Watershed
empowering citizens

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National accountability mechanisms for SDG 6 in Kenya
A briefing paper

Executive summary

Sustainable Development Goal number 6 (SDG 6) aims at ensuring universal access to safe and sustainable management of water and sanitation for all by the year 2030. At national level, every country voluntarily establishes its own national set of targets and institutional structures and mechanisms to plan, implement, monitor and report on the achievement of SDG 6 commitments. Kenya volunteered to participate in the SDG 6 pilot monitoring and reporting in 2017, two years after SDGs adoption. In November 2017, Watershed – Empowering Citizens programme in Kenya in partnership with End Water Poverty (EWP) carried out a study that looked into the nature of existing accountability mechanisms at the national level aiming at strengthening citizens engagement spaces. These are engagement spaces national government has provided for to dialogue with key stakeholders in planning and developing follow up steps. Key Civil Society Organizations (CSOs) closely engage with the government line ministries responsible for water and sanitation services by providing space for crucial peer review that feeds into SDG 6 progress reporting. This briefing paper aims to shed more light on the existing engagement mechanisms and inspire increased active participation by CSOs in holding government accountable to SGD 6 targets and commitments.

Introduction

Kenya is a member state of the United Nations General Assembly Sustainable Development Summit, whose 193 strong member states adopted Agenda 2030 including the 17 SDGs in September 2015. Since adoption of the Agenda 2030, the Kenya Government, non-state actors and development partners have committed to the implementation, monitoring, reporting and evaluation of the SDGs. Kenya has an elaborate road map to guide the implementation of the SDGs targets, with national line ministries (including the Ministry for Water & Sanitation and Health), departments and agencies mainstreaming the SDGs into their policies, planning, budgeting as well as monitoring and evaluation processes.

Constitution of Kenya (CoK) 2010, article 43 places a human right obligation to ensure every person in Kenya has the right to access clean water in adequate quantities and to reasonable standards of sanitation. Water, Sanitation and Hygiene (WASH) services in Kenya has been devolved to county governments according to the fourth schedule of CoK 2010 and Water Act 2016 with national government providing policy direction. The county governments are thus duty bearers as far as WASH service delivery to citizens is concerned. Duty-bearers are those actors who have a particular obligation or responsibility to respect, promote and realise human rights and to abstain from human rights violations. The term is most commonly used to refer to state actors, but non-state actors are also (moral) duty bearers. Data compilation for the WASH sub- sector and SDG 6 reporting emanates from the county level and is aggregated at the national level. However, not all counties sustainably provide comprehensive data for WASH services to national level. For instance, according to IMPACT Report No. 10 for 2016/17 period produced by Water Services Regulation Board (WASREB), Water Utilities at county level provide data only for regulated services that cover only 48% (21.8 million) of Kenya's population; excluding populations in urban low income areas and unregulated rural communities. This hence calls for key actors in the WASH sector, especially the CSOs, to strategically engage with both national and

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county governments to check accountability on SDG 6 target commitment towards gradual realization of universal access to water and sanitation services by all. Accountability to this is crucial in ensuring that government institutions and development partners deliver their SDG 6 promises and commitments.

Background

According to the national Ministry of Water and Sanitation 2017 report on the implementation of the agenda 2030 for Sustainable Development Goal 6 in Kenya, the percentage of population accessing safe and sustainable drinking water and sanitation are quite low using the Joint Monitoring programme (JMP) template. The proportion of Kenyan population as at 2016 using safely managed drinking water services was 22.6% while basic water services was 37.9%. On the other hand, the proportion of population as at 2016 using safely managed sanitation services stood at 20% while basic sanitation services was only 5%.

Effective accountability mechanisms processes entail not only accepting responsibility by duty bearers, but also transparency of information flows and meaningful participation by different stakeholders in decision making, planning, implementation and regular critical performance reviews. So this means that citizens have also a responsibility and role to play. As part of its monitoring and review mechanisms, the Agenda 2030 for Sustainable Development encourages member states to conduct regular and inclusive reviews of progress at the national and sub-national levels, which are both country-led and country-driven. According to the Department of Economic

and Social Affairs (DESA), 65 countries have already undertaken voluntary national reviews and 48 more are expected to present theirs in July 2018 to UN High Level Political Forum (HLPF). The CSOs play a key role in holding government accountable through various established accountability mechanisms/forums. This role aims to influence future government actions and other duty bearers to be more responsive to citizens' needs including those related to SDG 6.

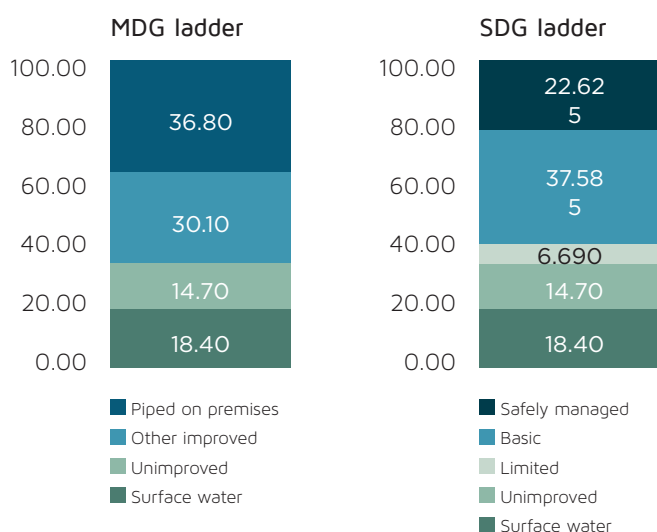## Existing accountability mechanisms or platforms in Kenya on SDG 6.

