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THE NATIONAL ASSEMBLY


THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

**DEPARTMENTAL COMMITTEE ON BLUE ECONOMY, WATER AND
IRRIGATION**

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**REPORT ON THE SESSIONAL PAPER NO. 7 OF 2024 ON NATIONAL
SANITATION MANAGEMENT POLICY FROM MINISTRY OF WATER,
SANITATION AND IRRIGATION**

 THE NATIONAL ASSEMBLY PAPERS LAID	
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TABLED BY: Hon. Kagongo Bowen MP	THE NATIONAL ASSEMBLY RECEIVED 16 APR 2025 SPEAKER'S OFFICE P. O. Box 41842, NAIROBI.
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**CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
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LIST OF ABBREVIATIONS AND ACRONYMS

APHRC	-	African Population and Health Research Center
MDAs	-	Ministries, Departments and Agencies
NSMP	-	National Sanitation Management Policy
WASREB	-	Water Services Regulatory Board
CoK	-	Constitution of Kenya
UNICEF	-	United Nations International Children's Emergency Fund
SDG	-	Sustainable Development Goal
MoWSI	-	Ministry of Water, Sanitation and Irrigation
PFMA	-	Public Finance Management Act
AMCOW	-	African Ministers' Council on Water
ASPG	-	African Sanitation Policy Guidelines
WHO	-	World Health Organization
SC	-	Steering Committee
NSMP	-	National Sanitation Management Policy
AWWDA	-	Athi Water Works Development Agency
WRA	-	Water Resources Authority
CSOs	-	Civil Society Organizations
CoG	-	Council of Governors
ADB	-	African Development Bank
UNICEF	-	United Nations International Children's Emergency Fund
UN	-	United Nations
MDGs	-	Millennium Development Goals
ASPG	-	Africa Sanitation Policy Guidelines
OSS	-	On-Site Sanitation
NSS	-	Non-Sewered Services
VTOs	-	Vacuum Truck Operators
O&M)	-	Operation and Maintenance
FSTPs	-	Fecal Sludge Treatment Plants
NGOs	-	Non- Governmental Organizations
IGRA	-	Intergovernmental Relations Act
WWDA	-	Water Works Development Agencies

CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Blue Economy, Water and Irrigation on its consideration of the Sessional Paper No. 7 of 2004 on the National Sanitation Management Policy.

The Sessional Paper No. 7 of 2004 on the National Sanitation Management Policy was tabled in the National Assembly on Wednesday, 13th November 2024 and referred to the Committee on Thursday, 14th November 2024. Pursuant to the provisions of Article 118 of the Constitution, the Committee is required to facilitate public participation and make appropriate recommendations to the House on the Sessional Paper.

The Policy aims to drive improvements across several key areas to ensure a more effective and sustainable sanitation sector. It promotes the adoption of resilient and innovative sanitation systems and technologies, alongside the delivery of safely managed sewerage and non-sewered sanitation services. The Policy supports inclusive approaches to institutional, public, and commercial sanitation, while also emphasizing the importance of sanitation and hygiene behavior change and education.

An advertisement was placed in the dailies on Thursday, 5th December 2024 pursuant to Article 118(1) (b) of the Constitution of Kenya, 2010, to facilitate public participation on the Policy. The Committee received a memorandum from African Population and Health Research Center (APHRC) on Friday, 20th December 2024.

Further, vide a letter REF: NA/DDC/BEW&I/2025/005 and REF: NA/DDC/BEW&I/2025/007 dated Tuesday, 18th March, 2025 and 2nd April, 2025 respectively, invited stakeholders for meeting. The Committee met the following stakeholders;—

- i. Ministry of Water, Sanitation and Irrigation- State Department for Water and Sanitation;
- ii. Council of Governors; and
- iii. African Population and Health Research Center (APHRC)

The Committee held five (5) meetings, both in-house and stakeholder engagements and recommends that the House **approves** the Sessional Paper No.7 on the National Sanitation Management Policy **subject to revision of the Policy**.

The Committee is grateful to the office of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it in the execution of its mandate.

Finally, I express my appreciation to Members of the Committee and the Committee Secretariat for their patience, sacrifice, endurance and commitment to the assignment, which enabled the Committee to complete the task within the stipulated period.

It is therefore my pleasant duty and privilege, on behalf of the Departmental Committee on Blue Economy, Water and Irrigation to table its Report on the consideration Sessional Paper No.7 of 2024 on the National Sanitation Management Policy for consideration and adoption by the House.

