

# Influence of Privatization of Water Resources on Access to the Right to Water in Kenya

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**Abstract:** *This article analyses the influence of privatization of water resources on access to the right to water in Kenya, it is premised on the belief that water is a fundamental human right and must not be seen as a social or economic good. Attention will be given to national-, regional- and international legislation and proposals on the right to water, water as a human right and the privatization of water resources. This article is based on literature study and interviews.*

**Keywords:** *Water rights, Human Rights, Water Act 2002, New Partnership for Africa's Development (NEPAD), Abuja Ministerial Declaration on Water, Covenant on Economic, Social and Cultural Rights, World Water Protocol, Universal Declaration of Human Rights, Privatization and Commercialization.*

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## 1. Introduction

In the 21<sup>st</sup> century one of the most fundamental conditions of human development is not fulfilled: universal access to clean water. The World is facing a global water crisis, figures of the United Nations (UN) show that 1.1 billion persons are deprived of access to adequate drinking water and 2.6 billion persons lack basic sanitation.<sup>1</sup> In Kenya it is estimated that 1 million out of a population of 31 million have access to clean drinking water. Africa has the lowest proportional coverage of the world of people that have access to water supplies.<sup>2</sup>

Powerful private companies and international institutions such as the World Bank, the International Monetary Fund (IMF), the World Trade Organization (WTO), the World Water Council (WWC) and even parts of the UN see water a commodity to be sold and traded on the open market. On the other side there are human rights activists, non-governmental organizations (NGOs), women's groups and communities who see water as a human right, a common heritage of all humans and species and as a public trust that is not meant for personal profit or should not be denied to anyone because of their inability to pay.

The current problem is that these groups do not have a point of reference that water is a human right. There are several international documents that lay down that water is a human right but there is a lack of legally binding legislation. In 2003 Kenya implemented the Water Act, with passing this Act the government committed itself to adopting a human rights based approach. But the human right to water and sanitation isn't explicitly recognized in the Water Act.

Because some institutions see water as a commodity to be sold and traded they promote privatization of water. I did a research on the influence of privatization of water resources on access to the right to water in Kenya because I believe that water must not be seen as a commodity but as a human right.

In chapter 2, I will give a short overview of Kenya's history with regard to water, in chapter 3,4 and 5 attention will be given to national-, regional- and international legislation and proposals. In chapter 6 and 7 attention will be given to water as a human right and the

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<sup>1</sup> *United Nations* <[www.un.org/waterforlifedecade/factsheet.html](http://www.un.org/waterforlifedecade/factsheet.html)>

<sup>2</sup> Sammy 2004, p. 6

obligations of the State, and in chapter 8 the privatization of water resources. In chapter 9, I will give my conclusion about the influence of privatization of water resources on access to the right to water.

## **2. Background of Kenya**

Kenya is situated in East Africa and became independent in 1963. At that time the water supply systems were sufficient for meeting the water needs of the inhabitants of Kenya, but as the population grew also the demand for water grew and began to outstrip supply.<sup>3</sup>

The Ministry of Water Development was formed to develop and oversee Kenya's water resources. The government promoted a policy of implementing water projects on a self-help basis where the local communities took control. Around 1990 it emerged that this strategy was insufficient and that the government did not have the resources to meet the communities water needs. Therefore the need to revise the national water policy arose, this was culminated in the National Policy on Water Resources Management and Development Sessional Paper No. 1 of 1999. Later the Water Act 2002 was drafted.<sup>4</sup>

## **3. The Water Act 2002**

The Water Act is the main legislation in Kenya that regulates the water sector, it replaced a previous law the Water Act Chapter 372 and came into effect in 2003. 'The purpose of the Act is to provide for the management, conservation, use and control of water resources and for the rights to use water.'<sup>5</sup> It introduced radical changes to the legal framework for the management of the water sector in Kenya, which are represented in appendix 1.

The Water Services Regulatory Board (WSRB) develops guidelines for the fixing of tariffs of water. The Water Services Boards (WSBs) are responsible for the management of water and sewerages services, they also appoint the Water Services Providers (WSPs). The WSPs are the ones responsible for delivering the water to the households. In Nairobi the WSP is the Nairobi City Water and Sewage Company (NCWSC) which I will use for an example in this study. The Water Resources Management Authority (WRMA) regulates and protects the quality of water resources and is supported by the Catchments Areas Advisory Committees (CAACs) at regional level. The Water Resources User Associations (WRUAs) are established for conflicts resolution at sub-catchment level. The Ministry of Water and Irrigation (MWI) has the overall sector oversight.<sup>6</sup> The full roles and responsibilities of these institutions are shown in the table in appendix 2.

