

Republic of Kenya



Ministry of Water and Irrigation

Directorate of Water Sector Reform

Progress and challenges on Implementation of HR to W+S in Kenya

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Background – status before reforms

- * Kenya was categorized as a water scarce country
- * Approx. 50% of population lack safe reliable water and basic sanitation
- * Water resources are threatened by pollution, degradation and over exploitation
- * Sector development was facing institutional weaknesses, inadequate funds for operation and development, weak coordination and weak capacity amongst communities
- * Lack or no focus on informal, low income and peri urban areas where only NGOs and CBOs were dealing



Response: The Water Act 2002 , implemented since 2003

The Act provided an enabling framework to the WSIs to start fulfilling minimum standards (price, quality, quantity, etc) to all without discrimination by:

- * Establishing an independent regulator – set and monitor standards on WSS
- * Promote formalization of services in informal and low income areas as an obligation of all WSPs
- * Establishing an equalization fund (WSTF) to reach the poor in urban and rural settings



Tools/Policies developed to anchor HR to W+S in the implementation framework

- Strategies - National Water Services Strategy (2007), Pro Poor Implementation Plan (2008), Sanitation concept (2009), Urban Projects Cycle (UPC) for urban settings and Community Project Cycle (CPC) for rural settings
- Regulation - Guidelines on tariffs, quality, corporate governance, customer service standards, Impact report – from 2007, etc
- Communication through publications by MWI - Human right 2007, Socially responsible commercialization 2007, Information Briefs by MWI

This has further been reinforced in the new constitution (2010) that recognizes W+S as fundamental rights and establishes an equity fund

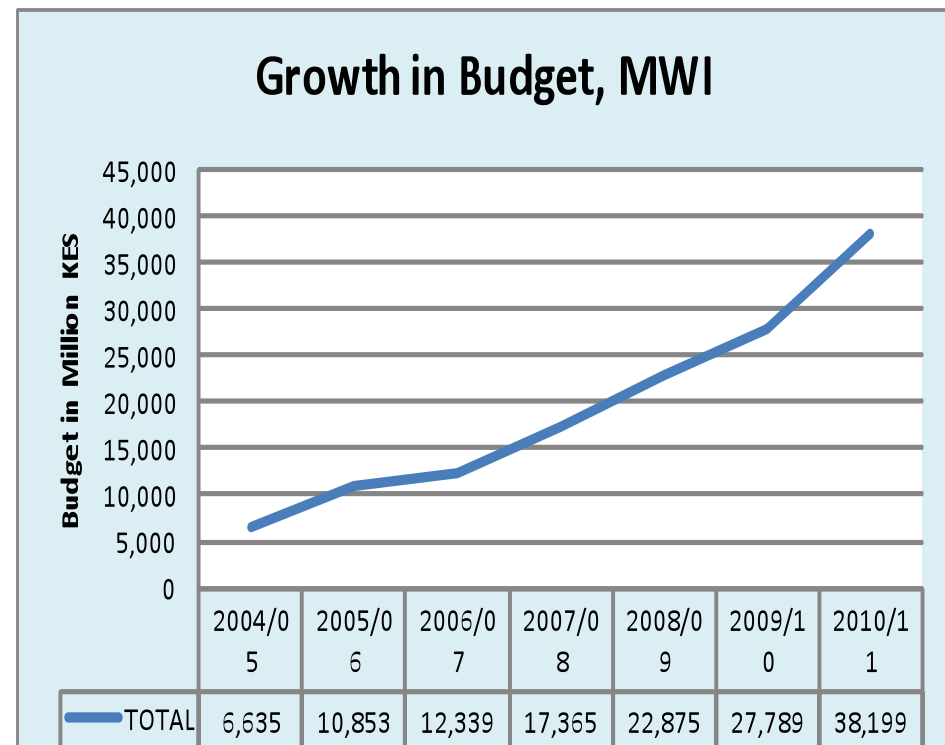
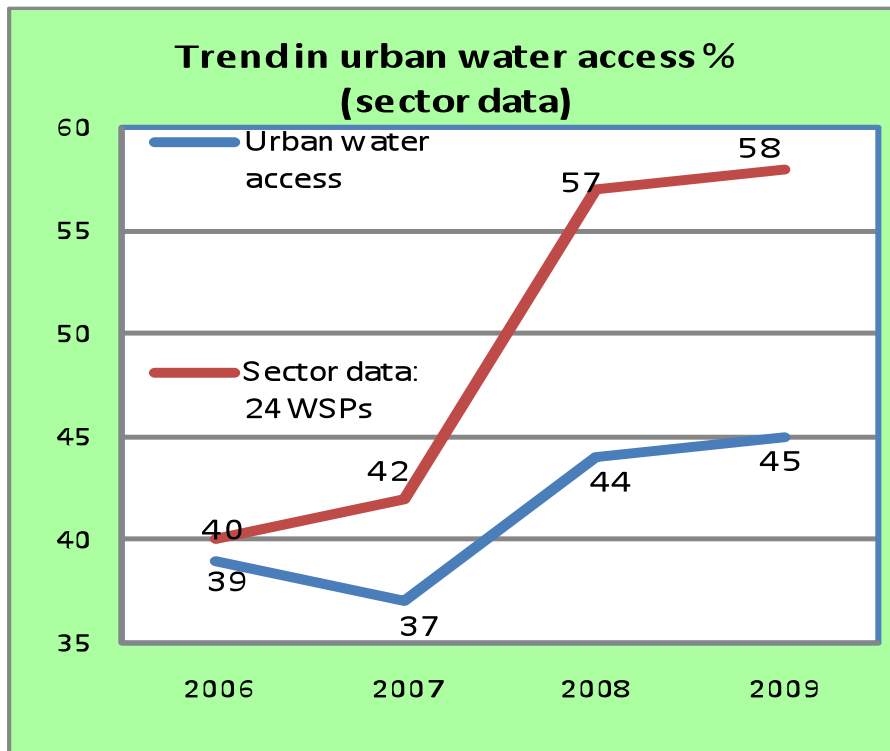


