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NATIONAL SANITATION MANAGEMENT POLICY

Towards safely managed
sanitation for all



Government of Kenya
Ministry Of Water, Sanitation and Irrigation

KENYA
VISION 2030

Bottom Up Economic Transformation
Agenda on Sanitation


SEPTEMBER, 2024

NATIONAL SANITATION MANAGEMENT POLICY

Towards safely managed sanitation for all

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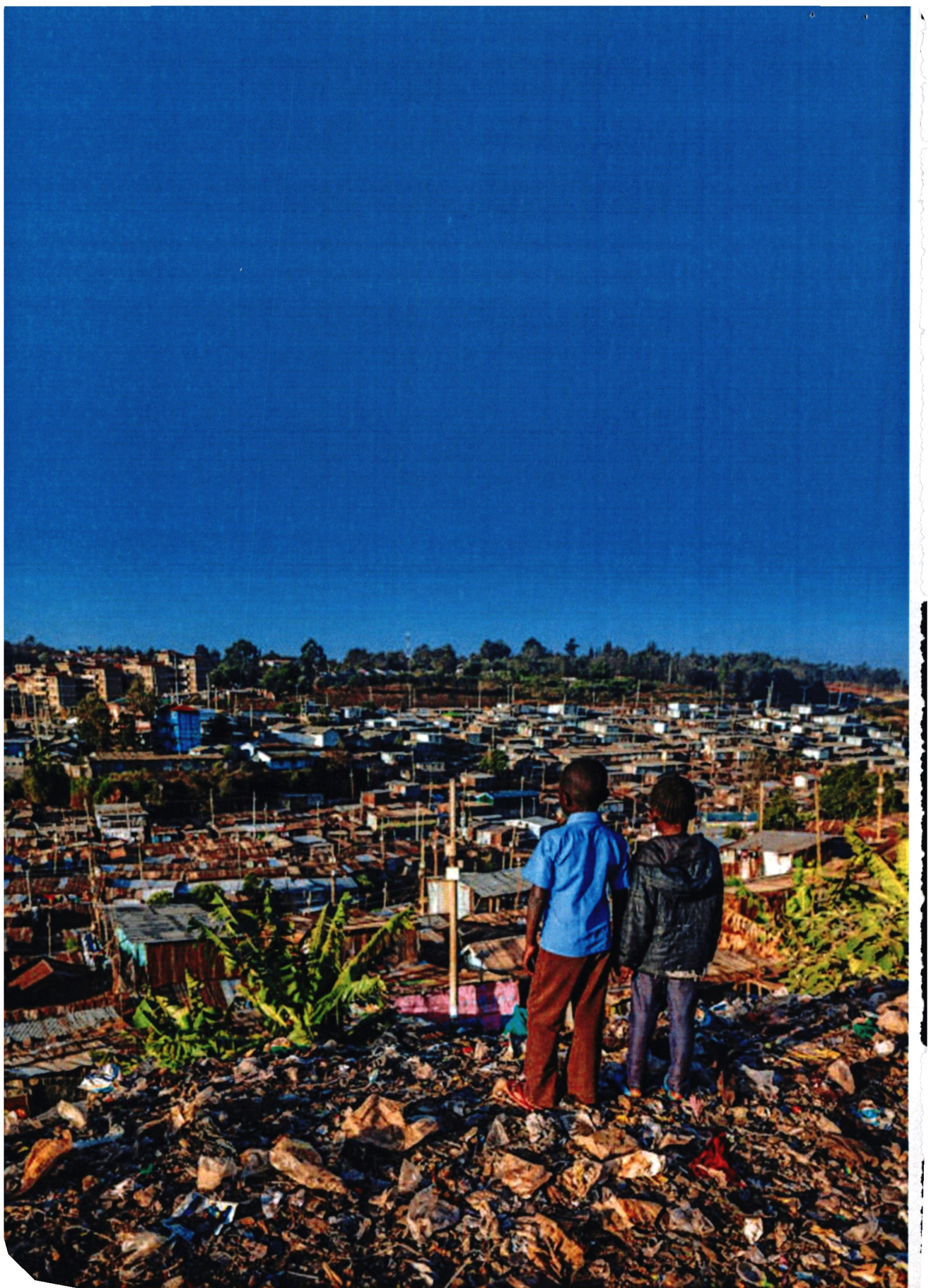
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ABBREVIATIONS AND ACRONYMS

AMCOW	African Ministers' Council On Water
APHRC	African Population and Health Research Centre
AU	Africa Union
BOO	Build-Own-Operate
BOOT	Build-Own-Operate-Transfer
BOT	Build-Operate-Transfer
CAP	Chapter
CEDAW	Convention on the Elimination of All forms of Discrimination against Women
CIDPs	County Integrated Development Plans
CLTS	Community Led Total Sanitation
CoK	Constitution of Kenya
COVID	Coronavirus Disease
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society organizations
CWIS	Citywide/Countywide Inclusive Sanitation
DBFO	Design-Build-Finance-Operate
DBO	Design-Build-Operate
DBOOM	Design-Build-Own-Operate- Maintain
DHS	Demographic and Health Survey
EAC	East African Community
ECDE	Early Childhood Development and Education
EFA	Education for All
EMCA	Environmental Management and Coordination Act
ESAWAS	Eastern and Southern Africa Water and Sanitation Regulators Association
FBOs	Faith Based Organizations
FSM	Faecal Sludge Management
GBV	Gender-Based Violence
GDP	Gross Domestic Product

HLM	High-Level Meeting
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	Economic, Social and Cultural Rights
ICT	Information, Communication and Technology
IDPs	Internally Displaced Persons
IDIA	International Development Institute - Africa
IEA	Institute of Economic Affairs
IEC	Information, Education and Communication
IFMIS	Integrated Financial Management Information System
ILO	International Labour Organization
IWA	International Water Association
JMP	Joint Monitoring Programme
KAM	Kenya Association of Manufacturers
KEPSA	Kenya Private Sector Alliance
KES	Kenya Shilling
KESHIP	Kenya Environmental Sanitation and Hygiene Policy
KEWASNET	Kenya Water and Sanitation Civil Society Network
KNBS	Kenya National Bureau of Statistics
KPIs	Key Performance Indicators
M&E	Monitoring and Evaluation
MDAs	Ministries, Departments and Agencies
MDGs	Millennium Development Goals
MHM	Menstrual Hygiene Management
MoE	Ministry of Education
MoH	Ministry of Health
MoWSI	Ministry of Water, Sanitation and Irrigation
NEMA	National Environmental Management Authority
NESHIP	National Environmental Sanitation and Hygiene Policy
NGOs	Non-Governmental Organizations
NSMP	National Sanitation Management Policy
NWMP	National Water Master Plan
NWSS	National Water Services Strategy
NWSSS	National Water and Sanitation Services Strategy
O&M	Operation and Maintenance
OD	Open Defecation

ODF	Open Defecation Free
PFMA	Public Finance Management Act
PPPs	Public-Private Partnerships
PWDs	Persons with Disabilities
R&D	Research and Development
SACCOs	Savings and Credit Cooperative Societies
SDGs	Sustainable Development Goals
SMEs	Small and Medium Enterprises
SOPs	Standard Operating Procedures
SWA	Sanitation and Water for All
UCLTS	Urban Community-Led Total Sanitation
UDDT	Urine Diverting Dry Toilet
UN	United Nations
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
USD/\$	United States Dollar
VIP	Ventilated Improved Pit Latrine
WASH	Water, Sanitation and Hygiene
WASREB	Water Services Regulatory Board
WHO	World Health Organization
WBG	World Bank Group
WRA	Water Resources Authority
WSP	Water and Sanitation Programme
WSPs	Water Service Providers
WSS	Water Supply and Sanitation
WSTF	Water Sector Trust Fund
WWDAs	Water Works Development Agencies



FOREWORD



The promulgation of the Constitution of Kenya 2010 and the adoption of the 2030 Agenda for Sustainable Development at the United Nations Sustainable Development Summit fundamentally changed the approach to Sanitation Management and provision of sanitation services in Kenya. Both the Constitution and the Sustainable Development Goals have put emphasis on ensuring comprehensive, universal and sustainable access to safely managed water, sanitation and hygiene, leaving no one behind. The Policy endorses the national sanitation targets, as outlined in the Kenya Vision 2030 and the Kenya Environmental Health and Sanitation Policy 2016-2030, and gives effect to the Sustainable Development Goal 6.2, the Ngor Declaration and the AMCOW Africa Sanitation Policy Guidelines 2021.

The National Sanitation Management Policy provides an inclusive sanitation management framework to address the identified policy gaps and challenges as well as the country's national, regional and international sanitation commitments. The Policy accommodates the various aspects of the changed sanitation service delivery environment and priorities. The Policy includes measures to accelerate access to safely managed sewerage and non-sewered sanitation services across the sanitation service chain and to enable all Kenyans enjoy their right to highest attainable standards of sanitation. The focus is on a range of complementary strategies that must be undertaken and sustained to ensure sustainable access to safely managed sanitation for all. Ultimately, it is the goal of the Policy to improve health and quality of life for all, and to secure a clean, healthy and economically prosperous nation.

This Policy recognizes the role played by diverse sectors made up of various stakeholders and institutions, and provides guidance to both state and non-state actors involved in the sanitation ecosystem at different levels. It provides an enabling and secure framework for all partners and stakeholders to make their contributions to enabling every Kenyan have access to safely managed sanitation service within the devolved system of government. More importantly, the Policy provides a critical reference to all public and private working towards achieving the target of ending open defecation and ensuring access to safely managed sanitation for all by 2030 and beyond. To achieve the intended outcomes, the Policy shall be implemented through various instruments including national and county level laws, regulations, bylaws, guidelines, standards, plans and programs.

Eng. Eric Murithi Mugaa
Cabinet Secretary,
Ministry of Water, Sanitation and Irrigation

PREFACE



The National Sanitation Management Policy marks a major milestone in the country's efforts towards achieving safely managed sanitation for all as targeted under the Kenya Vision 2030 and the global Sustainable Development Goal 6.2. By design, this Policy contributes to the realization of every citizen's constitutional right to accessible and adequate housing and reasonable standards of sanitation as well as our collective vision of transforming Kenya into a globally competitive, prosperous, clean and secure country with a high quality of life for all by 2030. This will be achieved through a combination of context specific sanitation systems,

technologies and services along the sanitation service chain. The National Sanitation Management Policy therefore encompasses both non-sewered and sewerred sanitation systems and associated services across the sanitation service chain from containment, conveyance, treatment to safe disposal or end use. In this regard, the Policy puts emphasis on integrated, inclusive and safe sanitation management along the service chain focusing on the entire water cycle in order to optimally protect sewerage systems, public health, water resources and the environment.

The Policy responds to the prevailing sanitation governance, management, regulatory and service delivery challenges that undermine the country's resolve to ensuring access to safely managed sanitation for all. The Policy targets all settlement types in rural and urban areas including institutional, trade, public and humanitarian settings. The policy articulates and clarifies the roles and responsibilities of the diverse stakeholders and ministries, departments and agencies involved in the sanitation ecosystem at national, county and local levels, and proposes a multisectoral national coordination and regulatory mechanism for sanitation across the service chain.

To end open defecation and accelerate access to safely managed sanitation services for all across the service chain, the policy outlines various strategies and measures, which include building climate resilient sanitation systems and technologies; provision of non-sewered and sewerred sanitation services; sanitation services in institutional, public and humanitarian settings; sanitation and hygiene education and behavior change; private sector participation; governance and institutional capacity building; human resources for sanitation; regulation; planning and financing; research and development; and monitoring and evaluation. To this end, the Policy advocates for increased public and private sector investment in sanitation through responsive and sustainable public financing mechanisms, increased budgetary allocation and public-private partnerships.

All stakeholders and partners are urged to join the Government at national, county and local levels to push this policy agenda forward. Together achieving sustainable access to safely managed sanitation for all by 2030, and ensuring no one is behind in our march to becoming a globally competitive, prosperous, clean and secure nation with a high quality of life for all, is within our collective power.