Highlights of the Water Act are that all the water resources are to be managed and utilised in accordance with the Act. The State has ownership of all the water resources in Kenya. An other point is that the Water Act obliges a permit for the exploitation of water resources.<sup>7</sup> In practice this is not always the case and several water kiosks sell water and provide water to households without authorization through the issuance of a water permit.

The Act also promotes full cost recovery which means that all cost incurred in water services delivery have to be recovered from the price that the water is sold. The guidelines developed by the WSRB take into account full cost recovery. All the water supply services must be run by commercially oriented providers.

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<sup>3</sup> Sammy 2004, p. 2

<sup>4</sup> Mumma 2005, p. 2

<sup>5</sup> Preamble Water Act of 2002

<sup>6</sup> Summary Water Act 2002, p. 6

<sup>7</sup> Summary Water Act 2002, p. 6

In the view of Mumma (2005) the Water Act is state-centered because it is premised on the centrality of state organs and state systems in the management of water resources and only makes limited provision for reliance on non-state based systems and institutions. It denies the existence of a pluralistic legal framework and therefore does not meet the needs of the poor.<sup>8</sup>

#### **4. Regional documents**

Most of the African countries gained independence in the early sixties. Since their independence there have been several attempts to address the water resources problems at regional and national level. Some countries have adopted water laws, such as the Water Act described in the previous chapter and others made bilateral or multilateral treaties on their shared rivers.

Some of the regional documents that pay attention to water are the Charter of the Organization of African Unity (1963), the African Convention on the Conservation of Nature and Natural Resources (1968), the African Charter on Human and Peoples' Rights (1986), the Treaty Establishing the African Economic Community (1991), the Constitutive Act of the African Union (2000), the New Partnership for Africa's Development (NEPAD) (2002) and the Abuja Ministerial Declaration on Water (2002). I will give attention to the two most important regional documents which are the NEPAD and the Abuja Ministerial Declaration on Water.

##### **4.1 The New Partnership for Africa's Development (NEPAD)**

The New Partnership for Africa's Development (NEPAD) was issued in October 2002 and is *"a pledge by African leaders, based on a common vision and a firm and shared conviction, that they have a pressing duty to eradicate poverty and to place their countries, both individually and collectively, on a path of sustainable growth and development and, at the same time, to participate actively in the world economy and body politic."*<sup>9</sup>

The introduction of the document mentions that in Africa, 340 million people, or half the population, live on less than US \$1 per day. The mortality rate of children under 5 years of age is 140 per 1000, and life expectancy at birth is only 54 years. Only 58% of the population has access to safe water.<sup>10</sup> People that promote the private sector say that selling water would result in a more efficient and equitable use because people would only use the water they need. With the fact that half the population lives on less than US\$1 per day it is unrealistic to state this because for them there is nothing left to spend on expensive water.

NEPAD focuses on the provision of essential regional public goods (such as water), as well as the promotion of intra-African trade and investments. The objectives and actions on water and sanitation are among other to ensure sustainable access to safe and adequate clean water supply and sanitation, especially for the poor.

##### **4.2 The Abuja Ministerial Declaration on Water**

On April 29 and 30, 2002 forty-five African ministers responsible for water resources met in Abuja, Nigeria to deliberate on the challenges of Africa's water sector. They issued the "Abuja Ministerial Declaration on Water – A Key to Sustainable Development in Africa" and launched the "African Ministerial Conference on Water" (AMCOW). The Abuja Declaration is entirely devoted to water resources. They welcome the launch of NEPAD with the overall

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<sup>8</sup> Mumma 2005, p. 5

<sup>9</sup> NEPAD 2001, p. 1

<sup>10</sup> NEPAD 2001, p. 1

objective of encouraging new approaches to Africa's sustainable development challenges.<sup>11</sup> In the Preamble they draw attention to the fact that a decade after the United Nations Conference on Environment and Development, more Africans lack access to safe water and sanitation. Almost half the people of the African continent, particularly women and children suffer from water-related diseases. The result is economically crippling, and from a humanitarian standpoint, simply degrading.

