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SNA  
16/4/25


**THE NATIONAL ASSEMBLY**

**THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025**

**DIRECTORATE OF DEPARTMENTAL COMMITTEES**

**DEPARTMENTAL COMMITTEE ON BLUE ECONOMY, WATER AND IRRIGATION**

**REPORT ON THE SESSIONAL PAPER NO. 7 OF 2024 ON NATIONAL SANITATION MANAGEMENT POLICY FROM MINISTRY OF WATER, SANITATION AND IRRIGATION**

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| <br><b>THE NATIONAL ASSEMBLY<br/>PAPERS LAID</b> |                                       |
| DATE: 17 APR 2025   |                                       |
| DAY: Thursday   |                                       |
| TABLED BY:  | Henry Kagongo Bower MP<br>Chairperson |
| CLERK-AT-THE-TABLE:   | A. Shituko                            |

**THE NATIONAL ASSEMBLY  
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16 APR 2025

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P. O. Box 41842, NAIROBI.

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DIRECTORATE OF DEPARTMENTAL COMMITTEES  
PARLIAMENT BUILDINGS  
NAIROBI**

**APRIL 2025**

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## LIST OF ABBREVIATIONS AND ACRONYMS

|        |   |  |
|--------|---|--|
| APHRC  | - | African Population and Health Research Center          |
| MDAs   | - | Ministries, Departments and Agencies                   |
| NSMP   | - | National Sanitation Management Policy                  |
| WASREB | - | Water Services Regulatory Board                        |
| CoK    | - | Constitution of Kenya                                  |
| UNICEF | - | United Nations International Children's Emergency Fund |
| SDG    | - | Sustainable Development Goal                           |
| MoWSI  | - | Ministry of Water, Sanitation and Irrigation           |
| PFMA   | - | Public Finance Management Act                          |
| AMCOW  | - | African Ministers' Council on Water                    |
| ASPG   | - | African Sanitation Policy Guidelines                   |
| WHO    | - | World Health Organization                              |
| SC     | - | Steering Committee                                     |
| NSMP   | - | National Sanitation Management Policy                  |
| AWWDA  | - | Athi Water Works Development Agency                    |
| WRA    | - | Water Resources Authority                              |
| CSOs   | - | Civil Society Organizations                            |
| CoG    | - | Council of Governors                                   |
| ADB    | - | African Development Bank                               |
| UNICEF | - | United Nations International Children's Emergency Fund |
| UN     | - | United Nations   |
| MDGs   | - | Millennium Development Goals                           |
| ASPG   | - | Africa Sanitation Policy Guidelines                    |
| OSS    | - | On-Site Sanitation                                     |
| NSS    | - | Non-Sewered Services                                   |
| VTOs   | - | Vacuum Truck Operators                                 |
| O&M)   | - | Operation and Maintenance                              |
| FSTPs  | - | Fecal Sludge Treatment Plants                          |
| NGOs   | - | Non- Governmental Organizations                        |
| IGRA   | - | Intergovernmental Relations Act                        |
| WWDAs  | - | Water Works Development Agencies                       |

## CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Blue Economy, Water and Irrigation on its consideration of the Sessional Paper No. 7 of 2004 on the National Sanitation Management Policy.

The Sessional Paper No. 7 of 2004 on the National Sanitation Management Policy was tabled in the National Assembly on Wednesday, 13<sup>th</sup> November 2024 and referred to the Committee on Thursday, 14<sup>th</sup> November 2024. Pursuant to the provisions of Article 118 of the Constitution, the Committee is required to facilitate public participation and make appropriate recommendations to the House on the Sessional Paper.

The Policy aims to drive improvements across several key areas to ensure a more effective and sustainable sanitation sector. It promotes the adoption of resilient and innovative sanitation systems and technologies, alongside the delivery of safely managed sewerage and non-sewered sanitation services. The Policy supports inclusive approaches to institutional, public, and commercial sanitation, while also emphasizing the importance of sanitation and hygiene behavior change and education.

An advertisement was placed in the dailies on Thursday, 5<sup>th</sup> December 2024 pursuant to Article 118(1) (b) of the Constitution of Kenya, 2010, to facilitate public participation on the Policy. The Committee received a memorandum from African Population and Health Research Center (APHRC) on Friday, 20<sup>th</sup> December 2024.

Further, vide a letter REF: NA/DDC/BEW&I/2025/005 and REF: NA/DDC/BEW&I/2025/007 dated Tuesday, 18<sup>th</sup> March, 2025 and 2<sup>nd</sup> April, 2025 respectively, invited stakeholders for meeting. The Committee met the following stakeholders;—

- i. Ministry of Water, Sanitation and Irrigation- State Department for Water and Sanitation;
- ii. Council of Governors; and
- iii. African Population and Health Research Center (APHRC)

The Committee held five (5) meetings, both in-house and stakeholder engagements and recommends that the House **approves** the Sessional Paper No.7 on the National Sanitation Management Policy **subject to revision of the Policy**.

The Committee is grateful to the office of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it in the execution of its mandate.

Finally, I express my appreciation to Members of the Committee and the Committee Secretariat for their patience, sacrifice, endurance and commitment to the assignment, which enabled the Committee to complete the task within the stipulated period.

It is therefore my pleasant duty and privilege, on behalf of the Departmental Committee on Blue Economy, Water and Irrigation to table its Report on the consideration Sessional Paper No.7 of 2024 on the National Sanitation Management Policy for consideration and adoption by the House.

**Hon. Bowen Kangogo, M.P., C.B.S**  
**Chairperson, Departmental Committee on Blue Economy, Water and Irrigation**

## PART I

### I.0 PREFACE

#### I.1 Establishment of the Committee

- I. The Departmental Committee on Blue Economy, Water and Irrigation is one of the twenty Departmental Committees of the National Assembly established under Standing Order 216 whose mandates pursuant to the Standing Order 216 (5) are as follows:
  - i. **To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;**
  - ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
  - iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
  - iv. *To study and review all legislation referred to it;*
  - v. *To study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
  - vi. *To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
  - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
  - viii. *To examine treaties, agreements and conventions;*
  - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
  - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
  - xi. *To examine any questions raised by Members on a matter within its mandate.*

#### I.2 Subjects of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters of use and regulation of water resources, irrigation, fisheries development including promotion of aquaculture, fish farming, marine fisheries, the sustainable use of ocean resources for economic growth and improved livelihoods, except seaports and marine transport.
3. In executing its mandate, the Committee oversees the following government ministries and departments and agencies (MDAs), namely:
  - i. The State Department for Water and Sanitation
  - ii. The State Department for Irrigation
  - iii. The State Department for Blue Economy and Fisheries

### 1.3 Committee Membership

4. The Committee was constituted by the House on 27th October, 2022 and comprises of the following Members:

#### **Chairperson**

Hon. Bowen Kangogo, MP., CBS  
Marakwet East Constituency

**United Democratic Alliance Party**

#### **Vice- Chairperson**

Hon. Kemero Maisori Marwa, MP  
Kuria East Constituency

**United Democratic Alliance Party**

Hon. Mohamed Abdikadir Hussein, MP  
Lagdera Constituency

**Orange Democratic Movement**

Hon. Tandaza Kassim Sawa, MP  
Matuga Constituency

**Amani National Congress**

Hon. Chepkwony Charity Kathambi, MP  
Njoro Constituency

**United Democratic Alliance Party**

Hon. William Kamket, MP  
Tiaty Constituency

**KANU**

Hon. Buyu Rozaah Akinyi, MP  
Kisumu West Constituency

**Orange Democratic Party**

Hon. Eng. Paul Nzengu, MP  
Mwingi North Constituency

**Wiper Democratic Party**

Hon. Were Charles Ong'ondo, MP  
Kasipul Constituency

**Orange Democratic Party**

Hon. Dorothy Muthoni Ikiara, MP  
Nominated

**United Democratic Alliance Party**

Hon. Nebart Bernard Muriuki, MP  
Mbeere South Constituency

**Independent Member**

Hon. Mnyazi Amina Laura, MP  
Malindi Constituency

**Orange Democratic Movement**

Hon. Adow Mohamed Aden, MP  
Wajir South Constituency

**Orange Democratic Party**

Hon. Eric Wamumbi, MP  
Mathira Constituency

**United Democratic Alliance Party**

Hon. George Gachagua, MP  
Ndaragwa Constituency

**United Democratic Alliance Party**

#### 1.4 Committee Secretariat

5. The Committee is facilitated by the following staff:

Mr. Nicodemus K. Maluki  
**Clerk Assistant I/Head of Secretariat**

Ms. Ivy Kageha  
**Clerk Assistant III**

Dr. Benjamin Ngimor  
**Principal Fiscal Analyst**

Ms. Lynette A. Otieno  
**Senior Legal Counsel**

Ms. Veron D. Aluoch  
**Research Officer III**

Ms. Joyce Wachera  
**Hansard Officer**

Mr. Allan Gituku  
**Sergeant-At-Arms**

Ms. Fridah Ngari  
**Media Relations Officer**

Mr. Eugene Luteshi  
**Audio Officer**

## PART II

### 2.0 SESSIONAL PAPER NO.7 ON THE NATIONAL SANITATION MANAGEMENT POLICY

6. The Sessional Paper No.7 of 2024 on the National Sanitation Management Policy was tabled in the National Assembly on Wednesday, 13<sup>th</sup> November 2024 and referred to the Committee on Thursday, 14<sup>th</sup> November 2024.
7. The Committee is required, pursuant to Article 118(1) (b) of the Constitution, to facilitate public participation and make appropriate recommendations on whether the House should approve or reject the Policy.
8. Sessional Paper No.7 Of 2024 on National Sanitation Management Policy aims to provide an inclusive overarching framework that will advance efforts by the Government towards ensuring access to safely managed sanitation for all by 2030.

#### 2.1 Legal and Policy Framework on Sanitation

The Constitution of Kenya under Article 43(1) (b) guarantees every person the right to accessible and adequate housing and reasonable standards of sanitation. Whereas Paragraph 11(b) of Part 2 of the Fourth Schedule to the Constitution provides that, county public works and services including water and sanitation services is a function of County Governments.

#### 2.2 Legislative and Regulatory Instruments

##### a. The Water Act, Cap 372

9. The Water Act, Cap.372 governs the management of water resources, water supply, and sewerage services in the country. While it provides a definition for sewerage services, it notably excludes household sanitation from its scope. The Act mandates the development of annual Water Services Strategies, which must include statistics on access to water and sanitation services. The Water Act also defines "sanitation" as *provision of on-site sanitation services including latrines, septic tanks and conservancies including the associated exhauster services*, whereas "sewerage services" means *the development and management of infrastructure for transport, storage, treatment wastewater originating from centralized and decentralized systems but shall not include household sanitation facilities*.
10. The Water Act also establishes several key institutions to support the sector the Water Services Regulatory Board (WASREB), responsible for regulating services and tariffs; the Water Sector Trust Fund, which provides financial support to marginalized Counties; and the Water Works Development Agencies, tasked with implementing water and sanitation projects across the country.

##### b. The Public Health Act, Cap 242

11. The Public Health Act, Cap. 242 addresses sanitation by defining public nuisances and structural health hazards, thereby emphasizing their significance to public health and safety. The Act also includes specific provisions related to sanitation within building

codes and regulations governing private sewer systems, ensuring that sanitation standards are upheld in both construction practices and private sanitation infrastructure.

**c. County Governments Act, Cap.265**

12. The County Governments Act, Cap.265 refers to the importance of sanitation through its provisions on basic service delivery, aligning with the constitutional mandate for Counties to ensure access to essential services. Although not explicitly detailed, sanitation is recognized as a key component of these basic services that County governments are responsible for providing.

**d. Environmental Management and Co-ordination Act, Cap. 387**

13. The Environmental Management and Co-ordination Act, Cap. 387 regulates effluent discharge and pollution control, providing a legal framework for environmental protection. It enforces the “polluter pays” principle, holding individuals and entities accountable for pollution and ensuring that those responsible bear the cost of managing and mitigating environmental damage.

**e. Sustainable Waste Management Act, Cap.387C**

14. The Sustainable Waste Management Act, Cap. 387C establishes the legal and institutional framework for the sustainable management of waste to ensure the realization of the constitutional provision on the right to a clean and healthy environment. Cap.387C establishes a Waste Management Council whose role amongst others is to enhance inclusive inter-governmental coordination for sustainable waste management and review progress in implementation of the national sustainable waste management strategy.
15. Cap. 387C defines “domestic waste” as waste, other than hazardous waste, generated from a domestic residence, however “waste” under the Act means—

(a) any substance, material or object that is intended or required to be discarded or disposed of by its holder, whether or not it can be reused, recycled or recovered and include municipal waste, domestic waste, waste from agriculture, construction waste, commercial waste, waste from horticulture, aquaculture and forestry, medical waste, chemical waste, hazardous waste, toxic waste, industrial waste, pesticides, e-waste and toxic substances but does not include radioactive waste;

(b) a substance, material or object that may be designated as waste by the Cabinet Secretary in consultation with the Authority by notice in the Gazette;

Provided that waste or a portion of waste specified in paragraphs (a) and (b) shall cease to be waste—

- (i) once an application for reuse, recycling or recovery has been approved by the Authority or, after such approval, it has been reused, recycled or recovered;

- (ii) where approval for reuse, recycling or recovery is not required, it has been reused, recycled or recovered; or
- (iii) where the Cabinet Secretary in consultation with the Authority has, by notice in the Gazette and in the prescribed manner, excluded any waste stream or portion of any waste stream from the definition of waste.

### **2.3 Policy Implementation Focus Area**

- 16. The Policy aims to drive improvements across several key areas to ensure a more effective and sustainable sanitation sector. It promotes the adoption of resilient and innovative sanitation systems and technologies, alongside the delivery of safely managed sewerage and non-sewerage sanitation services. The Policy supports inclusive approaches to institutional, public, and commercial sanitation, while also emphasizing the importance of sanitation and hygiene behavior change and education.
- 17. Further, strengthening governance, regulation, and management mechanisms is a core priority, as is facilitating sustainable financing and fostering public-private partnerships. Additionally, the Policy highlights the need for robust sanitation research, monitoring, and evaluation frameworks to inform evidence-based decision-making and continuous improvement.

### **2.4 Comparative analysis**

- 18. Sanitation management practices vary around the world, but several countries have developed innovative and effective systems for managing wastes to ensure clean water, sanitation, and hygiene for their populations. Around the world, countries that have achieved considerable gains in advancing the sanitation management thrived on an enabling environment characterized by enactment of National Sanitation Management Policy No. 7 of 2024, legislative instruments prioritizing sanitation, a robust regulatory regime; and establishing institutional arrangements and coordinate mechanisms among stakeholders, where functions and responsibilities are clear-cut and delineated. The Committee considered the following best practices from various countries—

#### **a) Japan**

- 19. Sanitation management in Japan is highly regulated. Some of the laws that have contributed to Japan's sanitation management include; the Waste Cleaning Act, 1900, the Local Government Act of 1952, the Sewerage Law of 1970, the Waste Management and Public Cleaning Law of 1970 and the Johkasou Law of 1983.
- 20. The Country's approach to sanitation is deeply embedded in its culture of hygiene and public health. It has implemented high-tech toilets, widespread waste recycling, and advanced wastewater treatment systems to maintain cleanliness. While the Ministry of Land, Infrastructure, Transport, and Tourism (MLIT) manages offsite sanitation (sewerage and wastewater management), the Ministry of the Environment (MOE) handles onsite sanitation.

21. The Waste Management and Public Cleaning Law mandates local governments to create a Household Wastewater Treatment Plan for their municipalities, including maintaining a Sludge Disposal Plan. Sludge treatment facilities are constructed, operated, and maintained by municipalities and cities.
22. Key Features in the Country's Sanitation management include the use of advanced technology in toilets, such as bidets, that reduce water usage and improve hygiene; wastewater treatment plants that focus on resource recovery (e.g., generating energy from wastewater treatment) and the strong cultural emphasis on personal hygiene and public cleanliness.
23. Some of the challenges facing Japan's sanitation management include the declining government investment, aging facilities and workforce, fragmentation of service provision, processing electronic waste and the debris left after natural disasters.

#### **b) Rwanda**

24. Rwanda has made significant strides in sanitation management in recent years as part of its broader commitment to public health and sustainable development. The government has developed various policies, strategies, and regulations to improve sanitation and hygiene across the country. Here are some key aspects of sanitation management policies in Rwanda.
25. Rwanda's National Sanitation Policy outlines the government's commitment to improving sanitation and hygiene standards. The Policy covers a wider scope encompassing urban storm water management, fecal sludge management along the entire value chain, solid waste management, electric and electronic waste, industrial waste, healthcare waste, nuclear waste, radioactive waste and hazardous waste, and developing the sub sectors institutional and capacity building framework. As part of its long-term development strategy, Rwanda Vision 2050 emphasizes the importance of sanitation and hygiene in fostering economic growth and public health. The vision includes plans for urbanization and infrastructure development, addressing sanitation as a critical component.
26. The 7-Year Government Program (2020-2027), focuses on enhancing public infrastructure, including sanitation facilities. It includes objectives to increase access to clean water and proper sanitation in both urban and rural areas. The Country promotes decentralized sanitation management, empowering local governments and communities to take charge of sanitation services in their areas. This involves building the capacity of local authorities to manage sanitation facilities effectively and sustainably.

## PART III

### 3.0 SUBMISSIONS BY MINISTRIES, DEPARTMENTS AND AGENCIES (MDAs)

27. The Sessional Paper No. 7 of 2024 on the National Sanitation Management Policy was tabled in the National Assembly on Wednesday, 13<sup>th</sup> November 2024 and referred to the Committee on Thursday, 14<sup>th</sup> November 2024.
28. The Policy was subjected to public participation pursuant to Article 118(1)(b) of the Constitution of Kenya, 2010 and in this regard, an advertisement was placed in the dailies on Thursday, 5<sup>th</sup> December 2024 inviting the public to submit memoranda on the Policy.
29. Following the call for memoranda from the public through the placement of advertisements in the print media, the Committee received a memorandum from African Population and Health Research Center (APHRC) on Friday, 20<sup>th</sup> December 2024.
30. Further, vide a letter REF: NA/DDC/BEW&I/2025/005 REF and NA/DDC/BEW&I/2025/007 dated Tuesday, 18<sup>th</sup> March 2025 and Wednesday, 2<sup>nd</sup> April 2025 respectively invited stakeholders for a meeting. The Committee met the following stakeholders
  - i. Ministry of Water, Sanitation and Irrigation- State Department for Water and Sanitation;
  - ii. Council of Governors; and
  - iii. African Population and Health Research Center (APHRC).

### 3.1 State Department for Water and Sanitation

Eng. Eric Mugaa, the Cabinet Secretary, Ministry of Water, Sanitation and Irrigation (MoWSI), together with Mr. Julius Korir, CBS the Principal Secretary, State Department for Water and Sanitation, and other technical officers from the Ministry, appeared before the Committee on Tuesday, 25<sup>th</sup> March 2025 and submitted on the Sessional Paper No. 7 of 2024 on the National Sanitation Management Policy as follows:

31. Sessional Paper No. 7 of 2024 on National Sanitation Management Policy was developed with the support of the African Population Health and Research Center (APHRC). The National Sanitation Policy Steering Committee was launched on 1<sup>st</sup> February 2021. The Policy aims to structure sanitation management in Kenya by expanding access to safe sanitation, improving public health, and reducing environmental pollution. Further, it addresses the current gaps in governance, financing and infrastructure development for sanitation in Kenya.
32. 93% of Kenyans have access to basic sanitation, but centralized sewerage coverage is 16% nationwide, mainly in urban areas. Additionally, fifteen (15) counties still experience high levels of open defecation, which contribute to moderate to severe stunting in 35% of children and 40% of infant mortality cases, citing data from United Nations Children's

Fund (UNICEF) (2013). Poor sanitation has resulted to an annual economic loss of USD 365 Million, according to World Bank (2010).

33. Article 43(1) (b) of the Constitution of Kenya guarantees every person the right to reasonable sanitation standards. However, sanitation has historically been overlooked in water policies, resulting in limited investment. The new policy aligns with the Kenya's Vision 2030, the Ng'or Declaration, Sustainable Development Goal (SDG) 6.2, and the Africa Sanitation Policy Guidelines under Agenda 2063 to improve hygiene and access to sanitation.
34. In September 2020, the Ministry of Water, Sanitation, and Irrigation (MoWSI) made a significant decision to undertake the development of a Policy for Sanitation Management. This decision was made in the context of several key considerations, including:
  - i. The Constitution of Kenya (CoK) 2010, which guarantees adequate sanitation under Articles 42, 43, 20, 21, 22, and 70.
  - ii. The devolved system of government and service delivery, as outlined in Articles 174, 175, 183, 185, 186, and 189, as well as Paragraph 11(b) of Part 2 of the Fourth Schedule, to the Constitution and the Public Finance Management Act (PFMA).
  - iii. The Presidential Executive Orders of 2016, 2020, 2022, and 2023, which vested the sanitation management function in the Ministry of Water, Sanitation, and Irrigation.
  - iv. The Sustainable Development Goal (SDG) 6.2 targets, which aim to end open defecation and ensure universal access to safely managed sanitation by 2030.
  - v. The African Ministers' Council on Water (AMCOW) African Sanitation Policy Guidelines (ASPG), in alignment with Africa Agenda 2063.
  - vi. The Water Act, Cap.372, which provides for water resource management and sanitation service regulation.
  - vii. The Public Health Act, Cap. 242, which mandates the maintenance of sanitary conditions and public health safety.
  - viii. Environmental Management and Coordination Act, Cap.387: Regulates pollution and sanitation waste management
35. The first Sanitation Policy Framework was established in 1921 under the Ministry of Health, which was responsible for administering sanitation. Public Health Ordinance, later enacted as the Public Health Act, Cap 242 in 1950, provided for proper sanitation standards in buildings and premises. In 1960, the Environmental Sanitation Programme

was introduced with support from World Health Organization (WHO) and UNICEF to improve waste disposal methods and provide sanitary education for rural populations.

36. Additionally, the National Sanitation Council was established in 1980 to sensitize the population and local authorities about the health benefits of proper sanitation. The National Policy on Water Resources Management and Development (Sessional paper No.1 of 1999) separated water resource management from service provision, water supply and sewerage development, institutional arrangement and financing.
37. The Water Act, 2002 operationalized the provisions of Sessional Paper No.1 of 1999, later revised in 2016 to align the water sector with the Constitution of Kenya 2010. Lastly, the Sessional Paper No.1 of 2021 on National Water Policy was developed in accordance with the mandate of the Ministry responsible for water affairs.
38. In September 2020, the MoWSI made a decision to develop a national policy specific to sanitation management. Subsequently a Steering Committee (SC) on National Sanitation Management Policy (NSMP) was established to lead this process. The SC adopted the NSMP Stakeholders Engagement and Consultation Framework and Guidelines. In line with the Guidelines for the Development of the National Government.
39. The composition of the National Steering Committee consisted of Ministry of Water, Sanitation and Irrigation (AWWDA, WRA and WASREB), Ministry of Health, State Department for Lands, State Department for Devolution, State Department for industrialization, State Department for Environment, Council of Governors, Kenya Water and Sanitation Network, Kenya Private Sector Alliance, and Water and Sanitation for Urban Poor.
40. The policy development process was highly participatory, involving various stakeholders at National and County levels. Ten (10) consultation meetings were held bringing together four hundred and eight (408) participants representing all forty- seven (47) Counties, MDAs, Development Partners, utilities, CSOs, academia, communities, special groups, consumers, among others. Furthermore, the public consultation meetings were held in Kisumu (31<sup>st</sup> May, 4<sup>th</sup> and 25<sup>th</sup> June, 2021), Nakuru (17<sup>th</sup> June, 2021), Mombasa (9<sup>th</sup> and 10<sup>th</sup> June, 2021), Nyeri (7<sup>th</sup> and 8<sup>th</sup> June, 2021), Naivasha (24<sup>th</sup> November, 2020), Eldoret (7<sup>th</sup> June, 2021), (Nairobi (10<sup>th</sup> June, 2021) Embu (22<sup>nd</sup> July, 2021).
41. The process also included regional validation meetings bringing together two hundred and seventy five (275) participants and a national validation meeting bringing together over seventy (70) participants including participants from CoG, MDAs, AMCOW, World Bank, WATSAN DPG, ADB, UNICEF, UN Habitat, among others. A rapid assessment conducted by AMCOW in September 13, 2021 gave the policy a rating of 4.7 out of 5.0.
42. The key challenges include low sanitation coverage, rapid urbanization, poor fecal sludge management, inadequate regulation, and weak enforcement mechanisms. The Policy

sought to shift from Millennium Development Goals (MDGs) to Sustainable Development Goals (SDGs), emphasizing universal, comprehensive, and sustainable sanitation coverage.

43. The eight key Policy focus areas, include:
  - i. Promoting innovative and climate-resilient sanitation technologies;
  - ii. Accelerating access to safely managed sewerage and wastewater services;
  - iii. Enhancing non-sewered (onsite) sanitation solutions;
  - iv. Improving sanitation in public, institutional, and humanitarian settings;
  - v. Encouraging sanitation and hygiene education and behavior change;
  - vi. Strengthening governance and regulatory frameworks;
  - vii. Enhancing sustainable financing and public-private partnerships; and
  - viii. Investing in research, monitoring, and evaluation frameworks.
44. The Policy implementation framework would involve legislative actions, multi-sectoral coordination, and financial strategies at National and County levels. The progress would be monitored through annual sector reviews and mid-term evaluations.
45. The Policy would lead to 100% sanitation coverage by the year 2030, eliminate open defecation, enhance public health, strengthen governance, and generate economic benefits through job creation and reduced healthcare costs.
46. Sanitation and its corresponding programmes in the Ministry remain largely underfunded from the Government exchequer and majority of the programmes are heavily reliant on donor funding.

### **3.2 African Population and Health Research Center (APHRC)**

Mr. Mamadou Diallo, the Head of Policy Engagement and Communication together with other officers from the African Population and Health Research Center appeared before the Committee on Tuesday, 25<sup>th</sup> March 2025 and briefed the Committee on the Sessional Paper No. 7 of 2024 on the National Sanitation Management Policy as follows:

47. The scope of the organization involves supporting Africa-wide governance initiatives in the sanitation sector while directly collaborating with select countries to strengthen the sanitation policy environment. Their objective is to ensure that National Sanitation Frameworks are aligned with the Sustainable Development Goals (SDGs) and the Africa Sanitation Policy Guidelines (ASPG).

48. Their collaboration with the Ministry of Water, Sanitation, and Irrigation in Kenya on this specific assignment dated back to 2019. In that year, the Ministry requested the African Population and Health Research Center (APHRC) to support the development of the sanitation policy.
49. Unlike the Millennium Development Goals (MDGs), safely managed sanitation extends beyond mere access. Sustainable Development Goal (SDG) 6.2 aims at ensuring access to adequate and equitable sanitation and hygiene for all by 2030, with a particular emphasis on ending open defecation and addressing the needs of women, girls, and vulnerable populations. The Ngo'r Declaration on Sanitation and Hygiene underscored the objective of achieving universal access to adequate, equitable, inclusive, and sustainable sanitation and hygiene services while eliminating open defecation by 2030.
50. The Ngo'r Declaration, a key document in the sanitation and hygiene sector, was endorsed on May 2015 in Dakar, Senegal by Ministers from different Countries and adopted by the continent to position it to meet the SDGs ambitious goal 6.2. The goal hopes to "achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations by 2030.
51. According to the World Bank and UNICEF, as of 2021, Kenya's sewerage coverage in urban areas stood at approximately 16%, with twenty- one (21) counties lacking any sewerage systems. Nairobi was reported to have the highest coverage at 50%, followed by Kisumu at 49%, Laikipia at 36%, Trans Nzoia at 34%, and Bungoma at 34%. Conversely, some counties were said to have the lowest coverage, including Garissa at 6%, Murang'a at 5%, Meru at 5%, Homa Bay at 4%, and Busia at 2%.
52. The Kenyan government have set a target of increasing sewer coverage to 40% by 2030, as outlined in the National Water and Sanitation Investment Plan. While this initiative is considered commendable, achieving this goal would be challenging due to the substantial financial requirements.
53. To achieve universal access to safely managed sanitation, the plan emphasized integrating non-sewered sanitation solutions alongside traditional sewer systems, which is seen as a laudable approach. A significant portion of the population is said to rely on non-sewered sanitation methods, with 84% of urban residents depending on facilities such as pit latrines, septic tanks, soak pits, and other technologies, many of which are largely unregulated, including imported technologies in developing areas. Nationally, only 29% of Kenyans have access to improved sanitation facilities.
54. The funding gap for achieving universal access to safely managed sanitation in Kenya is in the billions of Kenya shillings, and only innovative approaches can address these funding challenges, which might be difficult to overcome if reliance remained solely on the exchequer. However, estimates show that the potential of non-sewered services (NSS) is about \$27.5 Million a year.

55. Containment model for improved on-site sanitation (OSS) is based on standard designs targeting households not on the National Grid, or alternatives to connecting to an overwhelmed network. Emptying and transport model for affordable, environmentally safe emptying services targeting vacuum truck operators (VTOs) and emptying operators. Treatment and reuse model for third-party operation and maintenance (O&M) of government-owned fecal sludge treatment plants (FSTPs), or even private facilities installing onsite treatment plants is currently unregulated. However, all these opportunities need an enabling environment that parliament can help put in place, starting with this policy.
56. The Policy development process is government-led and involves multi-stakeholder consultations. APHRC is mainly the facilitator of the process, most times helping other local organizations to support with engagements, and building their capacity, i.e. NIA.
57. A joint memorandum submitted to the National Assembly, was a decision taken collectively by representatives of different constituencies of stakeholders, (development partners, private sector, NGOs, and academia), convened by APHRC. The sector is therefore requesting the Committee on Blue Economy, Water and Irrigation and the Parliament of Kenya to consider approving the policy.

### **3.3 Council of Governors (CoG)**

Mr. Kizito Wangalwa a representative from the Council of Governors appeared before the Committee on Thursday, 10<sup>th</sup> April 2025 and submitted general comments on the Sessional Paper No.7 of 2024 on the National Sanitation Management Policy as follows:

58. The constitution vests on county governments specifically: - county public works and services including – storm water management systems in build-up areas, and water sanitation services. The Policy should borrow heavily on the recent gazette notice No. 16475 dated 16<sup>th</sup> December, 2024 on delineation of functions between the National Government and County Governments.
59. The Policy centrally assigns regulatory roles to various National Governments agencies, which has occasioned fragmentation and lack of coordination in sanitation. However, for an enabling regulatory environment, this will require restricting responsibilities such as standards, guidelines and norms under the National government while the implementation of regulation standards and enforcement is undertaken by the County Governments.
60. The Policy measures have a statement written as “the Government at the National and County levels”, should be aligned to what is legally coherent, including; both levels of government’ or National Government and County Government as provided for in the Constitution of Kenya. Additionally, the generalization makes it unclear where the primary responsibility of a policy measures is vested.

61. The Policy needs to provide for constitution and integration in development of master plans at National, County level and allow for development of sewerage infrastructure in a coordinated manner.
62. The Policy refers severally to local governments, which do not exist; the policy should be in line with the Constitution; the municipal, cities and town boards are the decentralized units under the County Governments.

The Council of Governors presented its specific comments to the policy as follows:

63. **Amend forward and Preface to include the proposed paragraph.**

The Policy recognize the primary role of County Governments in provision of sanitation services thus responding to the enabling legal, regulatory, governance and service delivery needs at devolved level that will pave way towards achieving safely managed sanitation.

**Justification**

It is important that the foreword and preface acknowledge the County Governments as the primary custodians and duty bearers of provision of Sanitation services to Kenyans as envisaged in the Constitution of Kenya 2010. The Article 43 of the Constitutions obligates the state to provide reasonable standards of sanitation, which is an exclusive functional assignment to Counties under the Forth schedule Part 2:

**On County public works and services including-**

- a) Storm water management systems in built-up areas, and
- b) Water and sanitation services.

Recognition of the custodian of the responsibility from the start therefore set pace for recognition and embedding the roles an responsibilities' to the rightful state duty bearers who are the County Governments.

64. **Amend the preface to include and read as follows;**

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 proposes a multi-sectorial national coordination.