Mr. Julius Korir, CBS
Principal Secretary
Ministry of Water, Sanitation and Irrigation

ACKNOWLEDGEMENTS



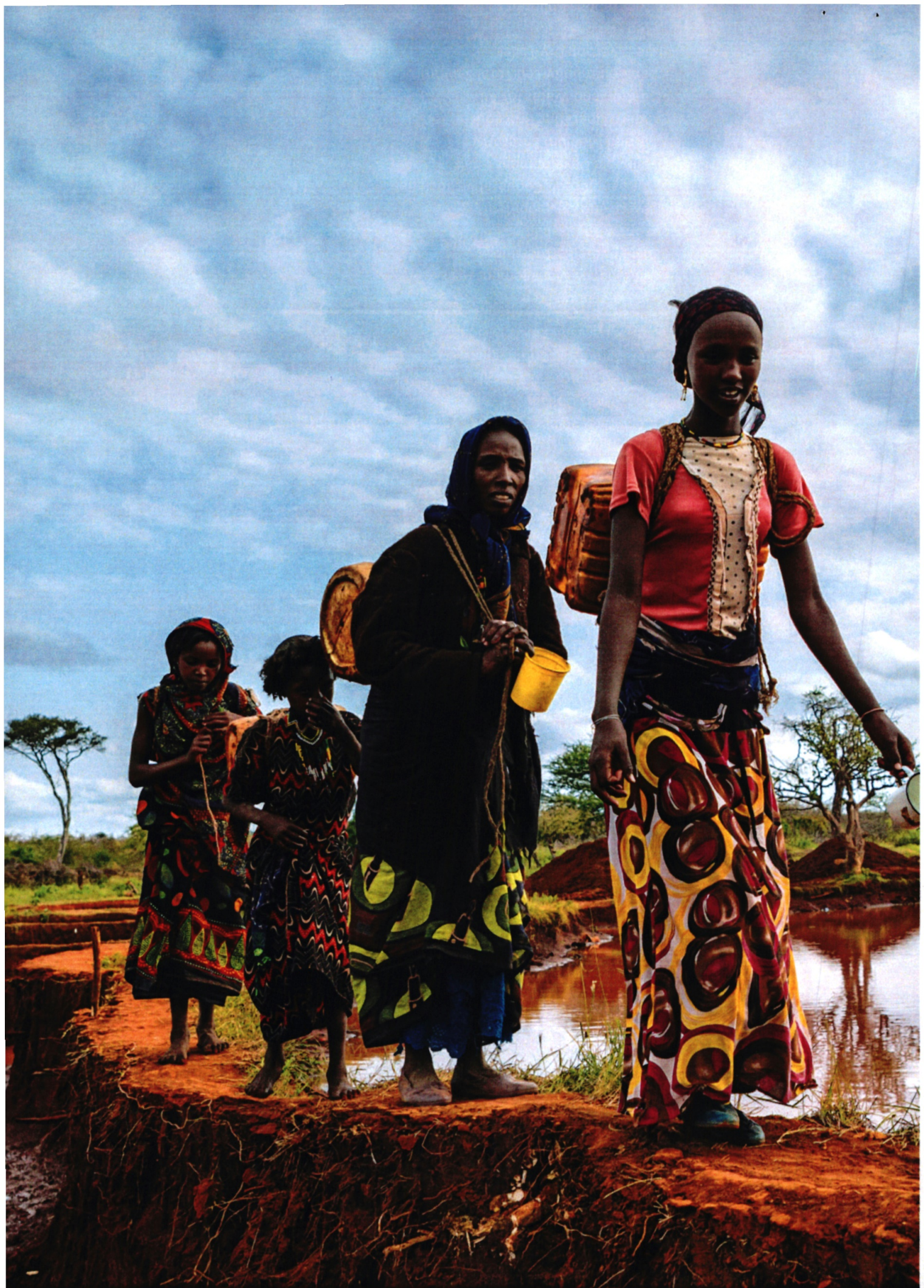
This National Sanitation Management Policy is an outcome of contributions of diverse stakeholders and partners throughout the country. The Ministry appreciates the commitment and efforts by the National Steering Committee and Secretariat to ensure the success of the policy development process. The Participation of the National Government Ministries and State Agencies, the Council of Governors and County Governments and all Non State actors in the Steering process and subsequently a sound Policy document.

We are thankful to the participants from various stakeholder groups across the country for their vibrant, selfless and valuable participation, contributions and insights that provided the basis for the development of this Policy. We truly appreciate the contributions of each of the stakeholders drawn from all the 47 county governments including County Executive Committee members, Chief Officers, Directors and member of the Country Assemblies, allied national government Ministries, Departments & Agencies(MDAs), the Council of Governors, all the 88 water utilities, Research and Learning Institutions, civil society organizations, NGOs, private sector, development partners, special Interest groups including women, youth and persons with disabilities, community based groups, among others.

The Ministry is grateful to the African Population and Health Research Centre (APHRC) with the support of Bill and Melinda Gates Foundation for providing financial and technical support that made the development of this Policy possible. Special mention of Ms Catherine Kyobutungi, the Executive Director, Mr. Patterson Siema, the Director, Policy Engagement and Communication, Mr. Alex Manyasi, Advocacy and Knowledge Management Specialist, Edna Riechi and Jenericah Gichuki. Special thanks to the International Development Institute- Africa (IDIA) led by Dr. Charles Oyaya for providing technical leadership and professional facilitation of the entire Policy development process.

The Ministry extends appreciation to the National Sanitation Management Policy Partners for astute stakeholder mobilization and successful execution of the regional county stakeholder and Water Service Providers (WSPs) consultative and validation meetings. These partners secured venues, mapped out stakeholders from all the 47 counties, mobilized and facilitated participants to and from the venues, and managed communications with host counties and other stakeholders. Our gratitude goes to the African Ministers' Council on Water (AMCOW) for invaluable guidance and review of this policy against the Africa Sanitation Policy Guidelines (ASPG). Distinguished thanks to Eng. F.K Kyengo, Ag. Director Sanitation Management and the technical staff at the Ministry for their dedication and tireless efforts in ensuring successful development of this policy. Last but not least, gratitude to the office of the Cabinet Secretary, the Principal Secretary, and the Chief Administrative Secretary for their untiring guidance and oversight throughout the entire process of developing this Policy.

Eng. SAO Alima, EBS
WATER SECRETARY





CHAPTER ONE: INTRODUCTION AND BACKGROUND

The importance and benefits of sanitation as a basic need, a human right and a development intervention impacts on economic productivity, education, human health, safety, dignity, and quality of life.

1.1 Introduction

Sanitation is an essential foundation for human life and a cornerstone for social and economic development. Adequate access to sanitation services leads to a better living environment, sustainable livelihoods, human development and poverty alleviation. The importance and benefits of sanitation as a basic need, a human right and a development intervention impacts economic productivity, education, human health, safety, human dignity, and quality of life. Article 43 of the Constitution therefore guarantees every person the right to accessible and adequate housing and reasonable standards of sanitation, clean and safe water in adequate quantities and highest attainable standards of health. Article 42 of the Constitution also guarantees every person the right to a clean and healthy environment. The Sustainable Development Goal (SDG) target 6.2 also calls for adequate and equitable sanitation for all to be tracked through the indicator of safely managed sanitation services. This National Sanitation Management Policy thus provides an inclusive framework for accelerating efforts at different levels toward ensuring sustainable access to adequate, equitable and safely managed sanitation for all.

1.2 Rationale for the Policy

Despite Kenya's international commitment and strong constitutional guarantee to ensure every citizen enjoys the right reasonable standards of sanitation and a clean and healthy environment, there are inadequate mechanisms at national and county levels to ensure the greatest enjoyment of these rights. Historically, sanitation has not received adequate attention in terms of investment and development despite its grave consequences on the health and well-being of the population, the environment, and the nation's economic development.

Further, while safely managed sanitation requires that sanitation services are provided in a mutually reinforcing manner along the service chain from containment, conveyance, treatment to disposal and/or reuse, in each of these elements, service delivery is inadequate, disjointed and unregulated. Fundamentally, the poor sanitation situation in Kenya is associated with inadequate sector leadership, investment, coordination and incoherent arrangements for inclusive sanitation service delivery at different levels. Sanitation services delivery pathways for the vulnerable, marginalized and disadvantaged groups are also less developed. Therefore, the development of the national sanitation management policy is a demonstration of the government's commitment at national and county levels to creating an enabling environment necessary for fast tracking efforts towards sustainable access to safely managed sanitation for all by 2030 and beyond.

1.3 Scope of the National Sanitation Management Policy

This National Sanitation Management Policy (NSMP) encompasses both non-sewered and sewered sanitation systems and associated services that safely manage excreta and wastewater from source to treatment and safe disposal or reuse. The NSMP covers all settlement types and settings at various levels including urban, rural, household, institutional, trade, public and emergency and disaster settings.

The policy targets and applies to diverse state and non-state institutions and stakeholders involved in the sanitation management across the service chain and decision-making at various levels. These include government ministries, departments, and agencies (MDAs); public and private sanitation service providers; media; academia, educational and research institutions; civil society organizations including communities, community-based organizations, NGOs and Faith-Based Organizations (FBOs); private sector; development partners; households and service users or consumers.

1.4 Towards a sustainable sanitation management framework

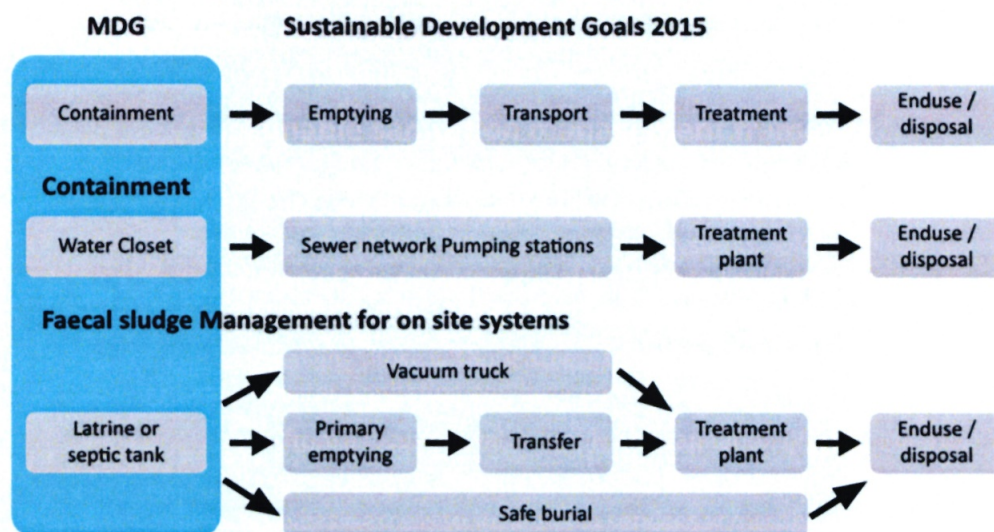
The promulgation of the Constitution of Kenya in August 2010 ushered in a fundamental paradigm shift in public policy, governance and service delivery architecture that requires total re-orientation and reforms of existing laws, policies and systems. Globally, the Sustainable Development Goal 6 with emphasis on access to safely managed sanitation for all has brought three fundamental policy shifts from the Millennium Development Goals, namely:

Universal coverage - from halving those without access to basic water and sanitation to universal access to safely managed water, sanitation and hygiene services.

Comprehensive coverage - from a focus on water supply and sanitation (WSS) to the entire water cycle.

Sustainable coverage - from basic access to sustainable services across the sanitation chain from thorough source treatment and safe reuse or disposal as shown in Figure 1.

