authority for that year.

Annual estimates.

(2) The annual estimates shall make provision for all estimated expenditure of the Authority for the financial year, and, in particular, shall make provision for—

- (a) the payment of salaries, allowances, pension gratuities, and other charges in respect of the staff of the Authority;
- (b) proper maintenance of the buildings and grounds of the Authority; and
- (c) the maintenance, repair and replacement of the utilities, equipment and other property of the Authority.

(3) The annual estimates shall be approved by the Board before the commencement of the financial year to which they relate, and shall be submitted to the Cabinet Secretary for approval.

44. (1) The Board shall cause to be kept proper books and records of account of the income, expenditure and assets of the Authority.

Accounts and audit.

(2) Within a period of three months from the end of each financial year, the Authority shall submit to the Auditor General the accounts of the Authority together with—

- (a) a statement of the income and expenditure of the Authority during that year; and
- (b) a statement of the assets and liabilities of the Authority on the last day of that year.

(3) The accounts of the Authority shall be audited and reported upon in accordance with the Public Audit Act, 2015.

No. 34 of 2015.

PART VI—MISCELLANEOUS PROVISIONS

45. (1) The members of the Board, staff or agents of the Authority shall have a duty to safeguard the information held by the Authority in accordance with the provisions of

Duty to protect information held by the Authority, County

Article 31 of the Constitution and any other relevant law.

Committee or
Centres.

(2) The provisions of subsection (1) shall with the necessary modifications apply to the County Committee and the Centres.

46. (1) The Authority, County Committee or Centre shall ensure that the right of access to information guaranteed under Article 35 of the Constitution is subject to the limitations provided under Article 24 of the Constitution and to the nature and extent specified under subsections (2) and (3).

Limitation of the
right to access
information.

(2) An officer, member of staff, or agent of the Authority, County Committee or Centre shall not disclose information acquired in the course of his duties under the Act except, with the written consent of the Board of the Authority, County Committee or Centre, as the case may be.

(3) The Authority, County Committee or Centre shall not disclose any information that would in the opinion of the Authority, County Committee or Centre, as the case may be, compromise the integrity of any operations during disaster risk management.

47. (1) A person who, without reasonable cause—

Obstruction.

(a) obstructs an officer or employee of the Authority, a County Committee, County Disaster Risk Management Centre in the discharge of the person's functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Authority or a County Committee under this Act,

commits an offence and is liable to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two year, or both.

(2) In addition to the penalty provided under subsection (1), a person who commits an offence under subsection (1) and the offence results in the loss of life shall on conviction be liable to imprisonment for a term not exceeding five years.

48. A person who knowingly makes a claim which the person knows or has reason to believe to be false, for the purpose of obtaining any relief, assistance, repair,

False claim.

reconstruction or other benefit from the Authority, commits an offence and is liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year, or to both.

49. A person who makes or circulates a false alarm knowingly or warning as to a disaster or its severity or magnitude leading to panic, commits an offence and is liable on conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding one year, or to both.

False alarm.

50. A person who, being entrusted with any money or materials, or otherwise being in custody of money or goods meant for providing relief during a disaster—

Misappropriation of relief money or material.

- (a) misappropriates the money or goods;
- (b) appropriates the money or goods for the person's own use; or
- (c) compels another person to misappropriate the money or goods,

commits an offence and is liable on conviction to a fine not exceeding ten million shillings or to imprisonment for a term not exceeding ten years, or to both.

51. (1) Where an offence under this Act is committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to the company, for the conduct of the business of the company, as well as the company, shall be deemed to have committed the offence and shall, on conviction, be liable to such penalty as prescribed in this Act for the offence.

Offences by companies.

(2) Nothing in subsection (1) shall render any such person liable to any penalty under this Act if that person proves that the offence was committed without the person's knowledge or that the person exercised due diligence to prevent the commission of the offence.

(3) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager,

secretary or other officer shall also be deemed to have committed that offence and shall, on conviction, be liable to such penalty as prescribed in this Act for the offence.

(4) For the purposes of this section—

- (a) “company” means a body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

PART VII—PROVISIONS ON DELEGATED POWERS

52. (1) The Cabinet Secretary, in consultation with the Council of Governors, may make Regulations generally for the better carrying into effect of any provisions under this Act. Regulations.

(2) Without prejudice to the foregoing, Regulations made under this section may provide for—

- (a) measures for disaster prevention, mitigation, preparedness, response and recovery;
- (b) collection and publication of data relating to disaster risk management
- (c) establishment of designated public convergence zones in case of emergencies;
- (d) use of listed premises as shelters to manage a disaster;
- (e) activation of a disaster response plan;
- (f) conduct of public awareness and civic education on disaster risk management;
- (g) the forms of authorization issued under this Act;
- (h) the criteria for classification of a disaster as a national or county disaster;
- (i) the form and particulars of the register of disasters; or
- (j) any relevant rules, or standards required to be prescribed.

(2) For the purposes of Article 94(6) of the

Constitution—

- (a) the purpose and objective of delegation under this section is to enable the Cabinet Secretary to make regulations to provide for the better carrying into effect of the provisions of this Act and to enable the Authority to discharge its functions more effectively;
- (b) the authority of the Cabinet Secretary to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and to fulfil the objectives specified under this section;
- (c) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act.

PART VIII—SAVING AND TRANSITIONAL PROVISIONS

53. (1) A public officer currently serving in the National Disaster Operations Centre and National Disaster Management Unit shall be seconded to the Authority for a period not exceeding three years.

Transfer of Staff.

- (2) A public officer in sub section (1) shall either—
 - (a) opt to return to the parent institution; or
 - (b) apply to be considered for employment by the Authority.

54. (1) All property, except such property as the Cabinet Secretary may specify in writing, which, immediately before the commencement of this Act, was vested in the Government for the use of the National Disaster Operations Centre and the National Disaster Management Unit, for the purpose of disaster risk management, shall, on the date of commencement of this Act, vest in the Authority subject to all interests, liabilities, charges, obligations and trusts affecting that property.

Transfer of assets and liabilities.

(2) All legal proceedings and claims pending in respect of actions and activities to which this Act apply shall be continued or enforced by or against the Authority in the same manner as they would have been continued or

The National Disaster Risk Management Bill, 2023

enforced by or against the Government had this Act not been enacted.

SCHEDULE

(s. 7(1), 21)

**PROVISIONS AS TO THE CONDUCT OF BUSINESS
AND AFFAIRS OF THE BOARD**

1. (1) The Board shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.

Convening of meetings.

(2) Notwithstanding the provisions of subparagraph (1), the chairperson shall, and upon requisition in writing by at least five members convene a special meeting of the Board at any time for the transaction of the business of the Board.

(3) Unless three quarters of the total members of the Board otherwise agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board.

(4) The quorum for the conduct of the business of the Board shall be one half of all the members.

(5) The chairperson shall preside at every meeting of the Board at which he is present but, in his absence, the members present shall elect one of their numbers to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

(6) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of votes of the members present and voting and, in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.

(7) Subject to subparagraph (4), no proceedings of the Board shall be invalid by reason only of a vacancy among the members thereof.

2. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at a meeting of the Board at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration

Disclosure of interest by Board Members.

or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter:

Provided that, if the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Board may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

(3) A member of the Board who contravenes subparagraph (1) commits an offence and is liable to imprisonment for a term not exceeding six months, or to a fine not exceeding one hundred thousand shillings, or both.

3. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Board by any person generally or specially authorized by the Board for that purpose.

Execution of instruments.

4. The Board shall cause minutes of all resolutions and proceedings of meetings of the Board to be entered in books kept for that purpose.

Minutes.

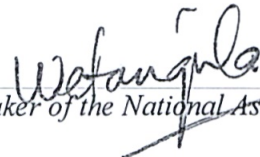
The National Disaster Risk Management Bill, 2023

I certify that this printed impression is a true copy of the Bill passed by the National Assembly on 4th June, 2024.



Clerk of the National Assembly

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly Standing Orders.