All stakeholders and partners are urged to join the government at National and County

**Justification**

The local context doesn't apply and is covered by the jurisdictional context provided by the County Governments in" ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions, powers and participation in governance at the local level."

The Policy should be very clear and concise on articulation of roles and responsibility that have a direct implication on matters governance, coordination, investments and budgetary allocations, regulation among others.

Additionally, Government only exists at either national or county level as referred in Article 6 of the Constitution that are distinct but interdependent.

65. **Amend Clause 1.3 on scope of the National Sanitation Management Policy to read as follows: These include County Governments; public and private sanitation service providers**

**Justification**

The omission of County Governments in the scope is ill informed and conspicuous. The County functional assignments such as County health services including reuse removal, refuse dumps and solid waste disposal, control of air pollution. Additionally, the implementation of policies on natural resources and environmental conservation. Finally county public works and services including storm water management systems in built-up areas and water and sanitation services. These are all prerogatives towards safely managed sanitation within the purview of Counties and not MDAs as referred and restricted to national policy, norms and standards.

66. **Amend Clause 3.2.3 on key legal framework for sanitation to provide clarity on the role of Water Works Development Agencies (WWDAs)**

**Justification**

The Role of Water Works Development Agencies (WWDAs) in relation to sanitation is missing in the Policy.

67. **Amend by Deleting Clause 3.2.4 on Regulatory framework for sanitation**

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.

**Justification**

The provision of a national outfit on regulation of sanitation is not aligned with the principles of devolution. Sanitation is a devolved function,

68. **Amend Clause 4.6.1(c) on devolution principles to ensure to be more explicit to encompass the specific principles such as distinctness, subsidiarity and interdependence**

**Justification**

This provision will accelerate respect to functional assignment and promote efficiency and local ownership over policies and regulations while checking excesses of centralized governance and consolidation of authority.

69. **Amend Clause 4.6.2 on guiding principles for sanitation management policy to include, " principle of integration of climate considerations".**

**Justification**

The principles of climate change adaptation solutions should be mainstreamed both in severed and non-severed investments in line with national and county climate change action plans obligations.

The Investments are informed by Climate Risk Assessment to inform the planning, design, and operation of sanitation systems and practices. In addition, this should be considered in the choice of technologies and resource allocation and sanitation budgets.

70. **Amend 4.6.2 on guiding principles to include as follows;**

Integrated sanitation planning and service provision will be promoted. Sanitation will be integrated into water supply, water resource management, drainage, physical planning, health services, environment management and solid waste management interventions at national, county, municipal, utility and community levels.

**Justification**

It is important to integrate sanitation in the management of environment and health systems providing a broad scope for achievement of universal access through leveraging the available plans, programming and funding opportunities within those sectors.

71. **Amend Clause 4.8 on theory of change and policy intervention framework by deleting " understate and non-state actors" remove "the local government authorities"**

**Justification**

Local government authorities are not applicable after the Constitution of Kenya, 2010; it should be aligned to the provisions of urban Areas and Cities Act 2011 that recognize them as devolved units

72. **Amend Clause 5.2 on promoting resilient and innovative sanitation systems and technologies to read as follows;**

The national government in consultation with county governments shall undertake a comprehensive assessment of the sanitation systems and technologies solutions required to achieve safely managed safely targets in diverse settings.

**Justification**

The Sanitation assessment is integral to inform development, planning at the County level. Therefore, this should be an integrated process that aggregates plans for both at national and county level.

73. **Amend Clause 5.3 on accelerating access to safely managed sewerage and wastewater management services to include the following policy measure;**

Increase resource allocation through costing of sanitation function and additional transfers to Counties with no access to sewerage services in design, development, and expansion of sewerage systems including simplified/condominium sewer systems.

**Under “Capture and Containment”**

Provide for integrated master plans for sewerage systems development that ensuring linkage with the national and county master plans.

**Justification**

The Sanitation resources have been co-mingled in one resource basket with other prioritized sectors such as water, thus losing the most required attention and resource allocation. It important to have a deliberate policy measure on increased and ring-fenced public resources allocated towards sewerage development at County level, including additional finance from national kitty to support the same.

The National Government have been developing sewerage systems devoid of the County master plans on sanitation. Harmony and linkage is required to ensure last mile connectivity in sewerage development, and integration with housing/settlement development and planning.

74. **Amend 5.7.2 on strengthening sanitation governance, management and regulation by deleting the provision under the policy measures.**

**Justification**

The role of overseeing the performance of functions at National and County level is already provided for through legislative arms. Therefore, the mechanism is required to strengthen that role at both levels to ensure good governance, management and service delivery.

75. **Amend Clause 5.7.2 on strengthen and harmonize national regulatory and coordination framework for sanitation by deleting the provision**

**Justification**

The Country does not require an outfit at the national level to regulate nor oversee the provision of sanitation services. The National regulatory framework requires harmonizing and strengthening to guide Counties in regulation and ensuring compliance. The coordination will be strengthened through the sectorial forums proposed under IGRA 2012 that also will guide the mutual relations between the two levels of government and across various stakeholders in sanitation.

## PART IV

### 4.0 COMMITTEE OBSERVATIONS

76. The Committee having considered the submissions by the Ministries, Departments and Agencies under its purview made its observations as follows:

- i. Articles 42 and 43 (1) (b) of the Constitution provides for the right to a clean and healthy environment including the right to reasonable standards of sanitation. Despite the requirement of a strong and robust legal regime to bring the Constitutional provisions on the right to sanitation and a clean and healthy environment and devolution of sanitation services, the existing legal and regulatory environment for sanitation remains fragmented with sanitation related laws being provided in various legal instruments - most of which are only ancillary to sanitation.
- ii. There is no coherent legislative and regulatory framework defining a set of normative principles and institutional and regulatory structures for sanitation that reflect the current developments in the international, constitutional and policy spheres and the National Sanitation Management Policy, 2024 seeks to address these gaps.
- iii. The Policy in its implementation framework, proposes for the Environmental Health and Sanitation Bill to address the challenge of the fragmented laws regulating sanitation. However, the Ministry may consider amending the Water Act, Cap. 372 to incorporate issues of sanitation, as matters sanitation may not be delinked from water and the attendant infrastructure to support sanitation.
- iv. The Sustainable Waste Management Act, Cap. 387C was enacted in 2022 that establishes the legal and institutional framework for the sustainable management of waste to ensure the realisation of the constitutional provision on the right to a clean and healthy environment. The Act establishes a Waste Management Council whose role amongst others is to enhance inclusive inter-governmental coordination for sustainable waste management and review progress in implementation of the national sustainable waste management strategy. Waste management is a key component of sanitation. However, the Policy does not refer to the provisions of the Sustainable Waste Management Act, Cap. 387C.
- v. The Policy ought to be reviewed to take into consideration the existing change of laws in matters waste management and further align with existing provisions of the law about definition of terms in the document such as "sanitation".
- vi. There should be clarity in functions and role of the National government, County governments and all other stakeholders in matters related to sanitation. The Policy in Paragraph 6.7 on Policy review refers to an annual multi-stakeholder review forum that shall monitor, review and evaluate implementation of the Policy based on guidelines that shall be issued by national government, Ministry responsible for sanitation. In this regard, it is envisaged that guidelines and regulations shall be

formulated to implement the policy. These guidelines ought to clearly set out the role of county governments and relevant agencies in matters sanitation to avoid conflict and duplication of mandates.


- vii. The Government has set a target of increasing sewerage coverage to 40% by 2030, as outlined in the National Water and Sanitation Investment Plan. While this initiative is considered commendable, achieving this goal would be challenging due to the substantial financial requirements.
- viii. A significant portion of the population is said to rely on non-sewered sanitation methods. Nationally, only 29% of Kenyans have access to improved sanitation facilities thus only innovative approaches can address the funding challenge, which might be difficult to overcome if reliance remained solely on the exchequer.
- ix. Despite being a key component of sustainable environmental management and the government international and constitutional obligations, sanitation and its corresponding programmes in the Ministry remain largely underfunded from Government exchequer and majority of the programmes are heavily reliant on donor funding.

## PART V

### 5.0 COMMITTEE RECOMMENDATIONS


77. The Committee having reviewed the Sessional Paper No.7 on the National Sanitation Management Policy and considered the submissions made by all relevant stakeholders recommends as follows —

- 1) THAT, the House approves the Sessional Paper No. 7 of 2024 on National Sanitation Management Policy subject to revisions as contained in the Schedule I of the Report
- 2) THAT, the Cabinet Secretary, Ministry of Water, Sanitation and Irrigation publishes the National Sanitation Management Policy and revisions set herein above in the appropriate medium including the Ministry's website for public dissemination and also submits a copy to the National Assembly within sixty (60) days.
- 3) THAT, the National Treasury should allocate adequate resources towards implementation of the Policy and matters related to sanitation.

|  |                                       |
|--|---------------------------------------|
| <br><b>THE NATIONAL ASSEMBLY<br/>PAPERS LAID</b> |                                       |
| <b>DATE:</b> 17 APR 2025   | <b>DAY:</b> Thursday                  |
| <b>TABLED BY:</b>  | Hon. Kangogo Bwinda MP<br>Chairperson |
| <b>CLERK-AT THE-TABLE:</b>   | A. Shituko                            |

**SCHEDULE I**

| NO.  | AREA/SECTION   | REVISION  |
|------|--|---|
| i.   | General Structure of the National Sanitation Management Policy   | Align the Policy with current and revised laws, including the Constitution, Water Act, Cap. 372, the Sustainable Waste Management Act, Cap.387C, the Environmental Management and Coordination Act, Cap.387.<br>The Policy should clearly delineate the functions and roles of the national government and the county governments to the Policy implementation.<br>Revise definitions and terms in entire policy and align with the Constitution and relevant laws. |
| ii.  | Section 1.3 of the National Sanitation Management Policy (Scope of the National Sanitation Management Policy)    | Revise policy target and application to include County Governments.   |
| iii. | Section 3.2.3 of the National Sanitation Management Policy (Key Legal Framework)                                 | Revise to incorporate the provisions of the Sustainable Waste Management Act, Cap. 387C.  |
| iv.  | Section 4.6.2 of the National Sanitation Management Policy (Guiding principles for sanitation management policy) | Revise to include principle of integration of climate considerations. The principles of climate change adaptation solutions should be mainstreamed both in severed and non-severed investments in line with national and county climate change action plans obligations.  |
| v.   | Section 4.8 of the National Sanitation Management Policy (Theory of change and policy intervention framework)    | Revise terminology to the Constitution; delete reference to the local government authorities and replace with county governments  |

SIGNED.....  ..... DATE..... 16.4.2025.....

**HON. BOWEN KANGOGO, M.P., CBS  
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON BLUE ECONOMY,  
WATER AND IRRIGATION**

## **LIST OF ANNEXURES**

Adoption list

Minutes

Advertisement

Legal brief on Sessional Paper No. 7 of 2024 on National Sanitation management

Research brief on Sessional Paper No. 7 of 2024 on National Sanitation management

Submissions from Stakeholders



THE NATIONAL ASSEMBLY  
13<sup>TH</sup> PARLIAMENT - FOURTH SESSION - 2025  
DEPARTMENTAL COMMITTEE ON BLUE ECONOMY, WATER AND IRRIGATION  
MEMBERS ATTENDANCE SCHEDULE

DATE: 15<sup>TH</sup> APRIL 2025 START: 10:33 AM END: 12:00 NOON

VENUE: COMMITTEE RM. 18/19, 3<sup>RD</sup> FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS  
AGENDA: CONSIDERATION AND ADOPTION OF THE COMMITTEE REPORTS ON SESSIONAL PAPER NO. 7 OF 2024 ON NATIONAL SANITATION MANAGEMENT POLICY AND PROTOCOL AMENDING MARRAKESH AGREEMENT (AGREEMENT ON FISHERIES SUBSIDIES)

| NO. | NAME   | SIGNATURE          |
|-----|--|--------------------|
| 1.  | Hon. Bowen Kangogo, MP – Chairperson                       |                    |
| 2.  | Hon. Kemero Maisori Marwa Kitayama, MP – Vice- Chairperson |                    |
| 3.  | Hon. Chepkwony Charity Kathambi, MP                        |                    |
| 4.  | Hon. William Kamket, MP                                    |                    |
| 5.  | Hon. Buyu Rozaah Akinyi, MP                                |                    |
| 6.  | Hon. Eng. Nzengu Paul Musyimi, MP                          |                    |
| 7.  | Hon. Eng. Tandaza Kassim Sawa, MP                          | VIRTUAL ATTENDANCE |
| 8.  | Hon. Were Charles Ong'ondo, MP                             |                    |
| 9.  | Hon. Mohamed Abdikadir Hussein, MP                         | VIRTUAL ATTENDANCE |
| 10. | Hon. Gachagua George, MP                                   | VIRTUAL ATTENDANCE |
| 11. | Hon. Eric Wamumbi, MP                                      |                    |
| 12. | Hon. Dorothy Muthoni Ikiara, MP                            |                    |
| 13. | Hon. Eng. Nebart Bernard Muriuki, MP                       |                    |
| 14. | Hon. Mnyazi Amina Laura, MP                                |                    |
| 15. | Hon. Adow Mohamed Aden, MP                                 |                    |

Forwarded by:

Signed: Date: 15/4/2025

Mr. Nicodemus K. Maluki  
First Clerk Assistant – Committee Clerk

Approved by:

Signed: ..... Date: .....

Ms. Rose M. Wanjohi,  
Principal Clerk Assistant II/ Head of Department- Productive Sector  
Directorate of Departmental Committees



**PARLIAMENT OF KENYA  
THE NATIONAL ASSEMBLY  
13<sup>TH</sup> PARLIAMENT - FOURTH SESSION – 2025**

**MINUTES OF THE 25<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON  
BLUE ECONOMY, WATER AND IRRIGATION HELD ON TUESDAY 15<sup>TH</sup>  
APRIL, 2025 IN THE COMMITTEE ROOM 18/19, THIRD (3<sup>RD</sup>) FLOOR, BUNGE  
TOWER, PARLIAMENT BUILDINGS AT 10.00 AM**

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**PRESENT**

1. Hon. Kemero Maisori Marwa Kitayama, MP - **Vice- Chairperson**
2. Hon. Chepkwony Charity Kathambi, MP
3. Hon. Buyu Rozaah Akinyi, MP
4. Hon. Eng. Tandaza Kassim Sawa, MP
5. Hon. Eng. Nzengu Paul Musyimi, MP
6. Hon. Were Charles Ong'ondo, MP
7. Hon. Mohamed Abdikadir Hussein, MP
8. Hon. Gachagua George, MP
9. Hon. Eric Wamumbi, MP
10. Hon. Dorothy Muthoni Ikiara, MP
11. Hon. Eng. Nebart Bernard Muriuki, MP
12. Hon. Mnyazi Amina Laura, MP

**APOLOGIES**

1. Hon. Bowen David Kangogo, MP - **Chairperson**
2. Hon. William Kamket, MP
3. Hon. Adow Mohamed Aden, MP

**IN- ATTENDANCE – NATIONAL ASSEMBLY  
COMMITTEE SECRETARIAT**

1. Mr. Nicodemus Maluki      First Clerk Assistant
2. Ms. Ivy Kageha      Third Clerk Assistant
3. Ms. Lynette Otieno      Senior Legal Counsel
4. Ms. Joyce Wachera      Hansard Reporter II
5. Mr. Eugene Luteshi      Audio Assistant Officer
6. Mr. Allan Gituku      Sergeant- At- Arms

**MIN.NO.DC/ BEW&I/131/2025:**

**PRELIMINARIES**

The Chairperson called the meeting to order at thirty three minutes past ten o'clock and prayed. He thereafter requested all present to make a self- introduction.

**AGENDA:**

The agenda of the meeting was presented as follows:

1. Prayers
2. Preliminaries/Introductions
  - i. Adoption of the Agenda
  - ii. Remarks by the Chairperson
3. Confirmation of Minutes/Matters Arising
4. **Agenda: Consideration and Adoption of the following Draft Committee Reports:**
  - i. **Sessional Paper No. 7 of 2024 on the National Sanitation Management Policy from Ministry of Water, Sanitation and Irrigation**
  - ii. **Protocol Amending the Marrakesh Agreement Establishing the World Trade Organization (Agreement on Fisheries Subsidies)**
5. Any other Business
6. Adjournment/Date of the next meeting

**MIN.NO.DC/ BEW&I/132/2025: ADOPTION OF THE AGENDA**

The agenda of the day was adopted having been proposed and seconded by Hon. Eric Wamumbi, MP and Hon. Mnyazi Amina Laura, MP respectively.

**MIN.NO.DC/ BEW&I/133/2025: CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

This agenda item was deferred to the next sitting

**MIN.NO.DC/ BEW&I/134/2025: CONSIDERATION AND ADOPTION OF THE DRAFT COMMITTEE REPORT ON SESSIONAL PAPER NO. 7 OF 2024 ON THE NATIONAL SANITATION MANAGEMENT POLICY FROM MINISTRY OF WATER, SANITATION AND IRRIGATION**

The Committee unanimously adopted its report with the following recommendations having been proposed and seconded by hon. Eric Wamumbi, MP and Hon. Chepkwony Charity Kathambi, MP respectively.

- I. **THAT**, the House **approves** the Sessional Paper No. 7 of 2024 on National Sanitation Management Policy **subject to the following revisions—**

| NO. | AREA/SECTION | REVISION |
|-----|--------------|----------|
|     |              |          |

|      |   |  |
|------|---|--|
| i.   | General Structure of the National Sanitation Management Policy  | Align the Policy with current and revised laws, including the Water Act, Cap. 372, the Sustainable Waste Management Act, Cap.387C, the Environmental Management and Coordination Act, Cap.387.<br><br>Revise definitions and terms in entire policy and align with the Constitution and relevant laws. |
| ii.  | Section 1.3 of the National Sanitation Management Policy<br><br>(Scope of the National Sanitation Management Policy)    | Revise policy target and application to include County Governments.  |
|      | Section 3.2.3 of the National Sanitation Management Policy<br><br>(Key Legal Framework)                                 | Revise to incorporate the provisions of the Sustainable Waste Management Act, Cap.387C.  |
| iii. | Section 4.6.2 of the National Sanitation Management Policy<br><br>(Guiding principles for sanitation management policy) | Revise to include principle of integration of climate considerations. The principles of climate change adaptation solutions should be mainstreamed both in severed and non-severed investments in line with national and county climate change action plans obligations.                               |
| iv.  | Section 4.8 of the National Sanitation Management Policy<br><br>(Theory of change and policy intervention framework)    | Revise terminology to the Constitution; delete reference to the local government authorities and replace with county governments   |

2. **THAT**, the Cabinet secretary, Ministry of Water publishes the National Sanitation Management Policy and revisions set herein above in the appropriate medium including Ministry of Water's website for public dissemination and also submit a copy to the National Assembly within ninety (90) days.

3. **THAT**, the National Treasury should allocate adequate resources towards implementation of the Policy and matters related to sanitation in Kenya;

**MIN.NO.DC/ BEW&I/135/2025:**

**CONSIDERATION AND ADOPTION OF  
THE DRAFT COMMITTEE REPORT ON  
THE PROTOCOL AMENDING THE  
MARRAKESH AGREEMENT  
ESTABLISHING THE WORLD TRADE  
ORGANIZATION (AGREEMENT ON  
FISHERIES SUBSIDIES)**

The Committee unanimously adopted its report with the following recommendations having been proposed and seconded by hon. Eric Wamumbi, MP and Hon. Eng. Nebart Bernard Muriuki, MP respectively.

- (i) **THAT**, Pursuant to Standing Order 170 A, the House **approves** the Protocol Amending the Marrakesh. Agreement Establishing the World Trade Organization (Agreement on Fisheries Subsidies).
- (ii) **THAT**, the Ministry of Mining, Blue Economy and Fisheries and other relevant Ministries and state agencies should on quarterly basis apprise the Committee on the subsidies and technical assistance and capacity building assistance that accrue or benefit Kenya under the agreement.

**MIN.NO.DC/ BEW&I/136/2025:**

**ADJOURNMENT**

There being no other business, the Chairperson adjourned the meeting at twelve o'clock. The next meeting will be held on notice.

Signed.....  


**HON. BOWEN KANGOGO, MP, CBS  
(CHAIRPERSON)**

Date.....  
*16.4.2025*



**PARLIAMENT OF KENYA  
THE NATIONAL ASSEMBLY  
13<sup>TH</sup> PARLIAMENT - FOURTH SESSION – 2025**

**MINUTES OF THE 24<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON  
BLUE ECONOMY, WATER AND IRRIGATION HELD ON THURSDAY 10<sup>TH</sup>  
APRIL, 2025 IN THE COMMITTEE ROOM 16, THIRD (3<sup>RD</sup>) FLOOR, BUNGE  
TOWER, PARLIAMENT BUILDINGS AT 10.00 AM**

---

**PRESENT**

- |   |   |                          |
|---|---|--------------------------|
| 1. Hon. Bowen David Kangogo, MP           | - | <b>Chairperson</b>       |
| 2. Hon. Kemero Maisori Marwa Kitayama, MP | - | <b>Vice- Chairperson</b> |
| 3. Hon. Chepkwony Charity Kathambi, MP    |   |                          |
| 4. Hon. William Kamket, MP                |   |                          |
| 5. Hon. Buyu Rozaah Akinyi, MP            |   |                          |
| 6. Hon. Eng. Tandaza Kassim Sawa, MP      |   |                          |
| 7. Hon. Eng. Nzengu Paul Musyimi, MP      |   |                          |
| 8. Hon. Were Charles Ong'ondo, MP         |   |                          |
| 9. Hon. Mohamed Abdikadir Hussein, MP     |   |                          |
| 10. Hon. Gachagua George, MP              |   |                          |
| 11. Hon. Dorothy Muthoni Ikiara, MP       |   |                          |
| 12. Hon. Eng. Nebart Bernard Muriuki, MP  |   |                          |
| 13. Hon. Mnyazi Amina Laura, MP           |   |                          |
| 14. Hon. Adow Mohamed Aden, MP            |   |                          |

**APOLOGIES**

1. Hon. Eric Wamumbi, MP

**IN- ATTENDANCE – NATIONAL ASSEMBLY  
COMMITTEE SECRETARIAT**

- |                         |                                   |
|-------------------------|-----------------------------------|
| 1. Mr. Nicodemus Maluki | First Clerk Assistant             |
| 2. Ms. Ivy Kageha       | Third Clerk Assistant             |
| 3. Ms. Lynette Otieno   | Senior Legal Counsel              |
| 4. Ms. Veron D. Aluoch  | Research Officer III              |
| 5. Ms. Fridah Ngari     | Media Relations Officer           |
| 6. Ms. Joyce Wachera    | Hansard Reporter II               |
| 7. Ms. Maryan Gabow     | Public Communications Officer III |
| 8. Mr. Eugene Luteshi   | Audio Assistant Officer           |
| 9. Mr. Allan Gituku     | Sergeant- At- Arms                |

## **COUNCIL OF GOVERNORS**

1. Mr. Kizito Wangalwa Director Committees- CoG
2. Mr. Brian Muthoka Technical Lead, Water, Env't and Climate Change- CoG
3. Ms. Wendy Mutaria Tourism and NRM- CoG

### **MIN.NO.DC/ BEW&I/126/2025: PRELIMINARIES**

The Chairperson called the meeting to order at thirty minutes past ten o'clock and prayed. He thereafter requested all present to make a self- introduction.

### **AGENDA:**

The agenda of the meeting was presented as follows:

1. Prayers
2. Preliminaries/Introductions
  - i. Adoption of the Agenda
  - ii. Remarks by the Chairperson
3. Confirmation of Minutes/Matters Arising
4. **Agenda: Meeting with Council of Governors to Consider the Sessional Paper No. 7 of 2024 on the National Sanitation Management Policy from Ministry of Water, Sanitation and Irrigation**
5. Any other Business
6. Adjournment/Date of the next meeting

### **MIN.NO.DC/ BEW&I/127/2025: ADOPTION OF THE AGENDA**

The agenda of the day was unanimously adopted by the committee.

### **MIN.NO.DC/ BEW&I/128/2025: CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

This agenda item was deferred to the next sitting

### **MIN.NO.DC/ BEW&I/129/2025: MEETING WITH COUNCIL OF GOVERNORS TO CONSIDER THE SESSIONAL PAPER NO. 7 OF 2024 ON THE NATIONAL SANITATION MANAGEMENT POLICY FROM MINISTRY OF WATER, SANITATION AND IRRIGATION**

Mr. Kizito Wangalwa , Director Committees from the Council of Governors appeared before the Committee and briefed on the Sessional Paper No. 7 of 2024 on the National Sanitation Management Policy as follows:

- I. The Constitution vests on county governments specifically: - county public works and services including – storm water management systems in build-up areas, and water sanitation services. The policy should borrow heavily on the recent gazette notice No. 16475 dated 16<sup>th</sup> December, 2024 on delineation of functions between the National Government and County Governments.

2. The policy centrally assigns regulatory roles to various National Governments agencies which has occasioned fragmentation and lack of coordination in sanitation. However, for an enabling regulatory environment, this will require restricting responsibilities such as standards, guidelines and norms under the National government while the implementation of regulation standards and enforcement is done by the County Governments.
3. The policy measures have a statement written as “The Government at the national and county levels”, should be aligned to what is legally coherent, including; both levels of government’ or National Government and County Government as provided for in the Constitution of Kenya. Additionally, the generalization makes it unclear where the primary responsibility of a policy measures is vested.
4. The policy needs to provide for constitution and integration in development of master plans at National, County level and allow for development of sewerage infrastructure in a coordinated manner.
5. The Policy refers severally to local governments, which do not exist; the policy should be in line with the constitution; the municipal, cities and town boards are the decentralized units under the County Governments.
6. The Council presents its specific comments to the policy as follows:

| Clause                      | Proposed Amendment   | Rationale/Justification for the Amendment   |
|-----------------------------|--|---|
| <b>Foreword and Preface</b> | <p><b>Amend to include the proposed paragraph’</b></p> <p>The Policy recognize the primary role of County Governments in provision of sanitation services thus responding to the enabling legal, regulatory, governance and service delivery needs at devolved level that will pave way towards achieving safely managed sanitation.</p> | <p>It is important that the foreword and preface acknowledge the County Governments as the primary custodians and duty bearers of provision of Sanitation services to Kenyans as envisaged in the Constitution of Kenya 2010. The Article 43 of the Constitutions obligates the state to provide reasonable standards of sanitation which is an exclusive functional assignment to Counties under the Forth schedule Part 2:</p> <p><b>On County public works and services including-a) Storm water</b></p> |

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|   |  | <p><b>management systems in built-up areas, and b) Water and sanitation services.</b></p> <p>Recognition of the custodian of the responsibility from the start therefore set pace for recognition and embedding the roles an responsibilities' to the rightful state duty bearers who are the County Governments.</p>  |
| <p><b>Preface</b></p>   | <p><b>Amend to include and read as follows:</b></p> <p>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 proposes a multi-sectorial national coordination....</p> <p>All stakeholders and partners are urged to join the government at national and County</p> | <p>The local context doesn't apply and is covered by the jurisdictional context provided by the County Governments in” <b><i>Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.</i></b>”</p> <p>The Policy should be very clear and concise on articulation of roles and responsibility which has a direct implication on matters governance, coordination, investments and budgetary allocations, regulation among others.</p> <p>Additionally, Government only exists at either national or county level as referred in Article 6 of the Constitution that are distinct but interdependent.</p> |
| <p><b>Clause 1.3</b></p> <p><b>Scope of the National Sanitation</b></p> | <p><b>Amend to read as follows:</b></p> <p>These include County Governments; public and private sanitation service providers</p>   | <p>The omission of County Governments in the scope is ill informed and conspicuous. This noting well the County functional assignments such as County health services including reuse removal, refuse dumps and solid waste disposal, control of air pollution, implementation of policies on natural</p>  |

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| <p><b>Management Policy</b></p>   |   | <p>resources and environmental conservation and finally county public works and services including storm water management systems in built-up areas; and (b) water and sanitation services. These are all prerogatives towards safely managed sanitation within the purview of Counties and not MDAs as referred and restricted to national policy, norms and standards.</p> |
| <p><b>Clause 3.2.3</b><br/><b>Key legal framework for sanitation</b></p>    | <p><b>Amend to</b> provide clarity on the role of Water Works Development Agencies (WWDAs)</p>  | <p>The Role of WWDAs in relation to sanitation is missing</p>  |
| <p>Clause 3.2.4<br/>Regulatory framework for sanitation</p>                 | <p><b>Amend to Delete</b><br/><br/>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.</p> | <p>The provision of a national outfit on regulation of sanitation is not aligned with the principles of devolution. Sanitation is a devolved function</p>  |
| <p><b>Clause 4.6.1(c)</b><br/><b>Devolution Principles</b></p>              | <p>Amend to ensure to be more explicit to encompass the specific principles such as Distinctness, Subsidiarity and Interdependence</p>  | <p>This provision will accelerate respect to functional assignment and promote efficiency and local ownership over policies and regulations while checking excesses of Centralized governance and consolidation of authority.</p>  |
| <p>Clause 4.6.2<br/>Guiding principles for sanitation management policy</p> | <p><b>Amend to include:</b><br/><br/><b>Principle of integration of climate considerations.</b></p>   | <p>The principles of climate change adaptation solutions should be mainstreamed both in severed and non-severed investments in line with national and county climate change action plans obligations.</p>  |

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|   |  | The Investments are informed by Climate Risk Assessment to inform the planning, design, and operation of sanitation systems and practices. In addition, this should be considered in the choice of technologies and resource allocation and sanitation budgets. |
|   | <p><b>Amend to include as follows:</b></p> <p>Integrated sanitation planning and service provision will be promoted.....Sanitation will be integrated into water supply, water resource management, drainage, physical planning, <b>health services, environment management</b> and solid waste management interventions at national, county, municipal, utility and community levels.</p> | It is important to integrate sanitation in the management of environment and health systems providing a broad scope for achievement of universal access through leveraging the available plans, programming and funding opportunities within those sectors.     |
| <p><b>Clause 4.8</b></p> <p>Theory of change and policy intervention framework</p>                            | <p><b>Amend to delete as follows:</b></p> <p>Under State and Non-state Actors remove the local government authorities</p>  | Local government authorities are not Applicable after the Constitution of 2010, align to the provisions of urban Areas and Cities Act 2011 that recognize them as devolved units  |
| <p><b>Clause 5.2</b></p> <p><b>Promoting Resilient and Innovative sanitation systems and technologies</b></p> | <p><b>Amend to read as follows:</b></p> <p>The national government in consultation with county governments shall undertake a comprehensive assessment of the sanitation systems and technologies solutions required to achieve safely managed safely targets in diverse settings.</p>  | The Sanitation assessment is integral to inform development, planning at the County level. Therefore, this should be an integrated process that aggregates plans for both at national and county level.   |

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| <p><b>Clause 5.3:</b></p> <p><b>Accelerating access to safely managed sewerage and wastewater management services</b></p>       | <p><b>Amend to include the following policy measure: -</b></p> <p>6. Increase resource allocation through costing of sanitation function and additional transfers to Counties with no access to sewerage services in design, development, and expansion of sewerage systems including simplified/condominium sewer systems.</p> <p>Under <b>Capture and Containment</b></p> <p>Provide for integrated master plans for sewerage systems development that ensuring linkage with the national and county master plans.</p> | <p>The Sanitation resources have been comingled in one resource basket with other prioritized sectors such as water, thus losing the most required attention and resource allocation. It important to have a deliberate policy measure on increased and ring-fenced public resources allocated towards sewerage development at County level, including additional finance from national kitty to support the same.</p> <p>The National Government have been developing sewerage systems devoid of the County master plans on sanitation. Harmony and linkage is required to ensure last mile connectivity in sewerage development, and integration with housing/settlement development and planning.</p> |
| <p><b>Clause 5.7</b></p> <p><b>Strengthening sanitation governance, management and regulation</b></p>                           | <p>Amend 5.7.2 to delete the provision under the policy measures</p>   | <p>The role of overseeing the performance of functions at National and county level is already provided for through legislative arms. Therefore, the mechanism requires to strengthen that role at both levels to ensure good governance, management and service delivery.</p>   |
| <p><b>Clause 5.7.2</b></p> <p><b>strengthen and harmonize national regulatory and coordination framework for sanitation</b></p> | <p><b>Amend to delete the provision</b></p>  | <p>The country does not require an outfit at the national level to regulate nor oversee the provision of sanitation services. The National regulatory framework requires harmonizing and strengthening to guide Counties in regulation and ensuring compliance. The coordination will be strengthened through the sectorial forums proposed under IGRA 2012 that also will guide the mutual relations between the two levels of government and across various stakeholders in sanitation</p>   |

## COMMITTEE OBSERVATIONS

Having considered submissions from the Council of Governors, the Committee made the following observations:

- i. The National Sanitation Management Policy is timely and relevant for the benefit of the Citizens of Kenya.
- ii. Definitions and terms in entire policy are not aligned with the Constitution and relevant laws.
- iii. There is an oversight to already existing key laws and to the Constitution of Kenya such as the Water Act, Cap. 372, the Sustainable Waste Management Act, Cap.387C, the Environmental Management and Coordination Act, Cap.387. This is a matter that will require the Policy to be redrafted.
- iv. Amendments to the Policy document must be made to make it more effective and beneficial to the people of Kenya.

