



National Stakeholder Consultations on Water: Supporting the Post-2015 Development Agenda

Kenya

2013



The Post 2015 Water Thematic Consultation

NATIONAL CONSULTATIONS ON WATER IN THE POST 2015 DEVELOPMENT AGENDA

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LIST OF ABBREVIATIONS

WSSP 2012 – Water Sector Strategic Plan 2102
NWP 2012- National Water Policy of 2012
WASREC – Water Services Regulatory Commission
WRRRA – Water Resources Regulatory Authority
WBRB – Water Basin Regulatory Boards
NLC – National Lands Commission
IWRM – Intergrated Water Resources Management
WRUAS – Water Resources User Associations
WAGS – Water Action Groups
WARIS – Water reporting information systems
COK – Constitution of Kenya
PPP – Public Private Partnerships
WSP – Water Service Providers
WSI – Water Sector Institutions
WW – Waste water
WQ – Water Quality

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INTRODUCTION

The National Consultation Forum was held on 27th Feb 2013 in Nairobi, Kenya. As per the guidelines provided and the UNWATER themes, the consultation was organised by structuring the discussions in two sessions - morning; to determine the priority themes for the future development agenda with respect to water resources, and afternoon; Introduction to key elements for a WRM monitoring and reporting system with regards to monitoring and reporting priorities to advance WRM, minimum requirements and available data.

There was discussion on the constraints and possible solutions for monitoring, reporting and evaluation of how water resources management progresses in the country. Priority actions that shed light on systemic weaknesses in the achievement of MDGs were identified. A way forward was to think in terms of Sustainable Development Goals (SDGs).

The dialogue took into account requirements of the new Constitution of Kenya 2010 (CoK, 2010); with regard to (1) consideration of water as a public resource and (2) the right to water by all. The Kenya Vision 2030 was also taken into account; the Millennium Development Goals (MDGs), and other national policies and Strategies.

The CoK 2010 spells out, among other provisions that (a) water is vested in the people, (b) water (supply) and sanitation (services) is a right, (c) consumers are entitled to goods and services of good quality, (d) development of water resource (and national public works) is a function of the national government, along with implementation of specific national government policies on natural resources, as shall be informed by the National Land Commission (NLC); and (e) environmental conservation as well as county public works and water and sanitation services provision including storm water management is the function of county governments

The participants present included representatives from government including ministries with dominant water use such as agriculture, energy and environment, CSOs, and representatives from academia.

The main purpose for the National Consultation Forum is to:

1. Listen to country needs and priorities regarding the future development agenda for water and sustainable development
2. Provide a deeper qualitative understanding of individual country priorities for water post-2015.

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1.0 CHAPTER ONE: IMPORTANCE OF WATER IN NATIONAL DEVELOPMENT

The knowledge that water is no longer readily available and that planning and development of the resource in the country can no longer primarily focus on distribution – taking the water from the source to the users – was one of the reasons to embark on the water sector reforms at the beginning of the year 2002. This ongoing water sector reform, and implementation of the Water Act 2002, concentrates on water and sanitation services as well as water resources management which shifted from administrative to drainage boundaries and catchment management. The new approach of the reform was integrated water resource management concentrating on protection of water resources with controlled access and distribution, pollution control and peaceful water conflict resolution.

Kenya's enactment of the new Constitution in 2010 was a landmark development with far reaching implications of developments in the water sector. The recognition of water and sanitation as a human right underscores Kenya's commitment to gradually realizing sustainable access to safe, reliable and affordable water supply and sanitation services for its population.

This therefore reinforces Kenya's commitment to improving standards of living and the quality of life of its people which is useful in steering the country towards becoming a middle income country as envisaged in the Vision 2030.

The introduction of a devolved government structure sets the stage for considerable restructuring of the water sector and is an opportunity for the country to embrace a more comprehensive approach, enlarging the efforts of the ongoing reform on conservation, replenishment and development of water resources by including, more prominently, water storage and water for production.

But with falling levels of water per capita per annum and slow progress in water and sanitation coverage, the realisation of the Vision 2030 could be threatened if the focus of the ongoing reform efforts are not enlarged. Thus, for the Vision to be realised, it is critical that there be enough water resources to support the envisaged industrial, agricultural and social development, while meeting the domestic needs of a rapidly rising human population. The new approach through the WSSP 2010-2015 would mean development of IWRM within a much broader picture than in the past to the benefit of long term development of the Kenya.

The vision is for Kenya to be a country in which water resources are protected, harnessed and sustainably managed in a coordinated way to ensure availability and accessibility to all for the present and future generations. Kenya recognises that Water is Life and that water and water-related issues penetrate all aspects of society, cutting across all boundaries, be they political, administrative, social, economic and technological.

The National Water Policy of 2012 (NWP 2012) aims at moving the sector to the next level of development in order to contribute to the overall national goals. As stated in the WSSP 2010 – 2015, the critical role of water resource management for national development cannot be over emphasized.

The draft Water Bill 2012 emphasizes; the Right to water with pro poor orientation; IWRM approach must be adopted; separation of policy from regulation and implementation; devolution of functions to the lowest appropriate level; Gender provisions in management of water sector institutions (WSIs); Socially responsive commercialization; Professionalism in the sector; Autonomy of WSIs; and Good governance practises at all levels.