Speaker of the National Assembly

ANNEX 3

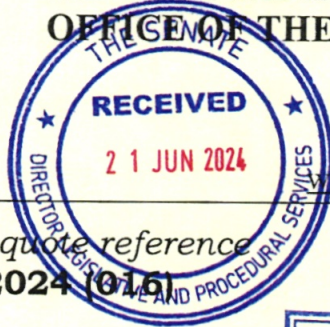
Message dated 26th June, 2024 from the National Assembly conveying the Bill to the
Senate



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

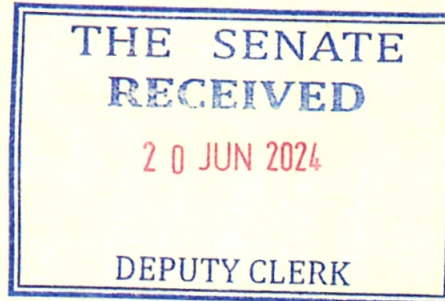
Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly



When replying, please quote reference
NA/DLP/TBO/MTS/2024 (016)

19th June, 2024

Mr. Jeremiah Nyegenye, CBS
Clerk of the Senate
Parliament Buildings
NAIROBI



Dear *Distinguished* *Colleagues*

**RE: PASSAGE OF THE NATIONAL DISASTER RISK MANAGEMENT BILL
(NATIONAL ASSEMBLY BILL NO. 24 OF 2023)**

Attached herewith, please find Messages in respect of the **passage**, by the National Assembly, of the **National Disaster Risk Management Bill (National Assembly Bill No. 24 of 23)** on Tuesday, 4th June 2024.

I have also enclosed copies of the Bill as passed, Order Papers, Votes and Proceedings and the Hansard Reports for the relevant sitting days for your reference.

Yours *Sincerely*

①
DC HA

Samuel Njoroge, CBS
CLERK OF THE NATIONAL ASSEMBLY
// Encls.

Kindly deal.

② DDLPS(LA)

Please review and facilitate the Message.

D. Cleaver
21/06/2024

Eg
20/06/2024



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

MESSAGES

MESSAGE TO THE SENATE

_____ (No. 016 of 2024) _____

**SUBJECT: PASSAGE OF THE NATIONAL DISASTER MANAGEMENT BILL
(NATIONAL ASSEMBLY BILL NO. 24 OF 2023)**

PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, I hereby convey the following Message from the National Assembly –

WHEREAS, the National Disaster Risk Management Bill (National Assembly Bill No. 24 of 2023) was published *vide Kenya Gazette Supplement No. 80 of 31st May, 2023* as a Bill to establish the National Disaster Risk Management Authority and County Disaster Risk Management Committee and provide a legal framework for the coordination of disaster risk management activities at both levels of government;

AND WHEREAS, the National Assembly considered and passed the said Bill on Tuesday, 4th June, 2024 **with amendments** and in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Orders 41 and 142 of the National Assembly Standing Orders, I hereby refer the Bill to the Senate for consideration.


THE RT. HON. (DR.) MOSES M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Wednesday, 19th June, 2024

ANNEX 4

Advertisement published in the *Daily Nation* and *Standard* newspapers on 8th July, 2024

Support from people outside the two generations in major towns across the country

Sombre mood at inter-faith prayers for protest victims



A section of Mombasa residents view photos of protesters who died during anti-Finance Bill protests displayed at Uhuru Gardens, Mombasa. KEVIN ODITI/NATION

protesters



It is not time to talk much. We need to discern, introspect and ask ourselves how we have brought ourselves to the current situation

CK Archbishop Jackson Ole Sapit



...Kibuye Market was a beehive of activity as hundreds of stalls and traders patronised the market. Meanwhile, the Catholic church has asked parishians and leaders in the country to ignore the protests. In a special message to the youth during the youth mass at the Holy Family Basilica, the church asked for forgiveness from the youth in the country and disapproving them

The anti-Finance Bill, 2024 demonstrations left several youth dead and scores injured

BY COLLINS OMULO

As the clock ticked past 4pm yesterday, a sombre mood engulfed All Saints' Cathedral Church, Nairobi, as names of the more than 40 fallen victims of anti-government protests were read out.

Each name was a stark reminder of the aftermath of the deadly anti-Finance Bill protests that left several youth, especially the Gen Z, dead and scores injured.

One such name was Carlton Muthoni, a 24-year-old who hailed from Ongata Rongai in Kajiado County, who was a victim of police brutality during the demonstrations. He met his untimely death on June 28 with the cause of death being head injury due to blunt force trauma.

It has been a hard time coming to terms with Carlton's passing on. He was a people's person. I cannot talk much but want to leave all in the hands of God," said William Muthoni, Carlton's brother, as he battled emotions.

The young man was speaking yesterday during an interdenominational prayer and memorial service for the youth killed during the past two weeks of demonstrations against excesses by President William Ruto's administration.

Overcome with emotions, Carlton's foster mother could not muster the strength to talk about a boy, she took under her care after the death of his parents.

National Council of Churches of Kenya general-secretary Rev Canon Chris Kinyanjui encapsulated the moment, saying the pain from the family is a reminder of what more than 40 other families, where young and brave sons and daughters have been killed by police bullets, were experiencing.

"These young men who have died are not just a list of names, or statistics. They are real people who have families. We must stand for justice and see that someone will be held responsible for killing them," he said.

Evangelical Alliance of Kenya general-secretary Bishop Nelson Makanda called on the government to consider releasing youth who are still being held in relation to anti-government protests.

"We are sending a request to the Director of Public Prosecutions to withdraw charges against the arrested youth, so that they are free



Worshippers at Holy Family Basilica in Nairobi yesterday during a service dubbed 'Saba Saba Catholic Youth Mass' in honour of 41 people who died in anti-Finance Bill protests. EVANS HABILINATON

to mourn their loved ones, colleagues and peers who have departed," he said.

All Saints' Provost Evans Omollo said the country has been calling for a government that embraces servant leadership and working for the interests and welfare of its people.

"We must stay on. The agitation

will come to a positive end because the wave of rage was driven by a genuine demand for change and accountability," said Mr Omollo.

Christ is the Answer Ministries (Citam) Presiding Bishop Calisto Odede said the blood of the youth who died will not be in vain but will be significant in

bringing positive transformation.

"Let their blood go into feeding seeds of memorable change in the country. The young people must continue rejecting oppression, evils of pride and greed among our leaders," he said.

comulo@ke.nationmedia.com

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | THIRD SESSION
THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

At the sittings of the Senate held on Wednesday, 3rd July, 2024 and Thursday, 4th July, 2024 the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.

Pursuant to the provisions of Article 116 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committees now invite interested members of the public to submit any representations that they may have on the Bills by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P. O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk_senate@parliament.go.ke and copied to the email address of the respective Committee indicated at the fourth column below, to be received on or before **Monday, 22nd July, 2024 at 5.00 p.m.**

Bill	Committee Referred To	Email Address
a) The National Disaster Management Bill, 2023 (National Assembly Bills No. 24 of 2023)	Standing Committee on National Security, Defence and Foreign Relations	senate.nsdtr@parliament.go.ke
b) The Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024)	Standing Committee on Labour and Social Welfare	laboursocialwelfare@parliament.go.ke
c) The County Wards (Equitable Development) Bill, 2024 (Senate Bills No. 20 of 2024)	Standing Committee on Devolution and Intergovernmental Relations	senate.devolution@parliament.go.ke
d) The County Governments Election Laws (Amendment) Bill, 2024 (Senate Bills No. 2 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	senate.jahrc@parliament.go.ke
e) The Political Parties (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 26 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	senate.jahrc@parliament.go.ke
f) The Election Offences (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 28 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	senate.jahrc@parliament.go.ke
g) The Elections (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 29 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	senate.jahrc@parliament.go.ke

The Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/julis>

J.M. NYEGENYE, CBS,
CLERK OF THE SENATE.

Nema urged to review compliance period for biodegradable waste bags

► The environment regulatory authority gave a notice to cease usage of plastic bags.
► The three-month period lapses today.

IRENE GITHINJI, NAIROBI

The three-month period set by National Environment Management Authority (Nema) to replace plastic garbage bags to biodegradable alternatives ends today. The private garbage collectors have, however, urged Nema to review the compliance period. Under the terms of Waste and Environment Management Association (Wemak), the private collectors said reviewing the timelines will allow for adequate testing, certification and an enhanced multi-sectoral engagement to ensure a smooth, just and effective

transition. The garbage collectors raised concerns over Nema's move to phase out the plastic waste collection bags, known as black bin bags, without incorporating issues that emerged during consultation forums. Wemak chairperson Samuel Onyancha accused Nema of ignoring critical issues raised on waste segregation, take-back systems, Material Recovery Facilities (MRFs) and Extended Producer Responsibility (EPR) programmes, saying they are still unresolved and, not only threaten effectiveness but also fairness of the transition. "The hasty implementation of the biodegradable bag directive without addressing these foundational elements undermines the spirit of multi-sectoral collaboration and public participation enshrined in the Constitution and in Section 23 of the Sustainable Waste Management Act," said Onyancha.

He said the 2017 Gazette Notice 2356 exempted garbage liners, provided that the waste service providers adhered to strict take-back and EPR requirements.

Wemak said its members complied with the requirements of the gazette notice and the new directive is in contradiction with the exemption.