**MIN.NO.DC/ BEW&I/130/2025:**

## ADJOURNMENT

There being no other business, the Chairperson adjourned the meeting at fifty minutes past eleven o'clock. The next meeting will be held on notice.

Signed.....

**HON. BOWEN KANGOGO, MP, CBS  
(CHAIRPERSON)**

Date.....*16.4.2025*



PARLIAMENT OF KENYA  
THE NATIONAL ASSEMBLY  
13<sup>TH</sup> PARLIAMENT - FOURTH SESSION – 2025

MINUTES OF THE 20<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON  
BLUE ECONOMY, WATER AND IRRIGATION HELD ON THURSDAY 27<sup>TH</sup>  
MARCH, 2025 IN THE 6<sup>TH</sup> FLOOR BOARD ROOM, HILTON GARDEN INN AT 2.30  
PM

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**PRESENT**

- |   |   |                   |
|---|---|-------------------|
| 1. Hon. Bowen David Kangogo, MP           | - | Chairperson       |
| 2. Hon. Kemero Maisori Marwa Kitayama, MP | - | Vice- Chairperson |
| 3. Hon. Chepkwony Charity Kathambi, MP    |   |                   |
| 4. Hon. William Kamket, MP                |   |                   |
| 5. Hon. Buyu Rozaah Akinyi, MP            |   |                   |
| 6. Hon. Eng. Nzengu Paul Musyimi, MP      |   |                   |
| 7. Hon. Eng. Tandaza Kassim Sawa, MP      |   |                   |
| 8. Hon. Were Charles Ong'ondo, MP         |   |                   |
| 9. Hon. Gachagua George, MP               |   |                   |
| 10. Hon. Eric Wamumbi, MP                 |   |                   |
| 11. Hon. Dorothy Muthoni Ikiara, MP       |   |                   |
| 12. Hon. Eng. Nebart Bernard Muriuki, MP  |   |                   |
| 13. Hon. Adow Mohamed Aden, MP            |   |                   |

**APOLOGIES**

1. Hon. Mohamed Abdikadir Hussein, MP
2. Hon. Mnyazi Amina Laura, MP

**IN- ATTENDANCE – NATIONAL ASSEMBLY  
COMMITTEE SECRETARIAT**

- |                          |                          |
|--------------------------|--------------------------|
| 1. Ms. Rose Wanjohi      | Senior Clerk Assistant   |
| 2. Mr. Nicodemus Maluki  | First Clerk Assistant    |
| 3. Ms. Ivy Kageha        | Third Clerk Assistant    |
| 4. Dr. Benjamin Ng'imor  | Principal Fiscal Analyst |
| 5. Ms. Lynette Otieno    | Senior Legal Counsel     |
| 6. Ms. Veron D. Aluoch   | Research Officer III     |
| 7. Ms. Fridah Ngari      | Media Relations Officer  |
| 8. Mr. Moses Luvisi      | Accountant               |
| 9. Mr. Eugene Luteshi    | Audio Assistant Officer  |
| 10. Mr. Allan Gituku     | Sergeant- At- Arms       |
| 11. Ms. Christine Sabdio | Office Assistant         |

**MIN.NO.DC/ BEW&I/105/2025: PRELIMINARIES**

The Chairperson called the meeting to order at thirty- two minutes past ten o'clock and prayed. He thereafter requested all present to make a self- introduction.

**AGENDA:**

The agenda of the meeting was presented as follows:

1. Prayers
2. Preliminaries/Introductions
  - i. Adoption of the Agenda
  - ii. Remarks by the Chairperson
3. Confirmation of Minutes/Matters Arising
4. **Agenda:**  
**Consideration of the draft Committee report on the Sessional Paper No.7 on the National Sanitation Management Policy**
5. Any other Business
6. Adjournment/Date of the next meeting

**MIN.NO.DC/ BEW&I/106/2025: ADOPTION OF THE AGENDA**

The agenda of the day was unanimously adopted by the Committee.

**MIN.NO.DC/ BEW&I/107/2025: CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

This agenda item was deferred to the next meeting.

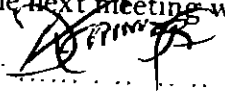
**MIN.NO.DC/ BEW&I/108/2025: CONSIDERATION OF THE DRAFT COMMITTEE REPORT ON THE SESSIONAL PAPER NO.7 ON THE NATIONAL SANITATION MANAGEMENT POLICY**

The Committee having considered the submissions by the Ministries, Departments and Agencies under its purview made its observations as follows:

- i. Articles 42 and 43 (1) (b) of the Constitution provides for the right a clean and healthy environment including the right to reasonable standards of sanitation. Despite the requirement of a strong and robust legal regime to bring the constitutional provisions on the right to sanitation and a clean and healthy environment and devolution of sanitation services, the existing legal and regulatory environment for sanitation remains fragmented with sanitation related laws being provided in various legal instruments - most of which are only ancillary to sanitation
- ii. There is no coherent legislative and regulatory framework defining a set of normative principles and institutional and regulatory structures for sanitation that reflect the current developments in the international, constitutional and policy spheres and the National Sanitation Management Policy, 2024 seeks to address these gaps.

- iii. The Policy in its implementation framework, proposes for the Environmental Health and Sanitation Bill to address the challenge of the fragmented laws regulating sanitation. However, the Ministry may consider amending the Water Act, Cap. 372 and incorporate issues of sanitation. As matters sanitation may not be delinked from water and the attendant infrastructure to support sanitation.
- iv. The Sustainable Waste Management Act, Cap. 387C was enacted in 2023 that establishes the legal and institutional framework for the sustainable management of waste to ensure the realisation of the constitutional provision on the right to a clean and healthy environment. The Act establishes a Waste Management Council whose role amongst others is to enhance inclusive inter-governmental coordination for sustainable waste management and review progress in implementation of the national sustainable waste management strategy. Waste management in a key component of sanitation. However, the Policy makes no reference to the provisions of the Sustainable Waste Management Act, Cap. 387C.
- v. The Policy ought to be reviewed to take into consideration the existing change of laws in a matters waste management and further align with existing provisions of the law with regards to reference of definition of terms in the document such as "sanitation".
- vi. There should be clarity in role between the National government, County governments and all other stakeholders in matters sanitation the sector. The Policy in Paragraph 6.7 on Policy Review makes reference to annual multi-stakeholder review forums that shall monitor, review and evaluate implementation of the Policy based on guidelines that shall be issue by national government Ministry responsible for sanitation. In this regard, it is envisaged that guidelines and regulations shall be formulated to implement the policy. These guidelines ought to clearly set out the role of county and relevant agencies in matters sanitation to avoid conflict and duplication of mandates.
- vii. The Government has set a target of increasing sewerage coverage to 40% by 2030, as outlined in the National Water and Sanitation Investment Plan. While this initiative is considered commendable, achieving this goal would be challenging due to the substantial financial requirements.
- viii. A significant portion of the population is said to rely on non-sewered sanitation methods. Nationally, only 29% of Kenyans have access to improved sanitation facilities thus only innovative approaches can address the funding challenge, which might be difficult to overcome if reliance remained solely on the exchequer.
- ix. Despite being a key component of sustainable environmental management and the government international and constitutional obligations, sanitation and its corresponding programmes in the Ministry remain largely underfunded from Government exchequer and majority of the programmes are heavily reliant on donor funding.

There being no other business, the Chairperson adjourned the meeting at eighteen minutes past four o'clock. The next meeting will be held on notice.

Signed  .....  
**HON. BOWEN KANGOGO, MP. CBS**  
**(CHAIRPERSON)**

Date. .... 8/4/2025 .....



PARLIAMENT OF KENYA  
THE NATIONAL ASSEMBLY  
13<sup>TH</sup> PARLIAMENT - FOURTH SESSION – 2025

MINUTES OF THE 15<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON  
BLUE ECONOMY, WATER AND IRRIGATION HELD ON TUESDAY 25<sup>TH</sup>  
MARCH, 2025 IN PAVILLION SUITE, GROUND FLOOR, HILTON GARDEN INN  
AT 9.30 AM

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**PRESENT**

- |  |   |                   |
|--|---|-------------------|
| 1 Hon Bowen David Kangogo, MP            | - | Chairperson       |
| 2 Hon. Kemero Maisori Marwa Kitayama, MP | - | Vice- Chairperson |
| 3. Hon. Chepkwony Charity Kathambi, MP   |   |                   |
| 4. Hon William Kamket, MP                |   |                   |
| 5 Hon Buyu Rozaah Akinyi, MP             |   |                   |
| 6 Hon. Eng Nzengu Paul Musyimi, MP       |   |                   |
| 7. Hon Eng Tandaza Kassim Sawa, MP       |   |                   |
| 8 Hon. Were Charles Ong'ondo, MP         |   |                   |
| 9 Hon Gachagua George, MP                |   |                   |
| 10 Hon. Eric Wamumbi, MP                 |   |                   |
| 11. Hon Dorothy Muthoni Ikiara, MP       |   |                   |
| 12 Hon Eng. Nebart Bernard Muriuki, MP   |   |                   |
| 13. Hon Adow Mohamed Aden, MP            |   |                   |

**APOLOGIES**

1. Hon Mohamed Abdikadir Hussein, MP
- 2 Hon Mnyazi Amina Laura, MP

**IN- ATTENDANCE – NATIONAL ASSEMBLY  
COMMITTEE SECRETARIAT**

- |                        |                          |
|------------------------|--------------------------|
| 1. Ms Rose Wanjohi     | Senior Clerk Assistant   |
| 2 Mr. Nicodemus Maluki | First Clerk Assistant    |
| 3 Ms Ivy Kageha        | Third Clerk Assistant    |
| 4 Dr. Benjamin Ng'imor | Principal Fiscal Analyst |
| 5. Ms Lynette Otieno   | Senior Legal Counsel     |
| 6 Ms Veron D. Aluoch   | Research Officer III     |
| 7. Ms Fridah Ngari     | Media Relations Officer  |
| 8. Mr Moses Luvisi     | Accountant               |
| 9 Mr Eugene Luteshi    | Audio Assistant Officer  |
| 10 Mr Allan Gituku     | Sergeant- At- Arms       |
| 11 Ms Christine Sabdio | Office Assistant         |

## STATE DEPARTMENT FOR WATER AND SANITATION

- |   |   |
|---|---|
| 1. Eng. Eric Mugaa                      | Cabinet Secretary- MoWSI                            |
| 2. Mr. Julius Korir                     | Principal Secretary- MoWSI, SD Water and Sanitation |
| 3. Eng. Samuel Alima                    | Water Secretary- MoWSI, SD Water and Sanitation     |
| 4. Eng. Mary Wamaitha<br>SDWS           | AG. Dir Sanitation Mgmt & Head Dvpt Corporate-      |
| 5. Mr. Geoffrey Rono                    | Deputy Director- MoWSI, SD Water and Sanitation     |
| 6. Eng. Chemoni Chepyegon<br>Sanitation | Chief Superintending Eng- MoWSI, SD Water and       |
| 7. Mr. John Mwandikwa                   | Dir public Comms- MoWSI, SD Water and Sanitation    |
| 8. Mr. Francis Bor                      | Sr. Dep. Sec. & PLO- MoWSI, SD Water and Sanitation |
| 9. Mr. Kavaka Wambulwa                  | ADPC- MoWSI, SD Water and Sanitation                |
| 10. Mr. Castor Rotich                   | C.O- MoWSI, SD Water and Sanitation                 |
| 11. Mr. George Maina                    | C.O- MoWSI, SD Water and Sanitation                 |

## AFRICA POPULATION AND HEALTH RESEARCH CENTER (APHRC)

- |                         |   |
|-------------------------|---|
| 1. Mr. Mamadou Diallo   | Head of Policy Engagement & Comm. – APHRC |
| 2. Mr. Anthony Mveyange | Dir. Of Programmes- APHRC                 |
| 3. Ms. Jane Nyamwamu    | Programmes Manager- NIA                   |
| 4. Mr. Stephen Wainaina | Multimedia- APHRC                         |
| 5. Ms. Damaris Khakali  | Advocacy Officer- APHRC                   |

### MIN.NO.DC/ BEW&I/079/2025: PRELIMINARIES

The Chairperson called the meeting to order at ten o'clock and prayed. He thereafter requested all present to make a self- introduction.

#### AGENDA:

The agenda of the meeting was presented as follows:

1. Prayers
2. Preliminaries/Introductions
  - i. Adoption of the Agenda
  - ii. Remarks by the Chairperson
3. Confirmation of Minutes/Matters Arising
4. Agenda:  
**Meeting to consider the Sessional Paper No.7 on the National Sanitation Management Policy with the following MDAs:**
  - i. State Department for Water and Sanitation
  - ii. Africa Population and Health Research Center (APHRC)
5. Any other Business
6. Adjournment/Date of the next meeting

### MIN.NO.DC/ BEW&I/080/2025: ADOPTION OF THE AGENDA

The agenda of the day was unanimously adopted by the Committee.

### MIN.NO.DC/ BEW&I/081/2025: CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING

This agenda item was deferred to the next meeting.

**MIN.NO.DC/ BEW&I/082/2025: MEETING STATE DEPARTMENT FOR WATER AND SANITATION TO CONSIDER THE SESSIONAL PAPER NO.7 ON THE NATIONAL SANITATION MANAGEMENT POLICY**

Eng. Eric Mugaa the Cabinet Secretary, Ministry of Water, Sanitation and Irrigation together with Mr. Julius Korir, CBS the Principal Secretary, State Department for Water and Sanitation, appeared before the Committee and briefed on the Sessional Paper No.7 on the National Sanitation Management Policy as follows:

1. Sessional Paper No. 7 of 2024 on National Sanitation Management Policy was developed with the support of the African Population Health and Research Center (APHRC). The National Sanitation Policy Steering Committee was launched on February 1, 2021. The Policy aimed to structure sanitation management in Kenya by expanding access to safe sanitation, improving public health, and reducing environmental pollution. Further, it addressed the current gaps in governance, financing and infrastructure development for sanitation in Kenya.
2. 93% of Kenyans have access to basic sanitation, but centralized sewerage coverage is 16% nationwide, mainly in urban areas. Additionally, 15 counties still experience high levels of open defecation, which contribute to moderate to severe stunting in 35% of children and 40% of infant mortality cases, citing data from UNICEF (2013). Poor sanitation has resulted to an annual economic loss of USD 365 million, according to World Bank (2010).
3. Article 43(1) (b) of the Constitution of Kenya guarantees every person the right to reasonable sanitation standards. However, sanitation has historically been overlooked in water policies, resulting in limited investment. The new policy aligns with the Kenya's Vision 2030, the Ng'or Declaration, Sustainable Development Goal (SDG) 6.2, and the Africa Sanitation Policy Guidelines under Agenda 2063 to improve hygiene and access to sanitation.
4. In September 2020, the Ministry of Water, Sanitation, and Irrigation (MoWSI) made a significant decision to undertake the development of a Policy for Sanitation Management. This decision was made in the context of several key considerations, including:
  - i. The Constitution of Kenya (CoK) 2010, which guarantees adequate sanitation under Articles 42, 43, 20, 21, 22, and 70.

- ii. The devolved system of government and service delivery, as outlined in Articles 174, 175, 183, 185, 186, and 189, as well as the Fourth Schedule Part 2 (11) of the CoK and the Public Finance Management Act (PFMA).
  - iii. The Presidential Executive Orders of 2016, 2020, 2022, and 2023, which vested the sanitation management function in the Ministry of Water, Sanitation, and Irrigation.
  - iv. The Sustainable Development Goal (SDG) 6.2 targets, which aim to end open defecation and ensure universal access to safely managed sanitation by 2030.
  - v. The African Ministers' Council on Water (AMCOW) African Sanitation Policy Guidelines (ASPG), in alignment with Africa Agenda 2063.
  - vi. The Water Act 2016, which provides for water resource management and sanitation service regulation.
  - vii. The Public Health Act Cap 242, which mandates the maintenance of sanitary conditions and public health safety.
  - viii. Environmental Management & Coordination Act: Regulates pollution and sanitation waste management
5. The first Sanitation Policy Framework was established in 1921 under the Ministry of Health, which was responsible for administering sanitation. Public Health Ordinance, later enacted as the Public Health Act Cap 242 in 1950, provided for proper sanitation standards in buildings and premises. In 1960, the Environmental Sanitation Programme was introduced with support from WHO and UNICEF to improve waste disposal methods and provide sanitary education for rural populations.
  6. Additionally, the National Sanitation Council was established in 1980 to sensitize the population and local authorities about the health benefits of proper sanitation. The National Policy on Water Resources Management and Development (Sessional paper No.1 of 1999) separated water resource management from service provision, water supply and sewerage development, institutional arrangement and financing.
  7. The Water Act 2002 operationalized the provisions of Sessional Paper No.1 of 1999, and it was later revised in 2016 to align the water sector with the Constitution of Kenya 2010. Lastly, the Sessional Paper No.1 of 2021 on National Water Policy was developed in accordance with the mandate of the ministry responsible for water affairs.
  8. In September 2020, the MoWSI made decision to develop a national policy specific to sanitation management. Subsequently a Steering Committee (SC) on National Sanitation Management Policy (NSMP) was established to lead this process. The SC adopted the NSMP Stakeholders Engagement and Consultation Framework and Guidelines. In line with the Guidelines for the Development of National Government
  9. Policy and Legislation the Sessional Paper was subjected to the Parliamentary approval prior to its launch.

10. The composition of the national steering committee consisted of Ministry of Water, Sanitation and Irrigation (AWWDA, WRA and WASREB), State Department for Lands, Ministry of Health, State Department for Devolution, State Department for industrialization, State Department for Environment, Council of Governors, Kenya Water and Sanitation Network, Kenya Private Sector Alliance, and Water and Sanitation for Urban Poor.
11. The policy development process was highly participatory, involving various stakeholders at National and County levels. Ten (10) consultation meetings were held bringing together 408 participants representing all forty- seven (47) Counties, MDAs, Development Partners, utilities, CSOs, academia, communities, special groups, consumers, among others. Furthermore, the public consultation meetings were held in Kisumu (31st May, 4th and 25th June, 2021), Nakuru (June 17, 2021), Mombasa (June 9-10, 2021), Nyeri (June 7-8, 2021), Naivasha (November 24, 2020), Eldoret (June 7, 2021), (Nairobi (June 10, 2021) Embu (July, 22, 2021).
12. The process also included regional validation meetings bringing together 275 participants and a national validation meeting bringing together over 70 participants including participants from CoG, MDAs, AMCOW, World Bank, WATSAN DPG, ADB, UNICEF, UN Habitat, among others. A rapid assessment conducted by AMCOW in September 13, 2021 gave the policy a rating of 4.7 out of 5.0.
13. The key challenges include low sanitation coverage, rapid urbanization, poor fecal sludge management, inadequate regulation, and weak enforcement mechanisms. The policy sought to shift from Millennium Development Goals (MDGs) to Sustainable Development Goals (SDGs), emphasizing universal, comprehensive, and sustainable sanitation coverage.
14. The eight key policy focus areas, include:
  - i. Promoting innovative and climate-resilient sanitation technologies
  - ii. Accelerating access to safely managed sewerage and wastewater services
  - iii. Enhancing non-sewered (onsite) sanitation solutions
  - iv. Improving sanitation in public, institutional, and humanitarian settings
  - v. Encouraging sanitation and hygiene education and behavior change
  - vi. Strengthening governance and regulatory frameworks
  - vii. Enhancing sustainable financing and public-private partnerships
  - viii. Investing in research, monitoring, and evaluation frameworks
15. The policy implementation framework would involve legislative actions, multi-sectoral coordination, and financial strategies at national and county levels. The progress would be monitored through annual sector reviews and mid-term evaluations.

16. The policy would lead to 100% sanitation coverage by 2030, eliminate open defecation, enhance public health, strengthen governance, and generate economic benefits through job creation and reduced healthcare costs.

MIN.NO.DC/ BEW&I/083/2025:

**MEETING AFRICA POPULATION AND  
HEALTH RESEARCH CENTER TO  
CONSIDER THE SESSIONAL PAPER NO.7  
ON THE NATIONAL SANITATION  
MANAGEMENT POLICY**

Mr. Mamadou Diallo the Head of Policy Engagement and Communication together with his team from African Population and Health Research Center appeared before the Committee and briefed on the Sessional Paper No.7 on the National Sanitation Management Policy as follows:

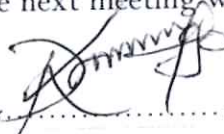
17. The scope of the organization involves supporting Africa-wide governance initiatives in the sanitation sector while directly collaborating with select countries to strengthen the sanitation policy environment. Their objective is to ensure that National Sanitation Frameworks are aligned with the Sustainable Development Goals (SDGs) and the Africa Sanitation Policy Guidelines (ASPG).
18. Their collaboration with the Ministry of Water, Sanitation, and Irrigation in Kenya on this specific assignment dated back to 2019. In that year, the ministry requested the African Population and Health Research Center (APHRC) to support the development of the sanitation policy.
19. Unlike the Millennium Development Goals (MDGs), safely managed sanitation extends beyond mere access. Sustainable Development Goal (SDG) 6.2 aims at ensuring access to adequate and equitable sanitation and hygiene for all by 2030, with a particular emphasis on ending open defecation and addressing the needs of women, girls, and vulnerable populations. The Ngor Vision underscored the objective of achieving universal access to adequate, equitable, inclusive, and sustainable sanitation and hygiene services while eliminating open defecation by 2030.
20. According to the World Bank and UNICEF, as of 2021, Kenya's sewerage coverage in urban areas stood at approximately 16%, with 21 counties lacking any sewerage systems. Nairobi was reported to have the highest coverage at 50%, followed by Kisumu at 49%, Laikipia at 36%, Trans Nzoia at 34%, and Bungoma at 34%. Conversely, some counties were said to have the lowest coverage, including Garissa at 6%, Murang'a at 5%, Meru at 5%, Homa Bay at 4%, and Busia at 2%.
21. The Kenyan government have set a target of increasing sewer coverage to 40% by 2030, as outlined in the National Water and Sanitation Investment Plan. While this initiative

is considered commendable, achieving this goal would be challenging due to the substantial financial requirements.

22. To achieve universal access to safely managed sanitation, the plan emphasized integrating non-sewered sanitation solutions alongside traditional sewer systems, which is seen as a laudable approach. A significant portion of the population is said to rely on non-sewered sanitation methods, with 84% of urban residents depending on facilities such as pit latrines, septic tanks, soak pits, and other technologies, many of which are largely unregulated, including imported technologies in developing areas. Nationally, only 29% of Kenyans have access to improved sanitation facilities.
23. The funding gap for achieving universal access to safely managed sanitation in Kenya is in the billions of Kenya shillings, and only innovative approaches can address these funding challenges, which might be difficult to overcome if reliance remained solely on the exchequer. However, estimates show that the potential of Non Sewered Services (NSS) is about \$27.5 million a year.
24. Containment model for improved on-site sanitation (OSS) is based on standard designs targeting households not on the National Grid, or alternatives to connecting to an overwhelmed network. Emptying and transport model for affordable, environmentally safe emptying services targeting vacuum truck operators (VTOs) and emptying operators. Treatment and reuse model for third-party operation and maintenance (O&M) of government-owned fecal sludge treatment plants (FSTPs), or even private facilities installing onsite treatment plants is currently unregulated. However, all these opportunities need an enabling environment that parliament can help put in place, starting with this policy.
25. The policy development process is government-led and involves multi-stakeholder consultations. APHRC is mainly the facilitator of the process, most times helping other local organizations to support with engagements, and building their capacity, i.e. NIA.
26. A joint memorandum submitted to the National Assembly, was a decision taken collectively by representatives of different constituencies of stakeholders, (development partners, private sector, NGOs, and academia), convened by APHRC. The sector is therefore requesting the Committee on Blue Economy, Water and Irrigation and the Parliament of Kenya to consider approving the policy.

**MIN.NO.DC/ BEW&I/084/2025:                      ADJOURNMENT**

There being no other business, the Chairperson adjourned the meeting at eighteen minutes past one o'clock. The next meeting will be held on the same day at thirty minutes past two o'clock.

Signed.....

HON. BOWEN KANGOGO, MP. CBS  
(CHAIRPERSON)

Date ..... 5/4/2025



**PARLIAMENT OF KENYA  
THE NATIONAL ASSEMBLY  
13<sup>TH</sup> PARLIAMENT - FOURTH SESSION – 2025**

**MINUTES OF THE 2<sup>ND</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON  
BLUE ECONOMY, WATER AND IRRIGATION HELD ON THURSDAY 13<sup>TH</sup>  
FEBRUARY, 2025 IN COMMITTEE ROOM 13, SECOND (2<sup>ND</sup>) FLOOR, BUNGE  
TOWER, PARLIAMENT BUILDINGS AT 12.00 (NOON).**

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**PRESENT**

- |   |   |                   |
|---|---|-------------------|
| 1. Hon Bowen David Kangogo, MP            | - | Chairperson       |
| 2. Hon. Kemero Maisori Marwa Kitayama, MP | - | Vice- Chairperson |
| 3. Hon. William Kamket, MP                |   |                   |
| 4. Hon Eng Nzengu Paul Musyimi, MP        |   |                   |
| 5. Hon Buyu Rozaah Akinyi, MP             |   |                   |
| 6. Hon. Eng Tandaza Kassim Sawa, MP       |   |                   |
| 7. Hon Were Charles Ong'ondo, MP          |   |                   |
| 8. Hon Gachagua George, MP                |   |                   |
| 9. Hon. Dorothy Muthoni Ikiara, MP        |   |                   |
| 10. Hon. Mnyazi Amina Laura, MP           |   |                   |
| 11. Hon Eng Nebart Bernard Muriuki, MP    |   |                   |

**APOLOGIES**

1. Hon. Eng Muiruri Muthama Stanley, MP
2. Hon Chepkwony Charity Kathambi, MP
3. Hon Eric Wamumbi, MP
4. Hon. Adow Mohamed Aden, MP

**IN- ATTENDANCE – NATIONAL ASSEMBLY  
COMMITTEE SECRETARIAT**

- |                         |                             |
|-------------------------|-----------------------------|
| 1. Mr Nicodemus Maluki  | First Clerk Assistant       |
| 2. Ms Ivy Kageha        | Third Clerk Assistant       |
| 3. Dr. Benjamin Ng'imor | Principal Fiscal Analyst    |
| 4. Ms. Lynette Otieno   | Senior Legal Counsel        |
| 5. Mr. Eugene Apaa      | Research Officer II         |
| 6. Ms Fridah Ngari      | Media Relations Officer III |
| 7. Mr Eugene Luteshi    | Audio Assistant Officer     |
| 8. Mr. Allan Gituku     | Sergeant-at-Arms            |

**MIN.NO.DC/ BEW&I/006/2025:**

**PRELIMINARIES**

Pursuant to the provisions of Standing Order 188 of the National the Hon William Kamket, MP was elected to Chair the meeting

The Chairperson called the meeting to order at thirty minutes past twelve o'clock and prayed. He thereafter requested all present to make a self- introduction.

**AGENDA:**

The agenda of the meeting was presented as follows:

1. Prayers
2. Preliminaries/Introductions
  - i. Adoption of the Agenda
  - ii. Remarks by the Chairperson
3. Confirmation of Minutes/Matters Arising
4. **Agenda: Consideration of the Legal and Policy briefs on the Sessional Paper No. 7 of 2024 on National Sanitation Management Policy.**
5. Any other Business
6. Adjournment/Date of the next meeting

**MIN.NO.DC/ BEW&I/007/2025: ADOPTION OF THE AGENDA**

The Committee adopted the agenda of the day having been proposed and seconded by the Hon. Eng. Nebart Bernard Muriuki, MP and the Hon. Dorothy Muthoni Ikiara, MP respectively.

**MIN.NO.DC/ BEW&I/008/2025: CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

Minutes of the 1<sup>st</sup> Sitting held on Tuesday 11<sup>th</sup> February, 2025 were adopted as a true reflection of the proceedings having been proposed and seconded by the Hon. Dorothy Muthoni Ikiara, MP and the Hon. Eng. Nzengu Paul Musyimi, MP respectively.

**MIN.NO.DC/ BEW&I/009/2025: CONSIDERATION OF THE LEGAL AND POLICY BRIEFS ON THE SESSIONAL PAPER NO. 7 OF 2024 ON NATIONAL SANITATION MANAGEMENT POLICY**

This agenda item was deferred to the next sitting to allow all the Members of the Committee to be present. The secretariat was requested to avail all the relevant documents in the next meeting for consideration.

**MIN.NO.DC/ BEW&I/010/2025: ADJOURNEMENT**

There being no other business, the Chairperson adjourned the meeting at fifty Minutes past twelve past eleven o'clock. The next meeting will be held on notice.

Signed.....

**HON. BOWEN DAVID KANGOGO, MP  
(CHAIRPERSON)**

Date.....



**PARLIAMENT OF KENYA  
THE NATIONAL ASSEMBLY  
13<sup>TH</sup> PARLIAMENT - FOURTH SESSION – 2025**

**MINUTES OF THE 3<sup>RD</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON  
BLUE ECONOMY, WATER AND IRRIGATION HELD ON TUESDAY 18<sup>TH</sup>  
FEBRUARY, 2025 IN COMMITTEE ROOM 20, THIRD (3<sup>RD</sup>) FLOOR, BUNGE  
TOWER, PARLIAMENT BUILDINGS AT 10.00 AM.**

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**PRESENT**

- |   |   |                   |
|---|---|-------------------|
| 1. Hon. Bowen David Kangogo, MP           | - | Chairperson       |
| 2. Hon. Kemero Maisori Marwa Kitayama, MP | - | Vice- Chairperson |
| 3. Hon. Chepkwony Charity Kathambi, MP    |   |                   |
| 4. Hon. William Kamket, MP                |   |                   |
| 5. Hon. Buyu Rozaah Akinyi, MP            |   |                   |
| 6. Hon. Eng. Nzengu Paul Musyimi, MP      |   |                   |
| 7. Hon. Eng. Tandaza Kassim Sawa, MP      |   |                   |
| 8. Hon. Were Charles Ong'ondo, MP         |   |                   |
| 9. Hon. Gachagua George, MP               |   |                   |
| 10. Hon. Eng. Nebart Bernard Muriuki, MP  |   |                   |
| 11. Hon. Eng. Muiruri Muthama Stanley, MP |   |                   |
| 12. Hon. Mnyazi Amina Laura, MP           |   |                   |

**APOLOGIES**

1. Hon. Eric Wamumbi, MP
2. Hon. Dorothy Muthoni Ikiara, MP
3. Hon. Adow Mohamed Aden, MP

**IN- ATTENDANCE – NATIONAL ASSEMBLY  
COMMITTEE SECRETARIAT**

- |                         |                             |
|-------------------------|-----------------------------|
| 1. Mr. Nicodemus Maluki | First Clerk Assistant       |
| 2. Ms. Ivy Kageha       | Third Clerk Assistant       |
| 3. Dr. Benjamin Ng'imor | Principal Fiscal Analyst    |
| 4. Ms. Lynette Otieno   | Senior Legal Counsel        |
| 5. Mr. Eugene Apaa      | Research Officer II         |
| 6. Ms. Fridah Ngari     | Media Relations Officer III |
| 7. Ms. Joyce Wachera    | Hansard Officer II          |
| 8. Mr. Eugene Luteshi   | Audio Assistant Officer     |
| 9. Mr. Allan Gituku     | Sergeant-at-Arms            |

**MIN.NO.DC/ BEW&I/011/2025: PRELIMINARIES**

The Chairperson called the meeting to order at thirty minutes past ten o'clock and prayed. He thereafter requested all present to make a self- introduction.