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2.0 CHAPTER TWO: KEY NATIONAL PRIORITIES FOR THE SUSTAINABLE DEVELOPMENT OF WATER

2.1 Key WRM priorities

To ensure sustainable development and management of water resources, there is need to understand water resources potential and limitation, ensure integrity and sustainability of water resources— halt and reverse degradation in water catchments, develop and harness additional water resources, adaptation and mitigation of climate change and reduced effects of waterbased emergencies in line with the National Climate Change Response Strategy, integrated transboundary water resource management. In addition, sustainable availability of water for productive purposes is strongly recommended by improving knowledge and access to users of economic development, ensuring sustainable and efficient use of water with emphasise on tertiary use of water. The group prioritised three main areas: management, environment and productive uses of water in agriculture, industry and energy. Priority areas and indicators were developed as shown in the table below.

IWRM		
	Priority Areas	Indicators
Management	<p>Policy development and harmonization of existing policies</p> <p>Increase the level of funding for WRM by government, donors and private sector. Increase support in terms of capacities and resources to the Basin Water Resource Boards to work with the County Governments to undertake their mandates on IWRM effective</p> <p>Piloting IWRM in schools of selected counties. Intra and inter county water conflict management Integrated urban water management (storm water management and conservation measures)</p>	<p>Launch of policy paper No. of policies that have mainstreamed WRM</p> <p>Difference of WRM funding over years</p> <p>IWRM initiatives in the schools IWRM initiatives for County Governments</p>
Environment	<p>Water security and Climate change adaptation/mitigation including integrated drought management programmes as 80% of Kenya is ASAL. Increasing tree cover.</p> <p>Provisions for incentives to sustain whole ecosystems integrity (livelihoods in fishing, tourism and wildlife)</p> <p>Develop a water resources sub sector environmental assessment that includes studies on fragile aquifers</p> <p>Protection, conservation and management of the deltas/ wetlands</p>	<p>No. of programmes addressing water security and climate change adaptation and mitigation</p> <p>Application and number of incentives, ecosystems under restoration</p> <p>Reports on water resources sub sector environmental assessment</p>
Productive use	<p>Periodic water resources assessment and data collection & storage Water demand assessment</p> <p>Adapting the Sector Wide Approach to Planning (SWAP) Promoting water storage Promoting urban agriculture Recovering Energy sources.</p>	<p>Assessment reports No. of allocation plans Document on good water governance M&E reports</p> <p>Sectors plans audits</p> <p>No. of storage facilities</p>

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2.2 Key WASH priorities

Under the CoK, 15% of the national resources are channeled to the counties, furthermore there is an equalization fund and this can be channelled to water and sanitation services among others. To promote sustainable/ affordable access to safe water and sanitation for all, with special focus on rapid urbanisation, there is need to; formalise all service provision; improve access to safe drinking water and sanitation facilities, ensure sustainable operation of services in urban and rural areas. Linking and mainstreaming gender, youth and HIV/AIDS aspects in water and sanitation management should not be overlooked. Integrating sanitation and hygiene programmes with the health and education sectors will have a positive impact. The following priority areas were identified:

WASH		
	Priority areas	Indicators
Access	<ul style="list-style-type: none"> To continue to increase water access to underserved rural/ urban areas ;WSTF promotes equity Increase financial support through WSTF and equalization grants 	<ul style="list-style-type: none"> Periodic percentage increase
Quality (water and sanitation)	<ul style="list-style-type: none"> WASREC and WRRRA to set National minimum standards/ guidelines on tariffs sanitation (currently fragmented) Integrating sanitation and hygiene programmes in nationally especially hand washing 	<ul style="list-style-type: none"> Potable water Campaigns and awareness initiatives Water borne disease prevalence (reduced)
Technology (abstraction and distribution)	<ul style="list-style-type: none"> Renewed focus on reducing non revenue water through physical losses by replacing old dilapidated distribution pipelines Appropriate technologies for the unplanned and informal settlements (increasing sewerage networks) in urban, peri-urban areas Rain water harvesting options 	<ul style="list-style-type: none"> Reduced levels of non revenue water Service levels related to access (measured in terms of distance and quality) as provided for by the Ministry of Water and Irrigation Design manuals and plans

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2.3 Key waste water and water quality priorities

To promote waste water management and improve water quality, it is important to construct, rehabilitate and expand urban and rural water supply systems, integrate sanitation programmes with the health and education sectors, carry out pilot sustainable sanitation projects in slums, rehabilitate and expand existing urban sewage collection, treatment and disposal systems according to acknowledged sanitation concepts for the water sector. The group prioritised the areas below.

