



Improving Water Governance through a Human Rights Based Approach (HRBA)

Improving water accountability using human rights based approaches is an initiative that builds on the Kenyan Ministry of Water and Irrigation's (MWI) current sector reform efforts to improve water governance. MWI commits to include human rights based perspectives in its current review and implementation processes as evidenced in the "Water Sector Reform in Kenya and the Human Rights to Water". **Partners:** UNDP-Kenya, UNDP Water Governance Facility (WGF) at the Stockholm International Water Institute (SIWI), Kenya Water and Health Organization (KWAHO), Ministry of Water and Irrigation, Lake Victoria South Water Services Board (LWSWSB), Kenya Anti-Corruption Commission (KACC), Kenya National Human Rights Commission (KNCHR).

For more information, please visit: <http://www.watergovernance.org/kenya>

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KENYA

Bondo villagers preserve water as a human right

The Nyanza province in the south-western corner of Kenya is probably known for being the country's shoreline to the world's second largest fresh water body, Lake Victoria. The name itself, Nyanza, means a "large body of water" in the local Luo language. More recently, the area drew international attention being the birth place of US President Barack Obama's father.

Villagers in Bondo District, located 60 kilometers west of Kisumu, Nyanza's provincial headquarters, gather under the shade of a "Ng'owo" tree – traditionally deemed a place to hold meetings that among other purposes serves to settle differences, conduct civic awareness training and occasionally hold ceremonies. They discuss their current affairs during the day and indulge in traditional singing and dancing on some evenings.

In more recent years, they have sung songs about water perseverance and discussed water governance issues and means to settle their differences with the local water service providers. According to Arysterico Muhinda, the project Manager of the Bondo Water Governance project – there is no better media to spread awareness in this district with 285,000 inhabitants, than through traditional dance and dialogues lead by the provincial administration e.g. area chief.

As in many other parts of the world, water delivery to Bondo has suffered from irregularities for years. Muhinda has seen residents carry water across long stretches from Lake Victoria under a humid equatorial sun, while most of the water facilities were stalled, shut down or vandalized leading to a fluctuating delivery of water due to corruption.

"The local water service providers could afford delivering water, but not electricity for pumps." According to Muhinda, there has been a need for organized cooperation and sustained dialogue between water consumers and providers. "People vandalized the pipes before leaving severe damage to the water provision infrastructure in the area, to express disappointment with the uneven water provision," He said, noting there has been a need to raise the awareness and perception of the locals that water is a human right as enshrined in the National water services strategy.

"They have a right to receive water from the commercial water service providers contracted by the Lake Victoria South Water Service board to offer water services to the area," Muhinda said. The Kenyan government declared in 2007 that human rights principles together with the Millennium Development Goals (MDG) "shall guide the water sector reforms in Kenya and has adopted several policy documents designed to enhance the right to water and sanitation.



UNDP Water Governance Facility at SIWI

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To support the Kenyan government's effort to institutionalise the right to water and see over its operation processes, a project to enhance water governance using a "Human Rights Based Approach (HRBA)" funded by the United Nations Development Programme (UNDP) in Kenya and by the UNDP Water Governance Facility (WGF) at the Stockholm International Water Institute (SIWI) has been piloted. The project is being implemented by Water for Health Organization (KWAHO), a local NGO, with the support of the Ministry of Water and Irrigation, Lake Victoria South Water Services Board (LWSWSB), Kenya Anti-Corruption Commission (KACC), and Kenya National Human Rights Commission (KNCHR).

According to Muhinda, the pilot project resulted in spreading the awareness of the locals on their right to gain regular access to safe, accessible, sufficient and affordable water, but also about their responsibilities. He said this was mostly reflected in the complaints received at the KACC's complaint telephone line – one that is especially allocated for water corruption issues in this region.

The project aimed at enhancing the capacity of "duty-bearers" – being the formal and informal water service providers, regulators and end users. According to KWAHO, the need to talk to the water services providers stems also from a human rights perspective, as they need to know that the service they provide "is not a privilege but a right."

According to Simeon Gombe of Nyang'oma division in Bondo, "the community is expressing a positive attitude, they feel that this is something that can help them increase the number of water consumers, quality and quantity of water supplied," he said, noting that this was only achievable after informing the locals on the national water reforms. "Now they can refer to these reforms as they observe their right to be provided with water."

Dr. Arbogast Akidiva, the head of education at the KACC, added that some end users taking part in the pilot project in Bondo were rather "surprised" to find out that there is a commission to combat all forms of corruption stopping their access to water.

"Not knowing that they have a right to water is a case of corruption in itself. Now they have ongoing public education and awareness programmes, and most importantly a telephone number for their complaints and inquiries – skipping many bureaucratic channels where conflict of interest and abuse of power could take place."

Akidiva, Gombe and Muhinda concur that the goals, methods and achievements of this project should be communicated to other areas in Kenya – which could lead to up scaling and spreading the HRBA into other districts and possibly on a national level.

Currently, the complaint line is being up scaled and introduced in other regions as a direct result of this project. They also concur with the WGF's findings that "a lack in genuine involvement of project beneficiaries could result in the poor sustainability of water services due to lack of ownership." Where rights holders are part of the decision making from the beginning, they have a stronger sense of ownership and are more involved in maintenance operations that enhance sustainability.*

During the second phase of the project, currently under planning at the WGF, the complaint redress mechanism will be scaled up and institutionalized, and a campaign will be launched in Bondo to reinforce the residents' understanding of their right to water and sanitation.

According to Håkan Tropp, WGF project director, the successful implementation of Kenyan water reforms requires extensive capacity building, not only for the water providers but also at the community level – which is slowed down by a cumbersome transition from centralized to decentralized governance system in Kenya, where some places are not responding to the expectations of the right holders and where appropriate systems are not yet developed – thus there is a need to develop, upscale and spread out the experience in Bondo.





Besides improvements in water consumer and provider behavior towards preservation, cooperation and dialogue – the WGF observes that the road forward faces several obstacles, not only in Kenya but also in many other regions around the world. The WGF recommends that governments must prioritize ensuring access of adequate water services to all, using available resources in a “pro-poor” manner, and that requires a level of transparency that allows holding states and other actors accountable for corruption and a lack in political will to provide citizens with their rights. In all cases, a human right to water requires genuine consultation and participation of communities affected in water service delivery and conservation of water resources.

For more information, posters, presentations and reports on HRBA, please visit: www.watergovernance.org/kenya

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Pictures (top to bottom)

Bondo community meeting by a tree
Bondo women cleaning at Lake Victoria
Water vendors fetching water at the mouth of River Yala
Bondo community taking part in HRBA Training
-All pictures were provided by Mr. Muhinda

***Background information on the user-group and complaint line:**

Muhinda wrote in a conversation with the author: “The user group that Mr. Gombe chairs is the consumers group that KWAHO facilitated the formation so that the water consumers could have a structure/organization that they could discuss their concerns and through the same platform engage the water services providers. Considering that with the current water sector reforms it is only the consumers who were not organized and therefore not in strong position to demand for their rights and effectively participate in the water governance and thus the focus on them and this is shaping up as a good redress mechanism, whereby consumers engage the providers from a position of strength. The complaint line that Dr. Akidiva alluded to is generic spanning all the sectors while the one mentioned above is specific to water and sanitation. KACC is still a centralized organization and is yet to devolve to the grassroots and to structure along specific sectors.”