



World Water Week 2015, WWW 2015

Addressing governance and management challenges in small water supply systems – the integrity management approach in Kenya

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Abstract

This paper analyses the governance and management challenges of community-managed rural water supplies in Kenya vis-à-vis the ongoing reform processes, and presents the integrity management (IM) toolbox for small water supply systems as a means to address them. The IM toolbox is a change management approach to help community groups address immediate internal challenges and link them with local water actors to establish management arrangements that are performance oriented, accountable and compliant with regulatory requirements to realize the right to water. The paper also discusses the responsibilities and needed contributions of rights' holders and duty bearers in this process.

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Peer-review under responsibility of the Stockholm International Water Institute

Keywords: community management; integrity; right to water; rural water supply, regulation

1. Background – Kenya's evolving policy framework

Over the past decades, Kenya has undergone deep rooted reforms in the water sector. This process started with the new Water Policy, 1999 and the Water Act, 2002, which resulted in the establishment of new institutions and regulatory systems with a clear separation of policy and regulation, as well as water supply service delivery and water resource management functions.

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Although challenges remain, these reforms succeeded in moving towards good governance accelerated services, overall higher performance and adherence to human rights standards in water supply and sanitation services delivery (GIZ, 2012).

However, these reforms focused on improving services provided by formal (thus regulated) water service providers (WSPs), who mainly operate in urban and peri-urban centres and rather densely populated rural areas, where water services are commercially viable. These WSPs report to the Water Services Regulatory Board (WASREB) and are benchmarked in terms of performance. Meanwhile, there is little evidence of penetration of these reforms into rural areas. While the majority of Kenya's rural population, which comprises about 75% of the total population, still depends on point sources or small-scale piped systems run by communities themselves (Mumma, 2007), data on rural water systems remain scanty, making it difficult to know or assess the performance of these systems (WASREB, 2015).

During this first wave of reforms, the Kenyan Government took a pragmatic position and tolerated the provision of small-scale informal service providers (Roaf *et al.*, 2014); it was unrealistic for WASREB, as a lean national regulatory body, to undertake supervision of the myriads of small community groups providing water in remote locations. However, the second wave of reforms under the 2010 Constitution of Kenya has provided for a devolution of power by delegating the responsibility for provision of water supply and sanitation services to the county governments. This devolution offers a good opportunity to bring community groups into the regulatory system, provided county governments develop adequate capacities to supervise and support them.

The 2010 Constitution also explicitly recognizes the right to water: 'Every person has the right to clean and safe water in adequate quantities': (Republic of Kenya, 2010). The right to water has been further unbundled into national standards by WASREB (2015).

- Physical access (non-discriminatory) to a water outlet in urban areas with a 30-minute cycle and in rural areas within a distance of 2 km
- Sustainability of access (water resources, asset resilience, and operation and maintenance [O&M] cost coverage)
- Acceptable water quality
- Affordability (regulated, but not more than 5 per cent of household income as a maximum)
- Reliability (a minimum service of more than 12 hours a day)
- Right to have complaints resolved (participation/access to a standardized complaint mechanism)
- Transparency and accountability (access to sector information)

The legal and regulatory framework of the water sector is currently being aligned to the devolved structures of government, and this will be reflected in the Water Bill, 2014 currently under deliberation by the Senate.

2. Problem statement – challenges in rural water supply in Kenya

For several decades, community-based management has been the model for the provision of water services to rural populations in developing countries. The underlying principles of community management are that the community feels the ownership for the system and, therefore, is willing to pay for the water services, learns to manage the system themselves and is able to cover the costs for its O&M (Moriarty *et al.*, 2013). In Kenya, donors and non-governmental organizations (NGOs) developing water and sanitation infrastructure in rural areas have been applying community management as the main model since the mid-1970s (Notley *et al.*, 2010) as a result of the slow pace of government service delivery mechanisms.

However, many groups struggle to remain active and to operate and maintain their water system in a sustainable way. A recent study in Kenya showed that one-third of the newly established community-managed water systems stop functioning within the first three years after completion (Kwena and Moronge 2015).

Functionality issues are often a consequence of community groups struggling to put in place adequate governance and management systems, as well as lacking linkage to and the oversight of local governments (Transition Authority, 2015). An assessment carried out by Caritas Switzerland (2014) in Kenya, based on interviews and focus group discussions with more than 25 key informants from water sector organizations (including NGOs) and government institutions, found the following common challenges faced by community groups.

