

PETITION FOR APPROPRIATE AND URGENT REMEDIATION, RESTORATION AND REINSTATEMENT OF THE RESIDENTS OF THANGE RIVER BASIN, THEIR CHILDREN, LIVESTOCK, CROPS AND ENVIRONMENT FOLLOWING THE UNDERGROUND OIL SPILL OF MAY 12<sup>TH</sup> 2015 BY KENYA PIPELINE COMPANY.



**THANGE RIVER BASIN COMMUNITY PETITION  
TO THE SENATE  
REPUBLIC OF KENYA**

**RE; PETITION FOR APPROPRIATE AND URGENT REMEDIATION, RESTORATION AND REINSTATEMENT OF THE RESIDENTS OF THANGE RIVER BASIN, THEIR CHILDREN, LIVESTOCK, CROPS AND ENVIRONMENT FOLLOWING THE UNDERGROUND OIL SPILL OF MAY 12<sup>TH</sup> 2015 BY KENYA PIPELINE COMPANY LIMITED.**

The petitioners are exercising SOVEREIGNTY of THE PEOPLE AND SUPREMACY of the people under the Kenyan Constitution of 2010; and also complies with articles of the constitution, Right to Petition to any authority and observes well all the articles of Constitution, Parliamentary procedures and standing orders.



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**I/We, the undersigned, THANGE RIVER BASIN COMMUNITY,**

Here below are villages (residents) of Thange river Basin that have signed to petition on the above matter on behalf/and for the entire Thange River Basin Community;

- Mbulutini village
- Thange village
- nzavoni village
- Ngomano village
- Kyuasini village
- Mwanza village
- Moki Village
- Kavunie Village

**THROUGH;**

**THE COMMUNITY CHAIR,**

**NAME; MR. JOHN KIMEU MUKAI,**

**ADDRESS; P.O BOX 120, KIBWEZI, KENYA.**

**EMAIL; johnniemukai@gmail.com**

**TEL.NO; 0716847396/0789938630**

**ID.NO; 27761946**

**DATE** 20/07/2018

**SIGNATURE**.....



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**DRAW THE ATTENTION OF THE HOUSE TO THE FOLLOWING;**

**That;**

**FACTS CONCERNING THE UNDERGROUND OIL SPILL BY KENYA PIPELINE COMPANY AT THANGE RIVER.**

- 1) An underground petroleum oilspill incident by Kenya Pipeline Company Limited occurred on 12<sup>th</sup> May 2015, at Thange River along Mombasa-Nairobi pipeline at km 256, in Kibwezi, Makueni County.
- 2) Kenya Pipeline Company Limited engaged the SGS Kenya Limited on 6<sup>th</sup> November 2015 to conduct an Environmental Site Assessment at the area of the oil spill in Thange. The SGS report Ref.522102 indicates high presence of petroleum product in the soils, groundwater and surface water, and the biota samples.
- 3) Water sample analysis by the Water Resource Management Authority (WRMA) through a letter dated 27<sup>th</sup> October 2015 Ref. WRMA/ATHI/MKS/WQPC/3/9/1 (116) indicated high presence of oil and grease for ground and surface water samples collected at River Thange.
- 4) WRMA through a letter dated 12<sup>th</sup> February 2016 Ref. WRMA/ATHI/MKS/WQPC/3/9/1 VOL.4(12) indicated high presence of oil and grease from the point of oil spill to Thange-Athi River confluence, about 42 km stretch.
- 5) WRMA through a letter dated 27<sup>th</sup> October 2015 Ref. WRMA/ATHI/MKS/WQPC/3/9/1/ (116) ordered Kenya Pipeline Company Limited to undertake a comprehensive environmental, social and economic assessment to determine the magnitude and the extend of the impacts of the Thange river oil spill, develop impact mitigation/remediation action plans, and ***COMPENSATING for any losses or damages arising thereof.***
- 6) The National Environment Management Authority (NEMA) through an improvement notice on management of Thange oil spill incident dated 9<sup>th</sup> February 2016 Ref. NEMA/5/7/VOL.IV ordered Kenya Pipeline Company to undertake a socio-economic study to establish any effects on the livelihoods ***with a view to determining and to effecting the APPROPRIATE COMPENSATION.***
- 7) An Environmental and Social-Economic Impact Assessment (ESEIA) study of Thange River Basin was conducted by Panafcon Kenya limited dated 29<sup>th</sup> April 2016 Ref. Pan-16-007 in compliance to the order(s) stated here above\_ in which the following study observations/analysis and recommendations were made;
  - i. A comprehensive medical sampling and examination of human health conducted indicated that ALL the samples were found to have abnormalities in their white



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blood cells, red blood cells and platelets, and liver and kidney toxicity; all associated with benzene and toluene present in petroleum.

