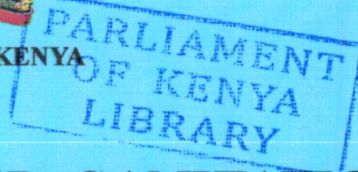




REPUBLIC OF KENYA



**MINISTRY OF WATER, SANITATION
AND IRRIGATION**

**Sessional Paper No. 1 of 2021
on
National Water Policy**

March, 2021



SESSIONAL PAPER NO. 1 OF 2021

ON

National Water Policy

March, 2021

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FOREWORD

The Sessional Paper No. 1 of 2021 was developed in line with the mandate, vision and mission of the Ministry responsible for water affairs in Kenya. In particular, the Sessional Paper build on the achievements of the water sector reforms that commenced with the enactment of the Water Act, 2002, which were based on the principles outlined in the Sessional Paper No. 1 of 1999 on National Policy on Water Resources Management and Development. The provisions and spirit of the Constitution of Kenya, promulgated in August 2010 particularly provisions on devolution of government functions, obligation to establish and maintain a durable system of sustainable development and the twin human rights to clean water in adequate quantities, and to reasonable standards of sanitation; Sessional Paper No. 10 of 2012 on Kenya Vision 2030; and the lessons that have been learnt since 1999, have necessitated the urgent need for review of the water sector policy framework, to enhance delivery of Ministry mandate. Therefore, this Sessional Paper aims at moving the water sector to the next level of development in order to contribute to the National Goals, and realization of the Sustainable Development Goals.

Kenya has five major water catchment towers that continue to face severe degradation due to uncontrolled environmental degradation. The notable drivers of this environmental degradation include high rates of population growth, use of inappropriate technology, unsustainable consumption and production patterns, increased incidences of poverty and the adverse effects of climate change. Without protection and conservation of water resources, this trend will worsen, intensifying the negative effects on the socioeconomic development of Kenya, and reversing gains made in the living conditions of the population. The Sessional Paper takes cognizance of this, and sets out actions that Kenya will implement, at all levels, to enhance sustainable management of water resources, and further, to enhance coordinated water harvesting and storage.

The Government of Kenya is committed to ensuring the progressive realization of the human rights to water, and reasonable standards of sanitation through taking steps to protect, respect and fulfil these rights, as required by the Constitution. This is in addition to realization of the human right to a clean environment. This Sessional Paper takes into account the need for Kenya, at both levels of government, to take steps, through this Policy, law, institutional mandates, planning and financing, in order to secure universal coverage of the entire population through access to water, and sanitation in accordance with constitutional standards.

The Sessional Paper has taken into account elements of the water sector that are enablers for Kenya to meet the different objectives. This includes priorities in education, training, technology, research and innovation;

affirmative action; gender mainstreaming; taking action to mainstream climate actions in the water sector; as well as institutional arrangements, including devolved mandates. Further, the Sessional Paper addresses Kenya's priorities and actions for investment planning, resource mobilization and financing.

The Government of Kenya recognizes that various challenges face policy implementation. In order to ensure its seamless implementation, this Sessional Paper incorporates an integrated Implementation Matrix, and the Ministry will ensure development of sub-sector strategies that are aligned with this Sessional Paper. The outcomes and actions identified for the implementation of this Sessional Paper will form part of the performance contracting process which the government implements through institutions at the national and county government level.

In order to achieve the goals and objectives of this Sessional Paper, the Ministry will actively collaborate with other national government entities, county governments, development partners, local partners, communities and other stakeholders to take the relevant actions.

The devolution of water sector mandates for execution by county governments has been addressed by this Sessional Paper. Consequential actions intended to finalize devolution of functions, and realignment of mandates across the national government, are addressed through a transition plan, and a transfer plan, for the water sector.

The development of this Sessional Paper involved the contribution and collaboration of various stakeholders, together with a public consultation process that resulted in valuable feedback that has enhanced the quality of the outcome. Against this background, the Sessional Paper proposes a range of measures and actions through which Kenya can respond to the challenges facing the water sector.

It is therefore my expectation that this Sessional Paper will serve the Nation through interventions in the water sector that enable Kenya to pursue sustainable development. As the Cabinet Secretary responsible for Water, I urge all agencies of the government, at national and county level; civil society; private sector; development partners; citizens and all other stakeholders to support implementation and monitoring of the Sessional Paper.



Sicily K. Kariuki (Mrs), EGH
Cabinet Secretary,
Ministry of Water, Sanitation and Irrigation

PREFACE

In Kenya, water is a finite resource with an annual national water availability per capita of about 452 m³. There is a decreasing trend in water availability due to increasing population, expanding economic activities and increasing degradation of catchment areas. There is therefore a need for Kenya to review its policy, institutional and other approaches for governing and managing the entire water sector, and it is for this reason that this Sessional Paper was developed.

This Sessional Paper was prepared within the framework of the 2010 Constitution of Kenya. The Sessional Paper is further intended to guide national and county governments in implementing sustainable actions in water resources management. The Sessional Paper, as developed, lays a strong foundation on which aspirations of the Constitution will be anchored into the water sector actions, with respect to the human rights to water, sanitation services, and a clean environment. It therefore proposes a framework for coordinating the various sub-sectors involved in water resources development and management including planning and implementation. In addition, the Sessional Paper has focused on actions needed for investment planning, resource mobilization, and financing of water sector investments required to meet the objectives of the Sessional Paper.

With respect to devolved mandates, this Sessional Paper forms the basis upon which county governments will prepare their policies and strategies to effectively and efficiently discharge their respective mandate on water service delivery.

The development of this Sessional Paper was a collaborative effort led by a National Steering Committee appointed by the Cabinet Secretary in November 2016. The membership of this steering committee was drawn from across ministries and agencies of the national government, the Council of Governors, and civil society. The process received financial and technical support from the Ministry's Kenya Water Security and Climate Resilience Programme (KWSCRIP). A consultative process with the Departmental Committees of the National Assembly and Senate responsible for water; the committee of the Council of Governors responsible for water; regional consultations; as well as consultations with the civil society. This was in addition to receiving comments from the public, who were responding to an invitation made by the Ministry to the Kenyan public to provide comments on the draft Sessional Paper. The outcome of these consultations provided valuable input to the development of the Sessional Paper.

It is my expectation that this Sessional Paper has benefited from an enriched process, and technical knowhow, and will backstop the transformation of the water sector to realize the requirements of the Constitution.

A handwritten signature in black ink, appearing to read 'Andrew K. Tuimur', with a stylized flourish at the end.

Dr. Andrew K. Tuimur, CBS
Chief Administrative Secretary
Ministry of Water, Sanitation and Irrigation.

ACKNOWLEDGEMENTS

The formulation of the Sessional No. 1 of 2021 on the National Water Policy followed an intensive, inclusive, consultative and participatory approach. A broad range of experts representing various government ministries, departments and agencies, private sector, academia and civil society participated in the Sessional Paper making process.

On behalf of the Ministry, I would like to recognize the contribution of the National Steering Committee that was appointed by the Cabinet Secretary to guide the making of this Sessional Paper. The membership of the National Steering Committee included: Eng. SAO Alima (Chair), Eng. John Muiruri, Mr. John Njenga, Mr. Nelson M. Maina, Mr. Arthur Mbatia, Ms. Lesley Khayadi, Mr. Robert Nthenge, Ms. Bernadette Njoroge, Ms. Virginia Nzioka, Eng. Boniface Mwaniki, Mr. Leonard Omullo, Mr. Victor Mose, Ms. Anne Tek, Mr. Paul Kabati Njau, Ms. Georgina Wachuka, Eng. Bonnie Nyandwaro, Mr. Vincent M. Inganji, Mr. Peter O. Nawiri, Mr. Chrispine O. Juma, Ms. Rose A. O. Nyakwana, Mr. Daniel Kihara, Mr. James Yatich, Mr. David Bosuben, Mr. John Kihara, Mr. Simintei Ole Kooke, Mr. Daniel Kimani, Eng. Fred K. Marangu, Ms. Monica Omoro, Mr. David Thiong'o, Ms. Janet Olewe and Ms. Regina Mbula. We acknowledge the technical inputs of our two experts seconded by the Kenya Water Security and Climate Resilience Programme (KWSCRIP): Dr. Robert Kibugi (Legal Expert); and Ms. Carolyne Odhiambo (Institutional Development Expert) who supported the Committee in drafting, revising and redrafting this Sessional Paper throughout various stages of development, stakeholder consultations and conclusion.

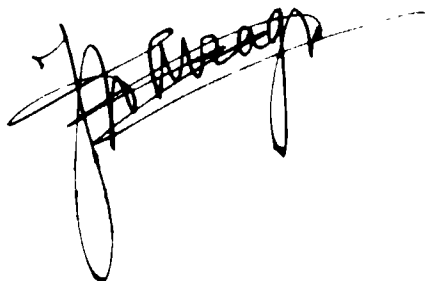
Further, I would like to acknowledge the collaboration and support extended to the Ministry of Water, Sanitation and Irrigation by the various Water Sector Institutions, the Council of Governors, Parliament of Kenya, Development Partners, Private Sector Institutions, Civil Society Organizations, Academia and Community-Based Organizations.

We acknowledge the financial and technical support received from the Ministry's Kenya Water Security and Climate Resilience Programme (KWSCRIP). More specifically, I would like to acknowledge the Water Sector Reforms Project Implementation Unit (WSR-PIU) which, under the leadership of the Water Secretary was responsible for the daily management of the process, quality assurance, and worked on development of the final version of this Sessional Paper, including the

implementation matrix. Our appreciation goes to the Working Group from the WSR-PIU that finalized this Sessional Paper, as follows: Eng. SAO Alima, Eng. Fred Marangu, Eng. Stephen Githinji, Teresa Wasike, Charles Nyakeri, David Thiong'o, Daniel Kimani, Kinyua Mware, Carolyne Akinyi Odhiambo and Dr. Robert Kibugi.

As the Ministry responsible for water, we expect that this Sessional Paper will provide the guidance required for implementation of the constitutional framework, development and updating of the water sector legislative framework and institutional mandates. This includes ensuring the mainstreaming of critical public policy concerns such as gender equality, affirmative action, integration of climate change actions across the water sector, together with investment planning, resource mobilization and financing of actions.

The Ministry will pursue full implementation of this Sessional Paper through the implementation matrix and beyond, including institutional arrangements for Policy implementation, monitoring and evaluation. This is in addition to timely completion and full implementation of sub-sector strategies to support realization of Sessional Paper. In addition, we will coordinate with county governments to ensure all mandates are carried

A handwritten signature in black ink, appearing to read 'Joseph W. Irungu', written over a horizontal line.

Mr. Joseph W. Irungu, CBS
Principal Secretary,
Ministry of Water, Sanitation and Irrigation

1 PREAMBLE TO THE NATIONAL WATER POLICY

Water plays a significant role in the national development of a country with respect to social, economic and environmental spheres. It is a social and economic good which is critical for the sustainable development of the country. As a social good, water supports domestic needs, life and health, and as economic good water supports critical productive activities such as agriculture and industry and is a major input in many productive sectors like agriculture, energy, processing and manufacturing, hospitality, mining, construction and transport. In addition, water provides critical environmental services like support to aquatic life and disposal of residuals. Since 2010, water is constitutionally linked to human rights since the management of water resources is integrated with the human right to a clean and healthy environment; and the country now has human rights to clean drinking water; and to reasonable standards of sanitation. Over the years since gaining independence in 1963, Kenya has developed various policies, regulatory and legislative frameworks to guide the water sector towards enhancing its role in social and economic development of the country:

- (a) Sessional paper No. 1 1965 on Africa Socialism and its Application to Planning in Kenya identified three development priorities for the country including ending poverty, ignorance and disease. The policy underpinned the importance of water to the extent of conserving water resources (protecting water sheds from destruction), expansion of water supplies, proper use of water resources and the need for skilled manpower in the sector.
- (b) Sessional Paper No. 1 of 1999 on National Policy on Water Resources Management and Development was formulated to promote the sustainable development and management of the water sector. The policy focused on water resources management, water supply and sewerage development, institutional arrangement and financing of water sector. The 1999 water policy was operationalized through the Water Act, No.8 of 2002.
- (c) Implementation of the Water Act 2002 focused on the decentralization of water services; and, separating water policy formulation from the management of water resources, and the provision of water and sanitation services. The institutional framework was strengthened by creating new institutions with the regulatory role; and further, separating the regulation and management of water resources from the provision of water and sanitation services.

- (d) Under the 2002 reforms therefore, various gains were made in the regulation and management of water resources and service provision. Nonetheless, many challenges still confound the water sector. These challenges, together with the requirements of the 2010 Constitution, have necessitated the development of this new Sessional Paper, to replace the 1999 Water Policy, in order to provide a renewed policy direction for the entire water sector that is consistent with the Constitution, and responsive to the national needs for the water sector.
- (e) The promulgation of the 2010 Constitution was a milestone in the reforms for the water sector, such as through introduction of various human rights that are integrated to the water sector, including the right to a clean and healthy environment (article 42); the human right to clean and safe drinking water in adequate quantities, and the human right to reasonable standards of sanitation (article 43); as well as the human rights of consumers to goods and services of reasonable quality which is mainly integral to provision of water and sanitation services (Article 46). In addition, Article 10 sets out national values and principles of governance that are mandatory for public officers, and all other persons when making, interpreting or implementing laws and public policy decisions. These national values and principles of governance include: devolution of power, public participation, equality, equity, non-discrimination, rule of law, social justice, good governance, integrity, transparency and accountability, sustainable development, among others. The Constitution established a devolved system of government and specifies the distribution of functions between the national and county governments, as set out in the fourth schedule. It also makes provision for intergovernmental relations between the national government, and county governments. This constitutional governance framework is therefore comprehensive and provides an overarching guiding framework for this Sessional Paper.

2 POLICY MAKING AND IMPLEMENTATION IN A DEVOLVED GOVERNMENT CONTEXT

This Sessional Paper was developed by the national government in line with its constitutional mandate to establish a durable and sustainable system of development including, in particular, water protection, securing sufficient residual water, hydraulic engineering and the safety of dams. The policy was developed in a participatory and consultative process led by a National Steering Committee (NSC) comprising members drawn from ministries and agencies of the national government; the Council of Governors; private sector; and the civil society.

The Constitution establishes a fundamental duty on the State, and every State organ to observe, respect, protect, promote and fulfil the human rights set out in the Bill of Rights. The State, in this constitutional context, means the collectivity of offices, organs, and other entities comprising the government of the Republic of Kenya under the Constitution. The State thus include the National Government, County Governments, and their respective organs, and entities that comprise the government of Kenya. As such, the fundamental obligation to observe, respect, protect, promote and fulfil the human rights binds both the national government, and each county government, including their organs and entities. The relevant human rights, such as the right to a clean and healthy environment; the right to safe and clean drinking water in adequate quantities; the right to reasonable standards of sanitation; or consumer protection rights, therefore impose a concurrent duty on both levels of government to observe, respect, protect, promote and fulfil.

This Sessional Paper is therefore for application by the national government, and all the forty-seven (47) County Governments in line with their respective water sector mandates; and/or concurrently or jointly as the case maybe, within the meaning, interpretation and authorization of the Constitution.

The reference to the National Government in this context means the Executive Branch that includes the Ministry or State Department for the time being assigned the role of water affairs, as per the most recent Executive Order issued by the President of Kenya on organization of the national government; all water sector institutions established with a statutory mandate; and any other Ministry, State Department, or Agency whose mandate is impacted by, or impacts the Sessional Paper. National Government organs in this context also includes the relevant mandate of Parliament under the Constitution mandate and functions of the National Government, in the water sector, can be construed from the Bill of Rights, Part I of the Fourth Schedule, and generally from the Constitution.

County governments have the mandate to undertake provision of water and sanitation services; and to implement specific national government policies on natural resources and environmental conservation, including soil and water conservation. The reference to county governments is within the principles, meaning and structure provided for in Chapter 11 of the Constitution, and the County Governments Act of 2012. The mandate and functions of county governments, in the water sector, can be construed from the Bill of Rights, Chapter 11, and Part II of the Fourth Schedule, and generally from the Constitution.

There are also concurrent functions between the two levels of government, or distinct functions whose implementation requires consultation and

cooperation, in terms of article 6, or joint mechanisms in terms of article 189(2) of the Constitution.

For this reason, each level of government must read and construe policy directions in accordance with their constitutional mandate. Where joint implementation maybe necessary, consultation and cooperation will be important, as well as the intergovernmental mechanisms addressed in this Sessional Paper

3 RATIONALE FOR THE DEVELOPMENT OF THIS SESSIONAL PAPER

In spite of the past policy interventions and respective gains, the water sector continues to face various limitations and challenges that this Sessional Paper will seek to address, including the regulation and management of the sector. The core limitations include low access to improved water and sanitation services; weaknesses in water resources management; and limitations in water harvesting and storage, against the sector targets and expectations. This has been attributed to a number of issues/challenges like:

- (a) Kenya is a water scarce country with low annual renewable freshwater availability which is on a declining trend. Further exploration of water resource is limited and there is disparity in the distribution of water resources across the country.
- (b) In terms of water resource management, loss, depletion and degradation of water resources continues to affect the quantity and quality of water. The potential for groundwater resources has not been fully determined and utilized.
- (c) Harvesting and storage of water is extremely low. This has been mainly due to low investment and financing of requisite infrastructure as well as low adoption of appropriate technologies.
- (d) In water supply and sanitation services, there is increasing demand for water due to rising population and expansion of economic activities across sectors. The sewerage coverage is low besides rapid increase in urbanization. There is also inefficiency in operations of water service institutions.
- (e) Investment and financing requirements for the sector have not been fully realized. This is due to lack of clear national investment plan for the sector, inadequate public financing resources and limited stakeholder participation, especially the private sector. Water has not been adequately priced as an economic good and this hinders self-financing as a strategy for sustainable service. The sector has not fully explored alternative sources of funds such as through

climate finance, as well as models of financing, such as enabling subsidies, that allow water access for the vulnerable and underserved while still allowing for full cost-coverage.

- (f) The sector faces various capacity challenges and the lack of a clear coordination mechanism among the state, and non-state actors. There has been challenges in coordination between the national government and county governments. This has resulted in low compliance and enforcement of standards, regulations and guidelines.
- (g) There is a gap between the research, training and innovation, and the sector needs, and the overall level of funding remains low. The uptake of research and innovation outcomes remains low. This affects the overall performance of the sector and its impact on the economy.
- (h) The sector is also affected by a number of emerging and cross cutting issues like climate change, water conflicts and disputes, and low levels gender mainstreaming. In addition, the sector has not fully implemented the affirmative action for vulnerable groups including, children, marginalized communities, youth and persons with disability, among others.
- (i) Water security is affected by challenges resulting from the land tenure system. These include land use practices which negatively impact on water resource management and storage and worsen climate change vulnerabilities. Absence of strong land use controls remain a problem. The rising cost of compensation for land acquired for the development of water infrastructure presents additional challenge.
- (j) This Sessional Paper aligns the sector with the Constitution. It entrenches devolution, water rights, rights to water and sanitation services, national values and principles of governance in the sector, among others.
- (k) The Sessional Paper also responds to emerging issues relevant to the development of the water sector, among them being Sustainable Development Goals 2030, Africa Union Agenda 2063, East Africa Community Vision 2050, Kenya Vision 2030 and the National Climate Change Action Plan. These documents stress the need for improved access to water and enhanced water resource management as well as development of appropriate infrastructure.
- (l) The Sessional Paper was informed by best practices drawn from conventionally and widely acceptable international, regional and local standards, taking into account the circumstances unique to

the Kenyan socio-economic, cultural, political and environmental context.

