

Accountability in WASH

Case studies from Kenya



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The UNDP-SIWI Water Governance Facility

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Forum Syd (becoming ForumCiv) is a Swedish non-governmental organization. We work with people and people's rights. ForumCiv believes that only when people's rights are being recognized can sustainable and long-term development take place.

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1. Introduction

1.1 Background

Access to safe drinking water and proper sanitation is a basic human right and a prerequisite for effective poverty-reduction efforts.¹ However, poor individuals, households and communities often spend a disproportionate amount of their incomes on water services, as well as on healthcare, due to water- and sanitation-related illnesses.² The concept of water, sanitation and hygiene (WASH) combines the overlapping issues of clean drinking water, proper sanitation and awareness of hygiene, since addressing these issues together can achieve a positive impact on public health and economic output. Universal, affordable and sustainable access to WASH is the focus of Sustainable Development Goal 6.

Access to clean drinking water and proper sanitation remains a development concern in Kenya, affecting both urban and rural populations. With most parts of the country being classed as arid or semi-arid, Kenya is a water-scarce country³ characterized by low rainfall. A 2013 study by the Kenya National Bureau of Statistics and Society for International Development⁴ notes that only just over 50 per cent of Kenyans had access to an improved water source,⁵ with people living in urban areas (72 per cent of the population) registering better access than those in rural areas (44 per cent of the population). The report also shows that 61 per cent of the population had access to improved methods of waste disposal,⁶ but the proportion of the population in rural areas with improved sanitation was 53 per cent compared with 78 per cent for urban areas.

Efforts aimed at enhancing efficient, effective and affordable water and sanitation services in Kenya, whether by private entities or public institutions, are needed to fulfil Kenya's constitutional requirement that every person has the right to clean and safe water in adequate quantities, and to accessible and adequate housing and reasonable standards of sanitation.⁷ Improved access to water services necessarily requires ensuring efficient and effective governance in water services to include all key stakeholders.

Over the past decade, various national and devolved public institutions have played a visible role in governing water supply and sanitation services in Kenya. Reforms in water governance⁸ have been anchored in water sector policies, legislation and regulations spearheaded by these institutions. Most prominent is the Water Act 2002,⁹ which remains the principal institutional framework for the management, conservation, use and control of water resources, and the regulation and management of water supply and sewerage services in the country.

The Water Act 2002 decentralized Kenya's water supply and sanitation services to local levels and created new institutions such as the Water Regulatory Services Board (WASREB) and Water Services Boards. In addition, the Water Services Trust Fund supports efficient provision of water and sewerage services by the water service providers. These include water and sanitation companies, community groups, water projects, non-governmental organizations, and autonomous entities established by local authorities or other persons. The new structure was meant to remove bottlenecks in the national water administration and improve efficiency of service delivery. Prior to reforms in the water and sanitation sector, and water resources management in Kenya faced huge challenges, including institutional weaknesses, inadequate funding and conflicts due to overlapping roles and responsibilities among key public institutions.¹⁰

Kenya has enacted one of the most progressive constitutions in the world in terms of human rights, with Chapter Four (Bill of Rights) of the Constitution recognizing water and sanitation services as a basic human right. The Constitution of Kenya also provides for public participation in the management of resources. However, various factors limit participation by the poor and marginalized. Participation imposes substantial transaction costs, particularly for the poor, and they may not view this as worthwhile, due not only to problems in organizing collective action but also to the risks of manipulated and meaningless participation, and policies that transfer responsibility without authority.¹¹ The constitution does not provide for a mechanism to measure the extent to which the government is progressively realizing these rights.¹²

Concerns over human rights issues have gained traction in the global development agenda over the past two decades. The emergence of the human rights-based approach to development has changed the way many development issues are conceptualized through important human rights principles such as accountability, participation and equality, and non-discrimination.¹³ It has also provided an entry point for working with economic, social and cultural human rights.

In 2010 and 2014, Forum Syd implemented two projects – Tushirikishe Jamii and Jua Jimbo – in Kakamega, Kisumu, Machakos and Nakuru counties. The projects aimed to empower poor and marginalized communities to demand their rights, including access to clean water and sanitation, through participatory community needs identification and prioritization exercises. Access to safe water and sanitation services was singled out

as a primary need for the target communities. The two projects promoted accountability mechanisms to support communities gain public space in policy-making processes, including on water and sanitation services provision (See Chapter 4).

In 2015, Forum Syd, the International Institute for Democracy and Electoral Assistance (IDEA) and the United Nations Development Programme (UNDP) Water Governance Facility at the Stockholm International Water Institute (SIWI) co-hosted an event at World Water Week entitled Democratizing Water through Accountability – from Norms to Reality. The event presented the Jua Jimbo project as a means to generate discussion on how efforts to promote accountability relations (both social and political) can help improve water and sanitation service delivery.

After the interest generated during the event, SIWI and Forum Syd decided to carry out a study to document knowledge and lessons learned from the Tushirikishe Jamii and the Jua Jimbo projects in Nakuru county, where local communities deployed collective action in pursuit of their human right to clean water and proper sanitation.

1.2 Study aims and objectives

The aim of this study was to better understand the social accountability mechanisms that can improve the delivery of water and sanitation services. It sought to answer the question of how local communities engage with decision-makers to realize their human right to water and sanitation.

The study had two interlinked objectives:

- To identify the applied social accountability mechanisms employed by communities to demand better water and sanitation services.
- To document how the delivery of water and sanitation services can be improved through social accountability mechanisms.

1.3 Tushirikishe Jamii and Jua Jimbo projects

The Tushirikishe Jamii project was implemented between 2010 and 2011 by Forum Syd with the support of Kenya's Ministry of Justice and National Cohesion in Nakuru and Kisumu counties. It was funded by the European Union. The project aimed to improve

community influence by increasing the participation of targeted low-income or slum communities in decision-making processes around the allocation of development funds. The project focused on public finance mechanisms for service delivery and examined two decentralized funding mechanisms, the Constituency Development Fund (CDF) and the Local Authorities Transfer Fund. The project efforts increased access to information, encouraged citizen participation in decision-making on decentralized funds, and strengthened capacities of local civil society organizations on social audit processes.

The Jua Jimbo Project operated from 2012 to 2014. It had two components: a European Union (EU)-funded component implemented in Nakuru and Kisumu counties, and a UK Department for International Development (DFID)-funded component that was implemented in Kakamega, Kisumu, Machakos and Nakuru counties. The two components had shared goals, objectives, outputs, activities and targets. They were implemented in different locations within the project counties. In Nakuru county, the EU-funded component was implemented in Naivasha, Nakuru East, Nakuru West and Rongai constituencies, while the DFID-funded component was implemented in Kuresoi North, Kuresoi South, Molo and Subukia constituencies. Jua Jimbo was implemented by Forum Syd in collaboration with Youth Alive! Kenya and Muungano Wa Wanavijiji (Federation of Slum Dwellers). The project aimed to empower local communities to engage in governance processes for county development, and to develop the capacity of local political leaders to be more responsive and supportive of local communities in exercising their rights, as enshrined in the Constitution of Kenya 2010. The project had three specific objectives:

- To increase the participation of young men and women in low-income and slum communities in county government processes (demand side).
- To increase the capacity of targeted young women leaders, county leaders and institutions in democratic leadership and good county governance.
- To improve dialogue and linkages between the supply side (water and sanitation service providers) and demand side at the county level.

The two projects were not focused specifically on the provision of water and sanitation services, but aimed to improve public service delivery through governance practices. Thus, the activities undertaken revolved around accountability mechanisms to help communities influence the policy-making process by using different tools, e.g. community needs identification.

2. Study methodology

Fieldwork for this study was conducted in Molo and Menengai West wards of Nakuru county during May 2016 by a research team commissioned by Forum Syd and SIWI.

2.1 Study participants

Primary data was obtained from individuals and representatives of institutions involved in the Tushirikishe Jamii and Jua Jimbo projects and those with interests or responsibilities in water and sanitation services in either of the two study wards or the wider Nakuru county. Participants included national and county government officials, water and sanitation service providers, non-state actors such as representatives of non-governmental organizations (NGOs), community-based organizations (CBOs), community members and leaders, and the implementers of the two projects (Forum Syd staff and partner organizations). A total of 175 study respondents (55 per cent male and 45 per cent female) were involved in the study (Table 1).

2.2 Methods of data collection and analysis

Triangulation of data collection resulted in comprehensive information addressing the principal research question and study objectives. Desk review was conducted to assess relevant documents on the Tushirikishe Jamii and Jua Jimbo projects, as well as external documents on issues of interest such as citizen participation, social accountability processes, public service delivery and water governance.

Three focus group discussions took place: two at the community level and one multi-stakeholder discussion involving key water and sanitation stakeholders in the two wards and the wider Nakuru county. Participants comprised CBO and water project representatives, water and sanitation officials, chiefs and village elders, a ward administrator, a school committee representative, a water NGO representative, a church leader, a trader, a water vendor, a plumber and community members. All had good knowledge or personal experience of the two Forum Syd projects in Nakuru county and the two wards, or were involved directly in water and sanitation services provision in the two wards. Individual interviews were held with 106 households drawn from ten villages in the two wards, all of which had experienced activities within the Forum Syd projects. These interviews sought the views of community members on water and sanitation services in the two wards and their experiences in demanding their human right to these services.