2.1. Internal challenges of community groups

Most community-managed water systems are run by volunteers. After some time, many community group members loose commitment or no longer have time to serve their community and carry out their functions on a voluntary basis. Well-trained volunteers often leave for better and paid work opportunities.

Moreover, the assessment found that the capacity to work as an organized group and operate the water system is generally low. Most committee members have low literacy levels and insufficient technical skills to be able to run a water system efficiently, ensure its O&M and allocate clear roles and responsibilities within the group. The personnel hired (kiosks attendants or pump mechanics) are, in many cases, also not qualified for their functions.

Lack of management capacity is another shortcoming that was noted. Many community groups have not put in place the basic management processes to operate efficiently and professionally, such as book keeping, record keeping and payment collection systems. Their tariffs are not based on real costs or on government guidelines, and often are contradictory. Such tariff inequalities undermine the willingness to pay among customers, which is generally very low, especially if there is an (unsafe) surface water source nearby.

Furthermore, in many cases, communication and accountability between the group and the community (hence, its customers) is weak. Most groups do not hold regular open meetings to report their incomes and expenditures for the water system and to receive and discuss complaints or other issues with customers. Customers are rarely involved in the main decisions related to the management of the system, including tariff setting. As a result, customers have little trust in the community group and are hardly willing to pay for water services.

While a core principle of the water sector regulatory framework is to operate water services on a commercial basis (WASREB, undated), the way most community groups operate does not reflect this principle. According to Mumma (2007) community groups rarely see the link between the social and economic benefits of water services. There is hardly any appreciation of the value of water services provision in advancing the productive economic activities of customers, such as farming; the main benefits perceived are associated with enhancing the social welfare of members of the community. This partly explains the challenge that many community groups face in enforcing payment of tariffs for water use.

In addition, many of these community groups do not have a legal status. Hence they are unable to access credit, legally contract support services, acquire assets such as land or seek redress in court. It also prevents them from acquiring a licence as a community WSP, which they are legally required to have when providing water services to more than 20 households (Republic of Kenya, 2002).

The lack of capacity, adequate processes and oversight can lead to mismanagement, where committee members abuse their position for private gains. With no by-laws, constitutions or codes of conduct in place, being in charge of operating the water system can be used as a means of power, for example by cutting off some community members, serving others for free or pocketing part of the money. In the interviews, experts mentioned some cases (especially in very arid areas) where community groups conspire with informal vendors and systematically overcharge people for water.

2.2. Shortcomings of supporting agencies

These capacity gaps among community groups are partly the result of inadequate capacity building and follow-up by NGOs. According to a self-assessment survey among 65 civil society organizations (CSOs) and external validation among 11 CSOs working in the Kenyan water and sanitation sector, performance, in terms of O&M of water systems constructed by CSOs, is weak (KEWASNET, 2016). While a common practice is to train community groups on the basics of O&M and financial management before handing over, it is clear that this one-off training is not sufficient to ensure a sustainable management of the new infrastructure. A standard training manual has been developed and endorsed by the Ministry of Water and Irrigation (MWI) (UNICEF *et al.*, 2012), but the assessment carried out by Caritas Switzerland found that only few NGOs are using it or, if they use it, would try to convey all the information in a too-short period of time. Besides, formation and training of the community group is often organized as one of the last activities in an infrastructure-focused project, which leaves little time for follow-up support once the group has started to operate the water system. A study among community groups managing water systems in Kajiado County also underlines this problem; 66 per cent of the respondents indicated that they did not receive any follow-up support or impact evaluation after project implementation (Kwena and Moronge, 2015). This might be exacerbated by the short-term nature of project cycles and by donor funding having a stronger focus on developing infrastructure than on developing capacities and management models.

Another limiting factor that is put forward by the Caritas Switzerland assessment is that many NGOs that support communities are themselves not conversant with the regulatory framework and, therefore, put little emphasis on linking community groups with the relevant stakeholders and putting in place appropriate (and compliant) management models. Therefore, the community groups formed often have little exposure to their rights and the obligations linked with providing water supply services and the rules and regulations to comply with (Caritas Switzerland, 2014). Consequently, they end up operating in isolation and, outside the sector's accountability systems, there is no control of the quality of the services provided or supervision to safeguard human rights standards and government responsibility for fulfilling the right to water is undermined. It also excludes those groups from government financial and/or technical support mechanisms.