Progress

1. Increased formalized services to informal and peri urban areas
2. Pro poor basket fund set-up (WSTF – CPC and UPC)
3. Increased budget for the sector
4. Enhanced participation of right holders through WAGs, UPC, CPC etc
5. Publication of progress by WASREB done annually, Impact Reports
6. Joint planning and monitoring of all players - SWAP
7. Declining trend in access is now reversed
8. Platform to engage stakeholders established (annual sector review and conference)



Sector data on formalized service provision show remarkable progress in the last few years





Challenges of implementing HR to W+S

1. Creating adequate awareness and understanding of the right to W+S among stakeholders
2. Defining acceptable standards fulfilling HR
3. Increasing access through sustainable capacity
4. Low sanitation access
5. Limited availability and poor quality of data
6. Possible upsurge in litigation
7. Inadequate system capacities and human resources
8. Rapid population in informal settlements and peri urban areas
9. Monitoring and evaluation

Sanitation: underserved population increased from 11.5/19.7m (1989) to 19.8/38.4m (2009)
Water: underserved population increased from 13.4/19.7m (1989) to 26.9/38.4m (2009)



Lessons Learnt

1. Formalization promotes non discrimination enabling the poor to receive quality and affordable services – Prices before over Kshs. 20 per 20 litres, now below Kshs. 5 per 20 litre in Nairobi
2. Improved quality of health of consumers and reduced cases of water borne diseases
3. Increased sustainability of services due to increased revenues to the services provider
4. Water Action Groups provides a voice to the consumers and helps to mitigate illegal connections
5. Implementing the right to water and sanitation attracts increased development assistance
6. Comparative competition promotes competition and improves services provision



Way forward

- i. Align the sector to the new constitution which has embraced the right to water and sanitation
- ii. Sustain gains already realized by:
 - Up-scaling concept UPC and CPC concepts
 - Implementing subsidy arrangements for household sanitation
 - Enhancing dialogue with right holders - Water Action Groups (WAGs)
 - Expanding WARIS to include data from rural areas
 - Preparing realistic investment plan to guide interventions (value for money)
 - Promoting alignment of all actors to national plans, concepts and strategies
 - Clustering utilities for commercial viability
 - Regulating small independent service providers

Informal service provider before UPC interventions



Accepting informal service provision is accepting discrimination against the poor compared to those with individual household connections



User friendly water outlet



Kiosk - high standard of hygiene

Low cost technology (water kiosk) fulfilling HR criteria and allows for rapid up-scaling of access



Income generating facility

WSTF



HIV/AIDS Sensitization

WSTF



**Community involvement,
accountability and dialogue
with WAGs (established by
Regulator)**

**Infrastructure
development
combined with hygiene
sensitization**





**Thank
you!**



BACK-UP SLIDES



Increasingly the HR criteria on good practices providing a framework on standards beyond MDG monitoring is fulfilled

Normative	1. Availability	Through UPC, where user participation is a pre-requisite, sufficient water outlets/kiosks connected to formal network and closer to hhs, and public toilets within vicinity of hhs and public places promoted
	2. Accessibility	User participation ensure facilities (kiosks, yard taps, public toilets) are physically accessible all times with a target to reduce water fetching time to 30 minutes
	3. Quality/safety	National standards on hygiene, safety, use by disabled people etc adopted in construction. Regulation / formalization ensure safe water, user participation in planning and siting ensure security and access.
	4. Affordability	Regulation and regular tariff adjustment negotiations ensure prices are affordable. User participation ensure those that genuinely cannot afford continue to access services (water and sanitation)
	5. Acceptability	User participation demanded at all stages (planning, construction, management) hence acceptability of installations by the communities
Cross cutting	6. Non discrimination	UPC stipulates inclusion of women in decision making and management. Formalization ensure all consumers receive the same product quality as opposed to the past when
	7. Participation & Empowerment	Evidence of meaningful participation is demanded by UPC as a requirement to qualify for grant support. The community and civil society organizations participate in UPC activities.
	8. Accountability	All WSPs are regulated and report annually to the Regulator. WSPs are accountable for the operation and management of infrastructure established through UPC with support from WSTF. WAGs recognized by the Regulator provides an effective voice to right holders
	9. Impact	WSTF, through UPC alone, brings on board annually an additional 500,000 people to water coverage fulfilling HR criteria
	10. Sustainability	UPC is implemented through existing national structures and draws from national expertise. This ensures the practice is institutionalized, has local ownership and is therefore sustainable.