The African Ministers decided to establish the AMCOW and that they shall strive to review progress in the implementation of the commitments set forth in key international arrangements for the provision of financial resources and technology transfer in support of water sector reforms in Africa.<sup>12</sup>

## 5. International documents and proposals

To define the right to water there are some important international instruments. There are several international treaties and covenants regarding the right to water but also proposals for new documents. I will give attention to current international legislation and proposals for new legislation.

### ***Covenant on Economic, Social and Cultural Rights***

Kenya signed various treaties and covenants that are in relation to water. The most important international treaty is the Covenant on Economic, Social and Cultural Rights (CESCR) which entered into force in 1976. In 2002 General Comment No. 15 was published on article 11 and 12 of the CESCR on the human right to water, defining the right, its normative contents and the nature of states' obligations with respect to the right. It should be taken into account that a general comment is an authoritative interpretation of the treaty, and not a binding treaty. However, it is an important milestone on recognizing the right to water. The human right to water is defined in General Comment No. 15 as following:

*'The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of safe water is necessary to prevent death from dehydration, to reduce the risk of water-related disease and to provide for consumption, cooking, personal and domestic hygienic requirements.'*<sup>13</sup>

Water is also used to realize many rights enshrined in the CESCR such as the right to adequate food, right to health, right to gain a living by work. Because Kenya signed the CESCR it has the immediate obligation to guarantee that the necessary steps towards the full realization of the rights are taken. Like any human right the right to water imposes three types of obligations on State parties: obligations to *respect*, obligations to *protect* and obligations to *fulfil*. On these obligations I will elaborate in chapter 7 where attention is given to the duties of the government.

### **5.2 CEDAW and CRC**

Other international documents that lay down the right to water and are signed by Kenya are the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1981) and the Convention on the Rights of the Child (CRC) (1990). The CEDAW lays down that State parties have to ensure that women have the right to water supply. Also the CRC lays down that States parties have to take measures to provide clean drinking water. The

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<sup>11</sup> Salman 2002, p. 5

<sup>12</sup> Salman 2002, p. 5

<sup>13</sup> General Comment No. 15 (2002), para 2, p. 2

CEDAW was ratified by Kenya in 1984 and the CRC was ratified in 1990. An overview of the international documents on water and if they are binding is given in appendix 3.

### **5.3 Proposals**

Besides the current international documents there are proposals for a World Water Protocol and adding an extra article to the Universal Declaration on Human Rights (UDHR).

The reason for the proposal of a World Protocol on Water is not about asking the UN to add certain 'water' aspects to a climate change agreement, it is rather, to acknowledge the basic interdependence between water and life and therefore between water and the environmental crisis. Any international protocol is of course the responsibility of each State and they have to determine how to define, elaborate, discuss and approve it.<sup>14</sup>

The reason for the proposal of adding an extra article to the UDHR is because more than a billion people lack access to clean drinking water which results in millions of deaths each year. When the UDHR was ratified in 1948, 30 human rights such as the right to life, freedom of thought and liberty were laid down in the document but not the right to water because at that time the water crisis was not that serious. The proposal is to make an article 31 that lays down the right to water as following:

#### *Article 31*

*Everyone has the right to clean and accessible water, adequate for the health and well-being of the individual and family, and no one shall be deprived of such access or quality of water due to individual economic circumstances.*<sup>15</sup>

Adding an extra article to the UDHR is of great importance. This article will recognize that everyone has the right to clean and accessible water. The right to water needs to be acknowledged by all nations as a fundamental human right.

### **6. The human right to water**

International law and international agreements strongly support that water is a human right by adopting legislation on this point. The human right to water means that all individuals are entitled to have access to an essential amount of safe drinking water and to basic sanitation facilities. 'What qualifies as a human right has been generated in literature as well as by many organizations and conferences. The initial impetus to human rights agreements was to address violations of moral values and standards related to violence and loss of freedoms.'<sup>16</sup>

The legal basis for the right to water in national Kenyan law can be found in the Water Act. Although the right to water is not explicitly recognized in the Act it is based on the fact that water is a human right. In the Water Sector reform in Kenya (2007) water is referred to as a human right. It is translated as following:

*"The right to water entitles every person to have access to sufficient, affordable water and sanitation of acceptable quality for personal and domestic use."*

Under international law the legal basis for the right to water is laid down in article 11 and 12 CESCR and clearly translated in General Comment No. 15, but also under the CEDAW and the CRC. With the proposal of adding an extra article it will be recognized internationally that water is a fundamental human right.