This is confirmed by the KEWASNET survey in which CSOs rated their own performance, in terms of the extent to which they involve and link with the government institutions, as weak (about 40 per cent), but the external validation found that actual performance was much weaker (about 20 per cent) (KEWASNET, 2016). Likewise, government institutions so far have made little effort to reach out to community groups or to make the regulatory framework accessible to such groups and to NGOs/CSOs.

2.3. Need to reconnect the different actors of the sector

There is a clear disconnection between the responsible government institutions and their regulatory and reporting systems on the one hand and the community groups and many NGOs who support them, on the other. This disconnection goes back to the origin of community management. The concept emerged from the realization that local governments lacked the institutional and financial capacities to provide services to rural communities. Development partners, therefore, started relying on communities to manage the services themselves, giving them ownership over the assets in turn. While community management holds important gains in terms of community participation and empowerment, a common weakness in its implementation is that the government is completely side-lined.

As stated in a recent report of the Transition Authority, there is broad understanding, including by government institutions, that community groups need to be regulated in order to ensure that services are provided according to the right to water (Transition Authority, 2015).

For that, community groups would need to move towards a management model that would allow control and regulation through acquisition of a licence as per the prescription of Water Act 2012.

3. Approach to the problem – the integrity management (IM) toolbox for small water supply systems

In an attempt to address these challenges, Caritas Switzerland and the Water Integrity Network (WIN), with the support of Swiss Development Cooperation (SDC), have developed the IM toolbox for small water supply systems.

The methodology is based on the IM toolbox for WSP, an approach developed in 2012 by Cewas, WIN and Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ) for formal Kenyan WSPs that primarily serve urban areas (Cewas *et al.*, 2014). However, in view of the current gap between the status of community groups and the regulatory requirements, some major adjustments to the approach were made to include a stronger focus on compliance and organizational transformation.

The approach was developed with continuous guidance and support from WASREB and MWI, and in close collaboration with the Kenya Water and Sanitation CSOs Network (KEWASNET), as a way to start addressing the disconnection between community-managed water supplies, NGOs and the government institutions.

3.1 Objective

The objective of the IM toolbox for small water supply systems is to guide community groups to establish appropriate management arrangements to provide sustainable water services in accordance to the right to water standards.

3.2 Integrity management as a framework

To tackle this problems from an integrity angle and to achieve its objective, the IM toolbox encompasses a broad understanding of integrity that goes beyond values and anti-corruption to include aspects of sound management and competence. The definition developed by Integrity Action can serve as a basis:

Integrity = accountability + competence + ethics – corruption (Integrity Action, n.d.).

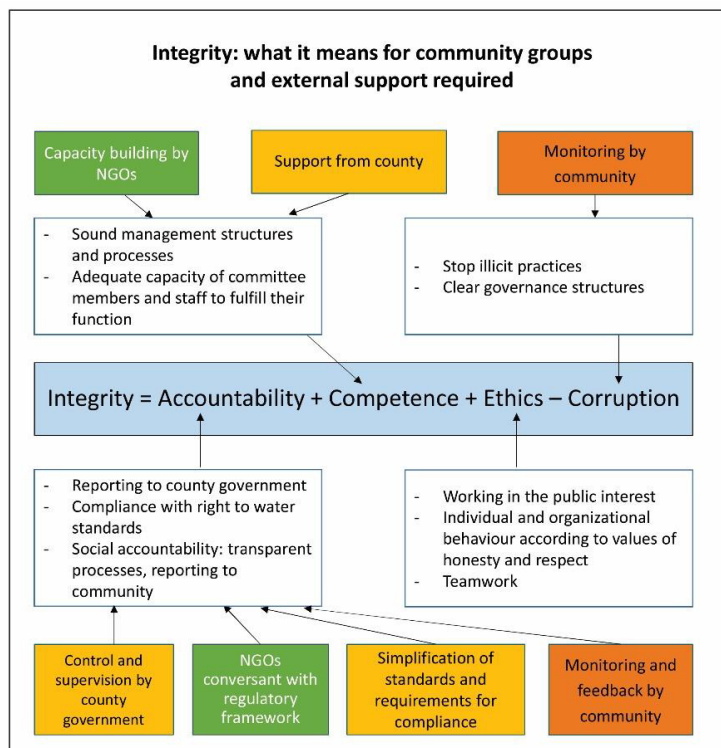


Figure 1. Integrity in managing a small water supply system

3.3. The IM toolbox pillars

The IM toolbox aims to accompany community groups in change processes:

- To improve their performance, in order to provide quality services to customers and ensure a sustainable access to water
- To become compliant, by formalizing themselves with the existing regulatory framework and by becoming integrated into the sector.