Figure 1: The shift from MDGs to SDGs in the Sanitation Service



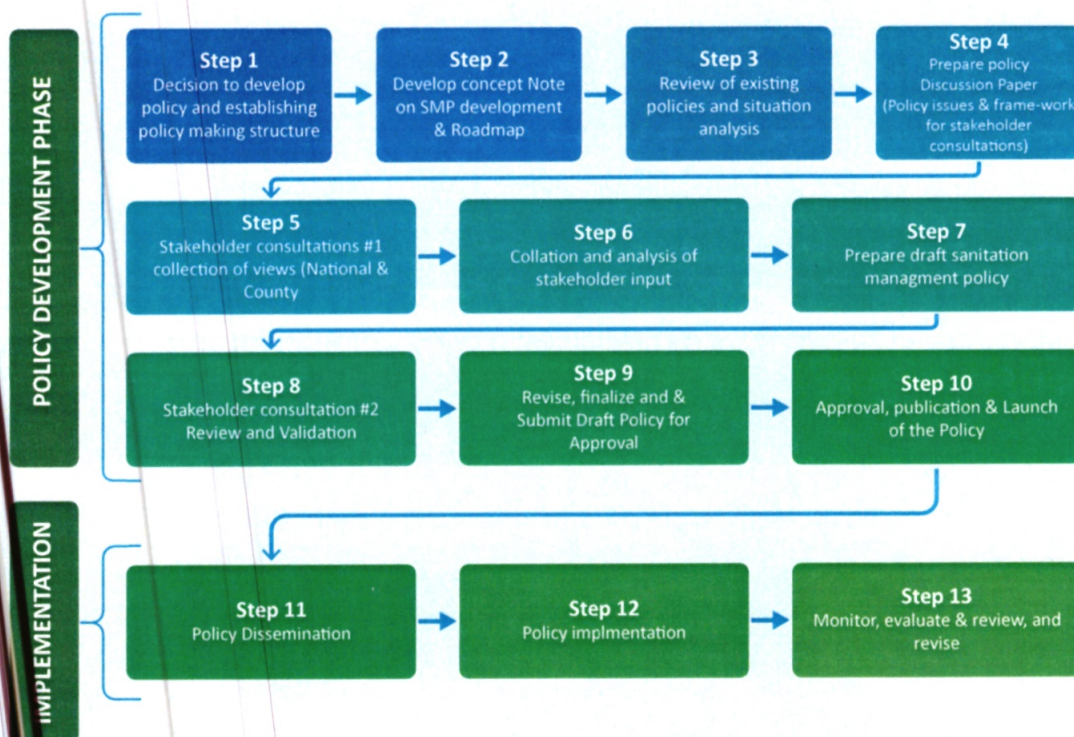
Source: Researchgate: 5 Sanitation service chain of on-site sanitation technologies and centralized wastewater management technologies (reproduced with permission from World Bank Water and Sanitation Program)


1.5 The policy development process

In September 2020, the Ministry of Water, Sanitation, and Irrigation made an important decision to develop a national policy specific to sanitation management. Subsequently, it established the National Sanitation Management Policy Steering Committee to lead the process. This was significant since in the past, the Ministry had tended to consider sanitation within the water policy which historically resulted in sanitation receiving little attention in terms of priority, investment and development within the sector. The decision to develop a national sanitation management policy was made in the context of the guaranteed constitutional right to reasonable standards of sanitation; the devolved system of government and the division of functions between national and county governments under the Fourth Schedule of the Constitution of Kenya; and the Executive Orders No. 1 of 2016, and 2020, which vested sanitation management function in the Ministry of Water, Sanitation and Irrigation. The decision was also made in the context of the requirements of SDG 6.2, which advocates for access to safely managed sanitation for all. The Multi-Stakeholder Steering Committee spearheaded the National Sanitation Management Policy (NSMP) development process under the Principal Secretary of the Ministry of Water, Sanitation and Irrigation.

As required by the Constitution, the process of developing the National Sanitation Management Policy adopted a highly participatory and inclusive approach involving various stakeholders at national and county levels through a 13-step process, as shown in Figure 2 below. The purpose was to ensure inclusiveness and maximum input of the public and diverse stakeholders.

Figure 2: Steps in sanitation management policy development and implementation process





CHAPTER TWO: SITUATION ANALYSIS

Globally, nearly half the world's population lacked safely managed sanitation services in while 6% of the global population still defecated in the open (WHO/UNICEF, 2021). In Kenya with only about 30% of the population having access to at least basic sanitation services, the country is alarmingly off track in meeting the SDG 6.2 targets by 2030.

2.1 Introduction

The importance of safely managed sanitation for economic growth and human development cannot be overemphasized. Sanitation is a basic need and human right that impacts human health, dignity, safety, education, and quality of life. The African Ministers' Council On Water (AMCOW), 2019 emphasizes that adequate access to sanitation facilities and services not only leads to better and healthier living environment but also lower medical costs and higher economic productivity through job creation and socioeconomic development. Conversely, inadequate or poor sanitation has grave consequences on the wellbeing of individuals, households and communities as well as the economic development of the nation.

However, according to JMP 2021, five years into the SDGs 2030 targets, the world is off-track to achieving SDG target 6.2. Globally, while 54% of the world's population had access to safely managed sanitation, 3.6 billion people lacked safely managed services, including 1.9 billion people with basic services (24%), 580 million with limited services (7%), 616 million using unimproved facilities (8%), and 494 million (6%) practicing open defecation. In Sub-Saharan Africa, only 21% of the population had access to safely managed sanitation services, 12% basic sanitation services, 9% limited services, 31% unimproved facilities, and 18% practiced open.

While in 2020, 62 countries achieved universal (>99%) access to at least basic services, only eight countries globally were on track to reaching universal access to safely managed services, and 26 countries were on track to reach universal access to at least basic services between 2020 and 2030. At current rates of progress, the world will only reach 67% coverage by 2030, leaving 2.8 billion people without safely managed services. JMP 2021 states that to achieve universal access to safely managed services by 2030, there will be need globally for four times increase in current rates of progress, 15 times in LDCs and 9 times in fragile contexts.

2.2 Access to safely managed sanitation and hygiene in Kenya

Kenya has made little or no progress with respect to achieving sanitation targets. JMP 2019 estimated that 30% of Kenyans (31% urban and 30% rural) had access to improved sanitation compared to 29% in 2010. The use of unimproved facilities countrywide was estimated at 31% (36% in rural and 18% in urban areas) while Open Defecation (OD) was still practiced by 12% of the population with 15% in rural areas and 3% in urban areas.

Although there is no reliable data on safely managed sanitation, the Ministry of Water Sanitation and Irrigation estimates that safely managed sanitation coverage is about 26%. WASREB estimates a sewerage coverage of about 15% of the total population within the service areas of the utilities for the 2019/2020 period which represents a decline from 17% in the 2018/2019 period and a massive gap from the Kenya Vision 2030 target of 80% sewerage coverage by 2030. Nationally, the 2019 Kenya Population and Housing Census found lower sewerage coverage at 9.7% with 0.3% of rural households having access to sewerage services compared to 24.6% in urban areas

(KNBS, 2019). Sewerage services are only available in 35 urban centers spread across 23 counties. This means that 24 counties solely rely on onsite sanitation solutions for the management of fecal sludge and wastewater (WASREB, 2021). To increase sewerage coverage in Kenya to 80% by 2030, about USD 5.4 billion (KES 540 billion) is required for network expansion, network rehabilitation and operation & maintenance. Of the required resources, the Government of Kenya can only raise KES 31 billion (USD 31 million), leaving a huge financing gap of about 96% (GoK, 2013).

As to onsite sanitation, nationally only 9.2% of households had septic tanks including 0.2% bio-septic tank or bio-digesters and 0.3% had cesspools, 11.9% had VIP latrines, 51.1% had covered pit latrines, 9.4% used uncovered latrines, 0.8% had bucket latrines while a significant 7.4% of the population still defecated in the open. Only 1.9% of rural households had septic tanks and cesspools compared to 22% of households in urban areas. In rural areas a large proportion of households (86.2%) relied on latrines as compared to 52.5% in urban areas. Open defecation was most prevalent in rural areas at 11.4% compared to 0.8% in urban areas (KNBS, 2019). Table 1 below shows percentage distribution of conventional households by main mode of human waste disposal in Kenya.

Table 1: Percentage Distribution of Conventional Households by Main Mode of Human Waste Disposal in Kenya

Mode of Human excreta	National (%)	Urban (%)	Rural (%)
Conventional Households	12,043,016	4,663,734	7,379,282
Main Sewer	9.7	24.6	0.3
Septic tank	9.2	21.1	1.7
Bio-septic tank/ Biodigester	0.2	0.3	0.1
Cess pool	0.3	0.6	0.1
VIP Latrine	11.9	12.5	11.5
Pit latrine covered	51.1	34.4	61.7
Pit Latrine uncovered	9.4	4.4	12.5
Bucket latrine	0.8	1.2	0.5
Open/ Bush	7.4	0.8	11.4

Source: KNBS, 2019 Kenya Population and Housing Census: Volume IV: Distribution of population by socio-economic characteristics.

2.3 Climate change and sanitation

Climate change and its effects is accelerating in Kenya as manifested in reduced and more intense rainfall, rising sea levels and rising temperatures (World Bank Group, 2020 & USAID, 2018a). Exposure to the effects of climate change in terms of severe droughts and flooding puts severe pressure on already strained water resources, putting water and sanitation infrastructure at risk; and impacting water availability and quality, thereby affecting water supply and sanitation. Flooding has caused water and sewer pipes to burst, which reduces the amount of water that reaches customers, and causes water resources and supply to be contaminated.

The effect of climate change is also making it harder for water and sanitation service providers who are already struggling to expand services to respond to the needs of communities and keep pace with rapidly growing population and urbanization. This challenge represents a major threat to the ability of the government at national and county levels, cities and water and sanitation

service providers to adapt to climate.

Despite the rising impact of climate change on WASH and livelihoods, there is little WASH sector analysis relating to how climate change impacts access to safely managed water, sanitation and hygiene. Further, although well-functioning water and sanitation systems are critical components of resilient communities and cities, the impact of climate change on these systems and services is seldom discussed especially in relation to the needs of poor and vulnerable communities in rural and urban areas which are most exposed to poor water and sanitation services.

2.4 Sanitation Financing

Kenya has set the high target of achieving universal access to safely managed sanitation by 2030 requiring huge capital expenditure. The National Water Master Plan 2030 estimates that about US\$5.4 billion in investment for sewerage development will be needed to meet the Kenya Vision 2030 targets. However, there is low national and county-level investment in sanitation with the sector financing largely dependent on donor funding. The sanitation financing scene is characterized by: low public investment to achieve the high sector and service targets; negligible budgetary allocation for the provision of safe sanitation services at all levels of government with sanitation lacking a budget code and expenditures not readily identifiable within the Integrated Financial Management Information System (IFMIS) classifications; limited tariff structure for WSPs with only 39% of publicly owned utilities falling within the sector benchmark for operational sustainability; lack of WSPs budget provisions for sanitation services to the low-income areas which almost entirely depend on unsustainable donor funding; and lack of shared national and county investment and financing vision for sanitation.

2.5 Impact of poor access to safely managed sanitation and hygiene

Inadequate access to clean and safe water and sanitation is the second leading risk factor and contributor to the high morbidity burden (DALY) and mortality (deaths) in Kenya. Inadequate, unsafe, and unhygienic sanitation results in multiple and overlapping health, economic, and social impacts that disproportionately impact women and girls living in informal urban settlements. Due to poor sanitation and hygiene, more than half of the population, is at risk of diseases and death, with over 75 percent of the country's disease burden caused by poor personal hygiene, inadequate sanitation practices and unsafe drinking water. Among children, diarrheal diseases and intestinal worm infestation contribute to a high disease burden and mortality with diarrhea contributing at least 40 percent of deaths among under-five children. In addition, it is estimated that 35 percent of children in Kenya suffer from moderate to severe stunting which has been linked to poor sanitation, particularly open defecation (UNICEF, 2013).

In economic terms, the World Bank 2010 estimated that Kenya loses an estimated USD 365 million annually which is about one percent of the national GDP, due to poor sanitation. Open defecation costs Kenya USD 88 million per year – yet eliminating the practice would require less than 1.2 million latrines to be built. At over 17 USD per person each year, open defecation is the costliest unimproved sanitation practice.



CHAPTER THREE: CONSTITUTIONAL, LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK FOR SANITATION

Kenya has evolved a broadly enabling constitutional, policy and legal framework for advancement of sanitation and for achievement of the right of every person to safely managed sanitation.

3.1 Introduction

Kenya has evolved a broadly enabling constitutional, policy, and legal framework that aligns with international norms and principles for the advancement of sanitation. The National Sanitation Management Policy is informed by and aligns with various overarching national, regional and international policy, legal and regulatory frameworks described under this chapter.

3.2 The Constitutional, Legal and Regulatory Framework

This Policy is informed by and anchored on the overarching legal framework provided by Kenya's Constitution and relevant laws.

3.2.1 The Constitutional Framework

The Constitution of Kenya 2010 provides the overarching legal and policy framework for the rights-based performance of sanitation functions and delivery of quality, safely managed sanitation services at various levels. Article 19 (1) of the Constitution of Kenya declares that the Bill of Rights is the framework for all social, economic and cultural policies. The Constitution outlines the immutable values and principles of governance to which all State organs, officers and persons must comply within the governance, management and delivery of services. These values and principles are outlined in the Preamble, Articles 1 (Sovereignty of the People), 2 (Supremacy of the Constitution), 3 (Defense of the Constitution), 10 (National Values and Principles of Governance), 175 (Principles of Devolved Government), 201 (Principles of Public Finance) and 232 (Values and Principles of Public Service) and Chapters 6 (Leadership and Integrity), among others.

The Constitution of Kenya 2010 under Article 43 guarantees the right of every person to accessible and adequate housing, reasonable standards of sanitation, and clean and safe water in adequate quantities. Further, Article 42 provides that "every person has the right to a clean and healthy environment. For the progressive realization of the right to sanitation guaranteed under Article 43, Article 21 requires the State to take necessary legislative, policy and other measures, including setting standards. It further obligates the State to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalized communities, and members of particular ethnic, religious or cultural communities. Article 20 (5) (a) (b) particularly requires the State in allocating resources, to give priority and due regard to the vulnerability of particular groups or individuals. To ensure that the rights are respected and enforced, Articles 20, 22 and 70 give every person the right to institute court proceedings claiming that his/her right has been denied, violated or infringed, or is threatened.