Garbage bags

"We are concerned about the Authority and why it wants to fix what is not broken. Nema has not provided clear guidance on the availability, cost and sourcing of certified biodegradable bags, raising concerns about potential monopolies and unfair competition," said Onyancha.

In a legal notice published on April 8, Nema directed that, within 90 days, all organic waste generated by households, private and public sector, religious institutions and from private and public events, be segregated



Commuters walk past a pile of garbage on Pandit Nehru Road in Nakuru town. A notice by Nema banning use of plastic waste bags elapses today. [File, Standard]

and placed in biodegradable garbage bags.

"The government, through the Cabinet Secretary for Environment and Natural Resources in 2017, via Gazette Notices no. 2334 and 2356, banned manufacture, importation and use of plastic carrier bags and flat bags used for commercial and household packaging. This included garbage bags and bin liners in its scope," read part of the notice.

The three-month period lapses to-

day with Nema insisting use of conventional plastic bags and bin liners for collection of organic waste will cease forthwith.

In the notice, Nema urged county governments and licensed private service providers to provide their clients with biodegradable garbage bags.

But Wemak says the proposed biodegradable bag would take at least six months to decompose, which will lead to landfills.

KAKAMEGA

Barasa, Khalwale wash dirty linen in public over airstrip

Kakamega Governor Fernandes Barasa and Senator Boni Khalwale clashed during the burial of the County Director of Agriculture George Mbakaya at his Shimanyiro home in Lurambi Constituency.

Barasa and Khalwale traded barbs in public over the management of county resources and the state of key projects including plans to upgrade the Kakamega airstrip into a fully-fledged airport.

Khalwale was the first to throw salvos when he challenged the county chief to observe equity in the distribution of development projects across all 12 sub-counties.

"My prayer is that we sit with the governor and advise him on the best ideas to develop the county. We want you to do major projects and not the ones for MCAs. We want equal development of projects in all sub-counties like roads, and infrastructure among others," he said.

Khalwale urged the governor to ensure employees' remittances to Lapfund and NHIF are released promptly.

The lawmaker claimed that Barasa and Ikolomani MP Bernard Shinali frustrated the airstrip project after writing to President William Ruto to inform him that there was no adequate land for the facility's expansion.

"That is denying development to our people. In the Senate, I have tried to defend devolution and Kakamega is getting Sh18.5 billion compared to last year's Sh17 billion allocation," Khalwale noted.

But Barasa dismissed Khalwale's utterances and told the senator to stop peddling lies and propaganda.

He told Khalwale to focus on his duty of ensuring the timely disbursement of funds by the national government considering he serves as Senate Majority Whip.

Barasa challenged senators and Members of Parliament to support counties by approving more funds for the equitable share to guarantee the smooth implementation of development projects.

Counties will receive a Sh391 billion equitable share of revenue in the financial year 2024/2025.

"Senator Khalwale, you are an embarrassment to Kakamega County, you say you are the senior most politician but you have no respect for leaders. About the airstrip, the land is small and we told the President we want an international airport. As Kakamega, we are thinking big, to be a city and we need an airport that is of international standards," said Barasa.

"The president gave us 300 acres in Shikusa but the senator insists we have the airport at Muranda because he bought land there. Khalwale should know that the work of a senator is to defend and support devolution and not make noise," the governor added.

Barasa also commended the current leadership of the Ikolomani Constituency under Mr Shinali for what he termed as visible development, including rectifying missteps made by past leaders.

"During Senator Khalwale's ten-year tenure as an MP, despite receiving CDF money, Ikolomani ranked last in transformative leadership across Kenya," Barasa said.

The governor declared his support for the 'Gen Z revolution'. [Jackline Inyanji]

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | THIRD SESSION

THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

At the sittings of the Senate held on Wednesday, 3rd July, 2024 and Thursday, 4th July, 2024 the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.

Pursuant to the provisions of Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Committees now invite interested members of the public to submit any representations that they may have on the Bills by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P. O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk_senate@parliament.go.ke and copied to the email address of the respective Committee indicated at the fourth column below, to be received on or before Monday, 22nd July, 2024 at 5.00 p.m.

Bill	Committee Referred To	Email Address
a) The National Disaster Management Bill, 2023 (National Assembly Bills No. 24 of 2023)	Standing Committee on National Security, Defence and Foreign Relations	senate.nsdfr@parliament.go.ke
b) The Provision of Sanitary Towels Bill, 2024 (Senate Bills No. 7 of 2024)	Standing Committee on Labour and Social Welfare	laboursocialwelfarecomm.senate@parliament.go.ke
c) The County Wards (Equitable Development) Bill, 2024 (Senate Bills No. 20 of 2024)	Standing Committee on Devolution and Intergovernmental Relations	senate.devolution@parliament.go.ke
d) The County Governments Election Laws (Amendment) Bill, 2024 (Senate Bills No. 2 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	senatella@parliament.go.ke
e) The Political Parties (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 26 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	senatella@parliament.go.ke
f) The Election Offences (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 28 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	senatella@parliament.go.ke
g) The Elections (Amendment) (No. 2) Bill, 2024 (Senate Bills No. 29 of 2024)	Standing Committee Justice, Legal Affairs and Human Rights	senatella@parliament.go.ke

The Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/daily-bills>

J.M. NYEGENYE, CBS,
CLERK OF THE SENATE.

ANNEX 5

Matrix of submissions and Committee comments/determination

**THE SENATE STANDING COMMITTEE ON NATIONAL SECURITY, DEFENCE AND FOREIGN
RELATIONS
STAKEHOLDER VIEWS ON THE DISASTER RISK MANAGEMENT BILL, 2023
(NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)**

PAPER NO. 104

	CLAUSE	STAKEHOLDER	PROPOSAL	RATIONALE	COMMITTEE OBSERVATIONS/COMMENTS / DETERMINATION
1.	Clause 1- Short title	Coast Regional Budget Hub	Change the title of the Bill to “<i>the National Disaster Risk Management Coordination Act, 2023.</i>”	<p>The Constitution of Kenya, 2010 provides</p> <p>6. Devolution and access to services</p> <p>(1) The territory of Kenya is divided into the counties specified in the First Schedule. (2) The governments at the national and county levels are distinct and interdependent and shall conduct their mutual relations on the basis of consultation and cooperation.</p> <p>(3) A national State organ shall ensure reasonable access to its services in all parts of the Republic, so far as it is appropriate</p>	Reject: the title of the Bill is suitable

				to do so having regard to the nature of the service	
		Nairobi City County Government	There is need for distinction between an “emergency” and “disaster”	Not all emergencies are disasters and not all disasters are emergencies. For example, if an aircraft falls and requires intervention of the county, it qualifies as an emergency but not a disaster.	Accept: A clear distinction of the terms “emergency” and “disaster” are necessary for clarity.
2.	Clause 2 – Definitions	Ministry of Interior and National Administration	Proposes an inclusion of the following definitions to the Bill — "Contingency Planning"— a management process that analyzes specific potential events or emerging situations that might threaten society or the environment and establishes arrangements in advance to enable timely, effective and appropriate responses	It is important to define concepts used in the Act	Accept: Defining terms used in the Bill helps in eradicating uncertainty and ambiguity in a piece of legislation.

			<p>to such events and situations.</p> <p>"Initial Recovery Assistance" - means Services as well as domestically and internationally Donated Funds intended to restore or improve the pre-Disaster living conditions of disaster affected communities, including initiatives to increase resilience to Disasters and reduce Disaster Risk</p> <p>"Disaster relief" means the goods, equipment, services and domestically and internationally donated funds provided to meet immediate humanitarian needs of disaster-affected</p>		
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			<p>populations, including rescue"</p> <p>"International Disaster Assistance" means Disaster Relief and Initial Recovery Assistance that is provided by Assisting International Actors, or imported or otherwise brought into Kenya from abroad by or on behalf of assisting domestic actors."Eligible Actor means any assisting actor that has been determined to be eligible to receive [legal facilities] in accordance with this Act.</p> <p>"Anticipatory / Early Action" means a set of actions taken to prevent or mitigate potential disaster</p>		
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		<p>impacts prior to a shock or before acute impacts felt. The actions are carried out in anticipation of hazard impact and based on a prediction of how the event will unfold.</p> <p>“Climate change adaptation (CCA):” Adjustments to ecological, social or economic systems in response to actual or expected climatic impacts, in order to moderate potential damages or to benefit from opportunities associated with climate change.</p> <p>In the definition of “Disaster” Consider clarifying inclusion of Public Health Emergencies even as these are primarily managed by other</p>		
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		<p>legislation. COVID and epidemics (especially as secondary impacts to natural disasters) have demonstrated the need to connect natural disaster and public health emergencies to guarantee a whole of society and government approach</p> <p>Suggested revision: "disaster means a progressive or sudden, widespread, localized occurrence caused by natural, man-made, biological and technical hazards which - "</p> <p>"Marginalised and at-risk groups" defined to include populations could include Persons living with disability; populations at risk of</p>		
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			sexual exploitation and abuse, minorities.		
			Amend the definition of Cabinet Secretary responsible for matters disaster risk management to read as <i>“the Cabinet Secretary responsible for matters related to internal security and national administration”</i>	No rationale provided	Reject: While the ministry of interior and national administration currently handles matters touching on disaster management, the functions may be moved to another ministry in future and therefore creating ambiguity in functions.
		Council of County Governors (COG)	Amend by deleting the words “County Committee” and replace with the following: “County Agency” means the County Disaster Risk Management Agency established under section 31;	To provide for the definitions of the words County Agency and County Director responsible for disaster risk management	Reject: The Bill does not establish an Agency but rather a County Disaster Risk Management Committee. There is need for consistency of terminologies in the Bill.

