



THE NATIONAL ASSEMBLY (FOURTH SESSION)

CONVEYANCE OF A PUBLIC PETITION

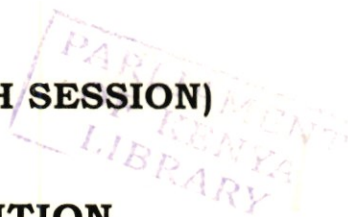
(No. 26 of 2020)

**REGARDING MITIGATION OF PERENNIAL FLOODING
BY RIVER SONDU MIRIU IN HOMA BAY
AND KISUMU COUNTIES**

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 a cross-section of residents from Osodo Kobala, Kobuya, West Koguta and West Nyakach areas of Rachuonyo North and Nyakach Sub-Counties of Homa Bay and Kisumu Counties led by one Mr. Fredrick Gaya regarding *mitigation of perennial flooding by River Sondu Miriu.*

In their Petition, **Honourable Members,** the petitioners decry what they term as failure by successive Governments since Independence to permanently address the far-reaching effects, anguish and havoc occasioned by regular flooding of River Sondu Miriu, and have interpreted this failure as constituting an abdication of responsibility by the authorities.

Honourable Members, the petitioners are convinced that failure by the Government to permanently address the flooding adversely affects the livelihoods of thousands of residents along the river and occasions the eruption of water-borne and vector-borne diseases.



It is on this premise, **Honourable Members**, that the petitioners seek the intervention of this August House in securing mitigation of the aforementioned flooding through various Government measures including dredging of River Sondu Miriu, opening up of its blocked deltas, construction of standard dykes, reclamation of sand mines, construction of strategic bridges and roads and compensation of affected households.

Honourable Members, pursuant to the provisions of Standing Order 227(1), this Petition therefore stands committed to the Departmental Committee on Environment and Natural Resources. The Committee is requested to consider the Petition and report its findings to the House and the petitioners in accordance with Standing Order 227(2).

I thank you!

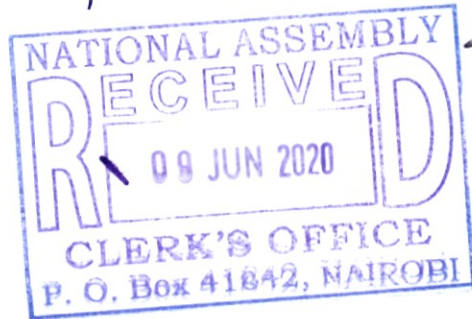


THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Wednesday, August 12, 2020

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THE NATIONAL ASSEMBLY
C/O THE CLERK
KENYA NATIONAL ASSEMBLY
PARLIAMENT BUILDING'
P.OBOX 41842-00100
NAIROBI
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EMAIL:clerk@parliament.go.ke



CC: The Chairperson, Standing' Committee on Environment and Natural Resources

RE:PETITION TO THE NATIONAL ASSEMBLY ON EFFECTS OF FLOODS AND ITS MITIGATION IN OSODO KOBALA,KOBUYA,WEST KOGUTA AND WEST NYAKACH AREAS OF RACHUONYO NORTH AND NYAKACH SUB-COUNTIES(HOMA BAY AND KISUMU COUNTIES) AS PER ARTICLE 37 AND 119 OF THE CONSTITUTION ,PETITION TO PARLIAMENT(PROCEDURE) ACT (2012) AND STANDING ORDER NO 219 OF THE NATIONAL ASSEMBLY.

We the undersigned:

Petitioners as citizens of Kenya and residents of Kobala Sub Location, Wang'chieng' Location of Homa - Bay County, directly and indirectly affected by floods.

We humbly DRAW attention of the House to the following:

Due to the **persistent perennial floods** along River Sondu Miriu in Rachuonyo North and Nyakach Sub counties which **continues to havoc** Osodo Kobala,Kobuya,West Koguta and West Nyakach areas since 1963.

The residents have bone the **far reaching effects of floods** which has never been **permanently mitigated by the Kenyan government** as per its mandate by the laws governing our country.

This **abdication of responsibility** has therefore **denied, violated, infringed and threatened** the people's rights as stipulated in **Chapter Four, Part 2** of the Kenyan constitution :



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Fredrick Bayo

Article 26: Right to Life has been **deprived** by **deaths occasioned by drowning** in floods water, water & vector borne diseases.

