

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 15th May, 2013

*The Senate met at the Kenyatta International
Conference Centre at 2.30 p.m.*

[The Speaker (Hon. Ethuro) in the Chair]

PRAYERS

QUORUM CALL AT COMMENCEMENT OF SITTING

The Speaker (Hon. Ethuro): Hon. Senators, we need to determine if we have a quorum.

The Clerk of the Senate (Mr. Nyegenye): Mr. Speaker, Sir, there are seven hon. Senators present in the House. We do not have a quorum..

The Speaker (Hon. Ethuro): I order that the Division Bell be rung for ten minutes.

(The Division Bell was rung)

(Several hon. Senators entered the Chamber)

The Clerk of the Senate (Mr. Nyegenye): Mr. Speaker, we now have a quorum.

The Speaker (Hon. Ethuro): Order, hon. Senators. Let us proceed with the business before us.

MOTION

MEASURES TO ADDRESS ROADS DEVELOPMENT ACROSS THE COUNTIES

THAT, noting with concern the skewed infrastructural development in Kenya, particularly in the road sector; aware that without suitable roads to connect all counties the nation cannot meaningfully achieve the development goals envisaged in our Vision 2030; noting further that in his presidential speech on the occasion of the state opening of Parliament on 16th April 2013, His Excellency the President promised

the nation to “improve local roads so that our people can move freely across our nation;” the Senate resolves that the national government takes immediate steps to correct the skewed roads development in Kenya and requires the Department of Transport and Infrastructure to submit to the Senate through the Senate Committee on Energy, Roads and Transportation an annual report of roads development programmes covering all counties in Kenya, beginning July 2013.

(Sen. Musila on 15.5.2013 Morning sitting)

(Resumption of Debate interrupted on 15.5.2013 Morning sitting)

The Speaker (Hon. Ethuro): Sen. Ndiema, you have a balance of seven minutes. Proceed and make your contribution.

Sen. Ndiema: Thank you, Mr. Speaker, Sir. Before my time was interrupted because of adjournment in the morning, I was saying that all counties in Kenya deserve a good road network if they are to develop. It was said that some of the counties which are deemed to be high-potential have benefited from development of a good road network. However, some of these areas are also in dire need of good roads. I gave examples of the roads like the one leading to the Maasai Mara Game Reserve and another one from Narok to Nakuru through to Trans Nzoia County. The road from Kitale to Suam, which is an international road that can promote trade with the neighbouring country of Uganda, is impassible.

Farmers who have put in a lot of effort to grow flowers for export are unable to access the market because of poor roads. I have in mind a farmer like the owner of Anderson Orchards Limited. He really undergoes a nightmare to deliver goods to overseas markets. In Trans Nzoia County, although it is recorded as having tarmac roads, the length of tarmac roads existing as at now is much less. The road that has been mentioned by my sister, from Ziwa to Kitale, is no longer tarmacked due to its design and lack of repair. It is worse than a murram road.

Mr. Speaker, Sir, the issue of proper construction and maintenance of roads is a problem that is contributing to a poor road network in our country. In this respect, there are contractors who year in, year out, continue getting awarded contracts yet their workmanship, on record, is of poor quality. I want this House to put on notice such contractors. The committee concerned should investigate such contractors and bring appropriate recommendations to this House.

Mr. Speaker, Sir, the Kitale-Lodwar-Lokichogio Road would have promoted our trade with Sudan. We have invested and contributed a lot in Sudan. But we are unable to access their goodwill and trade with them because of a poor road network. There is also the issue of notorious patching of roads. We should aim at repairing sections of roads that are impassible and build bridges.

Human settlements have increased. Crossing rivers has become a problem. The Tana and Nzoia rivers are a problem. At the moment, there are many children

in Trans Nzoia County who have drowned while on their way to school because there are no bridges.

Mr. Speaker, Sir, on the issue of the railway line, we have let this form of transport die. We have invested more on road construction than on rail construction. There is no railway system in this world that has survived without massive subsidy from the Government. We expect our railway system from the 1896 to have survived. It is fact; it is by a miracle that our rail system is still surviving. We should invest more in the railway system so that we can remove the load from the roads which are more expensive to construct and maintain.

Mr. Speaker, Sir, with those few remarks, I beg to support.

The Speaker (Hon. Ethuro): Hon. Senators, you will allow me to dispose of this amendment, so that we can proceed with the Motion. We will then proceed with the Motion in the amended form or otherwise. According to Standing Order No.69, this is a matter that affects counties. So, we will need to vote per county. I, therefore, wish to put the question on the Motion, with the amendments, as follows:-

THAT, noting with concern the skewed infrastructural development in Kenya, particularly in the road sector; aware that without suitable roads and railroads to connect all counties the nation cannot meaningfully achieve the development goals envisaged in our Vision 2030; noting further that in his Presidential Speech on the occasion of the state opening of Parliament on 16th April 2013, His Excellency the President promised the nation to “improve local roads so that our people can move freely across our nation;” the Senate resolves that the National Government takes immediate steps to correct the skewed roads and railroads development in Kenya and requires the Department of Transport and Infrastructure to submit to the Senate through the Senate Committee on Energy, Roads and Transportation, an annual report of roads and railroads development programmes covering all counties in Kenya, beginning July 2013 and projections for subsequent years.

Hon. Senators, I now call for a Division. Ring the Division Bell.

(The division bell was rung)

Hon. Senators, the time for ringing the Division Bell has lapsed. Let us have the doors closed. The Teller for the Ayes will be Sen. Sang while the Teller for the Noes will be Sen. Kanainza.

Sen. Murkomen: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): What is it, Sen. Murkomen?

Sen. Murkomen: Mr. Speaker, Sir, the number of hon. Senators present in the House does not reach the minimum that is required to pass any Motion that affects counties. We are not even 24 hon. Senators present. Unless the nominated hon. ladies of this House tell us they have the necessary documents for them to represent some of the Heads of Delegations.

The Speaker (Hon. Ethuro): Order, hon. Senators! Sen. Murkomen has raised a point of order on the issue of whether we can proceed on the vote when the numbers may not be assured. If you recall, this is a matter that came up last week and we dealt with it on the basis of the scenario then. This is an issue which will keep coming up. We will dispose of it as it comes. This is an amendment. So, if we were to sustain, assuming the request by Sen. Murkomen is to defer – of course he has not even used the necessary Standing Order – but even if he did that, if we defer the amendment, what happens? It means we cannot even go back to the original Motion. Under the circumstances, we have to proceed for the roll call voting. Since Sen. Murkomen suggested that, maybe some of the other hon. Senators may have been delegated responsibility, then it will work. But even if it does not, the amendment will be lost. We can then proceed on the main Motion. In any case, the Motion is time bound. So, that is how I propose we should proceed.

DIVISION

ROLL CALL VOTING

(Question of the amendment put and the Senate proceeded to vote by County Delegations)

AYES: Sen. Harguara, Marsabit County, Sen. Kajwang, Homa Bay County; Sen. (Dr.) Khalwale, Kakamega County; Sen. (Prof.) Lessan, Bomet County; Sen. Leshore, Samburu County; Sen. Melly, Uasin Gishu County; Sen. Mositet, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County; Sen. Musila, Kitui County; Sen. Kagwe, Nyeri County; Sen. Ndiema, Trans Nzoia County; Sen. Orengo, Siaya County; Sen. Sang, Nandi County and Sen. Wako, Busia County.

NOES: Sen. Billow, Mandera County; Sen. Haji, Garissa County; Sen. Mungai, Nakuru County, Sen. Obure, Kisii County and Sen. Wamatangi, Kiambu County;.

Teller of the Ayes: Sen. Sang

Teller for Noes: Sen. Kanainza

The Speaker (Hon. Ethuro): Order, hon. Senators! I wish to announce the results of the Division as follows:-

AYES: 14

NOES: 5

ABSENTIONS: Nil

(Question defeated by 14 votes to 5)

The Speaker (Hon. Ethuro): Hon. Senators, the amendment is lost. We have to continue with the original Motion. Open the doors.

(Debate on the original Motion resumed)

Senator for Kiambu County.

