



Strengthening mutual accountability and partnerships for WASH

Country brief, Kenya

*Written by
George Njoroge & Sarah Dickin*

January 2021

Table of Contents

Executive Summary	3
Key recommendations.....	3
Introduction	4
Methodology.....	5
Findings.....	6
Multi-stakeholder collaboration in WASH in Kenya.....	6
Accountability mechanisms in WASH	10
COVID and its impacts on collaboration and accountability in WASH.....	13
National engagement in the Sanitation and Water for All partnership	14
Conclusions and recommendations	17
Annexes	18
Draft Kenya Government Commitments	18
Revised commitments and rationale for the commitments	18
References	20

Figures

Figure 1: Stakeholder perceptions on Covid-19 impact on accountability in WASH	13
Figure 2: Membership in SWA.....	15
Figure 3: Stakeholder participation in SWA activities.....	16

Tables

Table 1: Summary of national multi-stakeholder platforms in Kenya’s WASH sector	7
Table 2: Accountability mechanisms used in the sector.....	12

Executive Summary

The Water Sanitation and Hygiene (WASH) sector in Kenya has diverse stakeholders and multi-stakeholder platforms which drive collective action in addressing complex WASH issues and challenges in the country. The multi-stakeholder platforms include broad-based forums with diverse stakeholders and platforms for specific groups of stakeholders each having a unique role in the sector. However, while the platforms for specific groups of actors were observed to be active, the broad-based platforms are either ad hoc, dormant, or dysfunctional. A range of accountability mechanisms are also used by individual stakeholders as well as the multi-stakeholder forums which include articulation of strategic plans or reporting on performance, monitoring and reporting the status of the sector, inspection and regulation of service providers, evaluation of projects and public finance monitoring.

The Covid-19 pandemic triggered rapid decision-making and emergency response in the sector, resulting in enhanced stakeholder dialogue and collaboration in interventions for combating the spread of the pandemic. However, adherence to established financial accountability mechanisms especially by government ministries and institutions during the pandemic emerged as the weakest aspect of sector accountability. Following corruption reported in use of Covid-19 response funds, various stakeholders heightened scrutiny on decisions, interventions and use of funds at both national and county governments. The Sanitation and Water for All (SWA) Mutual Accountability (MAM) framework is taking shape in the sector, but it is not yet properly integrated, which can be partly attributed to the dormant/dysfunctional national multi-stakeholder forums. Study findings further indicate that, while stakeholder collaboration occurs on a mutually acceptable basis, little mutual accountability against agreed objectives, commitments or outputs exists among sector stakeholders.

Key recommendations

Effective sector leadership and coordination as well as improved accountability for resources and results are viewed as critical for strengthening mutual accountability. The following recommendations propose actions that can address identified sector coordination and mutual accountability challenges:

- With little mutual accountability happening in the sector, the SWA MAM framework can be widely promoted as an approach for advancing mutual accountability among sector stakeholders.
- To pursue more mutual accountability among stakeholders, the government needs to improve sector coordination by reviving the dormant Joint Sector Working Group and to strengthen financial accountability mechanisms.
- A joint sector monitoring and reporting system need to be initiated, with constant feedback both at the national and sub-national level to serve as one of the mutual accountability mechanism.
- External support agencies need to refocus their resources in strengthening the capacity of the two government ministries to revitalize and coordinate the key national multi-stakeholder forums.

- The research and learning stakeholders need to organize themselves into a multi-stakeholder forum. They also need to be more active in the sector especially by spearheading joint sector monitoring and reporting, and to rapidly mobilize and to harness the knowledge required to improve coordination and accountability in the sector.

Specific recommendations for SWA include:

- SWA can help to increase mutual accountability by creating more awareness about the importance of mutual accountability and enhancing the adoption of the MAM framework by a wide spectrum of stakeholders.
- SWA will also need to promote constituency collective commitments as opposed to individual organisational commitments (see explanation in **Conclusions and recommendations**) and to cascade the MAM framework to counties where implementation of WASH is devolved.
- SWA need to consider shifting the government focal point from Ministry of Health to Ministry of Water Sanitation & Irrigation as elaborated in **Conclusions and recommendations**.

Introduction

Kenya has set its national Water, Sanitation, Hygiene (WASH) goals through development plans such as the Kenya Vision 2030. The country is also party to various regional and international conventions that have set targets and commitments for WASH achievement including the Africa Ministerial Conference on Water (AMCOW) and Sustainable Development Goal Six (SDG 6). The sector has also undergone substantial improvements including policy and legislative reforms, new financing and investment mechanisms, decentralisation of WASH to counties and enhanced service structure and delivery frameworks.

At national level, policy and strategy development for the sector is shared between three main ministries (Mansour et al., 2017). Until recently, the Ministry of Health oversaw the whole sanitation portfolio, but with primary responsibility for coordinating rural sanitation activities. The Ministry of Water and Irrigation is the key institution in charge of the formulation of policies and strategies relating to urban water and sewerage and investment planning, and the sanitation department has been transferred to the ministry. The Ministry of Environment and Natural Resources also influences the sector especially through the environmental regulation role played by the National Environmental Management Authority. There is therefore a significant institutional fragmentation and overlap, especially between the Ministry of Health and the Ministry of Water, Sanitation and Irrigation.

