

To:  
H. E. Mike Sonko Mbuvi,  
Governor Nairobi City County,  
P. O. Box 30075 – 00100  
Nairobi, Kenya

005/01/09/2017  
468/14/09/2017

31<sup>th</sup> August, 2017

**Petition to Nairobi City County Governor to Clean Up and Take Corrective Action against Pollution of Kirichwa Kubwa River**

**WE, undersigned, the humble Petitioners, are**

Citizens of Kenya and Citizens' Coalition for a Better Nairobi representing individuals, civil society organizations and Nairobi residents in accordance to **section 7(2)(a) of the Nairobi City County Public Participation Act 2015**

**DRAW the attention of the Governor of Nairobi City County to the following:**

**THAT**

1. All sovereign power belongs to the people of Kenya, and shall be exercised in accordance to the **Constitution of Kenya 2010 (Article 1)**
2. Every person has the right to a clean and healthy environment as per **Article 42 Constitution of Kenya 2010** and **Section 3 of the Environment Management and Coordination Act 1999**.
3. The State shall eliminate process and activities that are likely to endanger the environment as provided for in **Article 69 (2) of the Constitution**
4. Water pollution is prohibited under **Section 72 of the Environment Management and Coordination Act 1999<sup>1</sup>**
5. It is an offence for any person to discharge any dangerous materials, substances, oil mixtures into water contrary to the **Environment Management and Coordination Act 1999 (section (142 (a))**
6. The **Water Quality Regulations 2006 paragraph 4 (1) and (2)** requires every person to refrain from any act, which directly or indirectly causes, or may cause immediate or subsequent water pollution. No person shall throw or cause to flow into or near a water resource any liquid, solid or gaseous substance or deposit any such substance in or near it, as to cause pollution.

<sup>1</sup>Section 72: Any person who upon the coming into force of this Act discharges or applies any poison, toxic, noxious or obstructing matter, radioactive waste, or any other pollutants or permits any person to dump or discharge such matter into aquatic environment in contravention to the water pollution control standards established under this part shall be guilty of an offence and liable to imprisonment, or a term not exceeding one million shillings or both

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7. The **Water Quality Regulations 2006 paragraph 6** protects rivers from discharge of any effluent from sewage treatment works, industry or other point sources into the aquatic environment; activities near any lakes, rivers, streams, springs and wells that is likely to have adverse impact on the quantity and quality of the water, without an Environmental Impact Assessment license; cultivate or undertake any development activity within a minimum of six meters and a maximum of thirty meters from the highest ever recorded flood level, on either side of a river or stream
8. The County governments are responsible for implementation of specific national government policies on natural resources and environmental conservation including water conservation. Additionally, they are responsible refuse removal, refuse dumps and solid waste management (**Fourth Schedule Part 2 paragraph (10) (a) and 2(g) respectively.**
9. The County Government shall provide for the receipt, processing and consideration of PETITIONS and COMPLAINTS lodged by members of the public in accordance to **section 7(2)(a) of the Nairobi City County Public Participation Act 2015.**

**THAT**

10. Kirichwa Kubwa, a tributary of Nairobi River is highly polluted because of poor waste management and sanitation infrastructure.
11. According to a report by the Nairobi City County on ***Kirichwa Kubwa and Ndogo River Pollution Control Operation***, "*the main pollutants of Kirichwa Kubwa River are the increased discharge from commercial and domestic effluents into the river. Tremendous change in the water characteristics occurs as the river flows through the County. This has caused repugnant odours along the waterways, threatened biodiversity and compromises the health of those consuming waters downstream*".

**THAT**

12. Various complaints have been voiced in different local newspapers on the deterioration of the water quality and by residents as follows:

*"A resident told The Nairobiian that, "The stench is unbearable when the waste joins the already heavily polluted river. At times, we can't use our backyards because of the foul smell emanating from the river."*<sup>2</sup>

An article by Kenya Rivers and Water Resources titled **Choking Nairobi River Filth** explains that rivers in Nairobi "*are mostly narrow and highly polluted. Currently about 56 percent of the capital City residents live in 46 highly congested informal and middle class settlements mainly located along the Nairobi River banks. The Rivers are polluted with uncollected garbage; human waste from informal settlements; industrial wastes in the form*

<sup>2</sup> <https://www.sde.co.ke/thenairobiian/article/2000220521/state-house-sewage-is-stinking-up-kileleshwa>

