

**UN Independent Expert Consultation on Good Practices: Talking Points – Making Water and Sanitation
a Reality for Kenya’s Poor in Informal Settlements**

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By

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Talking Points

1. Kenya is classified as water stressed country. The government acknowledges that ‘by the 1980s and 1990s the Kenya water sector could no longer adequately cope with the ever-increasing challenges. Deficiencies in the management of water and sanitation installations were responsible for the growing discontent of water users in both rural and urban areas...’ (Water Sector Reform in Kenya and the Human Right to Water, Ministry of Water and Irrigation, 2007.
2. It is against the backdrop of such challenges that in 2002, the Government enacted the Water Act which among other things sought to reform the water sector with the overall aim of ensuring effective supply to rural and urban areas, sanitation and efficient and sustainable water resource management.
3. Importantly right from the word go, the reforms embraced a human rights approach which ensured that interventions reflected the principles and standards provided by the human rights framework. This was reflected in the Ministry of Water and Irrigations strategy papers such as the National Water Resources Management Strategy (NWRMS) and the National Water Services Strategy (NWSS) and also in the pro-poor implementation plans – where the project I shall be talking about falls.
4. The core aspects or standards and principles in relation to the right to water and sanitation were therefore expected to be reflected in the projects undertaken by the various water bodies. While many projects have faced a variety of challenges, the Water Services Trust Fund (WSTF) a pro-poor funding basket to improve access to water and sanitation services in underserved areas has been running a project named the Urban Project Cycle (UPC), a key project for Kenya’s water sector reform stands out for its promise to make water a reality to millions of poor Kenyans.
5. The aim of the project is to ‘improve **access** to **affordable** water and sanitation in high density and low income urban settlements including informal settlements’

How does the practice work to satisfy 'Good Practices from a Human Rights Perspective?

Normative Criteria	Specific Elements	Situation before UPC	Under UPC
Availability	Sufficient quantities, reliability and the continuity of supply	<p>Informal settlements seen as illegally occupied received no formal utilities. Private cartels sold water to residents</p> <ul style="list-style-type: none"> - Sanitation (toilets) was o self help basis 	<p>Formal Water Services Providers have erected water kiosks in the settlements linked to the main water supply network thus ensuring reliable supply.</p> <p>Public toilets managed in the same way as the water kiosks is part of the project</p>
Accessibility	Physically accessible for everyone at a location with minimal security risks	Supplier cartels didn't consider accessibility – scarcity of access provided good reason for inflating water prices	<p>Water kiosks and yard taps are provided at different points within the informal settlements hence increasing physical accessibility to water.</p> <p>Public sanitation facilities being constructed are accessible to persons with disability</p> <p>Fixed operating hours are stipulated.</p> <p>Aims at reducing fetching time to 30 minutes</p>
Affordability	Accessible at a price affordable by all	Before the UPC, most water vendors in informal settlements sold a liter of water at Ksh 10-20/= (or \$	Prices at the water kiosks are approved and regulated at a subsidized tariff of Ksh 2.00 per 20 Litres (Ksh 60 per person per month or \$ 0.75 per person per month). A significant improvement in affordability

Normative Criteria	Specific elements	Situation before UPC	Under UPC intervention
Quality and Safety & Quality	Sanitation facilities are hygienically safe to use – regular cleaning and proper disposal. Water should not be a threat to health.	Again this was on a self help basis. Most residents just helped themselves in the open, while the safety of water was up to the individual household to manage.	Regulation and formalization of supply has ensured water safety. The design of the public sanitation facilities meets minimum hygiene standards.
Acceptability	Facilities must be culturally and socially acceptable	Sanitation facilities were largely absent and excreta disposal was a great source of indignity for all especially for women.	Participation in by facility users is a requirement for UPC interventions.

Cross-Cutting Criteria	Specific elements	Situation Before UPC	Under UPC intervention
Non Discrimination	A focus on the marginalized and vulnerable groups should be prioritized	In a self-help situation, hardly any attention was paid to the needs of specific social groups.	UPC is itself an affirmative action intervention with a pro-poor approach. It is largely taking a corrective action enabling access to water and sanitation to an otherwise largely neglected group of citizens. Its internal focus on non-discrimination is however not as disaggregated by the various prohibited grounds as it should be.
Free & meaningful participation	Organized planning, design and maintenance of water services	Any meaningful participation was for the fittest in a highly unorganized environment managed by profit making water cartels in an unregulated environment	Evidence of participation is demanded by UPC as part of qualifying for a grant. It is also a partnership engagement bringing together community members, NGOs, and state bodies (WSTF and WSPs)
Accountability	A clear designation of responsibilities between different entities and availability of complaints and redress mechanisms	Largely non-existent though village elders would intervene in instances of serious issues.	The Water Services Regulatory Board (WASREB) has encouraged the formation of Water Action Groups (WAGs) to raise complaints against Water Service Providers (WSPs). WAGs are community based. WSPs are expected to establish complaints mechanisms and are expected to inform the Regulation authority of any issues
Impact	Ability to demonstrate positive change	_____	Formal recognition of Kenyans living in informal settlement as deserving of public services is a key achievement with unquantifiable long-lasting benefits
Sustainability	Initiatives are economically, environmentally and socially sustainable	_____	The intervention part of the larger water sector reforms anchored in policy and law and therefore benefiting from national expertise with government and development partners' support and driven by communities.