The private sector is also active in the sector and consists of Water Service Providers (WSPs) and Sanitation Service Providers (SSPs). The WASH sector is also boosted by vibrant Civil Society Organizations (CSOs) that are engaged in advocacy, lobbying and implementation of services and facilities. Various development partners have supported the work of government, CSOs and the private sector by providing funds and technical support. According to Global Analysis and Assessment of Sanitation and Drinking-Water (GLAAS) (2017), external funding sources

accounted for about 50 per cent of the overall sector expenditure. Mansour et al., (2017) further observe that nearly all the funding allocated to pro-poor sanitation has come from donors.

The concerted efforts by the diverse sector stakeholders have set the country on a trajectory for achievement of universal access to Water Sanitation and Hygiene (WASH) as defined in Kenya Vision 2030 and SDG 6. An examination of progress towards achievement of universal access to water and sanitation services (WASH) in Kenya prepared by Development Initiatives (DAI) (2018) observes that water access increased substantially between 2009 and 2015/16 at the national level, but rural areas are still left behind. The DAI report further posits that the quality of available sanitation services nationally was found to be low, with significant inequalities existing in access to improved sanitation services. This assertion is confirmed by UNICEF/WHO WASH joint monitoring programme report (2019) which found that only 59% of Kenyans have access to basic water services and only 29% have access to sanitary service, which indicates no improvements from 2010.

The sector boasts a complex institutional context with high potential for fragmentation and challenges in institutional performance. The fragmentation in the WASH landscape goes beyond institutions to regulation and financing, hence stakeholder coordination and mutual accountability are critical to support progress towards national goals and the SDG6 targets. The Sanitation and Water (SWA) for All Mutual Accountability framework has endeavored to promote efficient coordination and mutual accountability among the sector stakeholders and thus compliments the existing collaboration and accountability mechanisms. The framework draws membership from different sector constituencies. However only one stakeholder from the private sector has submitted commitments to SWA. The sector has also been severely affected by the Covid-19 pandemic thereby revealing the critical challenges hindering sustained progress including limitations in delivery of services and facilities, gross inequalities, and weak accountability. Various stakeholders have responded with a range of interventions measures for combating the spread of the pandemic particularly through provision of WASH services and facilities, awareness raising, advocacy, funding and enhanced scrutiny on use public resources.

However, coordination and accountability existing among the sector stakeholders in Kenya is not well understood. The objective of this study was thus to investigate the existing coordination mechanisms used by stakeholders to promote joint progress towards SDG 6 targets and the national plans set for the sector. The study also sought to understand the most important accountability mechanisms that influence WASH actors at national level, and what has changed in respect to coordination and accountability during the COVID-19 pandemic. Stakeholders' participation in the SWA MAM – as one of the accountability mechanisms – was also interrogated. It was part of a six-country study in Africa, Asia and South America commissioned by SWA.

Methodology

The methods used in this study involved mapping of actors and stakeholders, document review, an online survey and key informant interviews. A first step to address these knowledge gap entailed mapping of stakeholders from the four broad categories i.e. government institutions, research and learning institutions, development partners, NGOs, and CSOs and the private sector. To gain an

initial indication of general coordination and accountability, a document review was conducted, including policy and planning documents relevant for WASH sector, publications on reviews and assessments on progress in WASH, documentation of multi-stakeholder platforms and their functioning relevant for WASH, documentation on accountability mechanisms such as annual review/audit report/monitoring reports etc. SWA activities and national stakeholder engagement in it, and documentation of Covid-19 pandemic in relation to WASH, and the impact on of the pandemic on coordination and accountability were also reviewed. An online survey was then administered to 40 stakeholders from the four main categories of stakeholders. The survey sought to clarify the areas of focus of stakeholders, their understanding of existing of national mechanisms to hold actors accountable to their plans and commitments, their organisation's participation in these mechanisms and their awareness on SWA activities in their country, and the impact of Covid-19 on sector coordination and accountability. The survey was followed-up with in-depth semi structured interviews with 9 (nine) stakeholders, who represented the four SWA constituencies.

Findings

Multi-stakeholder collaboration in WASH in Kenya

Diverse multi-stakeholder forums consisting of broad-based forums for diverse stakeholders and platforms for specific groups of stakeholders formed around various strategic and thematic issues were deduced from the literature review and stakeholder interviews. All the five broad-based multi-stakeholder forums are government led or government co-led and consist of a general sector coordination forum, a reporting forum, an emergency response forum, a campaign platform and a caucus that bring together WASH departments in the 47 county governments, which confirms government leadership of the sector. The other three multi-stakeholder forums are for specific group of stakeholders and consists of a development partners group, a private sector (water service providers) association and a network for civil society organisations. All the multi-stakeholder forums are important in the sector given the unique roles each forum plays. However, while the platforms for specific stakeholders were reported to be active and holding regular meetings and activities, the broad-based multi-stakeholder forums were found to be either ad hoc, dormant or dysfunctional. **Table 1** below summarises the types, structure, role, status and effectiveness/importance of the multi-stakeholder forums.

