

② Mr. Mogen (CDLPS)

PS process

17 JUN 2019

③ Mr. Chaney  
You are dealing  
process the waste  
Paperwork.

24  
17-06-19

PETITION TO THE SENATE ON THE WAJIR WASTE DISPOSAL SITE AND DISGRACEFUL ABUSE OF THE RIGHT TO ENJOY ENVIRONMENTAL RIGHTS UNDER ARTICLE 42 OF THE CONSTITUTION OF KENYA 2010

The Senate,  
P. O. Box 41842 -001001,  
Parliament Buildings,  
NAIROBI, KENYA.

① DK PS

Please facilitate  
17/6/19



RE: PETITION TO THE SENATE ON THE WAJIR WASTE DISPOSAL SITE AND DISGRACEFUL ABUSE OF THE RIGHT TO ENJOY ENVIRONMENTAL RIGHTS UNDER ARTICLE 42 OF THE CONSTITUTION OF KENYA 2010

I NOOR ABDIRASHID, on behalf of the residents of Ali Mao Village in Wajir County, draw the attention of the Senate to the following:

1. That the Wajir dumping site was established in 1992. However, at that time, the waste was manageable due to the low population and that the dumping site was far from human settlement;
2. That regrettably, waste disposal and management has been highlighted as a major problem in Wajir County. More particularly, the residents of Ali Mao Village, have had to bear the brunt of the deleterious impacts of the Wajir disposal site which continues to jeopardize their health and livelihoods;
3. The government has been using the dumping site illegally to dump raw medical waste. As a matter of good practice and policy medical waste should not be dumped near human settlement;
4. That it is tragic that the disposal site has become notorious for dumping of human and medical waste including hazardous materials such as infectious waste, anatomical and pathological waste, obsolete or expired chemical products and pharmaceuticals, radioactive materials and medical equipment and instruments such as syringes, needles or devices that are no longer used, thereby posing a serious health risk to the local community;

*(Handwritten signature)*

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5. That it is ironic that the healthcare delivery system, which is established to provide treatment and safeguard the health of the people against illnesses, has now become a source of and means through which the spreading of diseases is perpetuated;
6. That some of the risks the disposal site is exposing the residents of Wajir county also include;

*Infections*

- a) Skin and blood infections resulting from direct contact with water and from infected wounds.
- b) Eye and respiratory infections resulting from exposure to infected dust, especially during landfill operations.
- c) Different diseases that results from the bites of animals feeding the waste
- d) Intestinal infections that are transmitted by flies feeding on the waste.

*Chronic diseases*

- a) Cancers resulting from exposure to hazardous compounds and chemicals.
7. That Wajir county residents majorly depend on pastoralism as a source of livelihood. Noteworthy, before the establishment of the dumping site the land had been used for livestock grazing. There is now little grazing land as most of the land is covered by the dumping site. The livestock is susceptible to serious health risks since they are exposed to harmful toxins emanating from the disposal site. This situation has led to an adverse effect on the livelihoods of pastoral communities in and around the dumping site;
  8. That as a result of the mismanagement of the waste disposal site, water in and around the local community is contaminated, thereby exacerbating the problem even further as pathogens from human wastes have caused numerous cases of cholera and hepatitis, as well as diarrhea and leading to the the deaths of some





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residents of Ali Mao Village, who died from cholera and hepatitis, as well as diarrhea;

9. That waste from the dumping site ending up in water bodies negatively changes the chemical composition of the water consumed by the residents of Wajir. It is evident that this is water pollution. This has affected all ecosystems existing depending on the water. It has also caused harm to animals that drink from such polluted water.
10. Those soil contaminations from hazardous chemicals have been harming human and animal life when the plants take up the contamination through their roots. Residents in Wajir are now consuming plants that have been in contact with such polluted soils;
11. That there is an overwhelming possibility that many people are likely to die as a result of the continued operation of the dumping sites. The community residents are now concerned about the unfortunate proliferation of patients in hospitals within Wajir County;
12. That the National Environment Management Authority gave a notice to the Wajir County Government to take measures to address concerns raised by residents on the disposal site but no action has been taken to change the situation;
13. That the relevant authorities charged with the mandate to ensure proper management of waste in Wajir County have conducted themselves in a manner that is inconsistent with rights granted to Kenyan citizens at Article 42 (a) of Constitution of Kenya that "every person has a right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations and section 3(1) of the Environmental Management and Coordination Act that every person in Kenya is entitled to a



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clean and healthy environment and that the continued operation of the dumpsite violates article 42 of the constitution;

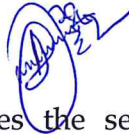
14. That the County Government of Wajir does not have a sufficient environmental policy and legal framework for waste management;
15. That efforts have been made to have the matter addressed by the County Government of Wajir, the National Environmental Management Authority and other relevant authorities but there has been no change of situation even despite the fact that residents have raised a litany of complaints;
16. That the numerous relevant authorities including County Government of Wajir have not signaled any willingness to address the problem.
17. That the issues in respect of which this petition is made are not pending before any court of law, or constitutional or legal body.

**REASONS WHEREFORE** your humble petitioners Pray that the Senate investigates the matter and intervenes with a view to -

1. Ensuring that the lives and livelihoods of the residents of Ali Mao Village in Wajir County are safeguarded against the harmful effects of mismanagement of waste disposal sites in Wajir County;
  - a) Ensuring that by dint of section 108 of the Environment Management and Coordination Act (1999) issue an Environmental Restoration recommending that the County Government of Wajir restores the dumping site area to its original state before dumping took place including that the Wajir dumping site be relocated to another location that is far from human settlement and in a protected location;
  - b) Ensure that an Environmental Inspector is appointed by the National Environmental Management Authority pursuant to section 117 of the Environment Management and Coordination Act (1999) to ensure that the



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County Government of Wajir restores the settlement areas affected by the disposal, relocates and clean up the disposal site;

- c) Ensure compensation of persons in Ali Mao Village whose health has been negatively affected as a direct result of the devastating impacts of the dump site;
- 2. Ensuring that funds through the National and County budgeting process are availed to the Wajir County Government for rehabilitation of the dump site;
- 3. Ensuring that the Wajir County Government enhances the policy, legal and regulatory framework for disposal of waste in the county;
- 4. Ensuring that medical institutions in Wajir County adhere to proper waste disposal practices for medical equipment and waste;
- 5. Make appropriate recommendations to the National Environment Management Authority and other bodies charged with safeguarding the environment on the matter;
- 6. Reviews national legislation to address the challenges of waste management in the country; and
- d) Any other recommendation that the Honourable House deems fit and just in the circumstances.

And your PETITIONER(S) will ever pray.

**NOOR ABDIRASHID**

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Signature:.....

Date: 14<sup>th</sup> June, 2019

