

COUNTY ASSEMBLY OF GARISSA



THIRD ASSEMBLY – (SECOND SESSION)

REPORT OF THE SECTORAL COMMITTEE ON WATER AND IRRIGATION

ON THE PUBLIC PETITION NO 1 2024, BY THE RESIDENTS OF WABERI
WARD, REGARDING LACK OF WATER IN BULLA COLLEGE, BULLA HODAN,
BULLA MANYATTA, SOUTH B AND PARTS OF BULLA BASHAL, BULLA
MZURI AND BULLA MASALANI.

DIRECTORATE OF COMMITTEE SERVICES

CLERK'S CHAMBERS,

COUNTY ASSEMBLY BUILDING,

GARISSA,

OCTOBER 2024

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ANNEXURE

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1.0 PREFACE

Hon. Speaker,

It is my Honor and pleasure to present to this Honorable House the report of the Water and Irrigation Committee on Public Petition NO 1. OF 2024, Regarding Lack of Water in Bulla College, Hodan, Manyatta, South B & Parts of Bula Bashal, Mzuri and Masalani from Residents of Waberi Ward, Garissa County.

On Thursday August 1st, 2024, pursuant to Standing Order No. 227 (1) (a), the residents of Waberi Ward presented a petition to the clerk of Garissa County Assembly on the petition regarding water shortage in bulla Hodan, Bulla Manyatta, South B, and parts of Bashal, Mzuri and Masalani.

The petition expresses the deep concerns of the aforementioned residents of the above-mentioned bullas, on the critical issue of water shortage. The petitioners mentioned that despite the twin water tanks with a capacity of 576,000 litres located within Garissa University in Waberi, the resident have not benefitted from this resource.

The petitioners from those bullas lamented that the prolonged water shortage has caused significant hardship for their families and the entire community. The petitioners argue that Article 43 of the constitution of Kenya 2010, classifies water as a basic human right. The petitioners argued that they also feel deprived of their constitutional rights by the county government of Garissa, since water is a devolve function under the fourth schedule of the constitution.

2.0 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

Hon. Speaker,

The Committee on Water and Irrigation is one of the Sectoral committees of the Assembly established under standing order no 191 whose mandate is to:

- a) investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- b) study the programme and policy objectives of departments and the effectiveness of implementation;
- c) study and review all County legislation referred to it;

- d) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives.
- e) investigate and inquire into all matters relating to the assigned department as they may deem necessary, and as may be referred to them by the County Assembly.
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve except under Standing Order 184 (Committee on Appointments);
- g) **make reports and recommendations to the County Assembly as often as possible including recommendation of proposed legislation.**

2.1 COMMITTEE MEMBERSHIP.

The committee on Water and Irrigation was established pursuant to standing order of the County Assembly.

The committee comprises of the following Members.

- 1) Hon Marian Mohamed Hassan..... Chair
- 2) Hon. Yunis Abdi Ibrahim..... V/Chair
- 3) Hon. Mohamed Abdi Farah..... Member
- 4) Hon. Issa Aden Abdi.....Member
- 5) Hon. Omar Abdi Hassan.....Member
- 6) Hon. Mohamed Sheikh AbdiSalatMember
- 7) Hon Halima Hussein GureMember
- 8) Hon. Mustaf Abdirashid Ahmed.....Member
- 9) Hon Dekow Mohamed DualeMember
- 10) Hon Katra Iman Sigat.....Member
- 11) Hon. Abdiweli AdenMember
- 12) Hon. Ahmed Noor Aden Member
- 13) Hon Mahat AbdikadirMember

2.2 Committee Secretariats

- 1. Abdi Mohamed Hassan - Committee clerk
- 2. Saadia A. Salah - Researcher
- 3. Ahmed Adan Digale - Sergeant At Arms

The petitioners submitted their prayers in line with Articles 37 and 119 of the Constitution and guided by the provisions of standing order 227(1) of Garissa county Assembly.

3.0 PRESENTATION AND COMMITTAL OF THE PETITION.

3.1 The Right to Petition

The right of Kenyan citizens to petition public authorities and Parliament on any matter, is a right conferred by the Constitution under Articles 37 and section 15 and section 88 of the County government Act, 2012.

The right to petition is an essential citizen participatory tool that allows for direct intervention by the Assembly on issues relating to the promotion and protection of the rights of citizens.