The Joint Sector Working Group (JSWG) which is government led, brings together all the key stakeholders in the sector and would certainly be the most important multi-stakeholder forum for promoting effective coordination and mutual accountability in the sector. However, the JSWG and hence most of its technical working groups has gone dormant. Annual meeting for the joint sector review has not happened for about 5 years now and the sector annual report is not prepared. Interviews with stakeholders revealed that the heavy workload for sector coordination weighs heavily on MoH, while decision making is split between MoH and MoWSI, which may have caused the dormancy of JSWG.

Table 1: Summary of national multi-stakeholder platforms in Kenya’s WASH sector

Multi-stakeholder platform	Type	Structure	Role	Status	Effectiveness/activeness/ importance
1. Joint Sector Working Group	National broad-based platform	Consists of all key stakeholders in WASH. It is/was coordinated by an Interagency Coordinating Committee (ICC) and has seven thematic areas ¹ on which Technical Working Groups are formed	Over-all sector coordination with the key interaction points between stakeholders being the ICC and the Technical Working Groups	Dormant	Very important for stakeholder coordination and promotion of mutual accountability
2.National Steering Committee (NSC) on SDG6 ²	National broad-based platform	Convened by the Ministry of Water and Sanitation and is composed of key government Ministries, Civil Society Organizations, academia, private sector & development partners	Coordinates and oversees reporting on SDG 6 progress to UN Water	Ad hoc	Very important for sector monitoring and reporting; effectively monitors, prepares, and submits report on the country progress towards SDG6
3.Open Defecation Free (ODF) Kenya	National broad-based platform	Coordinated by the Ministry of Health WASH Hub through the Community Led Total Sanitation (CLTS) campaign which has different partners in different counties	The WASH Hub plays a central role in coordinating, documenting, and reporting on the CLTS campaign ³	Active	Villages achieved ODF as a result of the campaign ⁴
4.Water and Environmental Sanitation Coordination mechanism (WESCOORD)	National broad-based platform	WESCOORD is chaired by MoWSI and co-chaired by UNICEF. MOH also takes on a significant role in WESCOORD, chairing key TWGs in hygiene and sanitation sub-sectors. Membership comprises of WASH humanitarian agencies & national authorities	Created in 2001 to bring together agencies that are active in water and sanitation in areas that are commonly affected by drought and floods to achieve a coordinated and integrated approach in the implementation of WASH emergency response	Dysfunctional at the national level	Currently only active in certain counties and holds ad hoc meetings at the national level which especially becomes amplified during disasters such flooding or outbreak of WASH related diseases

¹ The ICC comprises of various stakeholders/multi-stakeholder forums; the seven thematic areas are Sanitation Promotion TWG; Hygiene Promotion TWG; Urban Sanitation TWG; Policy, Advocacy and Research TWG; Household water Treatment and Safety TWG; WASH in Schools TWG; Healthcare Waste and Pollution Control TWG

² Organized into sub-committees for monitoring and reporting on each of the six indicators for SDG 6 targets 6.1 – 6.6.

³ Conducts CLTS campaigns around the thematic areas on urban sanitation, behavior change communication and school WASH, as a strategy for scaling up sanitation in the country.

⁴ Campaign has attained growth & achievement; according to ministry of Health-UNICEF report, out of 59,915 villages in Kenya, 9,126 had been triggered and 2,567 declared ODF by March 2014 as a result of the campaign. Campaign growth and achievement attributed to good coordination, regular interaction and communication amongst stakeholders.

Multi-stakeholder platform	Type	Structure	Role	Status	Effectiveness/activeness/ importance
5. Council of (County) Governors Water & Sanitation Chief Executive Committee (CECs) Forum	National broad-based platform	Caucus for County (CECs) (ministers of water in county governments) on Water and Environment together with Council of Governors (CoG) secretariat staff	CoG uses this forum to engage with various stakeholders including the national government to identify areas of partnerships and collaboration	Ad hoc	A WASH intergovernmental framework between the national and county governments has emerged from this engagement between the national and county governments
6. Kenya Water and Sanitation Civil Society Network (KEWASNET)	National, specific for a group of stakeholders	Draws membership from civil society organisations in WASH. About 70 CSOs are members	Accountability and integrity mechanism that involves monitoring government's performance towards rights to access water and collating Water and Sanitation CSOs' performance in Kenya	Active	A very important and vibrant multi-stakeholder forum which was found to be omnipresent in various sector forums and activities
7. The Water and Sanitation Development Partners Group (WATSAN DPG)	National, specific for a group of stakeholders	Brings together about 83 partners including embassies and foreign missions	members consult, synergizes, complement one another, and discuss matters of joint interest	Active	WATSAN DPG was observed to regularly engage with various stakeholders including both levels of government, the CSOs and the private sector to discuss areas of <i>partnerships</i> and collaboration
8. Water Service Providers Association (WASPA)	National, specific for a group of stakeholders	umbrella body for all water & sanitation companies in the country	advocate for and advance the interests and aspirations of the water utilities to facilitate effective, viable and sustainable water and sanitation service provision	Active	Very active platform; holds bimonthly meetings, organises members trainings and conducts advocacy on various issues of interest to members ⁵

⁵ These include negotiating for tax rebates, favourable power tariffs etc. WASPA also organizes conferences for WSPs and other interest parties.