Article 27: Equity and Freedom From Discrimination the government's success in typical Budalang'i floods menace affirms its ability to mitigate the River Sondu Miriu floods disaster which has been unjustifiably delayed for over 57 years.

Article 28: Human Dignity the continuous displacement of these residents by uncontrolled perennial floods has forced them to lead undignified lifestyle of begging for food relief and nonfood items to survive in the overcrowded camps. They are subjected to psychological torture, treated in an inhuman and degrading manner by the floods.

Article 29: Freedom and Security of the Person the people's freedom have always been **deprived arbitrarily** since they can't live, move, and socialize normally. Rampant thefts and robberies, snake bites hippo attacks and invasion has precariously risked the security of the people's lives and property.

Article 31: Privacy of the Families private affairs has been unnecessarily **revealed** and **privacy** of their **communications infringed** through **eavesdropping** by **subjecting** them to **crowded** camping classrooms & tents during floods.

Article 42: Environment every person has **the right to a clean and healthy environment** unlike to residents of these areas whose environment get **contaminated by the affluent from latrines** washed by flood water into their River Sondu Miriu and Lake Victoria. There is high rate of **open defecation**. **Sand mines** are **mosquito breeding zones** which are **environmentally disastrous**.

Article 43: Economic and Social Rights during the floods:

- a) The people cannot access **the highest attainable standard of health** i.e. health care services at **Miriu, Chuowe, Kobuya and Nyakach Health facilities** are challenged by **less or no drugs** and **few medical staff** to address the **high disease outbreaks** and **health checks**.
- b) The people cannot access **adequate housing and reasonable standard of sanitation** depicted in the camping sites. The **houses are damaged** during floods hence perennial **reconstruction** and **repair cost** to their shelter is **unattainable** by the **poor residents**.
- c) The people are not **free from hunger** and have **inadequate food of unacceptable quality** which are **affected by floods in the farms, grain stores at home** there by **surviving on relief food supplements** from the government and other non state actors
- d) The people have no access to **clean and safe water** which is **ever inadequate**.

- e) The learners at Osodo, Kobuya, Daraja, Kobala, Konyach, Burlum, Nyamanyinga, Nyong'onga', Obange, Sang'oro, Sango Buru, Nyawalo and Nyadina schools never get **quality education** since their classrooms are used to **accommodate the displaced families** there by **disrupting learning & hindering provision of free basic education** by the government .

THAT the residents have **made several efforts** to have the perennial disaster **addressed** permanently by both **County** and **National Government** and **no satisfactory response** have been effected.

On **12/05/2018** the community presented their requests for permanent mitigation to **CS Devolution – Hon. Eugene Wamalwa** when he visited victims of floods at **Osodo Primary school in Kobala Sublocation Wangieng Location**.

The **memorandum was read publicly** on behalf of the community by **Mr. Fredrick Gaya** (now petitioning) in the presence of:

- i) Affected flood victims of Osodo Kobala and Kobuya
- ii) Homa-Bay County Commissioner(2018) –Macharia Irungu
Deputy County Commissioner ,ACC ,Chiefs-Wang'chieng' and Kobuya
Locations & Assistant Chief Kobala.
- iii) MCA Wang'chieng' Ward –Hon. Peter Kaula .
- iv) MP Karachuonyo - Hon. Andrew Adipo Okuome .
- v) County Women Representative - Hon .Gladys Wanga
- vi) Governor Homa Bay County –H.E. Cyprian Otieno Awiti

All the above leaders witnessed and received a copy each, but no satisfactory feedback to the resident have been communicated.

On **18/02/2020** we visited the office of **CS Devolution & ASALs, Hon. Eugene Wamalwa** to **follow up** on the matter **after 1 year 9 months** and we were **referred** to the **Ministry of Water, Sanitation and Irrigation**.

After in depth consultation with the **Water Secretary Eng. Sao Alima**, he **advised we write a letter to the PS**.

PETITION TO NATIONAL ASSEMBLY ON EFFECTS OF FLOODS AND ITS MITIGATION ALONG RIVER SONDU MIRIU

Our letter of Ref. YAO1/MOW&1/19/02/2020, dated 19/2/2020 addressed to the PS Ministry of Water & Sanitation and Irrigation was received by the ministry on 21/02/2020.

Currently over 3000 people are displaced since early April and the government is yet to give a permanent solution as requested above.