3.2 Committal of the Petition

Mr. Speaker Sir, on behalf of the Members of Water and Irrigation Committee and as required under Garissa County Assembly Standing Orders, I hereby present to this House, the Committee's Report on the Petition by the residents of Bulla College, Hodan, Manyatta, South B and parts of Bashal, Mzuri and Masalani of Waberi ward.

`Hon Speaker,

The petition on behalf of Waberi ward residents, regarding water shortage in bulla college, hodan, Manyatta, South B, and parts of Bashal, Mzuri and Masalani, was received by the office of the clerk on 1st August 2024, pursuant to standing order 227 (1) (a).

In view of the above provisions of the standing order, the petition was committed to the sectoral committee on Water and Irrigation to inquire in to the issues raised and report to the Assembly.

4.0 ACKNOWLEDGEMENT

Hon. Speaker

The Committee is grateful to the Petitioners, who submitted the Petition to the County Assembly for consideration. The Committee acknowledges the time and considerable effort made by all parties who submitted information before it.

The Committee is also particularly grateful to the Offices of the Speaker and the Clerk of the County Assembly for the support received as it discharged its mandate.

I also express my gratitude to committee members and the secretariat for their thoughtful input and engaging contributions to the matter.

Hon. Speaker Sir, on behalf of the committee and pursuant to Standing Order no. 207 it is now my pleasant and honorable undertaking to present and lay on the table of the house the report of the Committee on water and irrigation regarding the petition by the resident of Waberi ward on water shortage in bulla Hodan, Bulla Manyatta, South B, and parts of Bashal, Mzuri and Masalani to the county assembly for consideration.

SIGNED:

.....

HON. MARIAM MOHAMED HASSAN, NOMINATED M.C.A.

CHAIRPERSON, COMMITTEE ON WATER AND IRRIGATION.

DATE:

.....

4.1 ADOPTION OF THE REPORT

We, Members of the Committee on water and irrigation have adopted this Report on Consideration of the Petition by the residents of Waberi ward, regarding water shortage in Bulla College, Hodan, Manyatta, South B, and parts of Bashal, Mzuri and Masalani and hereby affix our signatures to it to affirm our approval and confirm its accuracy, validity and authenticity: -

Name	Designation	Signature
1) Hon Maryan Mohamed Hassan	Chair	.....
2) Hon. Yunis Abdi Ibrahim	V/Chair	.....
3) Hon. Mohamed Abdi Farah	Member	.....
4) Hon. Issa Aden Abdi	Member	.....
5) Hon. Omar Abdi Hassan	Member	.....
6) Hon. Mohamed Sheikh AbdiSalat	Member	.....
7) Hon Halima Hussein Gure	Member	.....
8) Hon. Mustaf Abdirashid Ahmed	Member	.....
9) Hon Dekow Mohamed Duale	Member	.....
10) Hon Katra Iman Sigat	Member	.....
11) Hon. Abdiweli Aden	Member	.....
12) Hon. Ahmed Noor Aden	Member	.....
13) Hon Mahat Abdikadir	Member	.....

5.0 INTRODUCTION

This report is presented by Water and Irrigation Committee in response to a petition submitted by residents of Waberi Ward, specifically from Bulla College, Hodan, Mzuri, Bashal, and South C. The petitioners expressed their deep concern over the prolonged and critical water shortages affecting their areas, which have disrupted livelihoods, endangered health, and undermined their quality of life. They called on the County Assembly to investigate the cause of lack of water and take immediate action to restore consistent and adequate water access. Additionally, the petitioners requested that proper maintenance be enforced on the existing water infrastructure to ensure reliable water supply in the future.

Pursuant to Second Schedule of the County assembly standing orders, the Water & Irrigation Committee shall consider and report on all matters related to water and sanitation services, water distribution, regulation, marketing and sewerage services presented to the Assembly.

In dealing with the matter, the committee held three sittings on 13th, 19th and 30th September 2024, during which the committee was able to engage the Petitioners and officials from gawasco to get more in-depth information on the concerns raised in the petition.

5.1 Background information

The Petitioners are residents of various bullas in Waberi ward, in Garissa county and were twenty in number.

5.2 A Petition refers to a written prayer to the County Assembly by a member of the public requesting the County Assembly to consider any matter within its authority, including enacting, amending or repealing any legislation.

The right to petition Assembly is the right of every citizen of the County and is provided for in Section 15 and 88 of the County Governments Act. Any person, groups of people or an organization has the right to petition the County Assembly. Consistent with Standing Order no 233(1) (on Committal of petitions), the Petition was Committed to the Committee on 4th September, 2024.

