

NEWSLETTER

Aqualink



A PUBLICATION OF THE WATER SERVICES REGULATORY BOARD

A group of children are gathered around a public water tap. Two streams of water are flowing from the tap into a blue bucket and a black bucket. The children are looking at the water with interest. The background is a clear blue sky.

**IMPACT 13 2021 REPORT
RELEASED**

**PUBLIC CONSULTATIONS
ON LICENCE TAKE PLACE
IN 22 WSPs**

**REGULATORY ACTS: WHAT IS
A LICENCE? SENSITIZATION
STEPPED UP**

**FEATURE: TREE PLANTING IN MERU
COUNTY**



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We have continued to grow stronger in operations despite the challenges posed by the COVID-19 Pandemic.

WASREB was able to carry out Public Consultation Meetings on licensing for 22 Water Service Providers across the Country. Stakeholders turned up to give their views on the services offered by their utilities. The meetings were however held in strict adherence to Ministry of Health COVID 19 prevention protocols.

To strengthen County Engagement, WASREB held workshops that brought together representatives from 11 Counties and the Water Service Providers that operate under them in four Water Works Development Agencies regions; Lake Victoria South, Rift Valley, Tanathi and Coast. Key issues on tenets of water and sanitation service provision in rural areas and good governance were thrashed out.

In the Feature's section, we bring the story of WASREB's Corporate Social Responsibility activities in planting trees and participating in road safety campaigns. This is our way of giving back to the society.

Aqualink Newsletter will inspire you to look at the water sector in better light as there is a lot of positive information to learn.

Cheers!

Terry



Eng. Peter Njaggah
Ag. Chief Executive Officer

“When the well is dry, we’ll know the worth of water”. –

Benjamin Franklin



WASREB continues to execute its mandate of protecting the interests and rights of all in the provision of water services, while ensuring other stakeholders' interests are also safeguarded. This is despite the challenges posed by COVID-19, the disease caused by the novel coronavirus. Since this situation has become the 'New Normal' there is need to ensure that business continues.

The first part of the year brought good tidings. WASREB released IMPACT 13 2021 Report amid the disruptions brought about by COVID 19 Pandemic. According to the report, the average Water Coverage was 57%, which is a decline of 2 percentage points from 2018/19 where coverage was 59%. In 2019/20 there was an additional 854,514 people served against a population increase in service area of 2,229,267. Sewered Sanitation Coverage declined from 17% recorded in 2018/19 to 15% in the current period. It will be noted that sewerage services are only available in 35 urban centers spread across 23 counties. This means that 24 counties have urban centers that solely rely on onsite solutions for the

management of wastewater. The population in the service area of the 91 regulated utilities was 25.66 million out of which 14,705,002 are served. This represents 31% of the national population which stands at 48,120,971.

For the situation to improve in the Financial Year 2021/22, I wish to reiterate WASREB's commitment to ensure Water Service Providers operate in a conducive environment. This we will achieve through collaboration in the licensing process, dissemination workshops on various guidelines and monitoring exercises carried out through inspections.

The right to water is best achieved in a sector operating under uniform norms and standards on governance, quality, service delivery, cost recovery and protection of consumers. Good performance can only be ascertained if it is measured against agreed benchmarks, reported and audited regularly.

I wish to congratulate utilities that continue to do well and hope that the momentum that has been realized will be sustained within an environment of compliance.

WASREB RELEASES IMPACT 13 2021 REPORT



Pursuant to its mandate under Water Act 2016 section 72(m) (..to report annually to the public on issues of water supply and sewerage services and the performance of relevant sector and publish the reports in the gazette), WASREB completed the compilation of the sector performance report for the year 2019/2020. Dubbed IMPACT 13 2021, the report analyses the performance of the water services sector for the year 2019/20.

However, due to Government restriction on control of the spread of COVID -19 WASREB did not hold a face to face launch event, but released the report on 30th June, 2021 through the online platforms.