- (m) The Sessional Paper was formulated through a consultative process in accordance with the Constitution, and in order to build ownership and consensus, as well as gain from the knowledge and experiences of stakeholders. It involved stakeholders from both National and County Governments as well as the Private Sector and the Public. The formulation process involved establishment of the National Steering Committee, stakeholder consultation, public participation and parliamentary process.

4 GOAL, OBJECTIVES AND GUIDING PRINCIPLES

4.1 Goal of the Sessional Paper

The goal of this Sessional Paper is to guide the achievement of sustainable management, development and use of water resources in Kenya. It provides a framework for sustainable management and financing of water resources; water harvesting and storage; and for equitable, efficient, and universal access to water supply and reasonable standards of sanitation, for domestic, economic use and ecosystem sustenance.

The Sessional Paper provides guidance for aligning the water sector to the Constitution of Kenya especially with respect to the establishment of mechanisms to guide intergovernmental and, institutional coordination for better delivery of respective functions.

4.2 Objectives of the National Water Policy

The objectives of this Sessional Paper are:

- (i) To strengthen sustainable water resource management in the country.
- (ii) To accelerate delivery of water supply services through progressive realization of the human right to water towards universal access.
- (iii) To promote development of water harvesting and storage infrastructure.
- (iv) To accelerate delivery of sewerage and non-sewerage sanitation services through progressive realization of the human right to reasonable standards of sanitation towards universal access.
- (v) To put in place and implement a harmonized and constitutionally compliant regulatory framework for devolution of water functions and management of intergovernmental relations including areas of concurrent authority between the two levels of government.

- (vi) To strengthen water education, training, research and innovation to be responsive to the water sector needs.
- (vii) To implement mainstreaming of climate change considerations, and disaster risk reduction throughout the water sector.
- (viii) To enhance the mainstreaming of gender considerations in water sector towards progressive attainment of gender equality.
- (ix) To put in place mechanisms to manage conflicts in the water sector, enhance the use of alternative dispute resolution and operationalize the Water Tribunal.
- (x) To implement mainstreaming of affirmative actions to enhance equity and equality and integrate the interests of the youth in the water sector.
- (xi) To strengthen coordination in investment planning in the water sector at National, County, and Intergovernmental levels.
- (xii) To strengthen integrated and sustainable resource mobilization, effective, efficient financing throughout the water sector at national and county levels.
- (xiii) To implement a harmonized, coherent and constitutionally compliant regulatory framework for devolution of water sector functions, and, for the management of intergovernmental relations in order to ensure performance of respective mandates, and management of interdependent mutual relation between the national government, and county governments.
- (xiv) To guide establishment of harmonized and cost efficient institutional arrangements and operations for the national, and, county water sector institutions.
- (xv) To set up a strengthened implementation framework for effective and efficient delivery, monitoring, evaluation, and reporting on progress on the implementation of this policy

4.3 The Guiding Principles of the Sessional Paper

The governance and management of the water sector will be informed by the mandatory national values and principles of governance set out in article 10 of the Constitution, together with principles stipulated in articles 43, 60, 69 and 232 of the Constitution. More specifically, the following principles shall apply:

- (i) **Sustainability:** Water is a finite resource which shall be used efficiently and mindful of the needs of the current and future

generations, and in cognizance of maintaining the environmental reserve to ensure inter-generational and intra-generational existence.

- (ii) **Consultative and Cooperative Intergovernmental relations:** The Constitution, while recognizing that the national government, and the county governments are distinct from each other, provides that they are interdependent and should conduct their mutual relations on the basis of consultation and cooperation. This includes the freedom to form joint committees or joint authorities for the performance of functions
- (iii) **Integrated planning and resource management:** Planning of water sector activities should take national, cross-county and county approach towards the development of national integrated investment and financing plan. The management and development of water resources shall take into account different and competing interests of groups, sectors and the needs of the environment. Planning for water service and resource management should be integrated.
- (iv) **Respect, protection and fulfilment of human rights:** Every sector player shall act in a manner that respects, protects, and fulfils the human right to clean and safe water in adequate quantities, and the human right to reasonable standards of sanitation. The Kenyan State, comprising the national government, and county governments together with their agencies hold the primary obligation to respect, protect and fulfil these human rights. The management and use of water resource should take into account the needs and rights of riparian communities as well as guaranteeing access rights to other users for surface and ground water.
- (v) **Affirmative action, equity, inclusivity and equality:** The implementation of affirmative action is important in order to enhance opportunities for vulnerable members of our population, including the marginalized, the youth, persons with disability. Gender mainstreaming in order to enhance equity in participation, or consideration of the interests of the disadvantaged gender, more often women, is important. Decision making across the water sector should observe the need for equality, while taking into account constitutional requirements for affirmative actions in favour of vulnerable and marginalized groups, and the obligation for gender mainstreaming. Equity across counties should apply in sharing water resources.
- (vi) **Polluter pays principle:** Any person whose activities cause water pollution or affect the quality of water resource should bear the full cost of restoration and abatement. The use of regulatory tools such as restoration bonds should be enhanced as a licensing condition.

- (vii) **Precautionary principle:** The precautionary principle requires that remedial measures be taken in situations of scientific uncertainty where evidence of harm cannot be proven but potential damage to human or environmental health is significant. It is therefore a valuable principle in water sector governance, as it requires Kenya to implement vital actions to prevent harm to the environment and human health in management of water resources, development of water infrastructure, as well as delivery of water services and provision of sanitation. This includes implementation measures to prevent and/or remedy pollution; water over-abstraction, among others. The Constitution creates an obligation on the State to integrate sustainable development in the making, interpretation and implementation of laws and public policy decisions, and this further, includes the obligation to eliminate all harmful environmental practices, as a step to realization of the human right to a clean and healthy environment.
- (viii) **Consumer protection:** The Constitution provides for consumer protection as a fundamental human right, with an entitlement to consumers to receive goods and services of reasonable quality; and to receive protection for their health, safety and economic interests. This includes taking measures to ensure that water is available, accessible, affordable, reliable, sustainable, and in the right quality, quantity and time, and being mindful of marginalized and vulnerable groups. The setting of tariffs for water supply and sewerage services is subject to this human right. Thus, to ensure the protection of consumers, the National government shall develop standards for protection of water consumers which County governments shall enforce and implement.
- (ix) **Efficiency and value for money:** Every effort should be made in maximizing output per unit of public resources, and in maximizing the expected outcome(s) across the value chain.
- (x) **Financing of functions:** Ensuring that all functions assigned at both levels of government are adequately financed including from revenue obtained from levies, licences and permits.
- (xi) **Ring fencing:** Revenues generated from charges, fees, permits and tariffs in the water sector should be used for the purpose of promoting water activities in respect to the sub-sector only.
- (xii) **Public participation, and stakeholder roles:** Public participation is a mandatory constitutional requirement in article 10 and 69, and important in management of the water sector. Recognition and implementation of the various elements of public participation in the water sector at both levels of government is imperative, including

meaningful consultation; public representation in decision making bodies and processes; public awareness and education processes; public access to information in the water sector; and public access to justice, conflict and dispute resolution mechanisms in the water sector. Sufficient room should be made, in water sector processes, for the participation of stakeholders as maybe required by each case.

- (xiii) **User pays principle:** the recognition of water resources as an economic and social good, and the application of the most efficient pricing model to ensure full cost coverage while meeting the social, economic and environmental costs.
- (xiv) **Mainstreaming climate change:** Climate change presents a major risk to the water sector due to adverse impacts. There is need to mainstream climate change actions for adaptation and mitigation, while leveraging climate finance.
- (xv) **Integrating disaster risk reduction:** Natural disasters often occur when hazards, such as extreme weather events combine with vulnerabilities such as weak infrastructure. Manmade disasters can result from criminal action or careless conduct. It is important for the water sector to integrate disaster risk reduction, such that activities address the disaster risk, and put in place systems for disaster management if prevention is impossible.
- (xvi) **Good governance:** Good governance, integrity, transparency and accountability are mandatory constitutional principles set out in article 10 of the constitution and should be mainstreamed across the water sector.

5 OVERARCHING POLICY STATEMENTS FOR THE WATER SECTOR

The Government will remain committed to realization of the following overarching policy statements:

1. Promote an inclusive and integrated approach to the management of water resources by ensuring measures are put in place for water resources management planning; water quality management; catchment protection and conservation; the development and application of appropriate technology; and the monitoring and information systems. It will also promote sustainable utilization of water resources.
2. Implement measures to develop an efficient water harvesting and storage capacity in order to meet the rising demand for water, and, towards realization of water security in the country, to promote various water uses and sustainable development.
3. Promote the progressive realization of the human right to water towards universal access and ensure there is equitable access to water for economic uses including irrigation and industrial production by creating effective and efficient human, institutional, infrastructure and management capacities, as well as putting in place required standards to promote consumer protection by all cadres of water service providers.
4. Prioritize progressive and equitable realization of sewerage and non-sewer sanitation services using technologies appropriate for urban and rural areas and household needs including creating effective and efficient human, institutional, infrastructure and management capacities, as well as putting in place required standards to promote consumer protection to be applied by all cadres of sanitation service providers.
5. Develop guidelines to mainstream water sector education into the basic education curriculum; continuously implement public awareness; and implement a strategy through which the water sector can develop optimum technical capacity, and solutions responsive to national needs through appropriate training, research and innovation approaches.
6. Put in place, in compliance with national climate change legislation, mechanisms to mainstream climate change considerations in all aspects of water sector planning and decision making, and further, integrate disaster risk reduction to protect

water sector investments, public safety and ensure sustainable water resources management.

7. Put in place mechanisms and resources to enhance the mainstreaming of gender considerations in water sector planning, decision making and implementation of actions towards progressive attainment of gender equality.
8. Put in place mechanisms and provide resources for the management of conflicts in all water sub-sectors and implement measures to encourage and enhance the use of alternative dispute resolution methods including negotiations, conciliation or mediation; and operationalize the Water Tribunal in order to enhance sustainable management of the sector.
9. Put in place mechanisms and resources to mainstream affirmative action to enhance equity towards attainment of equality in the water sector.
10. Institute measures for integrated planning and financing of investments in all the water sub sectors and enablers at national and county levels.
11. Put in place an efficient regulatory framework for implementing devolution of water sector functions, and, for the management of intergovernmental relations, in line with constitutional provisions in order to ensure distinctive performance of respective mandates, and management of interdependent mutual relations on the basis of consultation and cooperation in the water sector.
12. Ensure harmonized and cost efficient institutional arrangements and operations for the national, and, county level water sector institutions for sustainable stewardship of water as a national resource, realization of the human right to water and reasonable standards of sanitation as well as for the realization of the national water policy.
13. Put in place a strengthened implementation framework for effective and efficient delivery, monitoring, evaluation, and reporting on progress of implementation of this policy

The above policy statements are explained in sections that follow, where a specific sector context is provided, followed by the setting out of the specific policy directions. It is expected that the policy implementation plan in the annex will ensure a smooth transition to the realization of the expectations of this policy, supported by more detailed implementation strategies for the various sub-sectors, as may be necessary, or required by a provision of law. Since functions in the water sector are often shared between the National Government, and the County Governments, the policy statements and directions should be read purposefully with respect to where the specific function is constitutionally located.

5.1 POLICY ON WATER RESOURCES MANAGEMENT

Policy Statement

The Ministry will promote an inclusive and integrated approach to the management of water resources by ensuring measures are put in place for water resources management planning; water quality management; catchment protection and conservation; the development and application of appropriate technology; and the monitoring and information systems. It will also promote sustainable utilization of water resources.

Sector Context

- (a) Water resources comprises of rainwater, surface water and ground water. Water availability varies by space and time. The available annual renewable freshwater per capita, in Kenya, is low and declining, amid a rising population, and the demands for sustainable development. The high and medium rainfall areas are critical ecosystems as water catchment areas, yet they are continuously at risk of incompatible land use changes, and degradation, due to extensive reliance on them by the country for agricultural and other productive activities. Adverse climate change impacts, such as floods, drought, delayed onset of rain seasons, insufficient rains; and human-induced incompatible land use changes, continue to exacerbate the water scarcity.
- (b) **Surface water:** Kenya continues to experience over-reliance on surface water. Surface water resources are becoming increasingly scarce due to the growing demand for domestic, industrial and agriculture and other uses. Due to weak water demand management, scarcity is exacerbated by over-abstraction, catchment degradation, climate change, deforestation, and encroachment of riparian land. Besides, the quality of surface water is deteriorating due to pollution resulting from discharge of untreated or poorly treated domestic and trade effluent, surface run-off contained pesticides and other chemicals, among other causes. Kenya continues to experience significant water loss caused by high surface run-off, due to low or insufficient environmental reserves.
- (c) **Protection and conservation of riparian land and wetlands:** In spite of Kenya having a legal framework for regulation of land use practices on riparian land, and a regulatory agency with powers to enforce compliance, the country has experienced significant violation of rules for protection of riparian land from development activities. The regulatory failure includes weak coordination with

county governments which are responsible for approval of development permit applications, resulting in development approvals in restricted riparian areas, and compromising conservation of riparian lands. The country needs to integrate the management and wise use of wetlands into the water resources management programmes as they form a critical part of the water resources supply system, including providing ecological services.

- (d) Groundwater:** The potential of groundwater in Kenya is underutilized. This is largely attributed to limited exploration, technological constraints, low groundwater recharge and capacity constraints for groundwater development and management. The number of groundwater professionals in the public service is low, and, procuring these services remains expensive. Falling groundwater levels have also led to increased pumping costs and to increased competition for the resource. Besides, groundwater quality continues to be affected by pollution. The remediation of this pollution is expensive, and it takes considerably longer to rehabilitate polluted groundwater sources. There is a proliferation of boreholes that have either been drilled unlawfully, or upon finalization have not obtained a completion certificate from WRA due to weak compliance and enforcement mechanism.
- (e) Integrated land use and water resource management:** Groundwater and surface water use and protection is affected by land use and land use change, including degradation, encroachment of riparian areas by incompatible land uses, and adverse climate change impacts. This is because there are land uses that physically disturb aquifers, increase or lower water levels or impede, intercept or divert water flow, as well as interfere with sustainable management of riparian lands.
- (f) Transboundary water resources:** Kenya is both an upstream as well as a downstream country, and shares substantial proportion of water resources with neighbouring countries. These resources are governed by international laws and treaties, but the sector has weak technical capacity for transboundary water resource management, and development, which needs to be strengthened in order to enhance reasonable utilization, and, to protect national strategic interests.
- (g) Distribution of water resources nationally:** Water basins transverse county boundaries, and, there is disparity in the distribution of water resources across the country, and, within basin areas. This necessitates the need for cross-county, intra-basin and inter-basin water resource transfers. This requires

collaborative basin management approaches to be put in place nationally.

- (h) **Water Rights:** There are competing water demands for increasingly scarce water resources, which adversely affects water balances and effective transfers (inter, intra and trans-boundary, inter county). This has resulted in conflicts and disputes over water access rights. Illegal abstractions have steadily risen, thereby challenging the quality of regulation, and, the enforcement capacity necessary to ensure compliance. The issuance of water permits has faced the challenge of balancing allocation of water resource between domestic and other purposes (like commercial and industry).
- (i) **Water Quality and Pollution Control:** There is continued pollution of water due to effluent discharge (domestic and industry), and adverse land use practices. There is a weak framework for surveillance and monitoring of water resources quality leading to low enforcement and compliance. Water quality assessment and monitoring remains irregular, and continues to deploy unsustainable approaches, with limited community involvement. The interventions to promote innovations and best practices in recycling and re-use of water are limited too. The deployment of appropriate technology for recycling waste water for further utilization by certain industries, as well as incentives for industrial ecology to promote private sector waste water treatment and recycling, are inadequate. There is need to strengthen the role of counties in controlling water quality, public health, pollution control and solid waste management functions.
- (j) **Surveillance and Monitoring:** The sector has weak surveillance and monitoring of water resources largely attributed to inadequate systems, and insufficient funding. The development of telemetric monitoring network systems has been poor and at the same time data and information management is weak and uncoordinated. Information generation and sharing is therefore greatly hampered.
- (k) **Data and information management:** There are capacity challenges in acquisition of water resource management data. This adversely impacts the availability of current and reliable data for decision making and for sharing with stakeholders and public. The framework for acquisition and sharing of data is not sufficiently integrated or coordinated.
- (l) **Community and stakeholder participation:** Despite measures taken to promote community participation in water resources management, including through Water Resource Users

Associations (WRUAs), the facilitation, involvement and engagement of the community and stakeholders has not been fully realized. Inclusivity is limited with respect to involvement all the parties interested in water resource management at community level, since some organized associations and professionals exclude the voices of the poor and vulnerable. Consequently, water catchment areas, riparian lands and ecologically sensitive land have continued to be degraded. The role of private sector is limited, and not well outlined, which impedes the participation of the private sector in water resource management. The mechanisms for linking the programmes of work and activities of WRUAs with those of county governments have not been put in place.

- (m) County Governments and water resources management:** The Constitution defines water resources as part of public land, and places responsibility administration of the same to the National Land Commission. The management responsibility of the National government over this resource has been undertaken through a national Water Resources Authority (WRA) which also possess regulatory responsibilities, and which utilizes regional offices across the basin areas. The Constitution also places a mandate on counties to implement specific national government policies on natural resources and environmental conservation, including soil and water conservation. There is, however, lack of legal clarity on the institutional mechanisms and unified standards through which counties can perform this function; and how in implementing this role, counties can manage water resources falling within their boundaries and how counties will relate to Water Resources Users Associations (WRUAs), and advisory bodies established to support WRA in basin level water resources management activities.
- (n) Ring-fencing of water resource levies:** A variety of levies are charged for the abstraction and use of water resources, including abstraction permit fees, effluent discharge permits, among others. However, there has not been a firm regulatory framework requiring these revenues to be strictly ring-fenced and applied for conservation activities.
- (o) National security:** Kenya has experience with insecurity and conflict in different parts of the nation, and some of the conflict may result from resource scarcity. This includes scarcity of renewable water resources to meet the needs of communities and livestock. Manifestations of this conflicts and violence include cattle rustling, banditry, proliferation of small arms and light weapons (SALW), political violence and terrorism. The Kenya Defence Forces (KDF), as a key national security agency, interacts

with these challenges when providing aid to civil authorities. Investments in restoration of catchments and investments in water resource management to provide medium to long-term solutions to root problems of conflicts is an important strategy that KDF and other internal security agencies should coordinate with the responsible Ministry for water.

- (p) Institutional coordination:** Water resources have an interdependent relationship with other critical ecosystems that serve as catchment areas, including forests, national parks and reserves as well as water towers. These are all managed by different agencies of government, and there is no framework in place to guide all these institutions to coordinate with WRA and county governments to ensure compatibility and complementarity of conservation actions.

Policy directions

The Ministry will:

1. Ensure that water resources, wetlands, riparian and catchment areas are well mapped, managed, protected and conserved, by all levels of government.
2. Put in place legislation that defines the framework, rights and duties of county governments in management of water resources
3. Enhance the application of the polluter pays principle in water resources management.
4. Strengthen capacity and training of water resources professionals, in the public and private sectors, to optimize the exploration and use of water resources, and to support sustainable development.
5. Coordinate with relevant regulatory authorities at national and county government level, to implement sustainable water resource management interventions into land use, physical planning and development control systems.
6. Engage with neighbouring countries and regional institutions to review the necessary policy and legal provisions required to enhance collaboration in the utilization and management of shared water resources.
7. Strengthen the human technical capacity for trans-boundary water resources, management, and development for regional and international negotiations.