It is designed as a moderation kit for coaches and is underpinned with practical guidance and a number of checklists, tools and templates.

It has two main pillars that are interlinked – compliance and performance. Both pillars come together in establishing management arrangements that are conducive to cost recovery, O&M and quality services as well as adhering to agreed standards of governance and reporting to county governments and to the community, thus contributing to the realization of the right to water.

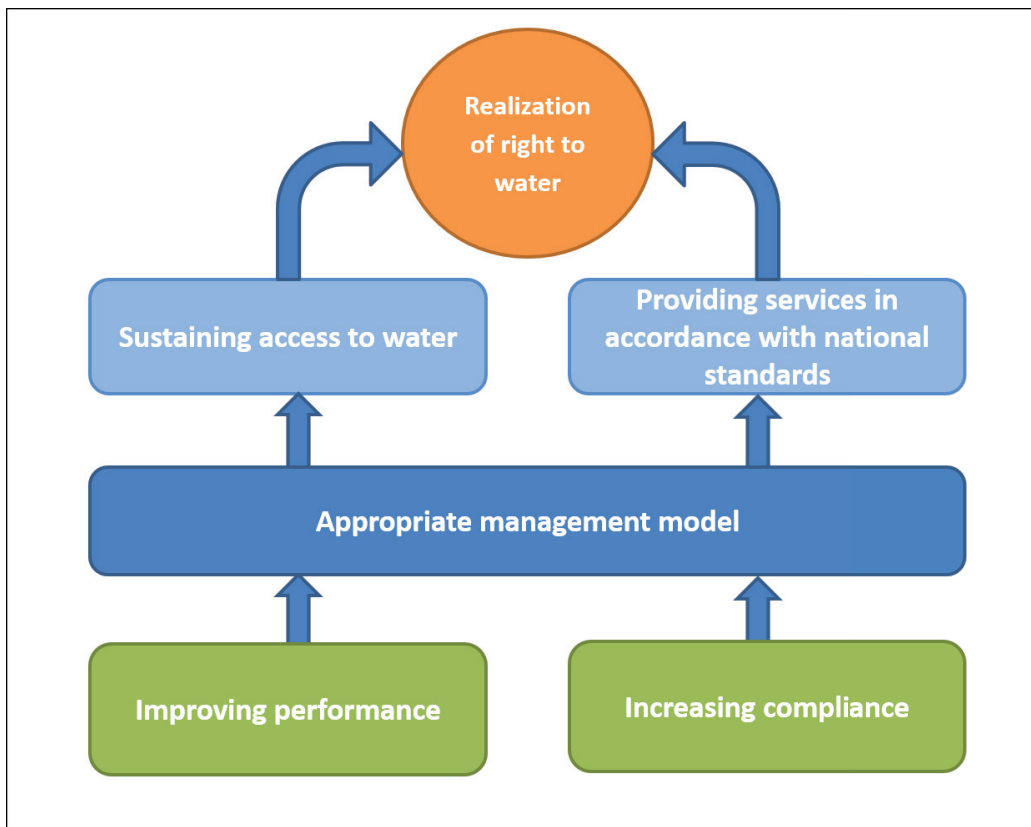


Figure 2. Theory of change of the IM toolbox for small water supply systems

3.3.1. Increasing compliance

The pillar on compliance includes understanding sector institutions and the regulatory framework as well as moving towards an organizational structure that can fulfil the requirements linked to provision of water supply services, which

comply with the sector's regulations and national standards. The IM toolbox has been tailored to be flexible enough to provide an overview of specific rules and regulations that a community group needs to fulfil and present various management models, their advantages and constraints, and guide the group accordingly towards the most appropriate model. To facilitate this process, the IM toolbox entails checklists and information sheets that explain regulatory requirements in simple terms, as well as the requirements and all the forms necessary e.g. to obtain a licence.

Options for such management models include, but are not limited to

- Handing over the responsibility for operating the water system to a licensed WSP
- Contracting a licensed WSP or private sector company to operate the water system while still holding a part of the responsibilities
- Becoming itself a community WSP, by obtaining a licence and signing a contract with the county government.