Twenty-one key informant interviews were held with selected water and sanitation stakeholders in Nakuru county (government officials from the County Ministry of Environment, Water and Sanitation Services; representatives of NGOs and CBOs involved in water and sanitation issues; water services providers and community leaders) as well as Forum Syd staff who had been involved in Tushirikishe Jamii and Jua Jimbo projects. The research team also conducted non-participant observations on topics including the status and types of water and sanitation systems existing in the study area. These observations were based on the household interviews, key informant discussions, focus group discussion, visits to trading centres and observations noted during walks in the study area during the fieldwork phase. Photographs and change stories

Table 1. Study participants by category and location

Study participant category	Number			Total
	Molo	Menengai West	Nakuru and elsewhere	
Household members	55	51	0	106
Key informants	4	7	10	21*
Focus group discussion participants	18	16	14	48
Total	77	74	24	175

* Another 15 participants were involved in video documentation exercises

collected through the two projects were examined to reveal, for example, the type of activities conducted by local communities in pursuit of their right to clean water and proper sanitation. Lastly, data were collected through a separate but linked process of video documentation. The participants in this exercise included rights-holders (community members) and duty-bearers (county leaders) who had participated in or were knowledgeable about the work of the Tushirikishe Jamii and Jua Jimbo projects, especially in relation to water and sanitation services.

Systematic random sampling was used to select households from five pre-selected villages in each of the two wards. Key informants (including those involved in face-to-face, telephone and Skype discussions, and those who participated in the video documentation exercise) were selected, focusing on those with knowledge of the activities of the two projects or who were involved in water and sanitation service delivery in the two wards and in Nakuru county generally. Participants for the focus group discussions were chosen on the basis that they were rights-holders, representatives of a village or water project (community leaders and water project leaders), members of organizations involved in water and sanitation services provision (representatives of NGOs/CBOs), members of local lobby and advocacy groups, or government officials from departments involved in planning or implementing water and sanitation services.

Data obtained in the study were largely qualitative and were analysed using the thematic content analysis technique. The analysis was guided and directed to address the study objectives and the principal research question. Scripts from the video shoots were edited into a five-minute summary to complement this case study report.

2.3 Study area

Nakuru is one of 47 counties in Kenya and covers an area of around 7,500 km. It borders Kericho and Bomet counties to the west, Baringo and Laikipia counties to the north, Nyandarua county to the east, Narok county to the south-west and Kajiado and Kiambu counties to the south. The county headquarter is Nakuru town. Its population is around 1.75 million. To counter the effects of drought and inadequate clean drinking water, communities have formed groups and established water schemes. These are funded through members' contributions, the government-funded Rift Valley Water Service Board (RVWSB), CDF and donor funds such as the Nakuru county Community Development Trust Fund. The schemes mainly provide water to the urban centres in the county.

Nakuru county is divided into 11 sub-counties and 55 electoral wards. The study was carried in Molo

and Menengai West wards. Molo ward is a rural and agricultural area. It is one of four wards that make up Molo sub-county.¹⁴ The ward has an estimated population of 49,000.¹⁵ Residents of the ward obtain water from rivers, rainwater harvesting, individual and community boreholes, and public water supplies via water service companies. There is a sewerage system in the ward, but most households are not connected. Fieldwork was conducted in Casino, Huruma, Kenyatta Phase III, Kibunja and Promise-Kibera villages. These are informal settlements within the Molo town municipality.

Menengai West is a peri-urban area and one of five wards that make up Rongai sub-county.¹⁶ The ward has an estimated population of 31,500.¹⁷ Menengai West is located in a water-scarce area with no rivers and a low water table. Residents obtain water mainly from individual or community boreholes, water vendors, rainwater harvesting, and from the Nakuru Rural Water and Sanitation Company (NARUWASCO). There is no sewerage system serving households in the ward. Fieldwork for this study was carried out in Eden, Kirobon, Maciaro, Mangu and Mercy Njeri villages.

2.4 Study limitations

The study took place between 2010 and 2016 during implementation of the Tushirikishe Jamii and Jua Jimbo projects, and the post-project period. Focusing on this timeframe made it possible to understand the contribution of community accountability mechanisms during project implementation and to identify the extent to which local communities continued to apply these mechanisms after project finalization.

Although the Tushirikishe Jamii and Jua Jimbo projects were implemented in six sub-counties of Nakuru county, the study was limited to Molo and Menengai West wards in order to achieve a deeper understanding of issues relating to the main research question. The focus on fewer areas was also a logistical and budgetary consideration. The two wards were chosen as they had specific and noticeable results due to collective action by the communities working to realize their human right to water and sanitation. This allowed examination of how these changes came about and what could be learned from these community processes.

Regarding water services, the study focused on access to domestic water in the two wards where local communities had undertaken collective actions to demand water services. Regarding the right to proper and basic sanitation, the study focused on access to safe human waste disposal methods with reference to Casino village in Molo ward as well as other villages covered in the study.

3. Accountability relations in WASH services

3.1 Conceptual framework: the accountability service delivery triangle

Accountability is referred as “the democratic principle whereby elected officials and those in charge of providing access to water and sanitation services account for their actions and answer to those they serve”.¹⁸ This means that politicians, policy-makers and WASH service providers accept responsibility for their actions and consent to give an account of why and how they have acted or failed to act.

Depending on who calls upon whom to request account, it is possible to differentiate between horizontal or vertical accountability. Horizontal accountability is when one state actor gives account upon request by another state actor who can potentially impose penalties if the first one fails to comply. Vertical accountability is when non-state actors (media, civil society, academia etc.) hold state actors accountable by putting pressure on them. Accountability can be political, administrative, financial and social.

- **Political:** when government is held accountable to its citizens, and decisions like the appointment of individuals to certain positions are requested to be justified based on objective criteria.
- **Administrative:** when civil servants, consultants and technical personnel are requested to comply with professional codes of conduct and professional standards.
- **Financial:** when institutions must truthfully and accurately document the use of resources allocated, but individuals managing public resources must also submit assets declarations.
- **Social:** when non-state actors hold governments and decision-makers accountable.

The 2004 World Development Report¹⁹ represented an important milestone in governance and service provision. It outlined that the delivery of basic services, such as education, health or water, is being achieved through the ‘long route of accountability’. This means the power to decide how services should be delivered resides with the policy-maker. This is contrary to what happens in a competitive market situation, in which a consumer can

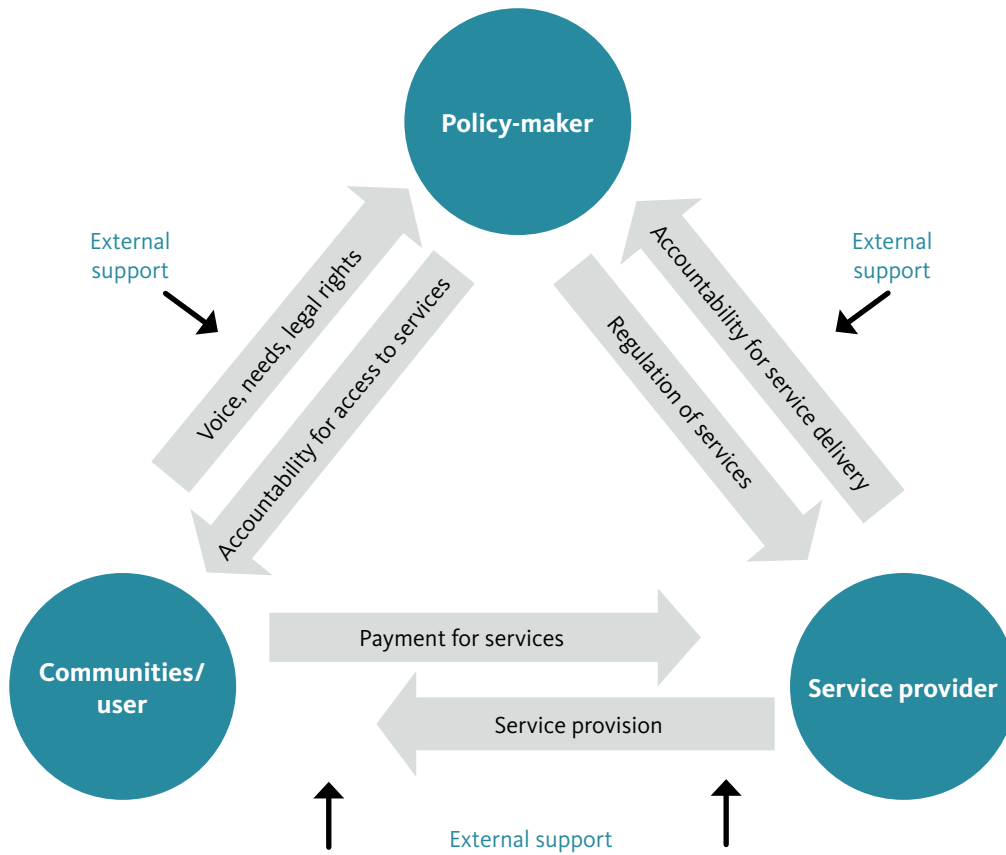
buy a product directly from the service provider. If the consumer is not satisfied, they can hold the provider accountable by not repeating their purchase. This is called the ‘short route of accountability’. The report suggests that when relationships along the long route break down, service delivery fails.