8. Ensure that the allocation of water abstraction rights observes equity, giving priority to domestic uses, and the ecological reserve in order to stay within sustainable limits.
9. Develop and implement a national water body classification system and register.
10. Establish a national system for acquisition, management and sharing of water resources information and data for continuous and coordinated surveillance, assessment and monitoring of basin areas, aquifers and water bodies.
11. Put in place and implement the water Resource Quality Objectives (RQOs) for the various categories of water resources.
12. Ensure that decision making on water resource management is based on quality data and information.
13. Strengthen Inter-agency and intergovernmental coordination for monitoring compliance with domestic and trade effluent discharge standards.
14. Support incentives to promote adoption of cost-effective and appropriate treatment technology and systems for domestic and trade effluent discharges to enhance compliance with water quality standards.
15. Strengthen participation of the private sector, civil society, and citizen engagement in water resource management, development, and the monitoring of water abstraction.
16. Put in place appropriate water resource management related disaster risk management strategies to enhance public safety.
17. Develop and implement a regulatory framework through which county governments will undertake the constitutional mandate to implement specific national government policies on soil and water conservation.
18. Integrate implementation of catchment and ecosystem management activities into irrigation projects and other water storage investments.
19. Put in place an appropriate framework for the pricing of water resources that integrates critical costs such as catchment management, rehabilitation and restoration, and ring-fencing of revenue for relevant water resource management and conservation activities.

20. Coordinate with national security agencies to undertake investments in water resources management to mitigate and eliminate conflicts resulting from scarcity.
21. Implement regulations and standards for good governance by all persons and institutions involved in water resources management and ensure compliance.

5.2. POLICY ON WATER HARVESTING AND STORAGE

Policy statement

The Ministry will implement measures to develop an efficient water harvesting and storage capacity in order to meet the rising demand for water and towards realization of water security in the country, in order to promote various water uses and sustainable development.

Sector Context

- (a) **Water harvesting and storage** has been undertaken in Kenya throughout various generations, including artisanal options for harvesting stream and river water using small earth embankments and dams, by both the public and private sectors. Communities and households in Kenya have also, on a small scale, implemented various rainwater harvesting strategies, from roofs, and rainwater run-off. However, surface run-off remains high as evidenced during perennial cycles of flooding. The aquifers are being depleted due to unsustainable ground water exploitation and low rates of groundwater recharge. The options for water harvesting and storage include using domestic level roof catchment devices, small ponds, water pans, shallow wells, boreholes, dams and groundwater infiltration or ecosystem storage. The country has not exploited the full potential of water harvesting and storage, partly due to absence of clear policy, coordinated investment, and application of inappropriate technology.
- (b) **Planning and Coordination of water harvesting and storage:** The development of water harvesting storage mechanisms at the national, county level, domestic level, and, by commercial stakeholders is not well planned, coordinated, regulated or guided by an integrated national plan or approach. Interagency relations, and the coordination framework is weak, which affects planning for various users of water and as such there is duplicity of actions, and overlaps, by agencies of the national government. Planning and coordination is hampered by a weak water harvesting and storage institutional framework. There is also need to take into account the climate proofing of water harvesting and storage infrastructure at planning, design, development, and maintenance stages. Coordination with national security agencies, such as the Kenya Defence Forces, to expand water harvesting and storage capacity in parts of Kenya facing conflict is important to expand availability of renewable water and mitigate the conflict.
- (c) **Data and Information:** Data and other relevant information on the value of existing investments, and the potential in water harvesting and storage, the needs for maintenance or rehabilitation, or additional national capacity that is required, is not clearly documented. This

hinders planning and implementation of national, cross-county, county-level or household level investments in water harvesting and storage infrastructure, and the identification of opportunities for private sector and community initiatives.

- (d) **Standardization and Professionalism:** There is a weak framework on the development and maintenance of water harvesting and storage infrastructure including the classification, registration and licensing of professionals; as well as the identification and establishment of construction and safety standards. There is limited coordination between the national, and county governments, to ensure compliance with standards, and integration of rainwater harvesting and storage into the building code, especially in providing development control permission for construction and other development works for water harvesting and storage infrastructure.
- (e) **Private sector, public benefit organizations and community participation:** Inadequate integration of the private sector, society support groups, and communities in water harvesting and storage development remain a major concern. The potential of these stakeholders is therefore not fully tapped in building synergy with public interventions. In addition, the activities undertaken by these groups are hampered by non-compliance to standards and lack of incentives. The interventions supported by these groups are small scale with limited technologies, therefore inadequate in meeting the needs of the communities.
- (f) **Drought and Floods Mitigation:** Kenya continues to experience the effects of climate change induced disasters, particularly drought and floods. While water harvesting and storage is an important strategy to reduce the risks of drought and floods, and food security, the current responses are mainly reactionary with limited planning and implementation. Responses are also constrained by insufficient resources and low deployment of best available technologies. Water drainage infrastructure is inadequate and dilapidated, lack regular repairs and maintenance, thus aggravating the problem of floods especially in urban areas. This is attributed to weak treatment of surface run-off, with no clear strategy to guide the harvesting and storage of surface run-off as a mechanism to relieve use of freshwater supplies, and control perennial flooding.
- (g) **Rainwater harvesting and watershed conservation:** Kenya does not have an effective integrated approach for stewardship, and incentives in watershed conservation activities. Programmes to incentivize landowners to undertake watershed conservation activities are limited and ineffective. This results in low rate of infiltration and groundwater

recharge. Despite its potential, rainwater harvesting is the least tapped option, compared to other sources of water, due to cost and technological constraints.

- (h) Access to Land:** There are challenges in accessing land for development of the infrastructure for water harvesting and storage due to the need for compulsory acquisition, displacement of population and property, land valuation and compensation. This escalates the cost of projects and delays implementation of planned interventions.
- (i) Minimum water harvesting requirements for industries and real estate developments:** Industries, including special economic zones and parks, as well as medium to large real estate development should be required to install and maintain minimum volumes of water storage capacity at all times, including from rainwater. This will lower the pressure on fresh surface and groundwater resources. Incentives are required to lower the investment costs required for the infrastructure.
- (j) Financing for development, operations and maintenance:** The share of the public resources allocated to development and implementation of water harvesting and storage capacity, by public, private, community and other actors, is inadequate relative to the overall investments needs in water harvesting and storage required to attain water security. The country has not achieved storage targets amid dilapidating existing infrastructure due to limited operations and maintenance.

Policy Directions

The Ministry will:

1. Develop a national water harvesting and storage strategy to develop water harvesting and storage priorities, and to guide integration into planning, budgeting and stakeholder coordination at both levels of government.
2. Strengthen national government inter-agency coordination and collaboration to enhance synergy and remove duplication of actions institutions in the development of water harvesting and storage infrastructure.
3. Promote and provide incentives to enhance the participation of private sector, public benefits organizations and community in water harvesting and storage.
4. Develop regulations, guidelines, standards and certifications on water harvesting and storage, and ensure compliance.

5. Put in place legal requirement for medium and large-scale industrial and residential complexes to install and maintain defined minimum water harvesting and storage capacity.
6. Advocate for the integration of rainwater harvesting and storage requirements into relevant spatial plans at all levels of government, and the national building code.
7. Develop a framework to coordinate with national security agencies for enhancement of water harvesting and storage in conflict areas to reduce and eliminate violence resulting from water scarcity.
8. Establish a data and information system to aid the planning and implementation of national, cross-county and county-level water harvesting and storage infrastructure investments.
9. Develop a mechanism for storm and grey water management including harvesting, recycling/reuse, and controlled release into natural water bodies.
10. Implement regulations and standards for good governance by all persons and institutions involved in water harvesting and storage and ensure compliance.

5.3. POLICY ON WATER SUPPLY SERVICES

Policy Statement

The Ministry will promote the progressive realization of the human right to water towards universal access and ensure there is equitable access to water for economic uses including irrigation and industrial production, by creating effective and efficient human, institutional, infrastructure and management capacities, as well as putting in place required standards to promote consumer protection by all cadres of water service providers.

Sector Context

(a) Constitutional foundations: The Constitution recognizes the access to clean and safe water in adequate quantities as a fundamental human right of every person in Kenya. The Constitution also devolved, to county governments, the delivery of water services. However, as a fundamental human right, the duty to protect, respect and fulfil the human right to water is a concurrent obligation of both the national government, and the forty-seven (47) county governments. The coverage and connection to water supply services has improved over time but still falls below the set national targets. This deficit has serious implications on the socio-economic development of the country, because of the linkages that water has to other sectors of the economy, and the role of sanitation in attaining optimal standards of human health. The country has also not fully extracted the economic value of water for various uses like agriculture, tourism and sporting, recreation, fisheries and transport.

(b) Devolution: The Constitution has devolved county public works and services including for water services largely through county-owned water service providers, supplemented by independent community water service provider, on a medium or small scale. County governments are at different levels in implementing the water service delivery function, with the disparities impacting the quality of service delivery. County governments continue to face capacity gaps in terms of water sector professionals and institutional systems and practices. This should be addressed in order to enable counties implement strategic actions such as proper monitoring of WSPs, and support governance of community water service providers. The national government is responsible for formulating policy, developing national public water works, national standards, water sector capacity building and consumer protection. The collaboration, and coordination, between the two levels of government has begun through the water sector inter-governmental coordinating committee under the Inter-governmental technical relations legislation but this is not yet fully operational.

(c) Performance of water supply services sub-sector: Significant progress has been achieved in parts of the country since the reforms introduced in the water sector by the 1999 Water Policy and the Water Act of 2002. These reforms restructured the water services sub-sector by separation of functions such that the regulation of the sub-sector is undertaken by a national water services regulatory board; water asset development was undertaken by Water Service Boards; and water services provision was carried out by corporatized Water Service Providers (WSPs) operating as companies. The level of professionalism and staff capacity in the subsector was also enhanced. These reforms have led to increased financing of the sector, increased levels of capacity in the water companies, and adoption of water supply service standards. However, more needs to be done to increase water supply service connection throughout the country. A number of counties still have very low water supply connection at household level. The performance of WSPs needs to be improved as some of the water companies continue to have high levels of non-revenue water, and low hours of service. While revenue collection in most WSPs has increased, the full coverage of operation and maintenance costs, and debt obligations, remains a challenge to most WSPs. Performance of small scale water service providers has largely remained unmonitored and undocumented.

(d) Human right to water: The country has not achieved the constitutional threshold on the right of access to water supply services and there is disparity in attainment across Counties and even within Counties. The normative content of the human right in terms of availability of the water, the quality and safety of the water, the affordability of the water, the accessibility, and acceptability of the water shows significant asymmetry in different parts of the country. There is generally low proportion of households connected to water supply services and significant disparity on connectivity in the urban and rural areas within the county and across the country. The approaches used in service delivery have not guaranteed minimum quantity of drinking water for vulnerable members of society nor have they guaranteed a minimum quantity of water for each person in fulfilment of the right. The tariff setting mechanism in the sector is based on the block tariff system which has a lifeline social tariff of the initial block that is subsidised by the other higher blocks. However due to the different levels of access in different areas of the country and distribution channels, this has not fully supported the fulfilment of this human right. For vulnerable groups living in informal settlements not served by regulated utilities, access to water supply services is discriminatory, costly and time-consuming. The vulnerable groups often comprise non-connected households, and even within a county

setting, they tend to pay relatively more for water supply services from alternative water sources, compared to households connected to water supply services by regulated WSPs. Community small scale water service providers have supplemented water supply provision in urban areas unreached by regulated WSPs and in the rural areas.

- (e) Investment planning and implementation:** Investment planning for water supply infrastructure has not been coordinated between the national government and county governments, and among the counties. Overlaps have risen in investment planning between national government water institutions, county governments and other national government institutions in county and cross-county investment activities. Investment planning is not mainstreamed into the development planning and budget processes at national and county levels. There is limited consideration of investments needs for the marginalized and under-served areas, both in the urban and rural areas. The lack of an integrated investment plan for water supply infrastructure limits synergies among investment interventions, and precludes other stakeholders from participation, thereby limiting resource mobilization.
- (f) Financing:** The public budget allocation for the water sector has increased over time but still remains below the projected annual water sector requirements towards the achievement of universal coverage. Private sector and community level investments in water supply services has been implemented but these remain undocumented, often due to lack of a national mechanism to undertake this task. There has also been a general under-investment in the maintenance of existing water supply infrastructure. Low attractiveness of the sector for private sector investment is propagated by lack of investment ready public water projects at national government and county government level, limited creditworthiness of water institutions, constraining national legislation on public-private partnerships among other reasons. The development budget allocations for water supply infrastructure development and maintenance, at National and County Governments, remains low compared to other infrastructure sectors such as transport and energy. The mechanisms for identification, prioritization, planning, financing and implementation of water supply investments at inter-governmental level remains disjointed. The sector has multiple water service levies and charges and lacks a national resource mobilization and financing strategy that caters for community and private water schemes. Where public water supply investment plans exist, they have not been synchronized with other financing mechanisms for identifying and allocating monies from the Water

Sector Trust Fund, the Equalization Fund, or other special levies that provide funding for water supply services.

- (g) **Compliance and Enforcement of Regulations and Standards:** Through enhanced regulation, there is compliance in the quality of drinking water in most of the regulated water companies. Improvement is however necessary in other water supply standards by the WSPs in terms of compliance to staffing ratio, non-revenue water, asset development, operation and maintenance, hours of supply.
- (h) **Governance, capacity and clustering of water supply service providers:** Governance of regulated WSPs has been affected by lack of security tenure for board of directors and senior staff of WSPs, political interference and lack of ring-fencing of revenues. Immediately after the promulgation of the Constitution, a number of counties de-clustered existing cross-county WSPs and formed county specific WSPs. Some counties on the other hand have reverted to clustering originally independent intra-county WSPs. The clustering and de-clustering of WSPs without due regard to factors such as service delivery, financing obligations and commercial viability has impacted on performance of WSPs. The de-clustering processes are often left incomplete since due to high levels of indebtedness, many de-clustered WSPs are unable to fulfil tough insolvency law requirements that required directors to give personal undertakings (with risk of penalty for default) on the WSPs ability to discharge obligations to creditors within a given time frame. The water sector legal framework does not provide the instruments through which the national water services regulator can set up and implement governance requirements for community water service providers. In many instances, the regulatory rules apply when the community water services providers are abstracting water resources, but without clear and enforceable water services regulatory standards, they cannot be held accountable to the same standards and key performance indicators that are applied to regulated WSPs. These challenges affect the effectiveness of service delivery, and the role of county governments in supporting regulation of community water services providers should be explored.
- (i) **Infrastructure for water supply:** The development of infrastructure and mechanisms for public water supply, including bulk water supply systems, faces a challenge especially where inter-basin and inter-county water transfer is required. The development of inter-basin and inter-county public bulk water systems remains low nationally. The escalating costs largely due to land acquisition and long duration for water supply infrastructure development, remain a challenge. There is need to integrate ecosystem services in the design of bulk water

systems in order to protect water catchments, rivers and riverbanks, and the surface and ground water sources. The planning, development and implementation of investments in relation to cross-county water transfers, cross-county water sources and bulk water supply infrastructure is impeded by the lack of framework mechanisms for inter-governmental and inter-county coordination and collaboration. Development of water sources, including critical infrastructure such as dams, boreholes will require continuous master planning and execution. In certain instances, such as seaside industrial complexes, the feasibility of desalinization should be explored as an alternative to freshwater sources.

- (j) **Loss of water through theft and leakages:** The levels of loss of water commonly referred to as Non-Revenue Water (NRW) from system leakages and theft for regulated WSPs remain high. This loss of water is attributed to system losses, commercial losses and governance challenges such as lack of integrity, corruption, illegal connections and theft with collusion by staff, and cartels. It is afflicting WSPs and bulk water providers such as WWDAs, which need to be resolved through enhanced management, as well as operations and maintenance systems. This impacts the pricing of water, quality of service and commercial viability of water service providers and makes it difficult to fulfil the human right to clean water in adequate quantities.
- (k) **Asset management, handing-over:** The development of national public water supply services infrastructure for subsequent operation by county governments faces with challenges relating to absence of a clear handing over mechanism, the management of loan obligations, and operations and maintenance for handed over assets. The implementation of the full transfer of the water services function to counties, as required by the Constitution, remains incomplete as resolving the status and eventual fate of various assets and liabilities in the water sector has to be addressed through a complete inventory and/or audit and valuation in order to properly vest the assets, and assign the liabilities accordingly. The timely finalization and implementation of a transition plan, and transfer plan to guide this process is therefore imperative. There is no framework to guide engagement of private entities and communities, by county governments, to operate the handed-over assets, including systems to protect assets that may still be subject to debt at the time of handing over to private operators.
- (l) **Security of water installations and infrastructure:** The security arrangements for water installations and infrastructure has been ad-hoc and minimal, and with recent increase in challenges of terrorism, this

could result in disasters, and eventually disrupt water supply services if the asset is destroyed. Damage to water infrastructure such as during construction of roads continues to occur mainly due to poor mapping of existing infrastructure and lack of coordination with roads agencies on standard methods for installation of water and sewerage pipes under roads.

(m)Water Use Efficiency: There is high inefficiency in water use due to losses attributable to wastage, application of inappropriate technology, and weak monitoring and water audit systems. There is lack of baseline data on actual water use for domestic, agriculture and industry, which hampers planning and decision making on water use efficiency, and the requisite standards for equipment and appliances. The sector also has limited capacity to undertake water audits in order to track levels of water losses and inefficiencies at domestic, industry, agriculture and other uses in order to recommend and implement corrective measures.

Policy Directions

The Ministry will:

1. Develop and implement a national framework and methodology with parameters and standards for application by the country in respecting, protecting, observing and fulfilling the human right to water.
2. Strengthen county capacity to progressively increase household and commercial connectivity to water supply services.
3. Develop and implement criteria for determination of national and county public water works in order to streamline service delivery.
4. Develop a regulatory framework and enforce full compliance in the implementation of clustering and de-clustering of water service providers.
5. Undertake a national assessment together with county governments to identify the water supply needs in order to plan and undertake county and national public works.
6. Develop, based on need and viability, various surface, ground and alternative water sources to increase the available resource to fulfil the human right to water and evolving economic needs.
7. Conduct a national study on multiple water levies and charges to formulate and implement harmonized levies that ensure viability and a human rights-based approach to service delivery.

8. Develop and implement a national financing and resource mobilization strategy for all investments including public-private partnership financing options.
9. Develop and implement a regulatory framework for the governance of community water services providers.
10. Strengthen the capacity of the water services regulator to institute compliance and enforcement of water service standards.
11. Sensitize water consumers and the public on participatory evaluation of the performance of water service providers.
12. Develop and implement non-revenue water reduction plans for all categories of water service providers, including public dissemination of results.
13. Put in place and implement enforcement mechanisms, including offences and penalties, to prevent loss of water through illegal connections and collusion by staff.
14. Formulate guidelines to govern the handing over of national public water supply works for management and operation by county governments.
15. Implement plans for national government security agencies to provide security for prioritized water installations.
16. Develop and effect regulations and standards for enhancing good governance and sustainable management of publicly and privately-owned water service providers.
17. Put in place a firm regulatory framework to entrench the autonomy of water service providers, including through security of tenure for Boards of Directors, and, performance-based terms of service for senior management staff.
18. Define and effect progressive measures and sanctions towards progressive enforcement on non-compliance to established water supply works, and, water supply service regulations and standards by all cadres of water service providers.
19. Develop and implement mechanisms for provision and delivery of water supplies by service providers during emergency situations arising from natural and other types of disasters.
- (20) Put in place mechanisms to secure and protect water infrastructure within road reserves and wayleaves by mapping of existing infrastructure and coordinating with roads agencies on standard methods for installation of water and sewerage pipes under roads.