The requirements, advantages and challenges of each of these options are described in information sheets.

The most appropriate management model will not only depend on the capacity of a community group to retain responsibility for operating the system, but also on how the county will position itself with regards to water services provision. The choice of management model will depend also on the way the Water Act, 2014 will be translated into subsidiary legislation, whether the water system is within an area where water services are considered commercially viable and, if existing, the capacity of the already established WSPs.

3.3.2. *Improving performance*

Improving performance starts by understanding and identifying the most pressing management and governance-related problems and selecting the appropriate tools to address them. This can be through quick-fix tools, e.g. creating an M-Pesa (mobile money) account instead of keeping money in someone's home. Or it can be through using tools that require a longer-term accompaniment and guidance for implementing them in practice, such as setting up adequate tariffs, developing a governance structure or setting employment conditions and contracts for staff.

To provide hands-on guidance on performance, 29 common problems of community groups have been pre-identified in the IM toolbox. These cover areas as broad as customer relations, human resources management, financial management or governance, to more technical fields such as O&M, procurement and contract management. Each problem is linked to possible tools that can address them. In total, 22 tools are provided and each tool comes with:

- An information sheet that provides further details on the purpose of the tool
- A template that provides an example of the tool and guidance on how to implement it in practice.

A number of tools and templates were developed based on the information provided in the MWI-endorsed training manual for use with community water committees (UNICEF *et al.*, 2012).

3.4. *Target group*

The IM toolbox targets community groups that have been operating a water system for a minimum of six months. They should have received the initial O&M training, experienced what it means to operate a water system, been exposed to some challenges and developed group dynamics. Within the community group a selected member acts as the change agent who coordinates their actions.

The IM process is facilitated by a coach who is well-trained in the methodology, experienced in community-managed water supply and knowledgeable about the regulatory framework. He or she can be supported by a field-based 'counterpart' who works with the community group on a regular basis and provides continuous support to it. A focal person from the county government in charge of water will be engaged in the whole process to facilitate better collaboration and strengthen the links with the oversight institutions.