“As co-chair for the JSWG, development partners have reached out to the ministry about reviving the group but have not found any traction or response on the matter”, - KII respondent.

This dormancy of an important national stakeholder platform was presumed to influence sector coordination all the way from policy making, making priorities and right through to implementation. For example, the responsibility for sanitation is not clearly set out between MoH and MoWSI, which is also replicated at the county level, hence there is confusion on who should be held accountable. An interview respondent expressed the view that *“the framework for JSWG was rushed, and thus did not secure the goodwill and buy-in of all the players”*. However, the recent shift of the sanitation department to the MoWI (hence MoWSI) and establishment of sanitation directorate at the MoWSI is a positive step towards streamlining the sanitation mandate in the government.

While the Council of (County) Governors Water & Sanitation Chief Executive Committee (CECs) caucus was reported to be engaging with various stakeholders including the national government and development partners on certain strategic issues, it was not clear from the study whether the platform advances an intercounty sector coordination mechanisms and knowledge sharing platform especially given the fact the bulk of WASH implementation is undertaken at the counties. Without elaboration, a KII respondent claimed that *“some stakeholders have used the national platforms to push their own agenda”*. It would therefore be crucial to explore how the interests of various stakeholders are accommodated in the national multi-stakeholder forums and/or whose agenda prevails.

Other forums especially those sustained by members' contribution are challenged by financing, which demonstrated that limited/lack of resources can impact sector coordination and mutual accountability. It was also observed that NGOs and development partners take leadership of platforms where the national or county governments should be at the helm. An example is WESCORD whose activities has been relegated to the counties and are led by different NGOs in different counties. Other stakeholders are under-represented, with the private sector being the least represented in broad-based forums, which was pointed out by an interview respondent as a case of *“fast learners and early adopters being dragged behind by others”*. The CSOs voice and contribution in the sector is adequately represented by KEWASNET. However, majority of the CSOs that are active in the sector are not members of the network; with only about 70 CSOs being members out of about 300 CSOs in the WASH sector.

Conferencing was also observed to be an important multi-stakeholder platform where diverse stakeholders convene to address various issues in the sector. The MoWSI organizes an annual stakeholder conference which bring together WASH stakeholders to reflect on the cumulative progress made in the sector, and discuss challenges being faced in the sector. The Water Services Providers Association (WASPA) held the 3rd International Conference and Expo in 2019 during which stakeholders' discussed ways of unlocking their potential and contribute meaningfully towards making Kenya more water secure. Various other issue-based/one off conference are also common platforms for stakeholders to converge and deliberate a variety of issues and challenges in the sector.

Accountability mechanisms in WASH

A range of accountability mechanisms that are commonly used in the sector were identified from the literature review and interviews, which included strategic planning⁶, performance reporting⁷, sector monitoring and progress reporting, inspection and regulation⁸, project evaluation, and public finance monitoring to scrutinise compliance with the recommended Public Finance Management (PFM)⁹ systems. Informal accountability mechanisms are also reported to be used and include Memorandum of Understanding (MOUs) between stakeholders as well as other sector committees and working groups, which involve only a few stakeholders. The different types, purpose and effectiveness/importance of accountability mechanism are analysed in **Table 2**. It is noteworthy that the six accountability mechanisms analysed are used by the individual stakeholders as well as the multi-stakeholder forums.

Except for inspection and regulation, the other accountability mechanisms applied in the sector can be referred to as 'soft accountability'. However, the study did not establish whether inspection and regulation has had any positive causal effects on the performance of WSPs. According to Centre for Public Scrutiny (undated) 'soft accountability' is more nuanced, and the power of sanction and redress may be entirely absent, as opposed to 'hard accountability' which is formal, sanction-based and, often, focuses on compliance with a judgment or finding. The soft accountability mechanisms such as strategic plans and performance reports for instance lack follow up to assess the implementation of the plans or interrogate the performance as claimed in the reports. It would be imperative for performance reporting to be made against the strategic plan to determine which plans were realized, and which were not and why; which was not found to be the case.

Stakeholders are also not held accountable for their decisions, commitments, actions, and achievements, neither are there consequences for stakeholders when they do not deliver on their commitments. The sector further lacks a common national framework for monitoring and reporting on agreed priorities. Most of the sector reporting mechanisms are conducted in compliance with external requirements¹⁰. Key policy and decision makers in government were said to be inaccessible in order to be held into account. Sometimes the transition of leadership in government ministries and departments was reported to complicate follow-up on government actions and decisions. It was also reported that stakeholders are more accountable to the donors than to the beneficiaries or to other sector actors more broadly. Such accountability is usually for projects that

⁶ Examples: MoWSI Strategic Plan 2018–2022; Kenya Environmental Sanitation and Hygiene Strategic Framework (KESSEF) 2016–2020; National ODF 2020 Campaign Framework 2016/17– 2019/20; Water Services Regulatory Board (WASREB) 3rd Strategic Plan 2018 -2022; Water Resource Authority Strategic Plan 2018-2022; WASPA Strategic Plan 2018 -2022.