THAT in respect of our prayer for a lasting solution to mitigation of floods and its effects along River Sondu Miriu, we are not aware of any such case pending before any court of law or other constitutional or legal body.

In recognition of Powers, Responsibilities and Privileges of the National Assembly delegated to the Standing Committee on Environment and Natural Resources, and in view of this escalating humanitarian and human rights situation, we call on the National Assembly to recommend to the Government of Kenya to urgently undertake the under listed request in the spirit of permanently mitigating floods and its effect in this region.

- i. **Dredging/desiltation** of the River Sondu Miriu and opening' the blocked deltas in Adera, Nyalmera and Chuowe around Winam Gulf
- ii. **Construction of standard Dykes** along the banks of River Sondu Miriu.
- iii. **Implementation of the Great Wang'chieng' Intergrated Irrigation and Water project** which had been designed and only awaits procurement at the NIB. This will address food, nutrition& water security plus floods control. (one of the government's Big 4 Agenda by 2022).
- iv. **Addressing the sanitation challenges and building water secure institutions** e.g. Schools, health facilities, churches, homes, markets. Provision of complete WASH facilities e.g. toilets/latrines, water havesting, treatment and storage, tanks for the roof catchment, community water pans, dams, channels plus hand washing equipments/materials.
- v. Promotes **tree growing (fruit farming)** alongside the river bank and its basin catchment plus **reclamation of sand mines** in Kobala Sub location which highly supported the government with levy collection. These are **mosquito breeding zones and environmentally disastrous**
- vi. Provide **alternative source of livelihood** i.e fish farming, dairy horticulture, poultry, bee keeping to the youths and women
- vii. **Bridge and Road Network:** construct two bridge and roads;
 - a) **Chuowe - Sanda Bridge** at Udhi area to **link and open the over 700 acres of fertile, arable land for agribusiness and food security, Eco tourism.**

- b) **Nyandho - Nyadina Bridge** at Akoko Beach-Crossing point to link lower west nyakach of Kisumu County and lower Kobala Sub location of Homa Bay County.
 - c) **Chuowe - Nyakwere Road** which is completely submerged and eroded.
 - d) **Kobala - Osodo - Nyandho Road** which was damaged by erosion and heavy lorries transporting sand, government collects levies with no proper maintenance.
- viii. Last mile power connection to all homes schools, beaches, churches, markets and health facilities.
- ix. Improving, equipping and staffing of learning institutions and health facilities.

WHEREFORE, your humble petitioners pray that the National Assembly:

1. **Dispenses with** this petition **immediately** in view of **the urgency** of the matter and **gravity** of the issues canvassed here in.
2. **Investigates** this matter and makes **appropriate recommendations** thereon, since 2010 up to 2020, with regards to:
 - Number of effected households and people.
 - Number of deaths and rate of disease prevalence & outbreaks.
 - Cumulative amount of money used in response during floods and related disaster/emergencies.
 - Social economic audit report on value of incurred losses by the residents
 - ✓ Farms submerged
 - ✓ Livestock deaths and marooned grazing land/pasture.
 - ✓ Water & Sanitation facilities.
 - Level of vulnerability as per the aforementioned impinged human rights.
3. Enact the **National Disaster Management** bill and consider **compensating** the effected families & fish famers whose fish stock & ponds were swept away.
4. Ensure sufficient mobilization, allocation and accountability of funds for the permanent mitigation of floods and it's effects along river Sondu Miriu through the 2020/2021 Financial Budget and any other source deemed appropriate.

And your PETITIONERS will ever pray.

Name: **Gaya Fredrick**

Email: pesamashambani@gmail.com, phone:0729430123

Sign.....


LIST OF PETITIONERS TO THE NATIONAL ASSEMBLY OF KENYA ON EFFECTS OF FLOODS AND ITS MITIGATION IN OSODO KOBALA, KOBUYA, WEST KOGUTA AND WEST NYAKACH OF RACHUONYO NORTH (HOMA BAY) AND NYAKACH (KISUMU) SUB COUNTIES ALONG RIVER SONDU MIRIU AS PER ARTICLE 37 AND 119 OF THE CONSTITUTION, PETITION TO PARLIAMENT (PROCEDURE) ACT (2012) AND STANDING ORDER NO 219 OF THE NATIONAL ASSEMBLY.

