



Research jointly supported by the ESRC and DFID



Water Policy Choices in Kenya's 47 Counties Policy Brief, February 2016

Objectives

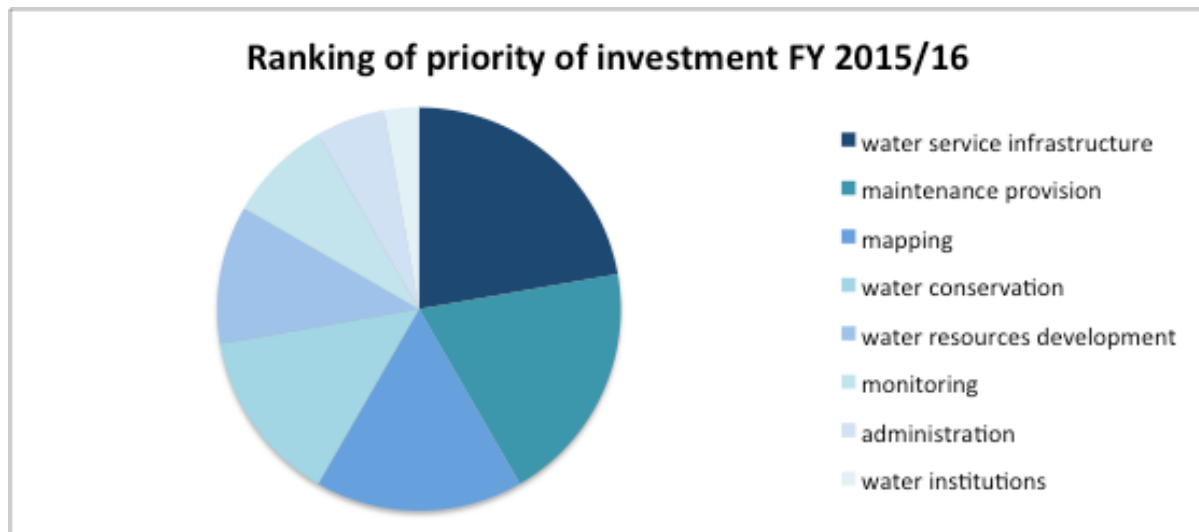
Kenya's 2010 constitution introduced the devolution of water services to the county level. In 2013, 47 county governments with affiliated county water ministries were established. The three-year transition period towards a devolved system is now coming to an end. We take stock of the water policy choices of the newly appointed county water ministers and their staff. Drawing on unique insights from surveying all 47 county water ministries, we examine the political economy of devolution and what factors impact responsibilities and policy choices of county governments across new legislation and water service provision arrangements in urban and rural areas.

Methodology

This research evaluates a unique dataset covering responses of all 47 county water ministries (100%) in Kenya, and participant observation at the first summit of Kenya's county water ministers in October 2015 organised by the Water Services Trust Fund, at which the framework for a prototype County Water Bill was developed as basis for future water policy. Preliminary descriptive findings are reported here on policy choices around questions of budget allocation, legislation, regulation, responsibilities, service provision arrangements as well as tariffs and subsidies.

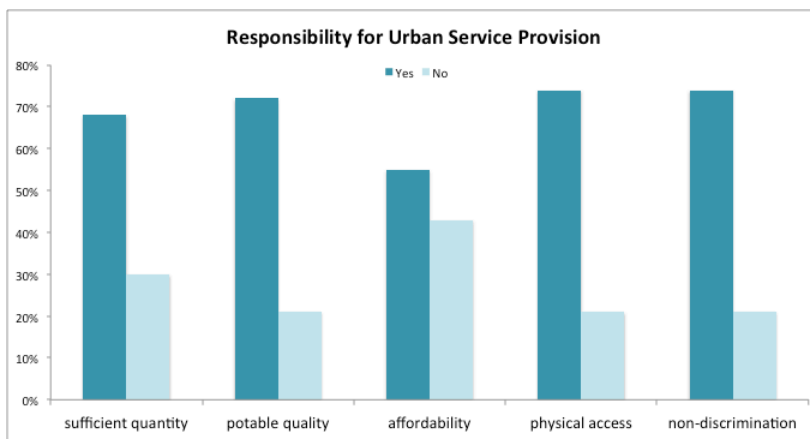
Key Findings

- Budget:** Across all counties the water budget ranks fourth after health, transport and education. The majority of counties spend more than 75% of their water budget on developing water service infrastructure.

