



Marsabit County Action Plan for the Realization of the Rights to Water and Sanitation

Building Policies for Vulnerable and Marginalised Groups in Governance Frameworks:

Leaving No One Behind.



Kenya National
Commission on
Human Rights



MARSABIT COUNTY ACTION PLAN FOR THE REALIZATION OF THE RIGHTS TO WATER AND SANITATION:

BUILDING POLICIES FOR VULNERABLE AND
MARGINALISED GROUPS IN GOVERNANCE
FRAMEWORKS

LEAVING NO ONE BEHIND.

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Table of Contents

Foreword	ii
Executive Summary	iv
Acknowledgement	vi
Acronyms & Abbreviations	vii

Chapter One 1

Introduction

Chapter Two 5

Normative and Legal Framework on the Right to Water and Sanitation in Kenya

Chapter Three 11

Water and Sanitation Situation in Marsabit County

Chapter Four 21

County Action Plan for the Realization of the Right to Water and Sanitation for VMGs (2022-2026)

Chapter Five 27

Monitoring and Evaluation Framework

Annexe 29

The realization of the right to clean and safe water and reasonable standards of sanitation is fundamental to the enjoyment of other rights. These rights are secured in international, regional, national and county enabling frameworks. In compliance with its commitments in the aforementioned frameworks, the State has undertaken rigorous policy and legislative measures. In this regard, the Constitution expressively guarantees these rights under Article 43(1) (b and d) on *reasonable standards of sanitation; and clean and safe water in adequate quantities*.

In 2021, the County Government of Marsabit (CGoM) with the support of the Kenya National Commission on Human Rights (KNCHR) and HR2W organization conducted a situational analysis on the extent of realization of the right to water and sanitation. The situational analysis report documented various gaps and challenges among them legal, policy, administrative and structural¹. It is on this premise that the CGoM in collaboration with KNCHR, HR2W, and other relevant State and non-State actors developed this County Action Plan (CAP) to, among others; provide an elaborate roadmap for the County to enhance service delivery. The CAP is founded on the existing infrastructure for the water and sanitation sector. It was developed through a consultative process involving targeted stakeholders at both national and county government levels and other relevant partners. The CAP is further informed by a critical analysis of relevant normative and legal frameworks -with emphasis on national and county frameworks such as; the Constitution, Water Act, Public Health Act, the Kenya Environmental Sanitation and Hygiene Policy, Marsabit Water and Sewerage Services Act, Marsabit Water Policy and the Marsabit County Integrated Development Plan (CIDP).

The development of this CAP was made possible with the technical support from HR2W Organization and funding from the Swiss Agency for Development and Cooperation (SDC), under the project dubbed - *Building Policies for Vulnerable People into Governance Frameworks for Water and Sanitation in Kenya*.

The KNCHR and HR2W organization calls upon the County Government of Marsabit and all stakeholders in the water and sanitation sector to adopt and implement this plan of action towards the realization of constitutional rights of vulnerable and marginalized groups and indeed all persons to clean, safe and adequate water with reasonable standards of sanitation.

The KNCHR and HR2W organization remains optimistic that implementation of this Action Plan will go a long way in facilitating realization of the right to

¹The situational analysis report is available at: <https://www.knchr.org/Publications/Thematic-Reports/Ecosoc-Rights/Right-To-Water>

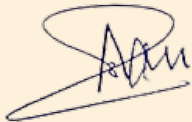
water and sanitation in Marsabit County for the Vulnerable and Marginalized Groups in particular and the local residents of Marsabit County in general. To this end, the KNCHR and HR2W organization urges the County Government of Marsabit and other stakeholders in the Water and Sanitation Sector to prioritize its implementation.

The KNCHR and HR2W organization is hopeful that the successful implementation of this Action Plan can be replicated in other counties with necessary modifications and adaptations to facilitate increased enjoyment of the human right to water and sanitation.



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AMANDA LOEFFEN

Chief Executive Officer
Human Right 2 Water

Kenya has a progressive constitutional framework for the realization of human rights and fundamental freedoms. Article 19 (2) provides: *“the purpose of recognizing and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and the realization of the potential of all human beings”*. In the spirit and letter of the Constitution, Article 43 guarantees Economic, Social and Cultural (ECOSOC) rights among them the right to reasonable standards of sanitation and to clean and safe water in adequate quantities. Additionally, Article 21(2) obligates the State to take legislative, policy and other measures, to achieve the progressive realization of the rights guaranteed under Article 43. In furtherance of its obligations, Kenya has undertaken policy, legislative and other measures including commitments to the Sustainable Development Goals (SDGs) and the government’s development blueprint- Vision 2030, to enhance the realization of the *Human Rights to Water and Sanitation* (HRWS).

The measures notwithstanding, the country continues to experience varied inequalities in the fulfilment of the HRWS especially in Arid and Semi-Arid (ASAL) counties.² In the aforementioned areas, communities face various challenges that hinder the enjoyment of HRWS including; lack of proper regulation of Water Service Providers (WSPs), lack of adequate resources to effectively devolve services and monitor the realization of HRWS, inadequate policies and legislation, absence of measures specifically targeting the needs of vulnerable persons, poor governance structures and unstructured coordination of interventions.³

This County Action Plan (CAP) is a five-year roadmap to enhance service delivery in the sector including coordination of intervention by the County and National governments as well as relevant stakeholders including development partners. The CAP leverages on and compliments the existing County and National legislative and policy frameworks including the Constitution, Water Act (2016), Public Health Act, Cap 242⁴, Marsabit Water and Sewerage Services Act, 2018, Marsabit Water Policy, and the Marsabit County Integrated Development Plan (CIDP)⁵.

The CAP comprises five chapters. *Chapter one* outlines the general

² Kenya National Bureau of Statistics et. al, “Inequality trends and diagnostics in Kenya 2020 I A Joint Report of the Kenya National Bureau of Statistics on Multidimensional Inequality” <<https://www.knbs.or.ke/wp-content/uploads/2021/07/Inequality-Trends-and-Diagnostics-in-Kenya-Report.pdf>> accessed on 28th March 2022

³ KNCHR and HR2W, “A Situational Analysis of Wajir, Marsabit and Garissa Counties on the Realisation of the Rights to Water and Sanitation” <https://www.knchr.org/Portals/0/KNCHR_Leaving_No_One_Behind.pdf> accessed on 2nd March, 2022

⁴ Chapter 242, Laws of Kenya

⁵ County government of Marsabit, “Marsabit Second County Integrated Development Plan 2018-2022” <<https://cog.go.ke/media-multimedia/reportss/category/106-county-integrated-development-plans-2018-2022?download=313:marsabit-county-integrated-development-plan-2018-2022>> accessed on 2nd March, 2022

background of Marsabit County including; the physical and topographical features, the rationale behind development of the CAP, the CAP development process and the theory of change. *Chapter two* highlights existing the existing normative and legislative frameworks for the realization of the HRWS. *Chapter three* discusses the water and sanitation situation in Marsabit County including; key achievements and challenges in service delivery with respect to the HRWS within the County as well as an analysis of the *Strengths, Weaknesses, Opportunities, and Threats* (SWOT) and *Political, Economic, Social, Technological, Legal and Environmental* (PESTLE) in the County's water and sanitation sector. In addition, this chapter emphasizes the need for HRWS policies and targeted measures for the enhanced meaningful participation of the vulnerable and marginalized persons in governance frameworks. *Chapter four* outlines the key interventions, institutions and budgets necessary to ensure realization of the rights to water and sanitation for the Vulnerable and Marginalized Groups (VMGs). The Chapter is divided into six pillars i.e. legal and policy pillar, capacity building and awareness pillar, service provision pillar, governance and management pillar, political pillar, public participation and access to information pillar. *Chapter five* presents the monitoring, evaluation and reporting framework to ensure the effectiveness and sustainability of the CAP.

The County Government of Marsabit is greatly indebted to its partners for their critical role in the development of this County Action Plan (CAP) and the various stakeholders for their invaluable partnership and support in the development of this CAP for enhanced realization of the HRWS. The County Government of Marsabit is grateful to the County Executive Committee Members for water and health, their Chief Officers and the Office of the County Attorney. Special thanks goes to the Director ICT - Water Department Mr. Shake S. Katelo for his invaluable leadership throughout the development of this County Action Plan.

The County Government of Marsabit wishes to thank in a special way the Kenya National Commission on Human Rights (KNCHR) and Human Right 2 Water Organization (HR2W) for providing guidance in the conceptualization that shaped the Development of this County Action Plan. Special gratitude to Dr. Bernard Mogesa, CEO KNCHR and Amanda Loeffen, CEO, Human Right2Water for providing overall guidance in the conceptualization and development of this CAP.

The County Government of Marsabit further appreciates the invaluable technical support offered by public officers from the County and National Government and Non-Governmental Organizations that were involved in the drafting of this County Action Plan including: Shake S. Katelo, Director ICT - Water Department, Bernerdette Njoki - County Department of Public Health, John Halkano - Marsabit Water and Sewerage Company, Dickson Owino and Bernard Simba - Water Resource Authority, Moses Letoole - Food for the Hungry Organization.