To analyse the accountability situation in water and sanitation services in Molo and Menengai West, this report uses the conceptual framework of the accountability triangle, adapted to WASH by SIWI and the United Nations Children’s Fund (UNICEF), see Figure 1. This shows that the water and sanitation sectors are systems of interconnected functions that need to work together for the services to be provided successfully and in a sustainable way. The triangle explains the generic set-up of institutional responsibilities in public service provision.²⁰

- **Communities/users** may claim their rights to services (exercise their voice) through elections or other political actions to make politicians (policy-makers) prioritize and put resources into their needed services. This involves an accountability relationship from the side of those politicians/policy-makers (representing the State) towards the communities/users (the citizens) to have those services provided.
- **Policy-makers** will respond through direct return of services but by way of ensuring the provision of such services to the communities, either through local branches of the government or through independent public or private service providers. This includes the setting up of legal and regulatory frameworks that create the operating environment for the providers, or delegation, contracting or licensing of operations, so that providers can deliver services to users.
- **Service providers** are accountable to the State (policy-makers) for the delivery of services within their designated area of supply. Service providers are also accountable to the communities and/or individual customers, who establish their entitlement to services through payments.

External support agencies are not part of the national service delivery framework; in an ideal context they should not bear any responsibilities or rights in the national context.²¹

Figure 1. Stakeholder cooperation for sustainable WASH outcomes. Based on a presentation at World Water Week, Stockholm 2013 and World Development Report 2004.²²



This study attempts to draw the accountability service delivery triangle in Molo and Menengai West as a means to aid understanding of the status of accountability relations among actors by reviewing the functions, relations, practices and allocation of responsibilities.

When mapping the sector from an accountability point of view, two broad types of questions must be answered: a) actors: who are the organizations involved in service delivery? And b) relations between actors: how do these actors relate to each other?

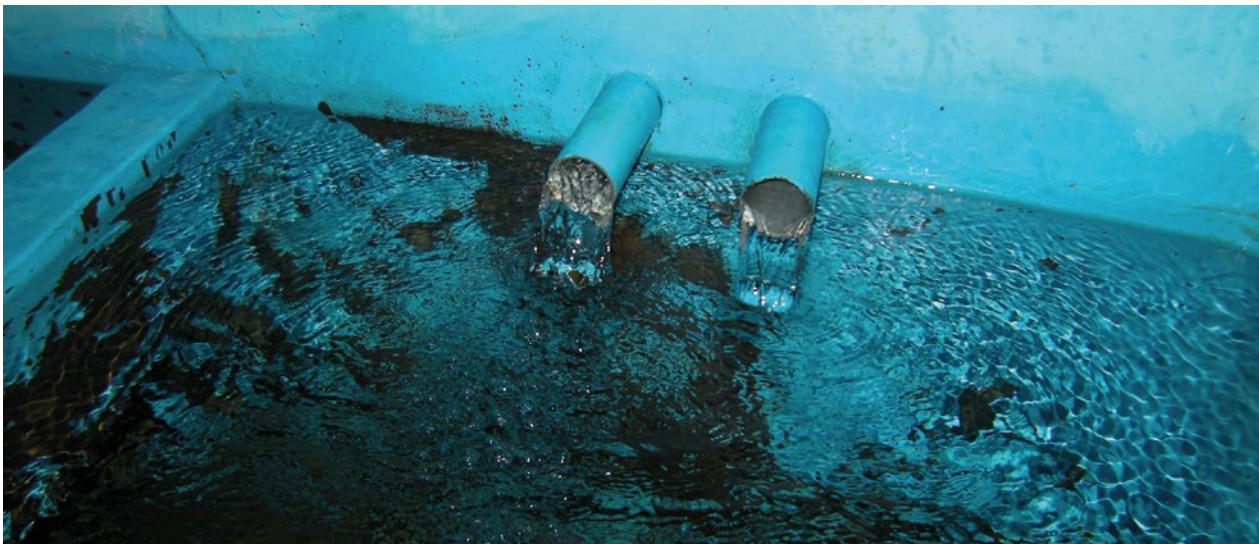


Photo: Antoine Delepiere

3.2 Who are the actors in water service delivery in Nakuru county and how do they relate to each other?

Figure 2 shows the accountability framework for water and sanitation service delivery in Nakuru county. It shows how the different actors relate, respond and are accountable to each other. At the time when Tushirikishe Jamii and Jua Jimbo projects were implemented, water service delivery in Kenya was governed by the Water Act 2002. Although the Constitution of Kenya 2010 was

effective in water governance at the time of the project, it was not until the Water Act 2016 that water governance structure was aligned to the constitution. The Water Act gives the mandate to county governments for water and sanitation service provision, as well as development of county water works. Water service and water resource regulation remains the responsibility of the national government, as does the management of national public water works, i.e. water works that are cross-county and funded from the national budget. Figure 3 outlines the institutional responsibilities under the Water Act 2002.

Figure 2. Accountability relations in WASH services in Molo and Menengai West wards (2010–2014)

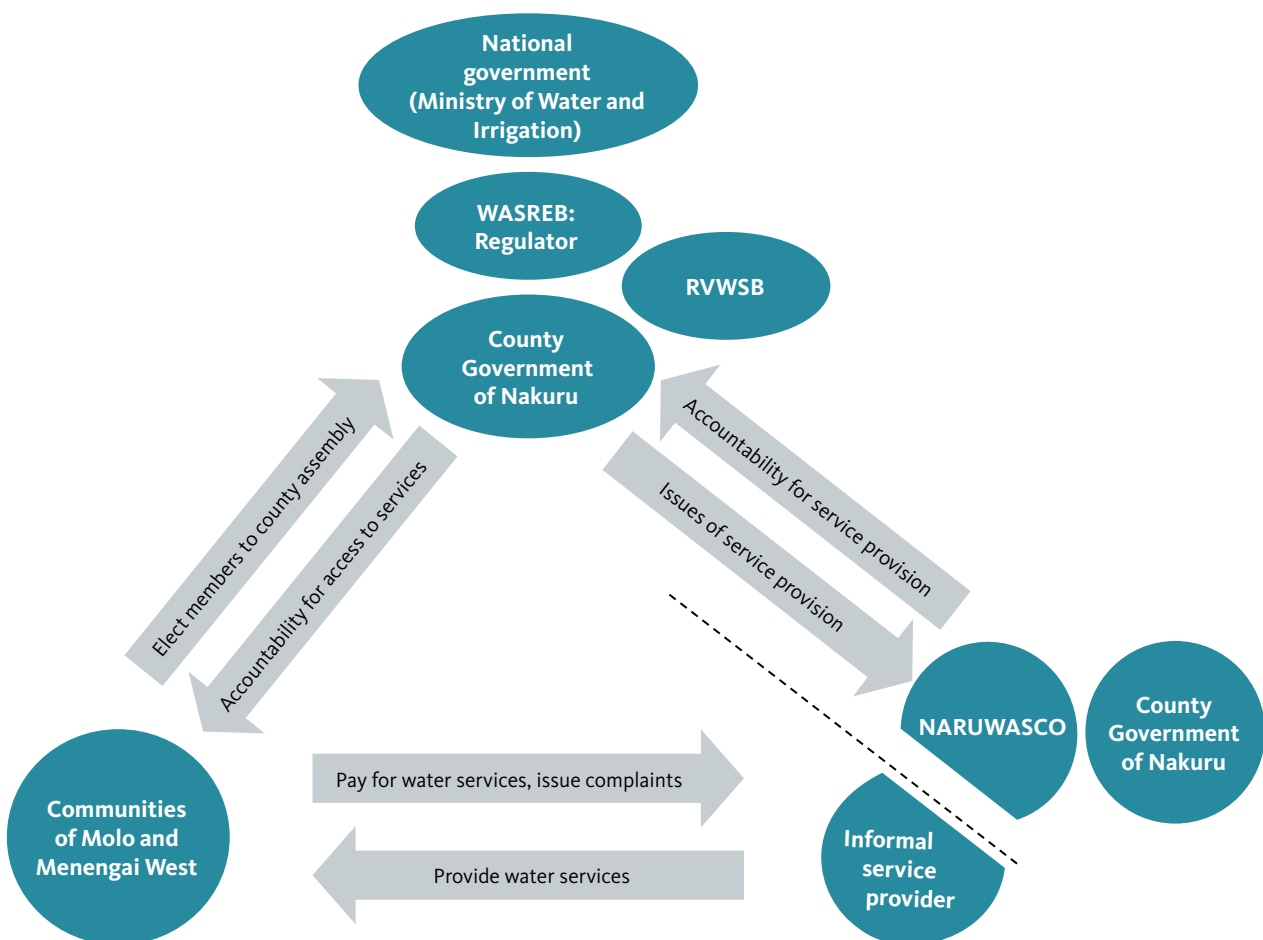
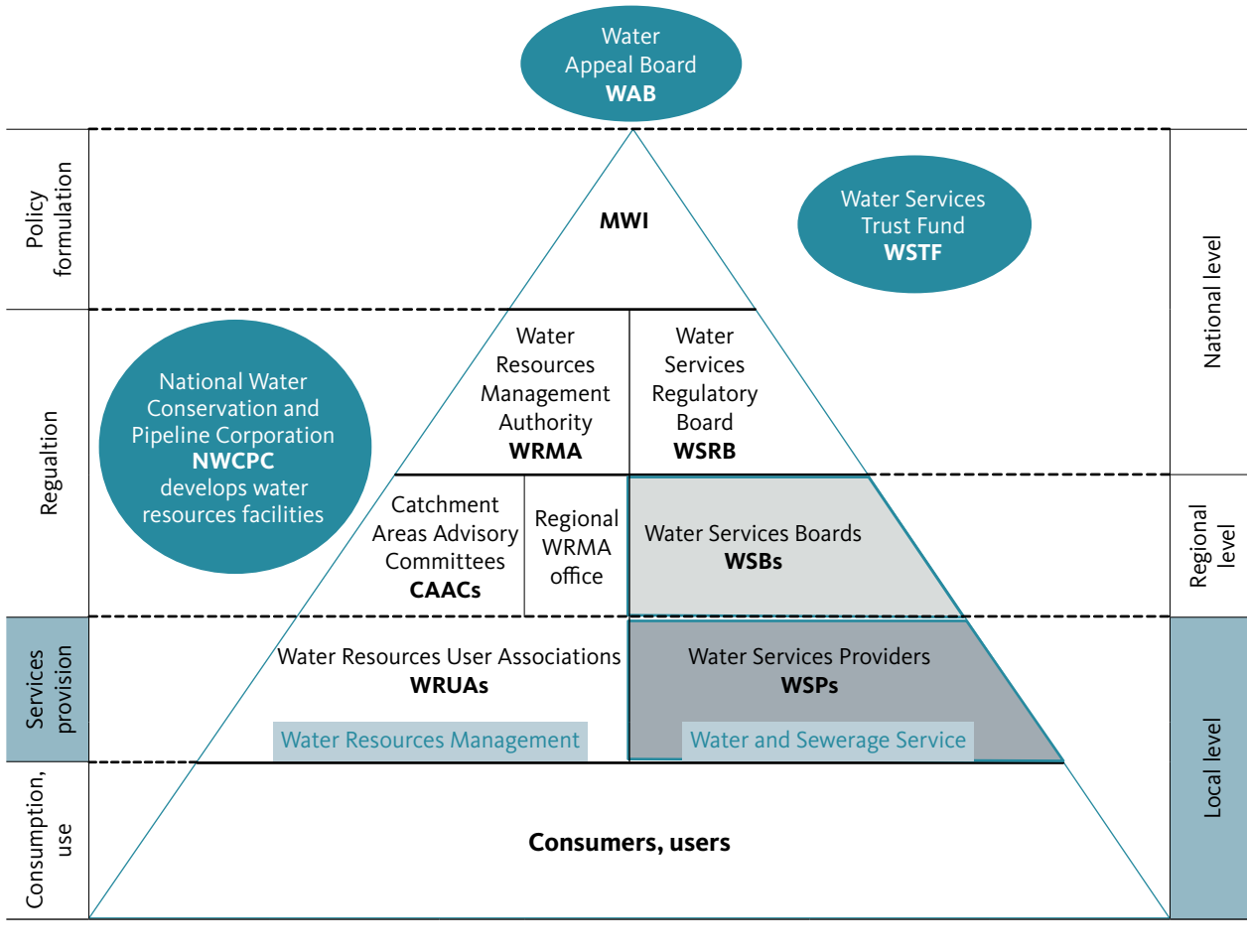