From the medical examination, the following recommendations were made;

- a) The community members where the medical examination was carried out and noted to have medical conditions that require attention need to be put on medication and observation for a period that the Doctor will propose.
  - b) A medical examination is to be carried out after the observation period to evaluate the progress.
- ii. Health evaluation of livestock; the laboratory findings confirmed the presence of ketones and also showed evident hypoglycaemia and hypomagnesaemia in all species tested. These findings are highly indicative of exposure to petroleum products.
  - iii. All the ground water and surface water analysis results show presence of petroleum products. The laboratory analysis results also show presence of benzene in the samples collected.
  - iv. All the biota samples returned TPH, PAH and BTEX results show presence of hydrocarbons. The laboratory analysis results also show presence of benzene in the samples collected.
  - v. All the soil samples collected returned TPH, PAH and BTEX results that show presence of hydrocarbons. The laboratory analysis results also show presence of benzene in the sample collected.
8. Minutes of Thange River Environmental Task Force meetings dated 12<sup>th</sup> January 2016 and 29<sup>th</sup> April 2016 recommends the use of ESEIA Report as the basis for compensation in accordance with the law. The minutes also recommends on publicizing of the report and sharing the report with the affected community, presentation, discussion and implementation of the report.
  9. Kenya Pipeline Company Limited through a letter by the Managing Director to the Community Chair Mr. John Mukai, dated 22<sup>nd</sup> February 2016 commits to compensate the community affected by the oil spill on the basis of an Environmental and Socio-Economic study.
  10. Through NEMA Incident Investigation Report (inception report) dated 29<sup>th</sup> February 2016 (Multi-sectoral report) \_ Kenya Pipeline Company Limited is directed to complete and implement the Environmental Socio-Economic Impact Assessment of the Thange River Basin.
  11. NEMA through a Restoration Order dated 17<sup>th</sup> December 2015 Ref. NEMA/5/4/VOL.III and NEMA Improvement Notice dated 9<sup>th</sup> February 2016 Ref.NEMA /5/7/VOL.IV ordered Kenya Pipeline Company Limited to provide clean

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water, food, medical services and other humanitarian needs to the affected community.

12. Through minutes of Thange River Environmental Task Force dated 15<sup>th</sup> September 2016, there is concern that NEMA and SGS did not share important documents of the clean up process with the affected community.  
NEMA did not also share the ESEIA Report with the affected community; county director for environment requested to release another copy of ESEIA Report to the affected community. No report was released.
13. Minutes of Thange River Environmental Task Force dated 11<sup>th</sup> August 2016, NEMA served the contractor Enviroserv Kenya Limited conducting the river clean up exercise with a cessation order. NEMA asked to share ALL important documents about the clean up to the affected community as a key stakeholder.
14. A letter to NEMA dated 27<sup>th</sup> November 2016, by Makueni Senator Mutula Kilonzo Junior outlines the many ways NEMA has abdicated its role under the law, concerning the underground oil spill by Kenya Pipeline Company at Thange river. These include;
  - a) No remediation measures taken about 6 months after the oil spill incident.
  - b) No restoration order issued about 6 months after the oil spill as required by law.
  - c) No notice had been placed or public awareness conducted by NEMA to sensitize the residents on the obvious effects of consuming the polluted water.
  - d) NEMA did not set a complaints committee as stipulated under the Act.
15. The Thange River Environmental Task Force was abolished/stopped indefinitely and prematurely under unclear circumstances.
16. Kenya Pipeline Company, NEMA and Enviroserv Kenya Limited, for reasons not explained to the community, stopped involving the community in public barazas to update on compensation and clean up process.
17. A ban Ref. MKN/ALF/HTM/1/ VOL.I (108) placed by Makueni county department of agriculture, livestock and fisheries dated 16<sup>th</sup> January 2016; on water use, crop farming and livestock grazing, is still active.
18. The senate standing committee on energy, led by the committee chairman, Hon.Sen. Gedion K. Moi, undertook a fact-finding visit to river thange that is affected by petroleum oil spill on 19<sup>th</sup> November 2015. The senate committee tabled a report dated 16<sup>th</sup> February 2016 to the senate House for adoption.