Special recognition goes to the project team; Maureen Mwadime, Ibrahim Kassim, Bonyonte Patrick, Gabriela Casanova and Imanol Aguilera for their support in the development of this County Action Plan. The County Government of Marsabit further appreciates Mr. Dominic Kabiru, Mr. Cyrus M. Maweu, Ms Maureen Mwadime, Mr. Bonyonte Patrick, Ms Christina Arrum and Ms Doris Mundia for their tireless efforts in drafting and final editing of this CAP.

Lastly, the County Government of Marsabit appreciates the support of its development partners, in particular, the Swiss Agency for Development and Cooperation (SDC), for financial support towards the development of this critical roadmap for the realization of the human rights to water and sanitation.



Hon. Adan Kanano

County Executive Committee Member,
Water Environment and Natural Resources,
Marsabit

BWRC	- Basin Water Resource Committees
CAP	- County Action Plan
CGoM	- County Government of Marsabit
CIDP	- County Integrated Development Plan
CLTS	- Community Led Total Sanitation
EMCA	- Environmental Management and Coordination Act
FGDs	– Focus Group Discussions
FH-Kenya	- Food for the Hungry Kenya
HR2W	- Human Right 2 Water Organization
HRWS	- Human rights to water and sanitation
ICESCR	- International Covenant on Economic, Social and Cultural Rights
KESHP	- Kenya Environmental Sanitation and Hygiene Policy
KEWI	- Kenya Water Institute
KNCHR	- Kenya National Commission on Human Rights
LNOB	- Leaving No One Behind
MARWASCO	– Marsabit Water and Sewerage Company
NEMA	– National Environmental Management Authority
NWCPC	- National Water Conservation and Pipeline Corporation
NWHSA	- National Water Harvesting and Storage Authority
ODF	– Open Defecation Free
PACIDA	- Pastoralist Community Initiative and Development Assistance
PLWDS	– Persons Living with Disabilities
RWS	– Right to Water and Sanitation
UNICEF	- United Nations International Children’s Emergency Fund
VMGs	- Vulnerable and Marginalized Groups
WAB	– Water Appeals Board

Acronyms & Abbreviations

WASREB – Water Services Regulatory Board

WRA – Water Resource Authority

WRUAs – Water Resource Users Associations

WSPs- Water Service Providers

WSTF- Water Sector Trust Fund

WWDAs- Water Works Development Agencies

Chapter One

INTRODUCTION

1.1 Background

Marsabit County falls within arid and semi-arid areas, and as such can be classified as a water scarce county. The county is located in northern Kenya and has a total area of 70,961.2 sq. km.⁶ It has an international boundary with Ethiopia to the north and borders Lake Turkana to the west, Samburu County to the south and Wajir and Isiolo Counties to the east.⁷ Administratively, the county is divided into four sub-counties namely; Saku, Laisamis, North Horr, and Moyale.⁸ Most of the County constitutes an extensive plain that gently slopes towards the South East.⁹ The County is also home to the Chalbi desert which occupies an area of 948 sq. km and is characterized by a large depression that seats within the Great Rift Valley and is only separated from Lake Turkana by a ridge that rises to 700metres.¹⁰ The County has no permanent river but has four drainage systems - with the Chalbi desert having the largest of these systems. The Chalbi desert receives run-off water from the surrounding lava and basement surfaces of Mt. Marsabit, Hurri Hills, Mt. Kulal and the Ethiopian plateau.¹¹ Other drainage systems include the Dida Galgallu plains which receive run-off water from the eastern slopes of Hurri Hills and Lake Turkana into which seasonal rivers from Kulal and Nyiru mountains drain.¹²

The main water source is an underground spring located at Mt. Marsabit where water is stored in a dam (known as *Bakuli*) for further distribution to water kiosks and few homesteads that are directly connected to the source.¹³ Only 15% Marsabit County households are connected to piped water while in rural areas, the main water sources are boreholes that are mostly saline. The county is gradually adopting technology to ensure proper utilization of scarce water resources.¹⁴

⁶ County government of Marsabit, 'About Marsabit' <<https://www.marsabit.go.ke/about-marsabit/>> accessed on 2nd March 2022

⁷ Supra note. 4

⁸ Ibid

⁹ Supra note. 5

¹⁰ Ibid

¹¹ Ministry of Agriculture, Livestock and Fisheries and World Bank Group, 'Climate Risk Profile Marsabit County' <https://reliefweb.int/sites/reliefweb.int/files/resources/Marsabit_Climate_Risk_Profile_Final.pdf> accessed on 2nd March 2022

¹² Ibid

¹³ Supra note. 4

¹⁴ Ibid

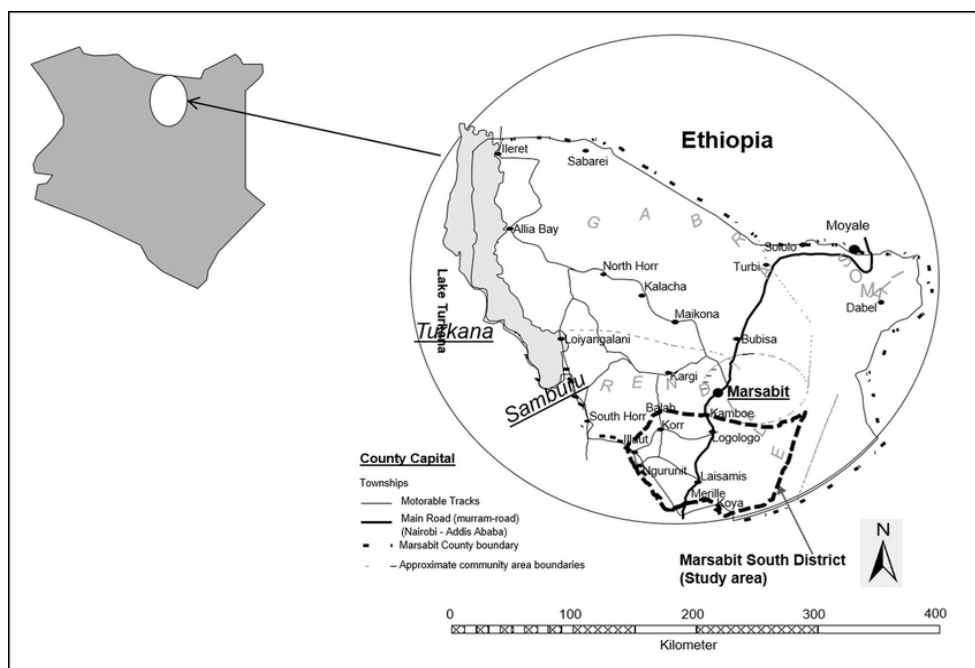


Figure 1: A map of Marsabit County (Source: Research gate¹⁵)

1.2 Rationale and Objectives for the County Action Plan

The human right to water is indispensable for a dignified life.¹⁶ Moreover, access to safe drinking water and reasonable standards of sanitation are critical to achieving the highest attainable standard of health. However, the CGoM is still a long way from achieving 100% universal access to water and sanitation by 2030 in line with its commitments to the water and sanitation frameworks.¹⁷ Despite efforts by the Governments (both county and national) to realize the rights to water and sanitation, the residents of Marsabit County continue to face a myriad of challenges including; insufficiency, poor quality, unsafe, unacceptable, unaffordable and inaccessible water and sanitation services.¹⁸ The current situation disproportionately impacts vulnerable and marginalised groups.