- (21) Promote water use efficiency at domestic and industrial levels through increased access and affordability of appropriate and innovative technologies, and water use audits.
- (22) Institute a bi-annual water sector event to enhance water supply services linkages with water resources development, and water harvesting and storage to report on sector performance.
- (23) Implement a mechanism to safeguard national government investments in the financing of water supply public works through which the obligations of water service providers repay loans are streamlined, through the use of innovative tools to govern flow of revenue and prioritize servicing of liabilities.
- (24) Enhance coordination between water sector institutions and other utilities on appropriate methods for mapping, installation, and marking of water supply pipelines beneath roads in order to avoid damage during road works.
- (25) Implement legal and institutional mechanisms to ensure there is no disruption in the provision of water supply services by a Water Service Provider due to human-made or natural emergency circumstances such as bad governance, insolvency, drought, floods or pandemics.
- (26) Implement regulations and standards for good governance by all persons and institutions involved in water supply services and ensure compliance.
- (27) Put in place mechanisms that will ensure water services remain affordable by Zero Rating of water services and Affordable Preferential Electricity for all Water Service Providers.

5.4. POLICY ON SEWERAGE AND NON-SEWER SANITATION SERVICES

Policy Statement

The Ministry will prioritize progressive and equitable realization of sewerage and non-sewer sanitation services using technologies appropriate for urban and rural areas and household needs including by creating effective and efficient human, institutional, infrastructure and management capacities, as well as putting in place required standards to promote consumer protection to be applied by all cadres of sanitation service providers.

Sector Context

- (a) Constitutional foundations:** The Constitution recognizes access to reasonable standards of sanitation as fundamental human right and has devolved, to county governments, the delivery of sanitation services which includes the sewerage and non-sewer on-site sanitation services. The national coverage of sewer sanitation services is low, standing at an approximate 16% national coverage. The sewer covered population are primarily some parts of urban areas in Kenya. The sewer coverage has improved over time but this still falls below the set national targets. This deficit has serious implications on the socio-economic development of the country, because of the linkages that sanitation has to other social sectors such as health, education, environment etc. Sanitation is crucial for the health and wellbeing of all Kenyans. It also has linkages with other economic sectors such as agriculture, fisheries, tourism and recreation.
- (b) Devolution of sanitation services:** The Constitution has devolved the water and sanitation services to county governments, as part of county public works and service delivery, through county-owned water service providers. However, as a fundamental human right, the duty to protect, respect and fulfil the human right to reasonable standards of sanitation is a concurrent obligation of both the national government, and each of the forty-seven (47) county governments. Counties are at different levels in implementing the sewerage and non-sewer sanitation service delivery function. Some counties have developed initial capital works plan for sewerage investments. It is noted that County governments have some capacity gaps and requirements around plan, financing and monitoring WSPs and non-sewer sanitation service providers to carry out the sewerage and non-sewer sanitation function. The national government is responsible for formulating policy, national standards, capacity building, consumer protection and

development of national public works including sewerage systems. The collaboration, and coordination, between the two levels of government in the planning, financing, implementation and reporting on sewerage and non-sewer sanitation services is not fully developed.

- (c) Performance of sewerage and non-sewer sanitation services sub-sector:** The Water Act of 2002 led to the establishment of Water Services Boards which under the Water Service Rules of 2012 were obligated as licensees to ensure that sewerage and non-sewer sanitation systems were planned for in their respective capital works plans. These public sanitation assets once developed were handed over and operated by corporatized Water Service Providers (WSPs) operating as companies. Consequently, there has been increased financing for sanitation services over the years along with increased capacity in the water companies to operate the infrastructure. However, more needs to be done to increase sewerage and non-sewer sanitation coverage throughout the country as the national average for sewerage coverage is at an approximate 16%. Expansion of sewerage coverage to accommodate increasing population demands in urban areas still remains low.
- (d) Human right to reasonable standards of sanitation:** The country has not achieved the constitutional threshold on the human right to reasonable standards of sanitation services for all, with variances on level of compliances across counties. The normative content of the human right in terms of accessibility of the sanitation services and the affordability shows significant asymmetry in different parts of the country. Some emerging towns have no sewerage systems while in other instances towns have sewerage systems but have no last mile connections, which should be implemented to ensure that no households or industry users are left without connections. All rural areas in Kenya have no sewerage systems and therefore rely on domestic household non-sewer sanitation options. Vulnerable members of society in rural areas are therefore not guaranteed access to non-sewer sanitation services. Sewerage services even in urban centres in some instances are not under any tariff. Vulnerable groups living in informal settlements in urban areas are also not served by sewerage services and are therefore left unserved or served by unregulated social enterprises using communal non-sewer sanitation options.
- (e) Compliance and Enforcement of Regulations and Standards:** Regulation of sewerage has been done primarily on definition of facility standards and inclusion in the scope of capital works plans. The water sector has not defined minimum service levels for sewerage and non-sewer services. Regulation of exhauster services on the

disposal of sewage effluent remains nascent while registration and permitting of non-sewer sanitation options and service providers is ad-hoc. Compliance on sewerage capital works investments by WSBs has also been low but slowly increasingly over time. There are weaknesses in inspections, compliance and enforcement of standards on sewerage access, non-sewer sanitation inspections and permitting, sewage effluent disposal, among other areas.

(f) Investment planning and implementation: Investment planning for water and sanitation infrastructure has not been coordinated between the national government and county governments, and among the counties. Overlaps have risen in investment planning between national government, water institutions, county governments and other national government institutions in county and cross-county investment activities. Investment planning is not mainstreamed into the development planning and budget processes at national and county levels. There is limited consideration of investments needs for the marginalized and under-served areas, both in the urban and rural areas. The lack of an integrated investment plan for water supply infrastructure limits synergies among investment interventions, and precludes other stakeholders from participation, thereby limiting resource mobilization.

(g) Financing: The national level public budget allocation for the sewerage and non-sewer services still remains low against the water sector requirements towards the achievement of universal coverage. Some county governments have increasingly been investing in community non-sewer sanitation facilities. Private sector participation in the provision of non-sewer sanitation services is in form of micro-enterprises but is largely undocumented in terms of service coverage. There is a low attractiveness of stand-alone sewerage system for private sector investment. This is exacerbated by high infrastructure costs, lack of investment ready PPP sewerage system projects at national government and county government level, constraining national legislation on public-private partnerships among other reasons. Sewerage works investments identification, prioritization, planning, financing and implementation at inter-governmental level remains disjointed. Incentives or subsidies to increase domestic uptake of non-sewer sanitation solutions in rural areas are lacking.

Clear strategies are necessary for financing of sewerage projects to enhance access by WSPs, and other relevant institutions, to concessional credit financing in order to overcome limitations caused by low, and long-term cost recovery projections that may lessen creditor appetite. Recent modifications to WSS tariff structure to include levy's for sewerage services is a good start, but there is need

for guidelines on whether and how WSPs can ring-fence part or all of this revenue for purposes of sanitation investments.

- (h) Infrastructure for Sewerage and Non-Sewer Sanitation:** The national sewerage coverage remains low due to inadequate planning, investment and the financing of expansion of sewerage infrastructure. There is very low coverage of operations and maintenance costs for sewerage works. The sewerage network is aging and limited in coverage, with a huge backlog in maintenance, rehabilitation, upgrading and expansion. Further, investment planning and resource mobilization for sewerage has been hampered by lack of a coordination framework to guide the national, and county governments, as well as inadequate mapping and surveys of the national sanitation requirements. There are no guidelines to ring-fence revenue from sewerage service levies.

With the low national sewerage coverage there is need to focus on improved sanitation alternatives, including on-site sanitation options. Access to improved sanitation facilities is increasing but has not reached the national targets, and the development of alternative sanitation facilities is inadequate. The sector does not have a strategy for sanitation development, yet such strategies are critical for investment planning and financing of sanitation interventions at the national and county levels.

- (i) Asset management:** The development of national public works including sewerage infrastructure for subsequent operation by county governments faces challenges owing to absence of a clear handing over mechanism, management of loan obligations, and operations and maintenance for handed over assets. There is no framework to guide engagement of private entities and communities, by county governments, to operate or maintain the handed-over assets.
- (j) Waste water management:** The management of waste water is instrumental to WSS services, and facilities for treatment of waste water is not well integrated with other water infrastructure. In places that have no coverage by conventional sewerage, the promotion and adoption of alternative technology, including options such as onsite treatment of waste water, at domestic or commercial level, for recycling to reuse or release into the natural environment, has not been adequately undertaken. Waste water treatment facilities are required to observe compliance with effluent discharge standards for disposal of treated water to the natural environment, but the levels of compliance remain low. It is important to explore technical options and solutions for treatment of waste water for recycling and re-use for various economic uses, as will support preservation of existing freshwater

resources. In addition, as agreed in SDG 6.4, it is important to substantially increase water-use efficiency across all sectors through development and adoption of measures and mechanisms that control, reduce and eliminate wastage of water.

(k) Security of sewer and non-sewer installations and infrastructure:

The security arrangements for sewer and non-sewer installations and infrastructure has been ad-hoc and minimal and this could result in destruction and eventually disrupt sanitation services if the asset is destroyed. Damage to sewer and non-sewer infrastructure such as during construction of roads continues to occur mainly due to poor mapping of existing infrastructure and lack of coordination with roads agencies on standard methods for installation of sewerage pipes under roads.

Policy Directions

The Ministry will:

1. Support County driven and financed integrated county public work investments for sewerage and non-sewer sanitation services in order to progressively increase last mile connectivity to sanitation services.
2. Develop and implement criteria for classification and equitable prioritization of national (cross-county) or county public works for sewerage and non-sewer sanitation for investments.
3. Undertake a national needs assessment, together with county governments, to identify the sewerage and non-sewer sanitation investment needs.
4. Conduct a national study on sewerage and non-sewer sanitation service levies and charges to formulate tariffs to be charged by sanitation service providers to support the attainment of reasonable standards of sanitation.
5. Develop and implement a national plan for financing and resource mobilization for sewerage investments including public-private financing options.
6. Develop a regulatory framework and strengthen regulator capacity to institute compliance and enforcement of sewerage and non-sewer sanitation works, and sanitation service standards by all cadres of sanitation service providers and to license sanitation service professionals, contractors and handy workers.

7. Implement mechanisms to safeguard National Government investments in the financing of sanitation public works through which the obligations of water service providers to repay loans are streamlined, through the use of innovative tools to govern flow of revenue and prioritize servicing of liabilities.
8. Enhance coordination between water sector institutions and other utilities on appropriate methods for mapping, installation, and marking of sewerage pipelines beneath roads in order to avoid damage during roadworks.
9. Implement a legal and institutional mechanism to ensure there is no disruption in the provision of sanitation services by a water service provider due to human-made circumstances such as bad governance, or insolvency.
10. Integrate wastewater treatment and recycling into water supply and sanitation infrastructure development to promote sustainable use of water, protection of the environment and a cyclic economy.
11. Sensitize all cadres of sanitation service providers including water service providers towards compliance and as a measure for consumer protection.
12. Formulate guidelines to govern the handing over of national public sewer works for management and operation by county governments, and the handover of county sanitation public works for community management.
13. Define and effect progressive measures and sanctions for enforcement of sewerage and non-sewer sanitation public works regulations and standards.
14. Develop and implement a collaborative framework for mandatory sewerage or sanitation works design approvals by county governments, for commercial and housing developments, including mass housing developments.
15. Develop a framework for the adoption of alternative non-sewer sanitation technology options for domestic or commercial application, including for recycling, reuse or safe transportation, and release into the natural environment.
16. Put in place and enforce regulations with standards on effluent discharge into water bodies from industrial and domestic sources, including offences and penalties for non-compliance.

17. Implement regulations and standards for good governance by all persons and institutions involved in sanitation services and ensure compliance.
18. Put in place mechanisms that will ensure sewerage and Non-sewer services remain affordable by Zero Rating of Sewerage and Non-Sewer Services
19. The Ministry will put in place mechanisms to secure and protect sewer and non-sewer infrastructure within road reserves and wayleaves by mapping of existing infrastructure and coordinating with roads agencies on standard methods for installation of sewerage pipes under roads.

5.5. POLICY ON WATER SECTOR EDUCATION, TRAINING, RESEARCH, TECHNOLOGY AND INNOVATION

Policy Statement

The Ministry will develop guidelines to mainstream water sector education into the basic education curriculum; continuously implement public awareness; and implement a strategy through which the water sector can develop optimum technical capacity, and solutions responsive to national needs through appropriate training, research and innovation approaches.

Sector Context

- (a) **Water Sector Education:** The Kenyan population continues to engage in incompatible land use practices that result in degradation of water catchments and riverbanks, and to use water inefficiently, despite Kenya being a water scarce country. This is partly attributed to inadequate public awareness creation and civic programmes on the best practices of water use efficiency. In order to support achievement of the objectives of this Policy, and the Constitution, it is important to undertake education on critical issues of the water sector. This includes water sector education undertaken through public awareness and civil education programmes, including for the specific water sub-sectors, or by individual water sector institutions. In addition, education on the water sector can be undertaken through mainstreaming of relevant water sector knowledge into the national basic education curriculum at the appropriate level and scale, and implemented throughout the basic education years. This approach will provide an early opportunity for training young generations of Kenyans on actions and interventions necessary to support realization of a sustainable water system for the country.
- (b) **Water Sector training:** It is important to review the capacity needs of the water sector, in order to coordinate with education and training institutions to develop or update relevant curriculum for professional training, including for career development; and for technician training including appropriate apprenticeship systems. Training programmes for professional development can be implemented through in-service training, and continuing education and training programs that are specially designed for the water sector. For this to occur efficiently, it will be critical to undertake an assessment of national capacity needs, and coordinate with education and training institutions in order to develop or update

relevant curriculum for technical training, including appropriate apprenticeship systems, and for staff career development. Further, the current training is not well linked with sector needs, and there is need for continuous labour market surveys to ascertain the suitability of the training. It will be necessary to review and enhance the budgetary allocation of financing for research, innovation, training and education for the water sector as they are currently insufficient. It is important to review the training mandate of the Kenya Water Institute (KEWI), as a vehicle for research and training, in order to make its training mandate responsive to the needs of the water sector.

(c) Water Sector Research, Technology and Innovation: Taking into account the challenges facing the water sector in Kenya, enhanced investments in research, technology and innovation will play a key role in delivery of the policy requirements and actions necessary to develop a sustainable water system. The challenges that face water resources management, the complexities of water harvesting and storage, and the urgency facing water and sanitation services, all require Kenya to expand and maintain systems for targeted and continuous research, technology and innovation advancement. However, there is low adoption of research and development, technology and innovation in decision making for the development of the sector. This is attributed to limited research initiatives which are also not responsive to the needs of the sector. There are inadequate systems to catalyse and finance innovation in the water sector. Although there are many stakeholders playing distinct yet complementary roles in research and technology advancement, they are not effectively networked, which undermines integrated uptake of research and innovation outcomes. Universities and the private sector invest in Research and Development (R&D) but this is limited in terms of scale and reach, thus limiting impact. Further, research and innovation in the sector is adversely affected by limited access to, and the sharing of data. There is inadequate support to technological innovation with respect to incentives, development of institutional capacities, enforcement of intellectual property rights, financing and other facilitation.

Policy Directions

The Ministry will:

1. Develop, implement and regularly update, a national strategy for enhancing public awareness and civic education on relevant water sector issues.

2. Partner with Kenya Institute of Curriculum Development (KICD) to mainstream water sector issues into the national basic education curriculum.
3. Assess the human capacity needs of the water sector and develop curricula for professional and technical training and certification.
4. Establish a mechanism to enhance collaboration and build synergies for water research, development, innovation amongst water sector institutions, academia, research institutions and industry.
5. Promote the use of appropriate research and innovation in order for the water sector to address critical sector challenges.
6. Put in place and implement a sustainable financing mechanism for water sector research and innovation solutions including for uptake and adoption for Kenyan market.
7. Review the mandate of the Kenya Water Institute and make it a responsive centre for excellence for training, research and innovation for the water sector.
8. Implement a national water sector information management system to support and enhance accountability, decision making, efficiency and effectiveness.

5.6. POLICY ON MAINSTREAMING CLIMATE CHANGE AND DISASTER RISK REDUCTION IN THE WATER SECTOR

Policy statement

The Ministry in compliance with national climate change legislation, will put in place mechanisms to mainstream climate change considerations in all aspects of water sector planning and decision making, and further, integrate disaster risk reduction to protect water sector investments, public safety and ensure sustainable water resources management.

Sector Context

- (a) Mainstreaming climate change:** The water sector is highly vulnerable to the adverse impacts of climate change. Kenya's freshwater ecosystems have been adversely affected by climate change, including variations of temperature and precipitation leading to declining quality and quantity of water resources. Extreme weather events attributed to climate change, such as droughts and floods, have become more frequent and intense leading to extensive damage to water infrastructure, adverse impacts on catchments and aquifers, among other negative outcomes affecting the water sector. Climate change impacts on the water sector are manifested in other sectors like health, energy, agriculture, fisheries and forestry. Adaptation and mitigation actions have not been mainstreamed in the water sector, as required by the national climate change legal and policy framework, including through National Climate Change Action Plan, and establishment of Climate Change Units in each water sector institution, to coordinate the mainstreaming of climate change at institutional level. Climate financing opportunities are now available that could be utilized for performance based innovative mobilization of resources, for actions such as climate proofing infrastructure, adaptation, and mitigation in the water sector.
- (b) Disaster Risk Reduction:** Kenya experiences the effects of natural and human induced disasters. Risks associated with water related hazards such as floods and drought, continue to have negative impacts especially to vulnerable rural communities while on the other hand, inadequate and dilapidated water drainage infrastructure aggravates the problem of floods and water pollution. These includes public safety risks that may arise from poor dam safety implementation, as well as the outcomes of extreme events hazards such as floods and droughts which can quickly translate into disaster situations. In post disasters situations, the country does not have in place a mechanism for providing emergency water and sanitation services, including

specific mechanisms for emergency water abstraction, treatment and distribution. There is no systematic and effective mechanism for mainstreaming disaster risk reduction actions into water sector development programmes. There is need to enhance institutional collaboration and partnerships, at all levels of government, and non-government actors such as industry, civil society and the Kenyan public.

Policy Directions:

The Ministry will:

1. Mainstream climate change in the water sector to safeguard the sector from adverse effects of climate change by promoting adaptation and mitigation actions at national, basin and county levels.
2. Implement the requirements of the national climate change legislation and policy to mainstream climate change consideration in the water sector, including implementation of the National Climate Change Action Plan into the plans and activities across the water sector.
3. Establish climate change units in all water sector institutions, as required by national climate change legislation, for coordination of climate change mainstreaming at institutional level.
4. Develop and implement a strategy for the water sector to leverage and access climate finance to support implementation of water sector actions for mainstreaming climate change.
5. Mainstream disaster risk reduction in the water sector nationally and develop requisite capacity to address water related disasters and emergencies.
6. Put in place and publicly disseminate to citizens, a national framework and set of guidelines on public safety procedures in the aftermath of water related disasters.
7. Strengthen flood mitigation capacity and measures including investing in early warning systems, flood hazard mapping, flood water way development, and storm water management capacity for counties.