			<p>Introduce the following new definition:</p> <p>“County Director” means the County Director responsible for matters relating to disaster risk management established under section 31A.</p>		
		<p>University of Nairobi African Women Studies Centre</p>	<p>Proposes the following amendments –</p> <p>(a) In the definition of the phrase “disaster risk management” include aspects of gender, age, disability, and culture.</p> <p>(b) In the definition of the phrase “disaster risk reduction” by</p>	<p>To align with the Sendai Framework</p>	<p>Reject: The current definitions of “disaster risk management” and “disaster risk reduction” are adequate.</p> <p>The definition of “vulnerability” also includes social aspects which covers the stakeholder’s concerns.</p>

			<p>acknowledging private public partnerships</p> <p>(c) In the definition of the word vulnerability to include aspects of age, gender, culture and disability.</p>		
		Coast regional budget hub	<p>Amend the following interpretation;</p> <p>"Cabinet Secretary" means the Cabinet Secretary responsible for Defence Forces;</p> <p>"disaster" means a progressive or sudden, widespread, localized, natural or human-caused and unforeseen occurrence which —</p> <p>"County Executive Committee Member"</p>	<p>Article 241 (3)(b) of the Constitution provides that the Kenya Defence Forces shall assist and cooperate with other authorities in situations of emergency or disaster, and report to the National Assembly whenever deployed in such circumstances;</p> <p>Section 111(1) of the Public Finance Management Act, 2012 provides that the County Executive Committee member for finance shall administer the county government Emergency Fund for the county government in accordance with a framework and criteria approved by the county assembly</p>	<p>Reject: KDF only assists in responding to emergencies and disasters but their core role is to guard the country from external attacks. The CS Defense therefore cannot be the designated CS for the purpose of the Act.</p> <p>Also, while the PFM Act designates the CS as the administrator of the county emergency fund, he or she is not the person mandated to deal with disasters.</p> <p>Accept: the definition of the word "county secretary" as proposed to provide clarity</p>

			means the county executive committee member responsible for finance;	“county secretary” means the office of the county secretary established under section 44 of the County Governments Act No. 17 of 2012.	
3.	Clause 5- The National Disaster Risk Management Authority	The National Treasury	Amend to do away with the National Disaster Risk Management Authority	There exists a National Disaster Management Unit established by a Presidential Directive communicated through letter Ref. No. CAB/NSC/14/2/32 dated 8 th August, 2013 as an effective and competent disaster management unit with an established command structure, budget and Standard Operating Procedures (SOPs) based on best practices. Establishment of an authority would usurp the roles already assigned through this Presidential directive.	Reject: The essence of the creation of the Authority is to create proper structures for collaboration between the National and County government in disaster management taking into consideration that disaster management is a concurrent function.
4.	Clause 6 – Headquarters	Council of County Governors (COG)	Amend by deleting clause 6 and substituting the following; 6. (1) The Headquarters of the	This is to ensure that the headquarters of the Authority based in Nairobi and shall oversee coordination at national level. The Authority shall therefore link up with the County Disaster Agencies in the coordination of	Reject: Instead of the Authority creating offices in the Counties, it would be proper to collaborate with all the 47 County governments which are already established governance and service delivery units.

			<p>Authority shall be in Nairobi.</p> <p>(2) The Authority may establish such other offices as it considers necessary for the discharge of its functions</p>	<p>disaster across the Country. Thus, it is our considered opinion that the establishment of branches across the counties defeats the purpose of having County Disaster institutions.</p>	
5.	Clause 7 – Functions of the Authority	Ministry of Interior and National Administration	<p>Proposes inclusion of additional functions of the Authority such as:</p> <ul style="list-style-type: none"> - systematic integration of Disaster Risk Management and Climate Change Action in national development plans; 	No rationale provided	Accept: the addition of climate change action in national development plans assists in disaster risk reduction.
			<p>Proposes an inclusion in the Authority's function to Develop National Disaster Risk Atlas and coordinate the preparation and maintenance of disaster risk atlases</p>	<p>A National Disaster Risk Atlas provides a detailed assessment of potential hazards and vulnerabilities across different regions. This comprehensive overview helps identify areas at greatest risk and informs decision-making for risk reduction</p>	Accept: A National Risk Atlas is important as it shows the vulnerabilities of various regions to disasters in Kenya and therefore enabling the Authority to prepare well in disaster risk reduction.

			including data banks and information on potential hazards and vulnerabilities		
			Proposes Inclusion in the Authority's function to carry out and coordinate National Damage and Loss Assessment in respect to disasters. The last assessment was carried out in 2022 with the assistance of the World Bank.	In order to undertake effective building-back-better and recover, it's important to know what was damaged and lost.	Accept: conducting a national damage and loss assessment enables the country to recover well from disaster
			Proposes inclusion of the Authority's function to carry out Bi-annual National Drill and Exercises for Disaster Risk Management.	This will help test our plans and strategies and will enable organizations and stakeholders know their roles.	Accept: helps in testing the existing plans and strategies on disaster risk preparedness.
			Proposes inclusion of the Authority's function to coordinate and organize the National Symposium for Disaster Risk	To International commitment and sharing lessons learnt and best practices for DRM	Accept: The organization of a national symposium assists in bringing together various actors in disaster risk management with the aim of sharing lessons.

			Management and IDDR (International commitment and sharing lessons learnt and best practices for DRM)		
			Proposes inclusion of the Authority's power to engage with the state agency responsible for the development of curricula for integration of DRM at different levels of education.	This is good for building the capacity of communities to mitigate and respond to risks associated with disasters	Accept: this is a great step in building capacity of disaster risk reduction and management
		Council of County Governors (COG)	Amend Clauses 11 (a)(d)(f)(h) and (j) to read as follows: 11. The functions of the Authority shall be to— (a) co-ordinate and implement disaster risk	To align to the provisions of the Fourth Schedule of the Constitution which assigns disaster management function to the two levels of government. Thus, it is imperative that the Authority coordinates disaster at the national level while the County Committees at the County level to avoid duplication of roles.	Accept: There is need for a proper demarcation of functions between the National Government and County Governments as provided for under the Fourth Schedule to the Constitution.

			<p>management on behalf of the National Government;</p> <p>(d) develop and co-ordinate implementation of national disaster risk management policies, strategies, plans, projects, programs and budgets</p> <p>(f) facilitate capacity building and technical assistance to the County Governments on all matters disaster risk management;</p> <p>(h) co-ordinate and support public awareness campaigns and civic education programmes on</p> <p>disaster risk management at national level;</p>		
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			(j) promote linkages with key ministries, international organizations, County Disaster Risk Agencies and national-based disaster risk management entities;		
6.	Clause 9 – composition of the Board	Ministry of Interior and National administration	Proposes deletion of clause 9 (1) (b) and replace with Principal Secretary responsible for matters related to internal security and national administration	Principle of subsidiarity -Coordination of government functions -Risk assessment -Critical infrastructure protection Prevention, preparedness, response and recovery from disaster	Reject: the current provision considers any future changes in the ministry responsible for disaster management as a result of National government reorganization.
		Council of County Governors (COG)	Amend section 9(1)(f) to read as follows: <i>9(1) (f) the Chief Executive officer of the Council of County Governors or a representative designated in writing;</i>	To permit the CEO of the Council of Governors to appoint a qualified representative to the Board, in the same manner that Principal Secretaries appoint their representatives.	Accept: The CEO may not always be available for a meeting of the Board of the Authority and therefore the need for him/ her to appoint a representative.