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<sup>14</sup> Memorandum World Water Protocol, p. 1

<sup>15</sup> <[www.article31.org](http://www.article31.org)>

<sup>16</sup> Gleick 1999, p.3

On basis of the national-, regional- and international law it can be established that water is a human right. Also many human rights affirmed in the UDHR can not be fulfilled without access to water, such as the right to life, because without water there is no life at all. But defining water as a human right on paper is not sufficient, because still a lot of people do not have access to water. Local people in Kenya are often surprised when you talk about water as a right and feel that water in their country only is a human right if you can pay for it. If you are unable to pay you get cut of from the water system, and really on private vendors and water kiosks. It is a fact that the poor in Kenya pay more for the water than the rich. The poor do not have household connections and depend on water kiosks because they are unable to pay the bill at the end of the month. The water sold in the kiosks is more expensive than the water others get delivered in their households and during water shortages the price becomes even higher.

## **7. The duties of the Government**

Because Kenya established the Water Act with a human rights based approach and the human right to water is supported by regional and international law this brings obligations for the government. Kenya should respect, protect and fulfil the CESCR.

### *a) Obligations to respect*

The obligation to *respect* requires that State parties do not interfere directly or indirectly with the enjoyment of the right to water. It includes refraining from engaging in any practice or activity that denies or limits equal access to adequate water.<sup>17</sup>

### *b) Obligations to protect*

The obligation to *protect* requires State parties to prevent third parties from interfering in any way with the enjoyment of the right to water. Third parties include individuals, groups, corporations and other entities as well as agents acting under their authority. The obligation includes adopting the necessary and effective legislative and other measures to restrain third parties from denying equal access to adequate water; and polluting and inequitably extracting from water resources.<sup>18</sup>

### *c) Obligations to fulfil.*

The obligation to *fulfil* can be disaggregated into the obligations to facilitate and promote. The obligation to facilitate requires the State to take positive measures to assist individuals and communities to enjoy the right. The obligation to promote obliges the State party to take steps to ensure that there is appropriate education concerning the hygienic use of water, protection of water sources and methods to minimize water wastage.<sup>19</sup>

In a report of the UN of November 2008 the UN Committee notes with concern that the rights of the CESCR have not been incorporated into domestic law and are therefore not directly applicable in the courts of Kenya. The UN Committee is also concerned that persons living in informal settlements, as well as in arid and semi-arid rural areas, are frequently deprived of affordable access to adequate water and sanitation, and that new programs such as the Kenyan Slum Upgrading Programme for Kibera/Nairobi are unaffordable for disadvantaged families and individuals. The Committee recommends Kenya to take immediate measures to ensure affordable access to adequate water and sanitation, in line with General Comment No. 15. Kenya should reduce waiting times for collecting water and control prices charged by private water services and water kiosks.<sup>20</sup>

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<sup>17</sup> General Comment No. 15 (2002), para. 20 p. 9

<sup>18</sup> General Comment No. 15 (2002), para. 23 p. 9

<sup>19</sup> General Comment No. 15 (2002), para. 23 p. 9

<sup>20</sup> UN observations of the Committee, p. 9

The problem is that a Committee is not a judicial body and can only make recommendations, which are often ignored by governments. There is no enforcement mechanism to make sure that the right to water gets implemented correctly. By implementing the Water Act, Kenya is moving forward in realizing that more people have access to water. 'The Millennium Development Goals (MDGs) are to reduce, by half, the number of people with no access to drinking water and sanitation by 2015.'<sup>21</sup> This is still a big challenge for Kenya.