5.7. POLICY ON WATER SECTOR AND GENDER MAINSTREAMING

Policy statement

The Ministry will put in place mechanisms and resources to enhance the mainstreaming of gender considerations in water sector planning, decision making and implementation of actions towards progressive attainment of gender equality.

Sector Context

- (a) **Constitutional basis for gender equality:** The Constitution of Kenya clearly asserts that men and women are equal. This equality is the goal that Kenya aims to achieve in all aspects of society interaction, including the governance of the water sector, and therefore equitable steps must be taken to identify and eliminate existing gender disparities between men and women in the water sector, in terms of access to services, participation in decision making processes, representation in water sector institutions' boards in adherence with the constitutional requirements that not more than two-thirds of one gender will constitute such bodies.
- (b) **Gender discrimination and disparities in the water sector:** Given gender disparities in social and economic roles, women and men experience the effects of disparities and discriminatory practices in the water sector differently. Women, in particular, in context of water harvesting, and access to water supply and sanitation services, suffer more vulnerability arising from the gender division of labour at household, work and other levels. Poverty, and failure by water sector policy decisions, investment plans and project implementation to integrate the special vulnerabilities facing women at various levels of society exacerbates these inequalities. It is therefore important for the water sector to consciously investigate and understand the risks and impacts of water sector gender disparities and the discriminatory impacts they have on women and men. This disaggregation should be applied not just across genders but also amongst the members of each gender, as the factors that exacerbate the disparities vary based on various socio-economic, cultural, political or environmental factors. It is therefore imperative that this water policy, and other relevant public policy interventions in the water sector integrate this approach to consciously integrate gender considerations and through affirmative action target and eliminate disparities. This should be extended to affirmative action measures to encourage and recruit women to join water sector

professionals through targeted recruitment and training opportunities.

- (c) **Special roles of women in the water sector:** Women, because of their roles in society, are not just victims of discriminatory practices, but can also be active agents to change and eliminate gender disparities in the water sector. It is important for the water sector to take steps that guarantee the participation and responsiveness to the needs of marginalized and vulnerable persons including poor and female headed households, in the planning, resourcing, implementation and reporting of water sector strategies, plans and programs towards realization of Sustainable Development Goals.

Policy Directions:

The *Ministry* will:

1. Develop and implement a national framework for screening water sector decisions and actions for discriminatory aspects that result in, or promote gender disparities, with particular focus on the vulnerability, and disaggregation of the impacts, on women across the socio-economic, cultural, and political spectrum.
2. Implement the constitutional rule that not more than two-thirds of one gender will be represented in decision making bodies in the water sector including during public participation procedures.
3. Require all water sector institutions and county governments to investigate, monitor, and take corrective actions to remedy gender discrimination, inequity and inequalities.
4. Put in place affirmative action guidelines to enhance the recruitment, training and advancement of women as water sector professionals.

5.8. POLICY ON CONFLICT MANAGEMENT AND DISPUTE RESOLUTION IN THE WATER SECTOR

Policy statement

The Ministry will put in place mechanisms and provide resources for the management of conflicts in all water sub-sectors and implement measures to encourage and enhance the use of alternative dispute resolution methods including negotiations, conciliation or mediation; and operationalize the Water Tribunal in order to enhance sustainable management of the sector.

Sector Context

- (a) Incidences of conflict and disputes in the water sector:** The governance and management of the water sector is complex, and there have been situations of conflict and disputes, for instance given the fact that Kenya is a water scarce country; or taking into account the complexity of the WSS sub-sector. Conflict and disputes in the water sector, arise with respect to management of water resources, or harvesting and storage, or in the provision of water and sanitation services at commercial, household or community level. In the latter case, one example is the conflicts facing various water service providers and county governments on the role and place of water kiosks and water vendors, including bowsers, in the provision of water services. The range of conflicts and disputes in the water sector include those between the national government, and county governments; as well conflicts and disputes arising between citizens, businesses or other persons concerning service delivery by water sector institutions. Another type is the conflicts and disputes arising within community level water sector institutions such as WRUAs, community water service providers, among others.
- (b) Formal and alternative dispute resolution mechanisms:** In various instances, handling of conflicts through formal grievance mechanisms such as the Water Appeals Board, or its statutory successor the Water Tribunal may be unsuitable, and those involved should be encouraged to pursue alternative dispute resolution approaches (ADR), such as mediation, conciliation or other traditional or indigenous ADR methods that conform to the Constitution. There is need for strategies to guide communities and individuals on ADR options available, in addition to dissemination of information regarding the jurisdiction, procedure and physical location of the Water Tribunal.

- (c) **Harmony with related dispute resolution mechanisms:** Some disputes touching on the water sector may be determined by the National Environment Tribunal (NET), particularly relating to disposal of effluent discharge, because of applicable regulations include those promulgated under EMCA, and administered by NEMA, in addition to the effluent discharge and pollution control provisions of the Water Resources Management Rules administered by WRA. There will be need to reconcile the two approaches and ensure the jurisdictions and decisions of the NET and the Water Tribunal do not result in contradictory outcomes unsuitable for the water sector.

Policy Directions:

The Ministry will:

1. Put in place and implement administrative measures in all water sector institutions, at all levels of government, for conflict management and the utilization, in the first instance, of informal and alternative dispute resolution methods.
2. Develop and publicly disseminate a national water conflict management and dispute resolution handbook to provide relevant guidance for stakeholders and citizens, including access to the Water Tribunal.
3. Develop and publicly disseminate a county water conflict management and dispute resolution handbook to provide relevant guidance for stakeholders and citizens, including access to the Water Tribunal.
4. Implement uniform national guidelines for conflict management and dispute resolution at community level water entities such as WRUAs, and community water service providers.
5. Operationalize the Water Tribunal, including the provision of adequate administrative mechanisms, human and financial resources to enable assumption of the complete statutory mandate.
6. Implement regulations and standards for good governance by all persons and institutions involved in water sector conflict management and dispute resolution and ensure compliance.

5.9. POLICY ON AFFIRMATIVE ACTION TO ENHANCE EQUITY FOR VULNERABLE POPULATIONS AND THE YOUTH IN THE WATER SECTOR

Policy statement

The Ministry will put in place mechanisms and resources to mainstream affirmative action to enhance equity towards attainment of equality in the water sector.

Sector Context

- a. Promoting affirmative action:** The Constitution requires that the interests of the marginalized and vulnerable groups are mainstreamed across all sectors, including the water sector. Kenya has not fully embraced the principle of affirmative action in the water sector as evidenced by disparities in water and sanitation services on the basis of geography, settlement classification (rural, urban, formal, informal), gender, age, disabilities, among others. Previous policies and strategies implemented in the sector have not adequately responded to the unique and special needs of the various vulnerable groups, hence the need for affirmative action.
- b. Specific actions for the urban poor:** There are significant disparities facing the urban poor, especially persons living in urban informal settlements; and other urban areas that experience poor, or lack of access to connected water supply, and both sewerage and non-sewer sanitation services. These disparities result in access to drinking water from water kiosks and stand pipes, whose cost is higher than regular tariffs, and the quality of the water cannot be guaranteed. Lack of connection to sewerage networks, and lack of access to improved non-sewer sanitation options places the urban poor at risk. In addition, these poor access to affordable and quality drinking water, and lack of access to improved sanitation options fails to meet the globally recognized minimum standards for the human right to water, and to reasonable standards of sanitation. It also adversely affects human dignity.
- c. Mainstreaming the interests of the youth:** In Kenya, the youth who are defined as members of the population that have attained the age of majority but are below thirty-five (35) years of age represent a cross over between the present and future generations. They play, and should play a more enhanced and critical role in socio-economic development, including participation in various aspects and processes of the water sector, including through the education sector, training and joining the water sector technical staff complement, research and

innovation, and participation and contribution in community and other initiatives in management of water resources, water harvesting and storage and water and sanitation services. It is necessary to carve out specific roles and opportunities for the youth to participate in decision making and implementation of actions, including targeting specific activities in the water sector.

Policy Directions

The Ministry will:

1. Undertake investment planning and resource mobilization to support enhanced access to clean drinking water and reasonable standards of sanitation for the underserved urban populations, including last mile connections.
2. Develop and implement a mechanism to encourage the establishment of community water service providers for the underserved urban populations, with governance frameworks and regulation.
3. Prioritize and finance, in consultation with county governments, affirmative actions for the fulfilment of the human rights to clean water and to reasonable standards of sanitation for both urban and rural populations.
4. Require all agencies in the water sector, at the two levels of government, to progressively eliminate disparities that exist in investments in water and sanitation services on the basis of geography, administrative boundaries or other discriminatory criteria.
5. Ensure that all water sector decisions mainstream the needs and interests of persons with disability through consideration of their special needs.
6. Put in place and implement requirements that all processes of planning, decision making and implementation in the water sector provide room for special participation of the youth and mainstream the needs of the youth.

5.10. POLICY ON WATER SECTOR INVESTMENTS PLANNING, RESOURCE MOBILIZATION AND FINANCING

Policy statement

The Ministry will institute measures for integrated planning and financing of investments in all the water sub sectors and enablers at national and county levels.

Sector Context

- (a) Investment Planning:** Investment planning in the water sector is critical, as Kenya is a water scarce country with increasing requirements for water use, bearing in mind that investment in the sector is capital intensive. The country has not met the required level of planning and investments in infrastructure to achieve adequate water resource management, harvesting and storage capacity, and universal coverage on water and sanitation services. Investments planning in the key sub sectors should be integrated with investments in enablers such as the mainstreaming of the water sector in the basic education curriculum, training programmes for water sector professional, and investments in research and innovation for technical water sector solutions suitable for Kenya.
- (b) Weak sector investment planning coordination:** A major challenge that is limiting progress in the water sector is weak coordination of investment planning between agencies of the national government, such as Water Works Development Agencies and counties where WWDAs are developing infrastructure for use at county level. The weak coordination is also a problem in investment planning between counties for cross-county investments, and presents a risk of duplicated investments by agencies of the national government. This challenge extends to coordination of investment planning between public agencies in the water sector, at all levels of government, and other stakeholders such as community groups, civil society and the private sector.
- (c) Resource mobilization and financing for public water sector investment:** The sector has not been able to generate sufficient resources internally to sustain its investment needs. Therefore, financial resources for the water sector public investments have been limited to overreliance on the Consolidated Fund, or from multilateral or bilateral sources, such as loans or grants. There has been inadequate exploration and uptake of innovative or additional

pathways for resource mobilization from public, private, domestic and international sources, including output-based grant-financing; on-lending; commercial debt, tariffs and internally generated revenue, community contributions, equalization fund and trust fund, among other sources. The sector has not exploited opportunities available in international climate financing mechanisms. Water sector revenues have not been adequately ring-fenced and allocated to water resources management; water harvesting and storage; water supply and sanitation services; or financing of water sector research and innovation. This is because the implementation of ring-fencing strategies of water sector revenues (levies, permits, tariff revenue, etc) is weak. The sector continues to face other challenges on mobilization of resources, including weak performance by WSPs undermining solvency and commercial viability; continued inefficiency in revenue collections, high levels of Non Revenue Water; low cost coverage; low billing efficiency; low revenue collection efficiency; and continued failure by WSPs to honour financial commitments to various partners including Water Works Development Agencies, and other creditors.

The sector has not fully embraced the public private partnership framework, and there is need for an integrated sustainable resource mobilization strategy. Encouragement of private sector investments in the sector is also critical and it will require a clear engagement and incentive framework, in concert with other strategies.

While tariffs provide an important pathway for financing water sector investments, the pricing of water for domestic consumption, and for industrial use, should be proportionately affordable, and the Ministry should explore other options for resource mobilization to moderate escalation of tariffs in a manner that may inhibit realization of the human right to water.

- (d) Utilization of mobilized financial resources:** The sector experiences low-levels of absorption of mobilized financial resources which is linked to weak capacities in project execution, slow procurement procedures and weak contract management capacity, among other reasons. The sector has not optimized the balance between recurrent and capital expenditure in allocating the utilization of internal revenues and other mobilized financial resources. In addition, there are challenges in financial leakages and wastage, duplication and unpredictable flows.

Policy Directions

The Ministry will:

1. Develop and implement national and county water master plans for water harvesting and storage, water supply and sanitation water investments, including last mile connections for water security.
2. Implement a mechanism to review and update a nation-wide water, sewer and non-sewer sanitation sector investment plan of bankable projects including last mile connections, in consultation with counties.
3. Undertake resource mobilization and financing, through various innovative financing options, in line with the nation-wide water sector investment plans and last mile connections for water security.
4. Develop and implement a resource mobilization and financing plan for the Water Sector Trust Fund to enhance its capability to serve underserved areas.
5. Build the capacity of water sector staff responsible for financial resource mobilization to include innovative financing models in the water sector.
6. Develop and implement a national resource mobilization strategy, through traditional and innovative financing models and partnerships.
7. Implement compliance to deployment ratios on the balance of financial resources between recurrent and development allocation in the water sector institutions and county governments and across the various water sub-sectors.
8. Complete ongoing and stalled public water works and ensure equity in initiation of new public water works investments.
9. Enhance project management capacity in the water sector to address operational bottlenecks that result in implementation delays for water investments at national government and county governments.
10. Develop and operationalize a national data and information system for monitoring and tracking projects development, financing and implementation status.
11. Implement regulations and standards for good governance by all persons and institutions involved in investment planning, resource

mobilization and financing for the water sector and ensure compliance.

5.11. DEVOLUTION, INTERGOVERNMENTAL RELATIONS AND INSTITUTIONAL FRAMEWORK FOR THE WATER SECTOR

5.11.1. POLICY ON DEVOLUTION AND INTER-GOVERNMENTAL RELATIONS IN THE WATER SECTOR

Policy Statement

The Ministry, working with county governments, will put in place an efficient regulatory framework for implementing devolution of water sector functions, and, for the management of intergovernmental relations, in line with constitutional provisions in order to ensure distinctive performance of respective mandates, and management of interdependent mutual relations on the basis of consultation and cooperation in the water sector.

Sector Context

- (a) Constitutional mandate of the national, and county governments in the water sector:** The Constitution defines the structure of government in Kenya to include the national government, and the forty-seven (47) county governments established in a devolved system of government where each level of government has distinctive mandates defined in the Constitution and further elaborated through national law and policy. In the water sector, the national government has specific mandates, including the making of national water policy, the regulation and management of water resources, the regulation of water services including setting of national standards, and, consumer protection through setting of tariffs. County governments are mandated to implement the national water law and policy, and to provide water supply and sanitation services. In this context, counties establish Water Service Providers (WSPs) to perform this function, which are regulated by the national government. The Constitution places a mandate on counties to implement specific national government policies on natural resources and environmental conservation, including soil and water conservation. There is, however, lack of legal clarity on the institutional mechanisms and unified standards through which counties can perform this function.
- (b) Concurrent functions:** In terms of delivery of water sector functions, there are areas where national and county jurisdiction overlap, or result in concurrent roles. The national and county governments, as part of the Kenyan State, have concurrent responsibility to ensure realization

of the human right to water and reasonable standards of sanitation. Water resources is classified as part of public land and vests the function of administering such land in the National Land Commission. Public land is managed by the national government; and public land includes water bodies. However, the Constitution places a role on counties to implement specific national government policies on natural resources and environmental conservation, including soil and water conservation. There is, however, lack of legal clarity on the institutional mechanisms and unified standards through which counties can perform this function.

(c) **Public water works:** Public water works are classified as either national public works, or county public works. National public works are utilized for performance of a national government function, or a cross-county function, including water storage, water supply and sanitation. County public works are utilized for performance of a county water mandate and could result from the transfer of public works previously developed by the national government for that purpose. As the transfer of water resources towards the provision of water and sanitation services occurs at various levels namely inter-basin, cross-county and intra-county, there is need for significant financial investments to develop various sizes of water harvesting and storage, water supply and sewerage infrastructure to support the demands towards human right to water and reasonable standards of sanitation. The whole range of water and sanitation works required to increase connectivity to water and sanitation services in any complete infrastructure project to the last mile is expensive and tends to increase water tariff to be charged to end water consumers, to pay for capital development. A balance between water tariffs to be charged and those to be subsidized by the government is necessary for consumer protection. An institutional mechanism through which joint planning and financing of public works investments is carried out is necessary designated unit to effect joint national public works and county public works in the development of water and sanitation works is necessary. The security of water public works throughout the country, including specific focus on high risk installations should be safeguarded through clear safety guidelines and measures to be implemented by responsible entities.

(d) **Cooperation and Joint Mechanisms for Service Delivery:** In a number of instances concerning concurrent as well as distinctive mandates, the nature of the water function requires enhancement of cooperative arrangements between the national government and certain county governments, and amongst county governments. This includes instances of inter-county water transfers, such as where a

water source is based in one county, and bulk water is delivered to one or more other counties. There may also be cross-county delivery of water services through bulk and WSP systems. The ownership of such infrastructure including in the future, and management of the complex service delivery arrangements will require institutional and operational innovation, informed by constitutional provisions that permit governments at each level to set up joint committees and joint authorities, as may be appropriate, to support constructive intergovernmental cooperation.

- (e) **Institutional management of intergovernmental relations:** It is important to put in place permanent mechanisms for the management of intergovernmental relations in the water sector, at the political and technical levels. These are important to support consultation and cooperation in decision making at planning and implementation across various water sub-sectors. These intergovernmental mechanisms will also be utilized for conflict management and dispute resolution, including through negotiation, mediation and arbitration prior to institutional formal legal action through the court process.
- (f) **Transfer of water sector functions, assets and liabilities:** The Constitution of Kenya, in assigning water supply and sanitation services to be a county function resulted in an automatic transfer of the WSS function fully to county governments. There is, nonetheless, constitutional room for transfer of water sector functions and powers from one level of government to the other level of government, by agreement, in situations where the receiving level of government would perform more effectively; and the transfer of functions or powers is not prohibited by law.

The transfer of assets and liabilities currently used to perform the water harvesting and storage, and the WSS functions to counties, from various national government institutions, is an important part of the constitutional transition process. The cooperative development, and implementation of a transition plan and a costed transfer plan by both levels of government is important. A sound methodology for the inventory and/or audit and valuation of assets and liabilities, to precede this transfer process, is necessary.

Policy Directions

The Ministry will:

1. Put in place joint governance mechanisms for the management of water sector mandates, as maybe appropriate, within the meaning of Article 189 of the Constitution.

2. Put in place and implement an inter-governmental collaboration framework for the planning, development and management of water infrastructure.
3. Formulate enforceable standards and regulations through which counties will implement specific national laws and standards on their relevant mandates.
4. Sensitize key water sector stakeholders on inter-governmental collaboration mechanisms and procedures.
5. Develop and implement project management standards and institutional mechanisms for planning, financing, implementing, management, and security of public water works.
6. Implement regulations and standards for good governance by all persons and institutions involved in implementation of devolved mandates, and intergovernmental relations for the water sector and ensure compliance.

5.11.2. POLICY ON INSTITUTIONAL FRAMEWORK IN WATER SECTOR MANAGEMENT

Policy Statement

The Ministry will ensure harmonized and cost efficient institutional arrangements and operations for the national, and, county level water sector institutions for sustainable stewardship of water as a national resource, realization of the human right to water and reasonable standards of sanitation as well as for the realization of the national water policy.