Cognisant of the State's obligation to ensure realisation of the human rights to water and sanitation as set out in the Fourth Schedule of the Constitution, the CGoM with the support of KNCHR, HR2W and other stakeholders, developed this CAP to promote the progressive realization of the rights to water and sanitation for the VMGs by addressing inequalities in the sector.¹⁹

¹⁵ Available at: https://www.researchgate.net/figure/A-map-of-the-study-area-in-Marsabit-County-Kenya_fig1_331211485

¹⁶ OHCHR, General Comment No.15: The Right to Water, < <https://www.refworld.org/pdfid/4538838d11.pdf>>

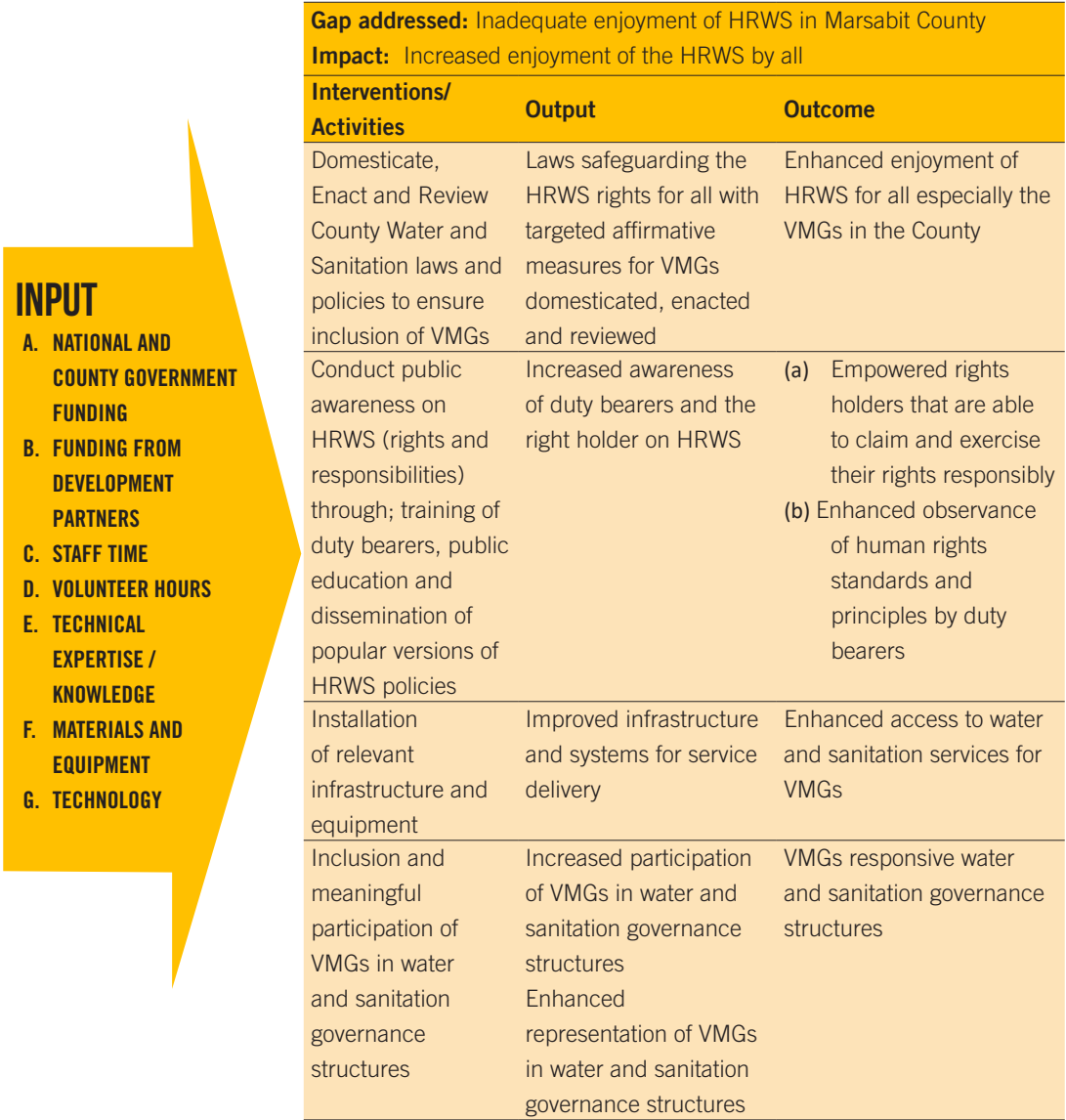
¹⁷ KIPPRA Policy Brief No. 66/2018-2019 <<https://www.unicef.org/esa/media/3356/file/UNICEF-Kenya-2018-WASH-Budget-Brief.pdf>> As at 2016 about 42.9% of households in Marsabit had access to improved water sources while 26% had access to improved sanitation.

¹⁸ Supra note. 2

¹⁹ The Fourth Schedule assigns the responsibility of policy setting and water resources management to the national government while devolving provision of water and sanitation, including hygiene services to the county governments.

This CAP is informed by and seeks to operationalize the county, national, regional and international human rights frameworks governing the water and sanitation sector.²⁰ The drafting of the CAP was also informed by analysis of existing frameworks at the county level, including strategic policy documents such as the CIDP.

The CAP aspires to achieve the progressive realization of the HRWS for VMGs through specific interventions that address identified gaps. The CAP's *Theory of Change* lays emphasis on 5 key components (*Inputs, Activities, Outputs, Outcomes, and Impact*) as illustrated in the diagram below:



²⁰ Refer to Chapter 2

Interventions/ Activities	Output	Outcome
Establish and support accountability and transparency platforms / forums	Accountability and transparency platforms/ forums for VMGs operationalized	(a) Enhanced oversight of water and sanitation interventions (b) Enhanced ownership and sustainability of targeted water and sanitation interventions
Lobbying and advocacy for increased resource allocation for provision of water and sanitation services for VMGs	Increased resource allocation for provision of water and sanitation services for VMGs	Enhanced service delivery of water and sanitation services to VMGs

ASSUMPTIONS:

- (a) The County Government of Marsabit will adopt and implement the CAP
- (b) The County Government of Marsabit will allocate adequate resources for effective implementation of the action plan

EXTERNAL FACTORS:

- (a) Change in relevant policies and legislations
 - (b) Change in county leadership
 - (c) Political will
 - (d) County competing priorities
 - (e) Cultural practices
- 

1.3 Methodology

This CAP was developed through a participatory process involving the CGoM, KNCHR, HR2W as well as State and non-State actors.²¹

The information contained in this CAP was obtained through literature review, Focus Group Discussions (FGDs) and Key Informant Interviews (KIIs) with relevant stakeholders. Human Rights indicators were developed to track progress in implementation of the CAP.

A comprehensive desktop research involving the review of available literature in the water and sanitation sector was undertaken. Throughout the development of the CAP, specific focus was given to existing legal, normative and policy frameworks that govern the sector, thereby linking the CAP to strategic county policy documents including the CIDPs.

²¹ The County offices engaged include; department of water, department of health, Marsabit Water and Sewerage Company. State agencies and offices engaged include; Northern Water Works Development Agency, Water Resource Authority. Non-state actors e.g Food for the Hungry Organization were also engaged.

Chapter Two

NORMATIVE AND LEGAL FRAMEWORK ON THE RIGHT TO WATER AND SANITATION IN KENYA

The right to water and sanitation is explicitly recognized in various international, regional and national frameworks as highlighted here below.²²

2.1 International Framework

Articles 2(5) and 2(6) of the Constitution incorporate into Kenyan law, the international laws, treaties and conventions. The relevant international conventions and policies on the right to water and sanitation are highlighted as follows: -

International Covenant on Economic, Social and Cultural Rights (ICESCR)²³

The ICESCR provides for State's obligations in the provision of ECOSOC rights. Implementation of the ICESCR is monitored by the Committee on Economic, Social and Cultural Rights (CESCR). The CESCR through General Comment number 15 (GC15) on the right to water defined the normative criteria of the human rights to water and sanitation, and provided guidelines for State Parties on the progressive realization of these rights, as provided for under Article 2 of the ICESCR.²⁴ In its interpretation, the CESCR further clarified that the right to water and sanitation are inherent to the realization of other key rights, such as non-discrimination, right to gain a living by work, right to an adequate standard of living, right to education and right to health.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)²⁵

CEDAW primarily prohibits all forms of discrimination against women. It is monitored by the Committee on Elimination of the Discrimination Against Women. The Committee has provided linkages between provisions in CEDAW and the human rights to water and sanitation. For instance, General Recommendation number 24 on women and health, interpreting CEDAW Article 12, has determined that States should take all appropriate measures to ensure sanitation and water supply are available in order to prevent disease and promote good

²²For more information, refer to Kenya Country Legal Mapping, available at: <http://humanright2water.org/wp-content/uploads/2020/07/Kenya-Country-Mapping.pdf>

²³Covenant on Economic, Social and Cultural Rights (ICESCR). Available at: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

²⁴General Comment No. 15 (E/C.12/2002/11) available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2F2002%2F11&Lang=en

²⁵Available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>

health.²⁶

International Convention on the Rights of Persons with Disabilities (ICRPD)²⁷,

The ICRPD codifies and secure the rights of Persons with Disabilities. Committee on the Rights of Persons with Disabilities (CRPD), the monitoring agency for implementation of the CRPD has, through its General Comment number 3 on women and girls with disabilities, clarified that *“harmful gender and disability stereotypes combine to fuel discriminatory attitudes, policies and practices, such as: (...) not providing accessible sanitation facilities at schools to ensure hygienic menstrual management.”*²⁸

Convention on the Rights of the Child (CRC)²⁹.