Sen. Wamatangi: Mr. Speaker, Sir, I rise to support the Motion in its original version. First and foremost, we need to be reminded all the time that indeed we are constitutionally the House that is mandated to ensure that the county governments take off. In the absence of proper roads in the counties and given the fact that this country is largely---

(Loud consultations)

The Speaker (Hon. Ethuro): Order, Senators! I do not know what is exciting us this afternoon, the consultations are a bit too loud. Perhaps it is the entry of the minority leader.

Proceed, Senator for Kiambu.

Sen. Wamatangi: Thank you, Mr. Speaker, Sir. This country is largely agricultural and majority of our citizens depend on agriculture for their day to day living. In the absence of proper infrastructure, even the basic needs of the people of this country would be suffering a major loss. Our farmers would be unable to get their produce even to the smallest market in their neighborhoods, leave alone at the national level. So, it is paramount for this Senate to implore and pass legislation to ensure that infrastructure is given first priority at county level to ensure that we have equitable and proper infrastructure in every corner of this country. Skewed as it is, in the Motion, I wish to submit that that does not mean preferential. Some of the counties, and I will give the example of my own county, Kiambu; maybe it is perceived to have an advantage in infrastructure but the reality is that Kiambu County suffers as much as any other county in this country.

For example, some of the roads that may be perceived as benefitting the current generation of Kenyans, and in Kiambu particularly were done in the colonial era. As of now, what used to be tarmac is not tarmac anymore and it is even worse than the earth roads which were done later.

So, it is important that as we deliberate on this Motion, we be careful not to create a new marginalized zone or marginalized counties by assuming and presuming that there are counties which have an advantage in the infrastructure that exist and thus skew the current agitation for roads to be done in every county. If we assume an approach which will create a new skewed region under the premise or assumption that the region already enjoys an advantage in infrastructure, then we will not be attaining the goal that we intend to attain as the Senate of ensuring that every county gets its proper share of the contribution of the central government. This Senate should ensure that infrastructure is distributed and encouraged countrywide in every county.

Mr. Speaker, Sir, infrastructure is also key to revival of industries in every county. Most of our counties have unexploited natural resources. It would not be economical if indeed, the counties governments would take the initiative and exploit the national resources for the benefit and growth and then they be unable to get their produce to the intended market. Already we have factories which were established since Kenya gained Independence. Most of those factories have been closed down as of now. The reason why most of them were closed down is because the cost of production became so high and the

goods produced in those factories, could not be transported efficiently to their end markets. This led to the closure of several factories some of which had created many employment opportunities. I will give an example of my own Kiambu County in the towns of Thika and Ruiru where we had so many factories in the early years of this country when our infrastructure was fairly sound. Those factories created employment for a huge number of young people but as of now, they have been forced to close down because the goods they produce are not able to get to the market at an efficient cost.

Mr. Speaker, Sir, I rise to support this Motion and I wish to re-emphasize once more, because most of my colleagues who have spoken before have had that premonition, earlier on in the morning, the Senator for Kakamega gave what he called an aerial view because he said he passed through my county and observed “in air”. I would like to call that just an “aerial view”. I would like to invite any Senator who wants to get the real position of the people of Kiambu and witness the problems of Kiambu people which are even worse than the areas we may think are marginalized. So, I call for support to this Motion and say that if it was possible because Kiambu is nearer to the city, it would be the best test case for us to see how efficient we would be employing our new motivation to create infrastructure.

Sen. (Prof.) Lesan: Mr. Speaker, Sir, first, I wish to thank my colleague, Sen. Musila, for bringing this Motion and I stand here to support it. Before I do so, I would like to give the devil his due. First, I wish to congratulate the Government for having developed 12,000 kilometres of bitumen or tarmac roads over the years. Some of the roads have been done twice. So, the Government would have probably developed about 20,000 kilometres of roads. I support this Motion because it is a Motion where we are going to support and assist the Government to get away from the word “skewed” which is creating a lot of heat here. It is creating an impression of marginalization in the country. I want to use this word differently.

We would like to skew the future development of infrastructure in this country in a favourable manner. For example, we would like to skew the development of future infrastructure in this country by taking into consideration the economic situation. Let the roads be constructed in areas which have economic activities in the country. Therefore the word “skew” should be used favourably. I support this Motion because this is one chance where Senators are giving themselves an opportunity to assist future development on roads not to be skewed negatively. We should be able to get this information ahead of time before the roads are done or where the roads are likely to be skewed in unfavourable manner, Senators would be able to put that right. That is the reason why I support this Motion.

Sen. Haji: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): What is it, Sen. Haji? In future when you rise on a point of order while carrying a bottle of water, the Chair might think you want to use the bottle.

Sen. Haji: It is because I come from the north where we value water so much.

Is it in order for the hon. Senator to say that development should be skewed in favour of areas that produce tea or maize while we know that in the new Constitution,

there are areas which have been recognized as having been marginalized? So, is he trying to propose things contrary to the Constitution?

Sen. (Prof.) Lesan: Mr. Speaker, Sir, I think it is a question of the English word and every day we are doing these things, we are actually skewing them in favour of one thing or another. All I am saying here is that this time, the “skew” should not give the negative connotation of marginalizing others. We would skew these developments towards where we have economic benefits.

Sen. Lesuuda: On a point of order, Mr. Speaker, Sir. Is the hon. Senator in order to give the impression that there are parts of this country which do not have any economic contribution or value to this country? There are areas where there is economic potential but it is the lack of roads that has not enabled them to show that potential.

Sen. (Prof.) Lesan: Mr. Speaker, Sir, maybe I am being misunderstood but the point here is that in those same areas, this word “skewed” has been used to deny them development. It is not that there are areas in this country that we can consider as having no economic value. Every place has its economic value. In the past, the “skew” thing has been used to deny those areas which have economic value some development. I am saying that we should be deliberate and actually skew the process to go to those areas.

Mr. Speaker, Sir, I would also like to bring on board another point. This is the point of road classification. This classification of roads has actually led to the skew that we are talking about. There have been situations where funds have been available but you could not use them to develop certain roads because they are classified and the law in the past required that you could not use certain funds for development of such roads.

In the past, you could not use the Constituencies Development Fund (CDF) to develop the pathways in the villages simply because they are not classified and yet they are the roads that bring bananas to the main road where you can deliver them to the market. You could never get them to the market if you do not develop those roads but funds were denied because the roads are not classified. It is fair that we also reclassify our roads so that every road benefits from the funds.

Lastly, I think it is also important that in the process of doing infrastructure, we would want to safeguard the gains that we have already got in this country. Therefore, security is very important. So, when we are considering the development of infrastructure, we should look at the issue of security to make sure that we give preference or skew our development of roads to areas where we can safeguard the gains. For example, we want to develop roads in areas where there is cattle rustling.

I want to support this Motion using the word “skew” in a very positive manner in order to avoid marginalization where the same word has been used in the past, especially if we have a body that will be able to give us reports on what is happening on our roads. This is the opportunity that the Senate can use to make sure that “skew” is not used unfavourably to other regions of Kenya.

Otherwise, I support the Motion as it is originally.

The Speaker (Hon. Ethuro): Hon. Senators, this Motion is supposed to last up to 3.45 p.m., and before then, the Mover is supposed to reply for ten minutes. That would bring the time to 3.35 p.m. That means we have about nine minutes. So, the next speaker can only contribute up to that point.

(Loud consultations)

Order, Senators!

Sen. Orengo: Thank you very much, Mr. Speaker, Sir, for giving me this opportunity. Before I forget, I want to thank Members of the Senate for passing the Motion that I moved earlier today. I also want to congratulate Sen. Musila for bringing this very important Motion. If you did not know, and I wish to remind the Senators, that many parliamentarians have lost elections on the issue of roads; that certain roads have not been done or the condition of the roads in a particular constituency are not up to standards. Indeed, the only hon. Member of Parliament who I have known to have lost an election on account of bringing a tarmac road to his constituency was in Ukambani, when Gen. Mulinge in a general election I think in 2002, was talking about a road he had done in his constituency. Unfortunately, because the issue of reforms pre-dominated the politics of the period, the electorate did not make much of that road.