Article 174 of the Constitution provides the principles and objects of the devolved system of governance in Kenya. Functionally, Articles 6, 186 and the Fourth Schedule of the Constitution assign and demarcate powers, functions and relationship between national and county

governments. Whereas the National government is responsible for national sanitation policy; public investment; capacity building and technical assistance to counties, the county governments are responsible for county sanitation services. The staffing of county governments is to be conducted within the framework of the norms and standards set by the National government in accordance with the relevant legislation and policies. Articles 189-191 of the constitution provide for the cooperation between national and county governments, national government support to county governments, and conflict of laws between different levels of government.

Article 185(2) of the Constitution provides that a county assembly may make laws that are necessary for or incidental to, the effective performance of the functions and exercise of the powers of the county government under the Fourth Schedule. Article 183 (2) of the Constitution provides that a county executive committee may prepare proposed legislation for consideration by the county assembly. It is also the function of the county executive committee to originate and implement county legislation and to implement, within the county, national legislation to the extent that the legislation so requires; manage and coordinate the functions of the county administration and its departments; and perform any other functions conferred on it by this Constitution or national legislation.

Alongside the division of functions between the national and county governments under the Fourth Schedule, the Constitution of Kenya 2010 assigns fiscal powers to the two levels of government. Article 209 (1) (3) of the Constitution vests in the national government the power to impose income tax, value added tax, customs duties and other duties imposed on import and export good and excise tax; while the county governments are assigned the power to impose property rates, entertainment taxes and any other tax that the county is authorized to impose by an Act of Parliament. Article 209

(4) of the Constitution also gives national and county governments the power to impose charges for services they may provide. Article 175(2) of the Constitution provides that county governments shall have reliable sources of revenue to enable them to govern and deliver services assigned to the county governments under the Fourth Schedule effectively.

The basis of fiscal devolution is the principle that funds must follow and match functions in order to avoid mismatch between functional responsibilities, plans and allocation of available resources at and between national and county governments. Article 187(2)(a) of the Constitution specifically provides that if a function or power is transferred from a government at one level to a government at another level, arrangements shall be put in place to ensure that the resources necessary for the performance of the function or exercise of the power are transferred.

3.2.2 International and regional legal framework

This Policy integrates the norms and principles of international law, human rights and sustainable development. Article 2 (5) (6) of the Constitution of Kenya provides that the general rules of international law shall form part of the laws of Kenya and that any treaty or convention ratified by Kenya shall form part of the law of Kenya under the Constitution. Article 21(4) further requires the State to enact and implement legislation to fulfill its international obligations regarding human rights and fundamental freedoms.

Kenya has ratified several regional and international conventions, treaties and declarations, under which the human right to sanitation is either directly or indirectly enunciated. These include the International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR); the Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW); the Convention on the Rights of the Child 1989 (CRC); the International Convention on the Elimination of All Forms of Racial Discrimination, 1965 (ICERD); the Convention on the Rights of Persons with Disabilities, 2006; the Sustainable Development Goals Declaration; and the Sanitation and Water for All (SWA) High-Level Meeting Commitments.

In 2010 the UN Human Rights Council adopted a resolution affirming that water and sanitation are human rights under the International Covenant on Economic, Social and Cultural Rights. To this end, Resolution 64/292 of the United Nations General Assembly made on 28th July 2010 for the first time explicitly recognised the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realisation of all human rights. It called on States to ensure the progressive realisation of this right for their citizens – equally, without discrimination and on the basis of participation and accountability (UN, 2010).

At the Africa continental and regional level, Kenya is a party to several declarations and commitments that provide enabling and guiding regional framework for WASH-related policies at the national level. These include the African (Banjul) Charter of Human and People's Rights, 1981; the African Charter on the Rights and Welfare of the Child, 1990; the African Union Agenda 2063 – The Africa We Want; the eThekweni Declaration (2008), the Shamar El Sheik Commitment (2008); the N'gor Declarations (2015); the Treaty for The Establishment of the East African Community (signed on 30th November 1999); the EAC Protocol On Environment and Natural Resources Management - 27th February 2006; and the EAC Water Vision 2025

The 2030 Agenda for Sustainable Development adopted by the UN Member States at the United Nations Sustainable Development Summit on 25th September 2015 provides the global framework within which progress on the right to water, sanitation and hygiene is measured. SDG 6 specifically aims to "Ensure availability and sustainable management of water and sanitation for all." This Goal has a total of eight targets and associated indicators. In addition, SDGs 1, 3 and 4 contain references to water, sanitation, and hygiene.

3.2.3 Key legal framework for sanitation

The legal framework for sanitation consists of a plethora of laws, including the Water Act No. 43 of 2016, The Health Act No. 21 of 2017, Public Health Act Cap 242; the Environmental Management and Co-ordination Act, Cap 387, Physical and Land Use Planning Act, 2019; County Governments Act, 2012; Public Finance Management Act; Urban Areas and Cities Act, 2011; Occupational Safety and Health Act; Food, Drugs, and Chemical Substances Act and the Public-Private Partnerships Act among others.

The Water Act No. 43 of 2016 provides for the management, conservation, use, and control of water resources and regulation, management, and development of water and sewerage services and related purposes. It establishes several institutional arrangements for water and sanitation including the Water Services Regulatory Board (WASREB) for regulation of water services' providers; Water Resources Regulatory Authority (WRA) for water resource use regulation; Water Sector Trust Fund for water services development towards the un-served and poor segments of the society in peri-urban and rural. The Water Act provides the functions of the Water Works Development Agencies (WWDAs) and vests the responsibility of provision of water and sanitation services in the county governments. To this end, the Act empowers the county governments to establish Water Service Providers (WSPs) as may be approved by the Water Services Regulatory Board (WASREB). On their part the WSPs are given the responsibility for provision of water services including the development and management of infrastructure for transport, storage, treatment of wastewater originating from centralized and decentralized systems within the areas specified in their licenses.

The Public Health Act Cap 242 provides the framework for taking all lawful, necessary and reasonably practicable measures for maintaining clean and sanitary conditions at all times, and for preventing the occurrence of any nuisance or condition liable to be harmful or dangerous to health. The Environment Management and Co-Ordination Act (EMCA), CAP 387, provides the framework for water and effluent quality control and monitoring including the prohibition of water pollution, licensing of effluents discharge, and monitoring of the quality of effluents to be discharged only into the sewerage system. It also provides for the application of polluter pays principle and the penalties thereto.

However, the legal framework for sanitation remains fragmented, with sanitation-related laws and structures scattered in various legal instruments, most of which are only ancillary to sanitation. Thus despite the Constitutional provisions and guarantees on sanitation, clean and healthy environment, there is no overarching and enabling statutory framework defining a set of coherent normative principles for sanitation management, service provision, coordination, financing, investment and regulation. To address this challenge, the Environmental Health and Sanitation Bill, 2020 aims to provide an inclusive framework for the performance of the powers and functions of the National and County Governments in respect of sanitation matters; management and regulation of sanitation services; enforcement of environmental sanitation standards and regulations; and for sustainable financing of sanitation functions and services. See annex for relevant laws applicable to sanitation management.

3.2.4 Regulatory framework for sanitation

Currently, the primary regulatory responsibility for sanitation services vests in four key government departments and agencies: WASREB, NEMA, Public Health, and water service providers. The Water Services Regulatory Board is responsible for the regulation of the provision of water and sewerage services. The Water Act No. 43 of 2016 also delegates to the Water Services Providers (WSPs)ii some regulatory responsibilities over the regulation and monitoring of the discharge of trade effluent into the sewer systems. The Act in particular, requires WSPs receiving trade effluent into their sewerage systems to ensure that they have in place measures for the receipt and handling of the effluent without causing- (a) pollution of the environment; (b) harm to human health; (c) damage to the sewerage system; or (d) a contravention of applicable laws or standards set by the regulatory board.

The National Environment Management Authority (NEMA) has the responsibility of ensuring compliance with standards for collection, transportation, treatment, disposal and recycling of wastes and taking all practical steps to ensure that waste is managed in a manner that protects human health and the environment against the adverse effects which may result from the waste.

The Public/Environmental Health Department, under the Public Health Act Cap 242 and other related laws is responsible for enforcing and ensuring compliance with the laws and standards relating to protection of public health; taking all lawful, necessary and practicable measures for preventing the occurrence or dealing with any public nuisance, outbreak or prevalence of any infectious, communicable or preventable disease, and safeguarding and promoting public health.

However, the existing sanitation regulatory environment is weak, with no clear regulatory mechanism for on-site or non-sewer sanitation and sanitation management across the service chain. The Kenya Environmental Sanitation and Hygiene Policy 2016-2030 and the Environmental Health and Sanitation Bill, 2020 have therefore proposed the establishment of a national sanitation regulatory body for the coordination of environmental health, onsite sanitation and hygiene services and to enforce standards, regulations, rules, laws, policies and guidelines.

3.3 National Policy framework

The policy framework for sanitation in Kenya has evolved since the colonial period. The first policy framework for sanitation was put in place following the official promulgation of the 1921 Public Health Ordinance which gave the Ministry of Health the role of administering sanitation. The Public Health Ordinance (later Public Health Act, Cap 242) provided that any building or premises that did not observe proper sanitation standards and adequate supply of water and/or risked the spread of diseases was deemed as a nuisance.

In the post-independence period, the Environmental Sanitation Programme supported by WHO- UNICEF provided the framework for improving waste disposal methods and providing sanitary education for the rural population. To sensitize the population about the health benefits of sanitation and to advise and guide local authorities on sanitation matters, the government

established the National Sanitation Council in 1980. The Council however, slowly faded out without accomplishing its mandate.

3.3.1 The Kenya Vision 2030

The Kenya Vision 2030, developed in 2007 and revised in 2012 is the long-term development blueprint towards making Kenya an industrializing, middle-income country providing a high quality of life to all its citizens in a clean and secure environment. The Vision 2030 commits to ensuring improved water and sanitation services are made available and accessible to all by 2030 (GOK, 2007). Specifically, the Vision 2030 goal is to increase sanitation coverage in urban areas to 100% by increasing the coverage rate of sewerage systems to 80% and installing improved on-site treatment facilities for populations not covered by sewerage systems.

Vision 2030 prioritizes the rehabilitation, expansion, and development of urban sanitation infrastructure in the satellite towns around Nairobi, Mombasa, Kisumu, Nakuru, and Kisii alongside 15 other medium-size towns. The Vision 2030 provides for the application of the right economic incentives; commissioning PPP projects for improved efficiency in water and sanitation delivery; and development of enforcement mechanisms targeting pollution and waste management regulations. The National Water Master Plan (NWMP) 2030 sets out the national sector investment targets to achieve the Kenya Vision 2030 water and sanitation targets.

3.3.2 The National Water and Sanitation Services Strategy (2019 - 2030)

The National Water and Sanitation Services Strategy (2019 - 2030) vision is to ensure sustainable universal and equitable access to safe and affordable water supply and sewer and non-sewer sanitation services to all Kenyans by 2030. With respect to sanitation, the NWSS aims to, among others:

- a. Increase access to waterborne sewer sanitation with the collection, transportation, treatment, and disposal/reuse from 16% to 80% in an urban setting by 2030, or at least 40% and another 40% by onsite sanitation.
- b. Increase the coverage of sanitation installations to a sanitation chain (onsite) in the urban setting from 15% to 40% by 2030.
- c. Increase the coverage of sanitation installations to a sanitation chain (onsite) in the rural setting from 0% to 20%.

3.3.3 The Draft Sessional Paper of 2020 on National Water Policy

The Draft Sessional Paper of 2020 on National Water Policy aims to guide the achievement of equitable, efficient, and universal access to water supply, and reasonable standards of sanitation, for domestic, economic use and ecosystem sustenance. The policy responds to the emerging issues relevant to the development of the water sector including Sustainable Development Goals 2030, Africa Union Agenda 2063, East Africa Community Vision 2050, Kenya Vision 2030 and the National Climate Change Action Plan, 2019. In relation to provision of water and sanitation services, the Policy seeks to accelerate the delivery of water supply, sewerage and non-sewerage sanitation services through progressive realization of the human right to water and reasonable sanitation standards towards universal access.

