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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FOURTH SESSION – 2020

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL
SECURITY

REPORT ON THE
PUBLIC PETITION REGARDING ESTABLISHMENT OF A STATUTORY FUND FOR
COMPENSATION OF VICTIMS OF DISASTERS

CLERK'S CHAMBERS
DIRECTORATE OF COMMITTEE SERVICES
PARLIAMENT BUILDINGS
NAIROBI



		<u>JUNE, 2020</u>
THE NATIONAL ASSEMBLY PAPERS LAID		
DATE: 23 JUN 2020		DAY. TUE
TABLED BY:	HON PAUL KOINANGE (CHAIRMAN)	
CLERK-AT THE-TABLE:		

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CHAIRPERSON'S FOREWORD

This report contains the Committee's proceedings on the consideration of the Public Petition regarding the establishment of a statutory fund for compensation of victims of a disaster. Mr. Patrick Mwaniki's Petition dated September 4, 2019, was conveyed to the House on Thursday, September 26, 2019, and subsequently committed to Departmental Committee on Administration and National Security for consideration according to Standing order 227(1).

The Committee was required to respond to the Petitioner by way of a report addressed to the Petitioner/Petitioners and laid on the Table of the National Assembly not more than sixty (60) calendar days from the time of reading the prayer.

In processing the Petition, the Committee invited the Petitioner, Mr. Patrick Mwaniki for a meeting on Tuesday, February 18, 2020. The Committee analyzed his submissions and prepared the report.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Petition. Finally, I wish to express my appreciation to the Honorable Members of the Committee and all the stakeholders who made useful contributions towards the preparation and production of this report.

On behalf of the Departmental Committee on Administration and National Security and pursuant to provisions of Standing Order 227(2), it is my pleasant privilege and honor to present to this House the report of the Committee on its consideration of the Public Petition No. 79 of 2019 regarding the establishment of a statutory fund for compensation of victims of disaster.

HON. PAUL KOINANGE, M.P

EXECUTIVE SUMMARY

The Public Petition No. 79 of 2019 regarding state the establishment of a statutory fund for compensation of victims of disaster dated September 4, 2019, was conveyed to the House on Thursday, September 26, 2019, by Hon. Moses Cheboi, CBS, MP. The Petition was subsequently committed to the Departmental Committee on Administration and National Security for consideration pursuant to standing order 227(1).

The Petitioners highlighted several disasters that the country has faced over the years, including the 1998 Nairobi Bomb Blast, the Sinai Fuel Spillage Fire Tragedy, the Sachangwan Fuel Tanger Tragedy, the Sai Dam Tragedy, collapsed buildings, acts of terrorism, landslides, earthquakes, heavy rains and other resultant floods, among others.

While the Petitioner agreed that it was possible to obtain insurance payout or court awards following the aftermath of specified disasters, he was nevertheless convinced that was not always possible in most cases. In the Petition, he cited various natural disasters such as the Hells Gate Floods Tragedy where a particular person could be held responsible for acts of God, as well as some human-made disasters such as Garissa University Terror Attack in which students and other victims had no insurance cover.

In processing the Petition, the Committee invited the Petitioner, Mr. Patrick Mwaniki for a meeting on Tuesday, February 18, 2020. The Committee analyzed his submissions and prepared the report.

After listening to the Petitioner, the Committee noted that the Petitioner's concerns would be addressed by the National Disaster Management Bill, 2019, which was under consideration by the Committee.

PREFACE

1.0 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

The Departmental Committee on Administration and National Security is established in accordance with the provisions of Standing Order 216 of the National Assembly. Its mandate as provided for in S.O. 216(5) includes, among others:

- i. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- ii. study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- iii. study and review all legislation referred to it;
- iv. study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- v. investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- vi. to vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments) ; and
- vii. make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The Committee oversees security-related departments and state agencies that include National Security, Police Services, Home Affairs activities, Public Administration, Public Service, Prisons and Correctional Services, Immigration, the management of Natural Disasters, and Community Service Orders.