Most of Kenya is inaccessible, our rivers are not navigable, the conditions of our rail roads, as we know, are dilapidated. If I can remind you, in the old days, I could travel by train from Mombasa to Nairobi to Kisumu; I could either go through Bungoma or go up to Butere, but that section of the rail road is completely out of use, particularly the one from Kisumu to Butere. So, roads play a very important function in our economy and even for the ordinary people.

So, Sen. Musila, I think you have done us proud on this one because if this Motion is implemented, we can take account of what programmes are going on, not only nationally, because the Senate is not just for the counties, but also in our particular counties and in the constituencies so that you will be able to determine whether there is equitable distribution of road network in the whole country. I, for one, can say that in Siaya – Take note of the analysis that Sen. Musila has passed around, which is very useful – it shows that we are somewhere in the middle of the list in terms of the counties which have got good road network or which have got paved roads. But to some extent, that particular schedule is also misleading because you know on paper, according to the records of Government, you may be told there is a tarmac road between point A and B, but when you drive through that road, you would wish that you better be on a rough road! There was a time when I used to go to Lodwar a lot, doing cases there, and there used to be a tarmac road between Kitale and Lodwar. So, two years later when I thought I would use the same road going to Lodwar, there is nothing you could call a tarmacked road between, I think Makutano and Lodwar.

So, although that list that has been passed around may be a good indicator, even some of these paved roads cannot go for that kind of classification. To that extent, I may want to agree with some of my colleagues – even from the central part of Kenya, where I lived for so many years going to school – that, for example, there were roads between Nairobi and Kikuyu on which we used to travel and which were done during the colonial days. While I was at Alliance High School, ten years down the line, some of those roads just got worn out. I think we just have to be objective on this issue because without any part of Kenya being accessible, the entire economy suffers. The fact that we cannot reach

Mandera, driving smoothly for six or so hours, the security issues aside, hurts the economy. Goodness; it is emerging that the places where we thought there were no resources or there was no need to put tarmac roads, that is where it is turning out that we are getting the most vital resources. So, I think that for the Senate to have this regular report, it will enable us now to plan together with our counties and with the national Government, to know where there is need, the extent and distribution of road networks.

I had said that the road networks in Siaya, especially many of the rough roads which reach out to very important trading centres and towns are inaccessible during the rainy season. Right now, if I wanted to go to certain places in Busia, Ababu Namwamba's constituency of Budalang'i or to Sen. Wako's home, there are some roads there that would be totally inaccessible. Therefore, I think we should work a lot harder to ensure that roads become usable; be they paved or not, because that is vital and important for the economy. It is also good for this Government to do it because the face of the Government in place for people in Siaya, Turkana or Baringo or even in Mombasa—We used to say this a lot when we were truly in the Opposition – that if you want to know the face of that Government, look at the state of the roads; you do not look at the leaders, just look at the roads. So, by the end of these one or two years, the face of this Government is going to be reflected on the condition or the status of the roads. You cannot have a body where the face is clean and the foot is dirty; it must be all clean or all dirty. So, every part of Kenya counts and for these reasons, I fully support this Motion and encourage my colleagues also to do so.

I thank you.

The Speaker (Hon. Ethuro): Two minutes to the Tana River Senator.

Sen. Bule: Nashukuru Bw. Spika. Mimi nikiwa nimechaguliwa kutoka Tana River, jambo la barabara likigusiwa, kwanza, ninashtuka kwa sababu kwangu ni kama kulisahaulika kwa muda mrefu. Hivi nikisimama, watu wa Tana River wameaangalia kwangu; kuna sehemu ambapo kutoka enzi ya Kenya kuanza miaka 50 iliyopita, utaona kilomita 160 ambazo kwamba kuna wananchi karibu 10,000 walionipigia kura, na hakuna barabara, hakuna hospitali, hakuna usaidizi wowote ambao wanaweza kupata. Watu hawa ni wafanyi biashara; watu hawa ni wakulima; watu hawa ni Wakenya kama wengine, na hakuna barabara hata ile ya murrum. Kwa hivyo, naunga Hoja hii mkono ili Kenya iwe sawa na barabara ziweko katika kila sehemu ya Kenya kama wengine.

Asante, Bw. Spika. Naunga mkono Hoja hii.

(Applause)

The Speaker (Hon. Ethuro): Order, Senators! It is time now for the Mover to reply.

Sen. Musila: Thank you, Mr. Speaker, Sir. I donate three minutes to the Deputy Speaker.

Sen. Kembi-Gitura: Thank you, Mr. Speaker, Sir.

Thank you very much, Sen. Musila, for allowing me three minutes of your time to say a few words about this very important Motion.

Mr. Speaker, Sir, if it was possible, I would have asked for an extension of time – maybe another one hour – so that we can canvass the issues here more because it is very important and because this Motion affects each and every one of us. If you look at the list which was circulated this afternoon by Sen. Musila, you will find that, actually, as a nation, we are not doing very well on roads. We have very few kilometres of roads in the country and if we are going to develop and achieve Vision 2030; if we are going to make devolution work, the solution or the secret lies in the road network. There is no way we are going to bring out the milk and horticultural products from Murang'a County to Thika or to Nairobi and to the factories in good order and in good time if we do not have a good road network. We are going to have a lot of wastage just because of poor roads.

Mr. Speaker, Sir, as a result of the rains that have just stopped hammering the county, a very important road, for instance from Makutano-Kenol in Murang'a all the way to Murang'a Town, which is less than 20 kilometres, it is completely destroyed that it has to be rebuilt all over again. It is taking more than an hour to travel a distance of 20 kilometres. This is very, very wasteful and it is costing the economy of Murang'a County a lot of money.

So, Mr. Speaker, Sir, I can understand what my colleagues are saying when I look at the list and see some counties having 0.4 kilometres of road in Lamu which, I am sure, must then be taking into account the runway in Lamu because it cannot be any road at all. I can imagine how much it is costing the economies of those counties. These counties have to be interconnected if we are to have an economy which is cohesive in this country, and that is why I would support this Motion very, very seriously. It is unfortunate that the amendment was lost, because if the railway line from Nanyuki to Nairobi is still working, you can then see how much it will save the normal roads from destruction by the trucks and other heavy vehicles. But I do hope that when the Jubilee Government considers and looks at this Motion positively and gives it to us, then even the rail road from Mombasa to Malaba, Nanyuki to Nairobi – will be of standard gauge rails because they will not only save a lot of lives by removing heavy trucks from the roads, but they will also be very, very useful in the transportation of goods and equipment from one town to the other.

Mr. Speaker, Sir, I beg to support.

Sen. Musila: Mr. Speaker, Sir, I appreciate the interest that this Motion has generated and, with your permission, I want to give Sen. Billow and Sen. Hassan two minutes each in that order.

Sen. Billow: Thank you, Mr. Speaker, Sir, and thank you, Sen. Musila.

Mr. Speaker, Sir, I think this Motion is long overdue. This Motion is a clear manifestation of the inequitable distribution of resources that we have seen in this country; and the skewed allocation of resources by the Treasury over the years.

Mr. Speaker, Sir, it is because of this that we have very poor infrastructure in many parts of this country and, as a result, Kenyans cried for devolution. I think this Motion is important, but the reason why I really want to support this Motion is because it reflects a paradigm shift in the new constitutional dispensation; that the national Government must actually share out the remaining 70 or 80 per cent of whatever revenue is allocated to the national Government equitably across the counties. I think that really is

what this Motion reflects. We demand that the Cabinet Secretary actually tables before the Senate their plans for the roads. This is very important so that we can all say that there is equitable distribution of the paved roads in the country. I think it is a very important Motion and, also, it dovetails into the provisions of devolution; that resources are equitably distributed across the counties. I think that is important.

I come from the only county in this country that has zero paved roads; there is not even an inch of paved roads and our students, children and people of that county have never seen paved roads indeed. In fact, I come from a town called Rhamu within Mandera County; and we actually call it “Kiambu” because we produce a lot of vegetables along the river and, during the season, millions of mangoes. But we are unable to take that farm produce out of the county because of lack of roads. In El Wak, we have two billion tones of gypsum - the largest deposit of gypsum you will find anywhere in this country--- I took investors from America there in 2004 and one of the reasons they gave for not being able to exploit it is the lack of infrastructure; they cannot get to the site and they cannot export it out of the area. So, things like vegetables that we have here have never been seen by our people.