3.3.4 The Kenya Environmental Sanitation and Hygiene Policy (KESHP) 2016 - 2030

The Kenya Environmental Sanitation and Hygiene Policy (KESHP) 2016-2030 specifically aimed to make Kenya Open Defecation Free (ODF) by 2030; achieve and sustain 100% access to improved rural and urban sanitation by 2030; and to increase public investment in sanitation and hygiene from 0.2% to at least 0.5% of the GDP by 2020 and to 0.9% of the GDP by 2030.

3.3.5 The National Environment Policy, 2013

The National Environment Policy recognizes the need for special attention to the most pressing environmental health problems associated with air and water pollution, water supply and sanitation, waste management, chemical and food safety which directly affect human health. The National Environmental Policy therefore seeks to improve the management and conservation of water supply sources.

3.3.6 The Menstrual Hygiene Policy 2019 – 2030

The menstrual hygiene policy provides a reference to all public and private agencies that are actively working towards ensuring that all women and girls in Kenya manage menstruation hygienically, freely, with dignity without stigma or taboos. It aims to enable women and girls to have access to educational information on menstrual hygiene management (MHM), menstrual products, services and facilities, and to safely dispose of menstrual waste (MoH, 2020). The other national policy frameworks relevant to sanitation include the Kenya Community Health Policy 2020-2030 and the National School Health Policy.

Overall, despite a strong constitutional framework for sanitation, the country still lacks a coherent and inclusive national policy, legal and regulatory framework for effective sanitation management across the service chain especially with respect to non-sewer sanitation, and for achieving safely managed sanitation for all. In particular, Kenya is to define the minimum service package, norms, standards and indicators for achieving safely managed sanitation across the service chain in the context of the right to reasonable standards of sanitation guaranteed under Article 43 of the Constitution of Kenya.

3.4 Institutional arrangements for sanitation

The institutional framework for sanitation in Kenya is complex and fragmented, running from the national level to the county, urban areas, utility, and community levels. At the national level, the institutional arrangements for WASH include ministries, departments and agencies, including the Ministry of Health, Ministry of Water and Sanitation and Ministry of Environment, the Water Works Development Agencies (WWDAs), Water Services Regulatory Board (WASREB) and National Environment Management Authority (NEMA), development partners and non-state actors including NGOs and private sector.

The institutional arrangements for WASH at the county level include the departments of health, environment, water, urban development, and physical planning, education, urban authorities (City and Municipality Boards and Town Committees), water service providers (utilities), private sector, NGOs and CBOs. County governments are responsible for formulating and enforcing policies, laws, regulations and standards within their respective jurisdiction in collaboration with the national regulatory agencies. The County governments also have the power to decentralize water and sanitation functions to urban areas and cities and other lower-level units such as community/village units. The WSPs are responsible for providing water and sewerage services within the area specified in the license and the development of county assets for water service provision.

The WASH institutional landscape is however, characterized by institutional fragmentation and overlaps with policy, planning, fiscal, regulatory and service delivery functions distributed among multiple ministries, departments and agencies at various levels. The sanitation sector also experiences acute shortage of qualified and competent human resources to deliver the ambitious goal of universal access to adequate, equitable sanitation and hygiene by 2030. The National Water and Sanitation Services Strategy (2019 – 2030) states that the existing education and training programmes are not only inadequate but have also not kept pace with the water and sanitation's changing professional, technological and service demands.

CHAPTER FOUR: POLICY DIRECTION AND GUIDING PRINCIPLES

The Government of Kenya is committed to creating an economically prosperous and sustainable nation in which every person has access to safely managed sanitation services and all Kenyans live in a clean, secure and healthy environment.

4.1 Introduction

The national sanitation management policy provides the policy direction and guiding principles and values towards access to safely managed sanitation services for all.

4.2 Vision statement

Access to safely managed sanitation services for all.

4.3 Mission statement

To ensure sustainable access to adequate, equitable and affordable safely managed sanitation for all Kenyans.

4.4 Policy goal

To accelerate access to affordable safely managed sanitation services for improved health and socio-economic development.

4.5 Policy Objectives

The objectives of the National Sanitation Management Policy are as follows:

1. To promote innovative and climate-resilient sanitation systems that are appropriate and adaptable to diverse rural, urban and humanitarian settings.
2. To accelerate access to safely managed sewerage sanitation services across the service chain.
3. To eradicate open defecation and accelerate access to safely managed non-sewered sanitation services across the service chain for all.
4. To ensure access to adequate, gender-sensitive and socially inclusive safely managed sanitation and hygiene services in institutional, public, commercial, and humanitarian settings to the required standards.
5. To promote sanitation and hygiene behaviour change and ensure sustainable uptake of safely managed sanitation services across the service chain at all levels.
6. To strengthen institutional, governance and regulatory framework and human resources capacity for sanitation at all levels.
7. To strengthen sustainable sanitation financing and public private partnerships in line with national and international sanitation financing commitments.
8. To strengthen sanitation research, monitoring and evaluation to promote evidence-based decision-making and innovation.

4.6 Guiding principles and values

The Constitution of Kenya requires a principle and value-based approach to public policy, governance and management. This policy is undergirded by the following principles that are considered crucial to policy implementation and provision of sustainable sanitation services.

4.6.1 Guiding constitutional principles and values

- a. **Governance principles and values:** This Policy is undergirded by the national principles and values of governance enshrined in Article 10 of the Constitution that bind all state organs, state officers, public officers and all persons wherever they apply and interpret the Constitution; enact and apply laws; or make or implement public policy. These national principles and values include patriotism, national unity, sharing and devolution of power, the rule of law, democracy and participation of the people, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination, protection of the marginalized, good governance, integrity, transparency and accountability and sustainable development.
- b. **Leadership principles:** The Policy is guided by principles of leadership and integrity enshrined in Chapter Six of the Constitution of Kenya. Chapter Six of the Constitution emphasize personal integrity, competence, and suitability, objectivity, and impartiality in decision making, and ensuring that decisions are not influenced by nepotism, favouritism, other improper motives, or corrupt practices.
- c. **Devolution principles:** The Policy is undergirded by principles and objects of devolution and devolved governance enshrined under Article 174 of the Constitution. These include the principles of democratic and accountable exercise of power; self-governance; the right of communities to manage their own affairs; protection and promotion of the interests and rights of minorities and marginalised communities; gender equity; equitable social and economic development; the provision of proximate, easily accessible services; accountability and transparency; checks and balances and the separation of powers among others.
- d. **Public finance management principles:** The Policy is guided by the principles of public finance management enshrined under Article 201 of the Constitution of Kenya. The principles include openness and accountability, public participation in financial matters, fairness in sharing the burden of taxation, equitable sharing of revenue raised nationally among national and county governments and equitable development including making special provisions for vulnerable and marginalised groups and areas.
- e. **Public service principles:** The Policy is guided by the principles and values of public service outlined under Article 232 of the Constitution of Kenya. The principles and values include high standards of professional ethics; efficient, effective and economical use of public resources; responsive, prompt, effective, impartial and equitable provision of public services; involvement of the people in the process of policy-making; accountability for administrative actions; transparency; provision of timely, accurate information to the public; fair competition and merit as the basis of appointments and promotions; representation of Kenya's diverse communities; and adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of men and women, the members of all ethnic groups and persons with disabilities.

4.6.2 Guiding principles for sanitation management policy

The policy is undergirded by a number of guiding principles as presented in Table 2 below.

Table 2: Guiding principles for sanitation management policy

Focus	Statement of principle
Human rights and governance	<ul style="list-style-type: none"> • The right to reasonable standards of sanitation, a clean and healthy environment: Adequate and equitable measures including allocation of adequate budget and financial resources will be taken to realize the right of all Kenyans to adequate and accessible housing, reasonable standards of sanitation and a clean and healthy environment. • Political will and commitment: The government and leaders at all levels will demonstrate political will and leadership commitment to supporting sanitation agenda and programs through public investment and financing. • Institutional sustainability: Responsibilities and service provision mandates will be clearly defined and assigned across the rural- to- urban spectrum and service chain. Resources will be allocated for capacity building, training and continuing professional development and institutional strengthening. • Multi-sectoral collaboration and coordination: A coordinated and collaborative effort by various stakeholders, sectors and government departments and agencies at national and county levels will be promoted and institutionalized. The roles, responsibilities and mandates of different stakeholders will be clearly defined. • Transparency and accountability: Spending on sanitation will be included within the national and county medium-term expenditure framework and budgets. • Enforcement and compliance: All service providers will be expected to voluntarily comply with the sanitation, environmental, public health and other relevant policies, laws, regulations and Standards
Technical	<ul style="list-style-type: none"> • Choice of technologies: Technology choices will include a variety of alternatives including sewerred and on-site (non-sewerred), centralized and decentralized solutions that are context-specific. The user and life cycle costs of sanitation solutions will be taken into account. • Innovation: A proportion of the sanitation budget will be allocated towards research and development, fostering innovation and continuous improvement of sanitation solutions across the service chain.

Table 2: Guiding principles for sanitation management policy

Focus	Statement of principle
<p>Service Provision</p>	<ul style="list-style-type: none"> • Safe sanitation management: Safe sanitation management across the service chain from capture and containment, conveyance, treatment through to disposal/reuse will be promoted taking into account the special access requirements of users including individuals, institutions, trades and households. • User pays principle: Users of sanitation services will contribute to the recovery of the costs of providing services on an equitable basis. • Integration: Integrated sanitation planning and service provision will be promoted. Provision of complementary services including will be promoted to ensure safe management across the value chain. Sanitation will be integrated into water supply, water resource management, drainage, physical planning and solid waste management interventions at national, county, municipal, utility and community levels. • Private sector participation: The private sector will be encouraged, facilitated and incentivized for active involvement in the provision and development of sanitation services across the sanitation service chain. Public-private partnerships and corporate social responsibility principles will be applied.
<p>Social</p>	<ul style="list-style-type: none"> • Equity, gender and social inclusion: Sanitation services and programs will be planned and implemented on an equitable basis taking into account the differing needs of the marginalized, vulnerable and the disadvantaged in society including women and girls, youth, children, persons with disability and the elderly. No person will be left behind or excluded from services on any ground. Vulnerable sections of the community and unserved households will be given priority attention in planning, resource allocation, implementation and provision of sanitation services. • Behaviour change: Emphasis shall be put on promoting, changing and sustaining good sanitation and hygiene behaviours and practices. Health, sanitation and hygiene education will be prioritised in programming. • Public participation: The opinions, aspirations and needs of the service users will be taken into account in making decisions concerning the provision of sanitation services.
<p>Environmental</p>	<ul style="list-style-type: none"> • Water source and environmental protection: Water resource management, water source and environmental protection shall be integrated into sanitation management. Water sources shall be properly mapped, inventoried and protected in strict adherence to water quality regulations, guidelines and standards.

Table 2: Guiding principles for sanitation management policy

Focus	Statement of principle
Environmental	<ul style="list-style-type: none"> • Reduce, re-use, recycle: Sustainable faecal sludge and wastewater management technologies and re-use alternatives will be promoted in the form of treated wastewater, nutrient recovery and energy generation. Any sanitation solution deployed will take into account the whole sanitation chain from user- interface to final disposal or re-use. • Polluter pays principle: Polluters will be held responsible for the discharge of untreated or undertreated effluent into the sewerage system and the environment. The polluter will be held responsible for the damages caused by the pollution and will bear the costs of mitigation or cleanup measures.