The Committee on the Right of the Child (CRC) oversees implementation of the CRC and has issued General Comments clarifying how the right to water and sanitation apply to the protection of children’s rights. Notably, General Comment number 7 on early childhood, while interpreting Article 24 on health and health services, explains in its paragraph 27, that *“States parties should ensure that all children have access to the highest attainable standard of health care and nutrition during their early years, in order to reduce infant mortality and enable children to enjoy a healthy start in life (Art. 24). In particular: (a) States parties have a responsibility to ensure access to clean drinking water, adequate sanitation (...)”*³⁰

Sustainable Development Goals (SDGs)

The SDGs emphasise sustainable development identifying 17 goals with 169 targets to be achieved by 2030. The SDGs recognize that social development and economic prosperity depend on the sustainable management of freshwater resources and ecosystems and it highlights the integrated nature of SDGs. *SDG 6 seeks to ensure availability and sustainable management of water and sanitation for all.*³¹

2.2 Regional Framework

Regionally, Kenya has ratified the African Charter on Human and People’s Right (ACHPR)³² that guarantees among others ECOSOC rights and creates key human rights complaints and reporting mechanisms. ACHPR through its Resolution 300 on the right to water obligations³³ requested its Working Group on Economic, Social and Cultural Rights to develop principles

²⁶See General Recommendation No. 24 on CEDAW Article 12 (women and health), paragraph 12. https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_4738_E.pdf

²⁷ International Convention on the Rights of Persons with Disabilities (ICRPD). Available at: <https://www.ohchr.org/en/hrbodies/crpd/pages/conventionrightspersonswithdisabilities.aspx>

²⁸General Comment No. 3 on women and girls with disabilities (CRPD/C/GC/3), paragraph 56. See: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/3&Lang=en

²⁹ Convention on the Rights of the Child, available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

³⁰ General Comment No. 7 (2005): implementing child rights in early childhood (CRC/C/GC/7/Rev.1), paragraph 27. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f7%2fRev.1&Lang=en

³¹ See especially Targets 6.1, 6.2, and 6.b on the normative framework, focus on the vulnerable and public participation broadly.

³² African Charter on Human and People’s Right, Available at: <https://www.achpr.org/legalinstruments/detail?id=49>

³³ Available at: <https://achpr.org/sessions/resolutions?id=149>

and guidelines on the right to water to assist States in the implementation of their obligations. The Guidelines on the Right to Water in Africa provide for among others the obligation of the State to mobilize adequate resources for the realization of the right to water, non-discrimination by stakeholders and the participation of vulnerable groups and the adoption of the Human Rights Based Approach in water management.³⁴

The Kenya National Commission on Human Rights has adopted numerous concluding observations and recommendations on States Parties reports which address the human rights to water and sanitation. Most notably, the Commission has established Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the ACHPR (2010)³⁵ that interpret the Articles of the Charter. For instance, the interpretation of Article 16 of the Charter on the right to health, in its paragraph 63, has defined that the “determinants of health include *access to safe and potable water* and *adequate sanitation*, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions.”

The Guidelines clarify that the rights to water and sanitation, while not explicitly cited in the African Charter, are implied in the protection of other rights such as the right to life, dignity, work, health, food, economic, social and cultural development and a satisfactory work environment. The Guidelines set a standard for the realisation of HRWS and define minimum core obligations for state parties and urge State Parties to adopt national plans, policies and systems. Besides the promotion of equality and non-discrimination, the guidelines provide for the inclusion of vulnerable groups.³⁶

In addition to the ACHPR, the Africa Water Vision 2025³⁷ highlights the critical role that water plays in achieving socio-economic development goals; Aspiration 1 of the Africa Agenda 2063: A prosperous Africa based on inclusive growth and sustainable development further recognizes the need to ensure access to water and sanitation.³⁸

2.3 National and County Legal Framework

The Constitution of Kenya, 2010 has been lauded as being progressive with a dedicated chapter on the Bill of Rights. The rights and fundamental freedoms as enshrined, are to preserve the dignity of individuals and communities.³⁹ Article 43 of the Constitution guarantees ECOSOC rights among them the right to reasonable standards of sanitation and to clean and safe water in adequate quantities. This is also key in ensuring every person enjoys their right to a clean and healthy environment.⁴⁰ Article 21(2) obligates the State to

³⁴ The Guidelines can be accessed at : https://lavasoft.gosearchresults.com/?q=Guidelines+on+the+Right+to+Water+in+Africa&tt=vmn__webcompa_1_0_go_lvs__webcompa_1_0_go__ch_WCYID10438_210813__yrff__yrff&pid=5ac784309091147a162b4431

³⁵ Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (2010) Available at : https://www.achpr.org/public/Document/file/English/achpr_instr_guide_draft_esc_rights_eng.pdf

³⁶ Ibid, p. 51-54.

³⁷ UN Water/Africa, The Africa Water Vision for 2025: Equitable and Sustainable Use of Water for Socioeconomic Development, Available at: <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/african%20water%20vision%202025%20to%20be%20sent%20to%20wwf5.pdf>

³⁸ African Union, Agenda 2063, Available at: <https://au.int/en/agenda2063/aspirations>

³⁹ Article 19(2), Constitution of Kenya (2010).

⁴⁰ Article 42, Constitution of Kenya (2010); Environmental Management and Co-ordination Act (No. 8 of 1999).

take legislative, policy and other measures, to achieve the progressive realization of the rights guaranteed under Article 43. In light of this, the State has an obligation to enact laws and formulate policies that give effect to these rights.

The Environmental Management and Co-ordination Act (EMCA) safeguards the entitlement to a clean and healthy environment giving effect to Article 42 of the Constitution. The Act establishes the National Environment Management Authority (NEMA) which has oversight mandate over all matters relating to the environment.⁴¹

Both the national and county governments play a role in the realization of the HRWS. While the national government is responsible for policy formulation towards water protection, the function of water provision and sanitation services is vested on the county government. The Water Act, 2016⁴² clearly distributes water resource management functions to respective institutions. The mandate to manage all water resources and the regulation on the use of water has been allocated to the Water Resources Authority (WRA),⁴³ which has structures up to the village level. Service delivery (water supply services) and evaluation and recommendation of water and sewerage tariffs to the county water services providers has been allocated to the Water Service Regulatory Board (WASREB)⁴⁴. Water service provision is a devolved function thus WASREB works with the county governments to realize this role. The water department under the county government regulates the water service providers in conjunction with WASREB.⁴⁵ The Act also permits the establishment of Water Resources User Associations (WRUAs) which are *community based association for collaborative management of water resources and resolution of conflicts concerning the use of water resources*.⁴⁶ The Water Sector Trust Fund is to provide conditional and unconditional grants to counties to assist in financing the development and management of water services in marginalized and underserved areas.⁴⁷

The county government has enacted the Marsabit Water and Sewerage Services Act, 2018 which provides for water management services and implementation of National Government Policies on water conservation in Marsabit County. Recognizing that every person in the County has a right to clean and safe water in adequate quantities, the Act mandates the County Government to put in place measures to ensure the progressive realization of the right to water.⁴⁸ The Act provides that the Marsabit County Department responsible for Water Services

⁴¹ Sections 7 and 9 of the Environmental Management and Co-ordination Act (No. 8 of 1999).

⁴² No. 43 of 2016.

⁴³ Section 11 and 12, Water Act.

⁴⁴ Section 70 and 72, Water Act.

⁴⁵ See, *Murang'a County Government vs Murang'a South Water & Sanitation Co. Ltd & another*, [2019] eKLR

⁴⁶ Section 29, Water Act.

⁴⁷ Section 113 and 114 of the Water Act.

⁴⁸ Section 4, Marsabit Water and Sewerage Services Act, 2018.

*“Shall take special measures to ensure the provision of water and sewerage services to vulnerable groups, including— ensuring the presence of gender sensitive sewerage for children in schools; provision of services to internally displaced persons, persons with disabilities, refugees or victims of drought, nomads and pastoralists; and the promotion of appropriate hygiene and sewerage programmes among communities”.*⁴⁹

The oversight and regulatory role with regards to county water and sanitation lies with the County Department responsible for Water and Sewerage Services⁵⁰ with the County Executive Committee Member responsible for regulating water use tariffs in the County for water service providers⁵¹

While the Public Health Act⁵² is not domesticated at the county level, it is still enforced at the county. It is the duty of the local authority to take all lawful, necessary and reasonably practicable measures to protect water supplies from any pollution as well as make by-laws for sanitation.

The national and county governments have also formulated policies towards the implementation of the HRWS. The Kenya Environmental Sanitation and Hygiene Policy (2016-2030) (KESHP) *“commits the Government of the Republic of Kenya at both National and County levels to pursuing a robust strategy that will not only enable all Kenyans to enjoy their right to highest attainable standards of sanitation but also to a clean and healthy environment as guaranteed by the Constitution of Kenya 2010”*. It adopts a rights based approach to provide strategies to ensure Kenyan’s live in dignity by providing a clean and secure environment through improved sanitation services.

The Kenya Environmental Sanitation and Hygiene Strategic Framework (KESSF) 2016-2020⁵³ notes that sanitation is a guaranteed human right with sanitation services being a function devolved to counties. Despite the strides made to legislate on the same, there is no comprehensive law on sanitation and it is provided for in piece-meal in various legal instruments.

