Water Sector Reforms in Kenya
“Improving Governance and Human Rights to Water”

Presented By
Eng. P. L. Ombogo
(Director Water Sector Reforms)
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Background

- The Government of Kenya is currently implementing wide ranging reforms in the water sector in accordance with the Water Act 2002.
- The broad objective of the reforms is to equitably improve access to sustainable safe water and sanitation services and resource management at affordable cost.
It is important to note that Kenya is currently categorized as a water scarce country (647 m$^3$ per capita).

- 50% of population lack safe reliable water and basic sanitation.
- Water resources are threatened by pollution, degradation and over exploitation.
- Sector development is faced with institutional weaknesses, inadequate funds for operation and development, weak coordination and weak capacity amongst communities.
The Reforms, Water Act 2002:

- **Principles of the Act include:**
  - The Act has clearly differentiated the roles of various actors in the water sector ie the government, public, private sector, water resource management and water services and supply
  - The Act has entrenched public participation and involvement in the water services and water resources management
  - The Act intended to define water rights and legislated ways in which resources could be utilized
  - The Act introduced new water management institutions to govern water and sanitation services
  - The Act has a strong pro-poor focus
The Water Act 2002 separates WRM from WSS, provides for regulation of WSS and further makes a distinction between asset holding and development (responsibility of a WSB) from operations and management (responsibility of a WSP).

INSTITUTIONAL SET-UP UNDER WATER ACT 2002*

- Water Appeal Board (WAB)
- Water Services Trust Fund (WSTF)
- Water Resources Management Authority (WRMA)
- Water Services Regulatory Board (WSRB)
- Water Services Boards (WSBs)
- Water Resources User Associations (WRUAs)
- Water and Sewerage Service

Source: Water Act 2002
Improving Water & Sanitation Governance

- Introduction of socially responsible commercialization of water services in urban areas
  - Ring fencing of revenues for the sector to ensure financial sustainability
  - Reduce unaccounted for water/wastages
  - Improved billing and revenue collection efficiency
  - Improved corporate governance through autonomous board of directors
  - Participation of consumers in decision making through Water Action Groups (WAG)
Improving Water & Sanitation

Governance Cont’d

- Introduction of regulation in the sector
  - Two impact reports have been produced
- Establishment of Water Appeals Board dedicated to resolve complaints
Improving Human Rights to Water & Sanitation

- The Rights to water entitles everyone to sufficient, safe, reliable and affordable water for personal and domestic use in or near their homes, workplace or educational institutions (General comment 15 of UN committee on Economic, Social & Cultural Rights)

- Although the Right to water and sanitation is not explicitly provided in the Water Act, the Right to Water & sanitation has been formally recognized in a number of national water sector policies (National Water Services Strategy, National Water Resources management Strategy, WASREB tariff guidelines and pro-poor implementation plan)
Improving Human Rights to Water & Sanitation Cont’

● In implementation of this, the government has developed and adopted pro-poor implementation plan aimed at providing safe water and sanitation to the poor (urban & rural)

● The Plan sets out actions to be undertaken by water sector actors to reach the poor

● The Plan has so far received support from SIDA, DANIDA, EU and GTZ
Positive Outcome of the Reforms

- The sector is better organised
- Increased attention and investment in poor and marginalized areas of Kenya
- Increased investments in the water sector (Kshs.2Bn 2002 to Kshs. 28Bn in 2009)
- Improved governance with corruption in the sector being addressed
- Sector is attracting quality professional mix
Challenges

- The sector still needs more resources
- Sustainability and viability of Water Services Providers (WSP) in urban & rural
- Improving sanitation coverage in rural areas and informal settlements
- Continued mainstreaming of Human Rights to Water and Sanitation
- Critical capacity lacking in areas of governance, human rights and commercial orientation and regulation
Challenges Cont’

- Inadequate communication and information management systems
- Regulation of small scale independent service providers
- Sector monitoring and evaluation still lacking
- Weak complaint and feedback mechanism
Thank you... questions or comments?