

The Clerk of the Senate

Parliament Buildings

P.O. Box 41842 – 00100

NAIROBI

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**RE: PETITION TO THE SENATE FOR ENACTMENT OF A SINGLE LEGISLATION
ON THE PROTECTION AND SUSTAINABLE MANAGEMENT OF WATER
RESOURCES, WATER SOURCES AND RIPARIAN ZONES IN KENYA**

I, the undersigned,

Citizen of the Republic of Kenya, a resident of Embu County and Chairperson of the Itimbogo Water Users Committee;

DRAW the attention of the Senate to the following:

1. **That**, this petition is of National importance and it touches on livelihood and survival of all the citizens of this country, their animals and flora and Fauna and any other living things within its territory.
2. **That**, Wetlands are sensitive ecosystems that provide numerous direct and indirect values to Kenyans. Those wetlands have been receding at an alarming rate from about 6.8 % of Kenya's total land mass at independence to about 2.6 % in 2010.
3. **That**, it is of great concern the Kenyan society and the Government having been watching the continued degradation and drainage of wetlands in Kenya has not done anything tangible to protect the continued degradation and destruction of the environment and water sources.
4. **That**, Wetlands and riparian areas are at risk as a result of man's uncontrolled encroachment and exploitation of wetland resources and this interference with the biophysical environment has resulted in problems such as pollution, loss of biodiversity, degradation of life support systems and global climate change.
5. **That**, degradation of wetlands and other water sources is triggered by physical modification of the landscape, depletion of wetland biological resources through overexploitation, encroachment and settlement, wetland reclamation and conversion for change of use, pollution, poor methods of farming and promotion of alien species particularly eucalyptus.

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6. **That**, special attention is drawn to the instructions given by the Director General of NEMA under the powers conferred him, by the Environmental Action and Coordination Act (EMCA), legal notice No. 8, 1999, Section 12 to Permanent Secretary Ministry of Lands to within three (3) months revoke all land allocations in riparian areas and also directing the Water Resources Management Authority (WARMA) to peg and mark all riparian areas clearly within three month period effective from 2 March 2011, a directive which has not been enforced to date.
7. **That**, the Enforcement of the provisions of the Water Act (2002) to ensure that wetlands and riparian land is protected has never been effected.
8. **That**, we cannot have food security in our country under the current situation unless immediate action is taken as far as water sources are conserved, secured and protected and the same case with our environment.
9. **That**, the Government's Vision 2030 be a mirage and will not be realistic if the current trend on massive destruction of environment and water source is not stopped.
10. **That**, I have personally witnessed massive destruction of our environment and water sources and my effort and that of my team to stop it has been unsuccessful given there is nobody or department which want to take responsibility.
11. **That**, if the current activities relating to environmental degradation and water sources invasion are not curtailed, most of the Kenya territory will be Semi-arid in the next 10 years and eventually desert.
12. **That**, the issues of environment are of National importance and neither NEMA nor the County Governments have been able to protect our environment, water and water sources.
13. **That**, the laws governing the protection and conservation of the environment, water and water sources are scattered in too many Acts of Parliament (e.g. Water Act 2016, Forest Act, Environmental Act, Agriculture Act) which makes it a business of all and consequently a business of nobody.
14. **That**, there is inadequacy of the legislative framework governing the protection of sustainable management of water resources, water sources and riparian zones in Kenya.

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15. **That**, riparian area is a critical component that holds several benefits to the environment as it essential for high water streams, rivers, lakes and along shorelines.
16. **That**, riparian area has remained unprotected from poor agricultural practices, residential and commercial construction, landscaping and logging.
17. **That**, the law on conservation, and protection of water and its sources and riparian zones is not in a piece of a single legislation, the law is fragmented in numerous pieces of legislations like Environment Management and Coordination Act (EMCA) 1999, the Water Quality Regulations (WQR) (2006), Water Resources Management Rules (WRMR) (2007), the Agricultural Act (Cap318), Forest Act, 2005, the Land Act 2012, the Water Act, 2002 and the Wildlife (Conservation and Management) Act 2013 presenting a problem of overlapping mandates and lack of coordination in enforcement.
18. **That**, there is lack of clear approval and enforcement agencies for the protection of the riparian area and further lack of Geographical Information System of data for the effective and sustainable management of riparian areas. This has presented a big problem for the preservation, protection and management of riparian areas which are endowed with a number of natural resources that need to be protected through a better and effective system of management
19. **That**, a strong single all-inclusive legislation on water resources, water sources and riparian zones needs to be enacted with a view of having enforceable regulations.
20. **That**, a strong national enforcement agency vested with prosecution powers need to urgently be formed with a purpose of enforcing the law which will be enacted.
21. **That**, I have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response, thus my petition to Parliament which by law is mandated to review and enact legislation as proposed in this petition.
22. **That**, none of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

WHEREFORE, your humble petitioner prays that the Senate enacts a single legislation consolidating the various laws on the protection and sustainable management of water resources, water sources and riparian zones in Kenya, including putting in place a strong centralized agency with sufficient powers to enforce compliance with the said law.

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Dated this 26.....day of JANUARY.....2018.

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