Hon. Bowen Kangogo, M.P., C.B.S

Chairperson, Departmental Committee on Blue Economy, Water and Irrigation

PART I

I.0 PREFACE

I.1 Establishment of the Committee

- I. The Departmental Committee on Blue Economy, Water and Irrigation is one of the twenty Departmental Committees of the National Assembly established under Standing Order 216 whose mandates pursuant to the Standing Order 216 (5) are as follows:
 - i. ***To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;***
 - ii. *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
 - iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. *To study and review all legislation referred to it;*
 - v. *To study, assess and analyze the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *To investigate and inquire into all matters relating to the assigned ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);*
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

I.2 Subjects of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider matters of use and regulation of water resources, irrigation, fisheries development including promotion of aquaculture, fish farming, marine fisheries, the sustainable use of ocean resources for economic growth and improved livelihoods, except seaports and marine transport.
3. In executing its mandate, the Committee oversees the following government ministries and departments and agencies (MDAs), namely:
 - i. The State Department for Water and Sanitation
 - ii. The State Department for Irrigation
 - iii. The State Department for Blue Economy and Fisheries

PART II

2.0 SESSIONAL PAPER NO.7 ON THE NATIONAL SANITATION MANAGEMENT POLICY

6. The Sessional Paper No.7 of 2024 on the National Sanitation Management Policy was tabled in the National Assembly on Wednesday, 13th November 2024 and referred to the Committee on Thursday, 14th November 2024.
7. The Committee is required, pursuant to Article 118(1) (b) of the Constitution, to facilitate public participation and make appropriate recommendations on whether the House should approve or reject the Policy.
8. Sessional Paper No.7 Of 2024 on National Sanitation Management Policy aims to provide an inclusive overarching framework that will advance efforts by the Government towards ensuring access to safely managed sanitation for all by 2030.

2.1 Legal and Policy Framework on Sanitation

The Constitution of Kenya under Article 43(1) (b) guarantees every person the right to accessible and adequate housing and reasonable standards of sanitation. Whereas Paragraph 11(b) of Part 2 of the Fourth Schedule to the Constitution provides that, county public works and services including water and sanitation services is a function of County Governments.

2.2 Legislative and Regulatory Instruments

a. The Water Act, Cap 372

9. The Water Act, Cap.372 governs the management of water resources, water supply, and sewerage services in the country. While it provides a definition for sewerage services, it notably excludes household sanitation from its scope. The Act mandates the development of annual Water Services Strategies, which must include statistics on access to water and sanitation services. The Water Act also defines “sanitation” *as provision of on-site sanitation services including latrines, septic tanks and conservancies including the associated exhauster services, whereas "sewerage services" means the development and management of infrastructure for transport, storage, treatment wastewater originating from centralized and decentralized systems but shall not include household sanitation facilities.*
10. The Water Act also establishes several key institutions to support the sector the Water Services Regulatory Board (WASREB), responsible for regulating services and tariffs; the Water Sector Trust Fund, which provides financial support to marginalized Counties; and the Water Works Development Agencies, tasked with implementing water and sanitation projects across the country.

b. The Public Health Act, Cap 242

11. The Public Health Act, Cap. 242 addresses sanitation by defining public nuisances and structural health hazards, thereby emphasizing their significance to public health and safety. The Act also includes specific provisions related to sanitation within building

codes and regulations governing private sewer systems, ensuring that sanitation standards are upheld in both construction practices and private sanitation infrastructure.

c. County Governments Act, Cap.265

12. The County Governments Act, Cap.265 refers to the importance of sanitation through its provisions on basic service delivery, aligning with the constitutional mandate for Counties to ensure access to essential services. Although not explicitly detailed, sanitation is recognized as a key component of these basic services that County governments are responsible for providing.

d. Environmental Management and Co-ordination Act, Cap. 387

13. The Environmental Management and Co-ordination Act, Cap. 387 regulates effluent discharge and pollution control, providing a legal framework for environmental protection. It enforces the “polluter pays” principle, holding individuals and entities accountable for pollution and ensuring that those responsible bear the cost of managing and mitigating environmental damage.

e. Sustainable Waste Management Act, Cap.387C

14. The Sustainable Waste Management Act, Cap. 387C establishes the legal and institutional framework for the sustainable management of waste to ensure the realization of the constitutional provision on the right to a clean and healthy environment. Cap.387C establishes a Waste Management Council whose role amongst others is to enhance inclusive inter-governmental coordination for sustainable waste management and review progress in implementation of the national sustainable waste management strategy.
15. Cap. 387C defines “domestic waste” as waste, other than hazardous waste, generated from a domestic residence, however "waste" under the Act means—

(a) any substance, material or object that is intended or required to be discarded or disposed of by its holder, whether or not it can be reused, recycled or recovered and include municipal waste, domestic waste, waste from agriculture, construction waste, commercial waste, waste from horticulture, aquaculture and forestry, medical waste, chemical waste, hazardous waste, toxic waste, industrial waste, pesticides, e-waste and toxic substances but does not include radioactive waste;

(b) a substance, material or object that may be designated as waste by the Cabinet Secretary in consultation with the Authority by notice in the Gazette;

Provided that waste or a portion of waste specified in paragraphs (a) and (b) shall cease to be waste—

- (i) once an application for reuse, recycling or recovery has been approved by the Authority or, after such approval, it has been reused, recycled or recovered;

(ii) where approval for reuse, recycling or recovery is not required, it has been reused, recycled or recovered; or

(iii) where the Cabinet Secretary in consultation with the Authority has, by notice in the Gazette and in the prescribed manner, excluded any waste stream or portion of any waste stream from the definition of waste.