Sector Context

- (a) Constitutional water sector mandate of national government:** The institutional framework governing the water sector in Kenya draws its structure and mandate from the Constitution and the legislative framework, which identifies water as a shared function between national and county governments. National government functions in relation to the water sector are policy setting, use of international waters and water resources, consumer protection, national statistics and data, regulation of water use and management including water protection, securing sufficient residual water, hydraulic engineering, dam safety, national public works, capacity building of counties, public investments and the responsibility regarding realization of the human right to water and reasonable standards of sanitation.
- (b) Constitutional devolution of water sector mandates:** County governments functions in the water sector include implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation. Other specific functions include: county public works and services on storm water management systems, water and sanitation services including the establishment and management of water service providers.
- (c) Water sector engagement framework:** There are a number of water sector bodies at the national government, at county government level, and in the inter-governmental context, in addition to the private sector, civil society and community organizations. There is need for institutional engagement and arrangement for each water sub-sector, across the water sub-sectors in addition to those at inter-governmental, inter-national government, inter-counties, public-private and intra-county with civic organizations and key partners. This will help to boost complementarity and mitigate against duplication of roles and allow for conflict prevention, management and dispute resolution.

- (d) Corporate governance:** There are challenges in the corporate governance of national public water sector institutions, county government water departments, various cadres of water service providers and community organizations for water supply and water resources management; in the regulation and sustainable management and use of water resources, harvesting and storage of water, delivery of water and sanitation services. These institutions face capacity limitations evident from uncoordinated and low investment planning; delays in water projects implementation; lack of sustainable operational financing; non-responsive technical and operational institutional systems; and high levels of non-revenue water (NRW) attributed to technical and commercial losses. This situation affects the ability of the institutions to respond to the significant sector demands integrated water resource management, timely and cost-effective commercially viable water harvesting and storage and water supply and sanitation infrastructure projects.
- (e) Water sector human resources:** The water sector lacks sufficient and appropriate human resources while the existing human resource complement has limited expertise or required competencies. There also lacks technical labour and human resource data and information at national level and within county governments. Some institutions have numbers of technical staff that are disproportionate to the core institutional mandates, and in certain instances technical and non technical staff lack clear job descriptions. Staff planning, capacity building and succession planning has been intermittent and there has been no dedicated budget allocations for technical capacity building (earmarked to institutional mandates) at either the national, or county governmental levels. While the Public Service Commission of Kenya has put in place the Guidelines for Secondment in the Public Service, water sector level mechanisms for secondment and transfers of technical or specialized skill staff across national public water sector institutions, across counties and from national government to county governments for capacity building and joint implementation or information sharing purposes need to be developed and implemented.

Policy Directions

The Ministry will:

1. Design efficient and effective national water sector institutions to undertake the constitutional functions of the national government in the water sector.
2. Design efficient and effective county water institutions taking into account the constitutional functions and relevant statutory obligations.

3. Establish and operationalize a national water resources management regulatory body and enhance the capacity to perform its regulatory mandate.
4. Establish and operationalize a national regulatory body for water supply and sanitation services and enhance the capacity to perform its regulatory mandate.
5. Establish and operationalize a national water harvesting and storage body for strategic water investments and flood protection infrastructure development and enhance the capacity to perform its regulatory mandate.
6. Establish and operationalize a trust fund for the water sector focussing on the underserved and enhance the capacity to perform its regulatory mandate.
7. Implement a framework for institutional collaboration on shared water resources mandates such as water bodies, forests, water towers, and national parks and relevant counties.
8. Establish and operationalize project-based units for joint development of national and county public works and prioritized water resources projects on concurrent functions.
9. Develop and implement a water sector transition plan, and a transfer plan, to address national, inter-governmental and inter-county transition priorities in the water sector in line with constitutional requirements.
10. Establish and strengthen a national water sector investment planning unit at the Ministry responsible for water to coordinate all sector investment planning across national institutions, and with counties.
11. Undertake monitoring and evaluation of the water sector, develop and publicly disseminate reports on the national performance and status of the water sector.
12. Build the capacity of county governments to perform their constitutional mandate on soil and water catchment protection and conservation.
13. Promote sustainable financing and development of water catchment conservation and protection organizations including those formed by communities.
14. Promote the development and build the capacity of bulk water entities formed by the national government, county governments,

or jointly formed by the national government together with county governments.

15. Build the capacity of all categories of water service providers on corporate governance and commercial viability standards.
16. Support and build the capacity of county governments in the planning and development of county public water works.
17. In consultation with county governments, publicly report and disseminate reports on the performance and status of the water sector in each county.
18. Establish and operationalize a national water sector forum with development partners and public-private representatives for continuous consultations.
19. Establish and operationalize a county-level water sector forum with civil society, development partners, community water organizations, the public and other relevant stakeholders.
20. Build the institutional capacity of national public water sector institutions, county government water departments and cross-county water entities on corporate governance and sustainability.
21. Strengthen the autonomy and capacity of the boards of directors (or equivalent) for national water sector institutions and undertake independent performance reviews of the boards.
22. Develop a national water sector human resource plan and implement a human resource development plan focussing on critical but missing technical skills and competencies.
23. Implement, for each water sector institution at national and county level, a performance based human resource management system.
24. Implement regulations and standards for good governance by all persons and institutions involved in implementation of all water sector mandates, the public, as well as stakeholders and ensure compliance.

5.12. POLICY ON THE IMPLEMENTATION, MONITORING AND EVALUATION FRAMEWORK FOR THE WATER POLICY

Policy Statement

The Ministry will put in place a strengthened implementation framework for effective and efficient delivery, monitoring, evaluation, and reporting on progress on the implementation of this policy

Sector Context

- (a) Implementation of the policy:** This policy will guide water sector institutions at national and county levels of government, in the planning, coordinating, financing, development and management of water sector for the sustainable development of Kenya. Implementation of national water policy has been one of the major challenges in realizing the goals and objectives of the water sector, manifesting in failure to attain set targets. The dissemination and communication of the requirements of national water policy, to key stakeholders and the Kenyan public, has also been inadequate. The sector also lacks a comprehensive stakeholder engagement and public participation strategy. This has limited participation and engagement of civil society, private sector and the general public in implementation. It is therefore important to design and implement a program of induction, on this water policy upon its approval by Parliament as a Sessional Paper.
- (b) Institutional synergy in Implementation:** Implementation of the national water policy is done by multiple actors from national and county government as well as private sector, civil society and communities. There is limited harmonization and coordination of their respective activities leading to lack of synergy. Working relations across institutions and partners have been weak thereby hampering implementation of the policy. This calls for steps to consolidate and strengthen these working relations.
- (c) Monitoring and Evaluation of Policy Implementation:** The Government recognizes the importance of tracking progress in the implementation of this Policy and evaluating related outcomes. M&E will provide reliable and timely data on progress, results and shortcomings of the Policy implementation to inform decision makers, stakeholders and the public. However, the monitoring and evaluation framework has been inadequate mainly due to limited capacity in terms of human resource, technological and financial constraints. There have been challenges in reporting mechanism along vertical and horizontal chains, thereby limiting integration of information and data

for decision making and tracking progress. While performance contracting has been identified and implemented as a useful tool through which targets, inputs and the resultant outputs can be determined and evaluated, it has not been effectively internalized and deployed in the water sector. There will be need for the national government to coordinate with counties to develop a uniform mechanism through which county governments can implement this water policy, including dissemination, monitoring, evaluation and reporting as well as collecting critical data and sharing with the national government for planning purposes. In addition, across the national government, water sector institutions need to formalize and implement systems for sharing data, information and knowledge arising from their experience in implementing this water policy.

Policy Directions

The Ministry will:

1. Establish and operationalize a policy implementation unit within the national government ministry responsible for water.
2. Develop and implement a sensitization program for the dissemination and communication of the policy to key stakeholders and the public.
3. Develop and operationalise a water sector stakeholder engagement and public participation strategy and plan to disseminate and monitor implementation of this policy.
4. Put in place a uniform mechanism through which county governments can implement this water policy.
5. Implement appropriate system for the coordinated data and information collection, monitoring reporting on this policy.
6. Ensure the implementation of this policy is guided by the annexed Implementation Matrix and further, ensure that strategies are developed for the different water sub-sectors to inform the policy implementation process.
7. Integrate the implementation of this policy into performance contracting process and indicators for all public sector staff at all levels of government.

Annex – Policy implementation matrix

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
1 Ensure that water resources, wetlands, riparian and catchment areas are well mapped, protected, rehabilitated, conserved and managed, by all levels of government.	Water resources, wetlands, riparian and catchment areas are innovatively well mapped	Maps of water and resources at national level, basin and county level, national water resource strategy	National technical water resources report	Semi-annually, annually	Director, Water Resources (Ministry)	Water Secretary
	Innovatively managed water resources, wetlands, riparian and catchment areas	SCMPs developed, financed and implemented nation wide, county water catchment conservation and protection reports, activity reports	Same as above	Semi-annually, annually	WRA -CEO	Ministry, WR Director
	Water resources, wetlands, riparian and catchment areas are protected and conserved	Coordination framework, Annual national SCMP financing status fact sheets, National SCMP implementation reports	Financing and Resource mobilization status reports for catchment conservation and protection	Semi-annually, annually	1. WSTF-CEO 2. County WR CEC	Ministry-Water Resources Director
	Application of innovation in the interventions and	Documented new techniques and technologies for water	National Technical report on status of WR management	Semi-annually, annually	Director, Water Resources (Ministry)	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
		investments for water resources mapping, protection and management	resources mapping, protection and management				
2	Enhance the application of the polluter pays principle in water resources management.	Effluent discharge standards & enforcement of compliance are effected	Polluter levies and charges gazetted notice, Regulatory standards & tools, regulatory compliance inspections, water quality reports, public awareness & clean up events, polluter database, effluent reduction investment reports by polluters	WRA revenue & income financial report	Semi-Annually, Annually	WRA-CEO	WRA Board & Cabinet Secretary
3	Strengthen capacity and training of water resources professionals, in the public and private sectors, to optimize the	water resources professionals knowledge, competencies and skills strengthened	water resources personnel register, capacity needs assessment reports, certification program for water resources professionals	Staff development report, Development Reports	Semi-Annually, Annually	WRA -CEO	Ministry, HR Director Ministry-Human Resources Director

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	exploration and use of water resources and support sustainable development.						
4	Coordinate with relevant regulatory authorities, at national and county government level, to implement sustainable water resource management interventions into land use, physical planning and development control systems.	Coordinated regulatory actions at national and county level	TOR and memorandum of cooperation signed, meeting minutes	activity or project specific report	Semi-annually, annually	Ministry Director, Water Resources	Water Secretary
5	Engage with	Results based	Transboundary water	Transboundary	Semi-annual,	Transboundary,	Water Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
neighbouring countries to review the regional policy and legal provisions required to enhance collaboration in the utilization and management of shared water resources.	international water transboundary responsive to critical national needs of Kenya	policy, cooperative frameworks, transboundary water strategy, signed treaties, minutes, ministerial resolutions, instruments of ratifications	waters status reports	Annually	Director	
6 Strengthen the human technical capacity for transboundary water resources use, management & development for international and regional negotiations.	Negotiation human capacity for Transboundary WRM strengthened National transboundary waters negotiation procedures & position papers	Transboundary competency and skills needs assessment and plan Framework for public private and CSO and community consultations, minutes from consultations, national position papers, consultation reports	Capacity Building activity report	Semi-Annually, Annually	Director, HR (Ministry)	Administrative Secretary Water Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
7 Ensure that the allocation of water abstraction rights observes equity, giving priority to domestic uses, and the ecological reserve in order to stay within sustainable limits.	Objective, equitable & accountable water abstraction permitting use and ecological reserve	Water abstraction permits database	National Water Abstraction Status Report	Semi-Annually, Annually	WRA - CEO	WR Director Ministry
8 Develop and implement a national water body classification system and register.	Increased availability and access to water body data and information in Kenya	Classification standards, Survey reports, water body profiles, water body classification register and system	National technical water resources report	Semi-Annually, Annually	WRA - CEO	WR Director Ministry
9 Establish a national system for acquisition, management	Availability and increased access at national level of data & information on basin areas, aquifers	Data and information acquisition guidelines, information portal on basin areas, aquifers	National technical water resources report	Annually	WRA - CEO	Ministry WR Director

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	and sharing of water resources information and data for continuous and coordinated surveillance, assessment and monitoring of basin areas, aquifers, and water bodies.	and water bodies	and water bodies, system user manual, information hub/centre				
10	Put in place and implement the water Resource Quality Objectives (RQOs) for the various categories of water resources.	WR quality objectives developed and compliance enforced	RQ parameters, categories of water resources, measurement guideline for water resource quality	National technical water resources report	Semi-Annually, Annually	WRA - CEO	WR Director Ministry
11	Ensure that decision making on	Informed decisions on WRM	National WRM data and information system, generated	National technical water resources report	Semi-Annually, Annually	WR Director	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	water resource management is based on quality data and information.		analytical reports, ministerial circulars, dissemination event reports, data quality assessment reports				
12	Strengthen Inter-agency and intergovernmental coordination for monitoring of domestic and trade effluent discharge.	Increased compliance and enforcement on trade effluent discharge in Kenya	Coordination mechanism, domestic and trade effluent data parameters, Domestic and trade effluent discharge point maps and meters, surveillance system, inspection reports	National technical water resources report	Semi-Annually, Annually	WR Director	Water Secretary
13	Support incentives to promote adoption of cost-effective and appropriate treatment technology and systems for	Access to cost effective and appropriate treatment technology and systems for water effluent discharges increased	Water effluent treatment technologies booklets	Discharge compliance technical report	Semi-Annually, Annually	WRA - CEO	Ministry WR Director

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	domestic and trade effluent discharges.						
14	Strengthen participation of the private sector, civil society and citizen engagement in water resource management and development and in the monitoring of water abstraction.	Participatory water resources management, monitoring and reporting on water abstraction	Stakeholder abstraction registers, stakeholder surveillance and monitoring records on water abstraction, community surveillance training activity reports, basin abstraction reports, stakeholder meeting minutes/reports	National WR Status report	Annually	WRA - CEO	Ministry WR Director
15	Put in place appropriate water resource management related disaster risk management strategies to enhance public	Public safety during water resources development and management is enhanced	WRM disaster risk management consultation minutes, WR disaster assessment reports and risk register, Disaster risk management strategy and plan on WR, WR	National WR DRR strategy implementation report	Semi-annually, Annually	Administrative Secretary	Principal Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	safety.		public safety procedures				
16	Develop and implement a regulatory framework through which county governments will undertake the constitutional mandate to implement specific national government policies on soil and water conservation.	Enhanced soil and water conservation and protection by county governments (Standards for soil and water conservation and protection by county governments	WR regulatory framework for county governments, WRM option study report, WR regulations and standards, consultation meeting minutes, county WR compliance reports	National WR compliance report	Semi-Annually, Annually	WRA-CEO	Water Secretary
17	Integrate implementation of catchment and ecosystem management into irrigation projects and	Water catchment conservation and protection integrated in water storage and irrigation projects	Audit report of water infrastructure projects status linkage with catchment conservation, county micro-catchment focal points for water	National Water Infrastructure Investments report	Annually	Ministry-Director Investments Pipeline and Projects	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	other water storage investments.		catchment designation list				
18	Put in place an appropriate framework for the pricing of water resources that integrates critical costs such as catchment management, rehabilitation and restoration, and ring-fencing of revenue for relevant water resource management and conservation activities.	Water resource levies and fees pricing factors water catchment management costs	WR regulations on ring fencing of revenue, WR pricing model, national water resource tariff and levies schedule, water resources levies study report, water resources charges consultation event reports, advert on public participation on water resource levies	WR tariff and levies setting report	Bi-annually	WRA-CEO	WRA Board & Cabinet Secretary
		Proportion of ring-fenced WR revenue dedicated for water catchment conservation and protection	Annual WRA resource mobilization financial reports; WRA MOU with WSTF, WSTF MOU with counties on financing of water catchment conservation and protection, WRA	WR Income-Revenues report	Annually	WRA-CEO	WRA Board & Cabinet Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
			national SCMP financing reports				
WATER HARVESTING AND STORAGE							
	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
19	Develop a national water harvesting and storage strategy.	Integrated plans, budgets and coordinated WHS investments at national, county and community level	Strategy development consultation minutes, strategy dissemination campaign report, National strategy financing and implementation reports, NWHS strategy	National WHS Implementation Status report	Semi-Annually, Annually	Ministry Director in charge of Water Storage	Water Secretary
20	Strengthen national government inter-agency coordination and collaboration in the development of water harvesting and	water harvesting and storage institutional framework for national government agencies developed	Inter-agency coordination meeting minutes	National WHS Implementation Status report	Semi-Annually, Annually	Ministry Director in charge of Water Storage	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	storage infrastructure.						
21	Promote participation of private sector, public benefits organizations and communities in water harvesting and storage.	Increased uptake and access to water harvesting and storage initiatives	national scoping report on water harvesting, county annual reports on domestic water harvesting & storage, compliance reports,	National WHS Implementation Status report	Semi-Annually, Annually	Ministry Director in charge of Water Storage	Water Secretary
22	Develop regulations, guidelines, standards and certifications on water harvesting and storage and ensure compliance.	Standardized water harvesting and storage development	public sensitization event reports, compliance status reports	National compliance status report on WHS	Semi-Annually, Annually	WRA CEO	Director-WR
23	Advocate for rain water harvesting and storage requirements	National - county spatial plans and building codes include water harvesting and	national summary lists of approvals with rain water harvesting and storage requirements,	National compliance status report on WHS	Semi-Annually, Annually	NWWSA MD	Director-WHS Ministry