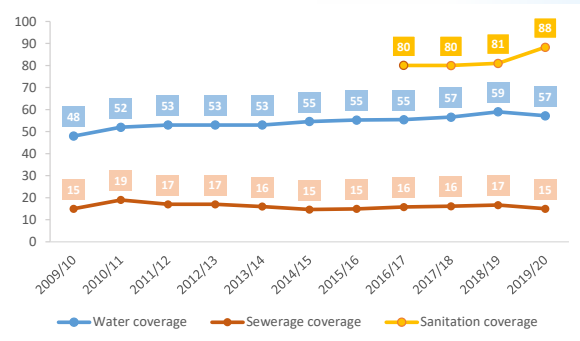
In terms of Key Performance Indicators and Trends in Water and Sanitation coverage, see below;

Progress on Key Performance Indicators

Key Performance Indicators	2018/19	2019/20	Trend
Water Coverage, %	59	57	↓
Drinking Water Quality, %	96	92	↓
Hours of Supply, hrs/day	14	15	↑
Non- Revenue Water, %	43	47	↓
Metering Ratio, %	94	96	↑
Staff Productivity, Staff per 1000 Connections	7	7	↔
Personnel expenditure as % of O+M Costs, %	50	49	↑
Revenue Collection Efficiency, %	92	89	↓
O+M Cost Coverage, %	105	103	↓
Sewered Sanitation Coverage, % *	17	15	↓
Sanitation Coverage, % *	81	88	↑

* Not used in ranking

Trend in Water and Sanitation Coverage



WINNERS AND LOSERS

Utilities that performed well in the period under review were recognized.

Overall Top and Bottom Ten Utilities

TOP TEN UTILITIES 2019/20			BOTTOM TEN UTILITIES 2019/20		
Rank	Utility	Score (Max 200)	Rank	Utility	Score (Max 200)
1	Nyeri	169	79	Lodwar	33
2	Nakuru	152	80	Kikuyu	29
3	Meru	146	81	Gatanga	27
4	Ruiru-Juja	141	82	Chemususu	25
4	Murang'a	141	82	Nol Turesh Loitokitok	25
4	Isiolo	141	84	Kapenguria	23
7	Thika	134	85	Amatsi	22
7	Nanyuki	134	86	Gusii	21
9	Eldoret	131	86	Kwale	21
10	Ngandori Nginda	128	88	Homabay	20



Trophies for the best performing Utilities will be presented during the next cycle of data collection for the period 2020/21

WORLD WATER DAY CELEBRATIONS HELD IN MERU COUNTY



Visitors make inquiries on the services of WASREB during the WWD celebrations at Kibirichia Boys High School in Meru County

WASREB joined the rest of Kenyans and the World in marking this year's World Water Day celebrations held at Kibirichia Boys High School, Meru County on 22nd March 2021.

On 22 March every year, people and organizations mark World Water Day by taking action to tackle the water crisis. This year's theme was 'Valuing Water'. This focus extends beyond issues of pricing to include the environmental, social, and cultural value people place on water.

The value of water is about much more than its price – water has enormous and complex value for our households, culture, health, education, economics and the integrity of our natural environment. If we overlook any of these values, we risk mismanaging this finite, irreplaceable resource.

World Water Day celebrates water and raises awareness of the 2.2 billion people living without access to safe water. It is about taking action to tackle the global water crisis. A core focus of World Water

Day is to support the achievement of Sustainable Development Goal 6: water and sanitation for all by 2030.

During the celebrations held in Meru County, government agencies, water companies and other civil organizations represented took time to plant tree seedlings at the Kibirichia Boys school compound and in other deforested locations prior to the event. A roof catchment was also commissioned at the school.



WORLD WATER DAY CELEBRATIONS PICTORIAL



In the pictures Speakers call for water conservation and prudent use reiterating the theme 'Valuing Water'. WASREB staff engage visitors at the stand.

PUBLIC CONSULTATIONS ON LICENCE TAKE PLACE IN 22 WSPs

By Alfred Onyango

During the first half of the year 2021, WASREB conducted a series of public consultation meetings for licensing of various Water Service Providers across the country. Categorized as per the period when the public consultations were done, These were; Ngagaka, Wajir, Limuru, Meru, Runda, Nakuru Rural, Tachasis, Gatanga, Ol Kalou, Karuri, Machakos, Nol Turesh Oloitoktok, Narok, Siboi, Nyasare, Gikakima, Kikuyu, Kwale, Manderu, El wak, Lamu and Bajun.