1.1 Composition of the Committee

The Committee comprises of the following Members:

Chairperson

Hon. Paul Karuga Koinange, MP
MP for Kiambaa Constituency

Jubilee Party

Vice-Chairperson

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

Jubilee Party

Hon. Wamunyinyi, Athanas Wafula, MP
MP for Kanduyi Constituency

Ford Kenya Party

Hon. (Dr.) Tecla Tum, MP
MP for Nandi County

Jubilee Party

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

ODM Party

Hon. Josphat Kabinga, MP
MP for Mwea Constituency

Jubilee Party

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

Wiper Party

Hon. Nimrod Mbai, MP
MP for Kitui East Constituency

Jubilee Party

Hon. Theuri George, MP
Mp for Embakasi West Constituency

Jubilee Party

Hon. Ngunjiri Wambugu, MP
MP for Nyeri Town Constituency

Jubilee Party

Hon. Joshua Aduma Owuor, MP
Mp for Nyakach Constituency

ODM Party

Hon. Abdi Shurie Omar, MP
MP for Balambala Constituency

Jubilee Party

Hon. Capt. (Rtd) Didmus Barasa Mutua, MP
MP for Kimilili Constituency

Jubilee Party

Hon. Halima Muccheke, MP
Nominated Member

Jubilee Party

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

Jubilee Party

Hon. Oku Kaunya, MP
MP for Teso North Constituency

ANC Party

Hon. Arbelle, Marselino Malimo, MP
MP for Laisamis Constituency

Jubilee Party

Hon. Ahmed Kolosh Mohamed, MP
MP for Wajir West Constituency

Jubilee Party

Hon. Peter Masara, MP
MP for Suna West Constituency

Independent Party

1.2 Committee Secretariat

The Committee is facilitated by the following Secretariat:-

Mr George Gazemba, ACARB, CPM
Principal Clerk Assistant
Lead Clerk

Mr. Joshua Ondari
Clerk Assistant

Ms. Brigitta Mati
Legal Counsel

Mr. Edison Odhiambo
Fiscal Analyst

Mr. James Muguna
Research Officer

Mr. Yaqub Ahmed
Media Officer

Mr. Rodgers Kilunya
Audio Officer

1.3 COMMITTEE OBSERVATIONS

Arising from the submissions by the Petitioner and the Committee's visit, the Committee observed that;

The Petitioner's concerns would better be addressed by the National Disaster Management Bill, 2019, which was under consideration by the Committee.

1.4 COMMITTEE RECOMMENDATION

Arising from the observation and critical findings, the Committee recommends that:-

Having considered the Petition, the Committee recommends that the concerns raised by the Petitioner be addressed and incorporated in the National Disaster Management Bill 2019 which is currently before the Committee for examination.

CHAPTER ONE

2.0 INTRODUCTION

1.1 BACKGROUND

1. The Public Petition No. 79 of 2019 regarding state the establishment of a statutory fund for compensation of victims of disaster dated September 4, 2019, was conveyed to the House on Thursday, September 26, 2019, by Hon. Moses Cheboi, CBS, MP. The Petition was subsequently committed to the Departmental Committee on Administration and National Security for consideration pursuant to standing order 227(1).
2. The Petitioners highlighted several disasters that the country has faced over the years, including the 1998 Nairobi Bomb Blast, the Sinai Fuel Spillage Fire Tragedy, the Sachangwan Fuel Tanager Tragedy, the Sai Dam Tragedy, collapsed buildings, acts of terrorism, landslides, earthquakes, heavy rains and other resultant floods, among others.
3. While the Petitioner agreed that it was possible to obtain insurance payout or court awards following the aftermath of specified disasters, he was nevertheless convinced that was not always possible in most cases. In the Petition, he cited various natural disasters such as the Hells Gate Floods Tragedy where a particular person could be held responsible for acts of God, as well as some human-made disasters such as Garissa University Terror Attack in which students and other victims had no insurance cover.
4. The Petitioner thought that the mandate of the National Disaster Management Unit under the Ministry of Interior and Coordination of National Government was restricted to the coordination of disaster management initiatives, public awareness of disaster policy and disaster preparedness. As such, the issue of compensation of victims of disasters was left unattended to.
5. It was on that premise that the Petitioner sought the intervention of the Committee in establishing a National Disaster Compensation Trust Fund to bridge the gap occasioned by lack of compensation for victims of disasters who were neither awarded compensation by courts nor granted any insurance.