6.0 Powers and privileges of the Committee

The powers of the Committee are derived from:

- i. Article 195 of the Constitution of Kenya, 2010 articulates the County Assembly's power to summon witnesses.

ii. Section 14 (1) (b) of the County Governments Act states that a County Assembly may establish committees in such a manner and for such general or special purposes as it considers fit and regulate the procedure of any committee so established.

iii. The County Assemblies Powers and Privileges Act 2017.

iv. The committee further derives its powers from Standing Order No. 200 (1) which provides that committees shall enjoy and exercise all the powers and privileges bestowed on County Assembly by the Constitution and statute including the power to summon witnesses, receive evidence and to request for and receive papers and documents from the government and the public.

7.0 LEGAL BASIS

Article 1 (1) of the Constitution of Kenya provides all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with this Constitution.

(2) The people may exercise their sovereign power either directly or through their democratically elected representatives.

Section 88 of the County Governments Act, 2012 provides that citizens have a right to petition the county government on any matter under the responsibility of the county government; citizen petitions shall be made in writing to the county government.

Section 89 of the same Act, provides that county government authorities, agencies and agents have a duty to respond expeditiously to petitions and challenges from citizens.

The petition to County Assemblies (Procedure) Act, 2020 provides for the procedure on handling petitions.

Standing Order No 233 of the Garissa County Assembly Standing Orders provides for the form of a petition.

Standing Order No 233(1) of the Garissa County Assembly Standing Orders provides that every petition presented or reported pursuant to this part, shall stand committed to the relevant Sectoral **committee**.

Standing order No 233 (2) whenever a petition is committed to a Sectoral committee, the committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the County Assembly and no debate on or in relation to the report shall be allowed, but the Speaker in exceptional circumstances, may allow comments or observations in relation to the petition for not more than 20 minutes.

8.0 Committee Proceedings

The guiding principle in the Committee's approach to the petition was to reply to the prayers of the petitioners conclusively. Members of this Committee analysed the issues to be determined from the prayers of the petitioner and identified the necessary action to be taken. The Committee conducted its investigations and proceedings on the petition by adopting an activity calendar.

The Water and Irrigation Committee undertook the following actions to investigate the concerns raised in the petition:

1. Engaged the secretariat to verify the authenticity of the petition by verifying from the petitioners.
2. Invited the petitioners to give their oral submissions
3. Engaged with key stakeholders, including the County Department of Water and Irrigation and the local water service providers officials (Gawasco).

9.0 Consideration of the petition

Hon Speaker,

The resident of Bulla College, Hodan, Manyatta, South B, and parts of Bashal, Mzuri and Masalani made the prayers, that Garissa County Assembly intervenes to:

1. Investigate the reasons for the prolonged lack of water supply in Bulla College, Hodan, Manyatta, South B, and parts of Bashal, Mzuri and parts Masalani.
2. Take immediate steps to restore a reliable and sufficient water supply to the residents of Bulla College, Hodan, Manyatta, South B, parts of Bashal, Bulla Mzuri and parts of Bulla Masaalani.
3. Ensure the proper maintenance and optimal functioning of the existing water tanks to prevent future water shortages.

10.0 (PETITIONERS SUBMISSION)

Hon. Speaker,

The petitioners raised several key issues on the reasons why most part of Waberi ward faces prolonged shortage of water in the last eight years.

Poor governance: The petitioners argue that, they have presented their grievances to gawasco several times but they were never heeded to. They lamented that the budget of water is not commensurate to the water service provided and they attributed this to poor governance.

The petitioners expressed concerns over the governance of water services in the region. They cited inadequate oversight, lack of accountability from the water service providers, and failure to address long-standing issues affecting the water system

Unfair distribution of water: The petitioners argue that they used to get steady water supply before devolution, but in the last eight years, they experienced drastic reduction in water provision. They termed this as segregation and the petitioners feel that their right to water as captured in Article 43 of the COK 2010, under bill of rights is deprived.

The residents alleged that there is inequity in the distribution of water, with some areas receiving more water than others. They pointed out instances where certain neighbourhoods have uninterrupted access to water while others experience extended periods of scarcity, fuelling frustrations.

Dilapidated Tanks: The petitioners argue that residents of the mentioned bullas in the petition used to get their water from the twin tanks at the University. They highlighted that the tanks have suffered structural damage, have rusted and have been in poor state for the last eight years. The tanks cannot store any water and that gawasco pumps water directly from the plant and that is why most of the parts of Waberi ward, cannot access water due to lack of pressure.