## **8. Privatization / Commercialization of water resources in Kenya**

A lot is written about the privatization of water resources. Activists and communities are often against privatization because it promotes full cost recovery and its intention is making profit on what is seen by many as a common heritage of the people. 'Privatization is the involvement of the private sector in the delivery of public services such as water delivery.'<sup>22</sup>

The Water Act mentions that the WSPs need to be commercially oriented companies that provide the water to the households, such as the NCWSC, but are monitored by the WSBs and the WSRB. The WSRB is responsible for developing guidelines for tariffs, the companies are not allowed to charge their own tariffs for delivering water but depend on the decision of the WSRB. Because the companies depend on the government and can not operate alone on the water market it could be said that there is a public-private partnership (PPP) which is a form of privatization. PPPs are described as:

*"the combination of a public need with private capability and resources to create a market opportunity through which the public need is met and a profit is made."*<sup>23</sup>

But whether the WSPs are private companies or public companies is still a point of discussion. For example the NCWSC is a private company under the Company's Act CAP 486 but the stakeholders are public because the NCWSC is a wholly owned subsidiary of the Nairobi City Council (NCC).

Another form of privatization is commercialization. With commercialization a market is created where cost recovery plays an important role in the public services delivery. Commercialization has been defined as a form of privatization involving the transformation of a public body into a private company with public capital.<sup>24</sup> Commercialization of water resources is the most common form of privatization in Africa. Kenya has been at pains to make the distinction between privatization and commercialization but prefers the latter because with the formation of WSPs the local authorities still maintain leverage and control over water.<sup>25</sup> Both commercialization and PPPs are forms of privatization; I would describe the situation in Kenya as commercialized. 'With this form of privatization without private entities there is more efficiency without compromising ownership. However, the Water Act still recognises Private Sector Participation – as do all other privatization models – as key to the future of water provision in the country.'<sup>26</sup>

The World Bank and the IMF have promoted a greater recognition of the role of private companies for many sectors. Water is one of these sectors; in 1992 a policy framework paper was published on the privatization of water. Kenya has not yet developed a well spelt out policy on water privatization and management of water resources. Complete privatization in the form of assigning the control of the water supply to private enterprises has been opposed because it would disadvantage the poor. The local authorities however are

<sup>21</sup> *United Nations* <[www.un.org/millenniumgoals](http://www.un.org/millenniumgoals)>

<sup>22</sup> Bond, McDoonald & Ruiters 2003: 10-13

<sup>23</sup> Heilman and Johnston 1992, p. 197

<sup>24</sup> Jalin 2002

<sup>25</sup> Sammy 2004, p. 7

<sup>26</sup> Rastello & Sipalla 2007, p. 63

convinced that commercialization would ensure efficient provision of water against an affordable price.<sup>27</sup>

I have done interviews in Kenya with several organizations such as the Ministry of Water, the World Bank, the WSTF and all agree that the involvement of companies that are commercially orientated is an improvement because the government was not able to do it on its own. Also with the involvement of these companies investments are made that otherwise would not be made.

## 9. Conclusion

Kenya has not yet established a complete privatized system with regard to water resources and because of its structure the WSPs can not be defined as private companies because their shareholders are public, therefore it does not fit completely in the model of a PPP. I would conclude that the system in Kenya can be described as commercialized which can also be seen as a form of privatization.

The Water Act came into effect in 2003 and introduced a new legal framework with the current institutions shown in the diagram in appendix 1, these involve the contracting of WSPs which are commercially orientated. Before water and sanitation was run by the government and access to water was not sufficient. Because of the current system there have been made investments which resulted in more access to water for the poor. Because the system is commercialized and not privatized in its completed form the government still maintains in control as stakeholder and is responsible for the fixing of the tariffs. Therefore it is ensured that this system will not be converted into a privatized system were the main goal is to make profit instead of delivering water to the poor. Several institutions were incorporated under the Act such as the WSTF whose main goal is to improve access to water for the poor.

The influence of privatization or better said commercialization on access to water in Kenya has improved access to water. The water kiosks lead to more access to water but need to be legalized and the tariffs need to be controlled by the government. Above I discussed that the poor end up paying more for the water than the people that can afford it because they depend on water kiosks who sell the water against higher raids than water delivered to the households. Water is for all and needs to be ensured especially for the poor because the rich are always able to buy water. The reality in Kenya is that the poor can not pay the monthly bill if they are connected to the water system and the government is not able to deliver water to people that are not able to pay.