		National Gender and Equality Commission	Amend to— (a) substitute the membership of the minister for defence with the state department for social protection. (b) Provide for a representative of vulnerable groups to the Board	The State Department for Social protection is responsible for protection of vulnerable groups	Reject: The Kenya Defence forces play a vital role in disaster response and therefore a necessary member of the Board. Further, any addition of other members would lead to a bloated board and thus contravening the Mwongozo guidelines.
		University of Nairobi African Women Studies Centre	Amend to include the Permanent secretary responsible for Labour and Social Protection and the Permanent Secretary responsible for gender	To address the needs of vulnerable groups and women	Reject: This will lead to a bloated Board. Mwongozo guidelines recommend a membership of between 7 to 9 members.
		Nairobi City County Government	Amend clause 9 to ensure that the Composition of the	The management of Boards is governed by the Mwongozo Code of Governance. The code	Accept: Mwongozo guidelines recommend a membership of between 7 to 9 members. It is also

			Board constitutes of an odd number of members and be in line with Mzungozo guidelines.	stipulates that the membership of the Board should be between 7-9 members. Excluding the Director General who is an ex-officio member, the Board has twelve members. When there's an even number of members who can vote, there's a greater risk of deadlocks. This makes it difficult for the Board to make decisions, resolve conflicts or move forward with its agenda. An odd number ensures that there will always be a majority decision.	advisable that the Board be constituted of an odd number to avert deadlocks in decision making.
7.		State Department for the ASAL's and Regional Development	Include the Cabinet Secretary responsible for matters special programs.	Special Programs function includes humanitarian emergency response and humanitarian assistance.	Reject: the addition of the Cabinet Secretary responsible for special programs would lead to a bloated Board which is against the Mzungozo Code.
8.		St. Johns Ambulance	Amend the Bill to- (a) Reduce on the membership of the Board as the current membership is bloated.	The Mzungozo Code of Governance for State Corporations limits the membership to Boards to between 7 and 9 members	Accept: The Mzungozo Code of Governance for State Corporations limits the membership to Boards to between 7 and 9 members. Reject the proposal for the inclusion of St. Johns Ambulance to the Board

			(b) Include both St. Johns Ambulance and Red-Cross to the membership of the Society.		as Red -cross is already included to represent emergency responders.
9.	Clause 10 - qualifications of the chairpersons of the Board	Martin Muthukia	The holders of the positions of the Chairperson of the Board of the Authority, the Director General of the Authority and the Head of the County Disaster Management Center must possess a master's degree or higher qualifications as opposed to a Bachelor's degree	To enhance professionalism	Reject: A requirement as to a master's degree will lock out a high number of well deserving persons and experts from the mentioned positions
		Nathan Ngumi	The position of the chairperson should not be an appointive position by the President.	This is to ensure competitive recruitment of candidates	Reject: The chairperson of the Board only serves to provide leadership, set the agenda and ensure members actively participate as per Mwongozo guidelines. The Director General is the person who runs the day to day operations of the Authority and is an ex-officio member of the Board.

		Nathan Ngumi	In the qualifications for the Position of the chairperson of the Board, the Bill does not provide for a requirement that one possess the relevant experience in disaster management which is critical.	It should be a requirement that the professional experience of the candidate is <i>demonstrably relevant</i> to disaster risk management.	Reject: The Chairperson of the Board is not the chief executive officer of the Authority and therefore not involved in the day to day affairs of the Authority. Such a requirement would lock out qualified person with good management skills.
10.	Clause 14	Ministry of Interior and National Administration	Proposes inclusion of the Principal Secretary in the Ministry for the time being responsible for Environment and Climate Change under the Board and the Director responsible for Meteorological Services on the Board.	This is because most of our disasters are climatic in nature	Reject: While these people play a key role in disaster risk management, their inclusion would lead to a bloated Board and thus contravening the mwongozo guidelines.
11.	Clause 27 – Electronic	Council of County Governors (COG)	Amend Clause 27(1) to read as follows:	To provide for consultation in the development of an integrated electronic information system	Accept: disaster management being a concurrent function of the National and County Governments, there is need for consultation in the

	Information system		27(1). The Authority in consultation with the County Governments, shall develop and maintain an integrated electronic database containing—	which captures data from all the 47 County Governments	development of the electronic database.
12.	Clause 28 – Disaster management Plans	Ministry of Interior and National Administration	Proposes the addition of a provision for development of a national multi-hazard early warning system and subsequent guidelines for its implementation.	For DRM to work it is essential to have a functional multi-hazard early warning system. It should therefore be a role of the authority to develop and operationalize a robust EW system and ensure that the EW information is accessible and understandable to all citizens.	Accept: An early warning system is essential for effective disaster risk management.
13.	Clause 29 – Classification of Disasters	Ministry of Interior and National Administration	Amend this clause to categorize disasters, severity, magnitude and levels of action as per the DRM policy (4 levels). This may be inserted as a Schedule to the bill	Under the classification of disaster, the Bill categorizes this into; National level and County level. This new classification presents an area of conflict in terms of declaration by there being no established threshold for either level.	Reject: The Categorization of disasters into county level disasters and National level disasters is important in providing a demarcation of functions between the National government and the County governments.

14.			<p>Amend Clauses 29(1)(2) and (3) to read as follows:</p> <p>29. (1) Whenever a disaster occurs or threatens to occur, the County Disaster Risk Agency shall determine whether the event is a disaster under this Act, and if so, immediately</p> <p>(a) assess the magnitude and severity or potential magnitude and severity of the disaster;</p> <p>(b) notify the Authority to where the disaster meets the criteria stipulated in subsection (5); and</p> <p>(c) record the prescribed particulars concerning the</p>	<p>All disasters occur in one of the counties. It is therefore imperative that the County Committee becomes the first reference point in assessing and responding to the disasters.</p> <p>Further, opine that the classification of disasters to be county or national may not be tenable rather the Bill should focus on the severity of the disaster. Hence the proposed to provide for what kind of disaster should the Authority and County Committee manage and respond to.</p>	<p>Accept: all disasters happen in one or more counties in Kenya and therefore the need for counties to first determine the magnitude of a disaster and classify accordingly.</p>
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		<p>disaster in the prescribed register.</p> <p>2) In assessing the magnitude and severity or potential magnitude and severity of a disaster, the County Agency —</p> <p>(a) shall consider the information and recommendations concerning the disaster received from various stakeholders in the area in the county and</p> <p>(b) may enlist the assistance of an independent assessor to evaluate the disaster on site.</p> <p>(3) The County Agency may reclassify a disaster classified under subsection (1)(b) at any time after</p>		
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		<p>consultation with the relevant County Executive Committee Member and Authority, if the magnitude and severity or potential magnitude and severity of the disaster differs from the initial assessment.</p> <p>(4) A County Agency shall manage a disaster, if—</p> <p>(a) it affects a single county; and</p> <p>(b) the county concerned is able to effectively manage it.</p> <p>(5) The Authority shall manage a disaster, if it affects —</p> <p>(a) more than one county; or</p>		
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		<p>(b) a single county which is unable to effectively manage it.</p> <p>Amend by deleting clauses 31(6) and (7) and replace with the following new clauses 31(6) and (7) and delete clause 31(8) to read as follows:</p> <p>(6) Despite the classification of a disaster under this section, in designating responsibility for managing a disaster to a particular level of government, the Authority and respective County Agency may assist each other in managing a disaster.</p> <p>(8) The Cabinet Secretary shall in consultation with the Council of County</p>		
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			Governors, by regulations prescribe the details of assessment of a disaster under this section.		
15.	Clause 31 – Establish ment of County Disaster Risk Management Committ ees	Council of County Governors (COG)	Amend Part IV by deleting the word “County Disaster Risk Management Committees” and substituting with words “ County Disaster Risk Management Agencies ” whenever it appears <u>PART IV:</u> <u>COUNTY DISASTER RISK MANAGEMENT AGENCIES</u> 31. (1) There is established, in each county, a County Disaster Risk	To provide for establishment of a dedicated County Disaster Risk Management agencies in the respective County Governments owing to the fact that disaster risk management is a concurrent function between the two levels under the Fourth Schedule to the Constitution. Further, the amendments are intended to strengthen the County Disaster Risk Management Agencies.	Reject: It would be appropriate to retain the County Disaster Risk Management Committees as the Agency may lead to conflict of roles with the County government.