2.2 LEGAL PROVISIONS UNDERPINNING THE PETITION

2.2.1 RIGHT TO PETITION PARLIAMENT

1. The right to Petition Parliament is provided for under Article 119 of the Constitution, which provides as follows:-

“Every person has a right to Petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation. Parliament shall make provision for the procedure for the exercise of this right.”

2. The Petition therefore falls under the Committees mandate under National Assembly Standing Order 227(1). In addition, standing orders 227(2) outlines the procedure for committal of a Petition to a Committee and transmission of its decision to the Petitioner. Further, the Petition to Parliament (Procedure) Act, 2012 provides for the procedure to be followed in the submission, processing and consideration of a Petition.
3. Articles 94 as read together with Article 95 of the Constitution further provides for the role and by extension the authority of Parliament in general and the National Assembly in particular. Generally, the Houses of Parliament exercises the legislative mandate of the people, deliberate on matters of national interest and oversight the exercise of power by other arms of government.
4. Public participation is now a guaranteed process in Kenya. The Constitution in various chapters and clauses require that public participation be undertaken at all levels of government before government officials and body make official decisions.
5. Public participation has an open, accountable and structured process where citizens or people or a segment of a community can interact, exchange views and influence decision making. Public participation is part of a democratic process.

CHAPTER TWO

3.0 SUBMISSIONS ON THE PETITION

3.1 PETITION BY MR. PATRICK MWANIKI

6. While appearing before the Committee on Tuesday, February 18, 2020, Mr. Patrick Mwaniki submitted that;

- (i) The Petition sought to address recurrent disasters such as witnessed in the country like the 1998 bomb blast, the Sinai fuel spillage fire tragedy, terrorism cases, collapsed buildings and natural calamities such as landslides.
- (ii) The Petition sought to bridge the gap of those compensated through court sanctions and insurance payouts by urging the government to establish a permanent and independent trust fund with a budgetary allocation every financial year to caution such victims progressively.
- (iii) The fund board of trustees should have an independent board of trustees out of National Disaster Management Authority drawn from all stakeholders representatives; and
- (iv) The fund would caution victims who in most cases, rely on the goodwill of those found responsible for their plight or generosity of well-wishers and charitable organizations.

PETITIONERS PRAYERS TO THE NATIONAL ASSEMBLY

7. The Petitioners pray to National Assembly through the Departmental Committee on Administration and National Security to consider the matters raised in the Petition pursuant to the provisions of the Standing orders 216(5) by:

- i. The intervention of the House in establishing a National Disaster Compensation Trust Fund to bridge the gap occasioned by lack of compensation for victims of disasters who were neither awarded compensation by courts nor granted any insurance.

CHAPTER THREE

4.0 COMMITTEE OBSERVATIONS

8. Arising from the submissions by the Petitioner, the Committee observed that;

The Petitioner's concerns would better be addressed by the National Disaster Management Bill, 2019, which was under consideration by the Committee.

5.0 COMMITTEE RECOMMENDATION

9. Arising from the observation and critical findings, the Committee recommends that:-

Having considered the Petition, the Committee recommends that the concerns raised by the Petitioner be addressed and incorporated in the National Disaster Management Bill 2019 which is currently before the Committee for examination.

Sign 

Date 23rd June 2020

THE HON. PAUL KOINANGE, MP

**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
NATIONAL SECURITY**



NATIONAL ASSEMBLY

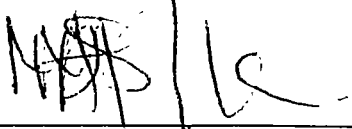
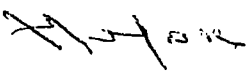

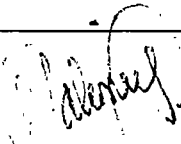

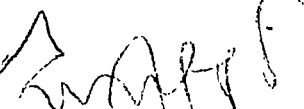
DEPARTMENTAL COMMITTEE ON ADMINISTRATION & NATIONAL SECURITYATTENDANCE SCHEDULEDATE: 18th February, 2020


TIME: 10.00 a.m.