## **AGENDA:**

The agenda of the meeting was presented as follows:

1. Prayers
2. Preliminaries/Introductions
  - i. Adoption of the Agenda
  - ii. Remarks by the Chairperson
3. Confirmation of Minutes/Matters Arising
4. **Agenda: Consideration of the Legal and Policy briefs on the Sessional Paper No. 7 of 2024 on National Sanitation Management Policy.**
5. Any other Business
6. Adjournment/Date of the next meeting

### **MIN.NO.DC/ BEW&I/012/2025: ADOPTION OF THE AGENDA**

The Committee adopted the agenda of the day having been proposed and seconded by the Hon. Mnyazi Amina Laura, MP and the Hon. Eng. Nebart Bernard Muriuki, MP respectively.

### **MIN.NO.DC/ BEW&I/013/2025: CONFIRMATION OF MINUTES OF THE PREVIOUS MEETING**

This agenda item was deferred to the next sitting.

### **MIN.NO.DC/ BEW&I/014/2025: CONSIDERATION OF THE LEGAL AND POLICY BRIEFS ON THE SESSIONAL PAPER NO. 7 OF 2024 ON NATIONAL SANITATION MANAGEMENT POLICY**

#### **A. POLICY/ RESEARCH BRIEF**

The Research Officer briefed the Committee on policy issues around the Sessional Paper No. 7 of 2024 on National Sanitation Management Policy as follows:

##### **a. Background**

1. Kenya has constitutional provisions and guarantees on sanitation and a clean and healthy environment. However, the country lacks an overarching and enabling policy framework with a set of coherent normative principles for sanitation management, service provision, coordination, financing, investment, and regulation.
2. In the past, the Ministry of Water, Sanitation and Irrigation has tended to consider sanitation within the other policies which historically resulted in sanitation receiving little or no attention in terms of priority, investment and development within the sector. For instance, at the national level, the institutional arrangements for Water, Sanitation and Hygiene (WASH) include ministries, departments, and agencies, including the ministries of Health, Water and Sanitation, and Environment, the Water Works Development Agencies (WWDAs), Water Services Regulatory Board (WASREB), National Environment Management Authority (NEMA), development partners and non- state actors such as NGOs and private sector actors.
3. Currently, in Kenya, less than a third of the population have access to proper sanitation whereas only 40 percent of Nairobi residents are connected to a proper sewerage system with the upsurge of many high-rise developments.
4. Additionally, the rise in population growth in most cities has resulted to poor urban dwellers resorting to living in informal or low-income settlements where there is little or no sanitation. As a result, the poor infrastructure, hazardous living conditions

amongst communities and overcrowding have exacerbated the sanitation crisis in those areas.

## **b. Objective of the Policy**

5. The overall objective of the policy is to provide a framework that is dynamic, innovative and effective for re-engineering the sanitation sector. The specific objectives of the policy are to: -
  - i. To promote innovative and climate-resilient sanitation systems that are appropriate and adaptable to diverse rural, urban and humanitarian settings.
  - ii. To accelerate access to safely managed sewerage sanitation services across the service chain.
  - iii. To eradicate open defecation and accelerate access to safely managed non-sewered sanitation services across the service chain for all.
  - iv. 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.
  - v. To promote sanitation and hygiene behaviour change and ensure sustainable uptake of safely managed sanitation services across the service chain at all levels.
  - vi. To strengthen institutional, governance and regulatory framework and human resources capacity for sanitation at all levels.
  - vii. To strengthen sustainable sanitation financing and public private partnerships in line with national and international sanitation financing commitments.
  - viii. To strengthen sanitation research, monitoring and evaluation to promote evidence-based decision-making and innovation.
6. The policy encompasses both non-sewered and sewerage sanitation systems and associated services that safely manage excreta and wastewater from source to treatment and safe disposal or reuse. It covers all settlement types and settings at various levels including urban, rural, household, institutional, trade, public and emergency and disaster settings.
7. 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.
8. The goal of the Policy is to end open defecation and ensuring access to safely managed sanitation for all by 2030 and beyond, and to improve health and quality of life for all, and to secure a clean, healthy and economically prosperous nation.

## **c. Situational Analysis**

9. Article 43(1) of the Constitution provides for the right to reasonable standard of sanitation and clean, safe water; and Article 42 guarantees the right to a protected, healthy environment. The Kenya Vision 2030 has a target of 80% sewerage coverage by 2030.
10. Inadequate access to clean water and sanitation is a major health risk in Kenya, with only about 30 per cent of the Kenyan population having access to basic sanitation services. The 2019 Kenya Population and Housing Census found a sewerage coverage of 9.7 per cent. The Water Services Regulatory Board Impact Report 2020, found that sewerage services are only available in 35 urban centers spread across 23 counties; with the rest relying on onsite sanitation methods to manage fecal matter and wastewater.

11. This means the country is off-track in target 6.2 of the **Sustainable Development Goals**, which calls for the tracking of “adequate and equitable sanitation for all” through the indicator of safely managed sanitation services.
12. Lack of sanitation services precipitates health, economic, and social effects. Poor hygiene and sanitation continue to expose over half of the population to risk of ill health. Children are severely affected by diarrhea and stunting linked to these issues. Pregnant women, elderly and those with compromised immune systems are also vulnerable to illnesses from insanitary environment.
13. Poverty, urbanization, governance issues, geography and climate change have been identified as barriers to the implementation of WASH services.

### **Policy Framework**

14. The Kenya Environmental Sanitation and Hygiene Policy (2016-2030) aims to make Kenya Open Defecation Free by 2030. The National Environmental Policy (2013) seeks to improve the management and conservation of water supply sources. The Menstrual Hygiene Policy (2019-2030) provides a reference to all public and private agencies that are working towards ensuring that all women and girls in Kenya manage menstruation.

### **Legal Framework for Sanitation**

15. The legal framework of sanitation is found in various legislation. The Water Act of 2016, Health Act of 2017, Public Health Act Cap 242; 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 & Chemical Substances Act and the Public-Private Partnerships Act.
16. It is notable that the legal framework is fragmented in these many legal instruments and most of them are only ancillary to sanitation. Thus, despite the Constitutional provisions on sanitation and healthy environment, a unified statutory framework for sanitation management, service provision, coordination, financing, investment and regulation is lacking.

### **Institutional Framework for Sanitation.**

17. Whereas the National government is responsible for policy, investment; capacity building and technical assistance to counties, the county governments are responsible for sanitation services.
18. Sanitation Policy is handled by three Ministries. The Ministry of Water, Sanitation and Irrigation is responsible for the development of policies, strategies and investment planning for urban water and sewerage. Under this Ministry, The Water Services Regulatory Board is responsible for regulating the provision of water and sewerage services.
19. The Ministry of Environment and Natural Resources through the National Environment Management Authority (NEMA) is responsible for enforcing compliance with standards for collection, transportation, treatment, disposal and recycling of wastes
20. The Ministry of Health plays a role in the development of rural water, sanitation and hygiene strategy. The Public Health Department is responsible for enforcing and ensuring compliance with the laws and standards relating to protection of public health.

21. Further, the Water Act (2016) also requires Water Services Providers (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.
22. 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.

### **Funding of Sanitation Services**

23. The Water Sector Trust Fund is mostly dependent on donor loans; with the government annual budget allocation for sanitation estimated at 0.2 per cent. Investments in sanitation for low-income areas and the rural arid and semi areas are almost entirely donor-funded through NGOs.
24. The National Water Master Plan 2030 estimates that about KES 100 billion is required for sewerage development to meet the 100 per cent coverage target of achieving safely managed WASH services for all Kenyans by 2030 yet for example only KES 40 billion was availed in 2018.

### **d. Comparative Analysis**

#### **Global Practice**

25. Sanitation management practices vary around the world, but several countries have developed innovative and effective systems for managing wastes to ensure clean water, sanitation, and hygiene for their populations. Around the world, countries that have achieved considerable gains in advancing the sanitation management thrived on an enabling environment characterized by enactment of legislative instruments prioritizing sanitation, a robust regulatory regime; and establishing institutional arrangements and coordinate mechanisms among stakeholders, where functions and responsibilities are clear-cut and delineated. Here are some best practices from different countries:

#### **Japan**

26. Sanitation management in Japan is highly regulated. Some of the laws that have contributed to Japan's sanitation management include; the Waste Cleaning Act, 1900, the Local Government Act of 1952, the Sewerage Law of 1970, the Waste Management and Public Cleaning Law of 1970 and the Johkasou Law of 1983.
27. The Country's approach to sanitation is deeply embedded in its culture of hygiene and public health. It has implemented high-tech toilets, widespread waste recycling, and advanced wastewater treatment systems to maintain cleanliness. While the Ministry of Land, Infrastructure, Transport, and Tourism (MLIT) manages offsite sanitation (sewerage and wastewater management), the Ministry of the Environment (MOE) handles onsite sanitation.
28. The Waste Management and Public Cleaning Law mandates local governments to create a Household Wastewater Treatment Plan for their municipalities, including maintaining a Sludge Disposal Plan. Sludge treatment facilities are constructed, operated, and maintained by municipalities and cities.
29. Key Features in the Country's Sanitation management include the use of advanced technology in toilets, such as bidets, that reduce water usage and improve hygiene; wastewater treatment plants that focus on resource recovery (e.g., generating energy

- from wastewater treatment) and the strong cultural emphasis on personal hygiene and public cleanliness.
30. Some of the challenges facing Japan's Sanitation management include the declining government investment, aging facilities and workforce, fragmentation of service provision, processing electronic waste and the debris left after natural disasters

#### **Rwanda**

31. Rwanda has made significant strides in sanitation management in recent years as part of its broader commitment to public health and sustainable development. The government has developed various policies, strategies, and regulations to improve sanitation and hygiene across the country. Here are some key aspects of sanitation management policies in Rwanda:
32. Rwanda's National Sanitation Policy outlines the government's commitment to improving sanitation and hygiene standards. The policy covers a wider scope encompassing urban storm water management, fecal sludge management along the entire value chain, solid waste management, electric and electronic waste, industrial waste, healthcare waste, nuclear/radioactive waste and hazardous waste, and developing the sub sectors institutional and capacity building framework. As part of its long-term development strategy, Rwanda Vision 2050 emphasizes the importance of sanitation and hygiene in fostering economic growth and public health. The vision includes plans for urbanization and infrastructure development, addressing sanitation as a critical component.
33. The 7-Year Government Program (2020-2027), focuses on enhancing public infrastructure, including sanitation facilities. It includes objectives to increase access to clean water and proper sanitation in both urban and rural areas. The Country promotes decentralized sanitation management, empowering local governments and communities to take charge of sanitation services in their areas. This involves building the capacity of local authorities to manage sanitation facilities effectively and sustainably.

#### **e. Observation**

34. 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. There is need for enactment of substantive legislative framework specifically for the sanitation sector.
35. There should be clarity in role between the National government, County governments and all other stakeholders in the sector.

#### **B. LEGAL BRIEF**

The Legal Counsel briefed the Committee on the Legal provisions of the Sessional Paper No. 7 of 2024 on National Sanitation Management Policy as follows:

#### **Introduction**

1. The brief was guided by the Constitution which empowers Parliament to make provisions having the force of law in Kenya and the Interpretation and General Provisions Act, Cap 2 of the Laws of Kenya which provides for construction, application and interpretation of statutes.

2. Sessional Paper No.7 Of 2024 on National Sanitation Management Policy aims to provide an inclusive overarching framework that will advance efforts by the Government towards ensuring access to safely managed sanitation for all by 2030.
3. The development of a national policy for sanitation management recognizes the guaranteed constitutional right to reasonable standards of sanitation as well as the devolved system of governance and the division of functions between national and county governments under the Fourth Schedule of the Constitution of Kenya.
4. Article 43(1) (b) of the Constitution provides that-
 

*Economic and social rights*

43. (1) Every person has the right—

...

(b) to accessible and adequate housing, and to reasonable standards of sanitation;
5. Whereas paragraph 11(b) of Part 2 of the Fourth Schedule to constitution provides that *County public works and services including water and sanitation services* is a function of County Governments.

### Legal and Regulatory Framework on Sanitation

6. The Water Act, Cap.372 provides for the **regulation, management and development of water resources, water and sewerage services**. The Act defines sewerage services as *“the development and management of infrastructure for transport, storage, treatment wastewater originating from centralized and decentralized systems but shall not include household sanitation facilities,”*.
7. The Water Act provides that a Water Services Strategy must be formulated every year, with public participation. The strategy must contain, among other things, *“the number and location of people who are not provided with a basic water supply and basic sewerage services.* However, the focus of the strategy is primarily on water rather than sanitation.
8. Regarding regulation, the Water Act establishes the Water Services Regulatory Board (WASREB) *“whose main objective is to protect the interests and rights of consumers in the provision of water services,”*. The powers and functions of WASREB include to *“evaluate and recommend water and sewerage tariffs to the county water service providers...,”* and *“report annually to the public on issues of water supply and sewerage services...,”*
9. The Water Act also establishes the Water Sector Trust Fund whose objective *“is to provide conditional and unconditional grants to counties, in addition to the Equalization Fund and to assist in financing the development and management of water services in marginalized areas...,”*
10. The Act also establishes Water Works Development agencies whose responsibilities is to provide water and sanitation services to county governments.
11. The Public Health Act, Cap 242, **makes provision for securing and maintaining health standards** it covers sanitation issues in the section such as nuisances. Nuisances include any *“...water-closet, earth- closet, privy, urinal, cesspool, soak-away pit, septic tank, cesspit, soil-pipe, waste-pipe, drain sewer... so foul or in such a state or so situated or constructed as in the opinion of a medical office of health to be offensive or to be injurious or dangerous to health,”* Wastewater flowing into public streets is also considered a nuisance in the act. The Act also provides for building standards regarding sanitation and notes *“for regulating private sewers and communications between drains and sewers and between sewers,”*
12. Whereas the County Governments Act, 2012 does not specifically mention sanitation, it does make provision of basic services, which, in accordance with the Constitution 2010, includes sanitation.
13. The Environmental Management and Co-ordination Act, Cap.387 provides guidance for effluents to be discharged in sewage systems from trade or industrial use. It also covers

- the issue of licensing of effluent discharge, monitoring quality of effluent and application of polluter pays principle and the penalties thereto.
14. The National Sanitation Management Policy in its implementation seeks to focus on the following key areas-
- (i) resilient and innovative sanitation system and technologies;
  - (ii) safely managed sewerage and wastewater management services;
  - (iii) safely managed non-sewered (onsite) sanitation services
  - (iv) inclusive sanitation management in institutional, public, commercial settings;
  - (v) sanitation and hygiene education and behavior change;
  - (vi) sanitation governance, management and regulation
  - (vii) sustainable sanitation financing and public-private partnerships; and
  - (viii) sanitation research, monitoring and evaluation.

### Legal Reforms

15. The policy indicates that these focus areas (measures and strategies) shall be implemented through instruments and county level laws, regulations, policy guidelines, standards, plans and programs.
16. The policy observes that despite the requirement of a strong and robust legal regime to bring the constitutional provisions on the right to sanitation and a clean and healthy environment and devolution of sanitation services, the existing legal and regulatory environment for sanitation **remains fragmented** with sanitation related laws scattered in various legal instruments - most of which are only ancillary to sanitation.
17. In this regard, the policy concludes there is no coherent legislative and regulatory framework defining a set of normative principles and institutional and regulatory structures for sanitation that reflect the current developments in the international, constitutional and policy spheres. Subsequently the policy proposes for the **Environmental Health and Sanitation Bill, 2020** to address this challenge.
18. We observe that a Sustainable Waste Management Act, Cap. 387C was enacted in 2023 that establishes the legal and institutional framework for the sustainable management of waste; ensure the realisation of the constitutional provision on the right to a clean and healthy environment. The Act establishes a Waste Management Council whose role amongst others is to enhance inclusive inter-governmental coordination for sustainable waste management and review progress in implementation of the national sustainable waste management strategy.
19. We note sanitation is closely related to waste management. However, the policy makes no reference to the provisions of the Sustainable Waste Management Act, Cap. 387C. In view of this, there may be need to ensure the provisions of the proposed **Environmental Health and Sanitation Bill, 2020**-
- (i) takes into consideration all existing legislation;
  - (ii) its provisions do not conflict or duplicate roles of existing bodies; and
  - (iii) relevant consequential amendments are affected to avoid conflict laws that may hinder implementation of its provisions if enacted.

### C. COMMITTEE OBSERVATIONS

The Committee observed as follows:

- i. That a Memoranda was received from African Population and Health Research Center (APHRC) on Friday 20<sup>th</sup> December, 2024.

- ii. That there are existing legal frameworks on sanitation management found in various legislation. This may cause a duplication of roles that may hinder implementation of its provisions if enacted.
- iii. That the policy makes no reference to the provisions of the Sustainable Waste Management Act, Cap. 387C. In view of this, there may be need to ensure the provisions of the proposed **Environmental Health and Sanitation Bill, 2020** by the ministry.

**D. COMMITTEE RESOLUTIONS**

The Committee made the following resolutions:

- i. To request for additional information on the proposed **Environmental Health and Sanitation Bill, 2020** from the relevant Ministry.
- ii.
- iii. To identify and invite all the relevant stakeholders as they undertake public participation on the sessional paper.

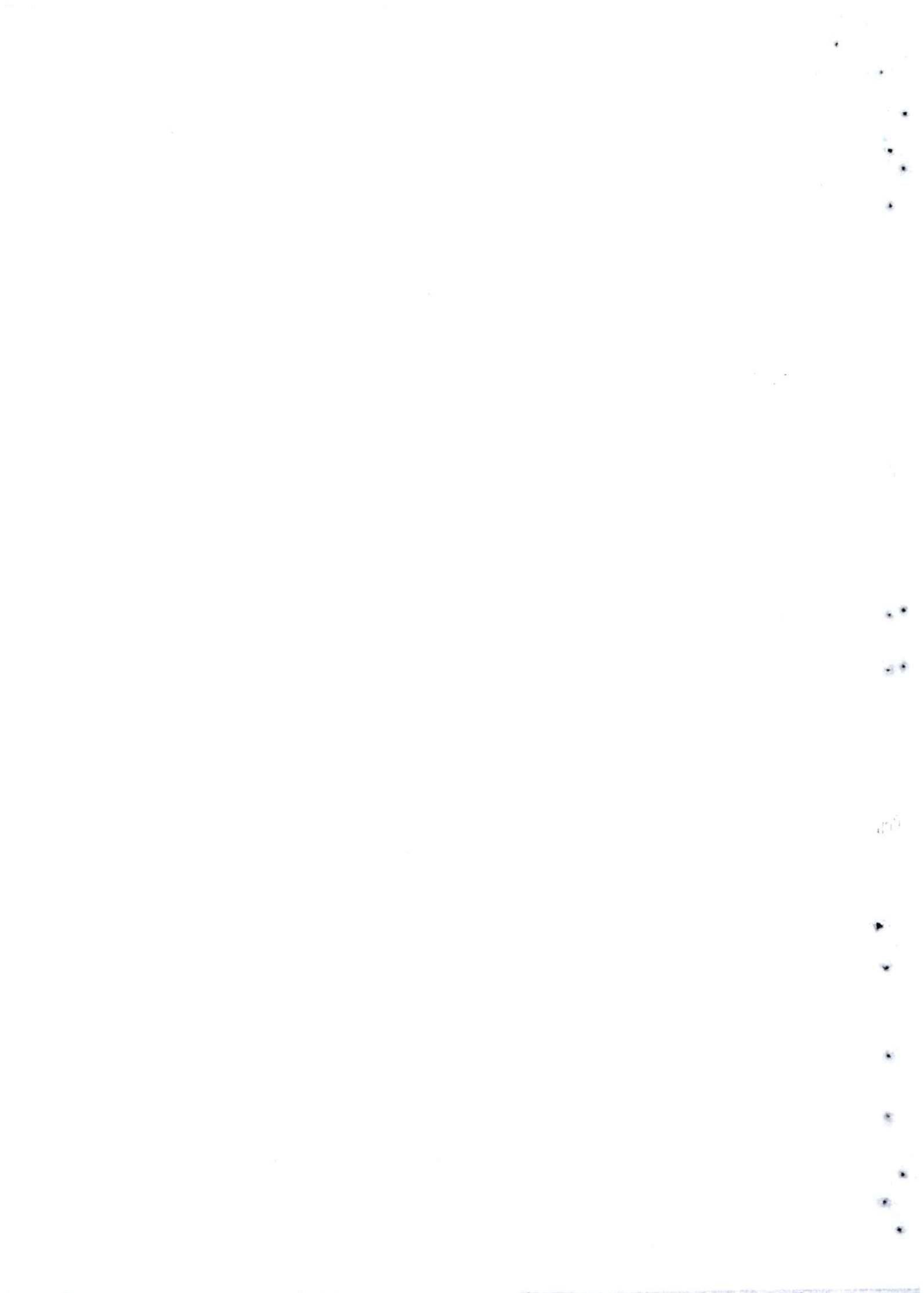
**MIN.NO.DC/ BEW&I/015/2025: ADJOURNMENT**

There being no other business, the Chairperson adjourned the meeting at forty- seven minutes past twelve o'clock. The next meeting will be held on notice.

Signed.....  


**HON. BOWEN DAVID KANGOGO, MP  
 (CHAIRPERSON)**

Date.....  
 20/2/2025





## THIRTEENTH PARLIAMENT - THIRD SESSION (2024) THE NATIONAL ASSEMBLY

### IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION AND

### IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF SESSIONAL PAPER NO. 7 OF 2024 ON THE NATIONAL SANITATION MANAGEMENT POLICY

#### INVITATION TO SUBMIT MEMORANDA

**WHEREAS**, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

**AND WHEREAS** Sessional Paper No. 7 of 2024 on the *National Sanitation Management Policy* was submitted to the National Assembly and referred to the Departmental Committee on Blue Economy, Water and Irrigation for consideration and reporting to the House;

**IT IS NOTIFIED that Sessional Paper No. 7 of 2024 on the National Sanitation Management Policy** seeks to accelerate access to affordable safely managed sanitation services for improved health. The specific objectives of the Policy are to—

- (1) Promote innovative and climate-resilient sanitation systems;
- (2) Accelerate access to safely managed sewerage sanitation services;
- (3) Eradicate open defecation and accelerate access to safely managed, non-sewered sanitation services;
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- (8) Strengthen sanitation research, monitoring, and evaluation to promote evidence-based decision-making and innovation.

**NOW THEREFORE**, in compliance with Article 118(1)(b) of the Constitution, the Clerk of the National Assembly hereby invites the public to submit memoranda on the Sessional Paper to the **Departmental Committee on Blue Economy, Water and Irrigation**.

Copies of the Sessional Paper are available at the National Assembly Table Office, Main Parliament Buildings and on [www.parliament.go.ke](http://www.parliament.go.ke).

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to [cn@parliament.go.ke](mailto:cn@parliament.go.ke) to be received on or before Friday, 20<sup>th</sup> December 2024 at 5.00 p.m.

**S. NJOROGE, CBS**  
**CLERK OF THE NATIONAL ASSEMBLY**  
5<sup>th</sup> December, 2024

*"For the Welfare of Society and the just Government of the People"*

# LEGAL BRIEF

REPUBLIC OF KENYA



DIRECTORATE OF LEGAL SERVICES

THE NATIONAL ASSEMBLY

SUBMITTED TO: DEPARTMENTAL COMMITTEE ON  
BLUE ECONOMY, WATER AND IRRIGATION ON  
SESSIONAL PAPER NO.7 OF 2024 ON NATIONAL  
SANITATION MANAGEMENT POLICY

DATE: 13<sup>TH</sup> FEBRUARY 2025

**BRIEF ON THE CONSIDERATION  
OF SESSIONAL PAPER NO.7 OF 2024 ON NATIONAL SANITATION  
MANAGEMENT POLICY**

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**1. INTRODUCTION**

- 1) This brief is guided by the Constitution which empowers Parliament to make provisions having the force of law in Kenya and the Interpretation and General Provisions Act, Cap 2 of the Laws of Kenya which provides for construction, application and interpretation of statutes.
- 2) Sessional Paper No.7 Of 2024 on National Sanitation Management Policy aims to provide an inclusive overarching framework that will advance efforts by the Government towards ensuring access to safely managed sanitation for all by 2030.
- 3) The development of a national policy for sanitation management recognizes the guaranteed constitutional right to reasonable standards of sanitation as well as the devolved system of governance and the division of functions between national and county governments under the Fourth Schedule of the Constitution of Kenya.
- 4) Article 43(1) (b) of the Constitution provides that-

*Economic and social rights*

*43. (1) Every person has the right—*

*...*

*(b) to accessible and adequate housing, and to reasonable standards of sanitation;*

- 5) Whereas paragraph 11(b) of Part 2 of the Fourth Schedule to constitution provides that *County public works and services including water and sanitation services* is a function of County Governments.

**Legal and Regulatory Framework on Sanitation**

- 6) The Water Act, Cap.372 **provides for the regulation, management and development of water resources, water and sewerage services.** The Act defines sewerage services as *“the development and management of infrastructure for transport, storage, treatment wastewater originating from centralized and decentralized systems but shall not include household sanitation facilities,”*.
- 7) The Water Act provides that a Water Services Strategy must be formulated every year, with public participation. The strategy must contain, among other things, *“the number and location of people who are not provided with a basic water supply and basic sewerage services.* However, the focus of the strategy is primarily on water rather than sanitation.
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- 12) Whereas the County Governments Act, 2012 does not specifically mention sanitation, it does make provision of basic services, which, in accordance with the Constitution 2010, includes sanitation.
- 13) The Environmental Management and Co-ordination Act, Cap.387 provides guidance for effluents to be discharged in sewage systems from trade or industrial use. It also covers the issue of licensing of effluent discharge, monitoring quality of effluent and application of polluter pays principle and the penalties thereto.
- 14) The National Sanitation Management Policy in its implementation seeks to focus on the following key areas-
- (i) resilient and innovative sanitation system and technologies;
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- (v) sanitation and hygiene education and behavior change;
- (vi) sanitation governance, amangement and regulation
- (vii) sustainable sanaitation financing and public-private partnerships; and
- (viii) sanitation research, monitoring and evaluation.

### **Legal Reforms**

- 15) The policy indicates that these focus areas (measures and strategies) shall be implemented through instruments and county level laws, regulations, policy guidelines, standards, plans and programs.
- 16) The policy observes that despite the requirement of a strong and robust legal regime to bring the constitutional provisions on the right to sanitation and a clean and healthy environment and devolution of sanitation services, the existing legal and regulatory environment for sanitation **remains fragmented** with sanitation related laws scattered in various legal instruments - most of which are only ancillary to sanitation.
- 17) In this regard, the policy concludes there is no coherent legislative and regulatory framework defining a set of normative principles and institutional and regulatory structures for sanitation that reflect the current developments in the international, constitutional and policy spheres. Subsequently the policy proposes for the **Environmental Health and Sanitation Bill, 2020** to address this challenge.
- 18) We observe that a Sustainable Waste Management Act, Cap. 387C was enacted in 2023 that establishes the legal and institutional framework for the sustainable management of waste; ensure the realisation of the constitutional provision on the right to a clean and healthy environment. The Act establishes a Waste Management Council whose role amongst others is to enhance inclusive inter-governmental coordination for sustainable waste management and

review progress in implementation of the national sustainable waste management strategy.

19) We note sanitation is closely related to waste management. However, the policy makes no reference to the provisions of the Sustainable Waste Management Act, Cap. 387C. In view of this, there may be need to ensure the provisions of the proposed **Environmental Health and Sanitation Bill,2020-**

- (i) takes into consideration all existing legislation;
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- (iii) relevant consequential amendments are affected to avoid conflict laws that may hinder implementation of its provisions if enacted.

# **RESEARCH BRIEF**



# PARLIAMENTARY RESEARCH SERVICES

THE NATIONAL ASSEMBLY  
THE THIRTEENTH PARLIAMENT  
DEPARTMENTAL COMMITTEE ON BLUE ECONOMY, WATER AND  
IRRIGATION

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BRIEF ON SESSIONAL PAPER NO 7 OF 2024 ON NATIONAL SANITATION  
MANAGEMENT POLICY

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## A. BACKGROUND

1. Kenya has constitutional provisions and guarantees on sanitation and a clean and healthy environment. However, the country lacks an overarching and enabling policy framework with a set of coherent normative principles for sanitation management, service provision, coordination, financing, investment, and regulation.
2. In the past, the Ministry of Water, Sanitation and Irrigation has tended to consider sanitation within the other policies which historically resulted in sanitation receiving little or no attention in terms of priority, investment and development within the sector. For instance, at the national level, the institutional arrangements for Water, Sanitation and Hygiene (WASH) include ministries, departments, and agencies, including the ministries of Health, Water and Sanitation, and Environment, the Water Works Development Agencies (WWDAs), Water Services Regulatory Board (WASREB), National Environment Management Authority (NEMA), development partners and non-state actors such as NGOs and private sector actors.
3. Currently, in Kenya, less than a third of the population have access to proper sanitation whereas only 40 percent of Nairobi residents are connected to a proper sewerage system with the upsurge of many high-rise developments.



4. Additionally, the rise in population growth in most cities has resulted to poor urban dwellers resorting to living in informal or low-income settlements where there is little or no sanitation. As a result, the poor infrastructure, hazardous living conditions amongst communities and overcrowding have exacerbated the sanitation crisis in those areas.

## **B. OBJECTIVE OF THE POLICY**

5. The overall objective of the policy is to provide a framework that is dynamic, innovative and effective for re-engineering the sanitation sector. The specific objectives of the policy are to: -
  - i. To promote innovative and climate-resilient sanitation systems that are appropriate and adaptable to diverse rural, urban and humanitarian settings.
  - ii. To accelerate access to safely managed sewerage sanitation services across the service chain.
  - iii. To eradicate open defecation and accelerate access to safely managed non-sewered sanitation services across the service chain for all.
  - iv. 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.
  - v. To promote sanitation and hygiene behaviour change and ensure sustainable uptake of safely managed sanitation services across the service chain at all levels.
  - vi. To strengthen institutional, governance and regulatory framework and human resources capacity for sanitation at all levels.
  - vii. To strengthen sustainable sanitation financing and public private partnerships in line with national and international sanitation financing commitments.
  - viii. To strengthen sanitation research, monitoring and evaluation to promote evidence-based decision-making and innovation.
6. The policy encompasses both non-sewered and sewerage sanitation systems and associated services that safely manage excreta and wastewater from source to treatment and safe disposal or reuse. It covers all settlement types and settings at



various levels including urban, rural, household, institutional, trade, public and emergency and disaster settings.

7. 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.
8. The goal of the Policy is to end open defecation and ensuring access to safely managed sanitation for all by 2030 and beyond, and to improve health and quality of life for all, and to secure a clean, healthy and economically prosperous nation.

### C. SITUATIONAL ANALYSIS

9. Article 43(1) of the Constitution provides for the right to reasonable standard of sanitation and clean, safe water; and Article 42 guarantees the right to a protected, healthy environment. The Kenya Vision 2030 has a target of 80% sewerage coverage by 2030.
10. Inadequate access to clean water and sanitation is a major health risk in Kenya, with only about 30 per cent of the Kenyan population having access to basic sanitation services. The 2019 Kenya Population and Housing Census found a sewerage coverage of 9.7 per cent. The Water Services Regulatory Board Impact Report 2020, found that sewerage services are only available in 35 urban centers spread across 23 counties; with the rest relying on onsite sanitation methods to manage fecal matter and wastewater.
11. This means the country is off-track in target 6.2 of the **Sustainable Development Goals**, which calls for the tracking of “adequate and equitable sanitation for all” through the indicator of safely managed sanitation services.
12. Lack of sanitation services precipitates health, economic, and social effects. Poor hygiene and sanitation continue to expose over half of the population to risk of ill-health. Children are severely affected by diarrhea and stunting linked to these issues. Pregnant women, elderly and those with compromised immune systems are also vulnerable to illnesses from insanitary environment.
13. Poverty, urbanization, governance issues, geography and climate change have been identified as barriers to the implementation of WASH services.