In Kenya, there are various established mechanisms, forums and networks for engagement on accountability processes. However, many CSO lack the information on those mechanisms (summarised below) and are thus limited in their effective representation and participation.

(I). National Steering Committee (NSC) on SGD 6.
It is officially convened by the national Ministry of Water and Sanitation for coordination and oversight on SDG 6 progress reporting to UN Water and other relevant Agencies. Coordination of this is done by SDG 6 Focal Person who links up with UN Water and heads the secretariat to SDG 6 country processes. The NSC is composed of key government Ministries, Departments, Agencies, Civil Society Organizations, academia and the private sector members. There are sub-committees responsible for monitoring and reporting on each of the six indicators for SDG 6 targets 6.1 – 6.6. By being member of NSC, the CSOs hence have the mandate of checking progress and acting as a watchdog to the commitments
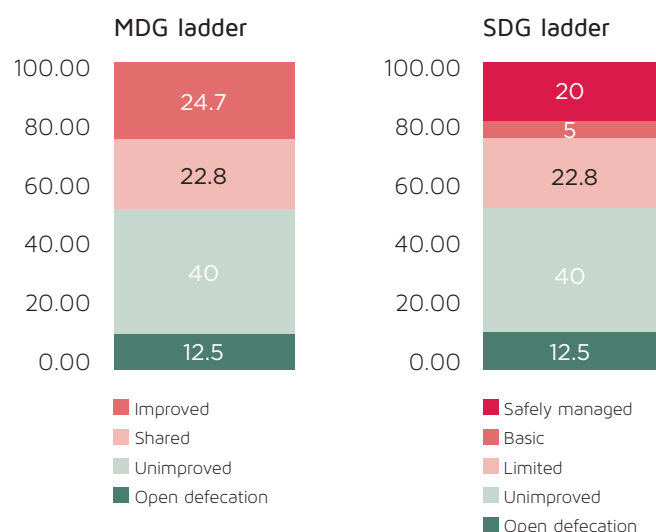
Kenya
Proportion accessing safe and sustainable drinking water

Kenya
Access to safely managed sanitation

made by the government and development partners. The CSOs voice in the NSC is represented by Kenya Water and Sanitation Civil Societies Network (KEWASNET) yet not all CSOs in the sector are members of the network.

(II). Global Analysis and Assessment of Sanitation and Drinking-Water Country Reporting The Global Analysis and Assessment of Sanitation and Drinking-Water (GLAAS) is a UN-Water initiative implemented by the World Health Organization (WHO). One of the key objective of GLAAS is to monitor inputs (human resources and finance) and the enabling environment (laws, policies, plans, institutional and monitoring arrangements) required to sustain and extend WASH systems and services to all, and especially to the most vulnerable population groups. GLAAS strategic period is aligned with the SDGs and includes a dedicated goal on water and sanitation (SDG 6) that sets out to ensure availability and sustainable management of water and sanitation to all, hence accounting for the SDGs progress. In Kenya GLAAS reporting is coordinated by both Ministry of Water and Sanitation and Ministry of Health (department of Public Health) with WASH stakeholders being invited for reviews and reporting processes.

(III). African Ministers' Council on Water (AMCOW) annual Reporting
Kenya is a member of AMCOW formed in 2002 to promote cooperation, security, social and economic development and poverty eradication among member states. This is addressed by targeting for effective management of the continent's water resources and provision of water supply to the citizens. "Africa Water Sector and Sanitation Monitoring and Reporting (WASSMO) at a glance" a web-based monitoring framework for reporting progress in the water sector at national level is in existence in which Kenya reports annually to AMCOW. For accountability, any stakeholder with internet access can access the public reporting website, view official reported data and information in maps and table formats – and even download all reported data in Excel format to engage from informed position.

(IV). The Annual Water Conference It is convened by the Ministry of Water and Sanitation, bringing together WASH and Water Resources Management (WRM) actors in Kenya. At the Annual Water Conference, the ministry of water reports on cumulative national performance in water and sewerage coverage. With the advent of the ministry of water and sanitation, we await to see how sanitation will be reported from 2018 onwards. The stakeholders reflect on the line ministry's cumulative reporting on progress made and discuss challenges being faced in the sector. The national Water and Sanitation ministry determines the annual event dates and invites stakeholders for planning and participation.