2.3 Policy Implementation Focus Area

16. The Policy aims to drive improvements across several key areas to ensure a more effective and sustainable sanitation sector. It promotes the adoption of resilient and innovative sanitation systems and technologies, alongside the delivery of safely managed sewerage and non-sewerage sanitation services. The Policy supports inclusive approaches to institutional, public, and commercial sanitation, while also emphasizing the importance of sanitation and hygiene behavior change and education.
17. Further, strengthening governance, regulation, and management mechanisms is a core priority, as is facilitating sustainable financing and fostering public-private partnerships. Additionally, the Policy highlights the need for robust sanitation research, monitoring, and evaluation frameworks to inform evidence-based decision-making and continuous improvement.

2.4 Comparative analysis

18. Sanitation management practices vary around the world, but several countries have developed innovative and effective systems for managing wastes to ensure clean water, sanitation, and hygiene for their populations. Around the world, countries that have achieved considerable gains in advancing the sanitation management thrived on an enabling environment characterized by enactment of National Sanitation Management Policy No. 7 of 2024, legislative instruments prioritizing sanitation, a robust regulatory regime; and establishing institutional arrangements and coordinate mechanisms among stakeholders, where functions and responsibilities are clear-cut and delineated. The Committee considered the following best practices from various countries—

a) Japan

19. Sanitation management in Japan is highly regulated. Some of the laws that have contributed to Japan's sanitation management include; the Waste Cleaning Act, 1900, the Local Government Act of 1952, the Sewerage Law of 1970, the Waste Management and Public Cleaning Law of 1970 and the Johkasou Law of 1983.
20. The Country's approach to sanitation is deeply embedded in its culture of hygiene and public health. It has implemented high-tech toilets, widespread waste recycling, and advanced wastewater treatment systems to maintain cleanliness. While the Ministry of Land, Infrastructure, Transport, and Tourism (MLIT) manages offsite sanitation (sewerage and wastewater management), the Ministry of the Environment (MOE) handles onsite sanitation.

21. The Waste Management and Public Cleaning Law mandates local governments to create a Household Wastewater Treatment Plan for their municipalities, including maintaining a Sludge Disposal Plan. Sludge treatment facilities are constructed, operated, and maintained by municipalities and cities.
22. Key Features in the Country's Sanitation management include the use of advanced technology in toilets, such as bidets, that reduce water usage and improve hygiene; wastewater treatment plants that focus on resource recovery (e.g., generating energy from wastewater treatment) and the strong cultural emphasis on personal hygiene and public cleanliness.
23. Some of the challenges facing Japan's sanitation management include the declining government investment, aging facilities and workforce, fragmentation of service provision, processing electronic waste and the debris left after natural disasters.

b) Rwanda

24. Rwanda has made significant strides in sanitation management in recent years as part of its broader commitment to public health and sustainable development. The government has developed various policies, strategies, and regulations to improve sanitation and hygiene across the country. Here are some key aspects of sanitation management policies in Rwanda.
25. Rwanda's National Sanitation Policy outlines the government's commitment to improving sanitation and hygiene standards. The Policy covers a wider scope encompassing urban storm water management, fecal sludge management along the entire value chain, solid waste management, electric and electronic waste, industrial waste, healthcare waste, nuclear waste, radioactive waste and hazardous waste, and developing the sub sectors institutional and capacity building framework. As part of its long-term development strategy, Rwanda Vision 2050 emphasizes the importance of sanitation and hygiene in fostering economic growth and public health. The vision includes plans for urbanization and infrastructure development, addressing sanitation as a critical component.
26. The 7-Year Government Program (2020-2027), focuses on enhancing public infrastructure, including sanitation facilities. It includes objectives to increase access to clean water and proper sanitation in both urban and rural areas. The Country promotes decentralized sanitation management, empowering local governments and communities to take charge of sanitation services in their areas. This involves building the capacity of local authorities to manage sanitation facilities effectively and sustainably.

PART III

3.0 SUBMISSIONS BY MINISTRIES, DEPARTMENTS AND AGENCIES (MDAs)

27. The Sessional Paper No. 7 of 2024 on the National Sanitation Management Policy was tabled in the National Assembly on Wednesday, 13th November 2024 and referred to the Committee on Thursday, 14th November 2024.
28. The Policy was subjected to public participation pursuant to Article 118(1)(b) of the Constitution of Kenya, 2010 and in this regard, an advertisement was placed in the dailies on Thursday, 5th December 2024 inviting the public to submit memoranda on the Policy.
29. Following the call for memoranda from the public through the placement of advertisements in the print media, the Committee received a memorandum from African Population and Health Research Center (APHRC) on Friday, 20th December 2024.
30. Further, vide a letter REF: NA/DDC/BEW&I/2025/005 REF and NA/DDC/BEW&I/2025/007 dated Tuesday, 18th March 2025 and Wednesday, 2nd April 2025 respectively invited stakeholders for a meeting. The Committee met the following stakeholders
 - i. Ministry of Water, Sanitation and Irrigation- State Department for Water and Sanitation;
 - ii. Council of Governors; and
 - iii. African Population and Health Research Center (APHRC).