			<p>Management Agency in each county.</p> <p>(2) The members of the County Agency shall comprise--</p> <p>(a) a chairperson appointed by the Governor;</p> <p>(b) the County Executive Committee Member responsible for matters relating to finance or a representative designated in writing;</p> <p>(c) the County Executive Committee Member responsible for matters relating to disaster risk management or a representative designated in writing;</p> <p>(d) the county commissioner or a representative designated in writing;</p>		
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		<p>(e)...</p> <p>(i) County Director responsible for matters relating to disaster risk management who shall be an <i>ex officio</i> member of the Agency</p> <p><i>Amend by deleting section 31(4) in its entirety.</i></p>		
		<p>Introduce the following new section 31A and 31B immediately after section 31 of the Act:</p> <p>County Director</p> <p>31A. (1) There shall be a County Director responsible for matters relating to disaster risk management in each County who shall be competitively recruited and</p>	<p>To provide for establishment of a dedicated County Disaster Risk Management agencies in the respective County Governments owing to the fact that disaster risk management is a concurrent function between the two levels under the Fourth Schedule to the Constitution.</p> <p>Further, the amendments are intended to strengthen the County Disaster Risk Management Agencies.</p>	<p>Reject: It is not clear whether the Agency will be a body corporate in law or not. This may pose challenges to the functioning of the county government owing to potential conflict of roles.</p>

		<p>appointed by the County Public Service Board and whose terms and conditions of service shall be specified in the instrument of appointment.</p> <p>(2) The County Director shall be the Chief Executive Officer of the County Agency and responsible to the Agency for the-</p> <p>(i) implementation of the decisions of the Agency;</p> <p>(ii) day to day administration and management of the affairs of the Agency;</p> <p>(iii) organization and management of the employees of the Agency; and</p>		
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			<p>(iv) any other function that may be assigned by the Agency.</p> <p>(3) A person shall be qualified for appointment as the County Director, if such person-</p> <p>(a) is a Kenyan Citizen;</p> <p>(b) holds a bachelors' degree in a relevant field from a university recognized in Kenya;</p> <p>(c) has had a distinguished career in senior management position in either the private or public sector;</p> <p>(d) holds at least seven year' post-qualification profession experience</p>		
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		<p>in disaster risk management; and</p> <p>(e) Satisfies the requirements of Chapter Six of the Constitution.</p> <p>(4) The County Public Service Board may upon recommendation of the Agency remove the County Director from office in accordance with the terms and conditions of service for-</p> <p>(a) inability to perform the functions of the office arising out of physical or mental incapacity;</p> <p>(b) gross misconduct or misbehaviour;</p> <p>(c) incompetence or neglect of duty;</p> <p>(d) non-compliance with the requirements</p>	
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		<p>of Chapter Six of the Constitution; or</p> <p>(e) any other ground that would lawfully justify removal from officer under the terms and conditions of service.</p> <p>Staff of the County Agency</p> <p>31B. The County Public Service Board on recommendation of the County Agency may appoint such officers and staff as are necessary for proper and efficient discharge of functions of the Agency and upon such terms and conditions of service as it may determine.</p>			
		<p>The National Treasury</p>	<p>Amend to integrate the role of the Committee to the</p>	<p>Some counties have already set up County DMC's (Disaster Risk Management Centers)</p>	<p>Accept: This will assist in eradicating duplication of functions.</p>

			existing structure at the county level to avoid duplication of roles.		
		Coast Regional Budget Hub	Amend to remove the County Commissioner from the membership of the County Disaster Management Committee. In his or her place replace with the County Secretary.	The Constitution of Kenya, the National Government Coordination framework and the County Government's Act, 2012 provide for the alignment of the National government governance structure with the County Governments.	Reject: This is a committee formed to deal with disasters and to advise counties in cases of disasters and therefore the presence of the National government in the Committee is important.
16.	Clause 32 – Functions of County Disaster Risk Management Committees	Council of County Governors (COG)	Amend clauses 32(1) (m) to read as follows: (m) prepare and submit periodic reports to the County Executive Committee; and Add the following functions of the County Agency i. monitor and evaluate disaster risk management	To align to the provisions of the Fourth Schedule to the Constitution on the role of the County Governments in disaster management.	Accept: The additional functions are meant to align the functions of the County Disaster Management Committees with the fourth schedule to the constitution.

			<p>programmes and projects at the county level;</p> <p>ii. promote linkages with key ministries, community service organizations, national organizations, county, sub-county and community-based disaster risk management entities; and</p> <p>iii. Undertake and co-ordinate routine hazard identification and vulnerability and risk assessments in all sectors at the county level.</p>		
		Nathan Ngumi	The selection of means by which the County Executive Committee Member circulates, publishes and publicizes the	Discretion as to the manner of publication by the County Executive Committee member is subject to abuse	Accept: There is need for clarity as to the mode of publication of the County Disaster Risk Management Plan

			<p>county disaster risk management plan should not be left to the discretion of the Member. S/he may intentionally disregard the needs of County residents.</p> <p>Instead, it should be a requirement that the plan is published in both <i>hard copy</i> available at county offices and <i>soft copy</i> available on the county website. Also, the plan should be published in English, Kiswahili and the dominant local/indigenous language of the county.</p>		
17.	Clause 36 - Establishment of County Disaster	Council of County Governors.	Amend by deleting section 36 in its entirety.	The proposed County Disaster Risk Management Centre should be established as a dedicated department within the County Disaster Risk Management Agency. This integration will	Reject: The County Disaster Risk Management Center will be responsible for the actual response to emergency situations at the county level. It is therefore an

	Risk Management Centre			<p>ensure streamlined operations, enhanced coordination, and efficient resource allocation for comprehensive disaster risk management at the county level. By embedding the Centre within the existing agency, we can leverage existing expertise, infrastructure, and organizational frameworks to effectively mitigate, prepare for, respond to, and recover from potential disasters.</p>	<p>important structure of the county government.</p>
	Nairobi City County Government	<p>Delete clause 36 (1) (h) which provides as follows—</p> <p>“Oversee the distribution of relief and emergency supplies”</p>		<p>The roles and responsibilities provided for the by the County Risk management Committee be limited to overall policy and strategy formulation and let the Centre undertake the operational responsibilities.</p>	<p>Accept: The Disaster Operations Centre is the entity at the county level that responds to disasters and should therefore be in charge of distribution of reliefs.</p>
	Nathan Ngumi	<p>There is no requirement for the head of the County Disaster Risk Management Centre to possess relevant experience in disaster management which is</p>		<p>There is need for professionalism</p>	<p>Accept: It is crucial that the head of the County Disaster Risk Operations Centre, being the person responsible for the disaster management at the County level, should have experience in disaster management.</p>

			critical. This should be included		
18.	Clause 41 - Funds of the Authority.	Council of County Governors (COG)	<p>Amend section 41 by introducing a new section 41A immediately after section 41:</p> <p><u>Funds of the County Agency</u></p> <p>41A. The funds of the County Agency shall consist of —</p> <p>(a) such monies as may be appropriated by the County Assembly for purposes of the Agency;</p> <p>(b) such monies as my accrue to the Agency in the performance of its functions under this Act; and</p> <p>(c) all monies from any other source provided for or</p>	To provide for the funding of the County Agency to be able to undertake disaster risk management functions at the county level.	Reject: Disaster management is a concurrent function and its important to allow the counties to run their own affairs in an independent manner by allowing the County executive to run the same and provide funds.

			donations or lent to the Agency.		
19.	Clause 52 – regulations	Ministry of Interior and National Administration	Consider adding regulations on immigration and tax exemption processes for International Disaster Response.	No rationale provided	Accept: Exemptions on International Disaster Response Assistance would reduce the tedious bureaucracies required for foreign assistance in disaster management in Kenya.
20.	Repeal of County disaster management legislation	Ministry of Interior and National Administration	Proposes a provision aimed at repealing the county legislations touching on disaster risk management as passed by various county Assemblies.	The 4 th schedule demarcates disaster management as a concurrent function of both levels of government. This means, both National Government and County Government have the constitutional mandate to enact legislation on DRM	Reject: Article 191(2) of the Constitution provides that National legislation will prevail over county legislation if a matter cannot be effectively regulated by an individual county, where the matter requires uniformity across the country and where national legislation is necessary for maintenance of national security, maintenance of economic unity, protection of the environment, equal opportunity and protection of common market. While the DRM bill provides for uniform standards on disaster risk management across the country, where counties have already passed their legislation it would be sufficient for the county assemblies to amend their laws to

					comply with the provisions of the DRM Bill once enacted into law.
			Proposes an inclusion of a sub clause to ensure the integration of Disaster Risk Management and Climate Change Action.	They are good principles for Disaster Risk Management.	Accept: There is need for the Bill to cover aspects of Climate change management.
			Proposes the inclusion of the Cabinet Secretary responsible for matters relating to Environment and Climate Change in the Intergovernmental Council on Disaster Risk Management.	Including Cabinet secretary responsible for environment and climate change on the intergovernmental council on DRM. They bring expertise in understanding environmental contexts, ensuring policy alignment and resource allocation towards resilience-building. Their involvement fosters cross-sectoral coordination and promotes long-term planning for climate-related disasters. This holistic approach enhances disaster management effectiveness.	Reject: The Bill currently does not establish an Intergovernmental council on Disaster management.
			Add a clause to address funds flow and access within the	to present, any appeal for support from government is subjected to rigorous and time-consuming	Reject: The Bill does not establish any Disaster Management Fund.