Poor piping system: The petitioners argue that the existing water infrastructure, including storage tanks and distribution pipelines, is in a state of neglect. pipelines are frequently clogged or have leaks. The infrastructure was initially designed to serve a smaller population, and its capacity is now insufficient for the current demand.

10.1 Gawasco submissions

Garissa water and sewerages company, technical team led by the managing director were invited to give in-depth information on the issues raised in the petition.

Governance: The managing director acknowledged that previously some governance issues existed, but currently the company have put a lot of measures to seal the gap, by enhancing financial accountability through recruiting both finance officer and internal auditor.

Unfair distribution of water: The technical team refuted there is unfair distribution of water but agreed there is rationing of water in all the areas. They argue that Garissa township constituency experience water in balance due to deficit that exists between production and the required water consumption per day.

The technical team stated that the consumption volume of water required per day stands at 33 million cubic litres visa vie 17 million cubic litres pumped

from water plant at the river and boreholes combined. This always calls for deficit of 16 million cubic litres and this is what necessitates rationing in Garissa town.

The team further shared with the committee their concern on the daily deficit experienced and assured to the committee that unless volume at intake is addressed, water shortage will forever be there.

The managing director informed the committee that there is proposal of constructing another water plant at Raya and clarified that the feasibility study have been conducted and therefore master plan is with the governor. This is a big project and needs to be co- funded by the national government.

Dilapidated Tanks: The technical team confirmed to the committee that the twin tanks at the university are in a bad state. The managing director stated that they were allocated 60 million for rehabilitation of the tanks in the last financial year 2024/2025. He further explained that they have initiated the procurement process and in 3 months' time, the tanks will be fully operational.

Poor piping infrastructure: The technical team stated that most of the areas have piping system in place but some are in bad state due to clogging, leakage and also some have stayed for long and are getting worn out.

The technical team assured the members that the company will conduct customer identification survey that will help the company to develop plans for infrastructural improvement upgrade. This survey will assess the uncovered areas in terms of piping infrastructure and the company will commence the piping system after the survey, since it will give full information required for planning.

Considering these concerns, the petitioners humbly pray that the County Assembly intervenes and resolves the water shortage in Waberi ward.

11.0 COMMITTEE FINDINGS (OBSERVATION)

Hon. Speaker Sir, having met the Petitioners, the Committee made the following observations: -

1. The petitioners were within their Constitutional rights to present the petition regarding lack of water in Waberi ward..
2. The petition met all the requirements in line with provisions of the required laws.
3. Gawasco lack capacity to produce daily consumption of 33 million cubic litres for Garissa township.
4. The committee confirmed that the twin water tanks at the university are in poor state and cannot store water since elevated steel tanks are dilapidated.
5. The committee also noted that some areas in the bullas mentioned in the petition lack total infrastructural systems such as piping.
6. Waberi ward requires additional tanks due to its large size and population.
7. The committee found out that Waberi ward is served by twin water tanks, tanks at Iqra high and Maramtu project, and in that case, some parts of the ward may still lack water after renovation of the twin water tanks, due to the on- going project of maramtu two which will serve the remaining areas.

12.0 COMMITTEE RECOMMENDATIONS

In light of the concerns raised in the petition, the Committee recommends that, the County Assembly resolves as follows.

1. **Renovation of twin Water Tanks at the university:** Garissa water and sewerages company (GAWASCO) should fast track the procurement process and finish the renovations of the tanks in the agreed timeline of 3 months (90 days), which falls on December 2024.
2. **Revampping the Piping System:** There is an urgent need to replace and repair the aging pipes in the affected areas. A detailed assessment should be carried out to identify the most affected sections of the network, and Garissa Water and Sewerage Company (Gawasco) should prioritize investment in modernizing the piping infrastructure to reduce water losses.
3. **Surveying and installation of piping infrastructure:** in areas that lack piping system. Gawasco should ensure that those settlements without piping connections, should be connected immediately.

4. **Equitable Water Distribution** Garissa water and sewerage company (Gawasco) must establish a transparent and fair water distribution schedule that ensures equitable access for all residents.
5. **Gawasco to open additional zonal office:** Due to the large size and population of the ward, the company to establish additional office for ease of operation.
6. **Strengthening Governance in Water Management.** Gawasco should ensure proper adherence to the Garissa County water act 2018, which clearly stipulates penalties for any defaults or criminal offences.

This includes implementing regular performance audits, enhancing accountability through community feedback mechanisms, and ensuring proper oversight of water services. Additionally, public engagement forums should be held to involve residents in decision-making processes related to water management.