The Speaker (Hon. Ethuro): Your time is up!

Sen. Billow: Thank you, Mr. Speaker, Speaker, Sir. I beg to support.

Sen. Hassan: Thank you Mr. Speaker, Sir. I want to thank and congratulate Sen. Musila. Mine is to add a rider to this development. Those of us who had roads know that they have all been washed away. Many of you will be travelling to Mombasa and you will see this for yourselves. The road from the airport is congested and an overhaul of the infrastructure is long overdue.

The city has grown but the road infrastructure has not grown. Therefore, that means that as we go into this new phase of development, we must continue to blacklist people who did substandard jobs for this country in terms of infrastructure development. Part of the reasons why some counties have to remain behind in terms of infrastructure development is because they contracted *cowboy* contractors, so to speak and their road networks are below standards. Therefore, that investment is lost and Kenyan people have to reinvest in that kind of a situation.

If you go to countries like Dubai and others in the world, you will see that the reason why they prosper is because their road networks move. Their transportation system is first class. They use railways, roads, waterways and I think it is time that this country puts in place credible and integral systems that spread equity in terms of infrastructure development of this country.

I am here to support this Motion but add a rider to the fact that we must ensure that the quality of roads built stand the test of time.

Sen. Musila: Mr. Speaker, Sir, I want to, very humbly, thank my colleagues, Senators for the bipartisan manner in which they have supported this Motion. Indeed, it is very clear that from the data that has been supplied by the Kenya Roads Board (KRB) and contributions that Members have made, all has not been well in the roads sector. Lack of maintenance of roads and poor workmanship have been cited as some of the causes of lack of good roads in this country.

It is very clear that certain areas have been shown to have roads when in real sense these roads do not exist. That, of course, means that the KRB has perhaps, apparently, been sleeping on the job because it does not give proper data with regard to the work that it is doing. Therefore, I would like to urge the KRB to do better than they are doing and to ensure that roads which pass through counties; like international roads, are not necessarily taken into account as being in that county. Some Senators have said that the road to Uganda is outlined as their road and yet it is an international road. In future, we will get a report from the KRB.

Finally, I want to appeal to the relevant Departmental Committee that if this Motion is passed by this Senate, we will be charged with the responsibility of ensuring that the Ministry concerned makes a report on the programming and ensures that whatever is supposed to be done covers the counties of this nation adequately. This is a challenge that our Committee must take.

With those remarks, I beg to move. I want, under Standing Order No.51(3), to request the Chair that in view of the inadequacy in numbers that would carry this Motion through - as it is the wish of all Senators seated here - that the voting on this Motion be deferred to tomorrow when majority of Senators will be in the House to vote.

I plead that this request be considered and that we vote tomorrow. I urge the Whips to ensure that the number of Senators required is present so as to pass this milestone Motion.

The Speaker (Hon. Ethuro): I thought that when we lost the amendment, Sen. Musila would mobilize the Whips so that we conclude this matter. However, since he has the privilege of asking for deferment under Standing Order No.51 (3), I will agree with him and defer the putting of the Question, considering that Debate on the Motion has been finalized to tomorrow at 2.30 pm.

(Motion deferred)

Sen. Musila, I hope that you will not be in the same situation as the one that Sen. (Dr.) Khalwale found himself in last time. That will be the last chance.

Hon. Senators, that brings us to the end of the Business as per the Order Paper. However, you will recall that there was a Motion for Adjournment by Sen. (Dr.) Zani which was to come not later than 5.00 p.m. I suggest that the Motion can proceed now. However, before I invite Sen. Zani, I have a communication to make.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM VIHIGA COUNTY ASSEMBLY

Hon. Senators, before we continue with our Business, I wish to acknowledge the presence of some visitors who are visiting us today. Allow me, hon. Senators, to introduce to you, a delegation of the County Assembly Members from the County Assembly of Vihiga who are seated at the gallery.

The delegation is led by the Vihiga County Assembly Speaker, hon. Daniel Chitwa. I will proceed to invite the rest. I request that if an hon. Member is called, that he or she stands up and they will be acknowledged in the normal tradition of Parliament especially because this is our first official delegation from the county assemblies.

They are as follows:-

Hon. Chogo Abdalla Otiende, Chief Whip;

Hon. Jenipher Ekhuya, Leader of Minority, Vihiga County;

Hon. Jackson Musoga Lung'aho;

Hon. Wycliffe Ombajo Masini;

Hon. James Shairo;

Hon. Andrew Ahuga, Leader of Majority, Vihiga County;

Hon. Zakayo Manyasa;

Hon. Wilberforce Kiteso;

Hon. Zacharia Murefu;

Hon. Stephen Mugalizi; and,

Hon. Benedict Kiwanuka.

We want to thank you for visiting us at the Senate. Feel most welcome as you watch our proceedings. I hope that you will borrow one or two things which you will use when you go back to Vihiga. Your Senator is present to represent the county interests and welcomes you to the Senate.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER No.33

MITIGATION OF FLOODS IN THE COUNTRY

Sen. (Dr.) Zani: Thank you, Mr. Speaker, Sir, for allowing me this chance to move a Motion of Adjournment on a very important and sad issue and this is the issue of flooding. We may think that flooding has ended in most parts of the country because the rains have subsided. However, this will happen over and over again. We need, at one point or another, to mitigate and to find sustainable solutions for now and for prosperity.

Kenya has had its fair share of disasters; whether natural or manmade. The manmade disasters are different. These are like fires. The natural disasters are like what we have now. These are floods, farming and pest infestation of crops which happen from time to time. Unfortunately, in Kenya, we are moving from one scenario to another. We either have too much rain that causes destruction or too little of it and, therefore, end up with drought.

The current flood situation has been recurring every rainy season. The problem has been that the response to this particular issue is very slow and not well timed taking into consideration the suffering of the people. In the last floods we have just had, more than 70 people lost their lives unnecessarily. We have 100,000 other people who have been displaced and who are suffering as a result of that displacement. They are suffering because they cannot make their economic ends meet. Therefore, you can see that to a large extent, floods have real consequences. These are social consequences, for instance,

when the floods affect people's housing and the water that they should be drinking because they are supposed to take fresh water. This leads to water-borne diseases.

We have seen schools being closed down as a result of these floods. Most recently, two days ago, Ahero Girls in Nyanza was closed. The disaster has affected various counties. This has not only affected one county. The problem ranges from Tana River, Mombasa, Kisumu, Kajiado, Kiambu, Murang'a, Nandi, Turkana, Baringo and West Pokot counties, among other areas. All these areas have been affected as a result of this specific disaster.

What has the response been like because it is not only in Kenya where we have such disasters as flooding? For example, we have countries like India, Bangladesh and the Netherlands which have had good and sustainable responses that, over time, have reduced the amount of pain and loss that are caused by such disasters.

In the Kenyan situation, two organizations have been at the forefront of addressing the floods. These are basically, the Kenya Red Cross and the Ministry of State for Special Programmes. We have other organizations that would be very critical in playing such a role. These are, for example, organizations like the National Environment Management Agency (NEMA) and the National Youth Service (NYS) and other Non-Governmental Organisations that would come in. The problem is that for a long time, there has been no sense of coordinated effort. In fact, there is no sense of an early preparation system in place that prepares people for such disasters so that when they occur, people already have a way to respond to them. So, for a very long time, the Government has not engaged, mobilized and found a way of bringing all the players into the fore quickly enough. All the time, the issue is about responding rather than reacting to a particular situation. We know, for example, that in issues of disaster management, it is very important, first, to be prepared.