Kenya still has a lot of work to do to meet the MDGs, few people I have spoken to with the interviews feel that Kenya has a change of meeting these goals by 2015. What is needed are investments to improve access to water. Also it needs to be clear that water is a human right and that there is a lack of binding legislation on this point. Adding an extra article to the UDHR is important to recognize globally that water is a fundamental human right. The Water Act in Kenya does not mention specifically that water is a human right but is written in that spirit, still specific recognition is needed to have a point of reference. This can be in the Water Act or in the Constitution. Legislation is just a starting point, the realizing of the right by improving access and affordable water especially for the poor is most important. Water is a public trust, a fundamental human right and a gift to humanity for all.

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<sup>27</sup> Sammy 2004, p. 9



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## **List of abbreviations**

AMCOW	African Ministerial Conference on Water
CAACs	Catchments Area Advisory Committees
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	International Covenant on Economic, Social and Cultural Rights
CRC	Convention on the Rights of the Child
IMF	International Monetary Fund
MDGs	Millennium Development Goals
MWI	Ministry of Water and Irrigation
NCWSC	Nairobi City Water and Sewerage Company
NCC	Nairobi City Council
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organization
PPP	Public-Private Partnership
UDHR	Universal Declaration of Human Rights
UN	United Nations
WSRB	Water Services Regulatory Board
WSTF	Water Services Trust Fund
WSBs	Water Services Boards
WSPs	Water Service Providers
WRUAs	Water Resource Users Associations
WTO	World Trade Organization
WWC	World Water Council

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### Legislation

#### *International*

- International Covenant on Economic, Social and Cultural Rights
- Convention on the Elimination of All Forms of Discrimination against Women
- Convention on the Rights of the Child
- Universal Declaration of Human Rights
- Convention on the Law of the Non-Navigational Uses of International Watercourses

#### *Regional (Africa)*

- African Charter on the Rights and Welfare of the Child
- The Charter of the Organization of African Unity
- African Charter on Human and Peoples' Rights
- African Convention on the Conservation of Nature and Natural Resources
- Treaty Establishing the African Economic Community
- Constitutive Act of the African Union
- The New Partnership for Africa's Development
- The Abuja Ministerial Declaration on Water

#### *National (Kenya)*

- The Water Act, 2002
- Privatization Act No. 2 2005
- Company's Act CAP 486

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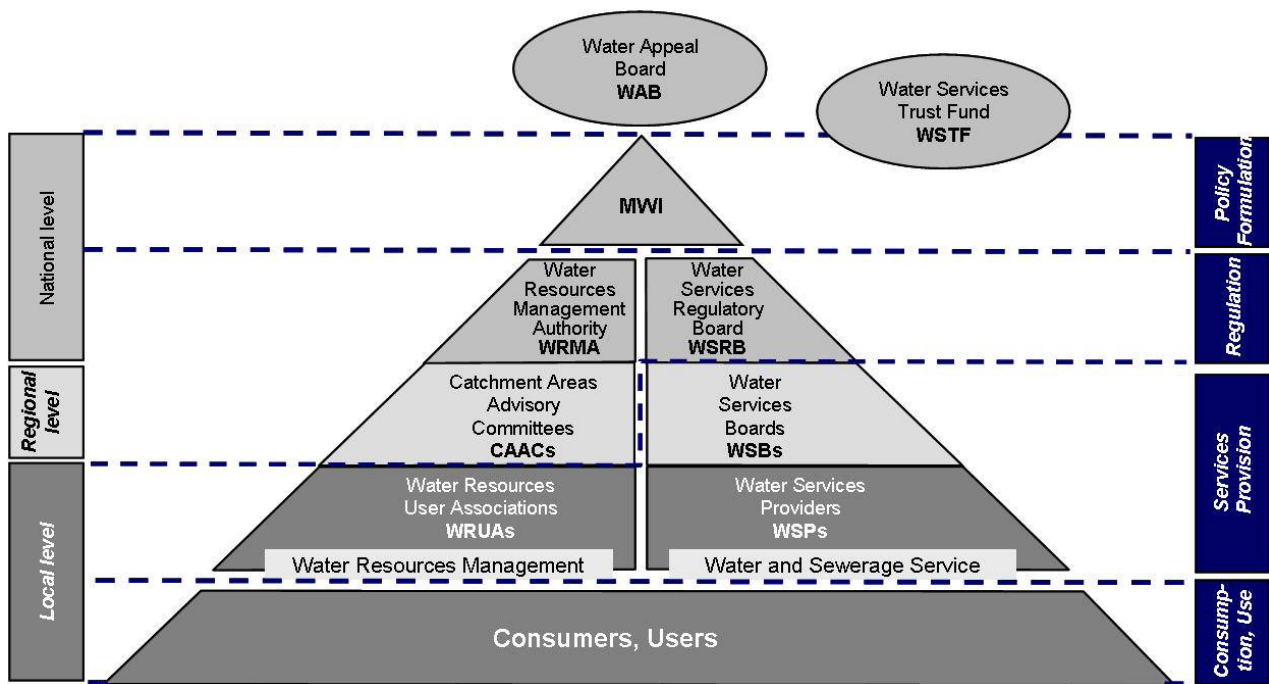
### Websites