			bill in relation to the DRM Fund regulations.	PFM Act. This affects the timely response especially for funds from donors.	
21.	Protection of emergency responders	Japheth Ogega – Lecturer School of Disaster Management and Humanitarian Assistance, Masinde Muliro University of Science and Technology.	Introduce a Clause aimed at protecting emergency responders	Emergency Responders always operate in a challenging and high stress environment where they face hostility and violence from distressed individuals and groups and therefore the need for protection.	Accept: Emergency responders always operate in dangerous environment to save lives and there is therefore need for them to be protected.
			Introduce a clause on mandatory paid internship for the disaster professionals	There is need for a paid internship for emergency response graduates to ensure professional development of the graduates	Reject: Paid internship is a labour issue which is better handled administratively once the Authority is established as opposed to an inclusion of a clause in the Bill.
22.	Rejection of the Bill in entirety	Mary Ositu	Proposes that the Committee rejects the Bill in its entirety	No rationale provided	Reject: The Bill is important as it provides for a framework in managing and responding to disaster risks in the country
23.	Establishment of the Institute of Disaster	Martin Muthukia	Proposes the establishment of the Disaster Management Institute of Kenya	This will help in ensuring professionalism in the conduct of Disaster Management professionals in Kenya.	Reject: The establishment of the Disaster Management Institute of Kenya is best achieved through a Separate Bill.

	Management				
24.		Felix Jomo	<p>Proposes that the Bill should –</p> <ul style="list-style-type: none"> (a) provide clearer guidelines for coordinating disaster management efforts between national and county governments to ensure a seamless and efficient response (b) mandate the establishment of early warning systems and disaster risk reduction strategies at both the 	To generally strengthen the Bill	Accept: clearer guidelines on the demarcation of roles between the County and National Government, setting of early warning systems and protecting vulnerable groups are key towards effective disaster management.

			<p>national and county levels</p> <p>(c) include provisions for the protection and support of vulnerable groups, such as women, children, and the elderly, who are disproportionately affected by disasters</p>		
25.	Reject the Bill in entirety	Stephen Abuga	The Bill should be rejected as its not digested in understandable parts for the purpose of effective participation	There is need for the committee to enlarge time required to conduct public participation	Reject: The Committee placed an advert in the daily newspapers inciting submissions from the public and a stakeholder's forum held in Mombasa. Effective public participation was therefore undertaken.
26.		Association of Consulting Engineers of Kenya	Proposes the inclusion of the Cabinet Secretary responsible for Roads, Transport and Public Works in the	This is because Clause 2 (a) (ii) defines "disaster" as progressive or sudden, widespread, localized, natural or human caused occurrence that may (a) cause or threatens to cause — (ii) damage	Reject: The Bill does not set up the Intergovernmental Council on Disaster Management and the inclusion of the PS for roads would

			Intergovernmental Council on Disaster management and the PS responsible for Roads, Transport and Public Works in the Board of the Disaster Risk Management Board	to property, infrastructure or the environment;	lead to a bloated Board with majority being government actors.
27.	Rejects the Bill in entirety	Baraza la Mwananchi and 44 others- 1. Tee Wang 2. Delphine Kariuki 3. Victor Mwangi 4. Ivy Kasho 5. Femme Sis 6. Francis Magoba 7. Kahama Alvin 8. Gasherry 9. Faith Nderitu	The creation of Authorities at the National and County levels increases bureaucracies and hampers efficient service delivery. They recommend – (a) Withdrawing the Bill as it duplicates roles (b) Reduce taxpayer burdens (c) Utilize existing structures	The stakeholder rejects the Bill for the following reasons – (a) It does not provide for the manner of funding (b) It is likely to be oppressive to Kenyan s (c) The fines are excessive	Reject: The National Treasury is in the process of coming up with regulations under the PFM Act to fund disaster risk management. The committee may also provide for an amendment to establish a Fund in the Bill.

		10. Dennis Mwangi			
		11. June Kibue			
		12. Stephanie Njeri			
		13. Timan Ochieng'			
		14. Makena Odongo			
		15. Lixine Vela			
		16. Kelvin Kusienya			
		17. Carolyne Gathuru			
		18. Nathan Etty			
		19. Hisia Yard			
		20. Miss Diana			
		21. Michelle Abuti			
		22. Nicole Awuor			
		23. Angela Kabari			
		24. Brenda Ondiiki			

		25. Wendy Kithinji			
		26. Renee Odaga			
		27. Cynthia Ng'ang'a			
		28. Tandi Mali			
		29. Caroline Thuo			
		30. Pauline Rimui			
		31. Patricia Muthoni			
		32. Albeezy Kibet			
		33. Gabriel Gicheha			
		34. Justine Wanda			
		35. Mukwany aga Mwende			
		36. Glory Kanji			
		37. Peter King'ori			
		38. Karen K.			
		39. Nicole Waithera			

		<p>40. Eddy Kibe</p> <p>41. Felix Nyasudi</p> <p>42. Wairimu Gachanja</p> <p>43. Nicole Chelimo</p> <p>44. Abigail Akiiki</p>			
28.		National Gender and Equality Commission	Delete clauses 11(a), 22(a) and 34 (e).	These provisions are discriminatory to persons suffering from mental incapacity.	Reject: the nature of the role played by the Director General and members of the Board require a person with a good mental capacity. It is therefore not discriminatory.
29.		National Construction Authority	Promote inclusiveness and a multidisciplinary and multisectoral approach to disaster management.	Disaster management cuts across various disciplines and sectors	Accept
30.		Coast Regional Budget Hub	Abolish the Intergovernmental Council	We already have the National and County Government Co-ordinating Summit established under section 7 of the Intergovernmental Relations Act, 2012.	Accept: The Bill currently does not establish the Intergovernmental council

		<p>Delete the entire of Part II on the Establishment of an Institutional Framework on Disaster Management.</p>	<p>The function belongs to KDF under Article 243</p> <p>Also replace the “Authority” with the County Disaster Risk Management Committees.</p>	<p>Reject: Disaster Management is not the core role of KDF.</p> <p>Further, since disaster management is a shared function, there is need for a proper body dealing with disasters at the National level.</p>
		<p>Under Part V on Financial provisions, replace the word “Authority” with “Kenya Defence Forces”</p>	<p>No justification</p>	<p>Reject: Disaster Management is not a core function of the Kenya Defence Forces.</p>
		<p>Introduce a new section 45A to read as follows –</p> <p>45A. The funds of the County Disaster Risk Management Centre shall consist of—</p> <p>(a) such monies as may be appropriated by the County Assembly for the purposes of the Centre;</p>	<p>There is need to provide for source of funding at the County Level</p>	<p>Accept: The Bill currently does not provide for the manner of funding of the County Disaster Management Committees. There is need for such provision.</p>

			<p>(b) such monies as may accrue in County Emergency Fund for the performance of its functions under this Act; and</p> <p>(c) all monies from any other source provided for or donated or lent to the Centre.</p>		
31.	Reject the Bill in entirety	Wilson Nyenze	<p>Reject the Bill on grounds of fiscal irresponsibility</p>	<p>The stakeholder is against the whole Bill for the following reasons</p> <p>(a) The Government is in the process of merging various govern agencies to save on costs and therefore creation of a new Authority will defeat the purpose</p> <p>(b) Section 110 (2) of the Disaster Bill provides for an allocation of 2% of the total county revenue towards emergency and disaster management</p>	<p>Reject: we currently have scattered entities dealing with Disaster management particularly at the national level and there is therefore need to collapse these entities to have one Authority responsible for Disaster management.</p>

32.	Lack of a funding framework	Njoroge Wa Kamuiru	Provide a funding Framework to the Bill	The Bill lacks a funding framework which is crucial for disaster management and control.	Accept: Currently there is no funding framework. We note that the Ministry of Treasury is currently developing Disaster Risk Management Fund Regulations and therefore need to ensure that the same are in sync with the Act.
33.		Association of Start up and SME Enablers of Kenya	Amend the Bill to— (a) Include a provision on paid internship (b) Integrate the National Disaster Risk Management Authority with the National Drought Management Authority (c) Include a representative from the fire service (d) Provide for training and national drills		Reject: First, the question of paid internship is a labour issue and should therefore be left to the Public Service Commission to determine. Second, the inclusion of a representative of fire services would lead to a bloated Board. Accept the provision on National drills.

