

Republic of Kenya



Ministry of Water and Sanitation



Bimonthly water reforms brief No.3: Entrenching water sector reforms

Introduction

Through the leadership of the Ministry of Water and Sanitation (MWS), the water and sanitation sector has undergone far reaching reforms. The reforms became necessary following the promulgation of the Constitution of Kenya, 2010 (CoK, 2010). In the Bill of Rights, the Constitution recognises access to water as a basic human right. It also provides that facilitating access to water and sanitation services to all Kenyans is a shared responsibility between national and county governments. The national government is responsible for among other things, regulation and dispute resolution, consumer protection, capacity building of counties, hydrology engineering, formulation of policies and management of large water works and water resources. County governments on their part are responsible for water service provision at the local level, or what is commonly referred to as last mile connectivity. They facilitate this through Water Service Providers (WSP), which are independent companies licenced by counties but regulated by the Water Sector Regulatory Board (WASREB).

Entrenching water reforms

The Water Act, 2016 serves to bring into effect the provisions of the CoK, 2010 as they relate to water and sanitation. It is therefore the law guiding reforms in the water and sanitation sector. As the reforms have progressed, some gaps have been identified in the Act that will require amendment and formulation of subsidiary legislation. Miscellaneous amendment of the Water Act, 2016 has commenced. The Act requires several existing institutions to be transformed and others to assume additional mandates. Subsidiary legislation is now being developed with respect to water resources, water services, water harvesting and storage and the transformation of the Water Appeals Board to the Water Tribunal.

The Journey

The journey towards reform is now nearing completion. Most of the institutional reforms needed to be carried out to fulfil the requirements of the Water Act, 2016 have been undertaken. They include launching a new Water Resources Authority (WRA), the National Water Harvesting and Storage Authority (NWHSA), Water Sector Trust Fund (WSTF), Water Sector Regulatory Board (WASREB) and the review of the Kenya Water Institute (KEWI) 2011 Act to make it a centre of excellence.

At the same time, eight Water Works Development Agencies (WWDAs) have been set up and their boards inaugurated. The MWS and the Council of Governors have signed an Inter-governmental Coordination and Cooperation Mechanism (ICCM) intended at ensuring that aspects of the reforms that will require close cooperation between the national and county governments will occur without undue conflict.

Changes resulting from the reforms

In order to further consolidate and entrench the reforms, the MWS working closely with county governments, will coordinate the induction of at least 1000 officers to familiarise them with the new mandates of WSIs. The officials will be expected to play the critical role of rolling out the changes required of the WSIs to deliver on their mandates.

To facilitate compliance with the new subsidiary legislation, the MWS has spearheaded wide public communication of the subsidiary legislation affecting WSIs. It will also facilitate the amendment of the Water Act, 2016 and the Kenya Water Institute Act. Working closely with MWS, counties will be enabled to fulfil their

mandates on water conservation. The MWS will also disseminate and facilitate the implementation of the National Water Policy, once it becomes a sessional paper.

What is in it for you?

The completion of ongoing reforms in the water sector will have tremendous benefits for water users. By moving to meet the set targets of 80 percent coverage of water services by 2022 and universal coverage of water and sanitation services by 2030, Kenyans stand to enjoy the benefits of access to water, which include reduced

incidences of water borne diseases and enhanced food production.

The MWS is also working towards increasing the urban sewerage coverage from the current 25 percent to 40 percent by 2022 for enhanced service delivery.

There is renewed emphasis on water

harvesting and storage. By transformation the National Water and Pipeline Corporation into the National Water Harvesting and Storage Authority, the perpetual cycle of disasters from drought and floods will be better managed, ensuring year-round access to water for all uses and flood management.

Your role

Household water consumer

The following among other obligations are expected of water consumers.

- Participating and making contributions at forums for public participation
- Establishing water harvesting infrastructure at household and farm level and taking measures on flood control
- Sharing information about the importance of reforms among fellow water users (peers)
- Paying water tariffs
- Supporting efforts on water catchment management, including planting and nurturing trees in line with the national target of 10 percent coverage

Water sector institutions

Water sector institutions have now been reformed in line with the Water Act, 2016. They will be expected to deliver on the following:

- Ensure the sector is well regulated and that relationships between counties and water service providers are such that water provision is consistent
- Resolve disputes that might arise at county and inter-governmental levels in a timely manner
- Ensure that underserved areas receive water and that no water consumer is denied access due to their inability to pay
- Promote water harvesting and storage at household and industrial levels

Political leaders

- Inform themselves about the new reforms in the water sector and rally their constituents to support the reforms, which are geared towards delivering on Kenyans' right to water
- Encourage their constituents to participate and give their views during scheduled public participation forums and other feedback channels availed by the MWS and WSIs
- Vote for adequate financial allocation for water and sanitation services in the two legislative assemblies (National Assembly and The Senate)

The media

- Undertake comprehensive and analytical reporting of water and sanitation issues
- Educate the public about water sector reforms
- Hold leaders to account regarding promises made and targets set in the water and sanitation sector

Large water abstractors

- Where practical enter into public, private partnerships with counties and WSPs for efficient and cost-effective service delivery
- Integrate water harvesting and storage in their operations
- Ensure treatment of effluent before discharge into water sources