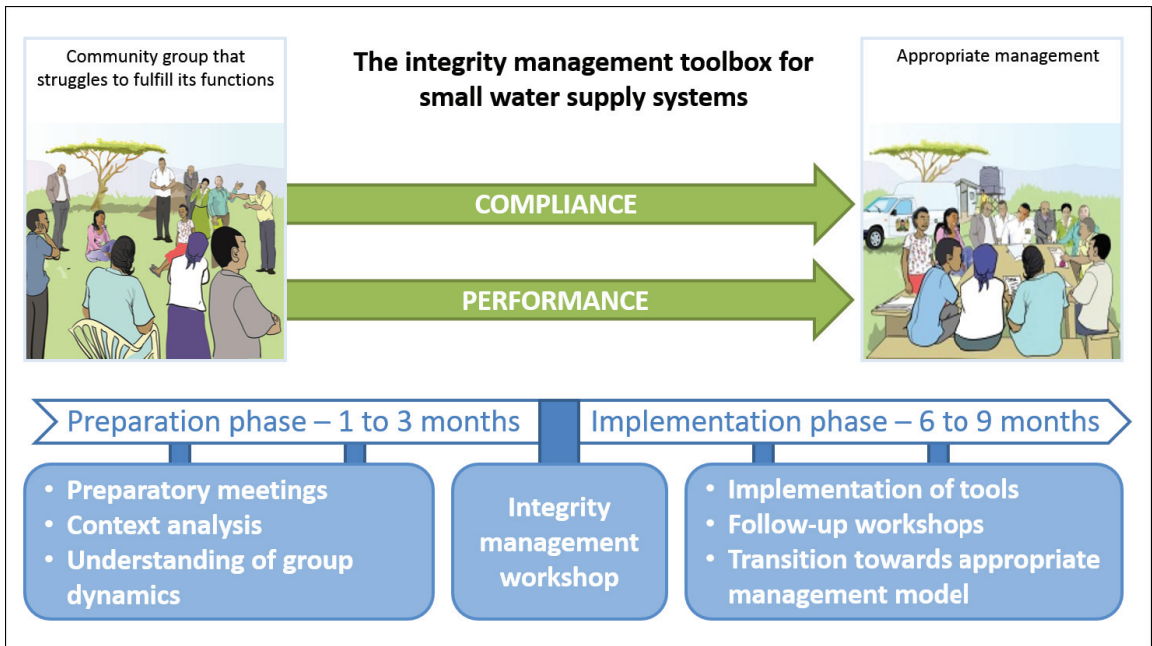


Figure 3. The process of the IM toolbox for small water supply systems

3.5 The IM process

The IM toolbox engages community groups in a long-term process where, step-by-step, they identify and address immediate management and governance challenges and progressively move towards an appropriate management model. It is designed as a moderation kit for coaches and contains all the material and the information needed for the coach to adequately support and guide the group.

Rolling out the IM toolbox to a community group operating a water system is a long-term iterative process that can take between seven months and one year. During a preparation phase, consultations take place with water sector institutions at the local level that serve as a context analysis for the adaptation and preparation of an IM workshop, particularly on the management models that can be envisaged by the community group and the responsible county government.

The IM workshop is the triggering moment of the process. During two to three days, the group goes through a learning process and makes (or prepares) decisions that will affect its future and agrees on actions to improve its performance and be compliant. The IM workshop follows a step-by-step approach. After being introduced to the concept of integrity and how the lack of it can have consequences for the group's reputation (Step 1), the group is guided to visualise its water system using pre-drawn cards representing common water infrastructures. This 'water system model' is the basis for discussions on the current operations of the group, its own roles and responsibilities, what these offer to the customers, and whether the group manages its water system from a business perspective (Step 2).

The next step helps the group to understand the institutional and regulatory environment and that operating a water system requires being a legal entity, with rights and duties. It leads the group to carry out a self-assessment of its current compliance and guides it to agree on the necessary steps towards an appropriate management model (Step 3). Then, the group focuses on the integrity problems related to the way it operates and links these to the water system model to understand that its operation has a direct impact on the sustainability of the water system. The group identifies the major integrity problems encountered so far and prioritizes the ones to address first (Step 4). Based on this prioritization, applicable tools to address the problems are selected (Step 5). The IM workshop is concluded by the development of an action plan (Step 6) and the selection of the change agent.



Figure 4. Steps of the IM workshop for small water supply systems

The IM workshop is followed by an implementation phase, during which the group implements the agreed tools and takes actions towards compliance with continuous follow-up support. After three months, a follow-up workshop is organized to evaluate the progress achieved in implementing the action plan, agree on the next problems to address and select the relevant tools. The progress made in terms of compliance is discussed and further guidance is provided. Depending on the group, the decision on the future organizational structure may only be taken in the second workshop. To enable proper steering of the process and facilitate decision-making, the approach foresees another follow-up workshop, but this can be adapted to the needs of the group.

Depending to how well the coach knows the community group and its context, the preparation phase can take from one to three months. After the IM workshop, the support required during the implementation phase varies. The process ends when the community group has reached an appropriated management model.

3.6. Added value of the IM toolbox

In Kenya, as well as in other countries, various efforts to enhance the sustainability of rural water systems that are managed by community groups are being explored. The IM toolbox is an innovative and promising approach because:

- As opposed to the one-off capacity-building interventions often provided by supporting agencies, the IM toolbox is a longer-term and iterative change process where community groups are empowered to take decisions and undertake gradual actions to improve the quality of the services provided. It is based on strong follow-up from and accompaniment and slow withdrawal by the supporting agency, while ensuring engagement of the relevant local institutions throughout the process.
- It brings together the community group and its supporting agency and the responsible government institutions to find the most appropriate management model for the water system, while introducing the rights and duties of each actor.
- It was developed in a multi-stakeholder consultative process and is supported by WASREB as a tool that is aligned with Kenyan rules and regulations and provides clear and simple guidelines on the path towards compliance for community groups. It contributes to the overall sector's effort towards realization of the right to water by strengthening the accountability relationship between the rights' holder and the duty bearers. Even though the reform process is still ongoing, the IM toolbox can be easily adapted to different groups and contexts and thus has a high potential for scaling up.

- It helps community groups to appreciate how the management of water services can be improved based on good business practices and to recognize the economic value of water. This can lead the way for the community group to become financially sustainable or to engage with the private sector in an approach that balances economic and social concerns and protects human rights.

