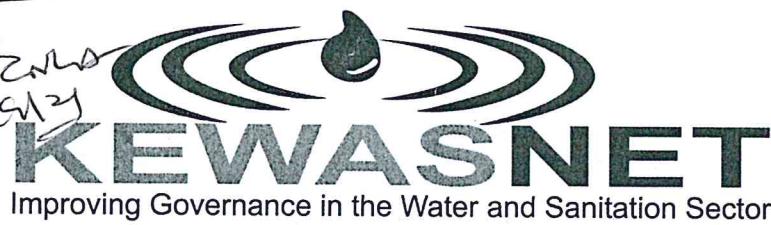


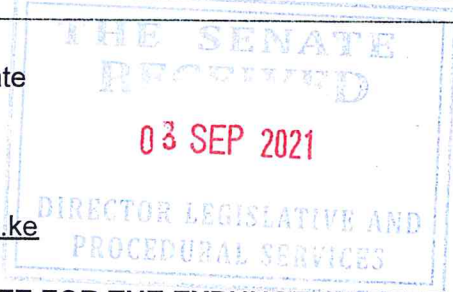
② Mr. Mogere (AD LPS)
PS process
20/09/21



Kenya Water and Sanitation Civil Society Network

4th Floor, Mango Court
Suite A403
Wood Avenue, KILIMANI
P.O Box 46163-00100 GPO, NAIROBI, Kenya
Tel. +254-20-26 56 281
Office Cellphones: +254 705 530 499
email: info@kewasnet.co.ke
website: www.kewasnet.co.ke

The Clerk of the National Senate
Parliament buildings
P.O. Box 41842 -00100
NAIROBI
Email: cSenate@parliament.go.ke



① DKPS
Please deal -
[Signature]
4/9/21

RE: PETITION TO THE SENATE FOR THE EXPUNGE OF OFFENDING PROVISIONS IN THE WATER SERVICES REGULATIONS 2021 AND THE WATER RESOURCES REGULATIONS 2021

We, the undersigned,

Being citizens of Kenya, and representing citizen interests in the water sector through our individual and collective organizational beings as civil society organizations;

Draw the attention of the Senate to the following;

1. **That** this petition is of national importance, and it touches on fundamental rights of Kenyan citizens as provided for and protected by the Constitution of Kenya. In particular, reference is made to Article 43 (1) (d) that guarantees the right of every Kenyan to clean and safe water in adequate quantities;
2. **That** Access to water for the most vulnerable citizens still remains unfulfilled, and/or unsustainable. A huge population of Kenya access water from non-regulated service providers or directly from the sources.
3. **That** affordability in the cost of water is an important factor determining levels of access for millions of citizens in Kenya.
4. **That** sustained access to water is an important non pharmaceutical defence and especially important contributor to the resilience of the most vulnerable population to the vagaries of COVID-19 pandemic

③ Mr. Charia
Please process
20/09/21

④ Mr. Abdurrahman
Please review the petition and facilitate -
D. Charia
08/09/2021

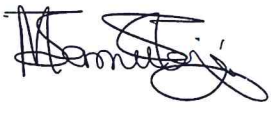
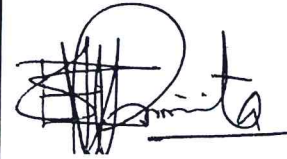
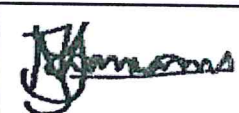
PETITION TO THE SENATE FOR THE EXPUNGE OF OFFENDING PROVISIONS IN THE WATER SERVICES REGULATIONS 2021 AND THE WATER RESOURCES REGULATIONS 2021

5. **That** during the ongoing pandemic, COVID-19, the already vulnerable population were further disadvantaged, with many others entering that category due to increased demand and use of safe water.
 - * 6. **That** a big part of the population in what has been categorized as non commercially viable areas still depend on small scale water service providers for their water services
 7. **That** the water Act 2016 provides for ring-fencing of all incomes derived from water conservation and supply services, for continued conservation and expansion of service bracket
 8. **That** due to the linkage between abstraction and access and utilization of water, cost of water is an elementary unit of production and impactful to the economy of Kenya
 9. **That** special attention is drawn to the Legal Notice No.168, in which Cabinet Secretary in charge of Water, Sanitation and Irrigation has published proposed Water Resources Regulations, 2021, whose proposals provide significant changes in the obligations of water users, and particularly in increasing the nominal cost of abstraction of water from various sources.
-
10. **That** costs proposed charges in the regulations have the potential to lock out many small scale water service providers, who in any event find themselves struggling to bear the current charges.
 11. **That** the said water resources regulations 2021 will have the effect of substantially altering the cost of water for regulated water service providers, who will pass the cost directly to users who are already bent over from the weight of tax and reduced incomes.
 - X 12. **That** the overall impact of the new regulations would be deepening a failure to observe, protect and fulfil the right to water as provided for in the Constitution of Kenya.
 13. **That** the proposed regulations pose the risk of reducing the resilience of the population against the current COVID-19 pandemic
 - | 14. **That** there have been efforts to address the aforesaid by civil society and the Council of Governors, and these remain unresolved. |
 15. **That** to the best of our knowledge none of the issues pointed out above are pending or unresolved in a court of law, or constitutional or other legal body.
 16. **That** section 103 on collaboration with the Water Resources Users Association seems to give water resources authority powers to micromanage the WRUAs.

PETITION TO THE SENATE FOR THE EXPUNGE OF OFFENDING PROVISIONS IN THE WATER SERVICES REGULATIONS 2021 AND THE WATER RESOURCES REGULATIONS 2021

17. Increase in water use fee for the irrigators is quite high and will impact on their cost of operations notwithstanding the already high taxes and double taxation.
18. The regulations are not clear on catchment management and conservation and should propose a percentage to be ploughed back to catchment restoration.
19. That there should be no fee for data access from WRA.

HEREFORE your humble petitioners pray that the Senate expunge and reinstate the otherwise amended charges as expressed in Part 2 of Schedule B in the impugned regulations.

NAME	ADDRESS	ID NO.	Signature
Malesi Shivaji	Kenya Water & Sanitation Civil Society Network (KEWASNET) P.O. Box 46163 00100 - Nairobi s.shivaji@kewasnet.co.ke 0726834088	20821906	
Enock S Kiminta.	National Water Resources Users Association (NAWRUAK) P.O BOX 2117 NAIVASHA umbrellawrua@gmail.com 0720125948.	22189599	
Jane Nyamwamu	Neighbours Initiative Alliance (NIA) P.O. Box 366,01100, Kajiado jane@niakenya.org 0721563295	14558597	

2000