⁷ Performance reporting differs from other types of evaluations because the assessment focuses on the organisation as the primary unit of analysis. Examples included WASREB impact report published annually since 2007, UNICEF Impact report summarizing the key results delivered by the agency in Kenya in 2017 and the KEWASNET Annual Water and Sanitation CSOs Performance Report providing Kenya CSOs contribution in the sector.

⁸ These includes setting and monitoring national standards for water services provision and asset development; evaluating, recommending, and approving tariffs; setting and enforcing license conditions for the WSPs and protecting the rights and interest of consumers of water services.

⁹ All government ministries & departments are required to report their expenditures using Public Finance Management (PFM) systems such as the Integrated Finance Management Information System (IFMIS) in order to account for expenditure of public funds and to prevent corruption.

¹⁰ These include WHO/UNICEF Joint Monitoring Programme for Water Supply, Sanitation and Hygiene (JMP), UN-Water Global Analysis and Assessment of Sanitation and Drinking-Water (GLAAS) reports; reporting on SDG 6 progress to UN-Water and World Health Organization (WHO); the African Ministers' Council on Water (AMCOW) annual reporting – 'Africa Water Sector and Sanitation Monitoring and Reporting (WASSMO) at a glance' etc.

are funded by different donors each with a unique reporting and accountability criteria. This also poses the risk of the sector agenda being set by the funders especially when a significant fraction of the resources that are invested in the sector comes from the development partners, and “*he who pays the piper calls the tune*”.

Table 2: Accountability mechanisms used in the sector

Accountability mechanisms	Stakeholders using the mechanism	Type of accountability	Purpose	Effectiveness/importance of the mechanism
1. Strategic planning	MoWSI, MoH, WASREB, WRA, WASPA	Strategic accountability i.e. in relation to organisation mission and vision	According to Balanced Scorecard Institute, a SP is a document used to communicate with the organisation the organisations goals and the actions needed to achieve those goals	Making progressive plans and strategies was found to be popular among the various sector stakeholders
2. Performance reporting	WASREB, UNICEF, KEWASNET	Practical accountability i.e. based on inputs, the way activities are performed and outputs achieved	Prepared as an important part of performance and accountability	Both individual organisations and multi-stakeholder forums were found to compile annual performance reports
3. Sector monitoring and progress reporting	Government and other stakeholders involved in sector monitoring and reporting	Practical accountability	Monitoring and reporting is conducted by different actors mainly as a requirement for national, regional or international reporting mechanisms	Various sector reports stipulating progress and achievements attained in water/sanitation/hygiene have been prepared
4. Inspection/Regulation	Inspection and regulation activities by the Water Services Regulatory Board for WSPs	Managerial accountability	Meant to ensure compliance with legislation, regulations, and policies	WASREB holds WSPs to account through a combination of regulation, inspection and audit
5. Project evaluation	e.g. USAID mid-term evaluation of the KIWASH project	Practical accountability	Evaluation help to assess the appropriateness of the design, determine progress in implementation and general performance of project or program, & to inform future programming	Evaluating selected indicators and measuring performance during implementation contributes to the transparency, accountability
6. Public finance monitoring	CSOs, Media, Anti-corruption agencies, whistle blowers	Financial accountability mechanism	Monitoring the allocation and expenditure of public finance in the sector especially for key projects and programmes in the sector	Stakeholder interviews pointed to breeches in Public Finance Management (PFM) reporting as well as corruption scandals in the sector

KII respondents noted the public finance monitoring conducted by civil society, the media, and state commissions have identified financial accountability challenges in the sector, which poses a major obstacle to the universal access to services and facilities. Stakeholder observed that corruption scandals have plagued the sector, with recent cases reported in the procurement process in the two ministries¹¹ which were published in the mainstream media and social media platforms.

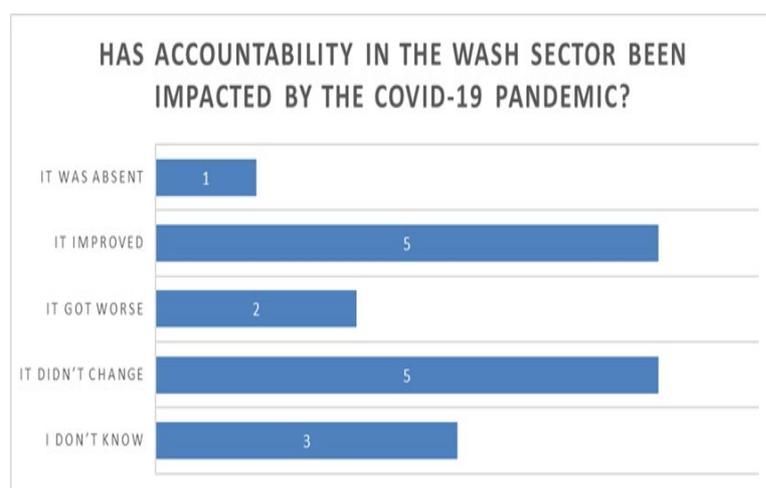
“The outcry and anger over corruption in the sector is a matter of public concern, which suggests that people are interested in holding decision-makers to account and want them to respond and act upon their concerns”- KII respondent.

