



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

TUESDAY, JUNE 05, 2018 AT 2.30 PM

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with Prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

a) Visiting students from Taito KTGA High School

The Speaker conveyed the following communication from the Chair:-

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery, this afternoon, of visiting students from Taito KTGA High School, Nandi County.

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay.

I thank you.”

b) Visiting students from Teret High School

The Deputy Speaker conveyed the following communication from the Chair:-

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery, this afternoon, of visiting students from Teret High School, Nakuru County.

On behalf of the Senate and on my own behalf, I welcome you to the Senate and wish you well for the remainder of your stay.

I thank you.”

4. **PAPERS LAID**

The following papers were laid on the Table of the Senate-

- a) Report of the Auditor-General on the Marsabit County Executive Social Protection Fund for the year ended 30th June 2017;
- b) Report of the Auditor- General on the Marsabit County Government Scholarship Fund for the year ended 30th June 2017;
- c) Report of the Auditor- General on the Financial Statement of Tharaka- Nithi County Assembly Revolving Fund for the year ended 30th June 2017; and

(Senate Majority Whip on behalf of the Senate Majority Leader)

- d) Report of the Induction Workshop of the Sessional Committee on Delegated Legislation held at the Four Hotel by the Sheraton Nairobi, from 10th – 12th March, 2018.

(Chairperson, Sessional Committee on Delegated Legislation)

5. **MOTION - ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE THE CIRCUMSTANCES THAT LED TO THE SOLAI DAM TRAGEDY**

Motion made and Question proposed:-

THAT, AWARE THAT on Wednesday, 10th May, 2018, Kenyans woke up to the tragic news of the Solai Dam Tragedy following the bursting of the banks of the privately owned Solai Dam the previous night;

CONCERNED THAT, as result of the tragedy, approximately fifty (50) people lost their lives - most of them being small school-going children - in the most unfortunate circumstances and that many more who survived are now hospitalized due to the bodily and psychological injuries inflicted on the them;

FURTHER CONCERNED THAT hundreds of families are now homeless with orphans and destitute among them and that majority of the people who had their own habitations, whether own homes, rental or farm quarters, have not been resettled;

APPRECIATING the good work of the Red Cross Society of Kenya and the National Government for their swift response upon receiving the information of the dam tragedy;

DEEPLY CONCERNED THAT this human catastrophe occurred despite the existence of the Water Resources Management Authority (WARMA), an institution created by the Water Act of 2002 and mandated to ensure rational and effective management of water resources;

FURTHER CONCERNED THAT WARMA does not have a framework on licensing, construction, usage, sharing of dam water resources, insurance

and inspection of earth dams and that currently there are no standards which dam owners are required to adhere to and comply with;

ALSO CONCERNED THAT although WARMA knew that the Solai Dam posed a great risk to Kenyans living downstream, they did little or nothing to avert the danger and that the Solai Dam tragedy appears to have occurred as a result of negligence;

NOTING WITH CONCERN the sad revelations following an investigative report by Kenya Human Rights Commission (KHRC) on the Solai Dam tragedy that point to ignorance and a suspicious relationship between the owners of the Dam (the Mansukh Patel family), the National Environmental Management Authority (NEMA) and WARMA officials in their singular and joint omission that resulted in failure to act on early warning information given to them about the impending danger, and the continued failure by NEMA to put in place standards on quality of dam walls and regulations to address the downstream effects and impact of dams whose walls burst, especially the protection and restoration of the flora and fauna and the environment in general;

APPREHENSIVE THAT with the continuing heavy rainfall, now and in future, such incidents as the Solai one could happen elsewhere in Kenya;

DESIREOUS of the need to take steps towards ensuring that similar man-made disasters are prevented from recurring;

NOW THEREFORE the Senate resolves to establish a select committee to-

- a) holistically investigate and establish the circumstances leading to the Solai Dam Tragedy;
- b) propose modalities for compensation of all the families of the deceased victims and the surviving families;
- c) ensure the Dam owner makes compensation in regard to the destroyed environment, especially trees and other vegetation and top fertile soils; and
- d) propose measures to mitigate any such eventual disasters especially for Counties that are prone to floods and landslides.

