

Strengthening Kenya's institutional framework for urban sanitation

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Quick read...

- This Policy Brief highlights key findings from a research project that examined experiences from South Africa, Tamil Nadu State (India) and Indonesia, with a view to providing lessons for Kenya.
- The main institutional bottlenecks identified in Kenya were: i) overlap and competition for sector leadership; ii) weak incentives at sub-national level to commit policy attention to urban sanitation; and iii) limited regulatory oversight for onsite sanitation.
- Cross-cutting lessons emerged from the comparison countries: i) it is critical to determine which entity has the authority to synchronise the multiple bodies involved in sanitation; ii) incentives to encourage policy attention and focus on urban sanitation are required (e.g. funding conditional on sanitation performance); and iii) incentive- and risk-based approaches can ensure oversight of onsite sanitation.

Rationale

Since the approval of the new Constitution in 2010, Kenya has embarked on an ambitious journey towards decentralising authority and power to county governments. The next step is to rationalise institutional frameworks for sanitation, including further delegating sanitation functions and responsibilities to city, municipal and town authorities and reducing functional overlap while increasing coordination, regulation and financial resource allocation. This will enable Kenya to fulfil its national and global commitment to ensuring universal access to improved and safely managed sanitation.

The establishment of a strong institutional framework for the sanitation sector can help secure better urban sanitation outcomes by coordinating action, ensuring cooperation and generating commitment among the responsible organisations at all levels. Kenya's institutional framework is currently in transition and the enactment of the Environmental and Sanitation Bill will provide the much-needed enabling environment for coordinated and regulated interventions, especially for low-income areas and informal urban settlements.

This research-into-policy work was carried out in close collaboration with WASREB (the national regulator) and the Ministry of Health, and aimed to identify lessons from decentralised countries that have faced similar challenges, to engage Kenyan stakeholders to assess the lessons' adaptability, and to identify a way forward and engage in policy dialogue in the context of the ongoing institutional reforms.

Methods

The research comprised of: (i) a scoping study to identify institutional challenges for urban sanitation in Kenya, in the context of decentralisation; (ii) a political economy analysis of how national and subnational policy makers have sought to respond to comparable specific challenges in India (focusing on the State of Tamil Nadu), Indonesia and South Africa; and (iii) a workshop organised in Nairobi with national and county government representatives to discuss findings of the international case studies, assess their applicability in Kenya and explore next steps. The first two stages of the research draw on key informant interviews with stakeholders, as well as desk studies of relevant academic and grey literature.

Findings

The scoping study identified a number of limitations in Kenya's institutional framework for urban sanitation. The three most significant bottlenecks are outlined in Table 1 overleaf.

Urban Sanitation Research Initiative Kenya

This report is produced under the Urban Sanitation Research Initiative Kenya, a 2017-2020 programme of rigorous research designed to drive pro-poor sector change in urban sanitation in Kenya. www.wsup.com/research

Table 1. Kenya's most significant bottlenecks and lessons from international case studies

Bottleneck	Lessons from international case studies
Overlap and competition around sector leadership at national and devolved levels	If sector coordination is to be improved, determining which entity has the authority to coordinate different sectoral ministries/ departments/ agencies involved in sanitation and deciding how to liaise with the entity responsible for supporting decentralised local governments is key.
Weak incentives for county governments to commit policy attention and finance	Incentives are required to commit greater policy attention and resources – it is not sufficient to rely on local elections alone. Options to consider are conditional transfers in return for action and empowerment and training of local technical leaders to act as local sanitation champions.
Limited regulatory oversight of on-site sanitation service provision	Incentive-based and risk-based approaches to regulating decentralised entities and strengthening local capacity for monitoring and enforcement are key to increasing regulatory oversight of onsite sanitation.

Policy implications

Stakeholder discussions on the applicability of approaches tested in other countries were initiated in May 2018, but continuous engagement will be required to influence the Bill as it develops and ensure appropriate consideration is given to the key bottlenecks currently hindering the sub-sector. The table below provides a list of potential next steps, in order of priority:

Question	Proposed next steps
How to design and structure a national sanitation coordination and regulatory mechanism (NESCRA) within the national government executive formation?	1. Finalise the development of Environmental Health and Sanitation Bill to establish NESCRA
	2. Ensure NESCRA is adequately structured to be inclusive and has sufficient authority to coordinate multiple stakeholders
How to increase commitment to pro-poor sanitation services at decentralised levels?	1. Finalise the establishment of the National Sanitation Fund (NASF)
	2. Establish and assign budget codes for sanitation at all levels
	3. Develop sanitation investment plans and a sustainable financing strategy
	4. Discuss with donors the possibility of establishing an incentive scheme to encourage county/ city sanitation planning
	5. Discuss with donors the possibility of developing a costed KESHFS to enable the sector to identify funding availability/gaps and mobilise additional resources
	6. Identify technical leaders amongst WSPs and departmental officials to act as sanitation champions
How to ensure oversight of onsite urban sanitation provision?	1. Establish an inclusive vision of sanitation and sanitation services
	2. Advocate for the enactment of county legislation to establish and provide a framework for the management of local authorities
	3. Develop county and municipal regulations on onsite sanitation
	4. Explore options for effective monitoring of onsite sanitation small-scale providers at county level

The establishment of a harmonised approach to sanitation could solve a number of critical institutional limitations, which include functional overlaps, competition around sector leadership, weak political incentives for governments to commit policy attention to sanitation, and a disjointed legislative and regulatory framework for onsite sanitation service provision. The features of the institutional framework should be the subject of an ongoing multi-stakeholder dialogue, which the Urban Sanitation Research Initiative and WSUP can support in facilitating.

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