### **Policy Framework**

14. The Kenya Environmental Sanitation and Hygiene Policy (2016-2030) aims to make Kenya Open Defecation Free by 2030. The National Environmental Policy (2013) seeks to improve the management and conservation of water supply sources. The Menstrual Hygiene Policy (2019-2030) provides a reference to all public and private agencies that are working towards ensuring that all women and girls in Kenya manage menstruation.

### **Legal Framework for Sanitation**

15. The legal framework of sanitation is found in various legislation. The Water Act of 2016, Health Act of 2017, Public Health Act Cap 242; 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 & Chemical Substances Act and the Public-Private Partnerships Act.
16. It is notable that the legal framework is fragmented in these many legal instruments and most of them are only ancillary to sanitation. Thus, despite the Constitutional provisions on sanitation and healthy environment, a unified statutory framework for sanitation management, service provision, coordination, financing, investment and regulation is lacking.

### **Institutional Framework for Sanitation.**

17. Whereas the National government is responsible for policy, investment; capacity building and technical assistance to counties, the county governments are responsible for sanitation services.
18. Sanitation Policy is handled by three Ministries. The Ministry of Water, Sanitation and Irrigation is responsible for the development of policies, strategies and investment planning for urban water and sewerage. Under this Ministry, The Water Services Regulatory Board is responsible for regulating the provision of water and sewerage services.
19. The Ministry of Environment and Natural Resources through the National Environment Management Authority (NEMA) is responsible for enforcing

compliance with standards for collection, transportation, treatment, disposal and recycling of wastes

20. The Ministry of Health plays a role in the development of rural water, sanitation and hygiene strategy. The Public Health Department is responsible for enforcing and ensuring compliance with the laws and standards relating to protection of public health.
21. Further, the Water Act (2016) also requires Water Services Providers (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.
22. 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.

#### **Funding of Sanitation Services**

23. The Water Sector Trust Fund is mostly dependent on donor loans; with the government annual budget allocation for sanitation estimated at 0.2 per cent. Investments in sanitation for low-income areas and the rural arid and semi areas are almost entirely donor-funded through NGOs.
24. The National Water Master Plan 2030 estimates that about KES 100 billion is required for sewerage development to meet the 100 per cent coverage target of achieving safely managed WASH services for all Kenyans by 2030 yet for example only KES 40 billion was availed in 2018. *per annum*

### **D. COMPARATIVE ANALYSIS**

#### **Global Practice**

37. Sanitation management practices vary around the world, but several countries have developed innovative and effective systems for managing wastes to ensure clean water, sanitation, and hygiene for their populations. Around the world, countries that have achieved considerable gains in advancing the sanitation management thrived on an enabling environment characterized by enactment of



legislative instruments prioritizing sanitation, a robust regulatory regime; and establishing institutional arrangements and coordinate mechanisms among stakeholders, where functions and responsibilities are clear-cut and delineated. Here are some best practices from different countries:

### **Japan**

38. Sanitation management in Japan is highly regulated. Some of the laws that have contributed to Japan's sanitation management include; the Waste Cleaning Act, 1900, the Local Government Act of 1952, the Sewerage Law of 1970, the Waste Management and Public Cleaning Law of 1970 and the Johkasou Law of 1983.
39. The Country's approach to sanitation is deeply embedded in its culture of hygiene and public health. It has implemented high-tech toilets, widespread waste recycling, and advanced wastewater treatment systems to maintain cleanliness. While the Ministry of Land, Infrastructure, Transport, and Tourism (MLIT) manages offsite sanitation (sewerage and wastewater management), the Ministry of the Environment (MOE) handles onsite sanitation.
40. The Waste Management and Public Cleaning Law mandates local governments to create a Household Wastewater Treatment Plan for their municipalities, including maintaining a Sludge Disposal Plan. Sludge treatment facilities are constructed, operated, and maintained by municipalities and cities.
42. Key Features in the Country's Sanitation management include the use of advanced technology in toilets, such as bidets, that reduce water usage and improve hygiene; wastewater treatment plants that focus on resource recovery (e.g., generating energy from wastewater treatment) and the strong cultural emphasis on personal hygiene and public cleanliness.
43. Some of the challenges facing Japan's Sanitation management include the declining government investment, aging facilities and workforce, fragmentation of service provision, processing electronic waste and the debris left after natural disasters

### **Rwanda**

46. Rwanda has made significant strides in sanitation management in recent years as part of its broader commitment to public health and sustainable development.



The government has developed various policies, strategies, and regulations to improve sanitation and hygiene across the country. Here are some key aspects of sanitation management policies in Rwanda:

47. Rwanda's National Sanitation Policy outlines the government's commitment to improving sanitation and hygiene standards. The policy covers a wider scope encompassing urban storm water management, fecal sludge management along the entire value chain, solid waste management, electric and electronic waste, industrial waste, healthcare waste, nuclear/radioactive waste and hazardous waste, and developing the sub sectors institutional and capacity building framework. As part of its long-term development strategy, Rwanda Vision 2050 emphasizes the importance of sanitation and hygiene in fostering economic growth and public health. The vision includes plans for urbanization and infrastructure development, addressing sanitation as a critical component.
48. The 7-Year Government Program (2020-2027), focuses on enhancing public infrastructure, including sanitation facilities. It includes objectives to increase access to clean water and proper sanitation in both urban and rural areas. The Country promotes decentralized sanitation management, empowering local governments and communities to take charge of sanitation services in their areas. This involves building the capacity of local authorities to manage sanitation facilities effectively and sustainably.

#### **E. OBSERVATION**

55. 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. There is need for enactment of substantive legislative framework specifically for the sanitation sector.
56. There should be clarity in role between the National government, County governments and all other stakeholders in the sector.



REPUBLIC OF KENYA



DIRECTORATE OF LEGAL SERVICES

THE NATIONAL ASSEMBLY

SUBMITTED TO: DEPARTMENTAL COMMITTEE ON  
BLUE ECONOMY, WATER AND IRRIGATION ON  
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- (8)** Strengthen sanitation research, monitoring, and evaluation to promote evidence-based decision-making and innovation.

**NOW THEREFORE**, in compliance with Article 118(1)(b) of the Constitution, the Clerk of the National Assembly hereby invites the public to submit memoranda on the Sessional Paper to the **Departmental Committee on Blue Economy, Water and Irrigation**.

Copies of the Sessional Paper are available at the National Assembly Table Office, Main Parliament Buildings and on [www.parliament.go.ke](http://www.parliament.go.ke).

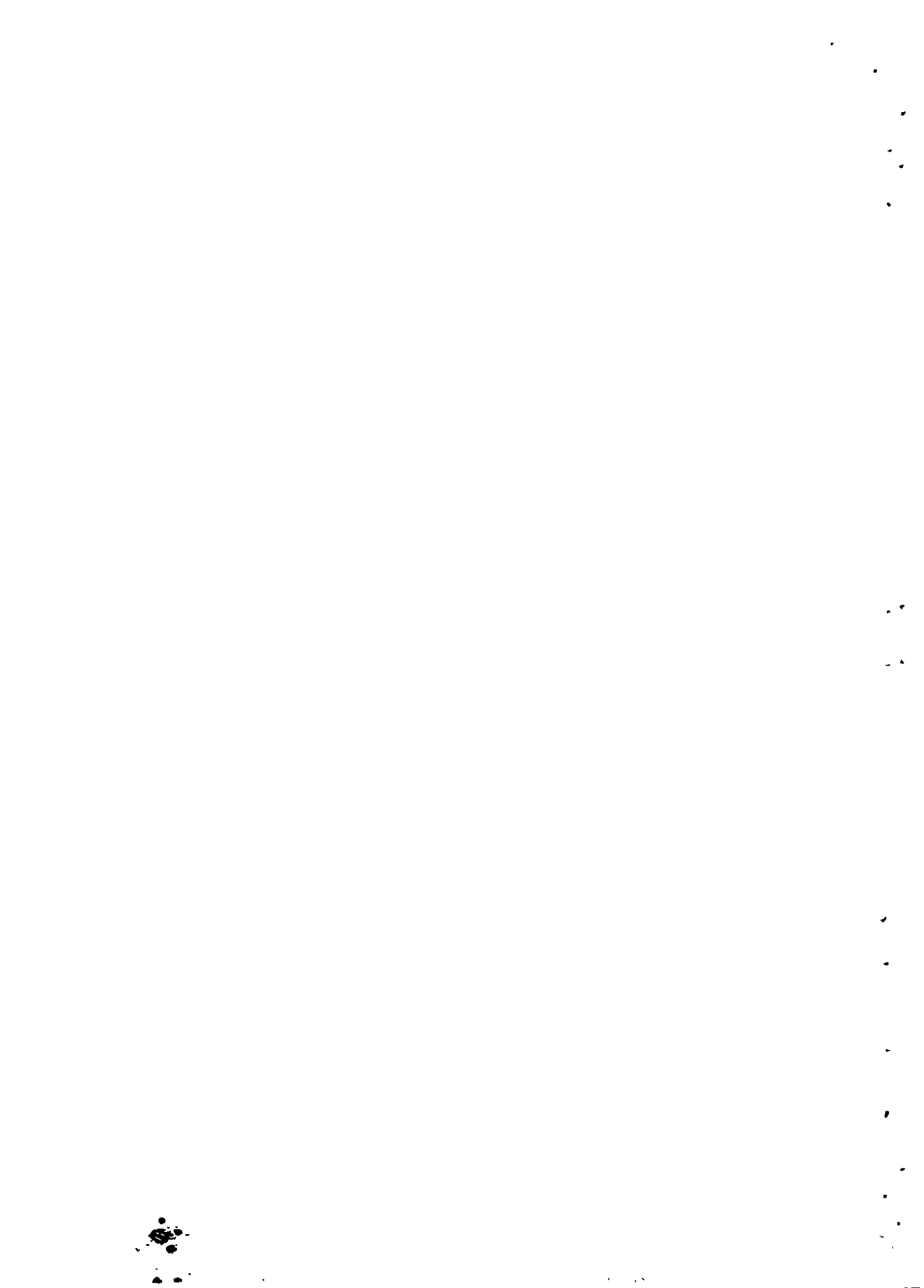
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**S. NJOROGE, CBS**

**CLERK OF THE NATIONAL ASSEMBLY**

5<sup>th</sup> December, 2024

*“For the Welfare of Society and the just Government of the People”*



**SUBMISSIONS FROM  
STATE DEPARTMENT  
FOR WATER AND  
SANITATION**





REPUBLIC OF  
KENYA

# **MINISTRY OF WATER, SANITATION AND IRRIGATION**

**PROPOSED**

SESSIONAL PAPER NO 7 OF 2024

ON

**NATIONAL SANITATION MANAGEMENT POLICY**

TOWARDS SAFELY MANAGED SANITATION FOR ALL BY 2030 AND BEYOND

NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON BLUE ECONOMY, WATER  
AND IRRIGATION

25<sup>th</sup> March, 2025

# INTRODUCTION

- The Sessional Paper No. 7 of 2024 on National Sanitation Management Policy was developed by the Ministry of Water, Sanitation and Irrigation through support from African Population Health and Research Center (APHRC).
- The National Sanitation Policy Steering Committee was launched on 1<sup>st</sup> February 2021.
- The National Sanitation Management Policy (NSMP) aims to provide a structured approach to Sanitation Management in Kenya.
- Focuses on expanding access to safe sanitation services, improving public health, and reducing environmental pollution majorly water sources.
- Addresses the current gaps in governance, financing and infrastructure development for sanitation in Kenya.

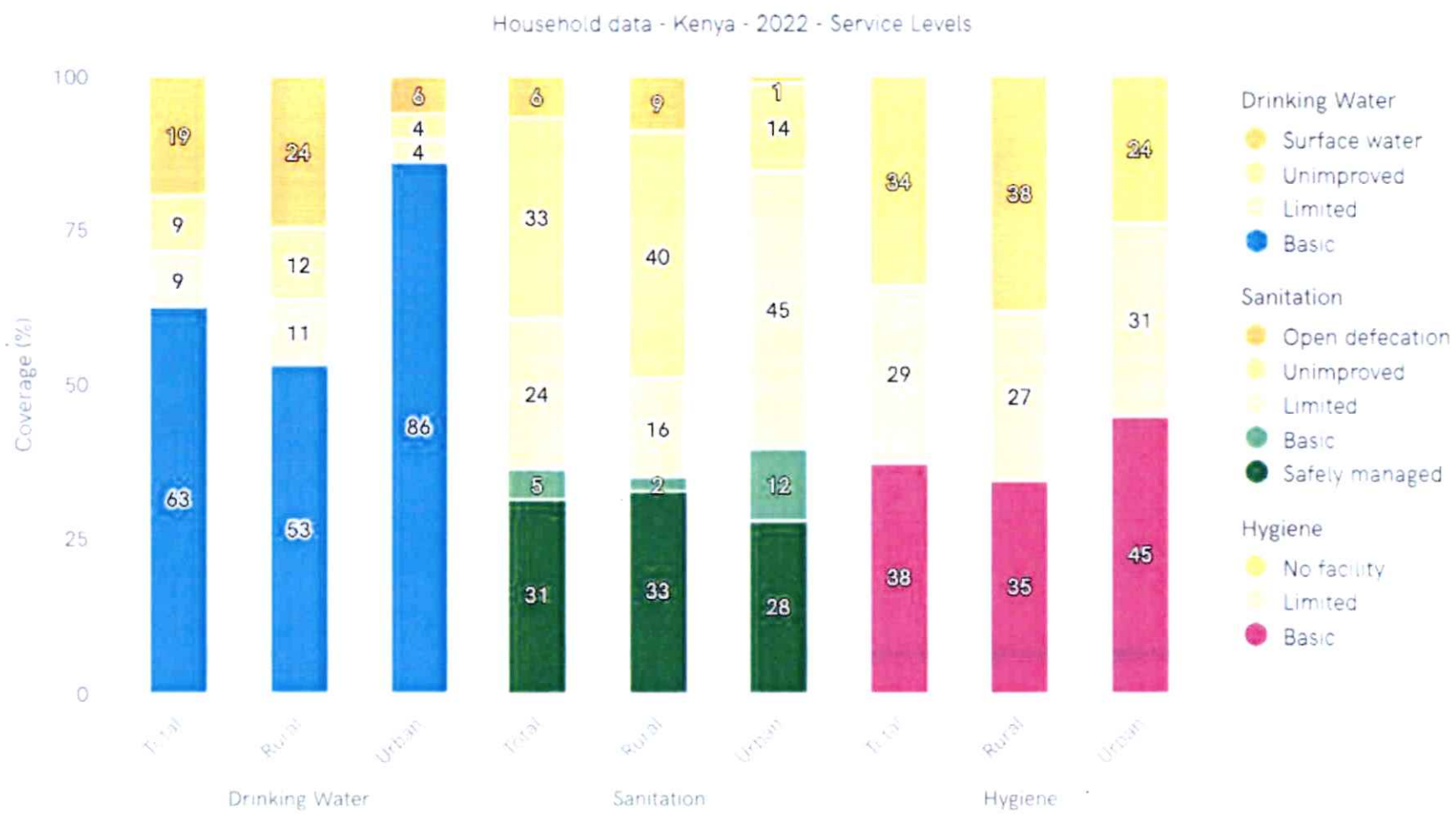
# Introduction Cont....

- Current statistics show that 93% of Kenyans have access to basic sanitation.
- Centralised sewerage coverage is critically low at 16% nationwide which is majorly in towns. There is a high prevalence of open defecation in 15 Counties.
- This contributes to moderate to severe stunting in 35% of Kenyan children and 40% of infant mortality rate (UNICEF, 2013).
- Poor sanitation leads to high disease burden, economic losses estimated at USD 365 million annually, including environmental hazards (World Bank, 2010).
- The existing policy framework is fragmented, requiring a unified approach to sanitation governance, regulation and financing.
- SGD 6.2 requires all countries to achieve '**Safely Managed Sanitation Services**' by 2030 in order to ensure no one is left behind.

## Rationale

1. Article 43 1 (b) on Economic and social rights of the Constitution of Kenya obligates that every person has a right to reasonable standards of sanitation.
2. In the past, the Ministry of Water, Sanitation and Irrigation has tended to **consider sanitation within the Water Policy which historically resulted in sanitation receiving little or no attention in terms of priority, investment, and development within the Sector.**
3. Aligns with Kenya Vision 2030, Ng'or Declaration on sanitation and hygiene, Sustainable Development Goal 6.2 and Africa Sanitation Policy Guidelines in the Africa Agenda 2063, to improve hygiene and access to sanitation.

# WASH STATUS IN KENYA (2022)



# Legal & Institutional Framework

In September 2020, MoWSI made an important decision to undertake the development of Policy for Sanitation Management. This was in the context of:

- 1) The Constitution guarantees adequate sanitation under **Articles 42, 43, 20, 21, 22 & 70** of the CoK 2010.
- 2) The devolved system of Government and service delivery (Articles 174, 175, 183, 185, 186, 189 Fourth Schedule Part 2 (11) Water and sanitation services of the CoK + PFMA)
- 3) The Presidential Executive Orders of 2016, 2020, 2022 and 2023 have vested sanitation management function in the Ministry of Water, Sanitation and Irrigation
- 4) The SDG 6.2 targets on ending open defecation and ensuring universal access to safely managed sanitation by 2030
- 5) AMCOW African Sanitation Policy Guidelines (ASPG) (Africa Agenda 2063).
- 6) Water Act 2016: Provides for water resources management and sanitation service regulation
- 7) Public Health Act Cap 242: Mandates maintenance of sanitary conditions and public health safety
- 8) Environmental Management & Coordination Act: Regulates pollution and sanitation waste management

# **Preamble to the Sessional Paper No. 7 of 2024 on National Sanitation Management Policy**

- a. 1<sup>st</sup> Sanitation Policy Framework was in 1921 under the Ministry of Health with the role of administering sanitation
- b. Public Health Ordinance (later Public Health Act Cap 242) was enacted in 1950 providing for proper sanitation standards in buildings and premises
- c. In 1960, Environmental Sanitation Programme supported by WHO – UNICEF for improving waste disposal methods and providing sanitary education for rural populations
- d. The National Sanitation Council was established in 1980 to sensitize the population and local authorities about the health benefits of proper sanitation
- e. The National Policy on Water Resources Management and Development (Sessional paper No.1 of 1999) separated water resource management from service provision, water supply and sewerage development, institutional arrangement and financing .
- f. The Water Act 2002 operationalised the Sessional Paper No 1 of 1999. This Act was revised in 2016 to align the Water Sector with the Constitution of Kenya 2010
- g. The Sessional Paper No. 1 of 2021 on National Water Policy was developed in the line with the mandate of the Ministry responsible for the water affairs

## Preamble to the Sessional Paper No. 7 of 2024 on National Sanitation Management Policy

- h. The Kenya Vision 2030 – achieve universal access to improved sanitation and a clean, healthy environment by 2030;
- i. The National Water and Sanitation Strategy 2020 – 2025: goal is to increase urban sewer sanitation from 10 to 40% (sewered) and 40% sanitation uptake for non-sewered; sanitation
- j. Kenya Environmental Sanitation and Hygiene Policy 2016 – 2030: aims to achieve open-defecation free (ODF) and sustain 100% rural and urban sanitation and to increase public investment in sanitation and hygiene
- k. National Environment Policy – seeks to improve management and conservation of water supply sources;
- l. Menstrual Hygiene Policy – provides a reference for dignified menstrual hygiene management

**\* Despite these policies, Kenya still lacks a coherent and inclusive national policy, legal and regulatory framework for effective sanitation management to achieve safely managed sanitation for all by 2030**

# POLICY DEVELOPMENT PROCESS

- In September 2020, the MoWSI made decision to develop a National Policy specific to Sanitation Management
- Subsequently a Steering Committee on National Sanitation Management Policy was established to lead this process
- The Steering Committee adopted the National Sanitation Management Policy Stakeholders and Engagement and Consultation Framework and Guidelines
- In line with the Guidelines for The Development of National Government Policy and Legislation the Sessional Paper is hereby subjected to The Parliamentary Approval prior to Launch



## Notes.

- Entire process guided by the National Steering Committee
- Consultations will be regional and the final consultation at the national level
- Inter-ministerial consultations will also be done

# THE COMPOSITION OF THE NATIONAL STEERING COMMITTEE

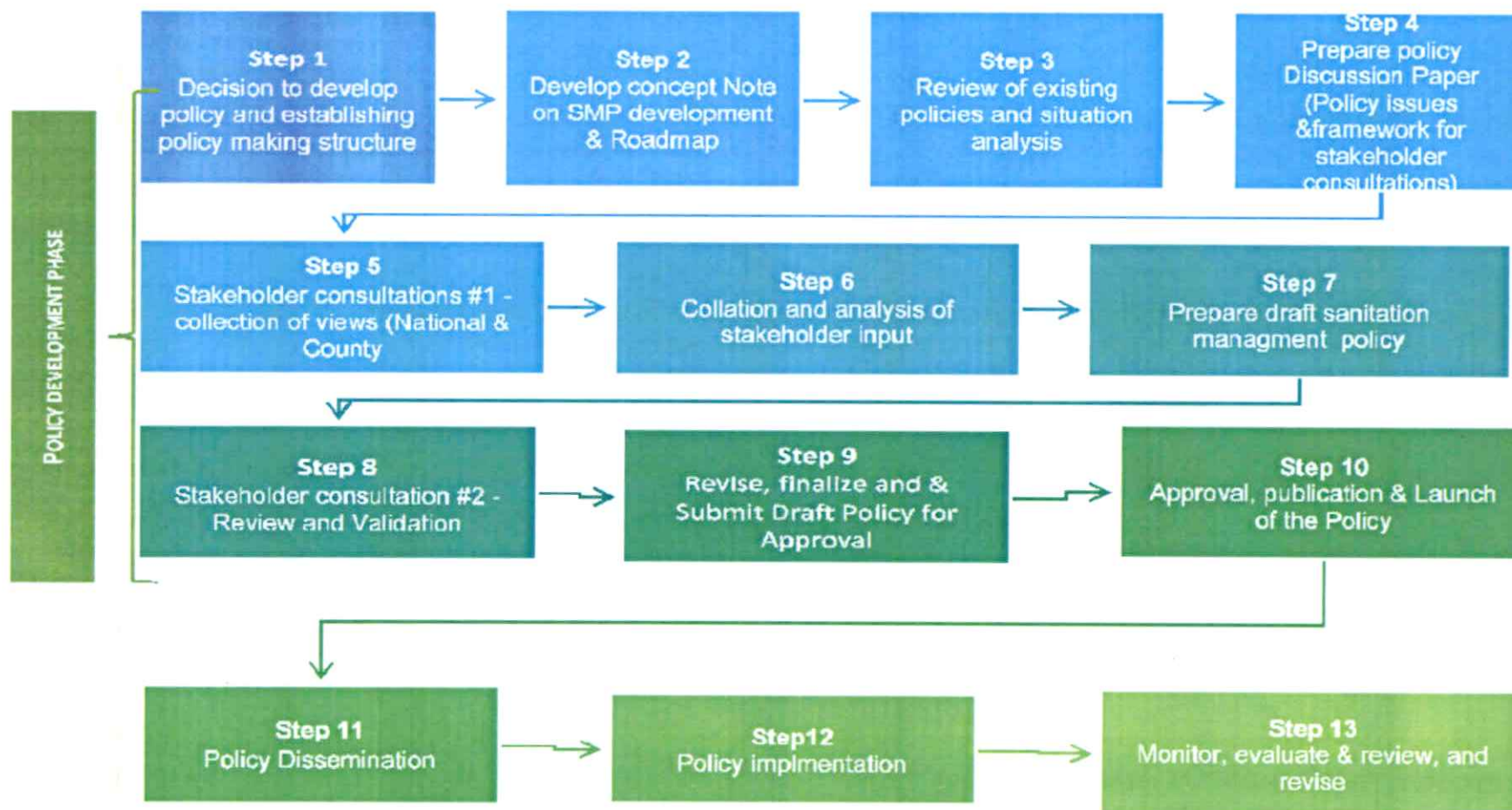
- Ministry of Water, Sanitation and Irrigation
- State Department for Lands
- Ministry of Health
- State Department for Devolution
- State Department for industrialisation
- State Department for Environment
- Water services Regulatory Board
- Water Resources Authority
- Athi Water Works Development Agency
- Council of Governors
- Kenya Water and Sanitation Network
- Kenya Private Sector Alliance
- Water and Sanitation for Urban Poor

## POLICY DEVELOPMENT PROCESS

- i. The Process adopted a highly participatory and inclusive approach involving various stakeholders at National and County levels.
- ii. 10 consultation meetings were held bringing together 408 participants representing all 47 Counties, MDAs, Development Partners, utilities, CSOs, academia, communities, special groups, consumers, among others.
- iii. The public consultation meetings were held in Kisumu (31<sup>st</sup> May, 4<sup>th</sup> and 25<sup>th</sup> June, 2021), Nakuru (June 17, 2021), Mombasa (June 9-10, 2021), Nyeri (June 7-8, 2021), Naivasha (November 24, 2020), Eldoret (June 7, 2021), (Nairobi (June 10, 2021) Embu (July, 22, 2021).
- iv. 6 regional county validation meetings were held bringing together 275 participants at validation meetings.
- v. The Validation Consultation meetings were held in Nakuru (June 29, July 5, 2021), Nyeri (June 29, 2021) Eldoret (June 29, 2021), Nairobi (July 1, 2021) and Virtual meeting was held on 14 September 2021.
- vi. 1 National validation meeting bringing together over 70 participants including participants from CoG, MDAs, AMCOW, World Bank, WATSAN DPG, ADB, UNICEF, UN\_Habitat, among others.
- vii. Peer review – rapid assessment by AMCOW Sanitation Policy Assessment Tool with a score of 4.7 out of 5.0 was issued on September 13, 2021.
- viii. On 5<sup>th</sup> December 2024 The National Assembly requested for submission of Memoranda before Friday 20<sup>th</sup> 2024. The Memorandum was submitted by WASH Sector Players.

## POLICY DEVELOPMENT PROCESS

### Steps in sanitation management policy development and implementation process



## CURRENT SITUATION

1. Low safe sanitation coverage (sewered & onsite/non-sewered sanitation)
2. High rate of urbanisation
3. Uncontrolled disposal of untreated and/or under treated Faecal sludge and wastewater into the environment
4. Inadequate Water Service Providers capacity to provide onsite sanitation services and monitor and control trade effluent leading to poor enforcement and compliance record
5. Limited tariff structure which does not directly provide for provision of non-sewer sanitation services
6. Weak legislative and regulatory framework to implement and enforce the right to sanitation and Fourth Schedule sanitation functions
7. Social and economic impact - Health impact

# POLICY CONTEXT

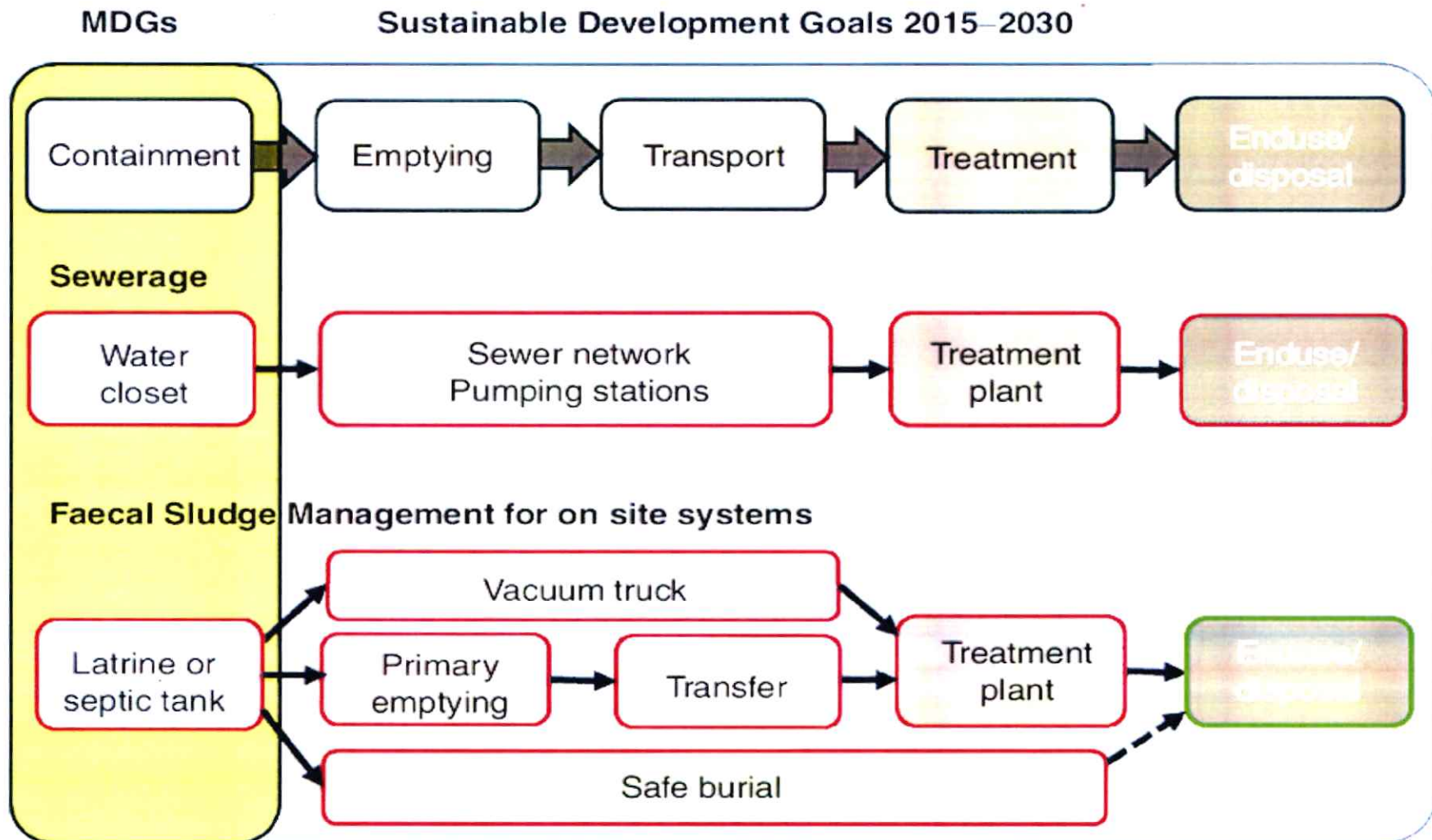
## **The National Sanitation Policy is developed against the backdrop of:**

- a) The Constitution of Kenya's allocation of functions, powers and rights
- b) The Kenya Vision 2030, legal and sectoral policy frameworks that promote advancement of sanitation
- c) International law and policies applicable to sanitation implicates the norms, principles and structures for sanitation management policy
- d) Applicable national laws, regulations, guidelines and human rights standards
- e) The Policy integrates the norms and principles of international law, human rights and sustainable development. This is from a privilege and household affair to a constitutional right
- f) SDG target 6.2 calls for adequate and equitable sanitation for all by 2030 to be tracked through the indicator of "safely managed sanitation services"

The SDG 6 has brought three fundamental shifts from the Millennium Development Goals, namely:

1. Universal coverage - universal access to safely managed water, sanitation and hygiene services;
2. Comprehensive coverage - the entire water cycle; and
3. Sustainable coverage - non-sewered and sewerred sanitation systems

# THE POLICY SHIFT FROM MDGS TO SDGS



## A Countywide approach

---

COUNTYWIDE LEVEL

CITYWIDE LEVEL

RURAL

PERI-URBAN

---

Dispersed  
Rural

Agglomerated  
Rural

Town

Peri-urban  
interface

Unplanned urban  
areas  
(Informal  
settlements)

Planned urban  
areas

Central  
Business  
District

## Policy Objectives

1. Promote climate-resilient and innovative sanitation technologies
2. Accelerate access to safely managed sewerred and non-sewerred sanitation across the service chain
3. To eradicate Open Defecation
4. To ensure access to adequate, gender sensitive and socially inclusive safely managed sanitation services in institutions, 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
6. Strengthen institutional, governance and regulatory frameworks for effective sanitation governance
7. Enhance financing mechanisms to support infrastructure and service delivery
8. To strengthen Sanitation Research, monitoring and promote evidence, based decision making process in innovation

# Guiding Constitutional, Policy Principles and Values

1. Governance principle and value as enshrined in Article 10 of the Constitution of Kenya :
2. Leadership Principal: Guided by the Principals of Leadership and Intergity enshrined in Chapter six of the Constitution of Kenya
3. Devolution Principal as enshrined by principals and objects of devolution in Article 174 of the constitution of Kenya
4. Public Finance Management Principal enshrined under Article 201 of the CoK
5. Public Service Principal: Principals and Values of Public Service as per Article 232 of the Constitution of Kenya
6. Human Rights and Governance (Right to reasonable standards of sanitation, Political will and commitment, Institutional Sustainability, Multi-sectoral Collaboration and coordination, Transparency and Accountability, Enforcement and Compliance)
7. Technical (Choice of Technologies, Innovation)
8. Service Provision (Safe Sanitation Management , User Pays Principal, Integration, Private sector Participation.
9. Social (Equity, Gender, and Social Inclusion; Behavior Change, Public Participation)
10. Environmental (Water Source and Environment Protection, Reduce, Re-Use, Recycle and Polluter Pays Principal)

## The Policy Approaches

***Rights-Based Approach-*** Deployment of Best possible measures including adequate resources to enable widest possible enjoyment of right to reasonable standards of sanitation and a clean healthy environment

**Countywide/City wide Inclusive approach-** A county wide/City wide inclusive approach to sanitation Planning, Financing, Development and Service Delivery

**Sanitation Service Chain Approach-**The policy promotes safe sanitation Management across the sanitation Service Chain from Capture, containment, conveyance, treatment and disposal/use/re-use

**Multisectoral Approach:** Collaborative engagement of diverse stakeholders

**The Water Cycle Approach-** Integration of Water Resources Management and Water Supply into sanitation Value Chain

## KEY POLICY FOCUS AREAS

**The National Sanitation Management Policy provides an inclusive policy framework and guidance on strategies and measures with the focus on the following areas:**

1. Promoting Resilient and Innovative Sanitation Systems and Technologies
2. Accelerating access to safely managed sewerage and waste water management services
3. Accelerating access to safely managed non-sewered sanitation services
4. Promoting inclusive sanitation management in institutional, Public, Commercial and Humanitarian settings
5. Promoting Sanitation and Hygiene Education and Behaviour Change
6. Strengthening Sanitation Governance, Management and Regulation
7. Promoting Sustainable Sanitation Financing and Public Private Partnerships
8. Strengthening Sanitation Research, Monitoring and Evaluation

# KEY POLICY FOCUS AREAS

## NO. 1: PROMOTING RESILIENT AND INNOVATIVE SANITATION SYSTEMS AND TECHNOLOGIES

### Policy Statement:

The Government at National and County levels will promote innovative and Climate Resilient sewered and Non-sewered sanitation Systems and Technologies across the sanitation service chain that are appropriate and adaptable to diverse rural, urban and Humanitarian Settings.