2.4 Key Regulatory Institutions

Currently, the Marsabit Water and Sanitation Company (MARWASCO) is the only registered water service provider in the county. However, plans are underway to establish and register other water service providers. Moreover, the construction of the Marsabit sewerage system/plant is ongoing. While the Marsabit Water and Sewerage Services Act does not expressly provide for access to water and sanitation services by vulnerable populations, MARWASCO

⁴⁹ Section 7, Marsabit Water and Sewerage Services Act, 2018.

⁵⁰ Section 8, Marsabit Water and Sewerage Services Act, 2018.

⁵¹ Section 26, Marsabit Water and Sewerage Services Act, 2018.

⁵² Cap 242, Laws of Kenya.

⁵³ Government of the Republic of Kenya (2016b), Kenya Environmental Sanitation and Hygiene Strategic Framework (KESSF) 2016–2020. Ministry of Health.

has established several water kiosks which are being managed by women and Persons with Disabilities (PWDs). Part of the revenue generated goes to the welfare of the women group and the rest is used for operation and maintenance of the water kiosks. There are also water taps designated for the less fortunate who are allowed to fetch water at no cost. This initiative is in Marsabit town but it is slowly being extended to other parts of the county.

The Directorate of Public Health is mandated to provide sanitation with an aim of upscaling latrine coverage and promoting latrine use. Each county has a County Open Defecation Free (ODF) 2020 Campaign Action Plan to implement the National *ODF Kenya 2020 Campaign Framework* aimed at eradicating open defecation. In the rural areas, actors at the national and county level with the support of partners take a *Community Led Total Sanitation* (CLTS) approach, to end open defecation by having latrines made more accessible to PWDs and other vulnerable groups.

Chapter Three

WATER AND SANITATION SITUATION IN MARSABIT COUNTY

3.1 Overview

The residents of Marsabit County experience a severe shortage of water for domestic and livestock use.⁵⁴ It is estimated that only 4% of the homesteads in urban centers are connected to piped water and about 60% of the population depend mainly on rain harvesting, boreholes, dams, springs, water pans and shallow wells as the source of water. The main source of water within Marsabit township and its environs is an underground spring⁵⁵ at Mount Marsabit, that drains to a dam (commonly known as *Bakuli*) before being supplied to the water kiosks and homesteads. The other sources include surface water and underground of Hurri Hills, Mt. Kulal, Ethiopian plateau, seasonal rivers of Milgis, Merille, Nyiro Mountains and Lake Turkana. Within Marsabit township, most residents are supplied with treated piped water, while other sources are not treated, unprotected and are saline. The residents use aqua tabs, water-guard and chlorine purifiers to improve the quality of water before use at the household level.

The county government continues to work with the National government and development partners to supply water in rural areas through water boozers commonly known as “*water trucking*”. Other measures undertaken by the county include; distribution of water tanks for rain water harvesting and storage, drilling and equipping of boreholes and *water Kiosks* at strategic locations. In addition, the county has adopted technology to ensure proper utilization and access of water through the digitization of billing system.

The shortage of water is attributed to several factors including; climate change, limited and unpredictable rainfall, poor water management practices, environmental degradation, encroachment into and clearing of forests⁵⁶ For instance, the rapid human settlement at Gatab and Losikiricho areas has seen increased destruction of cedar trees (mainly used for construction) within Kulal Forest. Mt. Marsabit Forest has not been spared either. The

⁵⁴ National Drought Management Authority ‘Marsabit County Drought Early Warning Bulletin For January 2022’ <<http://www.ndma.go.ke/index.php/resource-center/early-warning-reports/send/14-marsabit/6350-marsabit-january-2022>> accessed on 3rd March 2022

⁵⁵ Badassa, Songa and Balesa Bongole

⁵⁶ Other human activities affecting forest include; cultivation and settlement, rapid population growth of animals and humans, cutting trees for charcoal and building materials, increased sinking of boreholes around the slopes that siphons water sources, overgrazing within the forests, increased settlements in urban areas due to hasty rural-urban migration resulting in environmental problems of overcrowding and poor waste disposal mechanisms.

communities continue to encroach the forest as a result of increased population in rural and urban areas - in search of grazing zones and land for settlement and cultivation. In 2010, it was pointed out that the wetlands⁵⁷ inside the forest dried up impacting the water recharge of natural springs that the community depended on.⁵⁸

To mitigate some of the effects on water catchment areas, the Kenya Forest Services (KFS) works with stakeholders to educate the community on the consequences of climate change and encroachment of water catchment areas while advocating for alternative livelihood practices. In addition, the CGoM is working with the Ministry of Health to realize the UN Sustainable Development Goal 6 and Kenya Vision 2030.

The highlighted challenges in the county's water sector have a direct negative impact on sanitation. This further exacerbates the situation in Marsabit since the county grapples with waste management and disposal systems. Further, residents in urban and peri-urban areas use both covered or uncovered latrines and septic tanks; while those in rural settings practice open defecation.

Studies have revealed that out of a population of 291,166 people, 14.0% and 9.6% access improved and unimproved sanitation facilities respectively, while 11.9% share the facilities and 64.6% practice Open Defecation (OD).⁵⁹ This situation indicates that the county government should invest more in the sanitation sector to realize the constitutional right *on accessible to reasonable standards of sanitation* as espoused under Article 43 (1).

Waste management and disposal in Marsabit Township are carried out by the county government. In contrast to the peri-urban areas where the community disposes garbage by way of burning, the remote areas have no mechanism in place for garbage disposal. The county government in partnership with relevant stakeholders have initiated programmes to address sanitation issues including; the *Community-Led Total Sanitation* (CLTS), construction of public sanitation facilities and a sewerage plant for Marsabit Township and its environs.

3.2 Progress in the provision of the rights to water and sanitation

The figure next page represents the CGoM progress in the water and sanitation sector for the period 2017 to 2021

⁵⁷ Lakes Paradise and Sokorte

⁵⁸ County government of Marsabit, "Marsabit Second County Integrated Development Plan 2018-2022" < <https://cog.go.ke/media-multimedia/reportss/category/106-county-integrated-development-plans-2018-2022?download=313:marsabit-county-integrated-development-plan-2018-2022>> accessed on 2nd March, 2022

⁵⁹ Ministry of Health- Water and Sanitation Program (WSP) "The Water and Sanitation Profile for Marsabit county" < <https://devolutionhub.or.ke/resource/state-of-sanitation-in-marsabit-county>> accessed in 2nd March 2022.

Figure 2: Progress in the provision of the rights to water and sanitation



(Source: Marsabit County Departmental Achievement Report 2017-2021: As presented during the 2021 Devolution Conference)

The major investment in the water sector undertaken by the CGoM over the past years of devolution are in line with national, regional and global priorities including the Marsabit CIDP 2018-2022, Big IV Agenda, Sustainable Development Goals and the Vision 2030 amongst others.

3.3 Challenges in the realization of the Human Rights to Water and Sanitation (HRWS) for Vulnerable and Marginalized Groups (VMGs)

The County Government of Marsabit has been grappling with several challenges while discharging its mandate in the water and sanitation sector. The table below points out some of the challenges that require interventions for effective service delivery.

The salinity of water sources in Marsabit County
Unpredictable climate leading to declining and drying up of water sources
Unprotected water sources
Poor sanitation practices e.g., Open Defecation leading to contamination of the scarce water sources
Lack of sanitary facilities including latrines for persons with disabilities
Lack of regulation and structures to oversight private water vendors
Persistent breakdown of major strategic boreholes due to prolonged pumping of water
Limited water sources
Insecurity resulting from recurrent water and pasture conflicts
Poor management of water sources by water management committees
Inadequate involvement and planning for VMGs’ interventions and measures
Lack of technocrats’ succession plan in the event of retirement, resignation or re-assignment
Stalled construction of sewerage plant for Marsabit township
Inadequate capacity of the public on their rights and obligations in the water and sanitation sector
Inadequate waste management and disposal systems

Figure 3: Challenges in providing water and sanitation services in Marsabit County

3.4 SWOT AND PESTLE ANALYSIS

In order to obtain the desired objectives in the water and sanitation sector in Marsabit County, the stakeholders undertook a **SWOT analysis** and relevant information was recorded. The information list focused on all current known internal **strengths** and **weaknesses**; potential external **opportunities** that exist including future trends and technologies and identifiable external **threats**. This was achieved through brainstorming sessions by technical teams drawn from State and non-State actors. Hereunder is a SWOT analysis matrix that was developed and a plan to address each area documented.