Secondly, we need to have mechanisms for mitigation that can be put in place. This has various implications. This has implications, for example, in terms of funds, expertise and preparing people so that they have the capacity and the right amount of human resources to handle those kinds of disasters. That is always very critical but has not been put into consideration. Therefore, what we have is wastage of resources in terms of responding because everybody has a different way of coming in to respond in small ways that are not well measured. For example, people are not able to continue with their day to day lives because they have been cut off by floods and cannot get to their places of work. It could be about quickly putting up makeshift houses or coming up with an aid package which can be given to residents, so that they can sustain themselves. Red Cross does this very often. But all these activities have never been actualized or done in a very organized manner. Each player at any one time just comes in with a specific idea or agenda. The idea of harmonization, especially bringing in all these key players, has really let us down. We know that there are enormous costs involved, especially at this time of floods. We represent the people in the counties and, therefore, their interests are very key and important.

Mr. Deputy Speaker, Sir, in the last Motion by Sen. Musila, we have been talking about roads. Some of the roads which were cut off during the floods, include the one from Kwale to Kinango and Kwale to Lunga Lunga. People could not move to Tanzania,

for example, for trade purposes. Along Miritini and Jomvu which already have a problem of congestion, it has been almost impossible for people to transport their goods to the mainland. Therefore, it is very important to ensure that in one way or another, there is a possibility of making sure that we are not overwhelmed by the circumstances that we find ourselves in.

Mr. Deputy Speaker, Sir, in 2006, the National Disaster Management Authority (NDMA) was supposed to be put in place. This NDMA was supposed to streamline, predict, think about, articulate and prepare Kenyans for the disasters we face in the country. That policy paper so far has not been put in place. Therefore, at the moment, we do not have a NDMA that, probably, would be in charge of ensuring that such co-ordinated effort is put in place. Therefore, as we even think about the make-up of such an authority, there are certain things that we need to think about. For example, they should have adequate budgetary activities that have been predicted and put out in advance. There should also be individual or donor support towards such an authority. There should be a possibility of making sure that we do not have such cumbersome procurement procedures, especially when a disaster has happened. We should think about coming up with specialized equipment when there is a disaster. Whenever there is a disaster, especially fire disaster, some people just go there, without even the right gear or machinery to solve the problem.

Mr. Deputy Speaker, Sir, we should think about early warning systems that can save lives. We should go through a trend analysis. In Kenya, for example, we can easily go through a trend analysis of all the floods. How have we managed them and how can we continue to manage them in the future? Where have we gained, gone wrong and can we improve? We should also come up with community-based programmes that will help communities. In many communities and cultures we had our own innovative ways of responding to disasters. Those can be inculcated and more training done to ensure that people are able to respond.

Mr. Deputy Speaker, Sir, climatic change, of course, is a part of the global changes that are taking place. We will have to be prepared in the future, so that we are able to handle these issues.

Mr. Deputy Speaker, Sir, with those comments, I beg to move this Motion and call upon Sen. Ali Bule from Tana River to second.

Sen. Bule: Mr. Deputy Speaker, Sir, I take this opportunity to thank you and my fellow Senator, Sen. Zani, who has moved this Motion.

Mr. Deputy Speaker, Sir, this Motion really touches me. This is because Tana River is most hit by the floods. Floods have been recurrent every rainy season and the Government response has been inadequate. These floods have been as a result of failure to act on early warning. Floods in Kenya have killed at least 70 people and displaced hundreds of thousands. They have also destroyed property, crops and infrastructure worth millions in most counties across the country.

Mr. Deputy Speaker, Sir, Tana River is mostly affected. My people there are stranded and marooned, but no help has been given. We wanted the Government to, at least, come up with a tangible solution.

Mr. Deputy Speaker, Sir, I beg to second the Motion.

(Question proposed)

Sen. (Prof.) Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I rise to support this Motion for Adjournment.

Mr. Deputy Speaker, Sir, I want to make one very simple fact or point. As we know, floods in this country are controllable, because we know their source, cause and where they occur. If you look at Budalangi and Kano, we know that everytime there are rains and both River Nzoia and River Nyando overflow their banks, therefore, there will obviously be floods. We know that the people living in those areas will move when the floods come and come back when it is dry. That pattern has been going on for years. So, we cannot really say that the solution is just to form a special taskforce, because the problem is known. What needs to be done is for the Government to get specialists, like from the Netherlands where floods were controlled many years ago. If you go to the City of Amsterdam there are canals all over the place. In fact, people move equally on boats and cars. The whole of Netherlands is a flat country. If they were to do what we do here in Kenya, they would not be living there today. They would have moved to France or somewhere like that. So, one thing that we should call on the Government to do is just to employ the necessary technology for flood control in these areas. One very simple thing which has been done in Budalangi, and the flooding has reduced to some extent, is well built dykes. These dykes stop water from going where people live. It is channelled into huge dykes where it will flow during the flooding season. When there is no flooding, there will be very little water there. The water that is left there will then be used for irrigation.

So, what needs to be done is enough money to be put in the Budget for these things to be done in these places where there is flooding. In any case, flooding is not a curse, but a blessing. It means that we are getting a lot of water at a certain time. If we store it, we can use it when there is drought. We know that there is a sequence between flooding and drought. So, when we have the floods, contain them, as Joseph did in Egypt many years ago, when he was Minister for Agriculture under Pharaoh. That is why he became famous. He helped create the control of flooding in Egypt so many years ago, so that there were bumper harvests. Remember the story in Bible where somebody said that there will be so many fat cows eating lean cows. If that was done, we could do it today.

Mr. Deputy Speaker, Sir, secondly, when you go to other areas in Tana River, it is the same thing really. In a flat area when there is a lot of rain, you expect flooding. Waiting until we spend billions of shillings to give people clothes and put them in tents and then waiting again to do the same thing, actually demonstrates our lack of good policy making. So, one of the resolutions from this Motion for Adjournment is there should be technical teams set up by the Government, using modern knowledge that has been used elsewhere to do dyking and proper control. It is important to store water when it is there, so that it can be used during the dry season. Again, we do not expect the people living in these areas to go somewhere else, because living in a place is culturally tied.

Mr. Deputy Speaker, Sir, I beg to support.

Sen. Mositet: Thank you, Mr. Deputy Speaker, Sir. Some of the Senators are commenting that, at least, today we have a Chair who has seen me. So, I am really grateful.

Mr. Deputy Speaker, Sir, I support this Motion. Given what has been happening in our country, I feel that there is something which is not really going on well. Last year and the year before, we were talking about floods and disasters. The Government needs to do something about disasters in this country. We need particularly to form a disaster management authority which will deal with disasters. We should not only have early warning systems, but some measures should also be taken to mitigate when there are floods. A very good example is my county. We have a river whose bridge was washed away during the rains. We were expecting the Government to repair it, but it was not repaired. As a result, transport between Magadi and Nairobi has been cut off. This has been happening for many years, but no action has been taken by this Government. Whenever it rains the Permanent Secretary or other senior Government officials visit the area and promise to fix the problem, but nothing is done on the ground. So, it is high time we had an authority to deal with disasters.

Mr. Deputy Speaker, Sir, I do not think dykes will control floods along Tana River. We need to construct dams along this river.

We need an authority which will be issuing warnings to our people when the floods are about to happen. It can also advise people on where to put up their homes. So, it is high time we put in place a disaster management authority. A few weeks ago, the Deputy President said that they had formed a disaster management committee which was composed of the Army personnel, Red Cross and other people. But after that, we do know what happened to that team. In fact, the Ministry of State for Special Programmes is well known for coordinating disaster management in this country. It is used as a conduit to swindle public funds. Its Permanent Secretary visited my county when I talked about bridges being damaged and my people being killed by floods. He promised to put necessary measures to mitigate against floods, but we have nothing to show on the ground.

Therefore, I support Sen. Zani that we need to a NDMA which will come up with measures to manage all types of disasters, including when buildings collapse when there are earthquakes or tremors or when we have hunger and drought in this country.

Mr. Deputy Speaker, Sir, With those few words, I beg to support.

Sen. Musila: Mr. Speaker, Sir, I am very sad to contribute to this Motion by our Gracious Lady Sen. Zani. It reminds me of that lady “*serikali saidia*” in Nyando. We have reached a situation where an ordinary *mwana* has to cry aloud “*serikali saidia*” year after year then finally she said she wanted to see Uhuru and Raila face to face. I do not know whether she has managed. This shows the desperation of our people on the kind of poor services that we get from the Government. Ever since I was a young person, and I am not young anymore, I used to hear of Nyando and the floods in Kano. Up to today, I still hear about them. We have had responsible and independent governments for the last 50 years. It is sad. Whenever we have drought, the Ministers, especially the immediate former Minister for Water and Irrigation would stand and say that when it rains we are going to harvest water and there would never be any problem again. Then what happens?