15 *Note: (1) All normative criteria must be met for the full realization of the human right to sanitation and water; (2) All of the cross cutting criteria have to be met to some degree, and at the very least, the practice must not undermine or contradict these criteria*



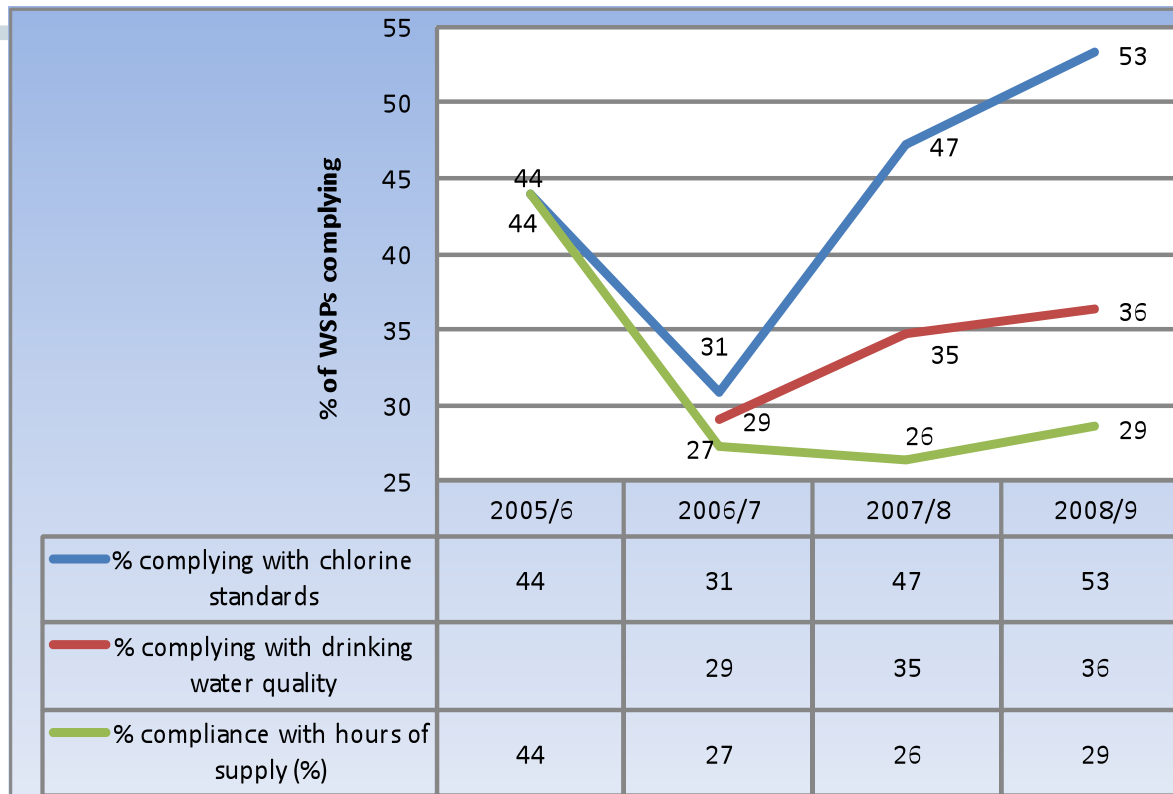
Sector benchmarks for WSS by the Regulator, WASREB

Indicator		Sector Benchmarks			
		Good	Acceptable	Not Acceptable	
1	Collection efficiency	>90%	85-90%	<85%	
2	Non-Revenue Water (UfW)	<20%	20-25%	>25%	
3	Water Quality	Drinking water quality	>95%	90-95%	<90%
		Compliance with residual chlorine test	>95%	90-95%	<90%
4	Hours of Supply	Population>100,000	20-24	16-20	<16
		Population<100,000	>16	12-16	<12
5	O&M cost coverage	>150%	100-150%	<100%	
6	Metering ratio	100%	95-100%	<95%	
7	Staffing(No per 1000 connection)	Large and very large WSP	<5	5-8	>8
		Medium and small companies, < 3 towns)	<7	7-11	>11
		Medium and small companies, > 3 towns)	<9	9-14	>14
8	Water Coverage	> 90%	80–90%	<80%	
9	Sanitation Coverage	> 90%	80–90%	<80%	

A 10th indicator on personnel costs as a percentage of O&M costs to be included from 2010 onwards



Progress on compliance with selected sector benchmarks by formal WSPs



Chlorine standards measures the ratio of samples within norm against total number of samples

Drinking water quality measures the actual residual chlorine tests carried out against the number planned according to drinking water quality guideline

Hours of supply measures the average number of hours per day that a utility is able to provide water