Figure 3. Institutional responsibilities under the Water Act 2002^{23,24}



National level | Water infrastructure is developed, maintained and managed by the national government and the county government. At the national level, this is done through the Water Works Development Agencies and the Water Storage Authority. Infrastructure in this case includes water resources storage, water works for bulk distribution and provision of water services, infrastructure for flood control, water transfer facilities, and reservoirs for impounding surface run-off and for regulating stream flows to synchronize them with water-demand patterns. The Water Services Regulatory Board (WASREB) is a national body with the role to regulate and monitor water and sewerage services. WASREB sets rules and enforces the standards that ensure consumers are protected and have access to efficient, affordable and sustainable services. WASREB also evaluates and recommends water and sewerage tariffs to the county water services providers and approves the imposition of such tariffs, in line with consumer protection standards. As the regulator, WASREB supervises and issues licenses to the Water Service Boards, which in turn issue service provision agreements with the service providers.

County level | The county government and its county assembly is mandated to ensure that people have access

to water and sanitation services. The Constitution of Kenya 2010 stipulates that the functions and powers of the county governments include water and sanitation services, storm water management in ‘built-up areas’, and solid waste management.²⁵ The national government has responsibility for developing policy and regulation for water resource management, while counties are responsible for implementing these policies. All infrastructure that is confined to the county level (that does not cross boundaries to other counties) is developed, maintained and managed at the county level. According to the County Government Act 2012,²⁶ the counties need to prepare plans to achieve the progressive realization of the rights guaranteed under the Constitution of Kenya 2010. County plans include an integrated development plan and sector plans for the provision of water, sanitation and solid waste management services. Despite this set-up of operational modalities, water users are often unaware which actor is responsible for what and which institution or agency to approach for better service delivery. The county government can also roll out water supply and sanitation projects on its own, without involving the water service providers licensed by the Water Services Board (see section 5.2).

The Rift Valley Water Services Board (RVWSB) is one of eight Water Services Boards in Kenya. The Water Services Boards were formed to ensure cost-effective and sustainable provision of water and sanitation services within their respective operational areas in accordance with the Water Act 2002. The mandate of the Boards is to ensure cost-effective and sustainable provision of water and sanitation services in their areas of jurisdiction. The water service providers are contracted by the county governments, through the Water Services Boards, to help them facilitate distribution of water to the end users.²⁷ A service provision agreement is a contract between a Water Service Board and a water service provider, to provide water services in a particular area. In the case of Nakuru, RVWSB issues service provision agreements.

Service provider level | The water service providers are responsible for the provision of water and sewerage services within the areas specified in their licenses. In Nakuru, the service providers contracted by the county government are Nakuru Rural Water and Sanitation Company (NARUWASCO)²⁸ and Nakuru Water and Sanitation Services Company (NAWASCO).²⁹ NARUWASCO focuses on rural areas of Nakuru County, whereas NAWASCO is responsible for providing water and sanitation services for urban areas. NARUWASCO is the main service provider for Molo and Menengai West wards.

In both Molo and Menengai West wards, water supply is often unreliable, and communities also obtain water from informal service providers and water vendors. Water vendors typically carry water in containers loaded onto

bicycles, handcarts or animal-drawn or motorized carts and bring it to households and small businesses. Some areas are served by water trucks carrying greater quantities to premises with larger storage capacities; these often serve higher-income customers. While informal vendors provide a useful service, they often charge high prices.³⁰

Ward level | Wards are the lowest level of government administration. The people elect the members of the county assembly at the ward level. Nakuru County is divided into 11 sub-counties and 55 electoral wards. This study was carried in Molo and Menengai West wards.

Community level | The households of Molo and Menengai West get their water services from NARUWASCO, informal service providers or by fetching water themselves, for example from a water point or river. Those who are supplied by NARUWASCO receive a bill that can be paid by mobile phone (M-Pesa) or at a local bank. When the Tushirikishe Jamii and Jua Jimbo projects started, communication and collaboration between the communities and NARUWASCO was minimal. Usually community members first approached village elders and village water committees with their concerns. Some actors had made efforts to disseminate information to consumers and engage service providers on issues of concern, for example by setting up water action groups. However, before the projects started, few of the targeted community members were aware of such groups. Communities can also exercise their voice and claim their rights to services through the county assembly elections, which are held every five years. The main challenges to water governance and service delivery are summarised in Box 1.

Box 1. Major challenges at the start of the Tushirikishe Jamii and Jua Jimbo projects.³¹

- Low public participation of communities in county development processes, such as planning and budget formulation exercises, and in the development of policies that affect them
- Lack of timely and adequate information regarding issues on governance structures and public services provision
- Bureaucracy in government institutions
- Duty-bearers unresponsive to the needs and priorities of citizens
- Poor service delivery
- Lack of accountability and transparency in service delivery
- Limited interaction and dialogue between government authorities and community members

4. Accountability mechanisms for improved WASH services

Nakuru county faced a myriad of governance and service delivery challenges in 2010 when the Tushirikishe Jamii project was launched. These included exclusion, lack of awareness, low participation of members from low-income communities in democratic processes, and lack of capacities of aspiring leaders and county institutions.