4.7 The Policy Approaches

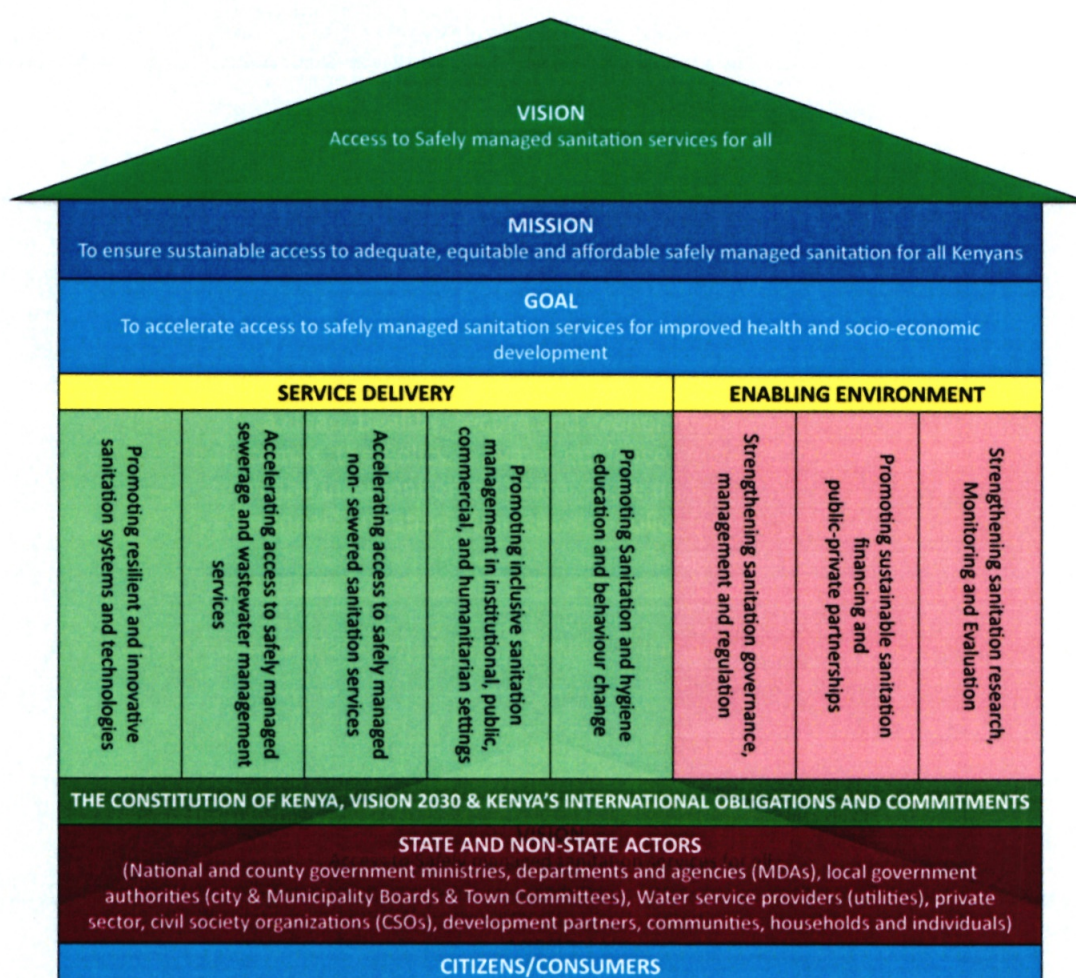
The National Sanitation Management Policy adopts and advocates for the following key approaches to sanitation policy planning, management and provision of services across the sanitation service chain:

- a. **Rights-based approach:** The Policy adopts a rights-based approach to sanitation management and provision of services. This calls for the deployment of best possible measures, including adequate resources to enable the widest possible enjoyment of the right to reasonable standards of sanitation and a clean and healthy environment.
- b. **Countywide/citywide Inclusive Sanitation (CWIS) approach:** The Policy emphasizes countywide/citywide inclusive sanitation approach to sanitation planning, financing, development, and service delivery across settlement types and settings.
- c. **Sanitation Service chain approach:** The Policy promotes safe sanitation management across the sanitation service chain from the capture and containment, conveyance, treatment to disposal, or end use/reuse.
- d. **Multi-sectoral approach:** The Policy advocates for a multi-sectoral approach involving collaborative engagement of diverse sectors and stakeholders at different levels to ensure sustainable access to safely managed sanitation for all.
- e. **The water cycle approach:** The Policy emphasizes a water cycle approach to sanitation management involving the integration of water resources management and water supply into the sanitation value chain. The Policy acknowledges the centrality of sanitation in determining the quality of water that is abstracted from a water source, supplied, generated as wastewater, and discharged back to a water body, either treated or untreated.

4.8 Theory of change and policy intervention framework

The National Sanitation Management Policy proceeds from the perspective that access to safely managed sanitation is critical to achieving better health, livelihoods, a competitive and prosperous economy, sustainable development and improved quality of life for all. Conversely, inadequate or poor sanitation has grave consequences to the wellbeing of individuals, households and communities as well as the economic development of the nation. Therefore, the National Sanitation Management Policy aims to accelerate access to safe and affordable sewerage and non-sewered sanitation services resulting in improved health and quality of life for all, and ultimately, a clean, healthy, secure and economically prosperous sustainable nation. To achieve these outcomes, the Policy provides guidance to guides state and non-state actors and outlines strategies and intervention measures to be undertaken at different levels. Figure 3 below presents the National Sanitation Management Policy intervention framework.

Figure 3: National Sanitation Management Policy Strategic and Intervention Framework





CHAPTER FIVE: POLICY STRATEGIES AND MEASURES

The National Sanitation Management Policy provides an inclusive policy framework and guidance on strategies and measures to be undertaken to strengthen sanitation management systems and ensure sustainable access to safely managed sanitation services across the service chain for all.

5.1 Introduction

The National Sanitation Management Policy provides an inclusive policy framework and guidance on strategies and measures to be undertaken to strengthen sanitation management systems and ensure sustainable access to safely managed sanitation services across the service chain for all. The Policy provides broad guidance to both state and non-state actors involved in the sanitation ecosystem and delivery of services at all levels. This chapter describes the policy strategies and measures around the following key policy focus areas:

- a. Resilient and innovative sanitation systems and technologies
- b. Safely managed sewerage and wastewater management services
- c. Safely managed non-sewered (onsite) sanitation services
- d. Inclusive sanitation management in institutional, public, commercial and humanitarian settings
- e. Sanitation and hygiene education and behavior change
- f. Sanitation governance, management and regulation
- g. Sustainable sanitation financing and public-private partnerships
- h. Sanitation research, monitoring and evaluation

The policy strategies and measures shall be implemented through the instruments of national and county level laws, regulations, policy guidelines, standards, plans and programs.

5.2 Promoting resilient and innovative sanitation systems and technologies

The government at national and county levels shall promote innovative and climate- resilient sanitation systems and technologies across the sanitation service chain that are appropriate and adaptable to diverse rural, urban and humanitarian settings.

Sanitation systems are defined as a series of sanitation technologies and services for the safe management of human excreta and wastewater across the sanitation service chain. Broadly, sanitation systems consist of sewerage and non-sewered sanitation systems designed to separate human excreta and wastewater from human contact along the entire service chain. Sewerage sanitation systems are categorized into conventional sewer and simplified/ condominal sewer systems. On the other hand, non-sewered or onsite sanitation systems are grouped into two categories: onsite sanitation with onsite treatment; and onsite systems with faecal sludge management and offsite treatment. The criteria for determining the appropriateness of a sanitation system and technology include settlement type and patterns, accessibility for users,

functionality (ease of use), quality, safety, sustainability (having the least possible environmental and health impact), manageability, and vulnerability of the target population.

5.2.1 Policy statement

The Government at national and county levels will promote innovative and climate-resilient sewerered and non-sewerered sanitation systems and technologies across the sanitation service chain that are appropriate and adaptable to diverse rural, urban and humanitarian settings. To this end, the Government shall accelerate investment in the development sanitation systems to ensure safe sanitation management across the service chain in diverse rural and urban settings. The national government shall undertake a comprehensive assessment of the sanitation systems and technologies to identify the gaps and opportunities for adopting innovative and appropriate technological solutions required to achieve safely managed sanitation targets in diverse settings. The national government shall put in place the necessary national standard guidelines and certification system to promote and regulate the selection, deployment and management of both sewerered and non-sewerered sanitation systems, and technologies across the sanitation service chain.

5.2.2 Policy measures

The Government at national and county levels shall:

1. Develop a national sanitation development master plan and financing framework for inclusive sanitation development, operation, maintenance and rehabilitation across the service chain
2. Develop national standard guidelines for safely managed sanitation systems specifying attributes of recommended technologies, facilities, and infrastructure required for both sewerered and non-sewerered systems across the service chain in diverse settings
3. Establish a national sanitation technologies certification system. The Regulator will periodically issue standard specifications and selection criteria for sanitation technologies and products for different settings including mass housing developments, trade (commercial and industrial) and institutional establishments.
4. Develop, regularly review and publish sanitation technologies and products catalogue, including solution providers.
5. Strengthen the linkages between climate adaptation strategies and sanitation services at all level.
6. Develop national guidelines on the county, municipal and utility sanitation asset development and management.
7. Establish an enabling financial, tax and non-financial incentive framework to encourage private sector participation and PPPs in the development and management of resilient sanitation systems across the service chain.

5.3 Accelerating access to safely managed sewerage and wastewater management services

The Government at national and county levels shall accelerate access to safely managed sewerage services across the service chain in line with Kenya Vision 2030 and SDG 6.2 targets, giving priority to the counties, urban and low-income areas with no access to sewerage services.

The Water Act No. 43 of 2016 provides the framework for the provision of sewerage and decentralized wastewater management services, including the control and regulation of effluent

discharged into the sewerage system. Currently, sewerage services are only available in 35 urban centers spread across 23 counties, which means 24 counties entirely rely on onsite solutions for the management of faecal sludge and wastewater (WASREB, 2021).

5.3.1 Policy statement

The Government at national and county levels shall accelerate access to safely managed sewerage and decentralized wastewater management services across the service chain through a combination of technological solutions focusing on the entire water cycle. The Government shall prioritise counties and urban areas with no access to sewerage services, especially the low-income areas. This will be achieved through rehabilitation, upgrading and development of new sewerage systems, including simplified/condominial sewer systems. The government shall further promote decentralized wastewater treatment systems through public-private partnerships (PPPs). The Government shall ensure that sewerage services are managed in a financially viable, equitable and sustainable way and that sewerage services are progressively accessible in low-income settlements including informal and peri-urban areas.

5.3.2 Policy measures

The Government at national and county levels will:

1. Develop and implement national, county and municipal sewerage development master plans to guide the rehabilitation, expansion and development of new network-based conventional and simplified sewerage systems.
2. Encourage and incentivize private sector and public-private partnerships investment in the design, development, installation, operation and management of simplified or condominial sewer and decentralized wastewater management systems and services in urban areas.
3. Promote integrated waste management to ensure provision of adequate complementary services including water supply, storm water drainage, physical planning, industrial and solid waste management and water sources protection and conservation.
4. Build capacity of utilities to effectively monitor and track the quality and volumes of effluent generated from different sources and discharged into sewerage systems and their impact on public health, sewerage systems and the environment.
5. Accelerate access to safely managed sewerage and wastewater management services across the sanitation service chain. Table 3 below presents the policy measures that shall be pursued.

Table 3: Policy measures across the sanitation service chain

Sanitation service chain	Policy measures
Capture and containment	<ul style="list-style-type: none"> • Assist low-income tenants and homeowners in high-density settlements, where sewerage systems are available, to connect to the sewers.

Table 3: Policy measures across the sanitation service chain

Sanitation service chain	Policy measures
Capture and containment	<ul style="list-style-type: none"> • Institute toilet facility improvement and sewer connectivity measures to support low-income households and institutions to adopt wet (flush) toilet and handwashing systems, convert dry toilet systems to wet systems, provide the necessary resources such as water supply to support the associated services, and connect household toilet facilities to the public sewer system where such services are available. The toilet and handwashing technologies for domestic settings will be appropriate to the contexts, including, population density, anal cleansing methods, and environmental considerations. • Promote safe management of grey-water from baths, showers, kitchen and hand-wash basins and laundry (i.e., all non-toilet uses) and reuse to relieve pressure on freshwater supplies especially in water scarce contexts • Develop guidelines, norms and standards for grey-water management, treatment and reuse. • Ensure grey-water management is mainstreamed and incorporated in household sanitation plans and housing designs.
Conveyance	<ul style="list-style-type: none"> • Ensure that the design and upgrading or construction of sewerage systems consider the existing situation and planned developments and include standard operating procedures for safe conveyance of wastewater. • Develop sewer design criteria that allow for condominial and simplified sewerage systems. • Make resources available and provisions to ensure a high rate of connection to sewers of premises within a specified distance of a public sewer and at a level allowing for connection. • Promote gravity flow systems for sewerage schemes (unless not feasible) to avoid dumping and O&M costs. Where these systems cannot be self-cleansing, a one-chamber septic tank will be built between the toilet and the main sewer to avoid solids from entering the system and clogging it.
Treatment	<ul style="list-style-type: none"> • Develop and implement master plans for the development of municipal and industrial wastewater treatment in urban areas. • Design and construct wastewater treatment facilities that suit the local context. Facilities will be decentralised as far as possible to reduce piping distances and the need for pumping.