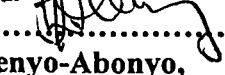
VENUE: Boardroom on 4th Floor, Protection House

AGENDA: -Meeting with Mr. Patrick Mwaniki regarding his petition on the establishment of a statutory fund for compensation of victims of disasters;
 - Briefing on the Budget Policy Statement for the year 2020; and
 - Consideration of the report on the petition on the state of insecurity in Samburu North Constituency

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

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

Signed..........Date.....20/02/20.....
George Gazemba, ACI Arb, CPM,
Principal Clerk Assistant,
Departmental Committee on Administration and National Security.

Signed..........Date.....20/2/2020.....
Florence Atenyo-Abonyo,
Director, Committee Services.

MINUTES OF THE 2ND SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON TUESDAY, 18TH FEBRUARY, 2020 AT 10.00 A.M. IN THE BOARDROOM ON 4TH FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS

PRESENT-

1. Hon. John Waluke, MP *Vice Chairperson*
2. Hon. Dr. Makali Mulu, MP
3. Hon. Peter George Kaluma, MP
4. Hon. Oku Kaunya, MP
5. Hon. Aduma Owuor, MP
6. Hon. George Theuri, MP
7. Hon. Wafula Wamunyinyi, MP
8. Hon. Josephat Kabinga Wachira, MP
9. Hon. Dr. Tecla Chebet Tum, MP
10. Hon. Marselino Malimo Arbelle, MP
11. Hon. Halima Mucheke, MP
12. Hon. Ahmed Kolosh Mohamed, MP
13. Hon. Didmus Wekesa Barasa Mutua, MP

ABSENT WITH APOLOGIES

1. Hon. Paul Koinange, MP - Chairperson
2. Hon. Nimrod Mbithuka Mbai, MP
3. Hon. Ngunjiri Wambugu, MP
4. Hon. Geoffrey Kingagi Muturi, MP
5. Hon. Peter Masara, MP
6. Hon. Abdi Omar Shurie, MP

IN ATTENDANCE-

COMMITTEE SECRETARIAT-

1. Mr. George Gazemba - Principal Clerk Assistant II
2. Mr. Joshua Ondari - Clerk Assistant
3. Mr. Donald Manyala - Research Officer

- | | | |
|------------------------|---|-------------------------|
| 4. Mr. Edison Odhiambo | - | Fiscal Analyst |
| 5. Ms. Rahab Chepkilim | - | Audio Recording Officer |
| 6. Mr. James Oloo | - | Support Staff |

MIN No. 05/2020:-

**PRELIMINARIES AND COMMUNICATION
FROM THE CHAIRPERSON**

The chairperson officially welcomed Members to the meeting at 10.00 am with a word of prayer from Hon. Peter Francis Masara, MP.

MIN No. 06/2020:-

**MEETING WITH MR, PATRICK MWANIKI
REGARDING HIS PETITION ON THE
ESTABLISHMENT OF A STATUTORY
FUND FOR COMPENSATION OF VICTIMS
OF DISASTERS**

Mr. Patrick Mwaniki informed appeared before the Committee and informed it as follows:-

- (i) The petition seeks to address recurrent disaster such as witnessed in the Country like the 1998 bomb blast, the Sinai fuel spillage fire tragedy, terrorism cases and natural calamities;
- (ii) It also seeks to bridge the gap of those compensated through court sanctions and insurance pay-outs by urging the government to establish a permanent trust fund with a budgetary allocation every financial year to progressively caution such victims;
- (iii) The fund board of trustees should have an independent board of trustees out of National Disaster Management Authority drawn from all stakeholders representatives; and
- (iv) The fund would caution victims who in most cases rely on the goodwill of those found responsible for their plight or generosity of well-wishers and charitable organizations.

Committee Resolution

After listening to the Petitioner, the Committee resolved as follow:

The petitioner to be provided with a copy of the National Disaster Management Bill, 2019 so that he can check on whether his concerns were addressed and if they were not addressed he could come up with his proposals which would be incorporated in the Bill.