To address these challenges, the two projects aimed to improve accountability relations among those involved in the realization of the human right to water and sanitation. Accountability in the human rights framework refers to the relationship of government, policy-makers and other duty-bearers to the rights-holders affected by their decisions and actions. It refers to the obligations of those in authority to take responsibility for their actions (responsibility), to answer for them by explaining and justifying them to those affected (answerability), and to be subject to some form of enforceable sanction if their conduct or explanation is found wanting (enforceability). For these principles to be applied, some conditions must be met:

- **Responsibility** requires that those in positions of authority have clearly defined duties and performance standards, enabling their behaviour to be assessed transparently and objectively.
- **Answerability** requires public officials and institutions to provide reasoned justifications for their actions and decisions to those they affect, including the public at large, voters who invest public officials with authority, and institutions mandated to provide oversight.
- **Enforceability** requires public institutions to put mechanisms in place that monitor the degree to which public officials and institutions comply with established standards and impose sanctions.³²

This chapter analyses the activities undertaken by the projects using the accountability framework. The aim is to illustrate how the three conditions for accountable relations (responsibility, answerability and enforceability) were supported and fulfilled.

4.1 Responsibility: clarifying roles and responsibilities among rights-holders and duty-bearers

The human rights framework helps define the substantive responsibilities of public officials by setting out specific obligations that should inform their conduct. Under international human rights law, every State (and every local, national and international official who is appointed by the State) is obliged to respect, protect and fulfil a range of rights that the State has recognized by ratifying human rights treaties and internalizing them in its domestic legal order.³³

Activities under this mechanism aimed to provide clarity among target groups of the roles and responsibilities of different stakeholders involved in water and sanitation service delivery so the parties could act and request to act upon them.

The target groups comprised community members, community organizations and county leaders. Community member training aimed to improve the knowledge and skills of participants in democratic governance with a special focus on service delivery. Awareness on rights was expected to generate a deeper understanding of community needs and duty-bearers' responsibilities.

Several training courses were organized, targeting civil society organizations and county leaders. The courses covered lobby and advocacy actions, civic education for community members, and mobilization of community members to participate in county governance. The idea of the preliminary training was to increase knowledge of the different roles and responsibilities of the stakeholders involved in service delivery, so as to provide a deeper understanding among them on who was doing what and, consequently, improve their influence over the process of decision-making. Box 2 presents testimonials from community members and county leaders involved in the two projects.³⁴

Box 2. Testimonials from participants in capacity development

"I have now become a mobilizer of other women to participate in county initiatives."

"We have formed Kiamunyi Muungano Network and The Rongai Young Women Leaders Group. I am now the chairperson of the Playmakers Youth Group."

"I have increased knowledge on devolution, good governance and democracy."

"I have developed such high leadership skills and have been elected as a ward consultation member for the CDF offices."

"I can confidently approach government officials and ask for information."

"I feel confident to vie for a leadership position; I can plan well in terms of time performance and delivery of results."

"I am able to facilitate development of community memos and lobby for their implementation."

"I have gained confidence and ability to lead women's groups; I have been proposed to be a chairperson."

4.2 Answerability: improving community participation and influence in decision-making

Human rights standards elucidate the freedoms and entitlements that public officials must guarantee in order to be answerable to citizens and others affected by their decisions. Several process-related rights are crucial to accountability, because they make it possible to monitor the actions of individuals and officials; collect, verify and communicate information; and draw it to the attention of civil and judicial officials. These rights include the rights to information and to participate in public affairs, and the freedoms of expression, assembly and association.³⁵

Project activities under this dimension aimed to enhance the flow of information, improve consumers' access to information, and promote the organization of community members to engage with duty-bearers collectively in county governance processes by creating spaces for participation and dialogue. By being organized, the community members were able to articulate their voice to demand better public service delivery and improve the responsiveness of duty-bearers in service delivery. Box 3

Box 3. Examples of answerability mechanisms

- Formation/support to community groups and networks through lobby and advocacy teams, youth model assembly, women groups, etc.
- Community leaders' forums for dialogue
- Community meetings
- Promoting access to information
- Social audits of public projects
- Analysis of county public budget
- Community needs identification
- Participation in key decision-making processes including planning and budgeting

provides some examples of the answerability mechanisms promoted by the projects.

The project supported the formation of various youth and women's community groups, such as youth assemblies or young women leaders' associations, to participate in different activities at county level. These included the county integrated development plans, the analysis of county budget and the county assembly. The groups provided views on county bills and engaged in forums for the election of committees. At the community level, activities included community needs identification processes and employed traditional spaces such as the community leaders' forum or a baraza (public meeting).

The projects promoted access to information by combining traditional media (e.g. community notice boards, community leaders' forums, radio programmes or community resource centres) with more innovative media such as kikao simu (bulk SMS messages) and educational sports sessions. Sharing information was important to raise awareness among community members on governance and development processes, and improve their participation by allowing them to have an informed opinion.

There are numerous examples of outcomes from efforts to improve community participation in governance issues. Different types of county development initiatives were carried out with local communities; for example, ward-level needs identification, prioritization of projects to be implemented by the county, and review of county budgets and projects at the ward level. For example, in Molo Ward, community groups mobilized the community to attend the Molo sub-county budget public forum in 2012, where the community was able to advocate for the revival of abandoned water and road projects in the area.³⁶

One of the key activities took the form of interactions or dialogues between community members, community representatives and duty-bearers, conducted through structured or informal avenues. These included county

leaders' meetings, semi-annual meetings with county governing bodies, and community leaders' barazas/ forums. For example, in Molo, a breakfast meeting was held between elected leaders and community (project) members, and a series of roundtable discussions were held through the 'edu-sports' forum and community focus group discussions on topical issues. These interactions acted as avenues for information-sharing and joint problem-solving on community needs and priorities, as well as raising complaints regarding service provision. Duty-bearers also responded to or shared information on community priorities and gathered feedback.

This mechanism was effective in bringing citizens and leaders together to discuss and jointly find solutions to community issues, improving the relationships. The dialogue spaces continued to be used after 2014 in Nakuru county and the two wards. Many organized community groups are still functioning through forums such as community barazas or when communities visit the offices of duty-bearers to seek information or to present complaints on service delivery. These groups are involved in various socio-economic activities that benefit members, and in some cases the larger community (see Box 4). This kind of mobilization is important for offering spaces for community interaction, participation in development endeavours, and interaction with duty-bearers regarding water and sanitation services.

Box 4. Community dialogue spaces in Nakuru county

The Nakuru County Integrated Development Plan (2013)³⁷ notes that the county has a high number of civil society organizations, which partner with the government on many development issues. The county has approximately 3,500 active women's groups and 2,800 youth groups. Through these groups, women and youths can access loans through the Women's Enterprise Fund, Youth Enterprise Fund and Uwezo Fund, among others, which enable them to engage in income-generating activities. Many women and youth groups have benefited from these funds since inception. Self-help women's and youth groups have become the entry point for both government and donor interventions on poverty, HIV/AIDS and environment. The Ministry of Youth Affairs and Sports has continued to promote youth development by designing programmes that build young people's capacity. The youth engage in activities relating to the *Jua kali* (hot sun) sector (informal traders who work outside and are renowned for their ability to create almost anything on demand), micro-finance (revolving loan funds), HIV/AIDS and drug abuse campaigns, home-based care, environmental conservation activities (tree planting), training and advocacy, entertainment, drama and theatre, and other Income-generating activities. These groups of people also represent the poorest in the county and are also inadequately represented in decision-making processes.



Photo: infinity pictures

Officials from the County Ministry of Water, Sanitation and Environment noted that communities were actively engaging with county officials in demanding their human rights to water supply and proper sanitation. It was reported that communities had submitted water project proposals (over 10 every month) for assistance. Communities had also engaged with local leaders, especially with members of the county assemblies, members of parliament, village chiefs and the CDF office. For example, a baraza held in Eden Village (Menengai West) was attended by the area chief, assistant chief, village elders, village members and the Tuzemezane water project committee. The participants discussed four agenda points on water projects. These covered the progress of project works including piping and distribution, and the assistance received from the local CDF office (KSh 500,000) and NAWASCO (KSh 500,000) towards the construction of a water tank for community water distribution.

The final evaluation of the Jua Jimbo project in 2014³⁸ found that 66 per cent of respondents felt the project had highly or very highly enhanced community members' awareness of county initiatives, leading to improved participation levels. Box 5 describes the community needs identification process undertaken during the project.

4.3 Enforceability: strengthening external control mechanisms using community oversight tools

Human rights principles and mechanisms help to enforce accountability and support claims for redress. Principles of due process and the right to an effective remedy are a third essential pillar of accountability. An independent judiciary, which applies fair rules of evidence impartially, and has powers to adjudicate, punish and provide various forms of redress, underpins the operationalization of accountability, as do non-judicial human rights mechanisms such as national human rights commissions. However, in economic and social policy, fair and transparent administrative procedures for redressing grievances and establishing responsibility are equally important.³⁹

Activities under this dimension aimed to enhance the regulatory capacity of the water sector by strengthening external control mechanisms undertaken by civil society groups, establishing complaints and grievance mechanisms, and enforcing stakeholder capacity for oversight of the performance of service provision. Box 6 provides specific examples of the application of the dialogue and complaints mechanisms used in the projects.