(V). Inter-agency Coordination Committee (ICC) Forums This is coordinated by Ministry of Health, which holds quarterly Environmental Health and Sanitation (EHS) stakeholder meetings as well as Annual Sanitation Conferences. The ICC forums have been devolved at county levels where the stakeholders share experiences and new technologies in the WASH sector. All WASH oriented CSOs are encouraged to join voluntarily in various Technical Working Groups (TWGs) of the forum at national and county level.

(VI). Kenya Water and Sanitation Civil Society Network (KEWASNET) This CSOs network provides accountability and integrity mechanism that collates CSOs' contribution and checks their Water and Sanitation sector performance in Kenya. Annual Water and Sanitation CSOs Performance Report, published by KEWASNET, provides significant inputs of Kenya CSOs data contributions from the Water and Sanitation sector, viable in an all actors' inclusive sector reporting by the national government.

Examples of practical accountability channels used in Kenya

- Social accountability participatory processes in which community members compare duty bearers stated expenditures on services with actual outputs on the ground in a given area.
- Grievance action mechanisms where services beneficiaries voice out their complaints to duty bearers.
- Independent structures outside government agencies, including tribunals, ombudsman office, public enquiries. CSOs have used these to enforce accountability.
- The mainstream media (e.g. print newspaper articles, radio and TV talk shows) and social media (Facebook and Twitter), have increasingly become popular way for citizens to voice out their concerns to the attention of political leaders and the government officials.
- Public meetings (barazas), convened by government administrators or CSOs to discuss development issues and other matters of interest to local residents. During such meetings, citizens take the opportunity to air their views – the WASH services agenda usually comes out and is discussed.
- Written or oral representations by citizen groups to the national parliament and/or county assembly specific committees on issues pertaining to service delivery.

Positive experiences of CSOs participation in available accountability mechanisms

- CSOs actively contribute to the development of bills presented in national parliament and county assemblies for debate and enactment into laws. The revision of Environmental Management and Coordination Act 2009, Water Act 2016, Public Health Act, have all been through

CSOs involvement. Health and hygiene policies are mostly driven by the CSOs under the guidance of the government line ministry. Development of water policies in Laikipia, Kiambu, Kisumu, Uasin Gishu, Kajiado, Homabay County governments are practical examples at devolved government level where CSOs have actively participated.

- Currently some CSOs have co-convening roles for various Technical Working Groups (TWGs) that feed into Ministry of Health reporting mechanism on Sanitation and Hygiene while others are members of sub- committees for SDG 6 indictors under the National Steering Committee.
- A number of WASH sector CSOs under KEWASNET umbrella body contribute data for annual CSO sector performance reporting on WASH and Water Resources Management (WRM) for own accountability.
- CSOs have earned government's respect enabling the government departments to engage with them since CSOs form part of the accountability mechanisms in Kenya. They participate in round table discussions with national and some county governments, review action plans and share reports.
- Human rights bodies such as Kenya National Commission on Human Rights (KNCHR) and Transparency International (TI) have participated in developing the framework for Monitoring SDG 6 on human rights perspective. The NSC has been able to adopt recommendations from such bodies in reporting on SDG 6.
- CSOs are also encouraged to share their plans, budgets and data to county government line departments which contributes towards sector reporting and hence SDG 6 indicators reporting.

Conclusion

Kenya has made tremendous progress in enabling partici-pation for CSOs and other sector actors in the accountability processes. Stakeholder involvement in planning, implemen-tation, monitoring, review and evaluation of programmes is well documented in the water and sanitation sector in the country. The platforms created by line government ministries and departments as outlined above provide space for CSOs and other stakeholders to query, improve or contribute to statistics on access to WASH services and management of

the Water Resources, viable in inclusive sector reporting by the national government. There is hence consensus that effective accountability holds the key to progress. Realization of effective accountability mechanisms require transparency, a mix of stakeholders engagements, facilita-tion and encouragement of critical reflection on progress being made and objectively being responsive to issues raised by stakeholders. This way, CSOs input becomes proactive in influencing government actions to be more responsive to the SDG 6 targets commitments and the needs of citizens.

Recommendations and areas for improvement

1. There is opportunity for CSOs to reorganize and engage effectively with county governments in Kenya to add value in data collection, analysis and reporting in line with devolved mandate for WASH services. Key sector data viable for SDG 6 reporting emanates from counties and is aggregated at the national level.
2. CSOs need to identify existing structured engagement spaces provided by the national and county governments and avail themselves to participate effectively in the accountability processes.
3. There is need to improve accountability to citizens through CSOs-led social accountability processes. For instance, carrying out periodic Citizens Report Cards and Score Cards on SDG 6 indicators. This will strengthen meaningful representation of smaller citizen groups and raise voices from grassroots levels.
4. It is necessary for development partners to invest in building capacity of CSOs and the media to better monitor and use evidence in advocacy in holding governments accountable on SDG 6 commitments.
5. The CSOs can lobby government to increase alignment and integration of all SDG 6 reporting behind a single national plan and monitoring framework that builds upon and strengthens the existing system.
6. It is vital for the national government to enhance cascading of national road map for the implementation of the SDGs targets down at county government level and prototype ones developed by each county for their own targets and accountability reporting.

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