She sleeps on the job. When it rains again she forgets that she ever promised to harvest water.

I am saying that time has come that we must now take stock of the performance of our governments during the last 50 years, particularly as it relates to certain disasters like floods. We have certain counties and I want to refer to my own county of Kitui which is perennially arid. We have no water. When people are crying because of floods, we are crying because of drought. Sen. Zani is talking about floods caused by River Tana. The easiest thing would have been to cut canals along River Tana and pour water into those dry areas so that they can grow their food. This is talked about when we are getting famine relief. When it rains a bit, we forget about it. Now for the floods that Sen. Zani and the Senator for Tana River are talking about, I know it is coming from the negligence of KenGen because it is allowing water, without due warning to the residents in the Lower Tana. While they do not even have rains, they wake up in the morning and they find KenGen has allowed water to flow and consequently it overflows into their homes. So, they have to be evacuated while some drown.

Mr. Speaker, Sir, I think they should have called for compensation by KenGen, so that they are called upon to account for their actions. Why on earth would a government parastatal release water to affect communities downstream, kill them, destroy their properties and behave as if nothing has happened? So, my fellow Senators, we need to be responsible. The Government, yes, has announced a committee for disaster management in this respect, but we have not seen any action other than the announcement. Even if this committee is formed, it is not a solution because year after year, floods occur. I am talking about Tana River because, for the information of Senators, I was the District Commissioner for Tana River in 1975 and 1976. This phenomenon used to happen. Without any notice, communities would be evacuated because water has been released. So, I am saying that we cannot go on with problems year after year, forever and ever. We must put a stop to certain situations and say enough is enough and this situation must be arrested.

So, I am supporting the Motion of Adjournment and calling on those responsible for harvesting water to do so and direct it to where it is needed, namely, in the arid areas of this country. They also have to be careful and ensure that they do not release water which is going to adversely affect the lives of other people.

Finally, I want to call on KenGen and others who are responsible for the waters, to compensate the communities that are suffering.

With those few remarks, I support.

Sen. (Dr.) Machage: Bw. Naibu Spika, asante kwa kunipa nafasi kuunga mkono Hoja hii. Janga la maji na mafuriko limetuletea maafa mengi nchini. Mkoa wa Nyanza kwa sababu ya mto Nyando na kuja hadi Migori, tumepoteza watu 74. Mkoa wa Bonde la Ufa umepoteza watu 40 kwa sababu ya maji. Sehemu ya mashariki ya Kenya watu 21 wamepoteza maisha yao. Kaunti ya Tana River imewapoteza watu saba, Nyanza yenyewe kuna watu 19 ambao waliathiriwa na wako hospitalini. Hawa ni wale ambao wamehesabika. Watu wengi wamekufa maji bila idadi yao kujulikana. Shule nyingi zimeharibika. Zahanati nyingi zimeoshwa na mimea mingi mashambani kuharibiwa. Kila mwaka, tunakumbana na janga hili.

Sen. Musila amesema si kwamba hatujui baada ya *El Nino* huja *La Nina*. Misimu hii hubadilika baadaya ya miezi kadhaa. Tunajua kwamba baada ya miezi mitatu au minne ni lazima kuwe na mafuriko. Lakini sisi kazi yetu ni kulia tu. Nafikiri wakati mwingine Mungu anashangaa na tabia za Wakenya. Hii ni kwa sababu wakati wa kiangazi tunamulilia Mungu na kusema: “Mungu tafadhali tuondolee janga hili la jua, kuna maafa” halafu analeta mvua. Lakini mvua inaponyesha tunalia na kusema: “Mungu tuondolee mvua hii sababu inatuua”. Nafikiri Mungu anashangaa na tabia zetu. Sisi hatuangalii mazingira yetu na kuyahifadhi. Ni lazima tuhifadhi maji ya mvua ili tuyatumie wakati wa kiangazi.

Hata hivyo, tufuate mfano wa wananchi wa nchi kama vile Misri. Wao hutumia janga la garika kupata mawazo bora katika mashamba yao. Wakati kuna garika watu huwa wanahamishwa kwa sababu wanajua kwamba mahali hapa ni pa garika. Kwa hivyo, msimu wa masika umefika, tafadhali hameni na mwende nyanda za juu. Lakini sisi limekuwa kama jambo la biashara. Wakati fulani watu wa Budalang’i walianza kulalamika kwa sababu dyke zimejengwa kwamba hawatapata misaada kutoka kwa Serikali na mashirika mengine. Yaani hakutakuwa na garika. Kwa hivyo, imekuwa ni biashara na msimu wa kuvuna kutokana na mavuriko. Wanangojea wasombwe na mavuriko ili wapata misaada ya chakula na mablanketi kutoka kwa Shirika la Msalaba Mwekundi. Tabia mbovu kabisa! Kila wakati mtu anajua kwamba hapa ni mahali ambapo hujaa maji lakini kazi yake ni kujenga hapo kusudi maji yanapokuja, Mbunge aitwe, wakati huu nadhani Seneta aitwe kama kwamba nyinyi ni ATM au mitambo ya pesa kila wakati. Ukikosa kutoa pesa, kura zinaenda.

Bw. Naibu Spika, tunacheka hapa lakini wajue kwamba wanapojaribu mambo kama hayo, wanaweka maisha yao hatarini. Wakati mwingine wakitarajia Mbunge afike, kifo kitabisha hodi. Pengine watakuwa wamempoteza mtoto, mzee, mama ama hata kuku. Na baadaye wanalia kama yule mama. Ajabu ni kwamba huyo mama amewekwa kwa televisheni kila msimu wa masika. Msimu ujao atatafutwa na wanahabari. Alianza tabia hii ya kulilia Serikali akiwa msichana mdogo, sasa yeye amezeeka na anaendelea na tabia hi. Huo ni upuzi na uzembe wa sisi Wakenya. Lakini tunapoangaza macho yetu kwa garika bila kufanya lolote, udongo wenye rutuba unazidi kusombwa na maji. Hiyo pia ni garika ya aina yake. Huo ni mmomonyoko wa udongo.

Ni lazima pia tuhakikishe watu wanaoishi sehemu za milimani kuna usalama wa kutosha. Si vizuri kwao kulima karibu na milima kwa sababu ya kukatika kwa ardhi ambako kunaweza kusababisha maafa.

Kwa hayo machache, ninaunga Hoja hii.

Sen. G.G. Kariuki: Mr. Deputy Speaker, Sir, this is the situation that we are in. If you touch anything, you find a lot of problems. If you talk about floods, security, roads and so on, it is as if our Independence came last week. There is need for this Senate to start thinking critically on how to deal with situations that have been happening almost every now and then. Kenya has resources and many experts to deal with these floods. They know what they can do and they know the solution. They know where they can get money from, but the problem here is prioritization. What attracts priority? It is what you make from that project. That is what determines the priority for development of Kenya. If you are going to get something out of it, then that priority is good. I think these are the

areas that we have to start thinking about. Some of us think that floods are the most serious or damaging situation. However, there are some people in this country who see floods as a source of income because time has just happened when they can sell their commodities. The biggest problem here is the Ministry of State for Special Programmes. If you ask yourself, what does it do? They try to help people who are displaced. For the last six years now, nothing has happened. A lot of money has been poured, a lot of things have been done, but nothing has happened because it is just a channel of making good money at times.

Mr. Deputy Speaker, Sir, we are also not new people to this country. We know what it is. The Senators are very responsible and mature people. We need to change our way of thinking by starting now to wonder where the solution of “a,” “b,” “c” and “d” is. With a lot of respect to my sister, this Motion will only be read by people in the office or in the newspapers tomorrow. They will forget it the day after tomorrow because it is just a warning that something is happening. Kenyans say “yes, after all, what else?” That is how this Motion will be dismissed because there is nothing to bring the officers concerned to account to tell this House or to tell the country what programme they have.