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**THANGE RIVER BASIN RESIDENTS GRIEVANCES/PROBLEMS CAUSED BY THE OIL SPILL INCIDENT BY KENYA PIPELINE COMPANY LIMITED.**

**1. No appropriate compensation for loses and damages caused by the petroleum oil spill.**

Based on the SGS Report Ref.522102, WRMA water sample analysis Ref. WRMA/ATHI/MKS/WQPC/3/9/1 (116) and Panafcon ESEIA Report Ref. Pan-16-007; soil, groundwater and surface water, animals and vegetation (biota) at Thange River Basin are adversely affected by the petroleum pollutant by Kenya Pipeline Company Limited.

Kenya Pipeline Company Limited has not satisfactorily compensated the residents of Thange River Basin for loses or damages of their crops, livestock and water as provided in the Environmental Management & co-ordination (EMCA) Act 1999 Section (3) (3) (c).

**2. KPC has not released the medical examination results conducted by the Panafcon limited to the 45 residents sampled and examined\_ and as such has withheld medical information of the 45 individuals, therefore violating their constitutional right of information that is of importance to them.**

**3. KPC never discussed the findings of the ESEIA Report of Thange River Basin with the affected community, or/and explained the grounds on which they disregarded or otherwise overlooked the ESEIA medical report that indicate serious health defects associated with benzene and toluene befalling the community of Thange River Basin.**

**4. KPC through the CIC General insurance Ltd, was quick to dismiss and dispose off the oil spill matter and claims by affected residents through letters, in a move to either deny or delarge compensation for damages/loses caused.**

**5. Lower Thange Residents affected by the oil spill, no action taken.**

Water samples analysis by WRMA Ref. WRMA/ATHI/MKS/WQPC//3/9/1 VOL.4 (12) dated 12<sup>th</sup> February 2016, indicate high presence of oil and grease from the point of the oil spill to Thange- Athi River confluence about 42 km stretch

- No action taken following the report.
- No public awareness conducted for the residents of lower Thange river.
- No alternative measures provided for the residents of lower Thange river.
- Residents of lower Thange still use (exposed) the polluted water.

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- 6. ESEIA study report is a key document for compensation and restoration of Thange river residents and their environment; Report NOT presented, discussed and implemented.**

In reference to a letter by WRMA dated 27<sup>th</sup> October 2015 Ref.

WRMA/ATHI/MKS/WQPC/3/9/1 (116); and an Improvement notice by NEMA dated 9<sup>th</sup> February 2016 Ref. NEMA/5/7/VOL.IV, compensating the residents of Thange River Basin should be based on the Environmental and Social-Economic study report. This is an order that Kenya Pipeline Company has either overlooked or ignored. The report was never presented, discussed and implemented.

- 7. Lives of Thange River Basin residents threatened.**

The constitutional right to life is sacred. The panafcon company ESEIA study report of Thange River Basin indicate a serious threat to human life as a result of the petroleum underground spillage at Thange river by KPC. ALL the human samples randomly collected and examined exhibited abnormal white blood cells, red blood cells and platelets, liver and kidney toxicity associated to benzene and toluene present in petroleum.

Medication and observation are recommended by Doctors in the report. No action has been taken from the date of release of the report on 12<sup>th</sup> May 2016 to date.

There are complaints of increased miscarriages, malformations and deaths resulting from blood, kidney and liver problems.

- 8. Livestock not compensated.**

Livestock is also found to be affected by ketones and benzene present in petroleum product. There are livestock deformities, miscarriages and deaths. There is also an active ban on livestock grazing at Thange river basin. Very many residents are yet to be compensated for the damages and lose incurred.

- 9. No permanent and sufficient water supply for the affected community.**

River Thange is the main source of water for domestic use, livestock and crop farming. As indicated in SGS report Ref. 522102, WRMA report Ref.

WRMA/ATHI/MKS/WQPC/3/9/1 (116) and panafcon report Ref. Pan-16-007, underground and surface water at river Thange is polluted by petroleum spill by KPC. The current water supply by KPC through water bowsers is a short term measure. It is also not enough for domestic and livestock use. A permanent and sufficient water supply is necessary.

