



MINISTRY OF WATER,
SANITATION AND IRRIGATION



African Population and
Health Research Center



Synthesis Note

A Synthesis Note: tracing the journey of the Development of the National Sanitation Management Policy - Kenya

Introduction

This synthesis note summarizes the process taken in developing the National Sanitation Management Policy (NSMP) in Kenya. It provides a brief background of how the process unfolded, describes the policy windows that were present at the time of the development of the policy, and assesses how a group of sector stakeholders led by the Kenyan government worked together to develop the NSMP. Lessons are drawn on what future policy processes could borrow – given that Kenya is the first African country to develop a National Sanitation Management Policy based on the African Sanitation Policy Guidelines developed by the African Ministers’ Council on Water (AMCOW).

Background

The National Sanitation Management Policy has its origins in the reorganization of functions between the Ministry of Health (MOH) and the Ministry of Water, Sanitation and Irrigation (MWSI) when the President of Kenya gave the sanitation management function to MWSI. Previously, this function had been domiciled within MOH.

The origins of the NSMP are equally traceable to an Executive Order issued by the President on sanitation and the subsequent creation of the Sanitation Department within MWSI to spearhead sanitation management. These executive actions coincided with the desire to actualize national and international commitments, thereby triggering the policy formulation process to be initiated and concluded.

Internationally, Kenya made commitments to achieve the SDG targets. SDG 6.2, in particular, requires all signatory countries to ensure the achievement (by 2030) of access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations. At the continental level, the African Ministers' Council on Water (AMCOW) developed guidelines to help African countries develop their sanitation policies. Kenya is the first African country to adopt the Guidelines in the preparation of its national sanitation management policy. At the national level, the Constitution of Kenya recognizes sanitation as a guaranteed right. Another policy window was the signing of a communique at the Kenya Sanitation Conference in 2019. Among the resolutions issued were the creation of a sanitation department at MWSI and the need to develop a national sanitation policy framework.

The process

In September 2019, the MWSI constituted a steering committee comprising of the parent Ministry (Water); Ministry of Health; Ministry of Transport, Housing (department of lands, physical planning), National Environment Management Authority (NEMA), Water Services Regulatory Board (WASREB), and civil society (KEWASNET). The committee commissioned a study to review existing policies, laws, regulatory mechanisms and institutional frameworks. The outcome of the study was presented to the committee, and a discussion paper was developed for use in consultations with stakeholders across the different counties. In addition, the committee mapped all key stakeholders in the sanitation sector. Those identified included ministries, departments and agencies from national government; county governments; civil society; private sector and academia.

The committee zoned the 47 counties into regional groupings, and civil society organizations in the respective regions were engaged to mobilize and facilitate stakeholder engagement. The discussion paper was used as a guide for initial consultations across the country, as well as validation of the consolidated views. A final national validation meeting was then held in Nairobi. Subsequently, the draft policy went through internal review and approval by MWSI. The process was concluded in December 2021, pending the final signing of the document by the Cabinet Secretary at MWSI.

Lessons from the development of the National Sanitation Management Policy

01

Ownership and leadership by government is key

The development of the NSMP enjoyed authentic ownership and support by MWSI, coupled with support from other government agencies, notably MOH. The process was government-owned and driven by key officers at MWSI. There was internal coherence on the need for the policy, combined with unity of purpose in having the policy formulated within the stipulated time. Top MWSI officials became vision bearers and led from the front in rallying support within and outside government for the policy's formulation. In turn, this became one of the most distinguishing features of the process.



02

Insider support and championship

Policy change requires the support of insiders willing to invest effort in driving the change. Key informants consulted for this report identified several top-level ministry officials who became vision bearers for the NSMP. Their support and commitment were critical for weaving through inter-ministerial institutional processes and managing organizational politics. Their knowledge of government processes and being embedded in them also made it possible to overcome any bureaucratic hurdles that would have slowed down or derailed progress towards completing the policy formulation process in time.



03

Leveraging on institutional networks of sector stakeholders

The Constitution of Kenya requires public participation and citizen engagement in all public policy formulation, implementation, and evaluation processes. In support of this, the civil society marshaled and relied on their extensive networks in the water and sanitation sector to mobilize key constituencies and facilitate public participation across the country. The NSMP development process benefited from these networks and leveraged them to meet the requirement of public participation, earning the policy formulation process broad support from key players in the sector.



04

A structured mechanism and approach to public participation is imperative

We developed an approach to stakeholder consultations and engagement guidelines which were useful in setting the frameworks and structured approach to processing feedback the formulation of the NSMP. This made it possible to deal with divergent views and perspectives on various policy aspects.



05

Timing and capitalizing on policy windows

The development process of the NSMP benefited from the confluence of several policy windows. These included the creation of a new department within MWSI, the need for a policy framework to operationalize the newly created department, the support and commitment of a cadre of senior staff within MWSI, and the Executive Order on Sanitation. These events were then linked to continental and international commitments Kenya had made in sanitation.



06

Building and sustaining initial support for policy change through open and transparent public engagement mechanisms

There was broad support for the need for policy formulation, partly borne out of the deficiencies and gaps in existing policy frameworks in sanitation. The initial interest built with key constituencies was sustained through engagements, first in obtaining input into the discussion paper and in subsequent validation meetings across the country. Worth noting the policy was formulated in the midst of the COVID-19 pandemic with minimal physical interactions in compliance with public health safety protocols. The lesson here is that policy processes that keep key constituencies engaged meaningfully stand a good chance of enhancing their legitimacy in the eyes of the public.



07

Technical and financial Support

APHRC worked closely with the government, the steering committee and other partners across the country, providing technical and financial support to make the policy a reality. This went a long way in ensuring the process was well coordinated, resourced and documented.



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