### Policy Measures:

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 sewered and non-sewered 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.

## KEY POLICY FOCUS AREAS

### Policy Measures:

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

## KEY POLICY FOCUS AREAS

### NO. 2: ACCELERATING ACCESS TO SAFELY MANAGED SEWERAGE AND WASTEWATER MANAGEMENT SERVICES

#### Policy Statement:

The Government at National and County levels shall accelerate access to safely managed sewerage and decentralized Waste Water Management services across the Service Chain through a combination of technological solutions focusing on the entire water cycle.

#### Policy Measures:

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 condominium 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. To 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.

# KEY POLICY FOCUS AREAS

## NO. 3: ACCELERATING ACCESS TO SAFELY MANAGED NON-SEWERED (ONSITE) SANITATION SERVICES

### 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.

### Policy Measures:

1. Promote low cost, appropriate and sustainable onsite sanitation technology options for rural and unsewered urban areas prioritizing 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.

## KEY POLICY FOCUS AREAS

7. Establish appropriate and favorable utility licensing/permitting system for Faecal 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.

# KEY POLICY FOCUS AREAS

## NO. 4: PROMOTING INCLUSIVE SANITATION MANAGEMENT IN INSTITUTIONAL, PUBLIC, COMMERCIAL, AND HUMANITARIAN SETTINGS

### 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.

### Policy Measures:

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.

## KEY POLICY FOCUS AREAS

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)

# KEY POLICY FOCUS AREAS

28

## NO. 5: PROMOTING SANITATION AND HYGIENE EDUCATION AND BEHAVIOR CHANGE

### Policy Statement:

The Government at national and county level will promote sanitation and hygiene behavior change across the service chain through continuous health promotion, awareness creation and public education at all levels.

### Policy Measures:

1. Establish a national multi-sectoral sanitation and hygiene education and behaviour change communication programme.
2. Develop and disseminate appropriate sanitation and hygiene behaviour change information, education and communication materials.
3. Facilitate research on sanitation and hygiene behaviour and practices to inform planning and behaviour change campaign strategies across the service chain in diverse settings.
4. Promote integration of sanitation and hygiene behavior change interventions across the service chain into the national, county, municipal, utility and community sanitation strategies, plans, programmes, budgets and service delivery frameworks.
5. Promote and strengthen stakeholder and multi-sectoral coordination and public- private partnerships in sanitation and hygiene behavior change and sanitation marketing campaigns at all levels.
6. Advocate for integration of sanitation and hygiene education as a common course into the early childhood development and education (ECDE), primary, secondary, TVET and tertiary education curricula as appropriate.

## KEY POLICY FOCUS AREAS

### NO. 6: STRENGTHENING SANITATION GOVERNANCE, MANAGEMENT AND REGULATION

#### **Policy Statement:**

The Government at National and County levels shall strengthen the institutional and regulatory framework and capacity for effective sanitation governance, coordination and management at all levels.

#### **Policy Measures:**

1. Strengthen Governance and Management Capacity for Sanitation
2. Strengthen and Harmonize National Regulatory and coordination Framework for sanitation
3. Strengthen Human Resources Capacity for Sanitation

# KEY POLICY FOCUS AREAS

## NO. 7: PROMOTING SUSTAINABLE SANITATION FINANCING AND PUBLIC-PRIVATE PARTNERSHIPS

### 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.

### Policy Measures:

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.

## KEY POLICY FOCUS AREAS

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

# KEY POLICY FOCUS AREAS

## NO. 8: STRENGTHENING SANITATION RESEARCH, MONITORING AND EVALUATION FRAMEWORK

### 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.

### Policy Measures:

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

# POLICY IMPLEMENTATION FRAMEWORK

## 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.

# POLICY IMPLEMENTATION FRAMEWORK

## 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 and County 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 programmes through public investment, financing and advocacy.

# POLICY IMPLEMENTATION FRAMEWORK

## 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.

# POLICY IMPLEMENTATION FRAMEWORK

## Policy Planning

- The Government at National, County 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 County 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.

# POLICY IMPLEMENTATION FRAMEWORK

## 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.

# POLICY IMPLEMENTATION FRAMEWORK

## 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.

## EXPECTED OUTCOMES

- ✓ Improved sanitation access: 100% sanitation coverage by 2030
- ✓ Reduction in open defaecation: Complete elimination through policy enforcement
- ✓ Enhanced public health: Decrease in waterborne diseases and overall disease burden
- ✓ Stronger governance: Improved regulatory frameworks and enforcement of sanitation standards
- ✓ Economic benefits: Increased productivity, job creation, and reduced healthcare costs

THANK YOU!

**SUBMISSIONS FROM  
COUNCIL OF  
GOVERNORS**



**LEGISLATIVE MEMORANDUM ON THE SESSIONAL PAPER NO.7 of 2024 ON NATIONAL SANITATION MANAGEMENT POLICY OF  
SEPTEMBER 2024.**

**TO  
THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON BLUE ECONOMY, WATER AND IRRIGATION**

**FROM  
THE COUNCIL OF GOVERNORS**

**8<sup>th</sup> April, 2025**

The Council of Governors,

**In recognition** of Article 1(4) of the Constitution of Kenya, that sovereign power of the people is exercised at the national level and the county level;

**In further recognition** of Article 6 (2) that governments at the national and county levels are distinct; and

**Aware** of the need for coordination and consultation between the National Government and County Governments to ensure that the policy responds to the key issues facing devolution, and further reflects the spirit and objects of devolution.

#### **A) General Comments on the SESSIONAL PAPER NO.7 of 2024 on National Sanitation Management Policy**

The Council hereby notes as follows on the sessional paper no.7 of 2024 on National Sanitation Management Policy:

- i. Noting the Constitutional function vested on Counties specifically: - County public works and services including- Storm water management systems in built-up areas, and Water and sanitation services. The policy should borrow heavily on the recent gazette notice **No: 16475** dated 16<sup>th</sup> December 2024 on **delineation of functions between the National Government and County Governments.**
- ii. The Policy centrally assigns regulatory roles to various National Government agencies, which has occasioned fragmentation and lack of coordination in sanitation. However, for an enabling regulatory environment, this will require restricting responsibilities such as standards, guidelines and norms under the National government while the implementation of regulation standards and enforcement is done by the County Governments.
- iii. The Policy measures has a statement written as “The Government at national and county levels”, should be aligned’ to what is legally coherent, including; ‘both levels of Government’ or ‘National government and County Government as provided for in the Constitution of Kenya. Additionally, the generalization makes it unclear where the primary responsibility of a policy measure is vested.
- iv. The Policy need to provide for consultation and integration in development of Master Plans at National, County level and allow for development of sewerage infrastructure in a coordinated manner.
- v. The Policy refers severally to local governments, which do not exist; the policy should be in line with the Constitution and note that the municipal, cities and towns boards are the decentralized units under County Governments.

The Council presents its specific comments to the Policy as hereunder.

B) Specific Comments on the National Sanitation Policy 2024

| Clause               | Provision of Section in the Policy   | Proposed Amendment   | Rationale/Justification for the Amendment   |
|----------------------|--|--|---|
| Foreword and Preface |  | <p><b>Amend to include the proposed paragraph'</b></p> <p>The Policy recognize the primary role of County Governments in provision of sanitation services thus responding to the enabling legal, regulatory, governance and service delivery needs at devolved level that will pave way towards achieving safely managed sanitation.</p> | <p>It is important that the foreword and preface acknowledge the County Governments as the primary custodians and duty bearers of provision of Sanitation services to Kenyans as envisaged in the Constitution of Kenya 2010. The Article 43 of the Constitutions obligates the state to provide reasonable standards of sanitation which is an exclusive functional assignment to Counties under the Forth schedule Part 2: on <b>County public works and services including-a) Storm water management systems in built-up areas, and b) Water and sanitation services'</b>.</p> <p>Recognition of the custodian of the responsibility from the start therefore set pace for recognition and embedding the roles an responsibilities' to the rightful state duty bearers who are the County Governments.</p> |
| Preface              | The policy articulates and clarifies the roles and responsibilities of the | <b>Amend to Delete and read as follows:</b>  | The local context doesn't apply and its covered by the jurisdictional context   |

|   |   |   |   |
|---|---|---|---|
|   | <p>diverse stakeholders and ministries, departments and agencies involved in the sanitation ecosystem at national, county and local levels, and proposes a multi sectoral national coordination .....</p> <p>.....</p> <p>All stakeholders and partners are urged to join the government at national, county and local levels....</p> | <p>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, local level and proposes a multi sectoral national coordination .....</p> <p>.....</p> <p>All stakeholders and partners are urged to join the government at national, county and local levels....</p> | <p>provided by the County Governments in” <b><i>Ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.</i></b>”</p> <p>The Policy should be very clear and concise on articulation of roles and responsibility which has a direct implication on matters governance, coordination, investments and budgetary allocations, regulation among others.</p> <p>Additionally, Government only exists at either national or county level as referred in Article 6 of the Constitution that are distinct but interdependent.</p> |
| <p><b>Clause 1.3<br/>Scope of the National Sanitation Management Policy</b></p> | <p>These include government ministries, departments and agencies(MDAs); public and private sanitation service providers</p>   | <p><b>Amend to read as follows:</b></p> <p>These include County Governments; <del>ministries, departments and agencies(MDAs);</del> public and private sanitation service providers</p>   | <p>The omission of County Governments in the scope is ill informed and conspicuous. This noting well the County functional assignments such as County health services including reuse removal , refuse dumps and solid waste disposal, control of air pollution, implementation of policies on natural</p>  |

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|   |                       |  | resources and environmental conservation and finally county public works and services including storm water management systems in built-up areas; and(b) water and sanitation services . This are all prerogatives towards safely managed sanitation within the purview of Counties and not MDAs as referred and restricted to national policy, norms and standards. |
| <b>Clause 3.2.3<br/>Key legal<br/>framework<br/>for sanitation</b>  |                       | <b>Amend to</b> provide clarity on the role of water works Development Agencies (WWDAs)  | The Role of WWDAs in relation to sanitation is missing   |
| <b>Clause 3.2.4<br/>Regulatory<br/>framework<br/>for sanitation</b> |                       | <b>Amend to Delete</b><br>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. | The provision of a national outfit on regulation of sanitation is not aligned with the principles of devolution. Sanitation is a devolved function   |
| <b>Clause 4.6.1 (c)<br/>Devolution<br/>Principles</b>               | Devolution Principles | <b>Amend</b> to ensure to be more explicit to encompass the specific principles such as Distinctness, Subsidiarity and Interdependence   | This provision will accelerate respect to functional assignment and promote efficiency and local ownership over policies and regulations while checking excesses of centralized governance and consolidation of authority.   |

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| <p><b>Clause 4.6.2</b><br/><b>Guiding principles for sanitation management policy</b></p> | <p><b>Choice of technologies</b></p> <p>Technology choices will include a variety of alternatives including sewerered and on-site (non-sewerered), centralized and decentralized solutions that are context specific. The user and life cycle costs of sanitation solutions will be taken</p>  | <p><b>Amend to include:</b></p> <p><b>Principle of integration of climate considerations.</b></p>   | <p>The principles of climate change adaptation solutions should be mainstreamed both in sewerered and non-sewerered investments in line with national and county climate change action plans obligations.</p> <p>The Investments are informed by Climate Risk Assessment to inform the planning, design, and operation of sanitation systems and practices. In addition, this should be considered in the choice of technologies and resource allocation and sanitation budgets.</p> |
|   | <p><b>Service provision Integration</b></p> <p>Integrated sanitation planning and service provision will be promoted..... 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.</p> | <p><b>Amend to include as follows:</b></p> <p>Integrated sanitation planning and service provision will be promoted..... Sanitation will be integrated into water supply, water resource management, drainage, physical planning, <b>health services, environment management</b> and solid waste management interventions at national, county, municipal, utility and community levels.</p> | <p>It is important to integrate sanitation in the management of environment and health systems providing a broad scope for achievement of universal access through leveraging the available plans, programming and funding opportunities within those sectors.</p>   |
| <p><b>Clause 4.8</b></p>  | <p><b>Strategic Model House</b></p>  | <p><b>Amend to delete as follows:</b></p>   | <p>Local government authorities are not applicable after the Constitution of 2010,</p>   |

|  |   |  |   |
|--|---|--|---|
| Theory of change and policy intervention framework   |   | Under State and Non-state Actors remove the local government authorities   | align to the provisions of urban Areas and Cities Act 2011 that recognize them as devolved units  |
| <b>Clause 5.2 Promoting resilient and innovative sanitation systems and technologies</b>             | <b>Policy 5.2.1: policy statement</b><br><br>The national government shall undertake a comprehensive assessment of the sanitation systems and technologies solutions required to achieve safely managed safely targets in diverse settings. | <b>Amend to read as follows:</b><br><br>The national government in <b>consultation with county governments</b> shall undertake a comprehensive assessment of the sanitation systems and technologies solutions required to achieve safely managed safely targets in diverse settings.                                    | The Sanitation assessment is integral to inform development, planning at the County level. Therefore, this should be an integrated process that aggregates plans for both at national and county level.   |
| <b>Clause 5.3: Accelerating access to safely managed sewerage and wastewater management services</b> | <b>Policy 5.3.2 Policy measures</b>   | <b>Amend to include the following policy measure: -</b><br><br>6. Increase resource allocation through costing of sanitation function and additional transfers to Counties with no access to sewerage services in design, development, and expansion of sewerage systems including simplified/condominium sewer systems. | The Sanitation resources have been comingled in one resource basket with other prioritized sectors such as water, thus losing the most required attention and resource allocation. It important to have a deliberate policy measure on increased and ring-fenced public resources allocated towards sewerage development at County level, including additional finance from national kitty to support the same. |

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|   |  | <p><b>Under Containment and Capture</b><br/>Provide for integrated master plans for sewerage systems development that ensuring linkage with the national and county master plans.</p> | <p>The National Government have been developing sewerage systems devoid of the County master plans on sanitation. Harmony and linkage is required to ensure last mile connectivity in sewerage development, and integration with housing/settlement development and planning.</p>  |
| <p><b>Clause 5-7 Strengthening sanitation governance, management and regulation</b></p>                 | <p>Establish sanitation mechanism to oversee and coordinate countywide inclusive planning, stakeholder coordination, regulation and service delivery</p> | <p><b>Amend 5.7.2 to delete the provision under the policy measures</b></p>   | <p>The role of overseeing the performance of functions at National and county level is already provided for through legislative arms. Therefore, the mechanism requires to strengthen that role at both levels to ensure good governance, management and service delivery.</p>   |
| <p><b>Clause 5-7.2 strengthen and national regulatory and coordination framework for sanitation</b></p> | <p>Establish an inclusive national regulatory regime for sanitation to oversee, coordinate, monitor and regulate provision of sanitation services</p>    | <p><b>Amend to delete the provision</b></p>   | <p>The country does not require an outfit at the national level to regulate nor oversee the provision of sanitation services. The National regulatory framework requires harmonizing and strengthening to guide Counties in regulation and ensuring compliance. The coordination will be strengthened through the sectoral forums proposed under IGRA 2012 that also will guide the mutual relations between the two</p> |

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|  |  |  | levels of government and across various stakeholders in sanitation. |
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**C) Conclusion**

**The Council concludes that; -**

- i. Water and Sanitation services is a functional assignment vested exclusively under the County Governments. That said no statutory documents should purport to usurp the constitutional function of another level government without due consideration of principles and transfer mechanism of functions stipulated under Article 186 and 187.
- ii. The National government through the Regulatory mandates shall not assume any powers by facilitating National Government to invade the County Functions but shall protect and empower county governments to be able to effectively perform the functions and exercise their powers including through providing technical assistance and capacity building.
- iii. As espoused under Fourth Schedule of the Constitution, the County Governments shall undertake a) Storm water management systems in built-up areas; and b) Water sanitation services. Further, the Gazette Notice of 16<sup>th</sup> December 2024 on delineation of functions, unbundled County Public works and services to include: Water and sanitation services including rural water and sanitation services; water and sanitation service in small and medium towns without formal service providers; Urban water and sanitation services with formal service provision including water, sanitation and sewerage companies.
- iv. In this regard, sanitation services remain exclusively under the ambit of County Governments, therefore the National Policy shall mainstream the role of county governments in the entire sanitation chain of service delivery, regulation and overall management of sanitation services.

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# About APHRC: Leading Towards Impact

Anthony Mveyange, PhD  
*Director of Programs, Synergy, APHRC*



## About APHRC



African Population and Health Research Center (APHRC) is a premier research to policy institution generating evidence, strengthening research and related capacity in the African Research and Development ecosystem, and engaging policy to inform action on health and development.



Our work is aligned with Agenda 2063 as our priority areas include human capital development, employment generation (especially among youth and females), social protection, gender/women's development and youth empowerment, and science, technology and innovation.



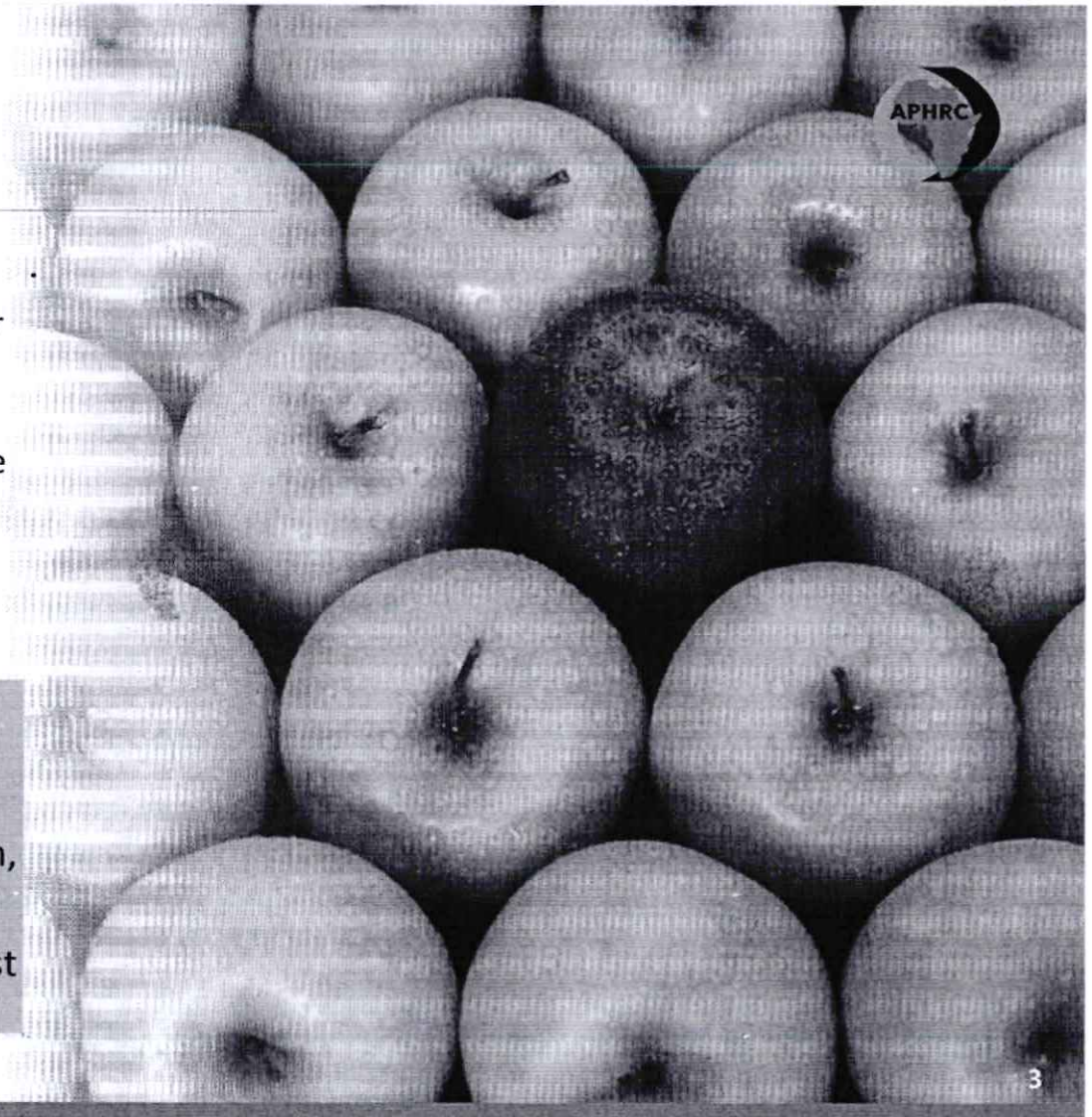
We work with multi-disciplinary teams such as RECs, legislators, policy makers, CSOs, development actors and funders committed to Africa's future.

## More About Us

- African-founded and led International Research & Policy organization
- Headquartered in Nairobi, Regional Office in Dakar
- Strong track record in **Research, Capacity Strengthening and Policy Advocacy**
- Tried and tested models of impactful & sustainable **Capacity Strengthening**
- Successful **Policy Outreach & Impact**

### Key Attributes

- Africa-wide mandate and reach
- Successful in the **BUSINESS** of doing research, policy translation and capacity strengthening
- Well positioned as an R&D ecosystem catalyst and enabler



# Our Vision and Mission

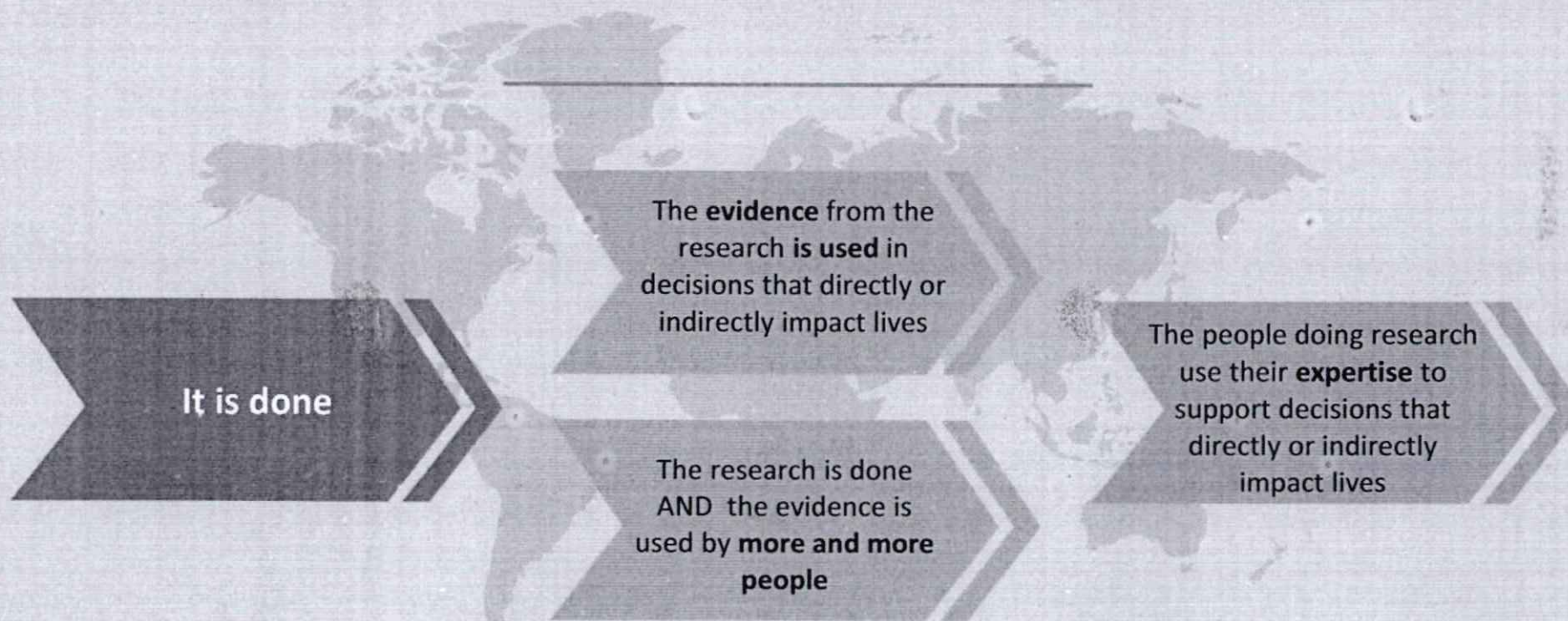


**Vision**  
Transforming lives in Africa through research and policy.

**Mission**  
Generating evidence, strengthening research and related capacity in the African R&D ecosystem, and engaging policy to inform action on health and development.