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*of gaseous emissions, liquid effluents, agro-chemicals, petrochemicals, metals and over-flowing sewers.*<sup>3</sup>

In response to complaints by Kilimani Estate residents, the former deputy governor Jonathan Mueke stated that, "We are in the process of sorting out Kirichwa River Pollution".<sup>4</sup>

**THAT**

13. We acknowledge the efforts made by the Nairobi City County Government to address the issue of Kirichwa Kubwa River Pollution.
14. The Nairobi City County Government established a surveillance team led by Engineer Christine Ogut, which prepared a report titled, **Kirichwa Kubwa and Ndogo River Pollution Control Operation**.
15. According to the report, the surveillance team identified several illegal discharge points, issued abatement notices for demolition of fifteen structures built on the riparian way leave, disconnection of water of thirty nine properties directly discharging sewerage waste into the river, issued seventy one public health notices and sixty four property owners and caretakers arrested and charged in Court for the offence of pollution discharge of dangerous material into water or aquatic environment under section 142 of the Environment Management and Coordination Act 1999
16. However, the report by the surveillance team noted that the challenges contributing to the river pollution persist including hidden underground pipes, encroachment into the riparian, lack of logistical support by administration police due to delay in funds. Additionally, increase in urbanisation, industrialisation, poor urban planning and weak enforcement of environmental laws leading to serious environment degradation. Untreated industrial effluents, raw sewage and waste from commercial activities drain into the river, solid waste swept into river during rainstorm and inadequate sewage system leading to discharge into the river.

**THAT**

17. To the best of our knowledge, the issues in respect of which this petition is made are not pending before any court of law, or constitutional or legal body.

**THEREFORE, your humble petitioners PRAY that Nairobi City County Governor**

- a. Deals with this Petition immediately in view of the seriousness of the issues presented herein

<sup>3</sup> <https://kenyariversandwaterresources.wordpress.com/2016/11/08/master-plan-for-nairobi-river-basin/>

<sup>4</sup> <https://twitter.com/jmueke/status/662929547910914048>

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- b. Immediate clean-up of Kirichwa Kubwa River
- c. Implement the recommendations in the **Kirichwa Kubwa and Ndogo River Control Operation** by the Nairobi City County.
- d. Meet with residents residing along Kirichwa Kubwa River (Dagoretti North sub county) to discuss the contents of this petition.

**AND your Petitioners will ever Pray**

Name of Petitioner	Full Address	National ID OR Passport No.	Signature or Thumb Impression
1. CAROL W. O. OMONDI	KILELESTWA	926926	
2. GEE NDETI	KILELESTWA	20049719	
3. JOHN M. MBURY	KILELESTWA	11465446	
4. SAM KIMPA	KILELESTWA	20026612	
5. Grace Ngunji	"	22088382	
6. DAVID WERE	KILELESTWA	21524989	
7. EDWARDS MUTIATI	KILELESTWA	14674410	
8. SAM MWAURA	KITISURU	4883444	
9. Mugno Mungu	RIVERSIDE	24866700	
10. Shadrach Kure	MARUANI	0473036	
11. Mary Wanjiku	KILELESTWA	27795139	
12. Lucy Wanjiku	KILELESTWA	22150921	

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Name of Petitioner	Full Address	National ID OR Passport No.	Signature or Thumb Impression
13. Peter Kinyochi	Kileleshwa	25221577	
14. Peter Ndegwa	Kileleshwa	25238896	
15. Sylvia Kinyuku	Kileleshwa	24691181	SYLVIA
16. JACKLINE LANGIYA	KILELESHWA	11870262	
17. NELSON MWITI	KILELESHWA	29375865	
18. ANN MGETHE	KILELESHWA	11153877	
19. JOHN JACKSON	KILELESHWA	33979120	
20. Mary Wainimu	Kileleshwa	0722-271175	
21. WAIRU KINYORI-GUHA	Kileleshwa	22870110	
22. TOB KEVA KIMENTE	Kileleshwa	32344508	
23. Lucy Maywaki	Kileleshwa	3364298	
24. HILLARY MAINA	KILELESHWA	23091205	
25. LILIAN MBAARU	KILELESHWA	23956787	
26. Edward Ngujiri	Kileleshwa	23646175	
27. WANJIRU GIKONDO	KILELESHWA	9089030	
28. Graca Ngunjiri	Kileleshwa	26528278	

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For further information, please contact us at

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