Waste water & Water Quality		
	Priority areas	Indicators
Implementation	<ul style="list-style-type: none"> Register of all end pipe discharges and large diffuse discharges.(Industrial and mining wastes) Prioritization of wastewater management by WSPs and National water institutions Proper infrastructure in terms of treatment plants, sewer lines and skilled staff for operation and maintenance Water demand and alternative management / reuse Integrated urban water management that include surface run-off Public private partnerships 	<ul style="list-style-type: none"> Register with details and data Increased investment in wastewater management Quality and quantity of wastewater managed Data on demand and management plan Integrated Urban Management Plan Investment plans and economic benefits.
<p>Over the last ten years WSPs using commercialization have made good strides in water service delivery, for future development there is need to strengthen the waste water management as a key component through Private Public Partnerships for financial support especially since the economic benefit is clear.</p> <p>A future need is collaboration with countries that have experience in waste water management for technical and financial support.</p> <p>In Kenya there is need to strengthen the waste water collection and storage as this is essential for water quality protection. The reuse factor therefore sludge and waste water use (for domestic, irrigation and commercial purposes) is of priority.</p>		

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2.4 Suggested areas for future sustainable development targets for water

These areas have been in-built in chapter 2.0 however since reforms brought in by water ACT 2002, Water Bill and Policy 2012 and the CoK facilitating the county governments, there are these software and additional compelling aspects in the water sector that will propell Kenya in greater achievement in the water sector

1. GOVERNANCE

Constitution of Kenya 2010 emphasizes the human right to water. Therefore to actualize this, WRM, WASH, WW and WQ need to practice good governance and mainstream cross-cutting issues in the good governace frameworks.

There is need to define standards and strengthen enforcement mechanisms that enhance transparency, accountability and using the Human Rights based approach through meaningful citizen participation.

2. RESEARCH and DATA

Reasearch on technology innovations (in urban, peri-urban and rural contexts) that are user friendly and accessible e.g. how to increase the sewerage coverage needs to be prioritized. Harmonization and coordination unit for documentation and knowledge management, state actors and non state actors. Emphasis and incoporate the role of academic institutions to be greater through refined research and acts like a repository for all the relevant models and tools for water development.

A coordination framework for knowledge management through an MIS and inventories of water data in all its aspects. Most importantly, documentation of gains and lessons learnt.

3. INTEGRATED URBAN WATER MANGEMENT

As populaiton increases, water stress is mounting and the sanitation crisis growing, social conflicts over water resources continue to disrupt peaceful co-existence especially in the urban areas. Interests in Intergrated Urban Water Management needs to be explored. To progressively realise the human right to water and saniation, the County governments need to steer management of urban water in a sustainable way. As for future development, there is need to explore the other aspect of IWRM to address water security to secure food, energy and livelihoods. This is globally accepted and practiced, in Kenya there is a national water storage that prioritizes, through infrastructure development, consistent with the Global Water Strategy 2020..

4. CAPACITY BUILDING

There is need to share management models applicable to WASH&WRM as well as on operation and management of systems. Behavior change component (in rural) areas through awareness creation Strengthening of WRUAs through capacity building initiatives

Setting up county based water dialogue platforms to identify governance gaps and addressing them

5. TECHNOLOGY

Application of appropriate technologies that are cost effective, environmentally and user friendly

6. FINANCE

The sub components to a great extent require financing and it is important that these initiatives to take place there is need to prioritize funding. Public private partnerships is a window of opportunity for resource mobilisation. Water is a socio economic good and the Kenyan water sector reforms were anchored on both public and private inittatives as defined in the private partneship bill.

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3.0 CHAPTER THREE: WRM MONITORING AND REPORTING ISSUES

In the three tables there are suggested indicators that can be used to create periodic reporting that can be undertaken by the stakeholders with a view of checking the progress. This should also show challenges faced as well as opportunities which can be a basis for emerging lessons for the rolling year. Updates from this can be used for the rolling out of sector programmes.

Fortunately the Kenya water sector is undergoing a reform processes with several mechanisms that are already in place since 2002 such as the WRUAs, WAGs, information systems such as WARIS, dialogue platforms such as WSWG, etc. Sector monitoring including the progress in implementing the WSSP 2012 that will also be linked to the National Integrated Monitoring and Evaluation System (NIMES).

For future development needs , it is important to strengthen these tools and mechanisms to enable them to be shared with private sector for monitoring puposes.

Throught the CoK, there is high priority associated with public partcipation, hence there is need for appropriate dissemination channels of information to the public domain. In Kenya the mobile telephone sysytem has proven successfull especially for money transfer and can be an appropriate channell for sharing information, data and public participation. The cost of using such paltforms can be shared by the donors, government and private sector.

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Annex : List of participants to Kenya Consultations on Water

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LIST OF ABBREVIATIONS:

AWSB	Athi Water Services Board
CANCO	Community Action for Nature Conservation
CESPAD	Center for Social Planning & Administrative Development
COK	Constitution of Kenya
KEWI	Kenya Water Institute
KEWASNET	Kenya Water & Sanitation Network
KWAHO	Kenya Water for Health Organization
KOGWG	Kenya Oil & Gas Working Group
MWI	Ministry of Water & Irrigation
OPM	Office of the Prime Minister
TI	Transparency International
WSSP 2012	Water Sector Strategic Plan 2102
NWP 2012	National Water Policy of 2012
PPP	Public Private Partnerships
WASREC	Water Services Regulatory Commission
WRRRA	Water Resources Regulatory Authority
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