# How Does Our Research Transform Lives?



# APHRC's Impactful Work

## Decisions that impact lives:

- ✓ Policy (new, change, improved, operationalization)
- ✓ Program design, implementation, improvement
- ✓ Service delivery
- ✓ Practice guidelines, Tools & Innovations used
- ✓ Budget allocation
- ✓ Individual/community behaviour

- Broad range of partners (State & non-State)
- Intervention at multiple levels (continental, regional, national, sub-national, local)





# Our Programs: Research



## Health & Wellbeing

- Nutrition and Food Systems
- Sexual, Reproductive, Maternal, New-born, Child and Adolescent Health (SRMNCAH)
- Chronic Diseases Management (incl. mental health)
- Health Systems Strengthening
- Emerging and Re-emerging Infections



## Human Development

- Early childhood development
- Youth and transition to work
- Gender and Education
- Education and Technology
- Higher Education Research



## Pop Dynamics & Urbanization

- Migration and urbanization.
- Urbanisation and Sustainability.
- Air quality
- Water, Sanitation and Hygiene.
- Aging and development.
- Determinants of High Fertility

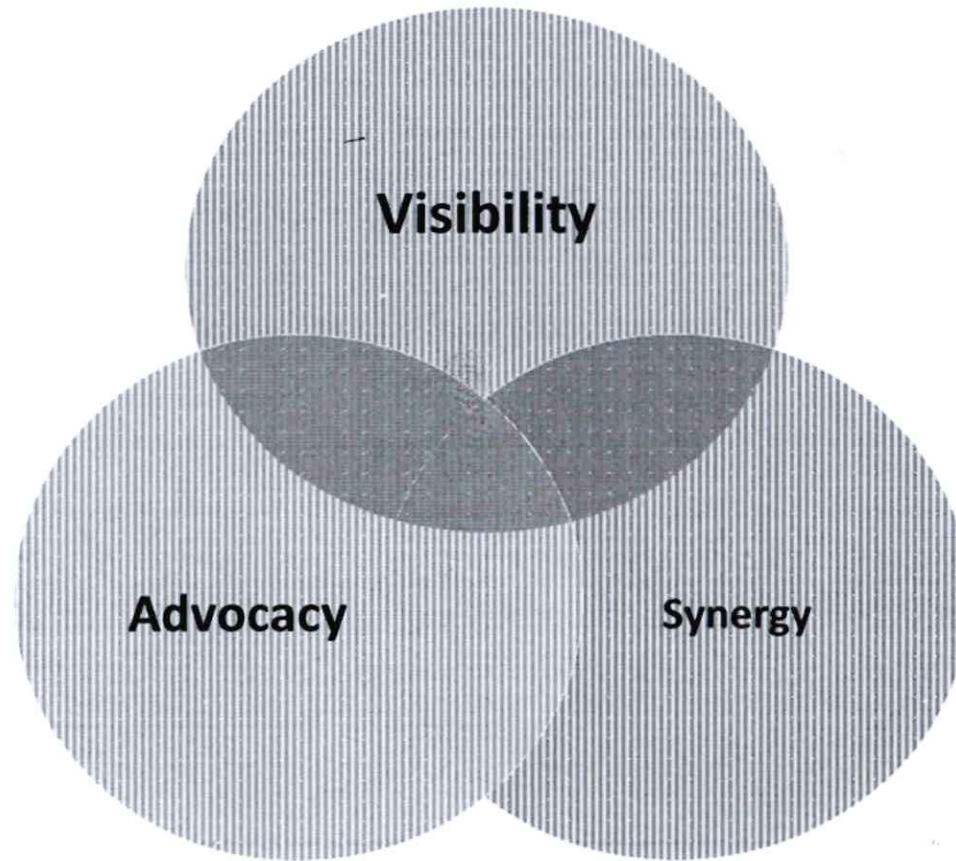


## Data Science & Evaluation

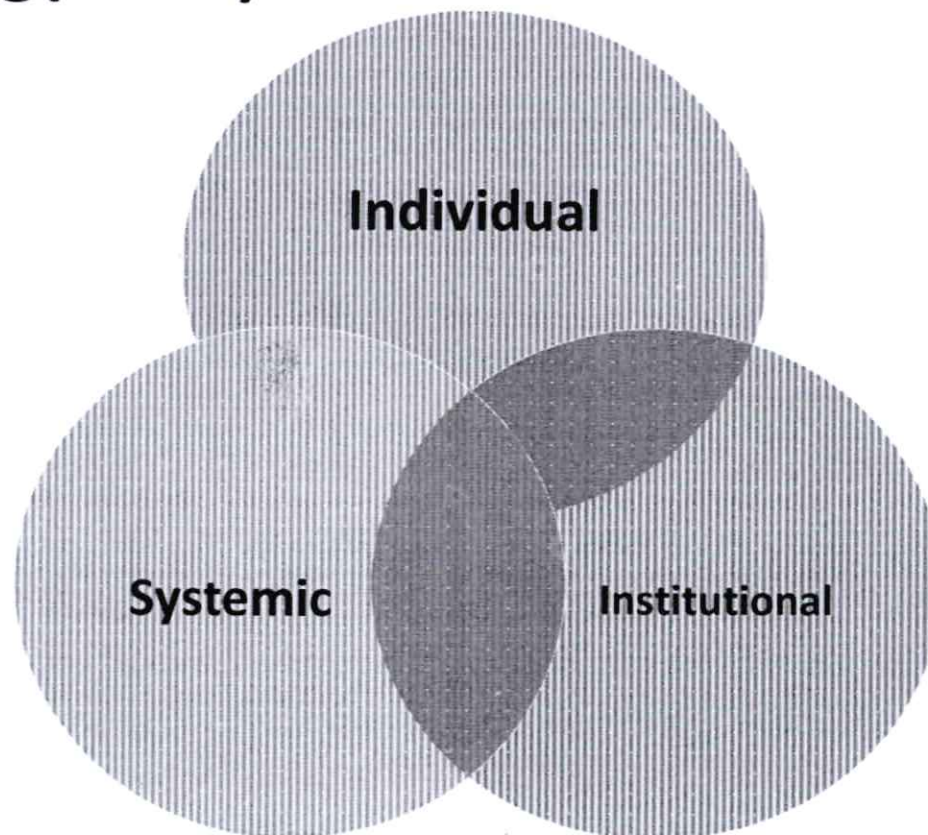
- Data science
- Data systems
- Measurement and Impact evaluation

Climate Change and its impacts

# Our Programs: Policy Translation



## Other programs: Research and Related Capacity Strengthening(RRCS)



# Value Proposition – Connector Organization



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**PLATINUM TIER**

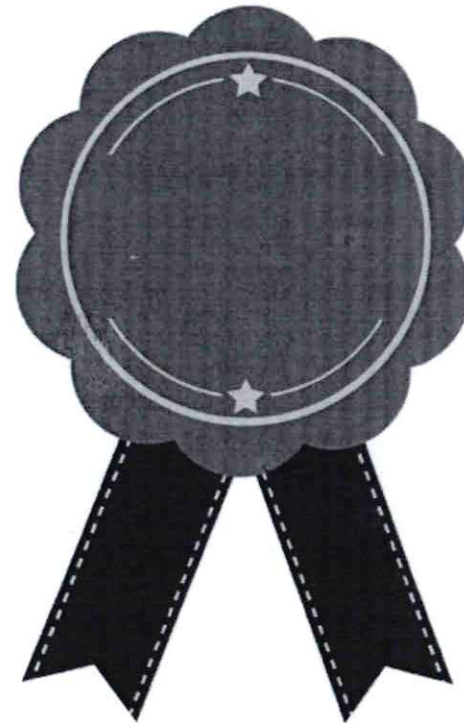
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## The Things We Are Proud of

- Reputation for excellence
- Systems and Processes
- Our Values (F.I.R.E)
  - Gender equality at program and institutional level

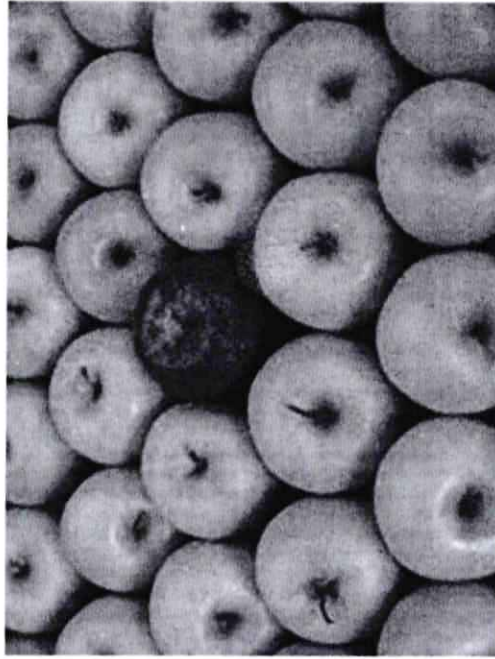


## The Things We Are Proud of

- Reputation for excellence

*“Overall, APHRC is recognized as a very solid organization, often **peerless** in its space, with the ability to deliver on several levels simultaneously”*

*“...APHRC can only be described as an **impressive success story** of an African-led research institution, working for Africa on African issues”*





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## MEMORANDUM

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IN THE MATTER OF ARTICLE 118 (1) (b) of THE CONSTITUTION OF KENYA

AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF SESSIONAL PAPER  
NO. 7 OF 2024 ON THE NATIONAL SANITATION MANAGEMENT POLICY

**To:** The Clerk of the National Assembly

**From:** Sector Stakeholders in Water, Sanitation and Hygiene (WASH)

**Date:** December 20, 2024

**Subject:** Comprehensive Water, Sanitation, and Hygiene (WASH) Sector Positions on the  
Sessional Paper No. 7 on National Sanitation Management Policy; Sessional Paper 7 of 2024

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### Preamble

The Sessional Paper No. 7 of 2024 on National Sanitation Management (NSMP) is a critical and necessary Policy instrument that creates a robust enabling environment for the development and effective management of sanitation services across the entire value chain.

Its implementation is essential to address Kenya's sanitation challenges and ensure sustainable, equitable access to sanitation for all.



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## Introduction

We, the undersigned stakeholders in the Water, Sanitation, and Hygiene (WASH) sector—comprising representatives from development partners, private sector actors, civil society organizations, and non-governmental organizations (NGOs), do hereby submit this memorandum to express our collective and unequivocal support for the Sessional Paper No. 7 of 2024 on National Sanitation Management (NSMP), currently under National Assembly consideration.

This policy instrument represents a pivotal and transformative framework aimed at achieving universal access to sustainable sanitation services, safeguarding public health, and advancing a clean and healthy environment in accordance with the constitutional provisions of Articles 43 and 42 and regional commitments under Agenda 2063, and global obligations under the Sustainable Development Goals (SDGs) 6.2 and 6.3; 8.

As stakeholders involved in Kenya's sanitation management sub-sector, we are united in our advocacy for the swift adoption and implementation of this policy. The NSMP aligns with our shared vision to establish equitable, resilient, and inclusive sanitation systems, thereby addressing critical gaps in the sector and unlocking socio-economic benefits for all Kenyans.

## Background

Kenya's sanitation challenges remain profound. While notable progress has been made, Kenya has an open defecation rate of 14%, and only 28% of urban residents have access to safely managed sanitation services. The existing policy framework is fragmented, and sanitation investments have historically been underfunded, resulting in preventable public health crises, environmental degradation, and economic losses amounting to 1% of the Kenyan GDP (KES 27 billion annually).

Financing of the sanitation sector is inadequate; with an ambitious target of achieving safely managed WASH services for all Kenyans by 2030, the estimated annual cost to achieve this target is Kshs 100 billion (\$930 million). Despite this fact, as of 2018, only about Kshs 40 billion



(\$370 million) annually was available, leaving a total shortfall for achieving Kenya's 2030 goal of Kshs 600 billion (\$5.6 billion) (WASH-Fin). In addition to this, Kenya does not have a sanitation code in its Integrated Financial Management Information System (IFMIS) and this makes it harder for the sanitation sector to receive and monitor dedicated and adequate funds allocation as well to keep accurate records on how financing of WASH is occurring in the country.

Sanitation is a key development issue globally, recognized as a basic human right. Many nations, including Kenya, have made commitments at international and regional levels to ensure universal sanitation access for their citizens. However, with the lapse of the Millennium Development Goals (MDG) timeline, it became evident that most countries, including Kenya, had not met their sanitation targets. This shortfall spurred renewed global commitments, including the Sustainable Development Goals (SDG 6), to ensure sanitation provision for all. Unlike the MDGs, which primarily focused on increased access to sanitation services, these new commitments emphasize not only access but also sustainability and safely managed sanitation across the entire value chain.

In this context, the National Sanitation Management Policy (NSMP) 2030 was developed as a transformative framework to guide Kenya toward achieving equitable, sustainable, and resilient sanitation systems. This policy was shaped through an inclusive and consultative process involving diverse stakeholders, including national and county governments, development partners, private sector actors, civil society organizations, and community representatives. Public participation and verification exercises were integral to its development, ensuring that the voices of all stakeholders, especially communities at the grassroots level and county governments, were considered.

The NSMP is aligned with Kenya's constitutional provisions under Articles 43 and 42, Kenya Vision 2030, the Sustainable Development Goals, the African Union Agenda 2063, and the African Sanitation Policy Guidelines (ASPG). It represents an opportunity to bridge critical gaps by enabling national and county governments to work collaboratively to address sanitation disparities, safeguard public health, and foster environmental resilience.



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## **Key Components of the National Sanitation Management Policy/ Why the policy should pass**

### **Human Rights and Governance**

The National Sanitation Management Policy (NSMP) affirms sanitation as a fundamental human right as enshrined in Article 43 of the Constitution of Kenya (2010). To ensure the realization of this right, the policy emphasizes political goodwill and commitment at both national and county levels. It underscores the need for institutional sustainability through adequate resourcing and capacity building while promoting multi-sectoral collaboration across public, private, and civil society sectors. Transparency and accountability are prioritized, with clear frameworks for monitoring and enforcement to safeguard the public interest.

### **Technical Innovations**

The NSMP advocates for adopting diverse technological approaches, encompassing both sewerage and non-sewerage systems as well as centralized and decentralized solutions. It encourages innovation and research to develop scalable, affordable, and climate-resilient sanitation technologies. The policy further supports capacity building for technical personnel to sustain and manage these advancements effectively, ensuring comprehensive and adaptable sanitation service delivery.

### **Service Provision**

The policy establishes a framework for safe and sustainable sanitation management across the entire value chain, from waste containment to final disposal. It promotes the "user-pays" principle to achieve financial sustainability while ensuring affordability for all. Integration of sanitation into broader development sectors such as urban planning and public health is emphasized, alongside robust private sector engagement to drive innovation, efficiency, and expanded service coverage.



The framework recognizes the need to integrate sanitation into urban planning and urban development strategies to prioritize sanitation in national urban policies and enhance sanitation service planning, delivery and regulation.

### **Social Equity and Inclusion**

The NSMP prioritizes equity and gender inclusion, addressing the unique sanitation needs of women, girls, and marginalized communities to promote dignity and social justice. Behavioral change initiatives are integral to the policy, with public education campaigns aimed at fostering positive sanitation practices and breaking cultural stigmas. Public participation is mandated to ensure that communities are actively involved in decision-making processes, ensuring solutions are context-specific and widely supported.

### **Environmental Sustainability**

Environmental protection is central to the NSMP, which integrates water conservation and pollution control measures into sanitation management. The policy promotes circular economy principles, advocating for the reduction, reuse, and recycling of fecal sludge and wastewater to derive value in the form of energy, fertilizer, and water. The polluter-pays principle is enshrined to hold entities accountable for environmental harm, incentivizing sustainable practices. Climate resilience is addressed through the adoption of adaptive technologies and infrastructure to mitigate climate-related risks to sanitation systems.

### **Sustainable Sanitation Financing**

The NSMP emphasizes sustainable and innovative financing to bridge the funding gap in the sanitation sector. It advocates for climate financing, including access to global climate funds and carbon credits, to support climate-resilient sanitation solutions. The policy promotes public-private partnerships (PPPs) and blended financing to attract private sector investments and donor support, while ensuring affordability through sanitation tariffs grounded in the *user-pays* principle. By integrating climate adaptation, results-based financing, and innovative



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mechanisms, the NSMP ensures long-term financial sustainability and resilience of sanitation services.

The policy is cognizant of the fact that capacity building is a crucial part of sustainable sanitation financing given that when staff in key institutions involved in the sanitation sector build their capacity then this translates to improved outcomes for the institution and sanitation sector as a whole.

### **Strategic Alignment**

The National Sanitation Management Policy (NSMP) is fully aligned with Kenya's constitutional, regional, and international obligations, affirming its legal and policy validity:

#### **1. Constitution of Kenya (2010) and the Kenya Vision 2030:**

Articles 43 and 42 explicitly guarantee every Kenyan the right to reasonable sanitation standards and clean and healthy environment, obligating the state to progressively realize this right through legislative, policy, and budgetary measures.

The NSMP operationalizes this mandate by providing a structured framework for achieving equitable access to safely managed sanitation and Universal Health Coverage (UHC), which is provided under the Kenya Vision 2030.

#### **2. Sustainable Development Goals (SDG 6):**

As a signatory to the United Nations' 2030 Agenda, Kenya is committed to ensuring universal access to water and sanitation. The NSMP aligns with this global obligation by focusing on safely managed sanitation services across the value chain, with particular attention to vulnerable populations. In addition, SDG 8 provides for decent work guaranteeing secure employment and safe working conditions for the sanitation workforce.



### **3. African Union Agenda 2063:**

Agenda 2063 emphasizes access to clean water and sanitation as a catalyst for socio-economic transformation and environmental sustainability in Africa. The NSMP integrates these principles by promoting inclusive governance, innovative technologies, and sustainable sanitation management.

### **4. Regional Frameworks:**

The NSMP incorporates the African Sanitation Policy Guidelines (ASPGs) and the NGOR declaration, which provide a standardized approach to sanitation policy development, implementation, and financing. This ensures consistency with regional best practices and supports harmonized progress across member states.

### **5. International Guidelines:**

The policy adheres to the World Health Organization's Guidelines on Sanitation and Health, aligning Kenya's sanitation standards with global benchmarks. These guidelines emphasize the health, safety, and environmental dimensions of sanitation, which the NSMP explicitly addresses through its multi-sectoral and integrated approach.

## **Accelerating Progress: Leveraging the NSMP to further address gaps and challenges in the sanitation sector**

Kenya's progress to achieving universal coverage is acutely off target. The current approach to sanitation management in Kenya is constrained by significant structural, institutional, policy, financial, and operational gaps, hindering progress towards universal access to safely managed sanitation. The NSMP provides critical levers that can be leveraged to make far reaching legal, policy and administrative improvements including the envisaged amendments to the Water Act.

### **1. Sanitation Coverage**

Reliance on centralized sewer systems has proven insufficient to meet the needs of all Kenyans with only about 31.5% of Kenyans having access to safely managed sanitation.



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Informal settlements and rural areas are disproportionately underserved, with approximately 8.9 million Kenyans still practicing open defecation. This disparity in service provision perpetuates health inequities and undermines safe and healthy environment, frustrates the efforts for advancing the equality and empowerment of women and girls and other vulnerable groups and undermines the constitutional right to sanitation under Articles 43 and 42.

## **2. Funding**

Public financing for sanitation infrastructure remains grossly inadequate, with annual economic losses from poor sanitation being an estimated KES 27 billion. Current allocations fail to address the capital-intensive nature of sanitation projects or to sustain operations and maintenance of existing systems. Private sector engagement and leveraging the vast opportunities from innovative financing mechanisms remain underutilized, further widening the investment gap. This calls for accelerated catalyzing and development of the sanitation economy in line with the next generation sanitation principles including proposals for a robust development financing institution.

## **3. Robust Coordination Mechanisms**

Sanitation governance is fragmented across multiple ministries, agencies, and levels of government, resulting in overlapping mandates and inefficiencies. This weak institutionalization of coordination mechanisms hinders strategic planning, resource allocation, and monitoring, thus weakening the sector's ability to deliver integrated sanitation solutions and in particular undermines the participation and engagement of women and other vulnerable groups at all levels of the sanitation value chain.

## **4. Enabling Environment for Innovations to Thrive**

The regulation and certification of technology that enhances safe sanitation management is paramount for Kenya to make effective and efficient strides in the sanitation sector; nevertheless, the sanitation sector has not adequately embraced sanitation solutions and climate-resilient solutions despite their cost-effectiveness and adaptability to diverse settings. This failure limits the sector's ability to respond to emerging challenges such as



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urban population growth, water scarcity, and climate variability, leaving millions without access to sustainable sanitation services.

In light of the challenges and gaps that exist within the sanitation sector; this highlights the urgent need for the National Sanitation Management Policy to provide a transformative framework for inclusive, equitable, culturally acceptable and sustainable sanitation innovation and solutions.

### **Recommendations to the National Assembly**

1. That the National Assembly considers the content of this memorandum.
2. That Parliament approves the Sessional Paper No.7 of 2024 on National Sanitation Management

Feel free to reach out for further for any clarification regarding this memorandum, through:

**Name:** Alex Manyasi,

**Org.:** African population and Health Research Center

**Email:** [amanyasi@aphrc.org](mailto:amanyasi@aphrc.org)

**Cell:** 0725805033



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### Signing Organizations and Contact persons' Information

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3. AMREF Kenya - Prof. Mohammed Karama - 0722885366
4. Kenya Water and Sanitation Network (KEWASNET) (Network of 102 organizations) - Shivaji Malesi - 0726834088
5. WASH Alliance Kenya (An alliance of 11 organizations) - Dr. Tobias Omufwoko - 0722876048
6. Kenya Private Sector Sanitation Actors - Peter Khamisi - 0721398682
7. Sanivation - Dickson Ochieng - 0724649140
8. Water and Sanitation for for the Urban poor (WSUP) - Antony Ambugo 0722473850
9. Neighbours Initiative (NIA) - Jane Nyamwamu - 0721563295
10. Fresh Life - Nancy Ngao - 0728913811
11. International Development Institute (IDIA) - Dr. Charles Oyaya - 0722759942
12. WASH Voice - Elizabeth Mwangi - 0722981370
13. USAID WKSP - Beatrice Tonui – 0722502540
14. UN – Sanitation and Hygiene Fund (SHF) – [Aline.pawele@shfund.org](mailto:Aline.pawele@shfund.org) – 0716874090
15. UN Habitat – Simon Okoth - [simon.okoth@un.org](mailto:simon.okoth@un.org) - 0722789642



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Date:

Memorandum on the Draft National Sanitation Policy – Sessional paper No. 7 of 2024 signed by:

| NO | NAME            | ORGANIZATION | EMAIL ADDRESS             | ID NUMBER | CONSENT | SIGNATURE |
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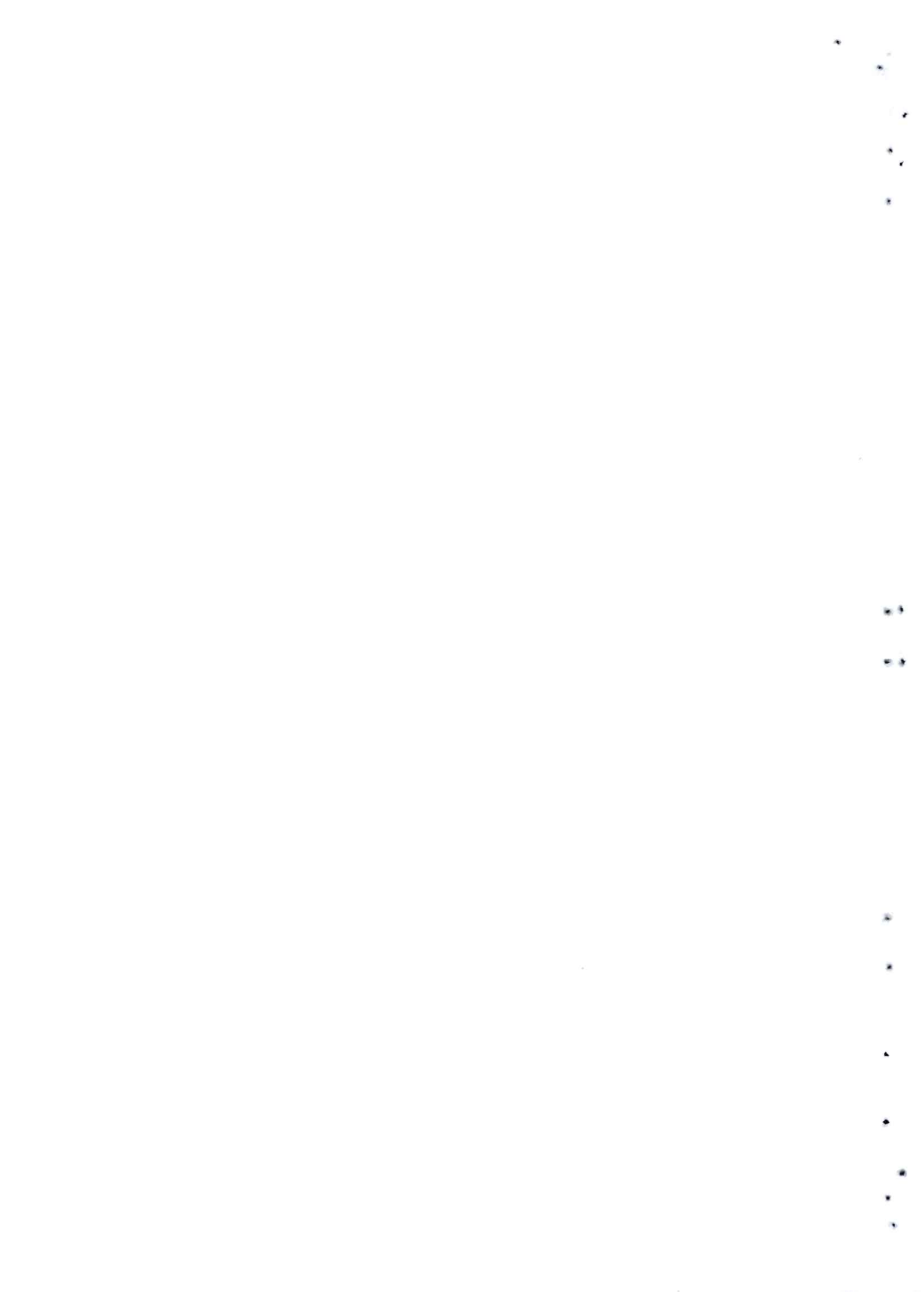
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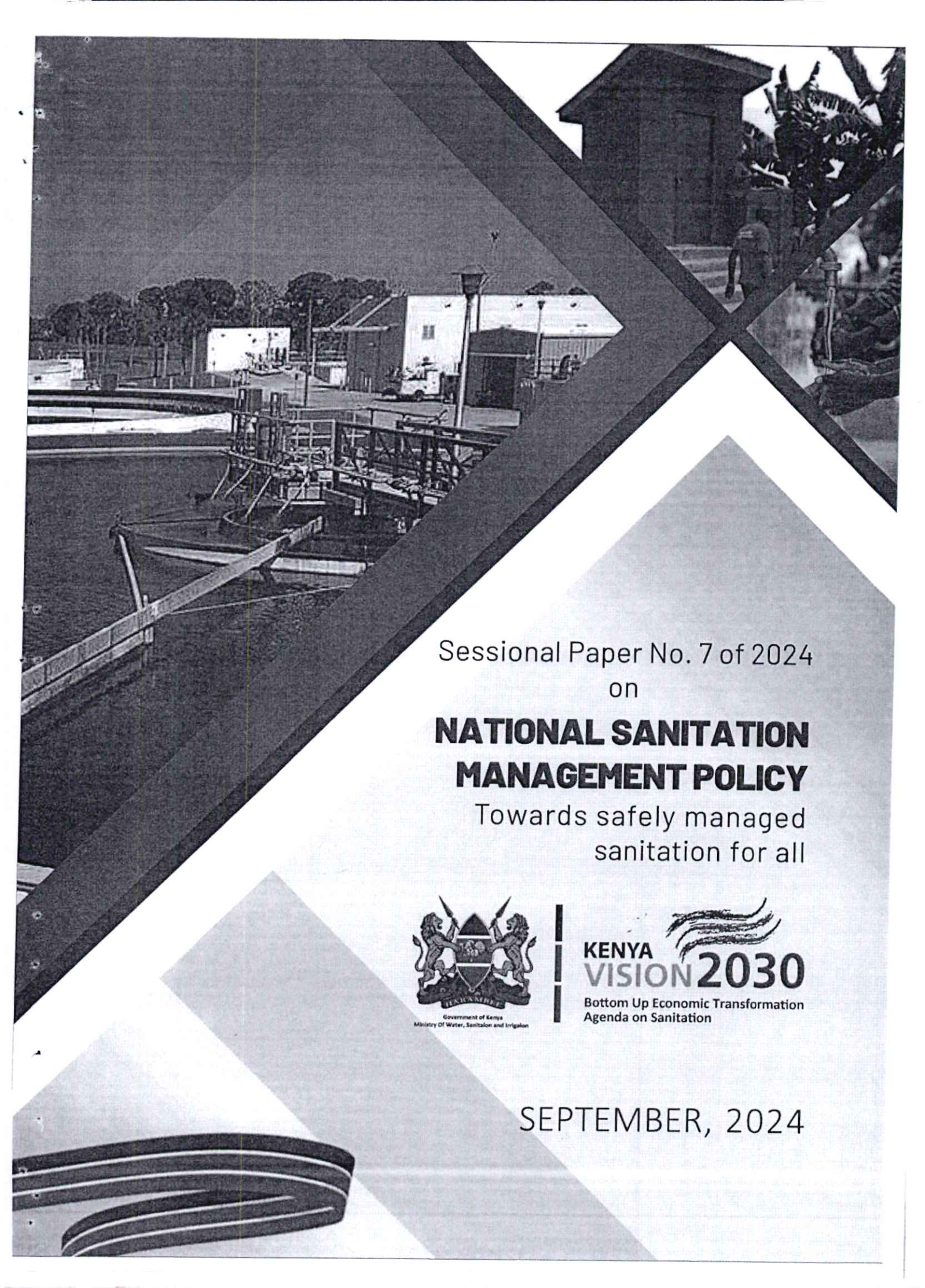
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**COPY OF THE  
NATIONAL SANITATION  
MANAGEMENT POLICY**





Sessional Paper No. 7 of 2024  
on

# **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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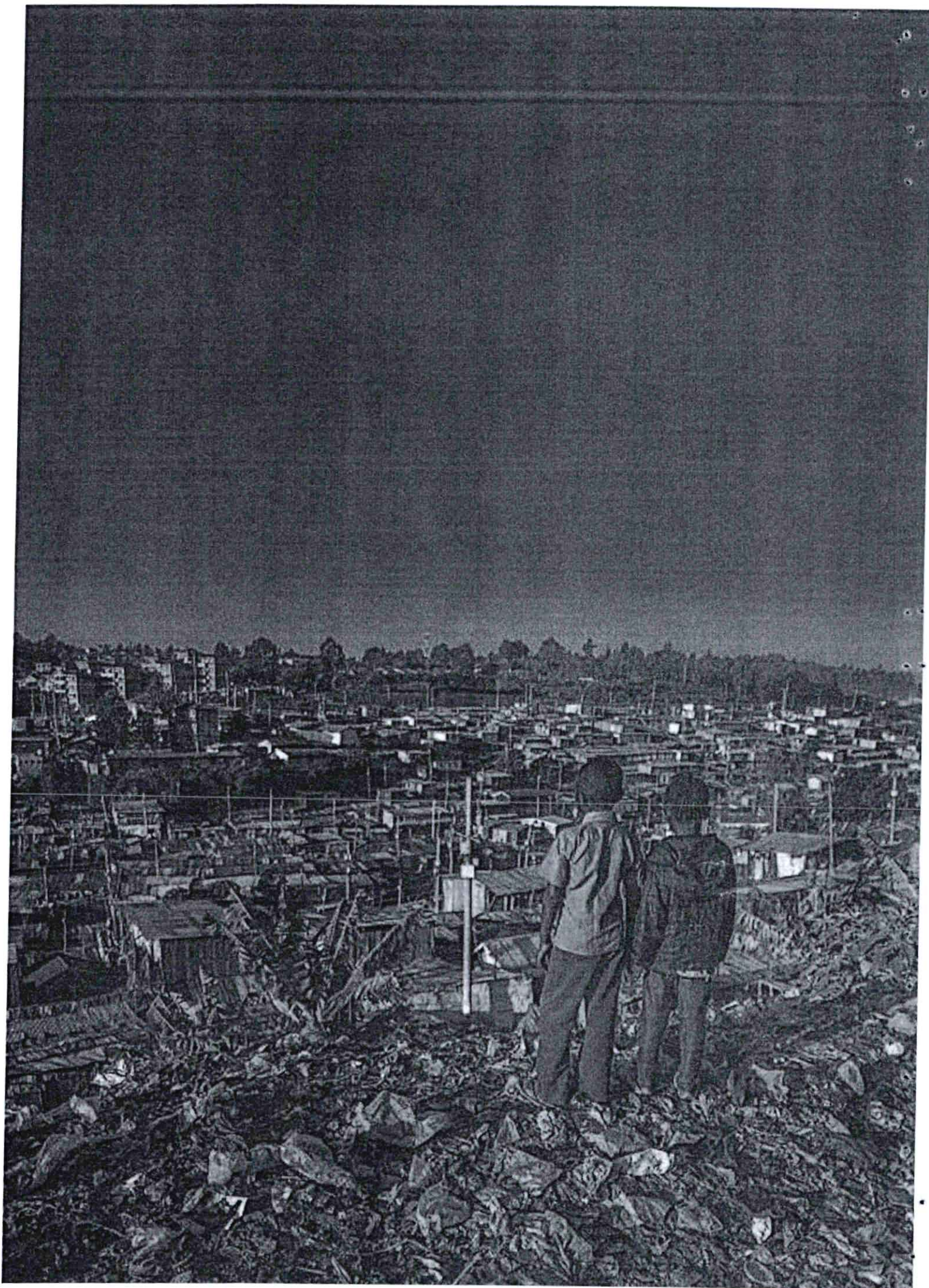
## ABBREVIATIONS AND ACRONYMS

|        |  |
|--------|--|
| 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  |
| KESHP    | 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                                       |
| NESHP    | 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 sewered 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 sewered 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



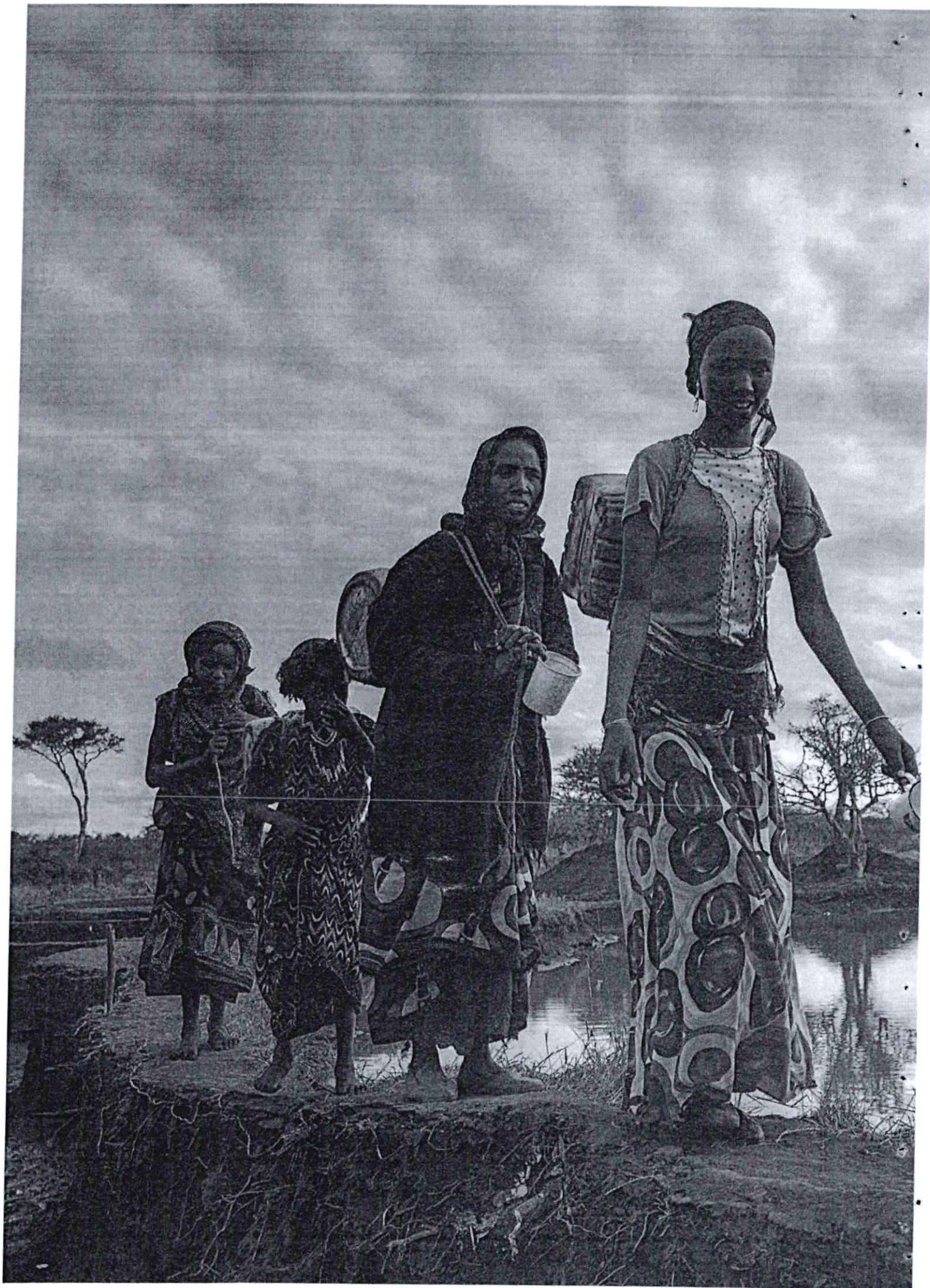
This National Sanitation Management Policy is an outcome of contributions of diverse stakeholders and partners throughout the country. The Ministry appreciates the commitment and efforts by the National Steering Committee and Secretariat to ensure the success of the policy development process. The Participation 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 County 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

