

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

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**Honourable Senators,**

1. I hereby report to the Senate that a Petition has been submitted, through the Clerk, by the Kenya Water and Sanitation Civil Society Network.
2. As you are aware, under Article 119(1) of the Constitution, and I quote:—*“Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.”*
3. **Honourable Senators**, the salient issues raised in the said Petition are:-
  - i) That, Article 43 (1) (d) of the Constitution of Kenya, 2010, guarantees every Kenyan the right to clean and safe water in adequate quantities. However, access for most vulnerable citizens still remains unfulfilled. In this case, a huge population of Kenyans access water from non-regulated service providers. In particular, a big part of the population in residential areas still depend on small-scale water service providers for water services;
  - ii) That sustained access to water has been identified as an important non-pharmaceutical defense against the COVID-19 pandemic among other diseases. Lack of sufficient water resources puts the vulnerable population at risk of contracting the virus;
  - iii) That vide Legal Notice No. 168, the Cabinet Secretary for Water, Sanitation and Irrigation published the Water Resources Regulations, 2021, whose proposals provide significant changes in the obligations of water users, and thus increasing the nominal cost of abstraction of water from various sources. The proposed charges in the said regulations will alter the cost of provision of water services, by water service providers, who will in turn pass the cost to the consumers;
  - iv) That the Regulations are not clear on water catchment management and conservation. A provision should be made in the Regulations for a percentage to be ploughed back to restoration of catchment areas; and
  - v) That the net effect of implementation of the Regulations will be deepening a failure to observe, protect and fulfill the right to water as provided for in the Constitution. Further, that the proposed regulations pose the risk of

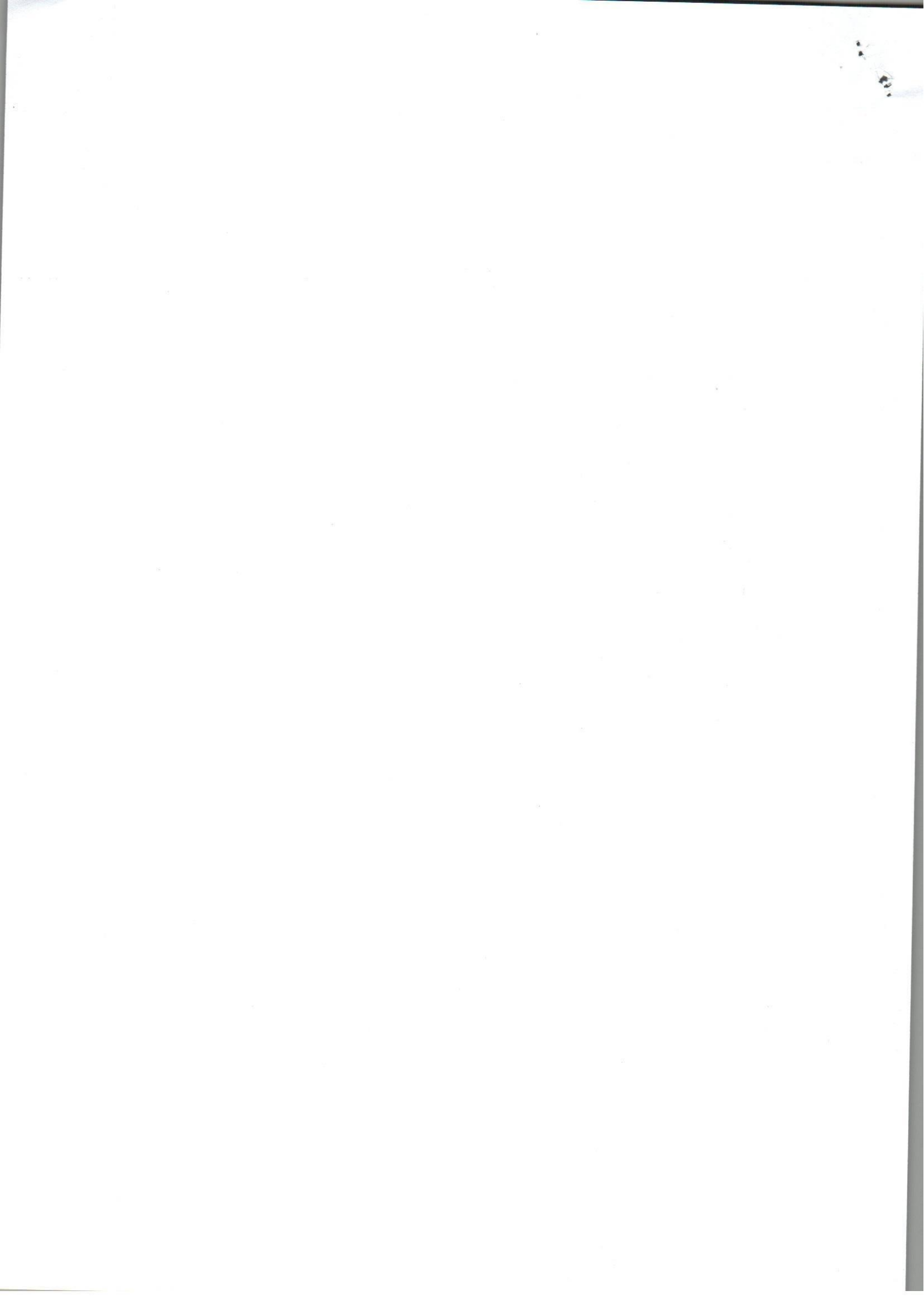


reducing the resilience of the population against the current COVID-19 pandemic.

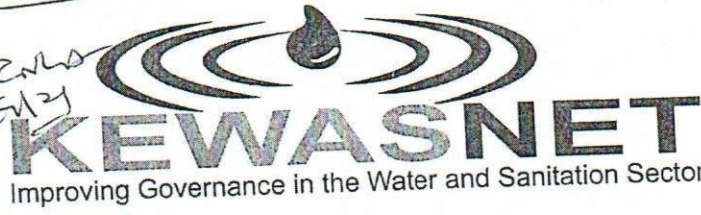
4. The Petitioners therefore pray that the Senate intervenes in the matter with a view to expunge the current charges and reinstate the charges as expressed in Part 2 of Schedule B in the impugned Regulations.
  5. **Honourable Senators**, pursuant to standing order 231, I shall now allow comments, observations or clarifications in relation to the petition for not more than **thirty** minutes.
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*[After comments by Senators]*

6. **Honourable Senators**, Standing Order 232(1) requires a Petition to be referred to the relevant Standing Committee. In this case, I therefore direct that the Petition be committed to the Standing Committee on Land, Environment and Natural Resources.
7. In terms of Standing Order 232(2), the Committee is required, in not more than sixty calendar days from the time of reading the Prayer, to respond to the Petitioner by way of a Report addressed to the Petitioner, and laid on the Table of the Senate.
8. I thank you.



② Mr. Mogere (AD LPS)  
PS process  
2/9/21



# Kenya Water and Sanitation Civil Society Network

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NAIROBI  
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03 SEP 2021

① DLPS  
Please deal  
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 Mrs. Chanzia  
please process  
2/4  
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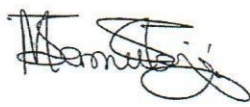
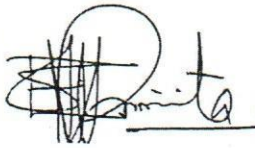
④ Mr. Abdurahman  
Please review the Petition  
and facilitate  
D. Chanzia  
08/09/2021



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

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.

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