(S) STRENGTHS	• Availability of County enabling policy and legislation on water • Presence and enhanced partnerships with development actors in the water and sanitation sector • Positive political will from County on part of the Government of Marsabit • Recognition of the County's role anchored in the Constitution of Kenya • Enhanced budgetary allocation in the water and sanitation sector by the County government of Marsabit • Enhanced resource mobilization in the water and sanitation sector • Adoption of technology in service provision i.e.; connections, installation of prepaid meters and water desalination • Availability of some key human resource in the water and sanitation sector including; water quality experts and public health practitioners
(W) WEAKNESSES	• Delayed implementation of the County policy and legislation on water due to budget constraints in terms of funding activities • Uncoordinated actors' interventions in the water and sanitation sector • Inadequate human resource in the sector • Uninformed community on their role in the water and sanitation issues • Inadequate knowledge by locals on water and sanitation operation matters. • Perennial inter-clan conflicts on matters water and sanitation especially access of water sources or points • Withdrawal of support by development partners • Unprecedented insecurity challenges especially on accessing some water points and designated garbage disposal areas • Inadequate budgetary allocation for operations works including maintenance of infrastructure and equipment • Poor network of piped water within urban setting with 71% of the town settlement not connected. • Human wildlife conflict especially over water sources

(0) OPPORTUNITIES

- Enhanced public-private partnership to establish water and sanitation sector
- Direct investment by the County government in addressing availability, accessibility of water and sanitation for people and livestock
- Consideration and planned water and sanitation issues in the County Integrated Development Plan (CIDP)
- Availability of enabling policy and legislation frameworks on water and sanitation sector
- Devolved function on water and sanitation that offered counties opportunities to plan and budget on county specific water and sanitation issues
- Enhanced increase on relevant and key personnel in the water and sanitation sector by County government and on the part of development partners
- Construction and expansion of existing water and sanitation infrastructure including Badassa and Bakuli dam
- Continuous capacity building programs on the part of county and development partners on water and sanitation issues
- Sustained political good-will for effective application of the principles of integrated management of water and sanitation resource
- Enhanced public-private partnership to establish water and sanitation sector
- Direct investment by the County government in addressing availability, accessibility of water and sanitation for people and livestock
- Consideration and planned water and sanitation issues in the County Integrated Development Plan (CIDP)
- Availability of enabling policy and legislation frameworks on water and sanitation sector
- Continuous capacity building programs on the part of county and development partners on water and sanitation issues
- Sustained political good-will for effective application of the principles of integrated management of water and sanitation resource
- Devolved function on water and sanitation that offered counties opportunities to plan and budget on county specific water and sanitation issues
- Enhanced increase on relevant and key personnel in the water and sanitation sector by County government and on the part of development partners
- Construction and expansion of existing water and sanitation infrastructure including Badassa and Bakuli dam

(T) THREATS	• Climate change and perennial drought: this changes community priorities for sanitation as majority will concentrate on basic needs such as; water and pasture compared to constructing latrines • High community illiteracy levels • Recurrent banditry and inter-clan conflicts over resources including access to water and grazing zones • Pollution of water sources affecting the quality of water • Increase in population growth in urban areas as a result of rural-urban migration thus constraining the limited water and sanitation resources • Ineffective planned and installation of infrastructure including water pipes • The community retrogressive cultural norms and activities such as; refusal to sharing latrines with in-laws • Political intolerance that results to vandalism on sewer lines • The high-level poverty index especially for the vulnerable population • Illegal water connections • Poor water harvesting among locals • High poverty index to collaborate on CLTS programs
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Fig 5: Marsabit County SWOT analysis for the realization of the rights to water and sanitation

3.5 PESTLE Analysis

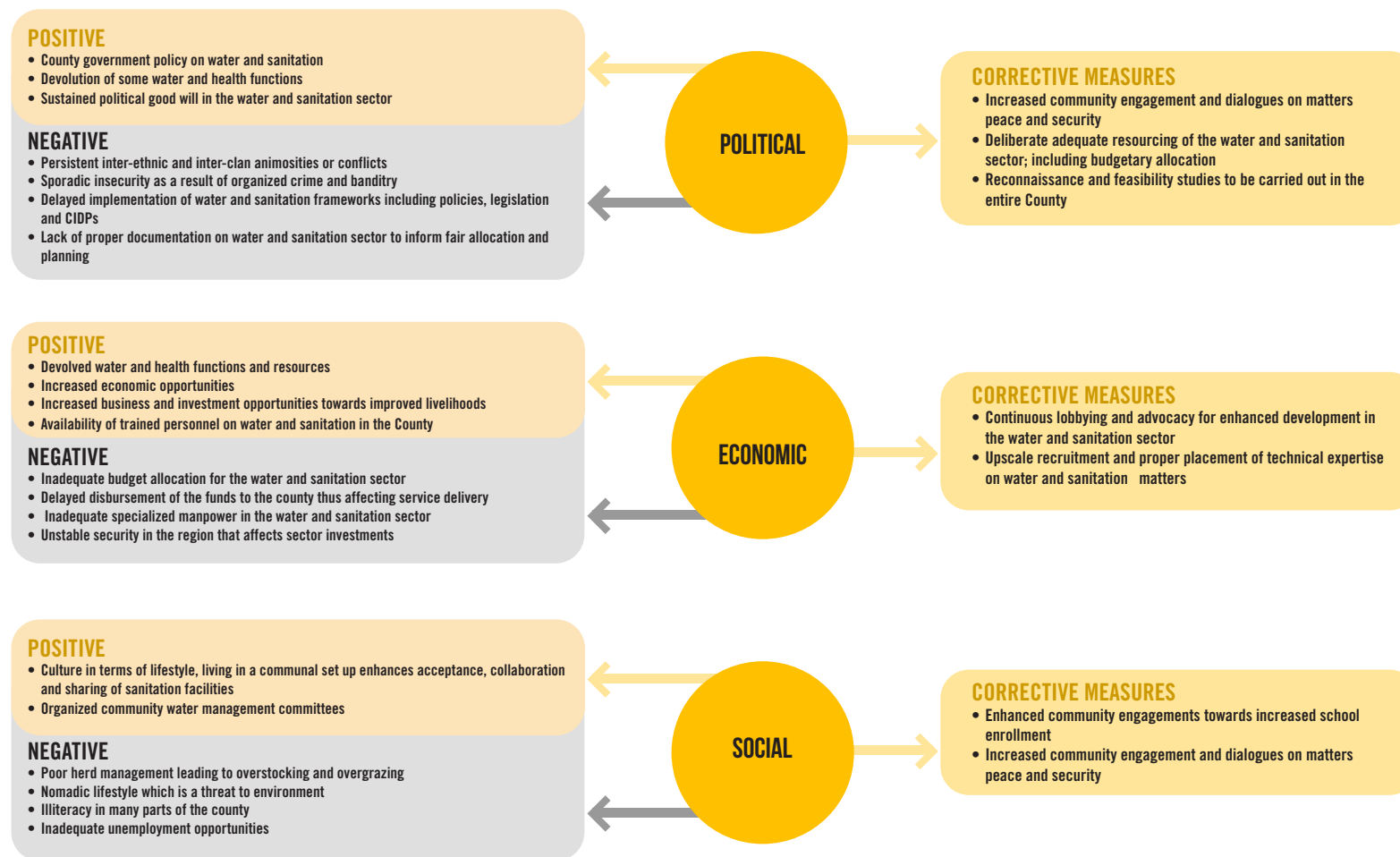
The **PESTLE analysis** for the water and sanitation sector in Marsabit County is strategically meant to address six (6) salient factors - *Political, Economic, Socio-cultural, Technological, Legal*, and *Environmental* in order to assess the viability of this CAP. The elements that were considered in the six factors identified above focused on the dynamics of water and sanitation sector in the County; and the **positive** and **negative** effects of decision making as well as **corrective measures** needed.