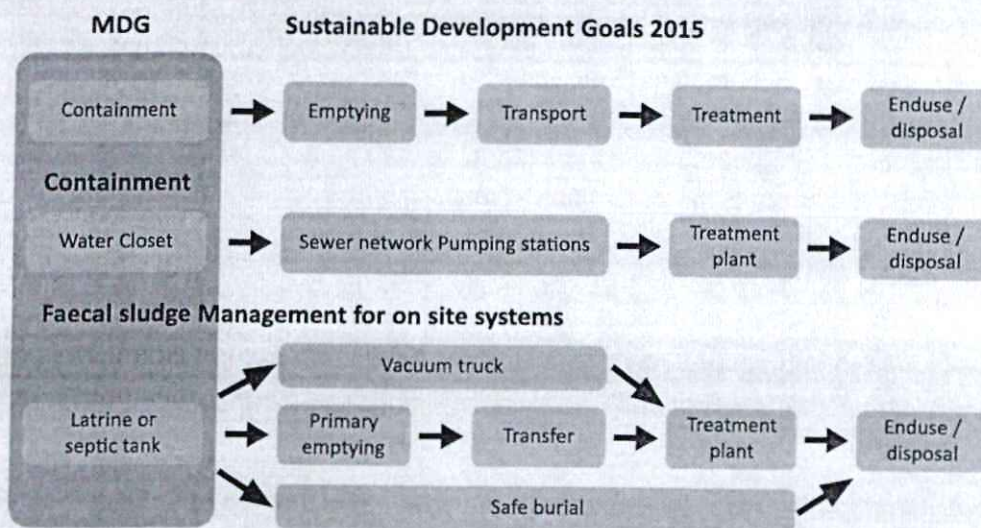
The promulgation of the Constitution of Kenya in August 2010 ushered in a fundamental paradigm shift in public policy, governance and service delivery architecture that requires total re-orientation and reforms of existing laws, policies and systems. Globally, the Sustainable Development Goal 6 with 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



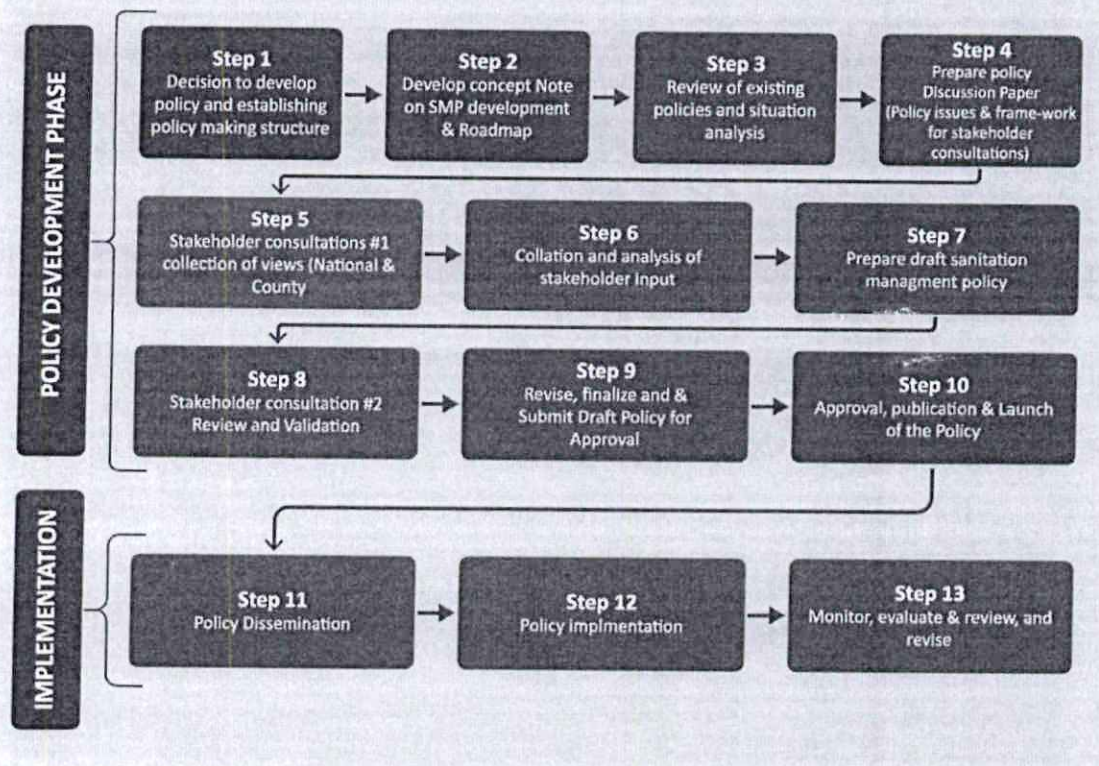
Source: Researchgate: 5 Sanitation service chain of on-site sanitation technologies and centralized wastewater management technologies (reproduced with permission from World Bank Water and Sanitation Program)

## 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

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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

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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.

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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.

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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

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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.

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### **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.

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## 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"> <li>• <b>The right to reasonable standards of sanitation, a clean and healthy environment:</b> 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.</li> <li>• <b>Political will and commitment:</b> 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.</li> <li>• <b>Institutional sustainability:</b> 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.</li> <li>• <b>Multi-sectoral collaboration and coordination:</b> 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.</li> <li>• <b>Transparency and accountability:</b> Spending on sanitation will be included within the national and county medium-term expenditure framework and budgets.</li> <li>• <b>Enforcement and compliance:</b> All service providers will be expected to voluntarily comply with the sanitation, environmental, public health and other relevant policies, laws, regulations and Standards</li> </ul> |
| Technical                   | <ul style="list-style-type: none"> <li>• <b>Choice of technologies:</b> 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.</li> <li>• <b>Innovation:</b> 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.</li> </ul>   |

**Table 2: Guiding principles for sanitation management policy**

| Focus             | Statement of principle   |
|-------------------|--|
| Service Provision | <ul style="list-style-type: none"> <li>• <b>Safe sanitation management:</b> 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.</li> <li>• <b>User pays principle:</b> Users of sanitation services will contribute to the recovery of the costs of providing services on an equitable basis.</li> <li>• <b>Integration:</b> 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.</li> <li>• <b>Private sector participation:</b> 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.</li> </ul> |
| Social            | <ul style="list-style-type: none"> <li>• <b>Equity, gender and social inclusion:</b> 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.</li> <li>• <b>Behaviour change:</b> 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.</li> <li>• <b>Public participation:</b> The opinions, aspirations and needs of the service users will be taken into account in making decisions concerning the provision of sanitation services.</li> </ul>   |
| Environmental     | <ul style="list-style-type: none"> <li>• <b>Water source and environmental protection:</b> 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.</li> </ul>   |

**Table 2:** Guiding principles for sanitation management policy

| Focus         | Statement of principle  |
|---------------|---|
| Environmental | <ul style="list-style-type: none"> <li>• <b>Reduce, re-use, recycle:</b> 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.</li> <li>• <b>Polluter pays principle:</b> 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.</li> </ul> |

#### 4.7 The Policy Approaches

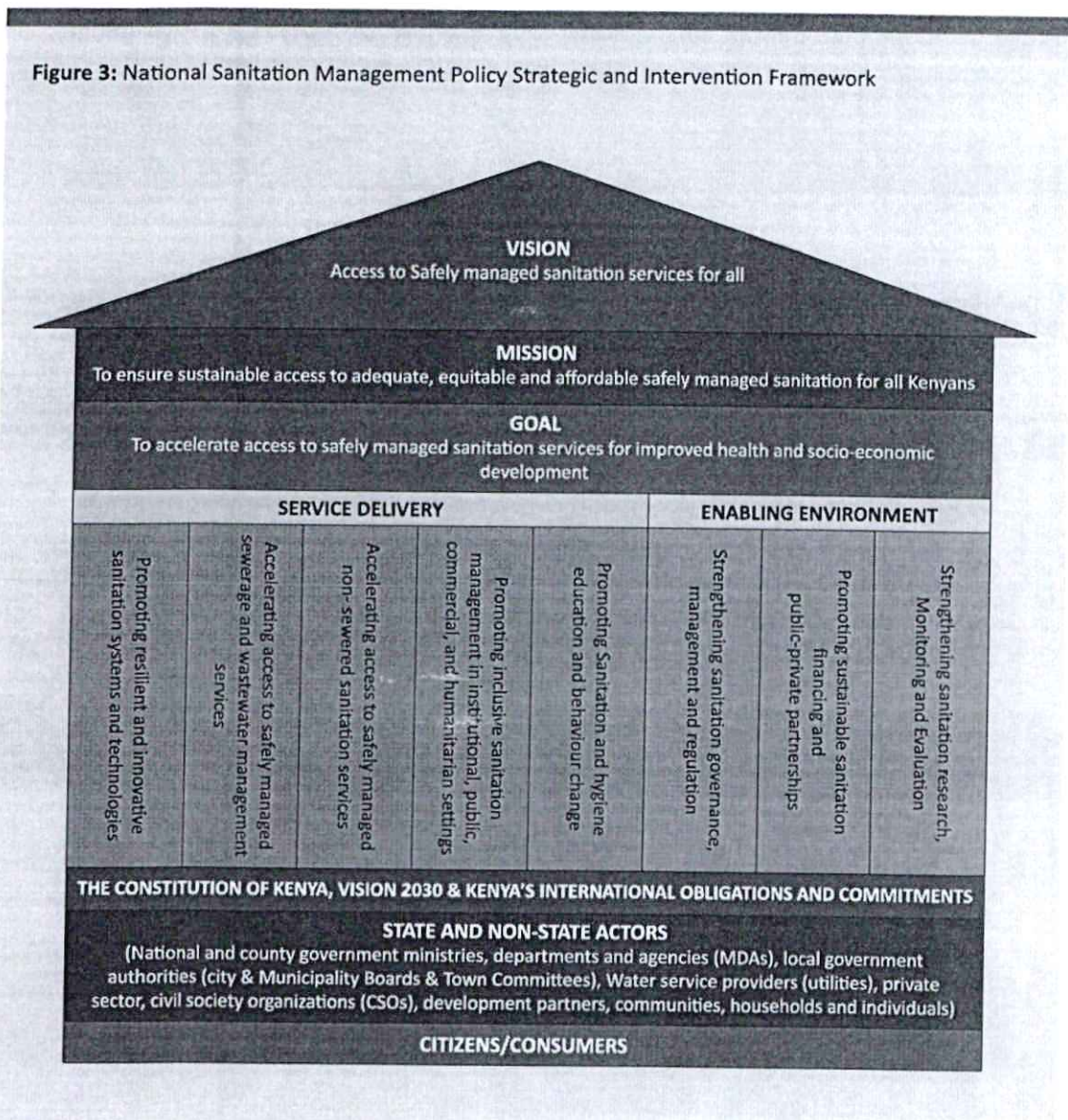
The National Sanitation Management Policy adopts and advocates for the following key approaches to sanitation policy planning, management and provision of services across the sanitation service chain:

- 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/ condominium 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,

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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 seweraged and non-sewered 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 seweraged and non-sewered 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 seweraged and non-sewered 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 condominal 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"> <li>• Assist low-income tenants and homeowners in high-density settlements, where sewerage systems are available, to connect to the sewers.</li> </ul> |

**Table 3: Policy measures across the sanitation service chain**

| Sanitation service chain              | Policy measures   |
|---------------------------------------|---|
| <p><b>Capture and containment</b></p> | <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> <li>• Develop guidelines, norms and standards for grey-water management, treatment and reuse.</li> <li>• Ensure grey-water management is mainstreamed and incorporated in household sanitation plans and housing designs.</li> </ul> |
| <p><b>Conveyance</b></p>              | <ul style="list-style-type: none"> <li>• 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.</li> <li>• Develop sewer design criteria that allow for condominal and simplified sewerage systems.</li> <li>• 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.</li> <li>• Promote gravity flow systems for sewerage schemes (unless not feasible) to avoid dumping and O&amp;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.</li> </ul>  |
| <p><b>Treatment</b></p>               | <ul style="list-style-type: none"> <li>• Develop and implement master plans for the development of municipal and industrial wastewater treatment in urban areas.</li> <li>• 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.</li> </ul>   |

**Table 3: Policy measures across the sanitation service chain**

| Sanitation service chain | Policy measures   |
|--------------------------|---|
| Treatment                | <ul style="list-style-type: none"> <li>• 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.</li> <li>• Develop wastewater treatment safety plans and ensure the safety of workers at treatment facilities at all times.</li> <li>• 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.</li> <li>• 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.</li> <li>• Develop and implement guidelines, norms and standards that would allow for the criteria for the selection of decentralized wastewater treatment technologies.</li> <li>• 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</li> <li>• 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.</li> </ul> |

#### 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.

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#### **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><b>Capture and containment</b></p>                  | <ul style="list-style-type: none"> <li>• 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.</li> <li>• Ensure that all containment facilities (toilets) are designed and constructed to provide safety, privacy, stability, ease of emptying and</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul> |
| <p><b>Conveyance (Emptying and transportation)</b></p> | <ul style="list-style-type: none"> <li>• Develop and enforce guidelines and standard operating procedures for safe emptying/transportation and conveyance of faecal sludge.</li> <li>• 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.</li> <li>• 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.</li> <li>• Promote small mechanical desludging equipment for safe removal and transfer of faecal sludge to transfer tanks for onward transport to the treatment plants.</li> </ul>   |

**Table 4:** Policy measures across the sanitation service chain

| Sanitation service chain                               | Policy measures  |
|--|--|
| <p><b>Conveyance (Emptying and transportation)</b></p> | <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Ensure private exhauster service providers are better organized and regulated.</li> <li>• Ensure all utilities provide reliable and affordable exhauster services in peri-urban and low-income urban settlements.</li> </ul>  |
| <p><b>Treatment</b></p>                                | <ul style="list-style-type: none"> <li>• Promote appropriate faecal sludge management/ decentralized wastewater technologies for treatment and reuse for agricultural, energy, and other purposes.</li> <li>• 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.</li> <li>• 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.</li> <li>• Encourage and incentivize developers to install standardised, decentralised faecal sludge/wastewater management systems and services as part of their business model.</li> <li>• Ensure faecal sludge and decentralised wastewater treatment facilities strictly adhere to the prescribed water and effluent quality regulations and standards.</li> </ul> |
| <p><b>Disposal/ end use</b></p>                        | <ul style="list-style-type: none"> <li>• 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.</li> </ul>   |

**Table 4:** Policy measures across the sanitation service chain

| Sanitation service chain | Policy measures  |
|--------------------------|--|
| Disposal/ end use        | <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> </ul>  |
| Complementary services   | <ul style="list-style-type: none"> <li>• Promote and ensure concurrent development of water supply and non-sewered sanitation facilities in urban areas and within water service providers' service areas.</li> <li>• Develop and enforce guidelines on faecal sludge and solid waste management in residential and institutional settings.</li> <li>• 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.</li> <li>• 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.</li> <li>• Acquire, secure, and bank sufficient land for immediate and future development of non-sewer sanitation works including treatment, and disposal/reuse facilities/plants.</li> </ul> |

### 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.

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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><b>Sanitation management in institutional and commercial settings</b></p> | <ul style="list-style-type: none"> <li>• Ensure that all public and private institutions and commercial establishments develop and implement inclusive, safely managed sanitation and hygiene management and safety plans.</li> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>   |
| <p><b>Sanitation management in public places</b></p>                         | <ul style="list-style-type: none"> <li>• 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.</li> <li>• Provide safe, adequate and appropriate private spaces for women and girls to manage their menstruation hygienically and privately and with dignity.</li> <li>• 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.</li> <li>• 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.</li> <li>• Ensure regular cleansing, disinfection and fumigation of all public places to exterminate insects and vermin of public health importance</li> </ul> |

**Table 5: Policy measures across the sanitation service chain**

| Area of focus   | Policy measures  |
|---|--|
| <p><b>Sanitation management in public places</b></p>          | <ul style="list-style-type: none"> <li>• Foster public participation and public-private partnerships in the provision of sanitation, hygiene and cleansing services in public places.</li> <li>• Conduct regular, programmed and unprogrammed inspections of all public places to ensure compliance with prescribed guidelines, standards and regulations.</li> </ul>  |
| <p><b>Sanitation management in health care facilities</b></p> | <ul style="list-style-type: none"> <li>• Develop and enforce regulations, standards and guidelines on sustainable sanitation and hygiene management in health care facilities.</li> <li>• Ensure all health facilities develop and implement safely managed sanitation and hygiene management plans.</li> <li>• Ensure that all new health facilities are appropriately designed and constructed with reliable water supply and safely managed sanitation and hygiene facilities.</li> <li>• Ensure that all health facilities develop and implement safely managed medical waste management plans.</li> <li>• Ensure adequate budget allocations for water, sanitation, hygiene and medical wastes management including operation and maintenance.</li> </ul>   |
| <p><b>Sanitation management in schools</b></p>                | <ul style="list-style-type: none"> <li>• Promote and protect the right of every child to safely managed water, sanitation and hygiene, and to a clean and healthy learning environment.</li> <li>• 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).</li> <li>• 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.</li> <li>• 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.</li> </ul> |

**Table 5: Policy measures across the sanitation service chain**

| Area of focus   | Policy measures  |
|---|--|
| <p><b>Sanitation management in schools</b></p>  | <ul style="list-style-type: none"> <li>• Ensure that all the schools have access to safely managed seweraged and/or non-seweraged sanitation across the sanitation service chain as the situation will demand.</li> <li>• Promote sanitation and hygiene education in schools including early childhood education and development centres. Water, sanitation and hygiene education will be incorporated in all the school health programmes.</li> <li>• Establish a menstrual Hygiene management program for schools to provide appropriate sanitary towels and sensitize girls on good menstrual hygiene practices in school. All schools will have separate private collection and disposal systems for used sanitary towels, menstrual cloth or napkins.</li> <li>• Ensure all schools make budget provisions for water, sanitation and hygiene services including development, operation and maintenance of facilities.</li> <li>• Establish and facilitate inter-agency coordination mechanism on water, sanitation and hygiene in schools.</li> </ul>  |
| <p><b>Sanitation management in humanitarian settings/ disaster and emergency situations</b></p> | <ul style="list-style-type: none"> <li>• Develop and implement sanitation disaster risk management and emergency response strategy. Disaster risk management (and in particular risk assessments) will be an integral component of sanitation development plans.</li> <li>• Ensure all sanitation facility designs include simple modifications to address disasters.</li> <li>• Develop national, county, municipal and utility level sanitation disaster and emergency management protocols and standard operating procedures.</li> <li>• Integrate safely managed sanitation and hygiene into disaster and emergency management and response strategies and plans.</li> <li>• Ensure sanitation services provision during emergency, disaster or humanitarian situations reflect the vulnerabilities, needs and preferences of the affected population. The affected communities and households will be provided access to at least basic sanitation services. Affected communities will be engaged and consulted in planning and implementation of sanitation services to identify risks to public health as well as appropriate and socially acceptable and inclusive interventions.</li> </ul> |

**Table 5: Policy measures across the sanitation service chain**

| Area of focus   | Policy measures   |
|---|---|
| <p><b>Sanitation management in humanitarian settings/ disaster and emergency situations</b></p> | <ul style="list-style-type: none"> <li>• Develop capacity and expertise in disaster risk and vulnerability assessment and incorporate disaster risk and vulnerability assessments in water and sanitation development projects. There will be training programmes provided from time to time for workers of the government departments and agencies, utilities, civil society organizations and communities on disaster risk management including prevention, preparedness and response.</li> <li>• Put in place institutional procedures and measures to ensure that gender, age and disability specific needs and vulnerabilities of the affected population are equitably met in provision of sanitation and other services in disaster and emergency situations.</li> </ul>   |
| <p><b>Menstrual Hygiene Management (MHM)</b></p>  | <ul style="list-style-type: none"> <li>• Ensure the integration of menstrual health and hygiene awareness and services into various sector and work place policies, plans and programmes.</li> <li>• Ensure public and institutional sanitation facilities are designed and built to facilitate safe and dignified menstrual hygiene management including disposal of menstrual hygiene management materials and diapers. MHM-responsive sanitation designs will be required for the safe and dignified management of menstruation in all settings especially in shared and public toilets, such as in schools, healthcare facilities, refugee and IDP camps, commercial settings, and other public and private institutions. This includes sex-segregated, separate toilet blocks with private entrances, solid walls, and locks or latches on internal doors.</li> <li>• Develop and support mechanisms to incorporate effective MHM into sanitation implementation strategies (for the workplace, public places, schools, health facilities, the home, and in the community).</li> <li>• Sensitize women, girls and teachers on the benefits of a safe, healthy environment and improved menstrual hygiene and sanitation practices.</li> <li>• Ensure the provision of safe, adequate and appropriate sanitary facilities including adequate water, cleansing and washing materials and private spaces for managing menstrual flows hygienically and privately and with dignity in the home, schools, work places, public spaces, institutions and emergency situations.</li> </ul> |

**Table 5: Policy measures across the sanitation service chain**

| Area of focus  | Policy measures  |
|--|--|
| <p><b>Menstrual Hygiene Management (MHM)</b></p>   | <ul style="list-style-type: none"> <li>• Support vulnerable girls and women in special circumstances such as disaster and emergency situations or internally displaced persons (IDPs) camps to have access to appropriate sanitary towels.</li> <li>• Ensure that toilet facilities in schools, work places, public places and institutions are designed and constructed in a way that considers the security, privacy and hygiene needs of women and girls during menses.</li> <li>• Ensure that appropriate mechanisms are put in place for safe collection and disposal of menstrual waste.</li> <li>• Ensure that all schools, work places, public places and institutions have separate private collection and disposal system for used menstrual cloth and sanitary napkins, in addition to conventional systems for solid waste disposal.</li> <li>• Sensitize WASH and health practitioners on the various issues associated with menstrual hygiene management to promote good menstrual management practices at all levels.</li> </ul>  |
| <p><b>Promoting equity, gender and social inclusion in sanitation management in all settings</b></p> | <ul style="list-style-type: none"> <li>• Develop national policy guidelines on gender and social inclusion in sanitation management to guide planning, resource allocation and investment for the vulnerable, marginalized and disadvantaged populations and areas in rural and urban settings.</li> <li>• Conduct and regularly update national, county and municipal mapping of the most vulnerable and marginalized populations and areas for purposes of sanitation management, planning, resources allocation and service delivery</li> <li>• Ensure sanitation systems are appropriately designed to accommodate the special needs of the vulnerable individuals and communities including women and girls, children, persons with disabilities, the elderly and nomadic or mobile communities at all levels.</li> <li>• Ensure gender and social inclusion in sanitation management, planning and resource allocation at national, county, municipal and utility levels to adequately address the special needs and priorities of the vulnerable and marginalized individuals, communities and areas through affirmative action and financial inclusion mechanisms.</li> <li>• Adopt cross-subsidy principles to ensure equitable and inclusive access to safely managed sanitation services by all. Subsidy principles shall be carefully applied to prevent errors of inclusion and errors of exclusion.</li> </ul> |

**Table 5: Policy measures across the sanitation service chain**

| Area of focus   | Policy measures   |
|---|---|
| <b>Promoting equity, gender and social inclusion in sanitation management in all settings</b> | <ul style="list-style-type: none"><li>• Promote corporate social responsibility to support the most vulnerable, marginalized and disadvantaged segments of the population in rural and urban areas to access defined standards of sanitation and hygiene services.</li><li>• Facilitate and empower communities, households, and service users to participate in the planning, decision-making, and management of sanitation through timely access to relevant information.</li></ul> |

## 5.6 Promoting sanitation and hygiene education and behavior change

The Government at the national and county level shall promote sanitation and hygiene behaviour change across the service chain through continuous health promotion, awareness creation and public education at all levels.

Sanitation and hygiene related behaviors and practices are at the heart of achieving safely managed sanitation and hygiene for all. The full benefits of safely managed sanitation and hygiene will not be realized unless individuals, communities, service users and providers adopt safe sanitation and hygiene behaviours and practices. Practically, if the sanitation facilities are not properly used and maintained, and if the users do not themselves practice good hygiene, then the investment in sanitation facilities and infrastructure will not result in desired improved health and environmental outcomes. Regulation will be equally ineffective if not accompanied with public education and awareness on the importance of safe sanitation and hygiene behaviour and practices in promoting good health and ensuring a clean and healthy environment.

### 5.6.1 Policy statement

The Government at national and county level will promote sanitation and hygiene behaviour change across the service chain through continuous health promotion, awareness creation and public education at all levels. This will not only ensure sustainable demand and uptake of safely managed sanitation and hygiene services but also maximize the health, environmental, social and economic benefits of sanitation and hygiene interventions. In collaboration and coordination with relevant stakeholders including NGOs, private sector, faith-based organizations (FBOs) and community-based organizations, the government at all levels will promote continuous sanitation and hygiene education and carry out behaviour change campaigns throughout the country.

### 5.6.2 Policy measures

The Government at national and county levels will:

1. Establish a national multi-sectoral sanitation and hygiene education and behaviour change communication programme
2. Develop and disseminate appropriate sanitation and hygiene behaviour change information, education and communication materials.
3. Facilitate research on sanitation and hygiene behaviour and practices to inform planning and behaviour change campaign strategies across the service chain in diverse settings.
4. Promote integration of sanitation and hygiene behavior change interventions across

the service chain into the national, county, municipal, utility and community sanitation strategies, plans, programmes, budgets and service delivery frameworks.

5. Promote and strengthen stakeholder and multi-sectoral coordination and public-private partnerships in sanitation and hygiene behavior change and sanitation marketing campaigns at all levels.
6. Advocate for integration of sanitation and hygiene education as a common course into the early childhood development and education (ECDE), primary, secondary, TVET and tertiary education curricula as appropriate.

## 5.7 Strengthening sanitation governance, management and regulation

The Government at national and county levels shall strengthen institutional, governance and regulatory framework and human resources capacity for sanitation at all levels.

Sanitation governance, management and regulation involves diverse state and non-state actors and stakeholders at various levels of the sanitation ecosystem. The objective of governance and regulation is to provide supportive and enabling environment, ensure effective coordination and promote efficient and economic use of available resources for equitable access to safely managed sanitation services across the service chain at all levels. This requires that all stakeholder involved have a clear understanding of their roles and responsibilities, what is expected of them, what needs to be done and where, the means to do it, accountability for doing it, and an agreed mechanism to ensure effective coordination of their activities. In addition, to ensure effective and efficient management and delivery of safely managed sanitation services across the sanitation service chain, there must be adequate skilled human resources put in place.

### 5.7.1 Policy statement

The Government at national and county levels shall strengthen the institutional and regulatory framework and capacity for effective sanitation governance, coordination and management at all levels. To improve efficiency, effectiveness and accountability in the performance of sanitation functions and delivery of quality services at different levels, the government shall institutionalize inclusive multi-sectoral and stakeholder coordination mechanisms, harmonize the national regulatory framework and strengthen human resources capacity for sanitation. The government shall review and enact the necessary legislation, guidelines and standards for the provision of safely managed sanitation services across the service chain.

### 5.7.2 Policy measures

To ensure supportive and enabling institutional, governance and regulatory environment for sanitation, the government at national and county levels will pursue the following policy measures (Table 6 below):

**Table 6:** Policy measures across the sanitation service chain

| Area of focus   | Policy measures   |
|---|---|
| Strengthening governance and management capacity for sanitation | <ul style="list-style-type: none"> <li>• Conduct a comprehensive national sanitation sector capacity needs assessment in collaboration with stakeholders to inform the formulation of sector capacity development strategies at national and county levels.</li> <li>• Establish an inclusive national sanitation stakeholders' coordination mechanism to coordinate sanitation actors throughout the country.</li> </ul> |

**Table 6: Policy measures across the sanitation service chain**

| Area of focus  | Policy measures  |
|--|--|
| <p><b>Strengthening governance and management capacity for sanitation</b></p>                        | <ul style="list-style-type: none"> <li>• Establish countywide sanitation coordination mechanisms to oversee and coordinate countywide inclusive sanitation planning, stakeholder coordination, regulation and service delivery.</li> <li>• Develop a national and county institutional capacity development strategies to strengthen the sector capacity to coordinate and oversee the delivery of safely managed sanitation services at all levels.</li> <li>• Strengthen the capacity of the sanitation directorate in the responsible national government ministry, county department, local government and publicly owned utilities.</li> <li>• Strengthen the utilities financial and operational autonomy within the county and local government system.</li> <li>• Strengthen multi-sectoral, stakeholder and intergovernmental coordination and dispute resolution mechanisms at various levels.</li> <li>• Develop and implement national and county stakeholder engagement and communication strategy.</li> <li>• Strengthen good governance and ethical practices in the sanitation sector in line with the Constitution, ethics and anti-corruption laws and regulations.</li> </ul> |
| <p><b>Strengthen and harmonize national regulatory and coordination framework for sanitation</b></p> | <ul style="list-style-type: none"> <li>• Establish an inclusive national regulatory regime for sanitation to oversee, coordinate, monitor and regulate provision of sanitation services</li> <li>• Strengthen national regulatory and enforcement framework and capacity for safely managed sewerage and non-sewered sanitation across the sanitation service chain.</li> <li>• Fast track the enactment of the Environmental Health and Sanitation Bill 2020 and encourage all county governments to domesticate the County Prototype Environmental Health and Sanitation Bill.</li> <li>• Develop national regulations and standards for safely managed sewerage and non-sewered sanitation including simplified sewerage systems, faecal sludge and decentralized wastewater management.</li> <li>• Strengthen the regulatory, licensing and enforcement capacity of county governments and local authorities (City and Municipality Boards and Town Committees) to ensure effective enforcement of laws, regulations, standards and conditions of service across the service chain.</li> </ul>   |

**Table 6: Policy measures across the sanitation service chain**

| Area of focus  | Policy measures  |
|--|--|
| <p><b>Strengthen and harmonize national regulatory and coordination framework for sanitation</b></p> | <ul style="list-style-type: none"> <li>• 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</li> <li>• Strengthen the capacity of the Judiciary, office of the Directorate of public Prosecutions and law enforcement agencies.</li> <li>• Establish appropriate dispute resolution mechanisms to ensure that the enforcement system meets all the requirements of administrative justice.</li> <li>• Strengthen incentive-based regulatory systems to encourage sanitation institutions to adopt self-regulatory measures including voluntary compliance.</li> </ul>   |
| <p><b>Strengthening human resources capacity for sanitation</b></p>                                  | <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Strengthen sanitation workforce planning and management capacity.</li> <li>• Review and develop a scheme of service, scope of practice and norms and standards for sanitation personnel.</li> <li>• Establish a professional regulatory framework to regulate sanitation workforce training, certification, licensing and continuing professional development in line with the best industry practice.</li> </ul> |

### 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.

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### 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.

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## **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.

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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

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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.