3.1 State Department for Water and Sanitation

Eng. Eric Mugaa, the Cabinet Secretary, Ministry of Water, Sanitation and Irrigation (MoWSI), together with Mr. Julius Korir, CBS the Principal Secretary, State Department for Water and Sanitation, and other technical officers from the Ministry, appeared before the Committee on Tuesday, 25th March 2025 and submitted on the Sessional Paper No. 7 of 2024 on the National Sanitation Management Policy as follows:

31. Sessional Paper No. 7 of 2024 on National Sanitation Management Policy was developed with the support of the African Population Health and Research Center (APHRC). The National Sanitation Policy Steering Committee was launched on 1st February 2021. The Policy aims to structure sanitation management in Kenya by expanding access to safe sanitation, improving public health, and reducing environmental pollution. Further, it addresses the current gaps in governance, financing and infrastructure development for sanitation in Kenya.
32. 93% of Kenyans have access to basic sanitation, but centralized sewerage coverage is 16% nationwide, mainly in urban areas. Additionally, fifteen (15) counties still experience high levels of open defecation, which contribute to moderate to severe stunting in 35% of children and 40% of infant mortality cases, citing data from United Nations Children's

Fund (UNICEF) (2013). Poor sanitation has resulted to an annual economic loss of USD 365 Million, according to World Bank (2010).

33. Article 43(1) (b) of the Constitution of Kenya guarantees every person the right to reasonable sanitation standards. However, sanitation has historically been overlooked in water policies, resulting in limited investment. The new policy aligns with the Kenya's Vision 2030, the Ng'or Declaration, Sustainable Development Goal (SDG) 6.2, and the Africa Sanitation Policy Guidelines under Agenda 2063 to improve hygiene and access to sanitation.
34. In September 2020, the Ministry of Water, Sanitation, and Irrigation (MoWSI) made a significant decision to undertake the development of a Policy for Sanitation Management. This decision was made in the context of several key considerations, including:
 - i. The Constitution of Kenya (CoK) 2010, which guarantees adequate sanitation under Articles 42, 43, 20, 21, 22, and 70.
 - ii. The devolved system of government and service delivery, as outlined in Articles 174, 175, 183, 185, 186, and 189, as well as Paragraph 11(b) of Part 2 of the Fourth Schedule, to the Constitution and the Public Finance Management Act (PFMA).
 - iii. The Presidential Executive Orders of 2016, 2020, 2022, and 2023, which vested the sanitation management function in the Ministry of Water, Sanitation, and Irrigation.
 - iv. The Sustainable Development Goal (SDG) 6.2 targets, which aim to end open defecation and ensure universal access to safely managed sanitation by 2030.
 - v. The African Ministers' Council on Water (AMCOW) African Sanitation Policy Guidelines (ASPG), in alignment with Africa Agenda 2063.
 - vi. The Water Act, Cap.372, which provides for water resource management and sanitation service regulation.
 - vii. The Public Health Act, Cap. 242, which mandates the maintenance of sanitary conditions and public health safety.
 - viii. Environmental Management and Coordination Act, Cap.387: Regulates pollution and sanitation waste management
35. The first Sanitation Policy Framework was established in 1921 under the Ministry of Health, which was responsible for administering sanitation. Public Health Ordinance, later enacted as the Public Health Act, Cap 242 in 1950, provided for proper sanitation standards in buildings and premises. In 1960, the Environmental Sanitation Programme

was introduced with support from World Health Organization (WHO) and UNICEF to improve waste disposal methods and provide sanitary education for rural populations.

36. Additionally, the National Sanitation Council was established in 1980 to sensitize the population and local authorities about the health benefits of proper sanitation. The National Policy on Water Resources Management and Development (Sessional paper No.1 of 1999) separated water resource management from service provision, water supply and sewerage development, institutional arrangement and financing.
37. The Water Act, 2002 operationalized the provisions of Sessional Paper No.1 of 1999, later revised in 2016 to align the water sector with the Constitution of Kenya 2010. Lastly, the Sessional Paper No.1 of 2021 on National Water Policy was developed in accordance with the mandate of the Ministry responsible for water affairs.
38. In September 2020, the MoWSI made a decision to develop a national policy specific to sanitation management. Subsequently a Steering Committee (SC) on National Sanitation Management Policy (NSMP) was established to lead this process. The SC adopted the NSMP Stakeholders Engagement and Consultation Framework and Guidelines. In line with the Guidelines for the Development of the National Government.
39. The composition of the National Steering Committee consisted of Ministry of Water, Sanitation and Irrigation (AWWDA, WRA and WASREB), Ministry of Health, State Department for Lands, State Department for Devolution, State Department for industrialization, State Department for Environment, Council of Governors, Kenya Water and Sanitation Network, Kenya Private Sector Alliance, and Water and Sanitation for Urban Poor.
40. The policy development process was highly participatory, involving various stakeholders at National and County levels. Ten (10) consultation meetings were held bringing together four hundred and eight (408) participants representing all forty- seven (47) Counties, MDAs, Development Partners, utilities, CSOs, academia, communities, special groups, consumers, among others. Furthermore, the public consultation meetings were held in Kisumu (31st May, 4th and 25th June, 2021), Nakuru (17th June, 2021), Mombasa (9th and 10th June, 2021), Nyeri (7th and 8th June, 2021), Naivasha (24th November, 2020), Eldoret (7th June, 2021), (Nairobi (10th June, 2021) Embu (22nd July, 2021).
41. The process also included regional validation meetings bringing together two hundred and seventy five (275) participants and a national validation meeting bringing together over seventy (70) participants including participants from CoG, MDAs, AMCOW, World Bank, WATSAN DPG, ADB, UNICEF, UN Habitat, among others. A rapid assessment conducted by AMCOW in September 13, 2021 gave the policy a rating of 4.7 out of 5.0.
42. The key challenges include low sanitation coverage, rapid urbanization, poor fecal sludge management, inadequate regulation, and weak enforcement mechanisms. The Policy

sought to shift from Millennium Development Goals (MDGs) to Sustainable Development Goals (SDGs), emphasizing universal, comprehensive, and sustainable sanitation coverage.