3.7. Success factors and requirements

The IM toolbox for small water supply systems is a collaborative approach to building trust between communities, NGOs, government authorities and WSPs. While the focus is on the community groups, it requires some smaller or bigger changes in the perceptions and behaviours of all these stakeholders that relate to their roles in the light of realizing the right to water.

First and most important, community groups need to be open for change. They should be motivated to improve their current operations and ready to engage with other actors in the sector rather than seeing them as threats. Compliance is often seen as a burden. One challenge will be to convince community groups of the advantages of putting in place an appropriate management model.

For NGOs and other development partners, being conversant with the sector's rules and regulations and the changes taking place in it are pre-requisites for providing adequate technical support to existing community groups and for incorporating appropriate management models for new water systems as part of their project design. For many NGOs, linking with government bodies and aligning with government policies and regulations will mean a fundamental change to 'business as usual'. Instead of operating in isolation from the local government and to be in line with the devolution process taking place, development projects should be discussed with the county government and be aligned with the county development plans. Rather than constructing new infrastructure to replace broken down systems, NGO projects should start to focus more on the root problem – management and governance – which is, in a sense, more cost effective and sustainable.

County governments, as the primary duty bearers responsible for realizing the right to water, will have to develop systems for supporting and subsidizing water services in areas where they are not commercially viable. This will be crucial as a 'carrot' for becoming compliant.

With its strong focus on compliance, the IM toolbox assumes that the government is able to fulfil its mandates in terms of monitoring compliance and is willing to engage with small community groups. From the county governments, this will require substantial efforts to establish contracts for operating small water supply systems and to monitor whether community groups and other small operators are complying with agreed standards (Transition Authority, 2015).

So far, WASREB has focused its attention on the large urban WSPs where, indeed, regulatory improvements of a single WSP have bigger leveraging effects. In the context of devolution, WASREB will need to develop simplified regulations and standards for very small providers, like community groups. WASREB and county governments will need to make relevant information on the regulatory framework accessible at the local level.

4. Conclusion and outlook

So far, the IM toolbox has only been tested with one community group. At the sector level, it has been positively received as a promising tool for community groups in the transition towards regulation. Key government institutions, like WASREB and MWI, support the approach and there is growing buy-in from county governments as well as NGOs. The effectiveness of the approach will now have to be proved in practice.

Between 2016 and 2019, Caritas Switzerland and WIN, with funding from the SDC and in collaboration with MWI, WASREB, KEWASNET and other key actors, will scale up implementation of the IM toolbox for the small water system and further embed the approach in the ongoing reforms.

Piloting of the IM toolbox by Caritas, Oxfam and SNV (the Netherlands Development Organisation) is planned with six different community groups in three counties with the participation of the county governments. This will enable an assessment of the adaptability of the IM toolbox to different types of groups and in different contexts, and provide recommendations on how it best can be used, and scaled up. Experiences will be shared and documented through a community of practice composed of involved NGO experts and county government representatives as well as experts from MWI and WASREB. Capacity development programmes, notably on the sector's legal and regulatory framework and how to engage in these, will also be initiated.

While the delay of the new Water Bill, 2014 is still causing some legal uncertainties and while some weakness in coordination between national and county governments remains, this dynamic reform context also creates a window of opportunity for embedding the approach in policies and regulatory tools. In the context of realizing the right to water, WASREB committed to work towards, "Applying standards in the provision of water and sanitation services nationally through [...] community management, in rural areas. [...] and introducing standards [...] for community management in rural areas." (WASREB, 2015).

Besides these government efforts, the network organization representing CSOs and NGOs in the water sector in Kenya, KEWASNET, is also stepping forward with citizen advocacy on the right to water. This provides an environment conducive to engaging with the different actors and positioning the IM toolbox as a tool that contributes to building accountability relationships between rights' holders and duty bearers at the local level.

But for the approach to be efficient, efforts have to come from all fronts and levels; from smaller community groups and their supporting agencies to the bigger WSPs and the local and national governmental institutions. This is currently taking place in Kenya with the rolling out of the IM toolbox for WSPs. A toolbox developed for CSOs involved in the construction of water infrastructure has also been developed, to ensure that CSOs and NGOs are aware of and comply with the country regulation and adhere quality standards. The combination of these integrity initiatives offers a promising outlook for the water sector in Kenya and there has been commitment from the government to support these efforts. A steering committee chaired by the MWI has been set up to coordinate and steer the different IM initiatives in the county.

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