NO	NAME	GENDER	ADDRESS	ID or Passport No	SIGNATURE or THUMB IMPRESSION
1	DOMINIC OMANGO ODHAMBBO	M	0701870543	22034259	
2	EDWARD OKOJA OSANO	M	0703741796	6371595	
3	JAEEL XIENGO ODHAMBBO	F	0714797634	0993851	
4	WILLY OKEYO OMULLO	M	0704835782	20401885	
5	DORIS ADEYO OMULO	F	0707687212	6432417	
6	PETERILIS OMULLO	M	811keed4by	0840604	
7	KENNETH OLIENO ODHAMBBO	M	074301186	23191556	
8	GRACE NDAGO	F	0720747492	23301449	
9	MARIKO ONYANGO ADERO	M	0703455760	1540201	
10	SALOME OMONDI JUMA	F	0717096946	30639061	
11	PAMELA AKOTH	F	0792560848	34289314	
12	GEORGE ALUOCH	M	0727673174	23191402	
13	JAEEL OMONDI WAISA	M	81 K/B Xy	0478619	
14	TERACE OMONDI OCHOLA	M	071113206	25957084	
15	MOYRICE SOBE	M	0712121410	26484736	

And your PETITIONER(S) will ever pray.

Name: GAYA FREDRICK Signature: Date: 12/05/2022

LIST OF PETITIONERS TO THE NATIONAL ASSEMBLY OF KENYA ON EFFECTS OF FLOODS AND ITS MITIGATION IN OSODO KOBALA ,KOBUYA, WEST KOGUTA AND WEST NYAKACH OF RACHUONYO NORTH (HOMA BAY) AND NYAKACH (KISUMU) SUB COUNTIES ALONG RIVER SONDU MIRIU AS PER ARTICLE 37 AND 119, OF THE CONSTITUTION, PETITION TO PARLIAMENT (PROCEDURE) ACT (2012) AND STANDING ORDER NO 219 OF THE NATIONAL ASSEMBLY.

NO	NAME	GENDER	ADDRESS	ID or Passport No	SIGNATURE or THUMB IMPRESSION
1	GAYA FREDRICK	MALE	P.O BOX 10, KADU BAY	22729580	
2	Remigias NYADIA	MALE	" "	24621109	
3	SAMSON O. ONGUS	MALE	BOX 57 KENDU BAY	1529245	
4	MAURICE OPENDO ANWOMI	MALE	BOX 241 - KENDU	12460191	
5	ISAACK GDI ANWUOR	MALE	BOX 241 K.BAY	9123843	
6	PETER TOYA OVUKU	MALE	75 KOBAY	0057610	
7	FREDRICK ANWUOR	M	241 - K/BY	29030457	
8	WILLYS OKEYO OMOGOLLO	M	81-40301 - K/BY	20401855	
9	JOHN Oudiek GAYA	M	81-40301 K/B	16075598	
10	ELISHA GAYA	M	81-40301 K/B	1544017	
11	JOE KENWERY OHHOLA	M	81-40301 K.B	13384250	
12	Henry Juma Onger	M	Box 10 K.B	1544084	
13					
14					
15					

And your PETITIONER(S) will ever pray.

Name: GAYA FREDRICK Signature: Date: 12/05/2020

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NO	NAME	GENDER	ADDRESS	ID or Passport No	SIGNATURE or THUMB IMPRESSION
1	MARY XNYANGO ODEDE	F	81 K/BAY	26306399	
2	CHARLES OKUKU OBUYA	M	0701790900	26321560	
3	EVANCE OTIENO OBUYA	M	0743110849	30011952	
4	JOEL ORINDA KASERA	M	0717287993	10286160	
5	LUCIA AKUMU KASERA	F	81 K/BAY	5892398	
6	FLORENCE ABHIKIMO KIMUON	F	0741606315	23202688	
7	WILLIAM ONYANGO AMUSIM	M	0743379576	6370074	
8	EDWIN OTIENO OMOKO	M	0799063196	34790696	
9	CALEB OOKO BELE	M	0768704421	5954373	
10	ERKA ACHIENGI	F	0743110171	82732911	
11	RICHARD ABOK NDAGO	M	0725908121	9794475	
12	GEORGE OBONGO	M	0718019705	4013781	
13	JOHN ODHIAMBO NDAWO	M	0710590267	13243078	
14	LAWRENCE OSAN-	M	0769371716	34712466	
15	BERNARD JUMA CHUK	M	0718705643	21068039	

And your PETITIONER(S) will ever pray.

Name: GAYA FREDRICK Signature: Date: 12/05/2020