- 10. Reports and documents NOT shared with the affected community.**

Report of compensation and clean up processes not shared with the affected community which is a key stakeholder. NEMA, KPC and Enviroserv company (clean up contractor) asked to share reports, no response.



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**11. Clean up process.**

The contractor, enviroserv company has exited the site. Community not informed on the move, no documents on clean up progress provided. Community observation as on June 2018 ; visible petroleum at well no.4, irritating fumes at the site, and frogs, tadpoles (aquatic animals) dead at well. No 4. There is concern that if the environment and river water are not restored to their original pre-pollution status, there may be post-clean up exposure of the residents to the petroleum product.

**12. NEMA has abdicated its role under the law.**

NEMA has a role to protect the environmental integrity and to enforce the law to protect the environment. NEMA has abdicated this role by;

- i. Not updating the community on the clean up process (not sharing important clean up reports with the affected community)
- ii. Not updating the residents of river Thange on the state of the oil polluted river.
- iii. Not enlightening the affected community on the ESEIA report finding, and the threats on human life animals and the environment.
- iv. Not enforcing the law to ensure the findings of the ESEIA report (key document) are implemented impartially.
- v. That no complaints committee has been set up by NEMA to address the oil spill incident and the plight of the affected residents.
- vi. Delayed issuance of a public notice/awareness and restoration order of Thange river oil spill incident.

**13. There is an active ban issued by Makueni County government** department of agriculture, livestock and fisheries dated 16<sup>th</sup> January 2016 Ref.No. MKN/ALF/HTM/1/VOL.I, on use of the oil polluted river water, crop farming and livestock rearing. This has greatly impaired the economic activities of Thange River Residents. Their income is low and cannot meet most of their basic needs. KPC was directed through NEMA improvement notice Ref: NEMA/5/7/VOL.IV and NEMA Incident Investigation Report date 29<sup>th</sup> February 2016 – to continue providing water, Relief food and other humanitarian need for the remedial period.

**14. The Makueni county has not been effective in responding to the Thange river oil spill disaster\_** and to ensure that the affected residents of Thange river basin get urgent relief food, sustainable water supply, urgent medication and other humanitarian aids.

**15. The oil spill incident by KPC has devalued our lands.** The state agency spilled petroleum into river Thange and its environs which include the neighbouring lands. Investors and buyers are hesitant to purchase or invest on the lands. The lands are devalued. Affected pieces of lands have not been compensated.

**16. Through a NEMA improvement notice Ref. NEMA/5/7/VOL.IV, KPC is ordered to;**

- i. Specify the plume/highly contaminated area and declare the pollution source zone.



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- ii. State the suitability of the pollution source zone for human habitation, farming and other activities with a view of considering relocation of any affected persons/ households. and to provide a Relocation Action Plan (RAP) within 30 days where relocation is deemed necessary on receipt of the notice.

There are claims of deaths, malformations and miscarriages of both animals and humans living along Thange river, and is therefore important to evaluate the suitability of the area as an habitat.

17. It is unfortunate that KPC through the CIC General insurance Ltd is quickly dismiss or dispose of the oil spill matter and claims arising thereof because;

- i. The oil spill incident is not completely addressed, exposure is ongoing and the effects to the residents is continuing.
- ii. The ban on river water use, irrigation and livestock grazing by Makueni county department of agriculture, livestock and fisheries Ref. MKN/ALF/HTM/1/VOL.I is still active. Thange residents economic activities and water use is altered without appropriate pay or compensation.
- iii. The whole of lower Thange residents have never been made aware of the polluted lower Thange river according to WRMA reports, no intervention measures taken nor assessment of the damage done.
- iv. ESEIA report which is key to compensation has not been presented and discussed with affected community, and not implemented.
- v. No public participation ( public barazas) has been conducted by KPC, NEMA and Enviroserv for quite a long time.

**THAT;**

**Efforts have been made to address the matter of the petition by:**

1. Minutes of Thange Taskforce dated 5<sup>th</sup> July 2016 – NEMA was noted to hold the community hostage by not releasing the ESEIA. Taskforce and community asked to write to demand immediate release of the ESEIA.
2. Through a letter to NEMA dated 9<sup>th</sup> July 2016, I requested for an update and release of ESEIA report to community for discussion and recommendations.
3. Through a letter to Makueni County governor H.E. Prof. Kibwana and Makueni county Senator Hon. Mutula Kilonzo Junior dated 12<sup>th</sup> July 2016; I requested that they will intervene to have the ESEIA Report release by NEMA for discussion and input by affected community.
4. Through a letter to NEMA dated 29<sup>th</sup> July 2016, I expressed the concern that Thange community did not receive the said dispatched hard copy of ESEIA Report by NEMA.