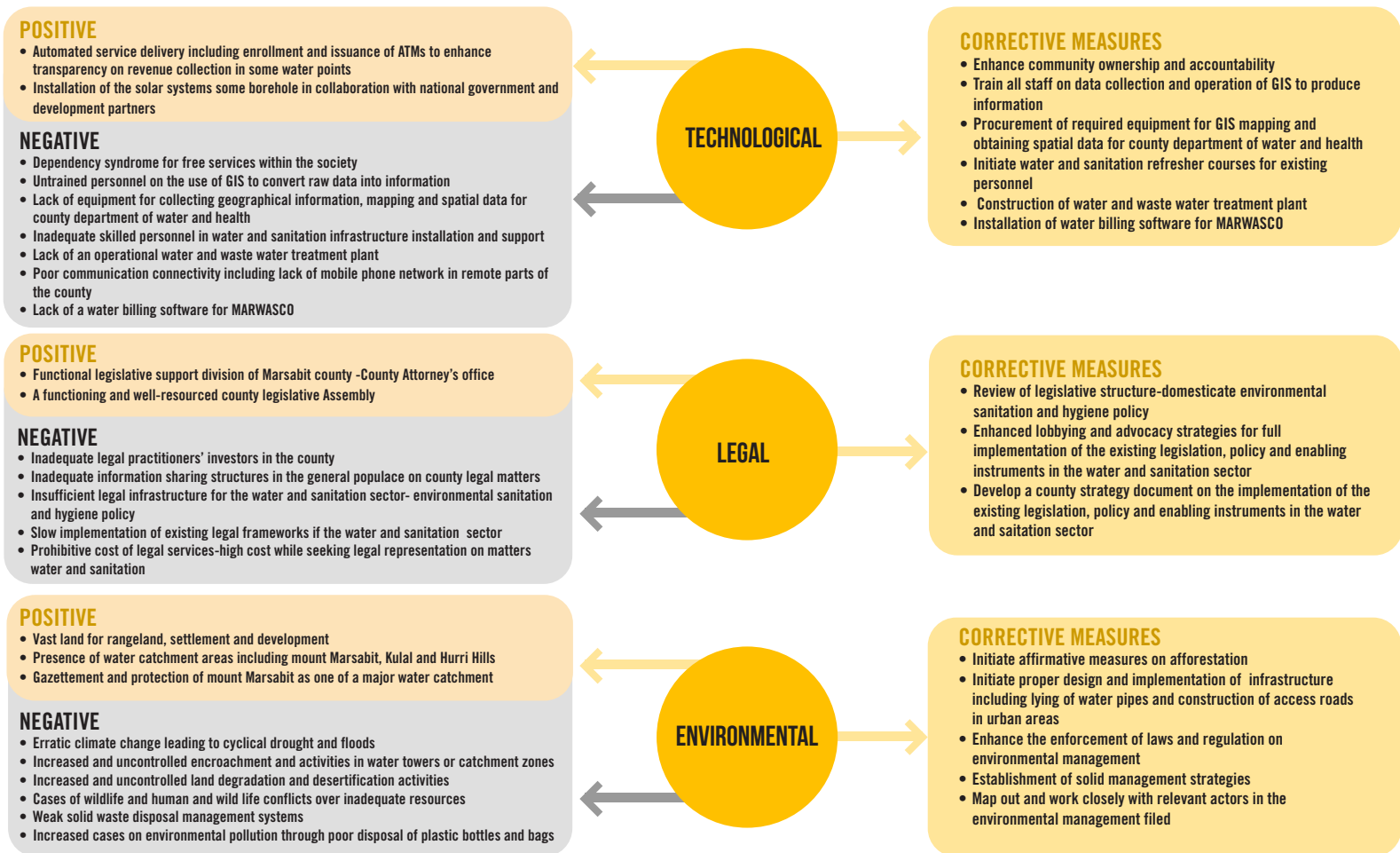
The technical teams drawn from State and non-State actors in Marsabit County considered each decision making factor which in turn will aid in sustaining the sector and the final MCAP.

For example:

- Political factors account for tariffs and regulations,
- Economic factors helped to determine how much people will pay for water and sanitation services,
- Sociocultural factors gave insight into the demand for services and any differing sociocultural values in the County,
- Technological factors focused on leveraging on technological innovations for water access or sanitation service,
- Legal factors helped to understand the rules and regulations that need to be met, and
- Environmental factors looked into the context of the county's delicate environment.

Figure 6: An illustration of the PESTLE analysis for Marsabit County





Chapter Four

COUNTY ACTION PLAN FOR THE REALIZATION OF THE RIGHT TO WATER AND SANITATION FOR VMGs (2022-2026)

Gap(s)	Measures/Action(s)	Output	Outcome	Coordinating/ Responsible Institution (s)	Partners	Source of funding	Estimated Budget in Ksh.	Timeline
Section 1: Legal and Policy Pillar								
Inadequate laws and policies addressing the needs of VMGs	Review of Marsabit water policy to ensure inclusion of VMGs	Marsabit County water policy document reviewed	Increased participation of VMGs in water governance	i. Department of Water, Environment and Natural Resources ii. Department of Health Services iii. Department of lands and urban development	County Assembly Committee for Water, KNCHR, USAID-NAWIRI, UNICEF, FH-KENYA, Concern World Wide, PACIDA, Kenya Red Cross	County Government and partners	5,000,000	Dec 2022-Dec 2023
	Domesticate and operationalize the Kenya Environmental Health Policy with special considerations for the VMGs	Marsabit Environmental Health Policy domesticated and operationalized	Increased participation of VMGs in sanitation governance				10,000,000	Dec 2022-Dec 2026
	Fast track the enactment of Marsabit County Solid Waste Management law	County legislation on solid waste management enacted	Enhanced water and sanitation service delivery and accountability				1,000,000	Jan 2022-Dec 2022
Section 2: Capacity Building and Public Awareness Pillar								
Lack of adequate knowledge and information on existing water and sanitation frameworks	i. Conduct public awareness forums on water and sanitation frameworks and provisions related to VMGs ii. Publish and disseminate popular versions of the County frameworks on water and sanitation related to VMGs	Public awareness forums and initiatives conducted	i. Increased awareness on the HRWS of the VMGs ii. Increased sustainability of water and sanitation interventions iii. Increased interventions targeting the VMGs iv. Enhanced transparency and accountability	i. Department of Water, Environment and Natural Resources ii. Department of Health Services iii. MARWASCO	KNCHR, USAID-NAWIRI, UNICEF, FH-KENYA, Concern World Wide, PACIDA, Kenya Red Cross	County Government and Partners	15,000,000	Dec 2022-Dec 2026

Gap(s)	Measures/Action(s)	Output	Outcome	Coordinating/ Responsible Institution (s)	Partners	Source of funding	Estimated Budget in Ksh.	Timeline
Lack of adequate knowledge and information on existing water and sanitation frameworks	i. Conduct public awareness forums on water and sanitation frameworks and provisions related to VMGs ii. Publish and disseminate popular versions of the County frameworks on water and sanitation related to VMGs	Public awareness forums and initiatives conducted	i. Increased awareness on the HRWS of the VMGs ii. Increased sustainability of water and sanitation interventions iii. Increased interventions targeting the VMGs iv. Enhanced transparency and accountability	i. Department of Water, Environment and Natural Resources ii. Department of Health Services iii. MARWASCO	KNCHR, USAID-NAWIRI, UNICEF, FH-KENYA, Concern World Wide, PACIDA, Kenya Red Cross	County Government and Partners	15,000,000	Dec 2022- Dec 2026
Inadequate enforcement of County water and sanitation frameworks	Conduct capacity building sessions for county officials on water and sanitation frameworks related to VMGs	Capacity building of county officials conducted	i. Increased initiatives targeting VMGs ii. Enhanced protection of the HRWS for VMGs				3,000,000	
Lack of knowledge on preventive measures for water and sanitation-related diseases	Train community members on preventive measures for water and sanitation-related diseases	Community trained on preventive measures for water and sanitation-related diseases	Reduction in waterborne and sanitation-related diseases		USAID-NAWIRI, UNICEF, FH-KENYA, Concern World Wide, PACIDA, Kenya Red Cross		2,000,000	June 2022- Dec,2026
Lack of adequate knowledge on the use of prepaid water meters	Train community on the use of prepaid water meters for revenue management	Community groups trained on the use of prepaid water meters	Accountability, transparency and sustainability of water points enhanced	i. Department of Water, Environment and Natural Resources Services ii. MARWASCO	USAID-NAWIRI, UNICEF, FH-KENYA, Concern World Wide, PACIDA,	County Government and Partners	6,000,000	June 2022- Dec,2026

Gap(s)	Measures/Action(s)	Output	Outcome	Coordinating/ Responsible Institution (s)	Partners	Source of funding	Estimated Budget in Ksh.	Timeline
Section 3: Service Provision Pillar								
Water salinity and contamination	Procure water-solar desalination plants to address water quality and safety	i. Community water points installed with desalination plants ii. Community representatives trained on operation and maintenance of the desalination plants	Reduction in water and sanitation-related diseases	i. Department of Water, Environment and Natural Resources ii. MARWASCO iii. Department of Health Services	USAID-NAWIRI, UNICEF, FH-Kenya, Concern World Wide, PACIDA, Kenya Red Cross	County Government and Partners	127,000,000	Jan 2022-Dec,2026
Unprotected water sources	Procure water treatment chemicals	Community groups trained on use of water treatment measures and technologies					7,000,000	Jan 2022-Dec,2026
Inadequate water infrastructure and systems for enhanced service delivery for VMGs	Drill and equip community boreholes	Community boreholes drilled and equipped	Water consumption per household per day improved	i. Department of Water, Environment and Natural Resources ii. MARWASCO iii. NWWDA iv. WRA	USAID-NAWIRI, UNICEF, FH-KENYA, Concern World Wide, PACIDA, Kenya Red Cross	County Government and Partners	160,000,000	June 2022-Dec 2026
	Installation of pipelines and construction of water pans, underground tanks, and accompanying auxiliaries (e.g fencing, toilets, water <i>kioks</i> and cattle troughs)	Water pans and underground tanks constructed	Walking distances to water points for VMGs reduced				190,000,000	June 2022-Dec 2026