Accountability is therefore not properly implemented despite having laws, policies and institutions that can strengthen accountability in the sector. The inherent weaknesses of the existing accountability mechanisms in turn constrains the performance and effectiveness of mutual accountability among the stakeholders.

COVID and its impacts on collaboration and accountability in WASH

The sector has played an important role in response to COVID 19 pandemic, but from the stakeholder interviews, it can be affirmed that the sector was unprepared, under resourced, and further lacked clear mandate and coordination to deal with the pandemic. It was further posited that the pandemic inflicted pressure on systems and structures, resources and decision making, and awakened stakeholders to the reality of the underlying weaknesses including accountability. **Figure 1** shows stakeholder perceptions of how Covid-19 impact on accountability in the sector.

Figure 1: Stakeholder perceptions on Covid-19 impact on accountability in WASH



¹¹ E.g. corruption reported in the procurement of Personal Protective Equipment (PPEs) (Covid Heist) at the Kenya Medical Supplies Agency (KEMSA) <https://www.bbc.com/news/world-africa-52540076>; [NTV : THE COVID-19 MILLIONAIRES - YouTube](#).

Stakeholders came together to implement joint Covid-19 response interventions which included financing, delivery of services and facilities, advocacy, and sensitization and awareness raising on Covid-19 as evidenced by document review, interviews and the web sources highlighted in the footnotes below¹². It was also observed that the pandemic enhanced collaboration between the ministry of water and sanitation and the ministry of health in pulling together resources, stakeholder mobilization and joint intervention measures. Sector players formed response groups which held meetings to discuss Covid-19 situation in the country. Other stakeholders resulted to webinars¹³ comprising of varied group of stakeholders to discuss mechanisms for coping with COVID-19 in the sector. The dialogue forums have enabled coalitions of various shades of stakeholders to hold the government and each other accountable, and also increased civic engagement across issues and challenges experienced during the pandemic.

Stakeholder interviews indicated that decision makers in government also made certain decision without following the laid-out procedures. For instance, contravention of the Public Procurement and Disposal Act (PPDA) by government institutions citing the need for expedited response to the pandemic occasioned consequences such as the loss of public funds. This lack of accountability especially among public officers has undermined effectiveness of government interventions to combat Covid-19 and consequently subjected the vulnerable population to higher risks of contracting the virus. Consequently, stakeholders including CSOs, development partners, community groups, media etc. have heightened scrutiny of government decisions, actions, and expenditure¹⁴. It can therefore be reckoned that emergent financing mechanisms, joint projects and advocacy and the conversations happening during Covid-19 pandemic have enhanced collaboration and accountability amongst stakeholders.

National engagement in the Sanitation and Water for All partnership

A total of 12 respondents to an online survey reaching 19 in the country indicated that their organisations are members of SWA (see **Figure 2**). The organisations come from the various categories of sector stakeholders including government, CSOs, private sector and development partners; an indication that the framework is gaining currency in the sector. **Figure 3** shows organisations that beyond membership, are participating in SWA activities from a sample of 19 respondents.

¹² Access to water and sanitation in Kenya to fight Covid 19 -<https://ec.europa.eu/internationalpartnerships/stories/access-water-and-sanitation-kenya-fight-covid-19> ; How civil society is adapting WASH advocacy to COVID-19 <https://watershed.nl/blog/how-civil-society-is-adapting-wash-advocacy-to-covid-19/>; Kenya's informal settlements need safe water to survive COVID-19 https://www.ohchr.org/EN/NewsEvents/Pages/COVID19_RighttoWaterKenya.aspx ; Kenyan delegates making a strong case for vulnerable slum dwellers in WASH response to COVID-19 <https://www.wsscc.org/media/news-stories/kenyan-delegates-making-strong-case-vulnerable-slum-dwellers-wash-response-covid/>; At the epi-centre of the crisis: battling to provide clean water in Kenya - <https://www.wsup.com/blog/at-the-epicentre-of-the-crisis-battling-to-provide-clean-water-in-kenya/>.

¹³ Pathways to Sustainability for Water and Sanitation Services During and Post COVID-19 <https://www.kenyamarkets.org/webinar-pathways-to-sustainability-for-water-and-sanitation-services-during-and-post-covid-19/>.

¹⁴ An example of accountability related to Covid-19 relief funds in Kenya was shared by a validation and reflection workshop participant in which KEWASNET and Water Integrity Network were involved: <https://www.waterintegritynetwork.net/2020/08/05/integrity-covid-19-relief-funds-nakuru-makueni-kenya/> see also Covid-19 Millionaires: Donors Issue List of Demands - Kenyans.co.ke.

Figure 2: Membership in SWA



The stakeholders are inspired to participate in SWA MAM to be accountable for their contribution in the sector and to hold other actors to account. However, only three private sector entities have submitted commitments¹⁵ to SWA and set realistic targets and timelines to implement them. Existing multi-stakeholder forum e.g. JSWG would have provided the necessary impetus for the adoption of the MAM framework. However, owing to the dormancy or dysfunctional status of these forums, an ‘amorphous’ group of stakeholders came together to adopt the MAM framework and to implement SWA activities in the country.