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5. By a letter to NEMA dated 27<sup>th</sup> November 2015, by Makueni Senator Hon. Mutula Kilonzo; NEMA was asked to set up and lead a complaints committee under the Act.
6. My letter dated 8<sup>th</sup> February 2017 to Managing Director Kenya Pipeline company, I expressed concern that:
  - (i) KPC had stopped community involvement in matters of Thange oil spill.
  - (ii) No action was taken on reports of oil spill effect to the lower part of River Thange.
  - (iii) ESEIA Report has not been released to the affected community for discussion and input.
7. A letter to Kenya Pipeline company dated 1<sup>st</sup> August 2016 raising concerns of effects of the oil spill to the lower Thange following the Reports by WRMA that indicate petroleum pollution by KPC at lower part of Thange river joining Athi River. No action taken.
8. My letter dated 23<sup>rd</sup> August 2016 to NEMA requesting for sharing of the cessation order and other important documents to update the affected community on the Thange River clean up.
9. A letter to NEMA by Senator Mutula Kilonzo dated 17<sup>th</sup> October 2016 raising concern that laboratory analysis reports, WRMA reports and report by county Government shared indicates that no preventive measures have been taken to mitigate the Thange oil spill.
10. A letter dated 23<sup>rd</sup> November 2015 by Senator Mutula Kilonzo to Cabinet Secretary Ministry of health – request for the Ministry intervention on the oil spill incident.
11. A letter dated 23<sup>rd</sup> November 2015 by Senator Mutula Kilonzo to the Principal Secretary, Ministry of Devolution and Planning – Request for the Ministry intervention on the oil spill incident.
12. A letter by Senator Mutula Kilonzo dated 23<sup>rd</sup> November 2015 to Hon Eugene Wamalwa, Cabinet Secretary Ministry of Water and Irrigation – requesting for Ministry intervention on the oil spill incident.
13. A letter dated 8<sup>th</sup> December 2015 by Senator Mutula Kilonzo to Hon. Prof. Judi Wakhungu, Cabinet Secretary, Ministry of Environment and Natural resources – Request for Ministry intervention on the oil spill incident.
14. My letter dated 20<sup>th</sup> March 2017 to Enviroserv company management; raising concern on lack of clean up update to the affected community, community involvement and sharing clean up documents.



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15. My letter to Director General NEMA Prof. Wahungu dated 27<sup>th</sup> November 2015.
16. My letter to Hon. Cleopha Mailu Cabinet Secretary, Ministry of Health – Requesting Ministry intervention on the oil spill incident.
17. My letter to Hon. Eugene Wamalwa, Cabinet Secretary, Ministry of Water and Irrigation – Requesting Ministry intervention on the oil spill incident.
18. My letter to Hon. Mwangi Kiunuri, Cabinet Secretary, Ministry of Devolution and Planning – Seeking Ministry intervention on the oil spill incident
19. My letter to the Principal Secretary, Ministry of Environment Natural Resources and Regional Development Authority dated 20<sup>th</sup> June 2016 – Seeking Ministry intervention on the oil spill incident.
20. My letter dated 20<sup>th</sup> June 2016 to Chairperson, Kenya National Human Rights Commission – Seeking intervention on the oil spill incident.
21. My letter dated 14<sup>th</sup> June 2016 to Executive Officer UNEP – Seeking intervention on the oil spill incident.
22. My letter to Managing Director Kenya Pipeline Company dated 18<sup>th</sup> September 2015.
23. A notice of a peaceful protest by the affected Thange community dated 5<sup>th</sup> March 2018 and copied to KPC and the DCC, in exercise of their constitutional right, and as a result of continuous lack of response to issues raised by the affected community on the KPC oil spill incident at Thange River.

**The above documents show that efforts were made to raise the matter of the petition with the relevant offices and Ministries, in vain.**

**THAT:**

I hereby confirm that the issues raised in this petition are not before the court of Law.