43. The eight key Policy focus areas, include:
 - i. Promoting innovative and climate-resilient sanitation technologies;
 - ii. Accelerating access to safely managed sewerage and wastewater services;
 - iii. Enhancing non-sewered (onsite) sanitation solutions;
 - iv. Improving sanitation in public, institutional, and humanitarian settings;
 - v. Encouraging sanitation and hygiene education and behavior change;
 - vi. Strengthening governance and regulatory frameworks;
 - vii. Enhancing sustainable financing and public-private partnerships; and
 - viii. Investing in research, monitoring, and evaluation frameworks.
44. The Policy implementation framework would involve legislative actions, multi-sectoral coordination, and financial strategies at National and County levels. The progress would be monitored through annual sector reviews and mid-term evaluations.
45. The Policy would lead to 100% sanitation coverage by the year 2030, eliminate open defecation, enhance public health, strengthen governance, and generate economic benefits through job creation and reduced healthcare costs.
46. Sanitation and its corresponding programmes in the Ministry remain largely underfunded from the Government exchequer and majority of the programmes are heavily reliant on donor funding.

3.2 African Population and Health Research Center (APHRC)

Mr. Mamadou Diallo, the Head of Policy Engagement and Communication together with other officers from the African Population and Health Research Center appeared before the Committee on Tuesday, 25th March 2025 and briefed the Committee on the Sessional Paper No. 7 of 2024 on the National Sanitation Management Policy as follows:

47. The scope of the organization involves supporting Africa-wide governance initiatives in the sanitation sector while directly collaborating with select countries to strengthen the sanitation policy environment. Their objective is to ensure that National Sanitation Frameworks are aligned with the Sustainable Development Goals (SDGs) and the Africa Sanitation Policy Guidelines (ASPG).

48. Their collaboration with the Ministry of Water, Sanitation, and Irrigation in Kenya on this specific assignment dated back to 2019. In that year, the Ministry requested the African Population and Health Research Center (APHRC) to support the development of the sanitation policy.
49. Unlike the Millennium Development Goals (MDGs), safely managed sanitation extends beyond mere access. Sustainable Development Goal (SDG) 6.2 aims at ensuring access to adequate and equitable sanitation and hygiene for all by 2030, with a particular emphasis on ending open defecation and addressing the needs of women, girls, and vulnerable populations. The Ngo'r Declaration on Sanitation and Hygiene underscored the objective of achieving universal access to adequate, equitable, inclusive, and sustainable sanitation and hygiene services while eliminating open defecation by 2030.
50. The Ngo'r Declaration, a key document in the sanitation and hygiene sector, was endorsed on May 2015 in Dakar, Senegal by Ministers from different Countries and adopted by the continent to position it to meet the SDGs ambitious goal 6.2. The goal hopes to "achieve 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 by 2030.
51. According to the World Bank and UNICEF, as of 2021, Kenya's sewerage coverage in urban areas stood at approximately 16%, with twenty- one (21) counties lacking any sewerage systems. Nairobi was reported to have the highest coverage at 50%, followed by Kisumu at 49%, Laikipia at 36%, Trans Nzoia at 34%, and Bungoma at 34%. Conversely, some counties were said to have the lowest coverage, including Garissa at 6%, Murang'a at 5%, Meru at 5%, Homa Bay at 4%, and Busia at 2%.
52. The Kenyan government have set a target of increasing sewer coverage to 40% by 2030, as outlined in the National Water and Sanitation Investment Plan. While this initiative is considered commendable, achieving this goal would be challenging due to the substantial financial requirements.
53. To achieve universal access to safely managed sanitation, the plan emphasized integrating non-sewered sanitation solutions alongside traditional sewer systems, which is seen as a laudable approach. A significant portion of the population is said to rely on non-sewered sanitation methods, with 84% of urban residents depending on facilities such as pit latrines, septic tanks, soak pits, and other technologies, many of which are largely unregulated, including imported technologies in developing areas. Nationally, only 29% of Kenyans have access to improved sanitation facilities.
54. The funding gap for achieving universal access to safely managed sanitation in Kenya is in the billions of Kenya shillings, and only innovative approaches can address these funding challenges, which might be difficult to overcome if reliance remained solely on the exchequer. However, estimates show that the potential of non-sewered services (NSS) is about \$27.5 Million a year.