It was noted from the stakeholder interviews that recent SWA activities in the country were attended by representatives of government (MoH & WoWSI), civil society and the private sector. The stakeholders have jointly reviewed government commitments, which has been pending for some time while also ensuring there is convergence between MoWSI and MoH in articulating the commitments. CSOs, private sector and research institutions are required to rally behind the Government’s to achieve these commitments. The six government commitments (see Annexes) were reviewed to make them Specific, Measurable, Achievable, Realistic and Time bound (SMART) hence well-articulated and more focused and can be measured and evaluated. The government commitments emphasize monitoring and reporting, financing framework, scaling up rural and urban sanitation, support to counties to implement WASH, and improved sector coordination. Stakeholders discussed sector investments that need to be prioritised and a submitted a brief to the Africa Finance Ministers’ Meeting (FMM)¹⁶.

¹⁵ The SWA Mutual Accountability Mechanism is a process for governments and other stakeholders to make commitments together on specific actions each actor will take to achieve their targets set in the short- to medium-term on the road to reaching the SDGs.

¹⁶ The first SWA Africa Finance Ministers’ Meeting (FMM) was held on 4 November whose objective was to develop and strengthen partnerships with finance ministers in the region for smart investments in water, sanitation and hygiene.

Figure 3: Stakeholder participation in SWA activities



MoWSI & MoH were tasked to revise the government commitments accordingly and submit to SWA. Other stakeholders who are SWA members were required to review their commitments (those that have made commitments already) or to make commitments (those that have not made) in consistency with those of government. Stakeholders agreed to be reporting against their commitments and to be holding quarterly meetings to assess progress in meeting them. The stakeholders also mooted the idea of introducing commitments and the MAM to the county level.

The SWA MAM activities have built stakeholder capacity on sector leadership by government, priority setting and enhanced collaboration. Through the SWA forums, the diverse stakeholders bring their sector knowledge in the contribution to the development of commitments and other debates by sharing experiences from their work in the country, across the region and the world. The constituencies also push for their interests to be adequately accommodated in the forums. Challenges have however been experienced in mobilization and advocacy to stakeholders from various constituencies to participate in SWA MAM activities.

Some stakeholders have either not finalised their commitments, others though active in the process, have not yet made commitments, and still others are not participating in the SWA forums in the country. For instance, development partners whose contribution is important for realization of mutual accountability in the sector are not represented in the SWA forums. Among the reasons advanced on why some organisations/constituencies have not made commitments is because pursuit of their own interests and plans come first before they can subscribe to the agendas that are promoted by other actors in the sector. Other stakeholders do not yet understand the importance of mutual accountability.

It was also observed that while stakeholder collaboration on a mutually acceptable basis is happening, mutual accountability against agreed objectives, commitments and outputs is still weak. Consequently, the SWA MAM framework can come in handy as a strategy for promoting mutual accountability among sector stakeholders. However, it was observed that for the MAM framework to be accepted and become effective, SWA must commit funds to support the process (previous activities were funded by Water Supply and Sanitation Collaborative Council (WSSCC)), as well make more follow-up to ensure stakeholders understand the importance of mutual accountability in the sector.

Conclusions and recommendations

The study findings demonstrate some considerable level of interaction and collaboration by the diverse stakeholders that is important for improving mutual accountability among the stakeholders towards achievement of SGD 6 targets and national goals. To quote a KII respondent, “*We have a foundation, and now need to strengthen that and move higher*”. The following recommendations can help to improve the level of coordination and effectiveness of mutual accountability in the sector:

- With little mutual accountability happening in the sector currently, the SWA MAM framework should be widely promoted as a strategy for advancing mutual accountability among sector stakeholders.
- To pursue more mutual accountability, the government needs to improve sector coordination by reviving the dormant Joint Sector Working Group and its Technical Working Groups and to strengthen financial accountability mechanisms through effective Public Finance Management systems, coupled with enhanced public finance monitoring by stakeholders. The JSWG needs to be more inclusive and to conduct regular meetings to enable effective engagement and platform ownership by all stakeholders.
- A joint sector monitoring and reporting systems need to be initiated, with constant feedback both at the national and sub-national level to serve as one of the mutual accountability mechanisms. It should be well coordinated and feed a central information system on the status of the sector that is accessible by all stakeholders.
- External support agencies need to refocus their resources to strengthening the capacity of the two government ministries to offer effective leadership and coordination and to strengthen financial accountability mechanisms in the sector to curtail wastage and theft of public funds.
- The research and learning stakeholders need organize themselves into a multi-stakeholder forum. They also need to be more active in the sector to especially spearhead the joint sector monitoring and reporting and to rapidly mobilize and harness knowledge required to improve coordination and accountability in the sector e.g. examining the effectiveness of the mutual accountability mechanisms.

Specific recommendations for SWA include:

- SWA can help to increase mutual accountability by creating more awareness about the MAM framework and enhancing its adoption by wide spectrum of stakeholders. More proactive focal points (civil society, private sector, government, and identify a focal point for Research and Learning constituency) can help to popularise and promote adoption of the MAM in the sector.
- SWA should also promote constituency collective commitments as opposed to individual organisational commitments. Commitment to collective constituency objectives is a critical factor in prescribing expectations, promoting effective cooperative efforts, performance and hence mutual accountability, while still pursuing individual organisational missions.
- National level stakeholders need to introduce the MAM framework to multi-stakeholder

platforms operating at the county level, where WASH implementation is undertaken.