The Shirikishwa network and Advocacy Teams,⁴⁰ Youth Model Assembly and CBOs played a key role in strengthening the control and oversight of their

Box 5. Participation through community needs identification

Community needs identification is a community-driven process in which community members come together in an organized manner to identify and discuss common issues and draw up action plans to address them. The process is conducted through the participatory rural appraisal (PRA) method. PRA is an approach to community participation in analysis and mapping of development needs for rights-holders.

The communities in Molo and Menengai West developed a record of their problems, then analysed and ranked the main issues (prioritization). They then identified opportunities to solve these problems and developed a community action plan (lobbying and advocacy). The PRA method offered a way of learning from and with the community members, through which they transformed their own realities and living conditions from undesirable to desirable.

Using prioritization tools allowed the community to legitimately advocate for their collectively identified needs. Prioritization exercises helped members to expand their political awareness, identify and analyse their own problems, define their own solutions and demand that their rights are respected.

The different tools used included free-listing, participatory mapping, Venn diagrams (stakeholder analysis) and pairwise ranking. The community members formed a committee of 15 individuals in each ward who represented the community by presenting the prioritized needs. Interaction with other stakeholders was achieved either in closed meetings at an office or by inviting duty-bearers to an organized community meeting in which issues were presented, negotiated and discussed jointly. Finally, they agreed a way forward and developed an action plan. If a petition or memo was required, the community presented this to the duty-bearers.

This process was recorded by the community members and documented for future follow-up. Any action undertaken by duty-bearers in addressing one of the raised concerns required the community to participate directly in the implementation process. This ensured that communities retained full information about the status of the action plans, and improved accountability by controlling the performance of the duty-bearers.

Box 6. Application of dialogue and complaints mechanisms

- Dialogue meetings and public forums at community level attended by community members and county leaders
- Information flows and feedback through *kikao simu*, resource centres and radio, and community-leaders' forums or dialogue meetings
- Community memos or petitions to duty-bearers (county assembly and county leaders) through local advocacy teams, Youth Model Assembly and elected representatives
- Visits by community members to offices of duty-bearers to seek services or present complaints

communities over water service delivery. These structures were trusted by the local communities they represented. They presented complaints and spearheaded community petitions to duty-bearers (county assemblies, county departments and NARUWASCO). They mobilized communities to carry out peaceful demonstrations to raise awareness of community issues, inviting media coverage. The projects encouraged these community structures to develop joint activities, such as petitions.

The effectiveness of this mechanism in improving water and sanitation is a mixed bag of successes and failures. While many of the lobby and advocacy initiatives undertaken by the communities were successful (often after a long push), others were not. Several memos and motions for debate in the county assemblies were developed, spearheaded by the Youth Model Assembly and supported by the Jua Jimbo project. These addressed such issues as youth empowerment, inclusion in county governance, equal employment and other opportunities, clean and safe water, security and infrastructural development, and tax (licenses) and finance issues. Most of these memos were responded to by county government.

The case studies of Casino and Maciaro (see Chapter 5) show that communities were able to obtain improved water supplies. Their lobby and advocacy efforts bore fruit, although only after a long struggle requiring many meetings, visits to offices and even demonstrations before any single issue was addressed.

Community members directed their complaints to many actors regarding water and sanitation services. These included water service providers, local administrators, politicians and government institutions involved in water governance. Several considerations determined which actors were contacted first, including transaction costs (the nearer the better), responsiveness (those perceived to be more likely to act on the issue) and past experiences (those who had helped the communities before).

The actors approached first were usually village elders, village water committees, water project committees, the area chief, local politicians and the water service provider. These actors were able to raise the issues with the next level of duty-bearers. Local communities used demonstrations and petitions as a last resort after their demands failed to secure positive outcomes.

The projects focused on preparing communities and community groups to apply sanctions as an accountability mechanism for enhancing service delivery. Community sanctions on poor performance were applied through demonstrations, for example by residents of Mercy Njeri in 2015. Memos and petitions were also submitted to county leaders. Community members

in Molo reported that whenever they complained to government officials regarding poor water services, the water service providers often responded quickly fearing consequences such as penalties, warnings or even withdrawal of water service licenses.

Some duty-bearers have applied sanctions as a measure to improve service delivery. A key informant from RVWSB explained how the organization has used sanctions:

“We have a tool to monitor the level and quality of services offered by water companies. This tool has indicators upon which the board assesses the performance of the companies. If the performance is below par, we enforce penalties. Usually, the penalties are in monetary form. We used to do this often, but we realized the companies pass this cost to the consumers. So, we have stopped doing that. We send a series of warnings and, in extreme cases, remove directors. We also enforce withdrawal of licenses/dissolution of the company if all directors are removed.”

Petitions submitted to county leaders during community leaders’ meetings and in the county assembly represented non-confrontational channels and ensured good relations. In doing this, county assembly members obtained rewards in the form of promises for support in electoral contests, while other duty-bearers (e.g. constituency development fund staff in Rongai sub-county) received ‘instant’ rewards in the form of public appreciation for their support. RVWSB has used financial rewards mechanisms and has offered incentives such as computers for the water companies.

Tushirikishe Jamii and Jua Jimbo projects promoted mutual learning by rights-holders and duty-bearers through awareness-creation, capacity-building, community needs identification and prioritization, and dialogue and engagements. These activities offered mutually acceptable spaces for mobilizing rights-holders and duty-bearers, encouraging them to interact, learn and improve their understanding and practices in county governance and service delivery. The projects encouraged and emphasized the need for respect, trust, openness, honest feedback and non-confrontational interactions. Table 2 summarizes the application of various accountability mechanisms in Molo and Menengai West wards.

Table 2. Accountability mechanisms and their specific application

Accountability mechanism	Specific application	Relevant stakeholders
Sanctions	Summons of County Executive Committee for water, sanitation and environment Chief executives of water companies can be summoned	County assembly (committee on water)
	Summons of water service companies	RVWSB
	Threat to withdraw votes in future elections, directed at local politicians	Community members
	Censure, dismissal, prosecution, transfers, demotions, penalties (monetary and verbal reprimand), warnings, summons, orders, etc.	National and county institutions and other duty-bearers e.g. RVWSB, NARUWASCO, NAWASCO
	Open expression of dissatisfaction with politicians for empty promises	Community members
	Withholding of public praise and recognition from officials and institutions perceived to be non-cooperative or non-performing, seen as a departure from the norm	Community members
	Non-participation or absenteeism from events organized by duty-bearers perceived to be unresponsive to community needs	Community members
	Community demands for transfers or sacking of staff of water service	Community members
	Court case	Community members
Rewards	Promises of political support (votes) during next elections, directed at some local politicians	Community members
	Public appreciation for officials and institutions that have supported rights-holders, e.g. area chiefs, assistant chiefs, CDF office, Geothermal Development Company, Forum Syd staff, local community mobilizers	Community members

5. Outcomes of the application of social accountability mechanisms

The Jua Jimbo project worked with local partners to facilitate discussions on community development issues, principally water, sanitation and health. Access to clean water was identified as a priority issue during community needs identification and prioritization meetings. The meetings were led by community leaders and supported by project staff. Participants used non-confrontational advocacy methods to question rights violations and bring the county government and water service providers to account. In both Molo and Menengai West wards, communities formed committees to manage and maintain local water supplies, including the community boreholes developed with financial support from national and county government institutions and non-state actors.

Since water and sanitation were identified as priorities, social accountability mechanisms were directed at these needs. The following case studies on Casino village in Molo and Maciario village in Menengai West⁴¹ highlight how the local communities used social mechanisms to improve their water supplies.

5.1 Improved access to water in Casino village, Molo

Background | Casino is an informal settlement with 644 households (3222 total population) in Molo sub-county, Nakuru county. The village was established in 1985 by people displaced by politically-instigated conflict in the area. The village has faced several challenges in water access, including available water being unsafe to drink, long distances between homes and water sources, queues at water points and the high cost of buying clean drinking water. Before the project, most villagers obtained water for domestic use from the River Munju, either by fetching it themselves or buying from water vendors. The villagers spent many hours fetching water from the common water point. The river was also used for washing clothes, watering cattle and supplying irrigation for small-scale farms. In 2014, an outbreak of cholera caused several deaths and this spurred the local population into action to improve their water supply.

Community meetings | The cholera outbreak provided a focus for action by the local community organizations, Hope Casino Mwereri and Tujikaze self-help group. They organized community *barazas* focusing on health (including water and sewage systems) and security issues. They invited government officials (including Michael Karanja

Sonis, who was the local councillor at the time) to engage in dialogue and provide support to find solutions. These community meetings resolved to lobby for clean water and a proper drainage system.

Efforts to clarify roles and enable cooperation in service delivery | The Jua Jimbo project came on board to strengthen understanding among representatives of the local community organizations about governance and service delivery topics. These included governance structure after devolution, the roles and responsibilities of duty-bearers and rights-holders, and advocacy skills. The project provided training on the meaning of devolution in the Kenyan context, what it meant for their community in terms of rights and responsibilities, and the expectations on local government.

Efforts to inform, consult and include stakeholders in decision-making | After the training, the community-based organizations, with the support of Muungano Support Trust (Forum Syd implementing partner) carried out a needs identification and prioritization. These activities triggered action in the sense that the communities were aware of what they needed to do and how to go about it.