Various stakeholders, staffs, management teams of the WSPs, local government officials and county chiefs attended the meetings where various issues and topical concerns were addressed substantively. Some of the main issues addressed were:

- 1) Performance of the WSPs including governance issues, which they wanted WASREB to clarify
- 2) Possibility of splitting of a WSP like Lamu to allow for other Community Based Organizations to serve their respective areas in the County
- 3) Water shortage
- 4) Poor sewerage services
- 5) Political interference
- 6) Importance/why the licensing process is necessary, among others.

Stakeholders at the end of the meetings resolved and agreed that WASREB should license their various WSPs in order for them to continue with the service delivery.

The meetings were held in strict adherence to Ministry of Health Guidelines on combating the prevailing COVID-19 pandemic.



Public consultation meeting takes place at Wajir County Guest House. Stakeholders wanted sources of water to be increased in the area

EVENTS



In the pictures, meetings took place in Ol Kalou, Siaya Bondo, Nyasare, Gikakima, Lamu among others. They were attended by WASREB BoD, Staff, WSPs teams and a cross section of stakeholders.

CONSUMER RIGHTS AND RESPONSIBILITIES UNBUNDLED

WASREB has been at the forefront to sensitize consumers on their rights and responsibilities. This is done during the public consultation meetings on licence for Water Service Providers across the country.

The sensitization exercise is enshrined in the Constitution of Kenya 2010 which guarantees under Article 43 (1) (d) the right of every person to access clean and safe water in adequate amounts. The Water Act 2016 provides that every person has the right to access water resources, whose administration is the function of the national government as stipulated in the Fourth Schedule of the Constitution. Section 63 thereof also provides that every person in Kenya has the right to clean and safe water in adequate quantities and to reasonable standards of sanitation as stipulated in Article 43 of the Constitution.

Consequently, the rights and responsibilities of consumers are stipulated below:

CONSUMER RIGHTS

- Good quality water
- Regular supply
- Official receipting
- Efficient service
- Safety
- Information
- Voice/Participation
- Redress

RESPONSIBILITIES OF CONSUMERS

- Pay bills on time
- Allow WSP access to water points
- Ensure there is no interference with supply or unauthorized use.
- Keep water equipment in good order
- Report to utility suspicious activity around water infrastructure
- Pay for repairs or maintenance caused by negligence



Consumer sensitization at Siaya Bondo public consultation meeting on licence

GOVERNANCE WORKSHOPS ORGANIZED FOR COUNTIES



WASREB's Director Monitoring and Enforcement Richard Cheruiyot trains workshop participants on governance issues in Kisumu.

By Alfred Onyango

WASREB in conjunction with Kenya Markets Trust spread the net wider to bring on board various Counties into governance workshops to sensitize them on their role in managing Water Service Providers under devolution. The regional dissemination workshops on Guideline for Provision of Water Services in Rural and Underserved Areas in Kenya, took place in different regions. These workshops were held in Kisumu and Nakuru respectively. Counties and utilities under them represented were Kakamega, Migori, Nyamira, Bomet, Nandi, Kisumu, Homabay, Nakuru, Laikipia, Nyandarua and Baringo.

A total of 11 counties and the Water Service Providers from the mentioned regions were engaged in the workshops whose theme was, *closing the gap in water service delivery.*

A number of topical concerns were addressed and intensively discussed. These included:

- ❖ Challenges and opportunities of rural water supply
- ❖ Plenaries on legal and regulatory framework for water services
- ❖ Water service provision guidelines in rural and underserved areas
- ❖ Plenaries on entranching regulatory instruments and licensing in rural water services
- ❖ Implementation of water service provision guidelines.

Meanwhile, another workshop on regional governance was held in Mwatate-Taita

Taveta which targeted all the water service providers around the Coast and Tanathi WWDAs regions. Various MDs and stakeholders of different institutions were brought together in engaging with WASREB and Kenya Markets Trust to ensure that the Corporate Governance Guideline is implemented in institutions.