AND THAT the following Senators be members of the Select Committee-

- i) Sen. Fatuma Dullo, CBS, MP;
- ii) Sen. Mithika Linturi, MP;
- iii) Sen. Sakaja Johnson, MP;
- iv) Sen. (Eng.) Ephraim Maina, EBS, MP;
- v) Sen. Mutula Kilonzo Junior, MP;
- vi) Sen. (Prof.) Imana Malachy, MP;
- vii) Sen. (Arch.) Sylvia Kasanga, MP;
- viii) Sen. Ledama Olekina, MP; and
- ix) Sen. Susan Kihika, MP.

AND FURTHER THAT the Select Committee reports back to the Senate within 60 calendar days after its establishment.

(Sen. Susan Kihika)

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the question was put and pursuant to Standing Order 73, the Deputy Speaker informed the Senate that the Motion did not affect counties and voting would be by voice vote;

Question put and agreed to.

RESOLVED ACCORDINGLY-

THAT on Wednesday, 10th May, 2018, Kenyans woke up to the tragic news of the Solai Dam Tragedy following the bursting of the banks of the privately owned Solai Dam the previous night;

CONCERNED THAT, as result of the tragedy, approximately fifty (50) people lost their lives - most of them being small school-going children - in the most unfortunate circumstances and that many more who survived are now hospitalized due to the bodily and psychological injuries inflicted on the them;

FURTHER CONCERNED THAT hundreds of families are now homeless with orphans and destitute among them and that majority of the people who had their own habitations, whether own homes, rental or farm quarters, have not been resettled;

APPRECIATING the good work of the Red Cross Society of Kenya and the National Government for their swift response upon receiving the information of the dam tragedy;

DEEPLY CONCERNED THAT this human catastrophe occurred despite the existence of the Water Resources Management Authority (WARMA), an institution created by the Water Act of 2002 and mandated to ensure rational and effective management of water resources;

FURTHER CONCERNED THAT WARMA does not have a framework on licensing, construction, usage, sharing of dam water resources, insurance and inspection of earth dams and that currently there are no standards which dam owners are required to adhere to and comply with;

ALSO CONCERNED THAT although WARMA knew that the Solai Dam posed a great risk to Kenyans living downstream, they did little or nothing to avert the danger and that the Solai Dam tragedy appears to have occurred as a result of negligence;

NOTING WITH CONCERN the sad revelations following an investigative report by Kenya Human Rights Commission (KHRC) on the Solai Dam tragedy that

point to ignorance and a suspicious relationship between the owners of the Dam (the Mansukh Patel family), the National Environmental Management Authority (NEMA) and WARMA officials in their singular and joint omission that resulted in failure to act on early warning information given to them about the impending danger, and the continued failure by NEMA to put in place standards on quality of dam walls and regulations to address the downstream effects and impact of dams whose walls burst, especially the protection and restoration of the flora and fauna and the environment in general;

APPREHENSIVE THAT with the continuing heavy rainfall, now and in future, such incidents as the Solai one could happen elsewhere in Kenya;

DESIREOUS of the need to take steps towards ensuring that similar man-made disaster are prevented from recurring;

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- (vii) Sen. (Arch.) Sylvia Kasanga, MP;
- (viii) Sen. Ledama Olekina, MP; and
- (ix) Sen. Susan Kihika, MP.

AND FURTHER THAT the Select Committee reports back to the Senate within 60 calendar days after its establishment.

6. **THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (SENATE BILLS NO. 6 OF 2018).**

Order for Second Reading read;

Motion made and Question proposed:-

THAT, the County Governments Retirement Scheme Bill (Senate Bills No. 6 of 2018) be now read a Second Time.

(Chairperson, Standing Committee on Labour and Social Welfare)

Debate arising;

And the time being thirty minutes past Six O'clock, the Temporary Speaker (Sen. Judith Pareno) interrupted the proceedings and adjourned the Senate without Question put, pursuant to the Standing Orders.

7. **SENATE ROSE** – at thirty minutes past six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Wednesday, June 06, 2018 at 2.30 p.m.*

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