



Ministry of Water and Sanitation



Bimonthly water sector reforms brief

Introduction

The Ministry of Water and Sanitation (MWS) is currently undertaking an ambitious agenda for the Kenya water sector through a long-term, transformational program aimed at building water security and climate resilience for economic growth and social well-being. This is in recognition of water as an enabler for the achievement of the Government's Big Four Agenda and improved livelihoods for all.

The need for reforms

The ongoing reforms are intended to ensure that the provisions of the Constitution of Kenya, 2010 are met. One of the main ones is the recognition of access to water for all uses as a fundamental human right. The other is the devolution of certain functions from the national level to the 47 Counties. These requirements are in line with the United Nations Sustainable Development Goals (SDGs). SDG 6 requires member countries to ensure access to water and sanitation services for all.

The Water Act, 2016

The Water Act No. 43 of 2016 (the Water Act, 2016) was enacted to give effect to the constitutional provisions specific to water and sanitation services. The Act became law on 14th September 2016 upon presidential assent and subsequently commenced application on 21st April 2017 through a gazette notice issued by the Cabinet Secretary responsible for water. It provides the framework for among others changes, restructuring of existing water sector institutions (WSIs) and creation of new ones.

The journey

The most significant reforms in the water sector begun in 2002 with the enactment of Water Act 2002. The Act, which has since been superseded by the Water Act, 2016, provided for integrated water resources management along river basins which is the best practice worldwide.

The governance it established was meant to remove bottlenecks in the national water administration and improve efficiency in service delivery which existed in the old state centred water sector administration.

The key water institutions under the Water Act 2002 and their respective mandates were the following:

The Water Resources Management Authority (WRMA) responsible for regulation of water resources issues such as water allocation, source protection and conservation, water quality management and pollution control and international waters.

Water Services Regulatory Board (WASREB) mandated with regulation of water and sewerage services provision including, issuing licenses, getting service standards and giving guidelines for tariffs and prices, providing mechanisms for handling complaints, as well as supervising and licensing the Water services boards (WSBs).

Water Appeal Board (WAB) whose role was to adjudicate on disputes relating to water.

Water Services Boards (WSBs) are responsible for the efficient and economical provision of water services in their jurisdictions.

Water Services Providers (WSPs) are agents in the provision of water and sewerage services utilising acceptable business principles in their operations.

Changes resulting from the Water Act, 2016

Among the changes it introduced by the Water Act, 2016 was the transformation of some existing water sector institutions and establishment of new ones. Some of these include the transformation of the Water Appeal Board into the Water Tribunal; the Water Services Trust Fund to Water Sector Trust Fund; the Water Resources Management Authority (WRMA)

to Water Resources Authority (WRA) and changing Catchment Areas Advisory Committees (CAACs) to Basin Water Resources Committees (BWRCs) and Water Services Boards to Water Works Development Agencies (WWDAs). The Act requires the establishment of the National Water Storage and Harvesting Authority (NWSHA).

Steps in the journey

Whereas significant progress has been achieved in implementing reforms in the water and sanitation sector a number of processes listed below, are in different stages of completion.

- Establishment and making operational new institutions created by the Water Act, 2016
- Development National Water Services Resource Strategy (NWSRS)
- Formulation of Water Harvesting, Storage and Flood Control (NWH&FC) Strategy
- Transition of National Water Conservation and Pipeline Corporation to National Water Harvesting and Storage Authority (NWSHA)
- Transition of Water Resources Authority (WRA), Water Services Regulatory Board (WASREB) and Water Sector Trust Fund (WSTF) in line with their new mandates
- Formulation of Water Services Strategy
- Development of criteria for establishment of water works development agencies (WWDAs)
- Preparation of regulations for the transfer of assets to the counties water services providers in accordance with any law regulating the handing over and disposal of public assets
- Making rules, in consultation with WASREB, setting out circumstances under which the provisions of joint water services may be ordered
- Developing regulations to facilitate public access to information held by WASREB
- Developing regulations to prescribe levies to be paid by consumers of piped water supplied by licensed WSPs and payment of proceeds in to the Water Sector Trust Fund (WSTF)

What is in it for you?

- Water services closer to the people through devolution to counties
- Improved access to clean, safe and adequate water through last mile connectivity
- Providing the opportunity for Kenyans take part in water governance through public participation
- Establishing mechanisms for conservation of catchment areas through participatory processes
- Access to information relating to regulation of water from WASREB
- Removal of arbitrary increment of water tariffs by requiring their approval by WASREB
- Ensuring that water services providers are economically viable in order to ensure continuous supply of water to all
- Eliminating marginalisation of underserved communities through the establishment of an equalisation fund under the Water Services Trust Fund

Your role

Water consumers

- Being aware of your rights and obligations by actively seeking information in order to ensure improved water services
- Being available to offer their views at public participation forums on water services and water governance
- Making approved payments for water services to water services providers
- Harvesting rainwater
- Eliminating wastage of water

Water sector institutions

- Ensuring that they play their roles according to the provisions of the Water Act, 2016
- Sharing information about water reforms with all their stakeholders

Political leader

- Supporting the national and county government in water reforms
- Encouraging citizens to air their views at public participation forums relating to water services

The media

- Covering issues of water sector reforms
- Educating the public about their rights and obligations with regard to water services
- Holding leaders to account in delivering their commitment towards enabling Kenyans to enjoy the right to water and sanitation services

Large water abstractors

- Eliminating wastage of water
- Establishing rainwater harvesting infrastructure

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