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**HEREFORE**, your humble petitioner(s) pray that the Parliament:

1. **Directs the National Environment Management Authority (NEMA) to;**
  - (i) Enforce the law to ensure full implementation of the ESEIA report study of Thange River Basin – including medical treatment of affected community.
  - (ii) Set up and lead a complaints committee under the Act.
  - (iii) Share with affected community, through the community chair, documents of remediation, restoration and reinstatement of the residents of Thange and their environment.
  - (iv) Ensure that Thange River and its environs is restored to its original hydrological Characteristics (pre-pollution status).
2. **Direct the Water Resource Management Authority (WRMA) to;**

Investigate the claims by resident on incomplete clean up exercise by the Enviroserv Kenya Limited, and to determine the quality of the surface and ground water for domestic and livestock use.
3. **Direct Kenya Pipeline Company Limited to:**
  - (i) Fully implement the ESEIA Study Report of Thange River Basin as ordered by WRMA Ref. WRMA/ATHI/MKS/WQPC/3/9/1/ (116) and NEMA Ref. NEMA/5/7/VOL.IV
  - (ii) Issue the Medical Results of the 45 individuals examined in the Panafcon ESEIA Study Report of Thange River Basin, to each of the persons examined. Residents have the right to information as provided in the constitution.
  - (iii) Immediately commence medical treatment and observation of Thange community members as advised in the ESEIA Study Medical Report – to avoid endangering lives of an already threatened population.
  - (iv) Compensate, without discrimination, the affected members of Thange River Basin for loses or damages caused by the oil spill on their crops, livestock, water and human health.
  - (v) Allow the community have an independent valuer of their choice.
  - (vi) Hold monthly public baraza to update the affected community on compensation and clean up progress.
  - (vii) Provide a permanent, sustainable and sufficient water supply to the residents of Thange River Basin by;
    - Sinking a borehole for the affected community and a piping system atleast 2 water points each village. (as proposed through Thange River Environmental Task force)
    - Sinking a borehole for St. Peters Thange Secondary school, to replace their borehole condemned for use.
    - Damming Upper Thange River as propsed through Thange River Environmental Task force; to provide residents with water for irrigation and also enable river recharge system.
  - (viii) Assess the impact of the oil spill to the Lower Thange River Region and take appropriate action.



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- (ix) Provide Relief food and other humanitarian needs to Thange River community until the residents and their environment are restored to pre-pollution status.
- (x) Should investigations by WRMA indicate a faulty or/and incomplete clean up exercise, KPC to contract a more competent company to carry out the clean up exercise.

**3. Direct that relevant Ministries which include:**

- Ministry of Petroleum and Mining
- Ministry of Environment & Natural Resource Development
- Ministry of Water & Irrigation
- Ministry of Devolution & Planning
- Ministry of Lands.

**To;**

- (i) Intervene to ensure appropriate and urgent measures are taken to remediate, restore and reinstate the affected residents of Thange River Basin, their children and environment.
  - (ii) Provide humanitarian aid/support to the affected Thange community members.
  - (iii) Provide a guidance and counselling program to the affected community.
- 4. Advise the county government of Makueni** on its role in the oil spill disaster at Thange River, the environment and the affected community members as residents of the county.
- 5. The senate to investigate on the underground oil spill** incident by KPC at Thange river, and its impact on the environment, animals and the human population living and dependent on the river \_ and to ascertain the conformity of the mitigation measures taken with international standard measures for an oil spill disaster of this nature and magnitude.

**And your petitioner(s) will ever pray;**

Thange River Basin community

**Name**

**Full Address**

**ID. No. Signature**

JOHN KIMEU MUKAI

P.O BOX 120-90137, KIBWEZI

27761946



(Community Chair)

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**Petition Concerning:**

Appropriate and urgent remediation, restoration and reinstatement of the residents of Thange River Basin, their children, livestock and environment following the underground oil spill of May 12<sup>th</sup> 2015 by Kenya Pipeline Company Limited.

THANGE RIVER BASIN COMMUNITY

Name: John Kimeu Mukai  
(Chairperson)

Signature:.....



**Rights of the Residents of Thange River Basin Community**

These are the rights and fundamentals freedoms of the people of Thange as provided in the Kenya Constitution 2010, that have been violated or infringed.