55. Containment model for improved on-site sanitation (OSS) is based on standard designs targeting households not on the National Grid, or alternatives to connecting to an overwhelmed network. Emptying and transport model for affordable, environmentally safe emptying services targeting vacuum truck operators (VTOs) and emptying operators. Treatment and reuse model for third-party operation and maintenance (O&M) of government-owned fecal sludge treatment plants (FSTPs), or even private facilities installing onsite treatment plants is currently unregulated. However, all these opportunities need an enabling environment that parliament can help put in place, starting with this policy.
56. The Policy development process is government-led and involves multi-stakeholder consultations. APHRC is mainly the facilitator of the process, most times helping other local organizations to support with engagements, and building their capacity, i.e. NIA.
57. A joint memorandum submitted to the National Assembly, was a decision taken collectively by representatives of different constituencies of stakeholders, (development partners, private sector, NGOs, and academia), convened by APHRC. The sector is therefore requesting the Committee on Blue Economy, Water and Irrigation and the Parliament of Kenya to consider approving the policy.

3.3 Council of Governors (CoG)

Mr. Kizito Wangalwa a representative from the Council of Governors appeared before the Committee on Thursday, 10th April 2025 and submitted general comments on the Sessional Paper No.7 of 2024 on the National Sanitation Management Policy as follows:

58. The constitution vests on county governments specifically: - county public works and services including – storm water management systems in build-up areas, and water sanitation services. The Policy should borrow heavily on the recent gazette notice No. 16475 dated 16th December, 2024 on delineation of functions between the National Government and County Governments.
59. The Policy centrally assigns regulatory roles to various National Governments agencies, which has occasioned fragmentation and lack of coordination in sanitation. However, for an enabling regulatory environment, this will require restricting responsibilities such as standards, guidelines and norms under the National government while the implementation of regulation standards and enforcement is undertaken by the County Governments.
60. The Policy measures have a statement written as “the Government at the National and County levels”, should be aligned to what is legally coherent, including; both levels of government’ or National Government and County Government as provided for in the Constitution of Kenya. Additionally, the generalization makes it unclear where the primary responsibility of a policy measures is vested.

61. The Policy needs to provide for constitution and integration in development of master plans at National, County level and allow for development of sewerage infrastructure in a coordinated manner.
62. The Policy refers severally to local governments, which do not exist; the policy should be in line with the Constitution; the municipal, cities and town boards are the decentralized units under the County Governments.

The Council of Governors presented its specific comments to the policy as follows:

63. **Amend forward and Preface to include the proposed paragraph.**

The Policy recognize the primary role of County Governments in provision of sanitation services thus responding to the enabling legal, regulatory, governance and service delivery needs at devolved level that will pave way towards achieving safely managed sanitation.

Justification

It is important that the foreword and preface acknowledge the County Governments as the primary custodians and duty bearers of provision of Sanitation services to Kenyans as envisaged in the Constitution of Kenya 2010. The Article 43 of the Constitutions obligates the state to provide reasonable standards of sanitation, which is an exclusive functional assignment to Counties under the Forth schedule Part 2:

On County public works and services including-

- a) Storm water management systems in built-up areas, and
- b) Water and sanitation services.

Recognition of the custodian of the responsibility from the start therefore set pace for recognition and embedding the roles and responsibilities to the rightful state duty bearers who are the County Governments.

64. **Amend the preface to include and read as follows;**

The Policy articulates and clarifies the roles and responsibilities of the diverse stakeholders and ministries, departments and agencies involved in the sanitation ecosystem at national, county and proposes a multi-sectorial national coordination.

All stakeholders and partners are urged to join the government at National and County

Justification

The local context doesn't apply and is covered by the jurisdictional context provided by the County Governments in" ensuring and coordinating the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions, powers and participation in governance at the local level."

The Policy should be very clear and concise on articulation of roles and responsibility that have a direct implication on matters governance, coordination, investments and budgetary allocations, regulation among others.

Additionally, Government only exists at either national or county level as referred in Article 6 of the Constitution that are distinct but interdependent.

65. **Amend Clause 1.3 on scope of the National Sanitation Management Policy to read as follows: These include County Governments; public and private sanitation service providers**

Justification

The omission of County Governments in the scope is ill informed and conspicuous. The County functional assignments such as County health services including reuse removal, refuse dumps and solid waste disposal, control of air pollution. Additionally, the implementation of policies on natural resources and environmental conservation. Finally county public works and services including storm water management systems in built-up areas and water and sanitation services. These are all prerogatives towards safely managed sanitation within the purview of Counties and not MDAs as referred and restricted to national policy, norms and standards.

66. **Amend Clause 3.2.3 on key legal framework for sanitation to provide clarity on the role of Water Works Development Agencies (WWDAs)**

Justification

The Role of Water Works Development Agencies (WWDAs) in relation to sanitation is missing in the Policy.

67. **Amend by Deleting Clause 3.2.4 on Regulatory framework for sanitation**

The establishment of a national Sanitation regulatory body for the coordination of environmental health, onsite sanitation and hygiene services and to enforce standards, regulations, rules, laws, policies and guidelines.

Justification

The provision of a national outfit on regulation of sanitation is not aligned with the principles of devolution. Sanitation is a devolved function,

68. **Amend Clause 4.6.1(c) on devolution principles to ensure to be more explicit to encompass the specific principles such as distinctness, subsidiarity and interdependence**

Justification

This provision will accelerate respect to functional assignment and promote efficiency and local ownership over policies and regulations while checking excesses of centralized governance and consolidation of authority.