Mr. Deputy Speaker, Sir, when there is a fire in Nairobi, it burns everywhere and nobody is capable of putting it off. You have to ask for the assistance of the army and everybody else to come and do it. After that fire is put off, everybody goes back home waiting for another disaster to happen. Time has come when the Government should be called upon to be responsible; to compensate all the people affected by natural causes like floods because it can be stopped. People whose food is destroyed by floods should be paid at the market price. That is the only time that those in authority will start thinking of the need for some billions of shillings to be paid as compensation after the destruction of people’s crops and, sometimes, loss of life.

Mr. Deputy Speaker, Sir, many people have already died as a result of the floods. We, as the Senate, should compel the Government to do whatever it can to compensate them. Unless we do that, that woman who is calling on the President, who is calling on God every evening, she will continue do so, year in, year out. We are here on her behalf to make sure that she is heard. She can only be heard if she is compensated handsomely to make sure she is happy and she sees the Government in the light that she is supposed to see it.

Mr. Deputy Speaker, Sir, I can see that quite a number of our friends want to speak on this Motion.

With those few remarks, I beg to support.

Sen. Kipchumba: Thank you, Mr. Deputy Speaker, Sir. I take this opportunity to thank Sen. Zani for bringing this Motion. I would wish to bring a new look at the new situation. The questions that I would like us to ask ourselves, as Kenyans and as leaders, are: Who are these people who are affected by floods? I have not heard of a leader, an administrator or a senior person in society having been marooned by rain or floods. Who are the affected and where are they?

Mr. Deputy Speaker, Sir, many are the times when we watch television. We see people being evacuated or trying to wade through water. Has any one of you ever asked; “where are the disabled when floods take place?” As people swim across, what happens

to those who are visually impaired? What has happened to those people who use wheelchairs? Where are the poorest of the poor in those situations? So, it does not make it a serious issue because it is a certain class of the society that is always affected? Where are they? And the answer is that you find them in very specific places; the lower parts of the streams. What happens upstream? It is that nobody takes care of the streams and, therefore, allows the floods and the waters to flow down and destroy not only the lives, but the property of those living downstream.

Mr. Deputy Speaker, Sir, it brings me to another question. Who is responsible? It is important to identify the key actors. I believe the first person is the individual. What happens in my house when I find my house leaking every rainy season? Do I stay there until the next rainy season? No, I would arise and do something about it. I will either have a new roof on it or move to another location in time; or do something else. It also affects the community around, but what do they do about it? Do our communities take care of the weak members of their society; those who are more vulnerable? The Government, the duty bearers; do they put any resources in seeing to it that the poor are given priority in resource allocation and prioritizing issues affecting the poor?

Mr. Deputy Speaker, Sir, I wish to propose that this Motion would pass and the State is called upon to address the issues of development in a rights based approach, so that development is no longer about sympathy or charity, but about rights. The people of Tana River, Budalangi, Nyando and the people of Murang'a who have to come down with landslides have a right to life. They have a right to protection. Therefore, somebody must be held accountable when one life is lost. We lose lives of people every day. On Friday, we lost two children in Baringo County when Kerio River burst its banks. Nobody is accountable. Where is the provincial administration that still wants to stick around? Where are the people in charge of managing disasters at the county and the village level? Traditionally, we, as Africans, have always had a way out.

I beg to support this Motion because floods are a national disaster.

Sen. Haji: Asante sana, Bw. Naibu Spika. Nasimama kuunga mkono Hoja hii kwa sababu ni ya maana sana. Tunajua mvua hunyesha kila mwaka hata wakati wa ukame. Janga hili la mafuriko liko mikononi mwa Mwenyezi Mungu. Mvua huletwa na Mwenyezi Mungu. Tunajua Mungu alimuumba binadamu kuwa bora kuliko wanyama wengine wote ili aweza kujitawala, kuweza kujizuia maovu, kujua mema na mabaya. Binadamu aliumbwa akiwa na akili na hekima. Alipewa akili za kuweza kupambana na majanga yote yanayoweza kumkabili. Lakini kitu cha kuhuzunisha ni kwamba tangu tupate Uhuru mpaka leo, mvua baada ya mvua inaleta maafa ya vifo, mali, mimea na barabara kuharibika.

Bw. Naibu Spika, wakati Wazungu walipokuja hapa nchini hawakujua mazingira yetu. Kulikuwa na Mzungu mmoja pale Kiambu ambaye alichimba bwawa. Sinema kuhusu watu weusi ilitengenezwa juu yake. Alikuwa na mfanyakazi wa asili ya Kisomali kwa jina la Farah. Siku moja kulinyesha mvua kubwa ambayo iliharibu bwawa lake na maji yakavu na kutiririka. Asubuhi yake alimuuliza Farah pale maji yake yalikokwenda. Mazungumzo yao yaliendelea hivi: "*Farah, where did the water go to?*" Farah, a layman and an African, used his common sense and he replied: "*Sir, the water*

went home to Mombasa.” This is because he knew the water would find its way into the sea.

Shida yetu ni kuwa nyumba zetu na mijengo mingine hujengwa bila mipango yoyote. Nilipokua nikiingia hapa, nilimsikia ndugu yangu, Seneta Musila akisema kwamba yeye alikua mkuu wa wilaya mwaka wa 1975 huko Tana River. Majanga haya yalikuwa yakitokea kila mara. Ukiyaona ya Musa, bila shaka utayaona ya Firauni. Mimi nilikua mkuu wa wilaya Kisumu. Maji ya Mto Nyando yalikuwa yakiwasomba watu, watoto, nyumba na mimea katika sehemu za Ahero na Nyabondo. Mimi mwenyewe nakumbuka nilichukua dau dogo ili kujaribu kwenda kuwasaidia watu, lakini kumbe nilikua naenda kuzama.

(Laughter)

Tuligonga miti ambayo hatukujua ilikua pale hata tukakwama hapo kwa muda wa masaa manne, hadi tulipokuja kuokolewa. Kweli, jambo hili si geni; ni jambo linalofanyika kila wakati. Kwa hivyo, ni lazima tuwe na mipango na mbinu za kuweza kukabiliana na majanga kama haya.

Bw. Naibu Spika, wakati nilipokua katika Wizara ya Ulinzi mwisho wa mwaka jana, nilibuni shirika la Kenya Engineers Corporation. Shirirka hili litafanya kazi na mashirika mengine yasiyokukwa ya kiserikali. Natumaini ya kwamba wanajeshi wahandisi watapewa pesa za kutosha ili waweze kurekebisha mituta ama *dykes* kila pahali ili kuhakikisha kwamba maji yanazuiliwa yasiwasombe watu kwa kujenga mabwawa makubwa.

Bw. Naibu Spika, ingawa hili janga la mvua linaletwa na Mwenyezi Mungu, hata sisi wenyewe tuko na makosa tunayofanya. Shirika la Uzalishaji Umeme la KENGEN linaachilia maji katika Bwawa la Kindaruma bila ya kuwapa watu wanaoishi nyanda za chini notisi. Wakulima wengi katika Kaunti ya Garissa wamepoteza mifugo na mali mengi. Wale wakulima wachache waliokubaliwa kulima kando kando ya mto kwa kutumia pampu za maji wamepanda mimea kama miembe, machungwa na ndimu. Jambo la kuhuzunisha ni kuwa kila mwaka pampu zao zote za maji husombwa na mafuriko. Jambo hilo hilo linafanyika katika Tana River. Wakati umefika Serikali kuilazimisha KENGEN kulipa ridhaa kwa wananchi ambao wanapoteza mali zao bila ya wao kupenda.

Bw. Naibu Spika, kwa hayo machache, naomba kuunga mkono.

Sen. Abdirahman: Thank you very much, Mr. Deputy Speaker, Sir. I also stand to join my colleagues in supporting this very important Motion about floods. Floods and droughts are major occurrences in this country. Listening to a number of speakers before me, it is very clear that we did not have a co-ordinated mechanism from the Government Ministries.