- MoWSI bears the bulk of the mandate in the sector and therefore SWA needs to consider shifting the government focal point from MoH to MoWSI, and to build incentives and enthusiasms within that ministry.

Annexes

Draft Kenya Government Commitments

The Government MAM Commitments presented to the SWA Secretariat were as follows:

1. Review the enabling environment’s responsiveness with a view to strengthen it to accelerate the realization of SDG 6.1 and 6.2 targets.
2. Strengthen the sector monitoring and reporting framework by establishing reliable data capturing on Water, Sanitation and Hygiene services routinely and those outside the non-commercial viable areas.
3. Develop a water, sanitation and hygiene financing strategy to provide a comprehensive framework for ensuring efficiency and effectiveness of investments, economic viability of services and leveraging revenue from public financing, consumer tariffs and private investments.
4. To scale up rural and urban sanitation towards an open defecation free (ODF) Kenya and universal access to improved sanitation and hygiene.
5. To support counties to scale up services (water, sanitation and hygiene) without leaving anyone behind (Countywide inclusive water, sanitation and hygiene).
6. To strengthen inter-ministerial, inter-departmental and sector coordination through the TWGs.

Revised commitments and rationale for the commitments

Commitment	Rationale
Review the enabling environment’s responsiveness with a view to strengthen it to accelerate the realization of SDG 6.1 and 6.2 targets.	Kenya has a strong enabling environment which is not devoid of policies and other important legislations that underpin the sanitation sector. However, it is important to assess the existing policies and legislations considering new development, innovations and information and review them to make them responsive to the needs of the general populace.
Original - Strengthen the sector monitoring and reporting framework by establishing reliable data capturing on Water, Sanitation and	There are various sanitation reporting frameworks which are fragmented. There is need to come up with an integrated reporting

Commitment	Rationale
<p>Hygiene services routinely and those outside the non-commercial viable areas.</p> <p>Revised- Strengthen the WASH Sector Monitoring and Reporting Framework for increased accountability.</p>	<p>approach that takes to consideration the underserved areas. However, members felt that the word non-commercial viable areas should be expunged since it gives an impression that there are some areas that are not commercially valuable</p>
<p>Original - Develop a Water, Sanitation and Hygiene financing strategy to provide a comprehensive framework for ensuring efficiency and effectiveness of investments, economic viability of services and leveraging revenue from public financing, consumer tariffs and private investments.</p> <p>Revised – Develop Water, Sanitation and Hygiene financing strategy to support investment plans.</p>	<p>Sanitation has been underfunded and one of the reasons is due to the complexities of varied definition within government and also the fact that it has no budget code. It is important to have a sanitation financing strategy with clear budgets and suggestions on the various sources of finance.</p>
<p>Original - To scale up rural and urban sanitation towards an open defecation free (ODF) Kenya and universal access to improved sanitation and hygiene.</p> <p>Original - To support counties to scale up services (water, sanitation and hygiene) without leaving anyone behind (Countywide inclusive water, sanitation and hygiene).</p> <p>Revised – To support Countrywide scale up of Water, Sanitation and Hygiene Services without leaving anyone behind.</p>	<p>ODF Campaign has been considered as the basic form of sanitation initiative that should be amplified and Counties rallied towards its achievement. However, members felt that the commitment should do away with looking at improved sanitation and rather scale up towards safely managed sanitation services.</p> <p>Kenya has adopted a devolved system of governance that is rather complex in terms of delivery of sanitation services since all the 47 County Governments and National level have to be involved in sanitation programming. Counties will be supported to implement the National level policies and sanitation activities.</p> <p>It was agreed upon that the two commitments be merged and further unpacked in the specific commitments, roles and responsibilities section.</p>
<p>Original-To strengthen inter-ministerial, inter-departmental and sector coordination through the TWGs.</p> <p>Revised – To strengthen the Sector Coordination for improved governance.</p>	<p>Coordination is critical to ensure that all the proposed commitments are realized. MoWSI and MoH need to speak with one voice, coordinate other ministries and partners with a stake in sanitation and ensure that all the dormant Technical Working Groups and quarterly meetings are revived.</p>

References

1. Centre for Public Scrutiny (undated) Accountability works. Available at: <https://www.cfgs.org.uk/wp-content/uploads/Accountability-works.pdf>. Accessed: 7/1/2121.
2. Goufrane Mansour, Charles Oyaya & Michael Owor (2017) Situation analysis of the urban sanitation sector in Kenya. Water and Sanitation for Urban Poor. Available at: <https://www.wsup.com/content/uploads/2017/09/Situation-analysis-of-the-urban-sanitation-sector-in-Kenya.pdf>. Accessed: 18/9/2020.
3. Development Initiatives (2018) Enhancing access to safe water and improved sanitation services in Kenya: Are we on track? Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Enhancing-access-to-safe-water-and-improved-sanitation-services-in-Kenya.pdf>. Accessed: 18/9/2020.