MIN No. 07/2020:-

**BRIEFING ON THE BUDGET POLICY
STATEMENT FOR THE YEAR 2020**

The Committee was briefed by the Fiscal Analyst and after the briefing the Committee came up with the following concerns:-

- a) It was not clear whether issues raised in public participation were captured in the BPS 2020 and how they were captured. For example, whether OCs will have dedicated budgets for prompt service delivery;
- b) It was not clear whether the government was still pursuing the policy on acquisition of new housing in view of policy change to house allowance;
- c) How service delivery would be affected in view of allocated resources being way below the resource requirement;
- d) The time taken to process the BPS was too short therefore proper scrutiny may not be undertaken;
- e) The non- achievement of targets was hampering service delivery;
- f) Lack of adherence to standing orders. The BPS was submitted without proposed list of projects reconcilable with proposed ceiling of development expenditure;
- g) The status of budget implementation. The Committee needed quarterly report on budget implementation from all the agencies. The Committee therefore was in need of status of budget implementation for the last seven months.
- h) The status of pending bills under Correctional Services in view of the scrutiny of the pending bills by the auditors;
- i) The status of implementation of the policies adopted in the 2019 BPS was unknown;
- j) The status of equipping the forensic laboratory; and
- k) The construction of counselling units for the police be extended to all the 47 counties before 2022

MIN No. 08/2020:-

**CONSIDERATION OF THE REPORT ON
THE PETITION ON THE STATE OF
INSECURITY IN SAMBURU NORTH
CONSTITUENCY**

The Committee deferred the adoption of the report. It was resolved that there was need for Committee to meet with the Ministry of Interior and Co-ordination of

National Government so that they could clarify on some issues raised in the Petition.

MIN No. 09/2020:-

ADJOURNMENT

The Chairperson adjourned the meeting at twelve noon until Wednesday, 19th February, 2020 at 9.00 am.

Signed.....
Chairperson

Date.....23rd June 2020



THE NATIONAL ASSEMBLY (THIRD SESSION)

CONVEYANCE OF PUBLIC PETITION

(No. 79 of 2019)

REGARDING ESTABLISHMENT OF A STATUTORY FUND FOR COMPENSATION OF VICTIMS OF DISASTERS

Honourable Members, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition, other than those presented by a Member. I therefore wish to report to the House that my Office has received a Petition from one Mr. Patrick Waturu Mwaniki of P.O. Box 530 Nyeri calling for the *establishment of a Statutory Fund to facilitate compensation of victims of natural and man-made disasters.*

In his Petition, **Honourable Members**, the Petitioner highlights several disasters that the country has faced over the years, including the 1998 Nairobi Bomb Blast, the Sinai Fuel Spillage Fire Tragedy, the Sachangwan Fuel Tanker Tragedy, the Solai Dam Tragedy, collapsed buildings, acts of terrorism, landslides, earthquakes, heavy rains and their resultant floods, among others.

Whilst the Petitioner agrees that it is possible to obtain insurance payout or court awards following the aftermath of certain disasters, he is nevertheless convinced that this is not always possible in most cases. Here, he cites various natural disasters such as the Hells Gate Floods Tragedy where no particular person can be held responsible for acts of God, as well as some man-made disasters

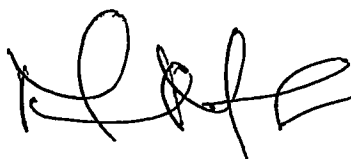
such as the Garissa University Terror Attack in which students and other victims had no insurance cover.

Honourable Members, the Petitioner is of opinion that the mandate of the National Disaster Management Unit under the Ministry of Interior and Coordination of National Government is restricted to coordination of disaster management initiatives, public awareness of disaster policy and disaster preparedness, and as such, the issue of compensation of victims of disasters is left unattended to.

It is on this premise, **Honourable Members**, that the Petitioner seeks the intervention of this August House in establishing a National Disaster Compensation Trust Fund to bridge the gap occasioned by lack of compensation for victims of disasters who are neither awarded compensation by courts nor granted any insurance payouts.

Honourable Members, pursuant to the provisions of Standing Order 227, this Petition therefore stands committed to the Departmental Committee on Administration and National Security. The Committee is requested to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

I thank you!



THE HON. MOSES CHEBOI, CBS, MP

DEPUTY SPEAKER OF THE NATIONAL ASSEMBLY

Wednesday, September 25, 2019

**MEMORANDUM OF ROADMAP OF THE NATIONAL DISASTER
COMPENSATION TRUST FUND N.D.C.T.F**

The proposed NDCTF is an innovative last mile disaster settlement fund to caution victims and dependants of departed ones to address the long unattended gap of compensation which have caused long life suffering to the affected ones taking into account that disasters will always continue to happen whether natural or by human default.