Elsewhere, WASREB Board of Directors continued to engage County Chiefs in areas where public consultation meetings on licence were being held. The courtesy calls were used as a platform to shed light on performance of the WSPs and charting the way forward on improvement of services offered by the utilities.



(Above) WASREB engages officials from Mandera County and Lamu County

WHAT IS A LICENCE?



Kakamega County Water and Sanitation Company (KACWASCO) team receives their interim licence from WASREB under Water ACT 2016. From Left; Dr. Julius Itunga (DCS WASREB), Eng. Peter Njaggah (Ag. CEO WASREB), KACWASCO CEO Abidikadir Abdi, CECM Water and Environment, Kulati Wangia and KACWASCO Principal Legal Officer Christabell Ashiono

resources and regulation of water services, while County governments are assigned the role of water service provision, sanitation management, catchment protection and county public work.

Nonetheless, both tiers of government share the functions of planning, monitoring and enforcement, development of infrastructure, storage and flood control.

With the enactment of Water Act 2016, WASREB's mandate was expanded to licence Water Service Providers (WSPs) directly, as opposed to the previous dispensation of Water Act 2002 where the then Water Services Boards now (WWDAs) were licensed.

The process of issuing a WSP the licence has brought WASREB closer to the licencees in the all important forum - the public consultation meetings. Here, the Regulator breaks down the reason why the licence is important to the utilities' operations. Below is a summary;

The Kenya Constitution

Regulation as anchored in the Kenya Constitution 2010 and subsequently in the Water Act 2016, governance is devolved through creation of National and County Governments. It has delegated governance responsibility with underlying principle of bringing services closer to consumers. Water is defined as a human right (through Bill of rights).

Therefore, WASREB is one of the organizations created under this legal framework with a mandate to regulate water service provision.

Roles of Duty Bearers

National government's role is ownership of national public works, regulation of water

Role of WASREB (Water ACT 2016 Section 72

- Licensing Water Service Providers (WSPs)
- Setting standards for provision of water services (access, governance, tariffs, service)
- Monitoring the implementation of standards set, including the implementation of the National Water Services Strategy
- Facilitating information provision on water services (Development of data base including WARIS, Majidata, Majivoice; public reporting, participation, Redress/ Complaints)
- Enforcing compliance to standards set, including prosecution of offences
- Advising Cabinet Secretary on matters of water services

What is a licence?.

- It is a statutory requirement that gives WSPs the power to provide water services in the Counties
- It is a tool for regulating the sector,

that sets out the conditions and targets of performance to be observed by WSPs to ensure quality in service provision

- The Water Act 2016 - 72 (c), gives WASREB the mandate of setting license conditions and accrediting Water Service Providers.

Why a licence?

1. Section 85(1)- A Person shall not provide water services except under a licence issued by the regulatory board
2. Section 85(2) - It is illegal to provide water services in the area of jurisdiction of the licensee without the authority of a license.

Procedure and requirement for obtaining a licence (Water Act 2016 Section 86)

1. Evidence that the applicant's board of directors possesses qualifications which complies with the standards set by the Regulatory Board under section 79 (2);
2. Demonstrate the technical and financial capability to provide the services and perform the function authorized by the licence;
3. Evidence that the water services to be provided will be commercially viable;
4. Present sound business plans for the provision of efficient, affordable and sustainable water services;
5. Details of planned financial and infrastructural improvements;
6. Propose satisfactory performance targets and planned improvements and an acceptable tariff structure.

Any other information required by the Regulatory Board.

Licence and Public Consultation (Water Act 2016 Section 87)

(1) An application for a licence shall be subject to public participation

(2) Any person opposed to the grant of a licence may object, in writing, to the Regulatory Board

(3) The Regulatory Board shall make a determination on an application for a licence within six months after the applicant lodges the application

(4) The Regulatory Board shall notify the applicant and the objector of its decision and, in the event of the rejection of an application or objection, of the reasons for the decision

(5) An applicant or objector may, if aggrieved by the decision of the Regulatory Board, appeal to the Water Tribunal within thirty days of the date of the notification of the decision

(6) Where the Regulatory Board does not determine the application within six months of receipt of the application, any fee charged by the Regulatory Board under section 86(3) shall be refunded to the applicant.