- 1) Right to healthy and safe environment as provided in section 42 of the constitution of Kenya 2010.
- 2) Right to clean and safe water as provided in section 43 (d) of the constitution of Kenya 2010.
- 3) Right to good health as provided in section 43 (1) (a) Kenya constitution 2010.
- 4) Right to be free from torture, either physical or psychological as enshrined in section 29 (d) Kenya constitution 2010.
- 5) Right to information held by state or individual that is important in protecting a right that has been denied or threatened, as provided in section 35 (1) (a) (b) Kenya constitution 2010.
- 6) Freedom of expression as provided in section 33 (a) Kenya constitution 2010.



**PETITION FOR APPROPRIATE AND URGENT REMEDIATION, RESTORATION AND REINSTATEMENT OF THE RESIDENTS OF THANGE RIVER BASIN, THEIR CHILDREN, LIVESTOCK , CROPS AND ENVIRONMENT FOLLOWING THE UNDERGROUND OIL SPILL OF MAY 12<sup>TH</sup> 2015 BY KENYA PIPELINE COMPANY.**

**Hereby, humbly Seek an URGENT intervention of the House on the matter of the petition on the following basis;**

- (i) From the medical reports provided, the residents of Thange River Basin have developed health problems that require **urgent** medication and observation. Considering the ESEIA Medical Report was released in May 12<sup>th</sup> 2016, any further delay can only worsen the situation.
- (ii) There are raising cases of miscarriages, malformations and deaths associated with the petroleum pollutant for both livestock and humans.
- (iii) WRMA water analysis results indicates high presence of oil and grease at Lower Thange to Athi river confluence. There may be an ongoing exposure at Lower Thange since no public awareness has been done to the residents of Lower Thange River.
- (iv) The clean up contractor, Enviroserv Kenya Limited, has exited the site. There are concerns by residents on the state of the river and their environment. A full analysis and evaluation of the situation is necessary to ensure the water and environment are restored to the original hydrological characteristics.
- (v) The water needs of Thange river residents exceeds the currently water supply by water bowzers. An urgent, sustainable and sufficient water supply is needed to prevent further use/exposure of residents and livestock to the contaminated river water.
- (vi) The ban by Makueni county department of Agriculture, Livestock and Fisheries Ref. MKN/ALF/HTM/1/VOL.I is still active. The residents' economic activities are impaired and their income has dropped drastically. Residents have no food and school fees.

**CONCLUSION**

An oil spill by KPC occurred on 12<sup>th</sup> May 2015 at Thange River, Kibwezi, Makueni county. Study Reports have indicated serious effects of the spill on vegetation, animals and human population. ESEIA report has pointed out at a threat to human population following the oil spill. All human samples collected and examined showed serious health problems associated with benzene and toluene present in petroleum.

The residents of Thange River co-operated in providing human samples for medical sampling and examination, the reports of which indicated that 95.6% of the sampled residents have liver toxicity associated with benzene and toluene, while 55.6% of the residents sampled exhibited kidney toxicity associated with benzene and toluene. All the samples collected and examined exhibited abnormal red blood cells, white blood cells and platelets associated with benzene and toluene.

**PETITION FOR APPROPRIATE AND URGENT REMEDIATION, RESTORATION AND REINSTATEMENT OF THE RESIDENTS OF THANGE RIVER BASIN, THEIR CHILDREN, LIVESTOCK, CROPS AND ENVIRONMENT FOLLOWING THE UNDERGROUND OIL SPILL OF MAY 12<sup>TH</sup> 2015 BY KENYA PIPELINE COMPANY.**

This medical examination report is indicative of a human population whose lives are threatened by the hazardous petroleum oil spill.

Asking the poor affected residents of Thange to carry out their own individual medical examination and provide evidence of their sickness is inhumane, inconsiderate and inappropriate. This can only succeed in ushering in an oil spill genocide that has a potential of wiping out the entire immediate affected community of Thange River Basin.

An underground petroleum oil spill of this nature is disastrous. It is more disastrous when it is handled casually. The environment may take longer to restore, but lives lost may NEVER be recovered.

It is therefore my humble prayer that this House will exercise its legislative, representative and oversight roles bestowed upon them by the Kenyan citizens, to save the lives of Thange River residents, compensate them for damages/losses caused, and restore their environment.

**THANGE RIVER BASIN RESIDENTS / COMMUNITY**

**PRESENTED BY;**

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**Date:.....**