69. **Amend Clause 4.6.2 on guiding principles for sanitation management policy to include,” principle of integration of climate considerations”.**

Justification

The principles of climate change adaptation solutions should be mainstreamed both in severed and non-severed investments in line with national and county climate change action plans obligations.

The Investments are informed by Climate Risk Assessment to inform the planning, design, and operation of sanitation systems and practices. In addition, this should be considered in the choice of technologies and resource allocation and sanitation budgets.

70. **Amend 4.6.2 on guiding principles to include as follows;**

Integrated sanitation planning and service provision will be promoted. Sanitation will be integrated into water supply, water resource management, drainage, physical planning, health services, environment management and solid waste management interventions at national, county, municipal, utility and community levels.

Justification

It is important to integrate sanitation in the management of environment and health systems providing a broad scope for achievement of universal access through leveraging the available plans, programming and funding opportunities within those sectors.

71. **Amend Clause 4.8 on theory of change and policy intervention framework by deleting “ understate and non-state actors” remove “the local government authorities”**

Justification

Local government authorities are not applicable after the Constitution of Kenya, 2010; it should be aligned to the provisions of urban Areas and Cities Act 2011 that recognize them as devolved units

72. **Amend Clause 5.2 on promoting resilient and innovative sanitation systems and technologies to read as follows;**

The national government in consultation with county governments shall undertake a comprehensive assessment of the sanitation systems and technologies solutions required to achieve safely managed safely targets in diverse settings.

Justification

The Sanitation assessment is integral to inform development, planning at the County level. Therefore, this should be an integrated process that aggregates plans for both at national and county level.

73. **Amend Clause 5.3 on accelerating access to safely managed sewerage and wastewater management services to include the following policy measure;**

Increase resource allocation through costing of sanitation function and additional transfers to Counties with no access to sewerage services in design, development, and expansion of sewerage systems including simplified/condominium sewer systems.

Under “Capture and Containment”

Provide for integrated master plans for sewerage systems development that ensuring linkage with the national and county master plans.

Justification

The Sanitation resources have been co-mingled in one resource basket with other prioritized sectors such as water, thus losing the most required attention and resource allocation. It important to have a deliberate policy measure on increased and ring-fenced public resources allocated towards sewerage development at County level, including additional finance from national kitty to support the same.

The National Government have been developing sewerage systems devoid of the County master plans on sanitation. Harmony and linkage is required to ensure last mile connectivity in sewerage development, and integration with housing/settlement development and planning.

74. **Amend 5.7.2 on strengthening sanitation governance, management and regulation by deleting the provision under the policy measures.**

Justification

The role of overseeing the performance of functions at National and County level is already provided for through legislative arms. Therefore, the mechanism is required to strengthen that role at both levels to ensure good governance, management and service delivery.

75. **Amend Clause 5.7.2 on strengthen and harmonize national regulatory and coordination framework for sanitation by deleting the provision**

Justification

The Country does not require an outfit at the national level to regulate nor oversee the provision of sanitation services. The National regulatory framework requires harmonizing and strengthening to guide Counties in regulation and ensuring compliance. The coordination will be strengthened through the sectorial forums proposed under IGRA 2012 that also will guide the mutual relations between the two levels of government and across various stakeholders in sanitation.

PART IV

4.0 COMMITTEE OBSERVATIONS

76. The Committee having considered the submissions by the Ministries, Departments and Agencies under its purview made its observations as follows:

- i. Articles 42 and 43 (1) (b) of the Constitution provides for the right to a clean and healthy environment including the right to reasonable standards of sanitation. Despite the requirement of a strong and robust legal regime to bring the Constitutional provisions on the right to sanitation and a clean and healthy environment and devolution of sanitation services, the existing legal and regulatory environment for sanitation remains fragmented with sanitation related laws being provided in various legal instruments - most of which are only ancillary to sanitation.
- ii. There is no coherent legislative and regulatory framework defining a set of normative principles and institutional and regulatory structures for sanitation that reflect the current developments in the international, constitutional and policy spheres and the National Sanitation Management Policy, 2024 seeks to address these gaps.
- iii. The Policy in its implementation framework, proposes for the Environmental Health and Sanitation Bill to address the challenge of the fragmented laws regulating sanitation. However, the Ministry may consider amending the Water Act, Cap. 372 to incorporate issues of sanitation, as matters sanitation may not be delinked from water and the attendant infrastructure to support sanitation.
- iv. The Sustainable Waste Management Act, Cap. 387C was enacted in 2022 that establishes the legal and institutional framework for the sustainable management of waste to ensure the realisation of the constitutional provision on the right to a clean and healthy environment. The Act establishes a Waste Management Council whose role amongst others is to enhance inclusive inter-governmental coordination for sustainable waste management and review progress in implementation of the national sustainable waste management strategy. Waste management is a key component of sanitation. However, the Policy does not refer to the provisions of the Sustainable Waste Management Act, Cap. 387C.
- v. The Policy ought to be reviewed to take into consideration the existing change of laws in matters waste management and further align with existing provisions of the law about definition of terms in the document such as "sanitation".
- vi. There should be clarity in functions and role of the National government, County governments and all other stakeholders in matters related to sanitation. The Policy in Paragraph 6.7 on Policy review refers to an annual multi-stakeholder review forum that shall monitor, review and evaluate implementation of the Policy based on guidelines that shall be issued by national government, Ministry responsible for sanitation. In this regard, it is envisaged that guidelines and regulations shall be

formulated to implement the policy. These guidelines ought to clearly set out the role of county governments and relevant agencies in matters sanitation to avoid conflict and duplication of mandates.