Efforts to monitor performance, support enforcement and encourage compliance | The community began to lobby and advocate for access to affordable water and sanitation in Casino village. The two community groups organized several *barazas* where they brought different sides of the community together to find the means to solve issues in a non-confrontational, peaceful manner, through lobbying and working closely with local governance structures. They targeted their lobby and advocacy efforts at NARUWASCO, working through a small number of people selected by the community and supported by Mr Sonis and the community mobilizers working with the Jua Jimbo project. They met the Managing Director of NARUWASCO, who directed them to the county technical engineer for water, based at the Molo office. Thereafter, the community received an invitation from the Water Sector Trust Fund (WSTF)⁴² for training in water management and transparency. Further, WSTF financed the construction of a water kiosk to provide clean piped water for the village. This was constructed on a small piece of land provided by the villagers. However, the water was supplied for only two hours per week. Given the large population of the village, this led to long queues for water. So, with the help of Jua Jimbo project,

the community started another round of lobbying and advocacy with NARUWASCO. They requested installation of a twin borehole pump, and this was eventually secured.

Community demands for transfers or sacking of staff of water service providers were made in relation to NARUWASCO staff in Rongai sub-county. Although not related to water and sanitation, two examples were reported in a focus group discussion of how transfers were used in Molo, on community demand, to punish poor performance/malpractices by public officers. In the first case, nurses at the local health centre had reportedly become reluctant to serve patients, instead attending to their small businesses in the clinics. The community advocated against them and the ministry of health conducted mass transfers of all the nurses in that health centre. In the second instance, a head teacher in one of the secondary schools reportedly over-charged school fees. The community demonstrated and presented the case to the ministry of education and the teacher was transferred. These examples illustrate the potential of community action to achieve results.

Present situation | Casino now has two water kiosks. In 2016, when the study was carried out, the community was receiving water for six hours per day on Mondays and Fridays. The water costs KSh2 for 20 litres, which is an affordable amount for most families. Previously, water cost ten times that at KSh20 per 20 litres. The kiosk is managed by a water committee comprising members of the local community.

5.2 Improved water provision in Maciario village, Menengai West

Background

Maciario is a rural village in Menengai West ward in Rongai constituency of Nakuru county. It is one of 25 villages in the ward and is located close to the Menengai crater. Despite the existence of piped water connections for many households, the local population suffers from a general shortage of water. Water supply was reportedly good until late in 1984, but supplies have reduced over the years, ceasing altogether in the mid-2000s. Before the project, there was little supply from water service providers and other responsible institutions. The area does not have rivers, but does have geothermal heat. This aggravates the situation, since groundwater is too hot to use directly and contains a high concentration of fluoride. Excess fluoride can cause dental fluorosis and damage the bones, brain and internal organs if consumed in large quantities.

Efforts to clarify roles and enable cooperation in service delivery | Menengai West was a beneficiary of the Tushirikishe Jamii and Jua Jimbo projects. The

projects empowered the local community by building the skills they needed to improve the local water supply situation. They gained capacity to understand and apply appropriate roles and responsibilities among different stakeholders, and apply processes such as needs identification and advocacy. This knowledge empowered them to become more organized around the issue of water.

Efforts to inform, consult and include stakeholders in decision-making

| The community created different spaces for participation on water supply issues. They came up with short-, medium- and long-term actions and identified key stakeholders to be involved in collective action or lobbied for change. Their action plan included facilitating households to harvest rainwater, and engaging in discussions with the Geothermal Development Company (GDC), which is conducting work in the Menengai crater, to request sharing their surplus water with the community. Community representatives also held a dialogue with the county government of Nakuru via the local county assembly member to influence the water service providers (NARUWASCO and RVWSB) to supply water to the village.

Efforts to monitor performance, support enforcement and encourage compliance

| In 2014, community members sought to improve their water supply situation. With the knowledge they had acquired from the Tushirikishe Jamii project about the roles and responsibilities of both duty-bearers and rights-holders, they decide to lobby GDC and the Nakuru county government. First, they formed a committee of 15 members to present their proposals to GDC. Several community members attended a meeting with the company's management, while GDC invited the community to visit the geothermal development site so they could understand the processes. Following these interactions and further deliberations, GDC agreed to supply water to the community as part of its corporate social responsibility efforts and the company installed a water point in the village. Next, the community lobbied the Nakuru county government for a water storage tank, and this was constructed in 2015.

Two community organizations – the Young Women Leaders Group and the Playmakers Youth Groups – are active in advocacy work. Since 2014, the community has had access to GDC surplus water. The water is channelled to a community access point and can be used for households and livestock. People from neighbouring villages can also access this water, which they carry away using donkey carts, bicycles or on their backs. Although this source has improved water provision in Maciario, the water point is about 2 km from the village centre and is located down in the crater, with access over difficult terrain. It takes an average of 4 hours to fetch water, a burden shouldered largely by women.

Dialogue with the Nakuru county government has led to construction of a water tank within the community.

6. Conclusions and recommendations

6.1 Conclusions

The Tushirikishe Jamii and Jua Jimbo projects both helped improve water and sanitation services in Molo and Menengai West wards. This was achieved through the promotion of accountability mechanisms in all three accountability dimensions – responsibility, answerability and enforceability – and involved a wide variety of activities targeting local communities (demand side) and water and sanitation service providers (supply side). Working through the three accountability dimensions enabled citizens and their groups to gain access to key decision-making processes, such as development planning and budgeting, regarding water and sanitation services. These mechanisms were appropriate when assessed from the degree of *success* in exacting accountability, *inclusiveness* of the processes followed, and extent of *sustainability* of accountability practices put in place.

Available literature on the Tushirikishe Jamii and Jua Jimbo projects⁴³ and this study indicate that accountability mechanisms promoted in Molo and Menengai West wards were applied in other project areas. There is evidence that communities continue to use these mechanisms, especially community mobilization

and participation, to influence activities in water and sanitation service delivery.

Outcomes in terms of improved services include new water connections and construction of water tanks. However, these outcomes were not sufficient to meet the full needs of citizens, and the two wards still face challenges in water supply. The level of responsiveness of some duty-bearers has been low because they face numerous challenges; notably inadequate funding for efficient, effective and affordable water services. Devolved institutions of governance also face capacity issues, and these limit their ability to undertake their water governance responsibilities.

The positive outcomes presented in this study indicate that collective action approaches to improving accountability offer a promising path to improved service delivery and have potential to include voice-poor and marginalized groups. Even if concrete results need time to materialize, working on developing the capacities and mechanisms for local problem-solving creates good conditions for progressive improvement.



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6.2 Recommendations

Several actions are proposed, based on the findings of this study, and working towards strengthening community participation in demanding the human right to water and sanitation services, enforcing the accountability of duty-bearers, improving water governance and ensuring sustainable management of water resources.

1. There is a need to continue strengthening accountability measures to ensure the full realization of citizen's rights to clean water and proper sanitation. This is important considering the observed level of responsiveness and capacities of devolved institutions in providing efficient, effective and affordable water and sanitation services. Local communities should increase their commitment to exercise the right to participate in key decision-making processes to ensure their priorities are considered.
2. There is a need for continued support to the accountability practices of duty-bearers. This includes providing ongoing capacity building and training to duty-bearers on democratic governance so they can respond better to the needs of rights-holders and address the challenges faced by key water actors. Lack of adequate finance for the development and management of water resources is a key challenge, with enforcement of sanctions on inefficient and ineffective duty-bearers another important goal.
3. There is a need to improve water governance. This requires improved trust and engagement among all stakeholders in the water sector, and a strengthened role for citizens in water governance (e.g. through water users' associations). Enforcement of the Kenya National and County Water Acts is important to ensure duty-bearers shoulder their responsibilities in water governance.
4. The sustainability of water resources should be ensured by supporting renewable options such as rainwater harvesting and community surface water projects, and emphasizing protection of the environment to ensure dams, rivers and other sources of water are not adversely affected. Accountability structures regarding water resources management should be further examined.
5. Complaints mechanisms and their responsiveness should be strengthened. It is important to encourage dialogue among community members, community representatives and duty-bearers through structured or informal avenues; for example, county leader meetings, semi-annual meetings with county governing bodies, and *barazas* or forums with community leaders. These interactions can act as avenues for information-sharing and joint problem-solving on community needs and priorities, as well as helping resolve complaints on service provision.