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	into relevant national and county spatial plans, the national building code.	storage requirement	domestic rain water harvesting strategy implementation reports, NATIONAL affordable housing program with RWH design				
24	Establish a data and information system to aid the planning and implementation of national, cross-county and county-level water harvesting and storage infrastructure investments.	Water harvesting and storage data and information available and public access increased	Data and information acquisition guidelines, information portal, system user manual, information hub/centre	National WHS Status report	Annually	Director WHS	Water Secretary
25	Develop and implement a framework of incentives and sanctions for	Increased capacity of water harvesting and storage	Inceptive options report, key stakeholder consultation minutes, public sensitization	National WHS Status report	Annually	Director WHS	Water Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
rainwater harvesting and storage.		reports, County RWH uptake reports				
26 Develop a mechanism for storm and grey water management including harvesting, recycling/reuse, and controlled release into natural water bodies.	Water recycling and reuse capacity developed	storm water management technical briefs, Domestic and Industry grey water management reports, high level key stakeholder consultation minutes, implementation roadmap	National WHS Status report	Annually	Director-WHS	Water Secretary
WATER SUPPLY SERVICES						
Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
27 Develop and implement a national methodology with parameters and standards for	Attainment of universal access to drinking water	HRW methodology report, HRW national household baseline report, List of key stakeholders consulted, Inter-governmental	National water supply status report	Semi-annually, annually	Water Secretary	Principal Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	fulfilling the human right to water.		consultative meeting minutes on HRW				
28	Strengthen county capacity to progressively increase household and commercial connectivity to water supply services.	County investments and technical capacity for water supply services increased	County level water supply technical briefs and manuals, County water supply baseline report, high level key stakeholder consultation minutes, county water supply master plan	National water supply status report	Semi-annually, annually	Director-Water Services	Water Secretary
29	Develop and implement criteria for determination of national and county water public works .	Harmonized development of national and county water public works	Guidelines on national and county public works, consultative event minutes on the formation of national and county public works criteria.	National water supply status report	Semi-annually, annually	Water Secretary	Principal Secretary
30	Develop a regulatory framework, and enforce full compliance, in	Effective and efficient water service delivery	Subsidiary legislation, WSP clustering guidelines, WSP declustering guidelines, Inter-governmental policy	National clustering & de-clustering report	Annually	WASREB CEO	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	the implementation of clustering and de-clustering of water service providers.		brief/s, county clustering & declustering report/s				
31	Undertake a national assessment, together with county governments, to identify the water supply needs for planning and development of county and national public water works.	Nation-wide water supply needs data and information applied in water investment planning	Inter-governmental MoU on water supply needs assessment, national and county investment plans, baseline report	National water investments status report	Annually	Water Works Development Agency CEO	Water Secretary
32	Conduct a national study on multiple water levies and charges to formulate and	Harmonized levies for water formulated and effected	TOR and appointments for county study teams, study team orientation workshop report, water levies data	National water levies and charges study report	One time	WASREB CEO	Principal Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	implement harmonized levies.		collection tools				
33	Develop and implement a national financing and resource mobilization strategy for all investments including Public-private partnerships for various project sizes	Increased financing for water supply investments	National financing & resource mobilization strategy for water supply	National financing and resource mobilization strategy for water supply investments implementation status report	Annually	Water Secretary	Principal Secretary
34	Develop and implement a regulatory framework for good governance of community water service providers.	Community WSP regulated for improved service delivery	Community water service providers regulatory framework, national database of community water service providers, Inspection reports of SSSPs	National Community WSP Compliance Status report	Annually	WASREB CEO	1. Board 2. Water Secretary
35	Strengthen regulator	Established, operational and	Water service establishment and	Capacity building progress report	Semi-Annually,	WASREB CEO	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	capacity to institute compliance and enforcement for water service standards.	effective national water services regulator	staffing report, registered water service inspectors list, Inspection reports and compliance status lists, regulations		Annually		
36	Sensitize water consumers and public on participatory evaluation of WSP performance.	Improved WSP accountability and transparency to consumers and public	Consumer feedback reports, WSP performance public feedback review participation list, WSP recognition event, Consumer outstanding bills report	National WSP impact report	Annually	WASREB CEO	Water Secretary
37	Develop and implement NRW reduction plan for all categories of WSPs including public dissemination	Progressive reduction of NRW by WSPs	NRW reduction plan, physical and commercial NRW status reports by WSPs, WSP NRW external audit reports, Independent reviewers TORs and contracts	National NRW reduction reports	Bi-annually	WASREB CEO	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	of results.						
38	Formulate guidelines to govern the handing over of national public water supply works for management and operation by county governments.	Timely and effective handover and management of public water schemes and projects	Guidelines development consultation minutes, List of key participants consulted, electronic and manual versions of hand over and operation tool/s.	National water supply status report	Annually	Water Service Director	Water Secretary
39	National government security agencies to provide security for prioritized water installations.	Strategic public water installations secured	High level inter-sectoral consultation on water installation security, critical water installations mapping and risk assessments, security & surveillance reports for critical water installations	Water installations security reports	Annually	Administration Secretary	Principal Secretary
40	Develop and effect regulations and standards to	Improved WSP compliance for consumer protection and service delivery	Workshop report on consultations for good governance regulations and	National water supply status report	Annually	CEO WASREB	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	enhance good governance and sustainable management of publicly and privately owned WSPs.		standards development, water sector compliance report on good governance				
41	Put in place a firm regulatory framework to entrench the autonomy of Water Service Providers, including through security of tenure for Boards of Directors, and, performance based terms of service for senior management staff.	WSP regulatory framework protects autonomy, board tenure	Key stakeholder consultation minutes, inter-governmental consultation reports; policy brief/s, Board appointment letters and contracts	National WSP governance report	Annually	WAREB CEO	Water Secretary
42	Define and	Non-compliance	Enforcement orders	National Impact	National	National Impact	Cabinet Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
<p>effect progressive measures and sanctions towards progressive enforcement on non-compliance to set water supply works and water supply service regulations and standards by all cadres of WSPs.</p>	<p>measures and sanctions for water supply defined and effected</p>	<p>status reports</p>	<p>report</p>	<p>Impact report</p>		
<p>43 Develop and implement mechanisms for provision and delivery of water supplies, by service providers, during emergency</p>	<p>Emergency situation water supply initiatives by WSPs defined and effected</p>	<p>Water supply for emergency guidelines</p>	<p>Same as above</p>	<p>Same as above</p>	<p>Same as above</p>	<p>Same as above</p>

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	situations.						
44	Promote water use efficiency at domestic and industrial levels.	Water use efficiency adopted at domestic and industrial levels	County level domestic water use efficiency reports, industry water user efficiency reports, water use efficiency technology sales reports	Water use efficient report	Annually	Water Service Director	Water Secretary
45	Institute a bi-annual water sector event to enhance water supply, water sanitation services linkages with water resources development, and water harvesting and storage and to report on sector performance.	Bi-annual water sector event successfully convened	Water sector event participant registration lists, Event program	Bi-annual water sector event report	Bi-annually	Water Secretary	Cabinet Secretary
46	Implement a	Loan repayment	WSP loan repayment	National WSP	Annually	Wasreb CEO	Water Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
<p>mechanism to safeguard national government investments in the financing water supply and sanitation public works through which the obligations of Water Service Providers repay loans are streamlined.</p>	<p>guarantee for national public water works investments honoured</p>	<p>agreements, inter-governmental agreement on water works liability repayments, policy brief, inter-governmental consultative forum meetings</p>	<p>financial compliance report</p>			
<p>47 Enhance coordination between water sector institutions and other utilities on appropriate methods for mapping, installation, and marking of</p>	<p>water & sewerage pipelines safeguarded by infrastructure development utilities</p>	<p>Government utilities cooperation framework; utilities staff consultation and orientation event reports</p>	<p>Incidents and progress report</p>	<p>Per meeting</p>	<p>Water Secretary</p>	<p>Cabinet Secretary</p>

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	water and sewerage pipelines in infrastructure development.						
48	Implement a legal and institutional mechanism to ensure there is no disruption in the provision of water supply and sanitation services by a Water Service Provider under man-made circumstances.	Non disruptive WSP service delivery	Guidelines for water supply non-disruption, reports on water supply non-disruption orientation training for key stakeholders and public, I nter-governmental information dissemination on water service non-disruption	WSP service delivery reports	Semi-Annually, Annually	WSP	WASREB CEO
SEWER AND NON-SEWER SANITATION SERVICES							
	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
49	Support county driven and	County investments for sewer and non-	County level sewer service technical	National Sewer and non-sewer services	Annually	Director-Water Services	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	financed integrated county public work investments for sewerage and non-sewer sanitation services.	sewer sanitation connections increased	briefs and manuals, County baseline report, high level key stakeholder consultation minutes, county master plan	status report			
50	Develop and implement criteria for classification and equitable prioritization for investments in national (cross-county) or county public works for sewerage and non-sewer sanitation.	Equitable investments in sewer and non-sewer sanitation national and county public works	Report on definitions and classes of national and county public works based on the criteria, meeting minutes on criteria application for national public works, meeting minutes on criteria application for county public works, meeting minutes on criteria application on inter-governmental consultations for national and county public works,	National Sewer and non-sewer services status report	Annually	Director-Water Services	Water Secretary
51	Undertake a	Data and information	TOR and	National sewer and	One time	Director-Water	Water Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
national assessment, together with county governments, to identify the sewerage and non-sewer sanitation investment needs.	on sewer and non-sewer investment needs available for planning and enhanced coordination on investments development.	appointments for county study teams, study team orientation workshop report, sewer and non-sewer needs data collection tools	non-sewer needs assessment study report		Services	
52 Conduct a national study on sewerage and non-sewer sanitation service levies and charges to formulate tariffs to be charged by WSP and sanitation service providers.	Quality data and information on sewer and non-sewer levies and charges available	TOR and appointments for county study teams, study team orientation workshop report, water levies data collection tools	National sewer and non-sewer levies and charges study report	One time	CEO WASREB	Water Secretary
53 Develop and implement a	Financing and resource mobilization	Water sector public - private projects	National financing and resource	Annually	Director-Water Services	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	national plan for financing and resource mobilization for sewerage investments including public-private financing options.	for sewer investments increasingly available	master list - national government, county public - private projects master list, national projects feasibility study reports, county project feasibility study reports	mobilization strategy for sewer investments implementation reports			
54	Develop a regulatory framework and strengthen regulator capacity to institute compliance and enforcement of sewerage and non-sewer sanitation works, and sanitation service standards by	Established, operational and effective national water services regulator	Water service establishment and staffing report, registered water service inspectors list, Inspection reports and compliance status lists, regulations	Capacity building progress report	Semi-Annually, Annually	WASREB CEO	Water Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
all cadres of sanitation service providers to license sanitation service professionals, contractors and handy workers.						
55 Integrate waste water treatment and recycling into water supply and sanitation infrastructure development.	All water supply & sanitation infrastructure integrates waste water treatment and recycling	Infrastructure design review checklist, standards to ensure water supply & sanitation infrastructure planning and design to integrate waste water treatment and recycling, County annual reports on sewer and non-sewer sanitation	Compliance status reports	Annually	WSPs, WWDA	WASREB CEO
56 Sensitize all cadres of sanitation service	WSP and sanitation service providers are compliant and protect consumer rights.	Awareness IEC materials, workshop schedule, programs, WSP sensitization	Sensitization event reports	Per Activity	WASREB CEO	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	providers including WSPs towards compliance and as a measure for consumer protection.		workshop reports				
57	Formulate guidelines to govern the handing over of national public sewer works for management and operation by county governments, handover of county sanitation public works for community management.	Smooth, effective and efficient public sewer investment handover, management and operation	Guidelines development consultation minutes, List of key participants consulted, electronic and manual versions of hand over and operation tool/s, the guidelines.	National Sewer and non-sewer services status report	Annually	Director-Water Services	Water Secretary
58	Define and effect	Increased compliance on regulations and	regulations and standards for sewer	National Impact report	Annually	WASREB CEO	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	progressive measures and sanctions for enforcement of sewerage and non-sewer sanitation public works regulations and standards.	standards for sewer and non-sewer sanitation public works	and non-sewer sanitation public works, enforcement orders status reports				
59	Collaborative framework for mandatory sewerage or sanitation works design approvals by county governments for individual or mass housing developments by developers.	Comprehensive investment options for sewer and non-sewer works	projects master list - national government, county public -private projects master list, national projects feasibility study reports, county project feasibility study reports	Comprehensive investment and resource mobilization plan for sewerage and sanitation services implementation progress reports	Annually	Director-Water Services	Water Secretary
60		Mandatory design approvals for sewer and non-sewer sanitation works for individual and housing developers effected	Approvals checklist, orientation workshop report for county approval officers,	Compliance status reports	Semi-Annually, Annually	WASREB CEO	WASREB Board
61	Develop a	Alternative sanitation	Public campaign on	National water	Annually	WASREB CEO	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	framework for the adoption of alternative non-sewer sanitation technology options for domestic or commercial application, including for recycling, reuse or safe transportation, and release into the natural environment.	technologies uptake increased	alternative sanitation technologies, regulations for alternative sanitation technologies, induction of alternative sanitation inspection officers, activity reports	service report			
EDUCATION, TRAINING, RESEARCH AND INNOVATION IN THE WATER SECTOR							
	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
62	Develop, and implement a strategy for enhancing public	Public sensitized on relevant water sector issues	public sensitization strategy, IEC materials, county status reports	Activity reports	Per Activity	Director, Public communication	Secretary, Administration

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	awareness and civic education on relevant water sector issues.						
63	Partner with Kenya Institute of Curriculum Development (KICD) to mainstream water sector issues into the national basic education curriculum.	National basic education curriculum integrates water sector issues	Consultation meeting minutes, Inter-sectoral MOU signed	Basic education curriculum collaboration Meeting minutes	Per meeting	Water Secretary	Principal Secretary
64	Assess the human capacity needs of the water sector, develop curriculum for professional and technical training and certification.	Water technician and experts professional certification initiated and operational	Online user friendly annually updated certified technicians and experts list, certification track	KEWI Corporate report	Annually	KEWI Director	Principal Secretary
65	Establish a	Water research,	Events schedule,	Water research,	Per meeting	Ministry Director-	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	mechanism to enhance collaboration for water research, development and innovation.	innovation and development collaboration implemented	program and participants lists and contacts	innovation and development collaboration meeting reports		Water Research	
66	Promote the use of appropriate research and innovation in order for the water sector to address critical sector challenges.	Applied water sector research and innovations undertaken	Water sector annual research list, water sector online research briefs	Water research, innovation status report	Annually	Ministry Director-Water Research	Water Secretary
67	Put in place and implement a sustainable financing mechanism for water sector research and innovation solutions	Sustainable government financing for WSTF development initiatives including research	Research fund, research grants manual, disbursement report on research financing, water research studies and reports	WSTF income and revenue & program reports	Semi-Annually, Annually	WSTF CEO	Ministry - Water Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
including for adoption for Kenyan market.						
68 Review the mandate of the Kenya Water Institute and make it a responsive centre for excellence for training, research and innovation for the water sector.	KEWI organizational reviewed and realigned to Constitution, Water Act and Sector needs	KEWI establishment and transition report, Training performance reports, Research & innovation performance reports, Student register, research list, research reports	KEWI performance and capacity building progress report	Semi-Annually, Annually	KEWI Director	Principal Secretary
69 Implement a national water sector information management system to support and enhance accountability, decision	National water sector information availability and access increased	Data and information acquisition guidelines, information system functional	Ministry Technical Performance report	Annually	Water Secretary	Principal Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
making efficiency and effectiveness.						
CLIMATE CHANGE AND DISASTER RISK REDUCTION						
Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
70 Mainstream climate change in the water sector to safeguard the sector from adverse effects of climate change by promoting adaptation and mitigation actions at national, basin and county levels.	Climate change plan fully integrated into the water sector	Climate change focal points appointment letters, consultative meeting minutes and participant lists, orientation training on climate change action plan, climate change action plan reports, Designate and support the functioning of climate change focal point officers in various WISs and Ministry	Ministry Technical Performance report	Annually	Climate change focal point, Ministry	Water Secretary
71 Implement the requirements of the national climate change						

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
legislation and policy including the National Climate Change Action Plan.						
72 Establish climate change units in all water sector institutions, as required by national climate change legislation.	Climate change units/desks in the water sector operational and effective					
73 Develop and implement a strategy for the water sector to leverage and access climate finance to support implementation of water sector actions.	Sector wide resource mobilization and financing which includes climate change sources increased	Climate change donor mapping, climate change proposal development teams, financing networking event minutes, Sector wide resource mobilization and financing strategy	Resource mobilization progress reports	Semi-Annually , Annually	Climate change focal point, Ministry	Water Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
74 Mainstream disaster risk reduction in the water sector and develop requisite capacity to address water related disasters and emergencies.	Water sector disaster risks reduced	Disaster risk reduction guidelines for water sector, high risk areas sensitization events reports, public safety drills, water sector disaster risk reduction plan	progress report	Semi-Annually , Annually	Administrative Secretary	Cabinet Secretary
75 Put in place and publicly disseminate to citizens, a national framework and set of guidelines on public safety procedures in the aftermath of water works related disasters.	Public sensitized on water sector services, compliance actions etc including water disaster	IEC materials, water sector communication officer induction on water policy workshop report, public TV informercials, public awareness plans and budgets	Activity reports	Per Activity	Ministry, Communication Director	Administration Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
76	Strengthen flood mitigation capacity and measures not limited to investing in early warning systems, flood water way development and storm water management capacity for countries.	National flood prone areas mapping, flood early warning system design options, flood water way contractors training reports, county training reports, flood early warning systems	Technical reports	Annually	NWHS CEO, WRA CEO	Water Secretary
GENDER MAINSTREAMING						
Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
77	Develop and implement a strategy and framework to promote integrate gender and	TORs, consultant contract, consultation and interview tools, gender analysis report, staff gender integration trainings for the water sector,	National sector wide Gender and social safeguards integration Progress Report	Semi-Annually, Annually	Ministry-Gender focal point	Secretary, Administration

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	social safeguards in the water sector.		water sector strategy and gender action plan, WSI and county gender and social safeguards integration reports				
78	Implement the constitutional rule that not more than two-thirds of one gender will be represented in decision making bodies in the water sector including during public participation procedures.	2/3 gender rule effected in the water sector at all levels of government	Gender representation status report in WS board appointments, dissemination of findings high level workshop report, roadmap to effect 2/3 gender representation rule in the water sector	National sector wide Gender and social safeguards integration Progress Report	Semi-Annually, Annually	Ministry-Gender focal point	Secretary, Administration
79	Require all water sector institutions and county governments to investigate,	Gender and social safeguards data and information available for the water sector	Gender and social safeguards integration review checklist for the water sector, gender officers induction training on	National sector wide Gender and social safeguards integration Progress Report	Semi-Annually, Annually	WSIs and Counties-Gender focal point for water sector	Ministry-Gender focal point

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	monitor, and take corrective actions to remedy gender and social safeguards inequity and inequalities.		gender discrimination audits, gender reporting tools, gender fairness study report				
80	Put in place affirmative action guidelines to enhance the recruitment, training and advancement of women as water sector professionals.	Affirmative action for women in the water sector initiated and operational	Inter-sectoral collaboration on scholarship awards for women for the sector, women and girl child technical internship opportunities in W/SIs, checklist on gender in human resource management and development for water sector	National sector wide Gender and social safeguards integration Progress Report	Semi-Annually, Annually	HR and Gender focal points-W/SIs and counties	Ministry-Gender focal point
CONFLICT MANAGEMENT AND DISPUTE RESOLUTION							
	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
81	Effect	Minimize water	User friendly	National Status	Semi-	Ministry-State	Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	administrative measures in all water sector institutions, at all levels of government, for conflict management and utilization.	conflicts and quick conflict resolutions.	including public conflict management and ADR guidelines, Process charts for conflict management and ADR, conflict registrar , minutes and correspondence on conflict resolutions.	report	Annually , Annually	Counsel	Administration
82	Develop and implement a handbook to guide conflict management including the prioritization of alternative dispute resolution methods.	Inter-governmental conflicts reduced in the water sector	ToR developed, working team appointment letters and contracts, consultation meetings on scope of handbook/s, Popular version of handbook, orientation training for water sector staff; Inter-governmental conflict management & ADR handbook for water sector	progress report	Semi-Annually , Annually	Ministry- State Counsel	Secretary Administration
83	Develop a county water conflict management	Conflict management & dispute resolution options accessible to citizens and key	ToR developed, working team appointment letters and contracts,	progress report	Semi-Annually , Annually	Ministry- State Counsel	Secretary, Administration