So far, WASREB in conjunction with the WSPs has held over 60 public consultation meetings across the country. Over 35 WSPs have been issued licences. It is the Regulator's position that the right to water is best achieved in a sector operating under uniform norms and standard on governance, quality, service delivery, cost recovery and protection of consumers. Good performance can only be ascertained if it is measured against agreed benchmarks, reported and audited regularly.



TREE PLANTING AT MURUGUMA PRIMARY SCHOOL IN MERU COUNTY



WASREB's Director Corporate Services Dr. Julius Itunga plants a tree seedling at Muruguma Primary School, Meru County.

By Alfred Onyango

"What is it we've done for the people, rather the society?" Stated, this is a question that should always arise in each and every plan of any organization that is obliged to the service of the community. A good and responsible organization should always be philanthropic in all its endeavors and so is WASREB.

This came to play when WASREB on March 20th, 2021 undertook tree planting exercise at Muruguma Primary school, Meru County. This was in line with the presidential directive on increasing forest cover and

as a corporate social responsibility to the community.

WASREB donated 2,500 seedlings which were planted in the school compound which was heavily deforested. The seedlings were purchased from Kenya Forestry Service, Mucheene Station, Buuri East in Meru County. Director Corporate Services Dr. Julius Itunga represented the CEO WASREB in the event. Area Member of Parliament Hon. Rindikiri Mugambi also graced the occasion.

Speakers during the event urged the residents to nurture the trees to maturity.

MURUGUMA TREEPLANTING PICTORIAL



#StreetForLife Campaign

WASREB did not just stop at that. On May 21st, 2021, the Regulator joined the global movement for low speeds, liveable communities worldwide. This is a global campaign for safe streets spearheaded by the National Transport and Safety Authority (NTSA). The campaign dubbed #StreetForLife is a call to action to ensure communities live in a safe environment globally.

The virtue of philanthropy is one good virtue that should be emulated even at individual level and this is to the benefit of people's livelihood and the society as a whole.



WASREB shows commitment in the global campaign on road safety dubbed #StreetForLife by signing poster and wearing T-Shirts with safety messages.

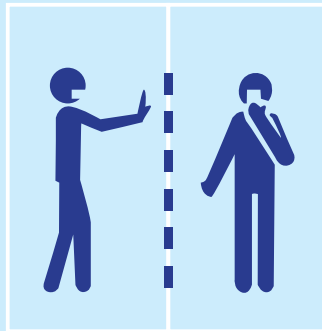


Sensitization on road safety is taken a notch higher at Kibirichia Boys where branded wear with safety messages were distributed to the boys and their teachers.

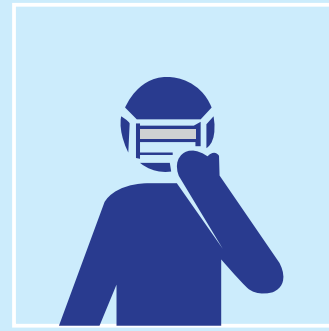
WASREB Supports the Fight Against COVID-19 Pandemic



Stay home if unwell



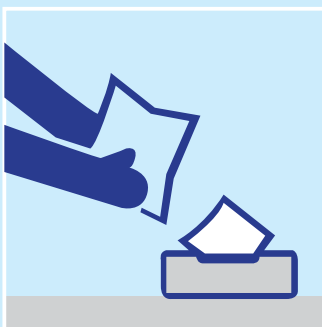
Keep social distance of 1.5m



Wear a mask in public



Wash hands with soap



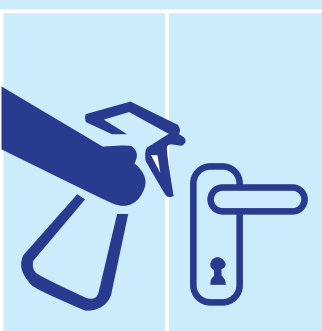
Use wipes after washing hands



Cover your face when coughing



Do not touch your face with unwashed Hands



Disinfect surfaces



See a doctor when symptoms occur



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