			<p>in disaster management</p> <p>(e) Provide for insurance schemes for compensation of farmers and herders from herders due to losses.</p>		
34.		Hennet	<p>Proposes the following –</p> <p>(a) Rejects the establishment of the National Disaster Risk Management Authority and the County Committees and rather strengthen the existing structures</p> <p>(b) Provide for a proper definition of emergency</p>	To reduce on public expenditure	Reject: the establishment of the National Disaster Risk Management Authority and the County Disaster Risk Management Committees enhance coordination between the National and County Governments in Disaster response.

			(c) Remove the position of corporation secretary to avoid redundancy.		
35.		Masinde Muliro University.	<p>The University raises the following concerns</p> <p>(a) In the guiding principles of the Act, adopt an all-inclusive government approach and gender sensitivity</p> <p>(b) The Headquarters of the Disaster Risk Management Authority should be extended to all the 47 County Governments</p>	No justification.	Partly Accept: In the guiding principles, there is need to include an all-government approach to disasters and also there is need for a proper funding framework for the Act.

			<p>(c) The Chairperson of the Board of the Authority should possess a Bachelor's degree in Disaster Management or related field.</p> <p>(d) The classification of disasters is inconsistent with global instruments</p> <p>(e) There is need for clarity as to what the Disaster Risk Management Centre means</p> <p>(f) Provide for a funding framework for the Bill and reduce of the penalties in</p>		
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			the Bill to ensure they are less punitive		
36.		Kelvin Ondieki Getanda	<p>The Bill should provide—</p> <p>(a) The link between the Act and the Climate Change Act</p> <p>(b) Clear framework for institutions existing in Kenya</p> <p>(c) Key roles and responsibilities of other Disaster Agencies in Disaster Management.</p> <p>(d) Provide a monitoring and evaluation mechanism</p>	There is a need to ensure that there is a proper link between climate change and disaster management.	Accept: Currently a number of disasters such as drought occur owing to climate change and therefore the need to integrate the same into disaster management.

			<p>(e) Focus on proactive as opposed to reactive measures</p> <p>(f) Provide for innovative ways of mitigating disasters.</p>		
37.		St. John's Ambulance	Amend the Bill to remove the Inter-governmental Council on Disaster Risk Management	To minimize on the bureaucracies when responding to disasters.	Accept: The Current Bill does not contain a provision on the creation of the Inter-Governmental Council on Disaster Risk Management.
38.		Kamkunji Constituency Citizens	Amend the Bill to provide for a budgetary allocation that can accurately project the magnitude of disasters.	The Bill lacks a Comprehensive mechanism for budgetary allocation.	Reject: The Bill already provides for among others budgetary allocation to the Authority by the National Assembly.
			Provide for a clear evaluation mechanism	To monitor the effectiveness of disaster management strategies and ensure accountability.	Accept: an evaluation mechanism is important in testing the effectiveness of disaster management strategies.

			The Bill should emphasize collaboration among various Agencies and Stakeholders such as Recross and humanitarian Aid organizations	To enhance efficiency and coordination in disaster response efforts.	Accept: Inter-Agency coordination enhances efficiency in disaster management.
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GENERAL COMMENTS

1. The Nairobi City County Disaster Management Department is of the view that the leadership, structure and composition of County Disaster Risk Management Centre, established under Clause 40 needs to be clearly defined and some of the operational roles and responsibilities of the County Committee established under clause 36 need to be expressly delegated to the Centre.
2. The Nairobi City County Disaster Management Department is further of the view that the Committee adopts the framework proposed by the Kenya Law Reform Commission which provides for a Disaster Management Committee headed by the Governor and a Directorate of Disaster Management headed by a Chief Executive Officer who runs the day-to-day operations. The committee should also take into consideration the unique nature of Nairobi County when developing the Bill.
3. Invest in Africa and James make the following recommendations –
 - (a) Prioritize a Disaster Cycle management system
 - (b) Divest from a single hazard focus
 - (c) Invest in Disaster awareness training and education
 - (d) Develop interoperable disaster operating systems integrated in the community business, government Agencies, not for profits and faith-based organizations.
 - (e) Develop and integrate incident command systems, operations frameworks and Infrastructure at the National and County governments
 - (f) Delineate national and county roles and responsibilities within the disaster cycle management.

ANNEX 6

Amendments proposed by the Committee to the Bill

11th November, 2024

The Clerk of the Senate,
Parliament Buildings,
NAIROBI.

RE: COMMITTEE STAGE AMENDMENTS TO THE NATIONAL DISASTER RISK MANAGEMENT BILL (NATIONAL ASSEMBLY BILLS NO. 24 OF 2023)

NOTICE is given that Sen. William Cheptumo, Chairperson of the Senate Standing Committee on National Security, Defence and Foreign Relations, intends to move the following amendments to the National Disaster Risk Management Bill (National Assembly Bills No. 24 of 2023), at the Committee Stage —

CLAUSE 6

THAT Clause 6 of the Bill be amended by deleting subclause (2) and substituting therefor, the following new subclause –

(2) The Authority shall collaborate with the County Disaster Risk Management Committees in all counties in the discharge of its functions.

CLAUSE 7

THAT Clause 7 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (m) —

- (ma) develop climate change adaptation strategies to prevent, respond and mitigate the effects of disasters arising as a result of climate change;
- (mb) carry out and coordinate national damage and loss assessment in respect to disasters;
- (mc) carry out bi-annual national drill exercises as part of disaster risk management preparedness.

CLAUSE 9

THAT Clause 9(1) of the Bill be amended in paragraph (f) by deleting the word

“Governors” appearing immediately after the words “Council of” and substituting therefor the words “County Governors or a representative designated in writing”.

CLAUSE 10

THAT clause 10 of the Bill be amended in subclause (2) by deleting paragraph (g).

CLAUSE 27

THAT clause 27(1) of the Bill be amended in the introductory clause by inserting the words “in consultation with County Governments” immediately after the words “The Authority shall”.

CLAUSE 28

THAT clause 28 of the Bill be amended in subclause (1) by inserting the following new paragraph immediately after paragraph (d) —

- (c) develop a national multi-hazard early warning system and guidelines for its implementation.

CLAUSE 29

THAT clause 29 of the of the Bill be amended in subclause (8) by inserting the words “in consultation with the Council of County Governors” immediately after the words “Cabinet Secretary shall”.

CLAUSE 32

THAT clause 32(1) of the Bill be amended —

- (a) by deleting paragraph (b);
- (b) in paragraph (c) by inserting the words “in collaboration with the County Disaster Risk Management Centers,” immediately before the word “formulate”;
- (c) in paragraph (h) by inserting the words “in collaboration with the County Disaster Risk Management Centre and the Authority,” immediately after the

word “oversee”; and

- (d) in paragraph (m) by inserting the words “and the respective county assembly” immediately after the words “to the Authority”.

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 41—

Establishment of the
Disaster Management
Fund.
Cap 412A.

41A. (1) There is established the Disaster Risk Management Fund which shall be administered in accordance with section 24 of the Public Finance Management Act.

(2) The Director-General of the Authority shall be the administrator of the Fund.

Sources of the Fund

41B. The Fund shall consist of —

- (a) such moneys as may be appropriated by the National Assembly;
- (b) grants or donations for the purposes of the Fund;
- (c) income generated from the proceeds of the Fund; and
- (d) any moneys accruing to or received by the Fund from any other lawful source, as may be approved by the Cabinet Secretary for the time being responsible for finance.

Objects of the Fund

41C. The Fund shall —

- (a) be utilized towards the provision of funds for disaster prevention, preparedness, mitigation, response and recovery measures;
- (b) provide a common basket for receipt and disbursement of funds for disaster management;
- (c) support capacity development of county governments and other institutions mandated with disaster management;

- (d) support agencies dealing with early warning systems for disaster management;
- (e) support the implementation of programmes, projects or activities to further the objectives of this Act; and
- (f) support any other purpose approved by the Board that would enhance the development and promotion of prudent disaster management in the country.

Consolidation of Public funds related to disaster management

41D. All public funds established for the purpose of disaster management prior to the commencement of this Act shall be consolidated into the Fund, except funds —

- (a) established to support institutions created under an Act of Parliament; or
- (b) established by county governments.

Tax Exemptions on Disaster Management Assistance.


41E The Cabinet Secretary responsible for finance may, by regulation, exempt all materials, articles, goods or equipment intended for the use of disaster management activities from import duty, value added tax, demurrage charges, port charges and any other tax as may be determined.

CLAUSE 2

THAT the Bill be amended in clause 2 by inserting the following new definition immediately after the definition of the words “climate change” —

“climate change adaptation” means adjustments to ecological, social or economic systems in response to actual or expected climatic impacts, in order to moderate potential damages or to benefit from opportunities associated with climate change.

Date.....12th Nov....., 2024.


 William Cheptumo,
 Chairperson,
 Standing Committee on National Security, Defence and Foreign Relations.