A) That in a very familiar jurisdiction, of human wildlife conflict compensation scheme which covers death, injuries with permanent disability, other injuries, predation and destruction of property is financed by the government through Kenya Wildlife Service.

B) Such compensations was until 2013 as follows at standard rates

Death Ksh 200,000

Injuries with permanent disability Ksh 50,000

Other injuries *imponderable*

With the exception of destruction of property and predation which solely depended on recommendations of the Community Conservation and Compensation Committees (C.W.C.C.C) in affected areas. These rates were complained of as being very low across the country and this same parliament had to remedy the situation.

C) The 11th parliament in its wisdom amended the wildlife conservation and management act to increase compensation rates for human death, injury and damage to property that came into force on January 10, 2014. That section 25 of the act stipulates that Ksh 5 million will be paid for death, Ksh 3 million for injury with permanent disability and upto Ksh 2 million for other injuries depending on their extent. Destruction of property and predation component was retained at the discretion of (C.W.C.C.C) with recommendations to peg the rates at market value.

D) Due to the increasing burden of compensation now overwhelming the government and with multiple lawsuits filed by wildlife victims, parliament is now seeking to amend the wildlife conservation and management act, 2013 to remove individuals hurt or killed by snake bites from the list of compensation. KWS have blamed the serpents for the rising compensation bill arguing that some bites do not even occur in wildlife zones.

E) In some of these cases, wildlife trespass into human settlements some in such of predation and others for pasture despite the stringent measures put in place and vice versa.

F) This petition therefore seeks the indulgence of this August house to replicate the wildlife human conflict compensation scheme and legislate for the

formation of the fund and retain the same rates because death, disability or injuries are equal regardless of causes.

- G) Destruction of property by wildlife is mostly concentrated in forested areas involves crops, livestock and human settlements whereas the same in disasters is concentrated in rural, ~~and~~ peri-urban and urban areas involving homes, buildings, movable assets and other investments and therefore both cannot be quantified at the same rates.
- H) Whereas in the wildlife case, KWS relies on (C.W.C.C.C's) the proposed fund should leverage on accurate data and information from the first responders, the national government and N.D.M.A, County governments, Kenya Red Cross and other Relief NGOs involved in rescue, evacuation and management of such disasters when claims are filed to determine rate of compensation depending on type of property destroyed.

I) Period of claims settlement

This petition proposes that upon the establishment of the fund, clear timelines be set for actionable processes as follows per each condition.

A) Death

6 months - upon filling of the requisite documentations i.e. burial permits, death certificates and any other relevant corresponding documents on the disaster. Persons presumed dead and body not recovered is a matter of further discussion.

B) Injuries with permanent disability

12 months - upon confirmation by a qualified doctor via a medical report of the condition together with any other relevant documents like hospitalization records subject to authentication and physical verifications.

C) Other injuries: 12 months - same as condition B

D) Destruction of property: 12 months

This may or may not cut across the other 3 conditions (ABC) and therefore this can be processed simultaneously or on case by case basis subject to recommendations and vetting by the first responders committees. However, a caveat should be imposed on perennial flooding areas.

- J) This petition also proposes that parliament when enacting the NDCTF act establishing the fund should stipulate that not less than at least 5% of national revenues collected be allocated to the fund as like the political parties fund's, 0.3% established by the Political Parties Act of 2011.

K) This petition further seeks to propose the distribution criteria of the annual fund budget as follows:

- Death - 40%
- Permanent disability - 25%

- Other injuries - 12.5%
- Destruction of property - 12.5%
- Fund administration - 10%

L) It is therefore my humble submission that the establishment of the fund will progressively cure the perennial agitation and demand for compensations from government whenever a disaster occurs as a standby contingency fund with an annual budgetary provision and in a structured manner anchored in law.

M) Lastly, that all financial donations from local and international aid agencies, the private sector be channeled through the fund.

Dated this 15th day of FEB 2020

Petitioner - P. W. Mwaniki

Cell: 0723 498 884

Signed 