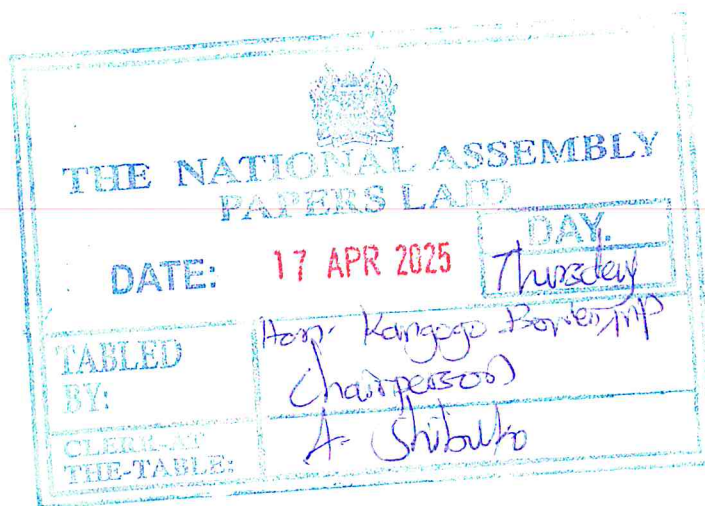
- vii. The Government has set a target of increasing sewerage coverage to 40% by 2030, as outlined in the National Water and Sanitation Investment Plan. While this initiative is considered commendable, achieving this goal would be challenging due to the substantial financial requirements.
- viii. A significant portion of the population is said to rely on non-sewered sanitation methods. Nationally, only 29% of Kenyans have access to improved sanitation facilities thus only innovative approaches can address the funding challenge, which might be difficult to overcome if reliance remained solely on the exchequer.
- ix. Despite being a key component of sustainable environmental management and the government international and constitutional obligations, sanitation and its corresponding programmes in the Ministry remain largely underfunded from Government exchequer and majority of the programmes are heavily reliant on donor funding.

PART V

5.0 COMMITTEE RECOMMENDATIONS

77. The Committee having reviewed the Sessional Paper No.7 on the National Sanitation Management Policy and considered the submissions made by all relevant stakeholders recommends as follows —

- 1) THAT, the House approves the Sessional Paper No. 7 of 2024 on National Sanitation Management Policy subject to revisions as contained in the Schedule I of the Report
- 2) THAT, the Cabinet Secretary, Ministry of Water, Sanitation and Irrigation publishes the National Sanitation Management Policy and revisions set herein above in the appropriate medium including the Ministry's website for public dissemination and also submits a copy to the National Assembly within sixty (60) days.
- 3) THAT, the National Treasury should allocate adequate resources towards implementation of the Policy and matters related to sanitation.





THE NATIONAL ASSEMBLY

13TH PARLIAMENT - FOURTH SESSION - 2025

DEPARTMENTAL COMMITTEE ON BLUE ECONOMY, WATER AND IRRIGATION

MEMBERS ATTENDANCE SCHEDULE

DATE: 15TH APRIL 2025 START: 10:33 AM END: 12:00 NOON

VENUE: COMMITTEE RM - 18/19, 3RD FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS

AGENDA: CONSIDERATION AND ADOPTION OF THE COMMITTEE REPORTS ON SESSIONAL PAPER NO. 7 OF 2024 ON NATIONAL SANITATION MANAGEMENT POLICY AND PROTOCOL AMENDING MARRAKESH AGREEMENT (AGREEMENT ON FISHERIES SUBSIDIES)

NO.	NAME	SIGNATURE
1.	Hon. Bowen Kangogo, MP – Chairperson	
2.	Hon. Kemero Maisori Marwa Kitayama, MP – Vice- Chairperson	
3.	Hon. Chepkwony Charity Kathambi, MP	
4.	Hon. William Kamket, MP	
5.	Hon. Buyu Rozaah Akinyi, MP	
6.	Hon. Eng. Nzengu Paul Musyimi, MP	
7.	Hon. Eng. Tandaza Kassim Sawa, MP	VIRTUAL ATTENDANCE
8.	Hon. Were Charles Ong'ondo, MP	
9.	Hon. Mohamed Abdikadir Hussein, MP	VIRTUAL ATTENDANCE
10.	Hon. Gachagua George, MP	VIRTUAL ATTENDANCE
11.	Hon. Eric Wamumbi, MP	
12.	Hon. Dorothy Muthoni Ikiara, MP	
13.	Hon. Eng. Nebart Bernard Muriuki, MP	
14.	Hon. Mnyazi Amina Laura, MP	
15.	Hon. Adow Mohamed Aden, MP	

Forwarded by:

Signed:

Mr. Nicodemus K. Maluki

First Clerk Assistant – Committee Clerk

Approved by:

Signed:

Ms. Rose M. Wanjohi,

Principal Clerk Assistant II/ Head of Department- Productive Sector

Directorate of Departmental Committees