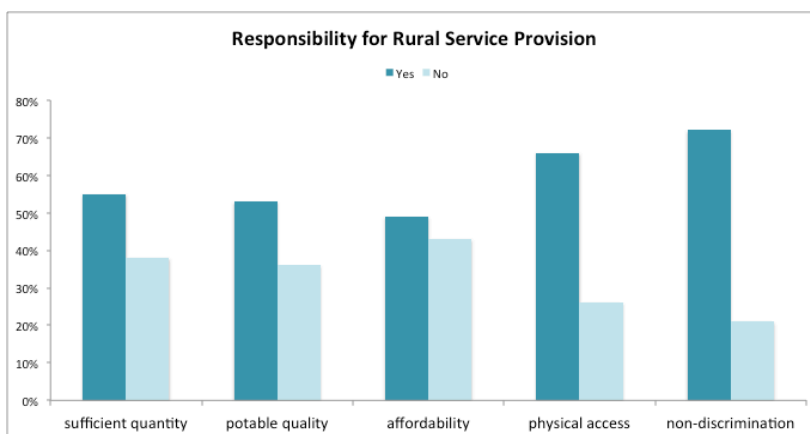


- Legislation:** Six counties (12.8%) currently have a County Water Act. At the end of 2015, 21 counties (44.7%) had a County Water Bill pending in the County Assembly. 36.2% prefer an omnibus law that encompasses all aspects of the county water mandate and 61.7% prefer multiple laws that separate the different responsibilities between water service delivery, sanitation services and water resources management.
- Regulation:** 80.9% consider the national government (WASREB) responsible for regulation while 7% consider it a shared function with county governments and the rest attribute it to county governments.

4. Responsibilities: Overall, there is a high sense of responsibility for urban service provision. The most clearly defined responsibilities for both urban and rural areas are physical access and non-discrimination. The criterion of affordability is the most contested one across both urban and rural areas. While sufficient quantity and potable quality are around the 70% mark for urban areas, just around 55% of the counties consider them applicable for rural areas.



5. Satisfaction with Drinking Water Provision: Overall, there are higher dissatisfaction levels with rural than with urban drinking water provision. 70% consider it unsatisfactory or very unsatisfactory compared to 53% considering urban drinking provision (very) satisfactory. The majority of counties believe they can only partially (64% for urban and 70% for rural) fulfil water users' expectations at this point in time.



6. Service Provision Arrangements: 72% of the counties opted for two (38%) or several (34%) utilities as the best service provision arrangement for their county. Public provision is the preferred choice for both urban (81%) and rural areas (51%) with 28% still considering community management as the best arrangement for rural service provision. Private sector involvement through either PPPs or fully private companies is preferred by 28% of the counties for both urban and rural areas.

7. Tariffs and Subsidies: The average fair tariff for rural water provision (KES/m³) was defined 29% higher than for urban water users, whereas a fair provision level was defined 12 litres per capita per day lower for the rural population. 40% of the counties state that users should pay the full cost of water provision. Of those counties supporting subsidies, the majority (57%) state that county governments should pay for the subsidy, followed by donors (26%) and the national government (23%).

KES	fair urban tariff (per m3)	fair rural tariff (per m3)	Urban DW provision (litres/capita/day)	Rural DW provision (litres/capita/day)
Min	50	50	10	10
Mean	116	150	43	31
Median	50	100	50	20
Max	>500	>500	50	50

More Information and Acknowledgements

Johanna Koehler, Doctoral Researcher, School of Geography and the Environment, University of Oxford, Email: Johanna.Koehler@ouce.ox.ac.uk.

We would like to thank the Water Services Trust Fund, especially the CEO, Ismail Shaiye, and Isaac Kega, for the opportunity to conduct this survey at the Baringo Meeting in October 2015. We also would like to thank all County Governments for participating in this research.