Gap(s)	Measures/Action(s)	Output	Outcome	Coordinating/ Responsible Institution (s)	Partners	Source of funding	Estimated Budget in Ksh.	Timeline
	Purchase and distribution of plastic tanks and guttering equipment	Plastic tanks purchased and distributed to households and institutions		i. Department of Water, Environment and Natural Resources ii. MARWASCO iii. NWWDA			60,000,000	June 2022-Dec,2026
	Construct water kiosks and installation with prepaid water meters	Water kiosks constructed and installed with prepaid water meters	i. Reduced trekking distances for VMGs ii. Enhanced revenue collection	i. Department of Water, Environment and Natural Resources ii. MARWASCO			50,000,000	June 2022-Dec,2026
Lack of knowledge on impact of open defecation	Trigger, follow up claim and verification for villages to attain ODF status	Villages triggered and certified to attain ODF status	i. Reduction of disease burden related to sanitation ii. Human dignity attained for vulnerable and marginalized groups	Department of Health Services	USAID-NAWIRI, UNICEF, FH-KENYA, Concern World Wide, PACIDA,	County Government and Partners	5,000,000	June 2022-Dec,2026
	Construct PWD sensitive toilets in institutions and public places complete with hand washing facilities	Public institutions equipped with PWD sensitive toilets complete with hand washing facilities	Improved access to sanitation facilities for PWDs	Department of Health Services			20,000,000	June 2022-Dec,2026
Inadequate solid waste management initiatives	Designate waste transfer stations to avoid crude dumping	Waste transfer stations designated	Improved waste management infrastructure	i. Department of lands and urban development ii. Department of health			5,000,000	Jan 2022-Dec 2024
Inadequate water bowzers for water trucking during drought emergencies	Purchase, servicing and maintenance of water bowzers	Water bowzers purchased, serviced and maintained	Water availability and access improved	i. Department of Water, Environment and Natural Resources ii. MARWASCO			155,000,000	June 2022-Dec,2026

Gap(s)	Measures/Action(s)	Output	Outcome	Coordinating/ Responsible Institution (s)	Partners	Source of funding	Estimated Budget in Ksh.	Timeline
Section 4: Governance and Management Pillar								
Lack of transparency on revenue collection at community water points	Installation of prepaid water meters at more strategic community water points with special consideration for vulnerable groups	Community water points installed with prepaid water meters	Enhanced transparency, accountability and sustainability at community water points	Department of Water, Environment and Natural Resources	UNICEF, USAID-NAWIRI, FH-KENYA, Concern World Wide, PACIDA,	County Government and Partners	1,000,000	June 2022-Dec 2026
	Designate and strengthen the capacity of the vulnerable groups to manage community water points and water <i>kiosks</i>	Vulnerable groups empowered and appointed to manage water points and water <i>kiosks</i>	Enhanced inclusion of vulnerable groups to water and sanitation governance	i. Department of Water, Environment and Natural Resources ii. MARWASCO			2,500,000	June 2022-Dec,2026
Section 5: Political Pillar								
Inadequate budgetary allocation to the water and sanitation sector – with special considerations for the vulnerable and marginalized groups	Lobby for increased budgetary allocations through the County Executive Committee Members and County Assembly Committee members for Water, Environment and Health	County Executive Committee Members and County Assembly Committee members lobbied	VMG priorities in the water and sanitation sector are adequately resourced.	i. Department of Water, Environment and Natural Resources ii. Department of Health Services	KNCHR, USAID-NAWIRI, UNICEF, FH-KENYA, Concern World Wide, PACIDA, County Assembly Committee members on Water and Sanitation	County Government and Partners	3,000,000	June 2022-Dec,2026
	Sensitize and train Executive Committee Members and relevant County Assembly committees on VMG needs and considerations in	Executive Committee Members and relevant County Assembly committees sensitized and trained					5,000,000	June 2022-Dec 2022

Gap(s)	Measures/Action(s)	Output	Outcome	Coordinating/ Responsible Institution (s)	Partners	Source of funding	Estimated Budget in Ksh.	Timeline
Section 6: Public Participation and Access to Information								
Inadequate funding for civic education and public participation	County Assembly members sensitized on the need for more resource allocation towards civic education and public participation	Increased budgetary allocation towards conducting civic education and public participation	Enhanced awareness on the HRWS	i. Department of Water, Environment and Natural Resources ii. Department of Health Services iii. County Assembly	KNCHR, USAID-NAWIRI, UNICEF, FH-KENYA, Concern World Wide, PACIDA	County Government and Partners	5,000,000	June 2022-Dec 2026
	Support to accountability forums to undertake continuous civic education and public participation on the HRWS	Increased public participation	Enhanced accountability, access to information and participation in water and sanitation governance.				25,000,000	June 2022-Dec,2026

Chapter Five

MONITORING AND EVALUATION FRAMEWORK

This chapter establishes a framework that will be used to monitor and evaluate implementation of the Marsabit CAP. The aforementioned processes are to be undertaken during the five-year CAP implementation period. Specific terms and timelines are captured below:

5.1 Monitoring

Monitoring is the process of collecting, analyzing and reporting data on a project or program input, activities, output, outcomes and impacts. The analyzed data, pinpoint progress or constraints to allow the government to adjust projects or activities as required. It also provides feedback to the government and project persons on progress in the implementation and achievement. This enables adequate planning and execution of need-based activities and programs. Monitoring will also help the stakeholders in the water and sanitation sector to come up with a viable set of standards for the realization of positive outcomes and impacts.

The County Department (s) responsible for water and sanitation in collaboration with stakeholders in the sector shall apply the human rights indicators tool⁶⁰ developed to track progress, analyze, interpret and disseminate feedback with special consideration to VMGs.

5.2 Evaluation

This is aimed at ensuring the CGoM and relevant stakeholders in the water and sanitation sector undertake a systematic and objective assessment of ongoing or completed interventions aspired by the CAP and their results. It will also assist stakeholders to determine the relevance and fulfillment of objectives, efficiency, effectiveness, impact and sustainability of the CAP. Through evaluation, stakeholders will be able to underscore the level of activities or program implementation and lessons learnt. This process will be critical in informing the relevance and impact of the human right indicators⁶¹ on water and sanitation.

5.3 Reporting

The CGoM and stakeholders shall adopt appropriate progress-reporting sequences i.e either monthly or quarterly. The reports will be prepared to form part of annual reports indicating

⁶⁰ Supra note. 21

⁶¹ Ibid

the status of implementation of all development projects, service delivery and budget performance in the water and sanitation sector. These reports shall be availed to the public, through different disseminated strategies including County, Sub-County and Ward level community engagement forums with special considerations to VMGs.

5.4 Learning

Stakeholders shall keep records throughout the implementation of the CAP detailing, but not limited to; best practices, challenges and innovations. The best practices should be duplicated in other areas within the County towards the enjoyment of the sector rights. This will also help stakeholders in coming up with best practices including increased resource allocation in county strategic documents such as; County CIDPs and strategic documents. The County in collaboration with sector stakeholders should adopt both internal and intra-learning strategies to ensure duplication of best practices in the water and sanitation sector.

5.5 Review

Reviews will be instrumental in the correction of deviations realized through monitoring and evaluation processes during the implementation of the CAP. County Government of Marsabit in partnership with stakeholders will agree and adopt a suitable participatory review strategy. These reviews will be undertaken annually or mid-project to deliberate on project implementation and inform appropriate action where possible. The CAP for Marsabit County is to be implemented over a five-year period (January 2022 to December 2026).

Annexe

Table 1: List of key contributors & institutions

Institution	Name	Institution Status
Kenya National Commission on Human Rights	Dr. Bernard Mogesa, CEO Anne Marie, Director Cyrus Maweu, Deputy Director Dominic Kabiru, Assistant Director Boy Jude Doris Alomba Christina Arrum Patrick Bonyonte Ibrahim Kassim Maureen Mwadime	State
HR2W	Amanda Loeffen, CEO Gabiella Casanova, Senior Legal expert Imanol Aguilera, Legal expert	Geneva-based INGO
Key Stakeholders in the water and Sanitation Sector in Marsabit County		
County department of Water, Environment & Natural Resources (Water department)	Shakhe Stephen Katelo, Director	State
County department of health	Bernadette Njoki, Senior public health officer	State
Water Resources Authority	Bernard Simba, Licensing officer	State
Marsabit Water and Sewerage Company (MARWASCO)	Dub Halakhe, Engineer	State
Food for the Hungry (FH-Kenya)	Moses Letoole, Programme officer	INGO
Other partners engaged in Marsabit County		
Catholic Relief Services - Nawiri	Yattani Damballa	INGO
CARITAS-Nawiri	Wato Qonchoro	INGO
County department of health	Ezekiel Mogaka	State
Concern worldwide	James Kariuki	INGO
County department of Water, Environment & Natural Resources (Environment department)	Orbora Fereni Thomas	State
County department of Water, Environment & Natural Resources (Planning department)	Dickson Maitho	State
Welthungerhilfe (WHH)	Rita Seyere	INGO
PACIDA	Amina Isako	NGO

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North Eastern Regional Office - Wajir

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P.O Box 363-70200 Wajir
Tel: 046-4421512
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Twitter: @KNCHRWajir

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