Talking about a DC – I am sorry to refer to the two former Provincial Commissioners; Sen. Haji and Sen. Musila, who have served through the ranks, from district officers to provincial commissioners. With all that experience, there was a clear testimony that we did not establish, through successive governments, some co-ordination mechanisms to mitigate issues on droughts and floods in this country. Honestly, what was being done all through, whether through the military, the National Youth Service (NYS)

or the Ministry of State for Special Programmes in the Office of the President, it is really clear that these were disjointed efforts. Unless we establish some institutional arrangements like the authority which the Senator for Kajiado raised, I do not think we would be heading anywhere in this country in terms of mitigating floods.

Currently, we have what they call The Drought Management Authority, which was established early last year. It is now acting as a feeder. Information is filtered through from various Government agencies to the headquarters, so that they develop a comprehensive framework which will be able to actually plan how to mitigate these issues. I think it is mainly because most of our policy makers and planners in this country on development have not understood how best we should proceed. As long as you are doing fire fighting, there can be no meaningful development in this country. Many development practitioners realized that unless you plan to avert crisis; unless you plan to really fight emergencies, there can be no meaningful development.

We have fully relied on non-state actors. We have relied on the Kenya Red Cross, Oxfam, Action Aid Kenya and faith based organisations. The Government has abdicated its responsibilities towards its citizenry. In conclusion, passing a simple Motion in this Senate may not be sufficient. We need to make sure that, this Motion translates into policy action and into legislative agendas.

This Motion compels the Government to undertake and develop authorities like the Drought Management Authority. It has not been easy to get a Drought Management Authority in place. People will have to try hard, lobby and with good political goodwill, we will have one. I do not think that continuing to see the face of the lady from Nyando will be a good thing. This has become a common feature. Our own children know about it. It is unfortunate that 50 years after Independence, our people are being shown on television living the same way today, the same way it happens to Turkana children during drought. Their pictures are relayed on television. We do not enjoy that, both as leaders and as Kenyan citizens.

We call upon the current Government which is just beginning to start on a very strong footing. The disjointed efforts in the Ministry of State for Special Programmes have made it not perform very well. They have been supplying food to the North Rift for the past 50 years. This is not a good thing to do. We pray that they will establish an institution that will coordinate all activities, whatever name they give it. This should be domiciled in one particular Ministry.

Sen. Orendo: Mr. Deputy Speaker, Sir, just like in other areas places like the Tana Delta, Kisumu, Nyakatch, Muhoroni and Siaya have been hit by floods. We neighbour Busia County which, again, has badly been hit by the floods. Areas like Ugenya, several points along River Nzoia, East Ugenya, Uholo, Sifuyo, going down to Usonga-Alego and parts of Bondo Constituency have been badly hit by floods. This has happened along River Nzoia and along River Yala. The point that some Senators have made; which is what I want to emphasise and crystalise in the contribution by hon. Anyang'-Nyong'o, is that these floods have a pattern which is regular. They are predictable. We know that every April and May, the banks of these rivers; be it the Tana River, Nyando, Yala, Nzoia or Sondu Miriu overflow their banks and lead to the same kind of disasters every year. In fact, the fury with which the current floods have come

with even in Budalangi, I dare say, despite those dykes, the water has overflown the dykes as it happened last year---

Whereas we have been waiting for the Government to come in with more comprehensive plans, I wish they would have listened to Sen. (Dr.) Zani's contribution, on how to have long term solutions to this problem. However, the solutions are not forthcoming. We know that nature is being very fair to us because we know when these floods will come and it is not like they come out of the ordinary. They are there during rainy seasons. What beats me is that once these rivers overflow their banks, that is, when we hear people running to the Ministry of State for Special Programmes and to other departments in the Government to plan on how to get to the ground. Most of the time, what they do is to assess the damage that has occurred. They then come back and organise relief; be it blankets or medicine. Nature has been kind. This is not a Tsunami or a Katrina which comes with an element of unpredictability. There should be, every year, in January or February, stand-by operations and materials so that when the floods occur, we do not wait for lorries to come all the way from Nairobi.

I must say that I have had wonderful cooperation from the Ministry of State for Special Programmes. However, when these floods occur, you have to go to their Ministry. They then organize for some food, medicine, blankets and you are told to wait for another week so that these things are taken down. If that kind of disaster management was carried out in America or in another country, many people would lose their jobs because nature has already given you a signal. I agree that yes, the solution is long term planning.

The worst thing for Senators or for Members of Parliament is that when disasters occur, ordinary people expect you to provide them with food, blankets and medicine. If you are not around immediately, you are taken to account. I support this Adjournment Motion. I am glad that I am in the Implementation Committee. One of the things that we will follow despite the fact that there will be no vote at the end, is to ask the national Government to implement this Motion. This situation occurs every year. Now that there is a record, Sen. Zani, I will ask for the HANSARD and have it in the Implementation Committee. I will also make it available to the concerned departments of Government, so that they see what Senators said and urge them to do better.

I support.

Sen. Hassan: Thank you, Mr. Deputy Speaker Sir, for recognising me. That said and done, I want to talk in a different context about national disasters and the impact of these in terms of the Kenyan poor. The impact of national disasters is that they compound the already desperate situations that people live in. No matter how much blankets that the Red Cross and the politicians bring, this hardly compensates for every form of effect that the Kenyan poor have toiled to put to their personal worth.

I have also seen this in Mombasa. When rains hit us very hard, Kenya's biggest city gets flooded. There are no proper drainage systems. People who should be living in urban cities find themselves in pools of water time and again. What we need to do, in terms of mitigating disaster, is to mitigate the negative impact that disasters have on the Kenyan poor.

Whenever I hear of fires in Sidindi or any disaster anywhere in this country, there is a likelihood of 90 per cent of those who are affected if not 100 per cent being the Kenyan poor. One of the reasons I would concoct a conspiracy theory is that unless these issues impact on us directly, we hardly find the need to address them. Instead of putting in place measures to ensure that all of us are secure, we fortify our houses and make sure that we offer private solutions to power cuts. There is hardly a programme of agitation. The Senate must define itself as a defender of the interest of the Kenyan people in terms of equality and justice to all of them.

What we need to do, as we look at disasters, is not to merely concentrate on the issue of compensation, but to avert the potential disaster so that we avert the potential impact it has on the Kenyan poor. The lady we see on television is not very excited about putting up an act year in, year out. We, as a country or as a society, need to care for those who are most affected. We must also put equal responsibility in our plans as technocrats. Our planners and technocrats should avert some of these crises by ensuring that there is advice. When you hear about Tsunami warnings in Asia, you will also realise that the Governments are also ready to offer early warnings and people respond to the early warning systems.

Therefore, it is important to put measurable responsibility and accountability to those who are supposed to avert the potential of these crises that continue to allow people to subject themselves to harm's way across the country. The issue of floods raises very pertinent issues. When I was at the Kenya Human Rights Commission (KHRC), it was evident that the emergency response systems, especially for poor Kenyans were slow. If a fire was to occur in Kibera, the possibility of a fire engine to make its way there would be minimal. However, if this fire occurred in a more suburban area, it is likely that the crisis can be averted. Therefore, our planners, technocrats and the people we place in positions of responsibility to ensure that our people are safe and secure must be continue to be held accountable. They should be asked why they did not issue an advice, why they did not issue a warning on the poor settlement, why they did not report the matter and why action was not taken early. I have continued to raise this point in the Senate. It is not only important for you to respond to a crisis but also to punish and expect accountability by those who do not undertake their responsibilities with diligence.

In this country, we know how to blame everybody else, but ourselves. Why would you wait until something happens and a catastrophe strikes? When we construct roads and build estates in Mombasa and other parts of this country, why is there no provision for drainage systems? Where are the town planners and the professionals who were hired to do the job? Where were they to avert a particular crisis? I think it is important as we support this Motion of Adjournment, to ensure that we place responsibilities on our people so that they are held accountable for whatever action they take or omissions that they make.

I beg to support.

ADJOURNMENT

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, it is quite obvious that the Motion is now exhausted and no other Senator appears keen to contribute. It is, therefore, time to adjourn the business of today. The Senate, therefore, stands adjourned to tomorrow, Thursday, 16th May, 2013, at 2.30 p.m.

The Senate rose at 5.00 p.m.