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	and dispute resolution handbook to provide relevant guidance for stakeholders and citizens.	stakeholders in the water sector	consultation meetings on scope of handbook/s, Popular version of handbook, sensitization events and informational for the public; Conflict management & ADR handbook for citizens and key stakeholders for water sector				
84	Implement uniform national guidelines for conflict management and dispute resolution at community level water entities such as WRUAs, and community water service providers.	Conflict management and dispute resolution on water issues at community level accessible and responsive	Trainers appointment letters, consultation meetings minutes, ToT report, Popular version of handbook, training and sensitization events ; National guidelines for conflict management and dispute resolution on water issues at community level	Water Sector County Report	Annually	Intergovernmental secretariat	Cabinet Secretary
85	Operationalize	Water Tribunal	Gazette notice for	Performance report	Annually	CEO- Water	Principal Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
and make effective the Water Tribunal.	established, financed and functioning	Water Tribunal, Establishment and staffing transition reports			Tribunal	
AFFIRMATIVE ACTIONS TO ENHANCE EQUITY FOR VULNERABLE POPULATIONS AND THE YOUTH IN THE WATER SECTOR						
Policy Action	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
86 Undertake investment planning and resource mobilization to support enhanced access to clean drinking water and reasonable standards of sanitation for the urban poor, including last mile connections.	Last mile water service for urban poor increased country wide	County needs assessment report, county water service investments pipeline and budget, investment delivery contracts per county, Household water service access reports	Technical reports	Annually	County CECs	WASREB CEO
87 Develop and implement a	SSSP for urban poor developed and	Mapping of urban SSSPs, participants	Technical reports	Annually	County CECs	WASREB CEO

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	mechanism to encourage the establishment of community water service providers for the urban poor, with governance frameworks and regulation.	regulated	list on consultations for the regulatory regime, regulations and standards for SSSPs, county level compliance reports				
88	Prioritize and finance, in consultation with county governments, affirmative actions for both urban and rural populations.	County government financing towards realization of HRW increases access to water and sanitation services in all counties increased	Annual development financing report of counties on HRW and sanitation, HRW and sanitation status conference for the water sector	County affirmative action water service report	Annually	County CECs	Inter-governmental secretariat (to be constituted)
89	Undertake a vulnerability needs and implement redress action steps to	Operational process and public policy review for VMG and action plan.	VMG participation tools	affirmative action reports	Annually	Head WSLs, County CECs	Principal Secretary, Intergovernmental Secretariat

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	mainstream the special needs of the vulnerable persons in the water sector.						
90	All agencies in the water sector, at all levels of government, to progressively eliminate disparities that exist in investments in water and sanitation services on the basis of geography or administrative boundaries.	Water works investments and financing inequity reduced in the sector	water works equity baseline report, water service supply and needs gap report, progressive water works equity implementation reports, Water works investments and financing equity plan	Equalization status report	Semi-Annually , Annually	Heads WSI, County Governments	Cabinet Secretary
91	Put in place and implement requirements that all	Youth policy integrated into the water sector and regularly reported on	Youth integration checklist, youth policy water sector staff inductions,	Youth Integration report	Semi-Annually , Annually	Youth Integration focal point-WSI and County government	Ministry-Youth Integration focal point

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
processes of planning, decision making and implementation in the water sector provide room for special participation of the youth, and mainstream the needs of the youth.		reporting templates with sections on youth policy integration in WSIs, youth policy intergration plan for the water sector				
INVESTMENTS PLANNING, RESOURCE MOBILIZATION AND FINANCING						
Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
92 Develop national and county water master plans for water harvesting and storage, water supply and sanitation	Realization of human right to water, reasonable standards of sanitation and access to water for economic use.	National water master plan, County water master plans, Water master plan projects financing & implementation reports	National water investment and financing status report	Semi-annually, Annually	Water Secretary	Principal Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	water investments, including last mile connections for water security.						
93	Implement a mechanism to review and update an a nation-wide water, sewer and non-sewer sanitation investment plan of bankable projects including last mile connections, in consultation with counties.	Nation wide water, sewer and non-sewer sanitation investment plan covering all counties	consultative minutes on development of the nation wide water, sewer and non-sewer sanitation investment plans, TOR for the development of nation wide water sector investment plan, county water investment implementation status reports,	National water investment and financing status report	Semi-annually, Annually	Water Secretary	Principal Secretary
94	Undertake resource mobilization	Nation wide water, sewer and non-sewer sanitation investment	Integrated water sector financing consultation forum	Water sector financing and resource	Semi-annually, Annually	Water Secretary	Principal Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	and financing, through various innovative financing options, in line with the nation-wide water sector investment plans and last mile connections for water security.	plan financed	minutes, water sector financing events, Development partner round table for financing, PPP projects financing contracts; Resource mobilization & financing strategy and plan for the water sector	mobilization Status report			
95	Develop and effect a resource mobilization and financing plan for the Water Sector Trust Fund.	Sustainable financing mechanism for the underserved is operational	WSTF annual appropriations from GoK, activation of subsidiary fund, roadmap for the establishment of the endowment fund, Money markets investment contract for WSTF	WSTF income and revenue & program reports	Semi-Annually, Annually	WSTF CEO	Water Secretary
96	Build capacity of financial resource	Water sector staff capacity on innovative financing	Water sector staff competency and skills assessment report in	Resource mobilization capacity building	Semi-Annually, Annually	Water Secretary	Principal Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	mobilizers on innovative financing models in the water sector.	for water projects strengthened.	resource mobilization, staff training reports, appointment of resource mobilization team	report			
97	Develop and implement a national resource mobilization strategy through traditional and innovative financing models and partnerships.	Nation wide water, sector investment plan financing increased	consultative meeting minutes on water sector financing strategy, TOR and appointment of working committee, water sector financing strategy development roadmap, priority investment water projects briefs and fact sheets, high-level international consultations for financing; water sector resource mobilization and financing strategy and plan	Water sector financing and resource mobilization Status report	Semi-Annually, Annually	Water Secretary	Principal Secretary
98	Compliance to deployment ratios on	Balanced allocation between recurrent and development	National treasury circulars; KENAO reports implemented,	Water sector budget implementation	Semi-Annually, Annually	Secretary, Administration	Principal Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	balance of financial resources between recurrent and development allocation in the water sector institutions and county governments and across the various water sub-sectors.	financial resources in the water sector	Performance contract budget reports, budget analysis reports, WSI and county implementation reports	report			
99	Complete ongoing and stalled public water works and ensure equity in initiation of new public water works investments.	Public water works master list of ongoing or stalled projects developed and equitably prioritized water projects completed	National and county lists of ongoing and stalled projects, Implemented milestone schedule for ongoing and stalled projects, project specific implementation status reports	National water infrastructure development status report	Semi-Annually, Annually	Director - Infrastructure Development	Water Secretary
100	Enhance project	Project management capacity strengthened	Project management staff training program	National water sector staff	Annually	Water Secretary	Principal Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	management capacity in the water sector.	in the water sector	reports	development report			
101	Develop and operationalize a national data and information system on projects development and financing status.	Data & information on water projects implementation and financing status available and accessible	data and information acquisition guidelines, TOR for consultancy on data and information system design & development, consultant contract, projects implementation and financing status information system operational , ICT system status reports	Water Sector system application report	Annually	Director-Infrastructure	Water Secretary
DEVOLUTION AND INTERGOVERNMENTAL RELATIONS IN THE WATER SECTOR							
	Policy Directions	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
102	Put in place joint governance mechanisms for the management of	Joint governance mechanism for inter-governmental and devolution effected	Joint governance institutional arrangements TORs, agreements signed	Progress report	Semi-annually, annually	Water Secretary	Principal Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
water sector mandates, as may be appropriate, within the meaning of the Article 189 of the Constitution.						
103 Put in place and implement an inter-governmental collaboration framework for the planning, development and management of water infrastructure.	Water infrastructure development is coordinated to ensure progressive and equitable realization of the human right to water.	Coordination meeting minutes, Collaboration MOU, cross-county and inter-basin water investments national status reports, national water supply master plan	progress report	Semi-annually, annually	Water Secretary	Principal Secretary
104 Formulate enforceable standards and regulations through which counties will	County governments implement their constitutional mandates in the water sector.	Consultative forum reports, Water regulations and standards	National regulatory reports	Semi-annually, annually	WRA CEO, WASREB CEO	Water Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
implement specific national laws and standards on their relevant mandates.						
105 Sensitize key water sector stakeholders on inter-governmental collaboration	Key public sector and non-public water sector stakeholder's knowledge and skills for inter-governmental collaboration increased.	Training materials, Joint initiatives national sensitization forum; water services joint projects guideline	National report of county capacity building	Annually	Water Secretary	Principal Secretary
106 Develop and implement project management standards and institutional mechanisms for public water works.	Project management standards for public water works applied.	Water public works project management cycle handbook for Kenya	Water works project reports	Annually	Director - Water Infrastructure	Water Secretary
INSTITUTIONAL FRAMEWORK FOR WATER SECTOR MANAGEMENT						
Policy Directive	Key Policy Outcome/s	Evidence of Action	Regular Reporting	Reporting Frequency	Entity & Position Responsible for	Reports to whom?

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
107	Design efficient and effective national water sector institutions to undertake the constitutional functions of the national government in the water sector.	WSI organizational structures and staffing establishments are efficient, effective and operational	staffing establishment implementation transition status reports, revised job descriptions for all staff, orientation trainings for all staff on unbundled mandates,	Organizational structure and staffing establishment with commensurate operational and development financing reports	Semi-Annually, Annually	WSI CEOs	Water Secretary
108	Design efficient and effective county water institutions taking into account the constitutional functions and relevant statutory obligations.	Efficient and effective county water sector entities established and operational	Establishment and staff transition report, operational guidelines and tools, annual performance reports, donor financing agreements, activity and project/program reports	County water sector performance report	Annually	CEC	Inter-governmental secretariat (to be constituted)
109	Establish and	national water	Establishment and	WRA performance	Semi-	Board Chair	Principal Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
operationalize a national water resources management regulatory body.	resources regulatory authority established, operational, is efficient and effective	staffing transition reports, annual performance contract, strategic performance report, technical service delivery reports, service charter	and progress report	annually, Annually		
110 Enhance the capacity of the water resources regulator on enforcement of water resources regulations, rules and standards.	WRA enforcement capacity strengthened	WRA establishment and staffing transition activity reports	Water resources regulator performance and progress report	Semi-Annually, Annually	WRA CEO	Water Secretary
111 Establish and operationalize a national regulatory body for water supply and sanitation services.	National water services regulatory body established, operational, is efficient and effective	Establishment and staff transition report, launch program, regulations and standards, public sensitization campaign on regulations and	Water services regulator performance and progress report	Semi-annually, Annually	Board Chair	Principal Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
		standards, huduma center service points, compliance reports				
112 Establish and operationalize a national water harvesting and storage body for strategic water investments and flood protection infrastructure development.	National water harvesting and storage entity established, operational, is efficient and effective	Establishment and staff transition report, launch program, operational guidelines and tools, public sensitization campaign , annual performance reports	National water harvesting and storage performance and progress report	Semi-annually, Annually	Board Chair	Principal Secretary
113 Establish and operationalize a trust fund for the water sector focusing on the underserved.	Water sector trust fund established, operational, is efficient and effective	Establishment and staff transition report, launch program, operational guidelines and tools, public sensitization campaign, annual performance reports, donor financing agreements, endowment fund	Water sector trust fund performance and progress report	Semi-annually, Annually	Board Chair	Principal Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
114	Implement a framework for institutional collaboration on shared WR mandates such as water bodies, forests, water towers, and national parks and relevant counties.	national government inter-sectoral coordination and collaboration structures for WRM	deed, WR coordination meeting minutes, coordination workshop reports	Coordination report	Semi-annually, Annually	Principal Secretary	Cabinet Secretary
115	Establish and operationalize project based units for joint development of national and county public works and prioritized water resources projects on concurrent	Project specific specialized teams for joint national and county public water works and inter-government collaboration initiated and functioning	TORs, Entity institutional work description documents, Team meeting minutes, Annual work plans and budgets, progress reports, project implementation schedules, specific project status reports	National project Implementation progress report	Semi-annually, Annually	Director, Infrastructure	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	functions.						
116	Develop and implement a water sector transition plan, and a transfer plan, to address national, inter-governmental and inter-county transition priorities in the water sector.	Water sector transition effected on time and smoothly, water assets and liabilities transferred	National consultation event report on water sector transition-transfer plan development, staff induction workshops on water sector transition-transfer plan, Implementation progress reports,	Water sector transition status report	Semi-annually, Annually	Principal Secretary	Cabinet Secretary
117	Establish and strengthen a national water sector investment planning unit at the Ministry responsible for water to coordinate all sector investment	National water sector investments unit established and operational	Operational and reporting tools for Investment pipeline unit, investment pipelines adoption and endorsement, AWP and budget for investment pipeline unit operations	Water Sector Investments Unit performance report	Semi-Annually, Annually	Ministry - Infrastructure planning focal point	Water Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
planning across national institutions, and with countries.						
118 Publicize and report on the performance and status of the water sector.	Water sector data and information performance data and information annually updated and available	data and information acquisition guidelines, data and information system	Water sector performance report	Annually	Principal Secretary	Cabinet Secretary
119 Build the capacity of county governments in soil and water catchment protection and conservation	County governments capacity strengthened, are operational and effective on water catchment protection and conservation	Establishment report, operational guidelines and tools, annual performance reports, donor financing agreements, activity reports, county laws on the water institutions,	Capacity building reports on water catchment management and WRM	Semi-Annually, Annually	Director, Water Resources (Ministry)	Water Secretary
120 Promote sustainable financing and development of water	Joint financing and development of community water catchment conservation and	County laws, inter-Governmental and inter-county MOUs or agreements for water catchment protection	National community organizations capacity building status report	Semi-Annually, Annually	Director, Water Resources (Ministry)	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	catchment conservation and protection organizations including those formed by communities.	protection organizations undertaken	and conservation, WRUA financing agreement with county and other donors, WRUA governance codes WRUA registration status reports				
121	Promote the development and build capacity of bulk water entities formed by national government, county governments or jointly formed by national and county governments.	Bulk water supply management and operations entities established, functional are efficient and effective	Bulk water organizational establishment reports, Joint Authorities establishment MOUs, water laws, bulk water management and operations regulations, standards and operational guidelines, annual performance reports	National Bulk Water Service Providers Capacity Building Progress reports	Semi-Annually, Annually	Director, Water Services (Ministry)	Water Secretary
122	Build capacity of all categories of water service	WSP good governance and commercial viability capacity strengthened	WSP governance guidelines & code of conduct, WSP commercial viability	National WSP Governance & Sustainability Capacity Building	Semi-annually, Annually	Director, Water Services (Ministry)	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	providers on corporate governance and commercial viability standards.		guidelines, inter-governmental agreements or MOUs on WSP sustainability, Policy briefs, WSP commercial viability assessment reports, WSP compliance reports on financial obligations towards assets, loans and liabilities	Progress report			
123	Support and build capacity of county governments in planning and development of county public water works.	County government capacity on development of county public water works strengthened	County capacity needs assessment report, county capacity building initiative project appraisal document, Activity and progress reports	County Capacity Building Progress reports	Semi-Annually, Annually	Water Secretary	Principal Secretary
124	Publicize and report on the performance and status of the water	County water sector data and information performance data and information annually updated and available	County data and information acquisition guidelines, data and information system	County water sector performance report	Annually	CEC	Inter-governmental secretariat (to be constituted)

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	sector in each county.						
125	Establish, operationalize a national water sector forum with development partners and public-private representatives for continuous consultations.	National water sector forum established, operational and effective	TOR for national water sector forum, Appointment letters for national water sector forum, forum schedule of events, forum meeting minutes and reports	Activity report	Per Activity	Water Secretary	Principal Secretary
126	Establish and operationalize a county-level water sector forum with civil society, development partners, community water organizations, the public and other relevant	County water sector forum established and effective	TOR for county water sector forum, Appointment letters for county water sector forum, forum schedule of events, forum meeting minutes and reports	Activity report	Per Activity	CEC , county	Inter-governmental secretariat (to be constituted)

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	stakeholders.						
127	Build institutional capacity of national public water sector institutions, county government water departments and cross-county water entities on corporate governance and sustainability.	Institutional capacity on corporate good governance strengthened in the water sector at all levels of government	Corporate governance guidelines, TOR for water sector governance trainers, ToT for trainers workshop report, governance training materials and resources, induction training on governance workshop reports	National Governance Capacity Building Progress report	Semi-Annually, Annually	Water Secretary	Principal Secretary
128	Strengthen the autonomy and capacity of the boards of directors (or equivalent) for national water sector	Boards of national water sector institutions independently evaluated and reported on	Ministry-SCAC consultative meeting minutes, CoG (Governors) sensitization on WSP board governance, inter-governmental MOU on WSP board	National Water Service Governance Capacity Building Progress report	Quarterly	Director, Water Service Ministry	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	institutions, undertake independent performance reviews of the boards.		inductions and performance measurement, TORs for WSP board governance trainers, WSP bi-annual independent performance evaluations reports				
129	Develop a national water sector human resource plan, and implement on a human resource development plan focussing on critical but missing technical skills and competencies.	National water sector staffing plan and HR development plan effected and reported on	Water sector staff audit report, sector competency and skills assessment report, water sector staff capacity building program concept/proposal document, Annual sector capacity building and training reports	HR report	Semi-Annually, Annually	Director, Human Resources	Secretary, Administration
130	Implement, for each water sector institution at	Performance based staff performance management initiated and applied for water	Corporate and individual staff performance management	National Water Sector Staff Capacity Building Progress report	Quarterly	Director, HR Ministry	Administration Secretary

Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
national and county level, a performance based human resource management system. performance management for water sector institutions in national and county governments.	sector at all levels of government	guidelines, water sector corporate performance contracts, individual performance objectives setting, semi-annual and annual staff performance appraisal reports, corporate staff performance summary reports				
IMPLEMENTATION, MONITORING AND EVALUATION FRAMEWORK FOR THE WATER POLICY						
Policy Directive/Action	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
131 Establish and make operational a policy implementation unit within the national government	Water policy implementation unit designated, established, operational and effective	TORs for water policy implementation unit, appointment of staff for water policy unit, job descriptions for water policy unit staff at Ministry, county	National water policy implementation status report	Annually	Head, National Water policy implementation unit (Water Secretary)	CS, CAS and PS Ministry

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	Ministry responsible for water for this policy.		and WSIs, Policy implementation AWP and budget				
132	Develop and implement a sensitization program for the dissemination and communication of the policy to key stakeholders and the public.	Policy dissemination campaign rolled out, is effective and reported on	Consultancy TOR, IEC print materials, Mass media informercials, targeted sensitization workshop reports	Ministry Progress report	Monthly progress report (over period of campaign)	Ministry, Communication Director	Ministry, Administration Secretary
133	Develop and operationalise a water sector stakeholder engagement and public participation plan.	Public accountability on water policy implementation results	Public accountability event reports, public accountability framework	Ministry Progress report	Monthly progress report (over period of public participation initiative)	Ministry, National Water policy Technical Director	Ministry, Water Secretary
134	Put in place a uniform mechanism	County water sector data and information reporting system	Inter-governmental reporting MOU/agreement,	County policy implementation status reports	Quarterly	Ministry, Inter-governmental coordination	Water Secretary

	Policy Direction	Key Policy Outcome/s	Evidence of Action	Regular Reporting Modality	Reporting Frequency	Entity & Position Responsible for Taking Action	Reports to whom?
	through which county governments can implement this water policy.	developed and rolled out	reporting training workshop for countries report			Director	
135	Implement appropriate system for the coordinated data and information collection, monitoring reporting on this Policy.	National water policy monitoring and report system developed and enforced	M&E framework & plan for national water policy, data and information collection tools, reporting templates	National water policy implementation status report	Quarterly	Ministry, National Water Policy M&E lead	Ministry Water Secretary