Table 3: Policy measures across the sanitation service chain

Sanitation service chain	Policy measures
Treatment	<ul style="list-style-type: none"> • Develop and issue guidelines and standards for effluent treatment facilities of different sizes, considering the technical and financial context. The minimum specifications for sewage/wastewater treatment facilities will be pegged on biological treatment and retention. Time will be calculated so that the effluent produced will keep with national water and effluent quality standards. • Develop wastewater treatment safety plans and ensure the safety of workers at treatment facilities at all times. • Promote multiple wastewater technology options including decentralised wastewater treatment options, and give high priority to less energy intensive sewage or wastewater treatment technologies with greater emphasis on resource recovery and recycling. • Develop guidelines on the application and enforcement of polluter pays principle in regulating and monitoring trade effluent discharge into public sewerage systems and environment. The skills and capacity needed to implement and enforce these guidelines will be developed. • Develop and implement guidelines, norms and standards that would allow for the criteria for the selection of decentralized wastewater treatment technologies. • Establish criteria for selection of locations for wastewater treatment and disposal sites to comply with environmental health and environmental protection standards, including the regulation of effluvia levels to control air pollution in order to avoid creating safety, health and aesthetic problems and hazards in the surrounding areas • Encourage and incentivize trades and industries to deploy/install pre-treatment facilities to ensure full compliance with the prescribed effluent discharge and water quality standards.

5.4 Accelerating access to safely managed non-sewered (onsite) sanitation services

The Government at national and county levels shall accelerate access to affordable safely managed non-sewered (onsite) sanitation services across the service chain giving priority to the vulnerable and disadvantaged populations in rural and urban areas.

Non-sewered sanitation systems are applicable in diverse settlement types including rural, urban, peri-urban, formal and informal settlements, small towns and in different contexts, including in institutions, public places and humanitarian situations. They are also more suited for difficult sites and terrains where the cost of building conventional sewer is too steep or technically unviable. Non-sewered (onsite) systems can effectively provide safe sanitation if correctly designed, built, used, and maintained across the sanitation service chain and backed up by reliable water supply and solid waste management services. Almost 90 percent of Kenyans and more than three quarters of the urban population rely on various types of non-sewered or onsite sanitation solutions.

5.4.1 Policy statement

The Government at national and county levels shall accelerate access to affordable, safely managed non-sewered (onsite) sanitation services across the service chain in line with the Kenya Vision 2030 and SDG 6.2 targets. Special attention and priority will be given to the vulnerable and disadvantaged populations in rural and urban areas. The Government shall make all efforts to end open defecation and progressively ensure access to safely managed sanitation in all domestic settings in rural and urban areas. This will include establishing required guidelines, regulations and standards and supporting services and infrastructure such as water supply and solid waste management.

5.4.2 Policy measures

The Government at national and county levels will:

1. Promote low cost, appropriate and sustainable onsite sanitation technology options for rural and unsewered urban areas prioritising technologies that promote service linkages along the chain from containment, emptying, transportation, treatment to disposal or reuse.
2. Develop and implement guidelines, regulations, and standards for onsite sanitation services, faecal sludge and decentralized wastewater management across the sanitation service chain.
3. Develop and issue standard guidelines and specifications for non-sewered sanitation systems admissible in urban areas.
4. Establish and define a minimum (basic) package of onsite sanitation services for rural and urban settings.
5. Strengthen the system of certification of sanitation service providers, workers and technologies across the service chain.
6. Fully engage utilities and relevant sector institutions in the provision of safely managed non-sewer/ onsite sanitation services within their service areas.
7. Establish appropriate and favorable utility licensing/permitting system for fecal sludge management (FSM) service providers across the service chain.
8. Develop prototype onsite/non-sewered sanitation business model and plan for sanitation service providers (utilities).
9. Encourage public-private partnerships and private sector investment in the design, construction, installation, operation and management of onsite sanitation and decentralized wastewater management systems across the sanitation service chain.
10. Establish fiscal incentives such as a tax waiver system for private and community-based service providers in rural and low-income, unplanned and informal settlements services.
11. Develop and implement a national open defecation free campaign programme to accelerate elimination of open defecation and to move all rural and urban households and institutions to basic and safely managed sanitation.
12. Promote integration of water supply and solid waste management into the onsite sanitation value chain.
13. To accelerate access to basic and safely managed non-sewered/onsite sanitation services across the service chain in all rural and urban settings, Table 4 below presents the policy measures that shall be pursued.

Table 4: Policy measures across the sanitation service chain

Sanitation service chain	Policy measures
<p>Capture and containment</p>	<ul style="list-style-type: none"> • Conduct a mapping and assessment of the number of septic tanks, pit latrines, and other technical details associated with non-sewered sanitation and faecal sludge management. Utility customer monitoring and reporting on water supply, including customer satisfaction surveys will integrate onsite sanitation facility assessment, and reporting. • Ensure that all containment facilities (toilets) are designed and constructed to provide safety, privacy, stability, ease of emptying and • do not pose any hygienic or mechanical risk to users, sanitation workers, water resources, public health and the environment, and which will be resilient to climate change impacts. • Establish and implement a toilet facility improvement program to support low-income households, especially in urban areas and institutions, to adopt wet (flush) toilets and handwashing systems connected to septic tanks or conservancy systems. • Ensure that all toilets not connected to sewers are linked to a containment facility that allows for faecal sludge to be safely treated onsite or emptied and transported to safe offsite treatment facilities. • Ensure that all effluent discharged from domestic settings above ground or into drainage channels or waterways will meet the NEMA, WRA and public health standards for treated wastewater and faecal sludge.
<p>Conveyance (Emptying and transportation)</p>	<ul style="list-style-type: none"> • Develop and enforce guidelines and standard operating procedures for safe emptying/transportation and conveyance of faecal sludge. • Ensure that owners of non-sewered toilet facilities in all settings that cannot safely treat faecal sludge on-site regularly empty and safely transport the sludge to a treatment facility. • Establish decentralized storage and transfer tanks and treatment plants to reduce haulage times, which are costly to operators and ensure regular emptying of transfer tanks. • Promote small mechanical desludging equipment for safe removal and transfer of faecal sludge to transfer tanks for onward transport to the treatment plants.

Table 4: Policy measures across the sanitation service chain

Sanitation service chain	Policy measures
Conveyance (Emptying and transportation)	<ul style="list-style-type: none"> • Regulate, train and adequately equip manual emptiers and faecal sludge collectors to ensure their use of hygienic standard equipment and protective gears and compliance with requirements for regular medical check-ups. • Facilitate emptiers (manual emptiers and exhauster (vacuum) trucks) to have close access to proper sludge discharge points owned by the WSPs to reduce the cost of haulage and better access to waste water treatment facilities. • Ensure private exhauster service providers are better organized and regulated. • Ensure all utilities provide reliable and affordable exhauster services in peri-urban and low-income urban settlements.
Treatment	<ul style="list-style-type: none"> • Promote appropriate faecal sludge management/ decentralized wastewater technologies for treatment and reuse for agricultural, energy, and other purposes. • Ensure faecal sludge treatment facilities are designed and constructed to meet demand and prescribed standards in a more cost-effective way considering end use. Treatment facilities will be decentralised, as far as possible, to reduce trucking distances and the need for faecal sludge transfer stations. • Promote and give priority to decentralized treatment facilities in areas where there is either no access to centralised sewerage systems or where sewerage systems are inadequate to support new settlements, commercial, industrial or housing developments. • Encourage and incentivize developers to install standardised, decentralised faecal sludge/wastewater management systems and services as part of their business model. • Ensure faecal sludge and decentralised wastewater treatment facilities strictly adhere to the prescribed water and effluent quality regulations and standards.
Disposal/ end use	<ul style="list-style-type: none"> • Develop and issue regulations, guidelines and standards for faecal sludge treatment and reuse and disposal of treated faecal sludge products for agricultural, energy and other purposes taking into account the technical and financial context. Standards for reuse and disposal of treated faecal sludge/wastewater will be regulated and enforced by the relevant regulatory agency.

Table 4: Policy measures across the sanitation service chain

Sanitation service chain	Policy measures
Disposal/ end use	<ul style="list-style-type: none"> • Establish and operate decentralized faecal sludge discharge points and wastewater treatment and reuse facilities. This will reduce the operation cost of both manual emptiers and exhauster service providers by reducing haulage distance. • Ensure, through appropriate regulations and control mechanisms, that faecal and solid wastes are not discharged into storm water drainage systems and that households and occupiers of premises maintain and tidy all drains and gutters abutting their properties to limit sanitary nuisances and vector breeding
Complementary services	<ul style="list-style-type: none"> • Promote and ensure concurrent development of water supply and non-sewered sanitation facilities in urban areas and within water service providers' service areas. • Develop and enforce guidelines on faecal sludge and solid waste management in residential and institutional settings. • Develop and implement regulations, guidelines, and standards governing land use and urban/town planning in urban areas to incorporate requirements for non-sewer facilities development, including faecal sludge/wastewater treatment and disposal facilities in spatial and urban development plans. • Ensure close coordination and collaboration between and among stakeholders involved in sanitation service chain, including utilities, agencies responsible for housing development and slum upgrading programs, solid waste management, environment, public works and roads, physical planning and urban development, and local authorities (city, municipality and town authorities) and public health. • Acquire, secure, and bank sufficient land for immediate and future development of non-sewer sanitation works including treatment, and disposal/reuse facilities/plants.

5.5 Promoting inclusive sanitation management in institutional, public, commercial, and humanitarian settings

The Government at the national and county levels shall ensure access to adequate, gender-sensitive and socially inclusive safely managed sanitation and hygiene services across the service chain in all institutional, public, commercial and humanitarian settings to the prescribed standards.

The responsibility for sanitation management in institutional, public, commercial, humanitarian and other settings cut across public and private sectors with diverse sanitation requirements. These settings generate significant quantities of faecal sludge and wastewater that expose the public to health hazards and inconveniences thus requiring safe and hygienic sanitary facilities to effectively manage. The Government also recognizes the differences in the sanitation needs of individuals including women and girls, children, adolescents and youth, the elderly, persons with disabilities and pastoralists among other disadvantaged communities.

5.5.1 Policy statement

The Government at the national and county levels will ensure access to safely managed sanitation and hygiene services across the service chain in all institutional, public, commercial and humanitarian settings to the prescribed standards. The government will develop and enforce design standards and service packages for safely managed sanitation and hygiene facilities in diverse institutional, public, commercial and humanitarian settings. All school and humanitarian settings will have at least safe basic sanitation. The Government will ensure sanitation and hygiene services are provided promptly in emergencies and during disasters. The Government will promote good menstrual health and hygiene practices among women and girls and ensure their access to safe and adequate menstrual hygiene management facilities at all levels.

The Government at national and county levels shall further ensure equitable, gender sensitive and socially inclusive provision of safely managed sanitation and hygiene services through affirmative action and responsive financing targeting all vulnerable, marginalized and disadvantaged individuals, communities and areas in rural and urban settings. The Government shall give highest priority in planning, resource allocation and provision of safely managed sanitation services to the most vulnerable and disadvantaged populations, communities and areas to ensure that no person is excluded from accessing safely managed sanitation services on the basis of his/her gender, age, socio-economic status or other considerations.

5.5.2 Policy measures

The Government at national and county levels will:

1. Set service regulations and guidelines for the provision of safely managed sanitation and hygiene services in all institutional, public places, commercial and humanitarian settings
2. Specify and enforce minimum national standards for sanitation and hygiene systems and service levels for public settings, including educational institutions, public places, health facilities, refugee and IDP camps, marketplaces, public and private institutions, commercial settings, agricultural plantations and camping sites among others.
3. Fully engage and support utilities and private sanitation service providers in the provision of safely managed sanitation services across the service chain in institutions, public places and commercial settings within their service areas.
4. Promote and strengthen integrated waste management systems for institutions, public places and commercial settings.
5. Encourage and facilitate research on innovative sanitation and hygiene facilities, including handwashing facilities that respond to the needs and preferences of users and that consider affordability, accessibility, ease of use, water conservation, and reuse.
6. Promote the health and safety of sanitation workers and ensure access to personal protective equipment by sanitation workers at all times. Standard operating procedures (SOPs) for sanitation workers will be developed for basic handwashing facilities.
7. Promote the adoption of international standards related to Sanitation (ISO-24501 & ISO-30500) in institutional and commercial settings.