- [www.afdb.org](http://www.afdb.org)
- [www.africa-union.org](http://www.africa-union.org)
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- [www.wstfkenya.org](http://www.wstfkenya.org)

### Documentaries

- Flow: How did a handful of corporations steal our water? (Oscilloscope)

## Appendix 1: Roles and responsibilities of water sector institutions



*Institutional arrangements of the water resources and services in Kenya*<sup>28</sup>

<sup>28</sup> Olum 2007, p. 2

## Appendix 2: Roles and responsibilities of water sector institutions

<b>Institution</b>	<b>Roles and responsibilities</b>
1. Ministry of Water and Irrigation (MWI)	<ul style="list-style-type: none"> <li>• Development of legislation, policy formulation, sector coordination and guidance, and monitoring and evaluation.</li> </ul>
2. Water Resources Management Authority (WRMA)	<ul style="list-style-type: none"> <li>• Planning, management, protection and conservation of water resources.</li> <li>• Planning, allocation, apportionment, assessment and monitoring of water resources.</li> <li>• Issuance of water permits.</li> <li>• Water rights and enforcement of permit Conditions.</li> <li>• Regulation of conservation and abstraction structures.</li> <li>• Catchment and water quality management.</li> <li>• Regulation and control of water use.</li> <li>• Coordination of the IWRM Plan.</li> </ul>
3. Catchments Area Advisory Committees (CAACs)	<ul style="list-style-type: none"> <li>• Advising WRMA on water resources issues at catchment level.</li> </ul>
4. Water Resource Users Associations (WRUAs)	<ul style="list-style-type: none"> <li>• Involvement in decision making process to identify and register water user.</li> <li>• Collaboration in water allocation and catchments management.</li> <li>• Assisting in water monitoring and information gathering.</li> <li>• Conflict resolution and co-operative management of water resources</li> </ul>
5. Water Services Regulatory Board (WSRB)	<ul style="list-style-type: none"> <li>• Regulation and monitoring of Water Services Boards.</li> <li>• Issuance of licenses to Water Services Boards.</li> <li>• Setting standards for provision of water services.</li> <li>• Developing guidelines for water tariffs.</li> </ul>
6. Water Services Boards (WSBs)	<ul style="list-style-type: none"> <li>• Responsible for efficient and economical provision of water services.</li> <li>• Developing water facilities.</li> <li>• Applying regulations on water services and tariffs.</li> <li>• Procuring and leasing water and sewerage facilities.</li> <li>• Contracting Water Service Providers (WSPs).</li> </ul>
7. Water Service Providers (WSPs)	<ul style="list-style-type: none"> <li>• Provision of water and sewerage services</li> </ul>
8. Water Services Trust Fund (WSTF)	<ul style="list-style-type: none"> <li>• Financing provision of water and sanitation to disadvantaged groups.</li> </ul>
9. The Water Appeals Board (WAB)	<ul style="list-style-type: none"> <li>• Arbitration of water related disputes and conflicts.</li> </ul>
10. National Water Conservation and Pipeline Corporation (NWPCPC)	<ul style="list-style-type: none"> <li>• Construction of dams and drilling of boreholes</li> </ul>
11. Kenya Water Institute (KEWI)	<ul style="list-style-type: none"> <li>• Training and Research</li> </ul>
12. National Irrigation Board (NIB)	<ul style="list-style-type: none"> <li>• Development of Irrigation Infrastructure</li> </ul>

*Roles and Responsibilities of water sector institutions*<sup>29</sup>

<sup>29</sup> Olum 2007, p. 3

### Appendix 3: International documents