Endnotes

- 1 See United Nations (nd) Human Rights to Water and Sanitation. <https://www.unwater.org/water-facts/human-rights/>
- 2 Wagstaff, A. (2002). Poverty and health sector inequalities. Policy and Practice theme paper, *Bulletin of the World Health Organization*, 80: 97–105. [http://www.who.int/bulletin/archives/80\(2\)97.pdf](http://www.who.int/bulletin/archives/80(2)97.pdf)
- 3 Kenya is a water-scarce country (534 m³/capita/year in 2009), with a resource endowment of 21 billion m³ a year, according to Mumma et al (2011). Kenya – Groundwater governance case study. World Bank Group Water Papers. <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/955231468337751545/kenya-groundwater-governance-case-study>. Similarly, the USAID Kenya Water and Sanitation Profile notes that the country is water-scarce, standing within the top 8 percent of countries in terms of water scarcity and with significantly less water resources than its immediate neighbours. USAID (2010). Kenya Water and Sanitation Profile. <http://www.washplus.org/sites/default/files/kenya2010.pdf>
- 4 Kenya National Bureau of Statistics and Society for International Development (2013). Exploring Kenya's Inequality: Pulling apart of pooling together? <http://inequalities.sidint.net/kenya/wp-content/uploads/sites/3/2013/10/Preliminary%20pages.pdf>
- 5 Improved water sources include piped water, rain-harvested water, borehole water and water from protected wells. Unimproved water sources include water from rivers or streams, dams, ponds, lakes, unprotected wells, unprotected springs, water vendors and other sources.
- 6 These include connection to main sewer, septic tank, cesspit, ventilated-improved pit latrine, and covered pit latrine. Unimproved methods include uncovered pit latrine, bucket latrine, bush and other sources.
- 7 The Constitution of Kenya (2010). Article 43. <http://www.wipo.int/edocs/lexdocs/laws/en/ke/ke019en.pdf>
- 8 This refers to 'the range of political, social, economic and administrative systems that are in place to develop and manage water resources, and the delivery of water services, at different levels of society', See Rogers, P. and Hall, A. (2003). Effective Water Governance, Background Paper No. 7, Global Water Partnership Technical Committee. <https://www.gwp.org/globalassets/global/toolbox/publications/background-papers/07-effective-water-governance-2003-english.pdf>
SIWI defines water governance as what “determines who gets what water, when and how”, see Tropp, H. (2005). Developing Water Governance Capacities. Feature Article. UNDP Water Governance Facility/SIWI, Stockholm.
The Global Water Partnership (GWP) proposes two broad sets of principles that underpin effective water governance: approaches should be transparent, inclusive, coherent, integrative and equitable; and performance/operations should be accountable, efficient, responsive and sustainable; see Rogers & Hall, (2003). Op. cit.
- 9 This Act is being amended through the Water Bill (2014), published in the Kenya Gazette Supplement No. 27 of 2014 and passed by the National Assembly, with amendments, on 7 July 2015. http://kenyalaw.org/kenya_gazette/gazette/volume/ODU1/Vol.%20CXVI-No.%2027/
- 10 Kanda et al. (2013). The Water Act 2002 and The Constitution of Kenya 2010: Coherence and Conflicts Towards Implementation. https://www.researchgate.net/publication/299637637_The_Water_Act_2002_and_The_Constitution_of_Kenya_2010_Coherence_and_Conflicts_Towards_Implementation
- 11 Ibid.
- 12 To accelerate the realization of the targets in Kenya, the ministries of water, health and devolution, and the Kenya National Commission on Human Rights have developed a monitoring framework specific to Kenya in partnership with civil society organizations like Hakijamii, a national organization that works with marginalized groups in helping them claim their economic, social and cultural rights including the right to water and sanitation. See Kenya National Commission on Human Rights (2017). Framework for Monitoring Realization of the Rights to Water and Sanitation in Kenya. <https://www.knchr.org/Portals/0/EcosocReports/PHE-Framework.pdf>
- 13 United Nations Sustainable Development Group (2020). Human Rights-Based Approach. <https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>

- 14 The other wards are Mariashoni (population 14,000), Elburgon (49,000) and Turi (29,000).
- 15 Kenya National Bureau of Statistics and Society for International Development (2013). Op. cit.
- 16 The other wards are Soin (population 29,000), Visoi (35,000), Mosop (31,000) and Solai (21,000).
- 17 Kenya National Bureau of Statistics and Society for International Development (2013). Op. cit.
- 18 UNDP Water Governance Facility/UNICEF (2015). WASH and Accountability: Explaining the Concept. Accountability for Sustainability Partnership: UNDP Water Governance Facility at SIWI and UNICEF. https://www.unicef.org/wash/files/Accountability_in_WASH_Explaining_the_Concept.pdf
- 19 World Bank. (2004). World Development Report 2004: Making services work for poor people – Overview. <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/527371468166770790/world-development-report-2004-making-services-work-for-poor-people-overview>
- 20 This section draws extensively on UNDP–SIWI Water Governance Facility (2013). Mutual Rights and Shared Responsibilities in Water Services Management: Enhancing the User-Provider Relation. WGF Report No. 2, <https://www.watergovernance.org/resources/mutual-rights-and-shared-responsibilities-in-water-services-management/>; and UNDP Water Governance Facility/UNICEF (2015). Op. cit.
- 21 UNDP Water Governance Facility/UNICEF (2015). Op. cit.
- 22 World Bank (2004). Op. cit.
- 23 Source: European Centre for Development Policy Management (2011). Analysing governance in the water sector in Kenya, Discussion Paper 124. <https://ecdpm.org/wp-content/uploads/2013/11/DP-124-Analysing-Governance-Water-Sector-Kenya-2011.pdf>
- 24 The Constitution of Kenya (2010). <http://www.wipo.int/edocs/lexdocs/laws/en/ke/ke019en.pdf>
- 25 Kenya National Council for Law Reporting (2012). County Governments Act. http://www.parliament.go.ke/sites/default/files/2017-05/CountyGovernmentsAct_No17of2012.pdf
- 26 Rift Valley Water Services Board. <https://www.devex.com/organizations/rift-valley-water-services-board-111310>
- 27 Nakuru Rural Water and Sanitation Co. Ltd. <http://www.naruwasco.co.ke/>
- 28 Nakuru Water and Sanitation Services Company <https://nakuruwater.co.ke/>
- 29 UNDP (2011). Small-Scale Water Providers in Kenya: Pioneers or Predators? https://www.undp.org/content/undp/en/home/librarypage/poverty-reduction/inclusive_development/small-scale_waterprovidersinkenyapioneersorpredators.html
- Kjellén, M. and McGranahan, G. (2006). Informal Water Vendors and the Urban Poor. IIED Human Settlements Discussion Paper. <https://pubs.iied.org/pdfs/10529IIED.pdf>
- 30 See Rapid baseline survey report, 2011; final evaluation report of Tushirikishe Jamii Project (2012); and final evaluation report of Jua Jimbo Project (2015). Reports available from Forum Syd, www.forumciv.org
- 31 UNDP Water Governance Facility/UNICEF (2015). Op. cit.
- 32 United Nations (2013). Who Will be Accountable? Human Rights and the Post-2015 Development Agenda. <https://www.ohchr.org/Documents/Publications/WhoWillBeAccountable.pdf>
- 33 Ibid.
- 34 See project midterm evaluation reports (2012). Report available from Forum Syd, www.forumciv.org
- 35 United Nations (2013). Op. cit.
- 36 See Jua Jimbo midterm evaluation report (2012). Report available from Forum Syd, www.forumciv.org
- 37 Nakuru County Integrated Development Plan (2013). <http://www.devolution.go.ke/wp-content/uploads/2020/02/Nakuru-CIDP-2013-2017.pdf>
- 38 Final evaluation report of Jua Jimbo Project (2015). Report available from Forum Syd, www.forumciv.org
- 39 United Nations (2013). Op. cit.
- 40 The Jua Jimbo project established Shirikishwa networks. The network supported civil society organizations across the four counties involved in the project to engage in lobby and advocacy activities. The

Shirikishwa networks worked very closely with the youth networks in their lobby and advocacy activities across all the four counties. See Final evaluation report of Jua Jimbo Project (2015). Report available from Forum Syd, www.forumciv.org

- 41 These case studies are based on stories of change compiled by Joseph Karanja and Moses Mwangi (community mobilizers, Molo) and a focus group discussion held in Casino Village on 26 May 2016.
- 42 The Water Sector Trust Fund was established under Clause 111 of the Water Bill 2014. The object of the fund is “to provide conditional and unconditional grants to counties, in addition to the Equalization Fund and to assist in financing the development and management of water services in marginalized

areas or any area which is considered by the Board of Trustees to be underserved including, (a) community-level initiatives for the sustainable management of water resources; (b) development of water services in rural areas considered not to be commercially viable for provision of water services by licensees; (c) development of water services in the underserved poor urban areas; and (d) research activities in the area of water resources management and water services, sewerage and sanitation.” The Water Bill 2014. <http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2014/WaterBill2014.pdf>

- 43 See mid-term evaluation report (2012) and final project evaluation reports for Tushirikishe Jamii Project (2012); and Jua Jimbo Project (2015). Reports available from Forum Syd, www.forumciv.org

About this publication

In 2015, Forum Syd (becoming Forum Civ), the International Institute for Democracy and Electoral Assistance (IDEA) and the United Nations Development Programme (UNDP) Stockholm International Water Institute (SIWI) Water Governance Facility (UNDP-SIWI WGF) co-hosted an event at World Water Week entitled Democratizing Water through Accountability – from Norms to Reality. The event presented the Jua Jimbo project as a means to generate discussion on how efforts to promote accountability relations (both social and political) can help improve water and sanitation service delivery.

After the interest generated during the event, UNDP-SIWI WGF and Forum Syd decided to carry out a study to document knowledge and lessons learned from the Tushirikishe Jamii and the Jua Jimbo projects in Nakuru county, where local communities deployed collective action in pursuit of their human right to clean water and proper sanitation.

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