8. To ensure sustainable access to safely managed sanitation and hygiene services across the service chain in institutional, public, commercial and humanitarian settings, the government at national and county levels will pursue the following policy measures (Table 5 below):

Table 5: Policy measures across the sanitation service chain

Area of focus	Policy measures
<p>Sanitation management in institutional and commercial settings</p>	<ul style="list-style-type: none"> • Ensure that all public and private institutions and commercial establishments develop and implement inclusive, safely managed sanitation and hygiene management and safety plans. • Ensure that all public and private institutions and commercial establishments provide adequate, safe, appropriate, and well labelled sanitation and hygiene facilities that are child, disability and gender friendly. • Ensure that all public and private institutions; and commercial establishments provide safe, adequate and appropriate private spaces for women and girls to manage their menstruation hygienically and privately and with dignity. • Develop and enforce legislation, regulations, standards and guidelines to ensure effective regulation of provision and management of sanitation and hygiene services, including solid and liquid waste management in public and private institutions and commercial establishments.
<p>Sanitation management in public places</p>	<ul style="list-style-type: none"> • Ensure access to adequate sanitation and hygiene facilities and services to the required standards and maintain a clean and pleasant environment with sufficient lighting at all public places. All public toilets will have management systems that ensure they are maintained to an acceptable and safe standard for all users and accessible to children and people living with disabilities. • Provide safe, adequate and appropriate private spaces for women and girls to manage their menstruation hygienically and privately and with dignity. • Ensure that public sanitary facilities are designed and constructed with provision for ramp access, requisite assistive infrastructure, and cubicles that are reserved for persons with disabilities for both male and female sections. • Ensure public places have sanitary facilities that are clearly marked to provide maximum visibility as well as identification of clearly marked entrances for male, female and PWD sections. • Ensure regular cleansing, disinfection and fumigation of all public places to exterminate insects and vermin of public health importance

Table 5: Policy measures across the sanitation service chain

Area of focus	Policy measures
<p>Sanitation management in public places</p>	<ul style="list-style-type: none"> • Foster public participation and public-private partnerships in the provision of sanitation, hygiene and cleansing services in public places. • Conduct regular, programmed and unprogrammed inspections of all public places to ensure compliance with prescribed guidelines, standards and regulations.
<p>Sanitation management in health care facilities</p>	<ul style="list-style-type: none"> • Develop and enforce regulations, standards and guidelines on sustainable sanitation and hygiene management in health care facilities. • Ensure all health facilities develop and implement safely managed sanitation and hygiene management plans. • Ensure that all new health facilities are appropriately designed and constructed with reliable water supply and safely managed sanitation and hygiene facilities. • Ensure that all health facilities develop and implement safely managed medical waste management plans. • Ensure adequate budget allocations for water, sanitation, hygiene and medical wastes management including operation and maintenance.
<p>Sanitation management in schools</p>	<ul style="list-style-type: none"> • Promote and protect the right of every child to safely managed water, sanitation and hygiene, and to a clean and healthy learning environment. • Ensure all public and private schools have adequate and safe water supply, sanitation and hygiene facilities in accordance with set standards. The sanitation and hygiene component will include improved and safe water storage, toilet facilities, hand-washing, food hygiene and safe waste management. The water supply component will include improved and adequate water supply for human consumption (drinking and personal and institution hygiene purposes). • Ensure all schools have adequate and safe toilet units for girls, boys and children with disabilities. There will be separate toilets for girls and boys on a ratio of one toilet for every 25 girls and one toilet for every 30 boys. Separate toilet facilities will be provided for male and female teachers and workers. • Ensure that all school toilet facilities are designed and constructed in a way that considers the security, privacy and hygiene needs of girls and female teachers including during menses.

Table 6: Policy measures across the sanitation service chain

Area of focus	Policy measures
<p>Strengthen and harmonize national regulatory and coordination framework for sanitation</p>	<ul style="list-style-type: none"> • • Strengthen the national and county public/environmental health and sanitation inspectorates' capacity for effective sanitary inspection of buildings and premises, compliance monitoring and enforcement of public health and sanitary regulations, by-laws, rules and standards in the interest of public health • • Strengthen the capacity of the Judiciary, office of the Directorate of public Prosecutions and law enforcement agencies. • • Establish appropriate dispute resolution mechanisms to ensure that the enforcement system meets all the requirements of administrative justice. • • Strengthen incentive-based regulatory systems to encourage sanitation institutions to adopt self-regulatory measures including voluntary compliance.
<p>Strengthening human resources capacity for sanitation</p>	<ul style="list-style-type: none"> • Undertake sanitation human resources capacity and training needs and gaps assessment and skills mapping to provide a baseline information for the development of national sanitation sector human resources development and capacity building strategy. • Develop and revise vocational, technical and tertiary curricula to provide the appropriate knowledge, skills and competencies needed to deliver safely managed sanitation across the service chain. • Strengthen sanitation workforce planning and management capacity. • Review and develop a scheme of service, scope of practice and norms and standards for sanitation personnel. • Establish a professional regulatory framework to regulate sanitation workforce training, certification, licensing and continuing professional development in line with the best industry practice.

5.8 Promoting sustainable sanitation financing and public-private partnerships

The Government at national and county level shall strengthen sustainable sanitation financing mechanisms and promote private sector participation and public-private partnerships in line with Kenya's international sanitation financing commitments.

The effective execution of the sanitation functions and delivery of safely managed sanitation services requires a large outlay of financial resources and investment at all levels. This requires increased public financing at both national and county levels, private sector participation and public-private partnerships in the development and provision of sanitation services across the service chain.

5.8.1 Policy statement

The Government at national and county level shall strengthen sanitation planning and increase public financing and investment to achieve the target of safely managed sanitation for all in line with Kenya's international commitments. The Government at national and county levels shall also promote private sector participation and public-private partnerships in the development and provision of sanitation services across the service chain. To this end, the government shall create an enabling environment to encourage and incentivize private sector participation and public-private partnerships in the development of sanitation infrastructure and provision of sewerage and non-sewerage sanitation services across the sanitation service chain.

5.8.2 Policy measures

The Government at national and county levels will:

1. Facilitate the development of inclusive sanitation master plans and investment plan at national, county, municipal and utility levels as appropriate.
2. Progressively increase budget allocations for sanitation from the current estimated less than 0.1 percent to a minimum of 0.5 percent of GDP by 2030.
3. Establish national and county level sanitation funds to accelerate investment in sanitation infrastructure development and access to safely managed sanitation for all by 2030.
4. Develop national policy guidelines on sanitation tariffs, levies and surcharges by water and sanitation service providers.
5. Design and implement a carefully targeted national and county level subsidy framework to ensure equitable access to safely managed sanitation services and extension of sanitation services to reach the poor, vulnerable and marginalized groups, communities and individuals.
6. Develop enabling policy guidelines on private sector participation and public-private partnerships (PPP) in sanitation development and service delivery
7. Promote private sector participation, public-private partnerships and market-based financing for large sanitation infrastructure projects under appropriate contractual arrangement
8. Promote sanitation marketing to facilitate demand creation and sustainable uptake of sanitation services and products.
9. Establish enabling fiscal incentives including tax incentives to encourage private sector participation and public-private partnerships in sanitation development and service delivery across the sanitation service chain.
10. Strengthen performance contract management arrangements between the government and private entities and between the public utilities and private service providers.
11. Promote community-based sanitation financing and encourage households and property owners to actively participate in financing of appropriate and sustainable sanitation facilities development and improvement.

5.9 Strengthening sanitation research, monitoring and evaluation framework

The Government at national and county levels shall institute measures to increase investment in sanitation research, promote evidence-based decision-making and establish an integrated monitoring and evaluation framework for the sanitation sector.

The purpose of research, monitoring and evaluation (M&E) is to promote evidence based decision making and to help measure and track performance in achieving set targets and indicators to improve accountability. An enabling research, monitoring and evaluation framework is therefore required to enable better understanding of the needs and problems associated with achieving safely managed sanitation for all, inform critical decisions and improve future planning.

5.9.1 Policy statement

The national government in collaboration with the county governments and non-state actors including development partners will establish a national sanitation research, monitoring and evaluation framework to promote evidence-based decision-making and ensure seamless performance tracking and maximum accountability in the implementation of sanitation policies, plans and program interventions at various levels. The government at national and county levels shall institute measures to increase investment in sanitation research and utilization of strategic information from research, monitoring and evaluation systems for decision-making.

5.9.2 Policy measures

The Government at national and county levels will:

1. Develop national sanitation research agenda to guide research and development activities in sanitation at various levels.
2. Establish national sanitation research and development mechanism to support sanitation research and innovations towards safely managed sanitation for all.
3. Advocate for increased public and private sector funding for sanitation research and development.
4. Establish and strengthen national and county integrated sanitation sector M&E framework and sanitation management information systems (SMIS).
5. Promote utilization of research findings and information from M&E systems to inform decision making and improve sanitation practice, learning and knowledge exchange.



CHAPTER SIX: POLICY IMPLEMENTATION FRAMEWORK

The policy implementation approach will involve a highly collaborative and participatory strategy involving diverse sectors and stakeholders including individual citizens, households, communities, consumers, private sector, NGOs, development partners and government ministries, departments and agencies at different levels.

6.1 Introduction

The goal of the National Sanitation Management Policy is to end open defecation and accelerate access to safely managed sanitation services across the service chain for improved health and quality of life for all Kenyans. The realization of this goal is to be achieved through various instruments including legislation, regulations, guidelines, bylaws, master plans, investment plans, annual work plans and budgets and other strategies. To determine the success of implementation, the policy measures and interventions will be carefully monitored and evaluated at various levels.

6.2 Policy dissemination

The national government ministry responsible for sanitation management in collaboration with stakeholders and county governments shall spearhead countrywide dissemination of the Policy through forums at different levels and multi-media strategies.

6.3 Policy implementation framework

To guide the systematic implementation of the Policy, a National Sanitation Management Policy Implementation Plan will be developed. To steer the initial policy implementation activities, a multi sectoral national policy implementation steering committee shall be established. The government at the national, county and local (city, municipality and town) levels will also enact enabling legislation, regulations, bylaws, guidelines and standards to support the implementation of the policy at all levels. In addition, political leadership at all levels will be mobilized to support sanitation agenda and programs through public investment, financing and advocacy.

6.4 Policy implementation approach

The policy implementation will adopt a collaborative and participatory approach involving diverse sectors, state and non-state actors at various levels. Since sanitation is a shared responsibility between national and county governments and involves diverse sectors and stakeholders at different levels, multi-sectoral, stakeholder and inter-governmental coordination mechanisms will be established and institutionalized. Stakeholder engagement and communication strategy will be developed and implemented.

6.5 Policy planning

The government at national, county, local and utility levels will translate the policy into various implementation instruments including Master Plans, investment and business plans and annual plans and budgets. The sanitation investment and business plans at all levels will be accompanied by clear funding and resource mobilization strategies within the national, county and utility planning and budgeting frameworks.

At the national level, the Ministry of Water, Sanitation and Irrigation in collaboration with the allied government ministries, departments and agencies and stakeholders will develop and implement a costed medium term national inclusive sanitation investment plan. Similarly, at the county level, the responsible county government departments shall develop respective costed countywide inclusive sanitation investment plans. The local government entities (city and municipality boards and town committees) will also develop respective costed citywide inclusive sanitation investment plans. The utilities on their part will develop their respective sanitation business plans.

6.6 Policy monitoring and evaluation framework

The national government ministry responsible for sanitation management in collaboration with the county governments and stakeholders will establish an integrated national sanitation M&E framework for the Policy. The M&E framework will be elaborated through the National Inclusive Sanitation Investment Plan and the Countywide Inclusive Investment Plans. The main purpose of the M&E Framework will be to help track, monitor and evaluate the Policy implementation and its outcomes at various levels in line with the stated policy goal, objectives and targets. The key performance indicators to monitor performance and measure changes at various levels policy implementation will be collaboratively developed.

6.7 Policy Review

The policy implementation will be monitored, reviewed and evaluated through the annual multi-stakeholder sector review forums at national and county levels, midterm and end term evaluations. The annual reviews will be aligned with the annual national and county level planning and budgeting processes. The national government ministry responsible for sanitation management will issue guidelines and procedures to guide the policy review processes.



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ENDNOTES

Section 118 of the Public Health Act Cap 242 defines nuisance to include any watercourse, drain, or sewer in such a state to be offensive or injurious or dangerous to health, or any noxious matter, or waste water, flowing or discharged from any premises into any public street, or into any watercourse, irrigation channel not approved for the reception of such discharge or any building or premises which have not observed proper standards of sanitation, has adequate supply of water and/or risk the spread of diseases

Section 2 of the Water Act 2016 defines “water services” as any services of or incidental to the supply or storage of water and includes the provision of sewerage services. The Act further defines “sewerage services” as the development and management of infrastructure for transport, storage, treatment of wastewater originating from centralized and decentralized systems but shall not include household sanitation facilities.

Section 2 of the Water Act 2016 defines “water services provider” as a company, public benefits organization or other person providing water services under and in accordance with a licence issued by the Regulatory Board for the service areas defined by the licence.

Schedule 6 to the WASREB Guidelines on Water Quality and Effluent Monitoring [The Environmental Management and Co-ordination (Water Quality) Regulations, 2006] prohibit the discharge of the following chemicals into public sewers and water courses: calcium carbide, chloroform, condensing water, degreasing solvents, radioactive residues, inflammable solvents and substances likely to interfere with sewers.

