Formalising water supply through partnerships

The Mathare-Kosovo water model

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November 2010
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Progress on civil rights — here the human rights to water and sanitation — requires a shift to formalised water supply and sanitation services for the urban poor.

November 2010
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<tr>
<td>CBO</td>
<td>Community-based organisation</td>
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<tr>
<td>CSA</td>
<td>Customer services assistant</td>
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<td>GTZ</td>
<td>German Technical Cooperation</td>
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<td>ISD</td>
<td>Informal Settlements Department</td>
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<td>ISPs</td>
<td>Informal service providers</td>
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<td>JMP</td>
<td>Joint Monitoring Program</td>
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<tr>
<td>KPLC</td>
<td>Kenya Power and Lighting Company</td>
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<tr>
<td>Ksh</td>
<td>Kenya shillings</td>
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<tr>
<td>Mio</td>
<td>Million</td>
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<tr>
<td>MWI</td>
<td>Ministry of Water and Irrigation</td>
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<td>NCWSC</td>
<td>Nairobi City Water and Sewerage Company</td>
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<td>NGO</td>
<td>Non-governmental organisation</td>
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<td>PT</td>
<td>Pamoja Trust</td>
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<td>UFW</td>
<td>Unaccounted-for water</td>
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<td>UPC</td>
<td>Urban Project Cycle</td>
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<td>WASREB</td>
<td>Water Services Regulatory Board</td>
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<td>WSB</td>
<td>Water Services Board</td>
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<td>WSTF</td>
<td>Water Services Trust Fund</td>
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<td>WSTF</td>
<td>Water Services Trust Fund</td>
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<td>WSP</td>
<td>Water Services Provider</td>
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Acknowledgements

Our heartfelt gratitude goes to the Mathare-Kosovo community and their leaders. They gave their total commitment and support to the whole process of planning, implementation and operation of the pilot project. Their willingness to spend time attending the many important sensitisation and evaluation meetings cannot go unrecognised. Their optimism about the project is commendable and their eagerness to ensure that the whole process of formalisation went through smoothly is something to be emulated by residents of other low income areas.

Our appreciation goes specifically to the lane representatives, cluster committees and the oversight committees for volunteering to monitor and make sure that there is no return of illegal connections, that water does not go to waste due to unattended leakages, and for receiving connection application forms from the residents. They have also diligently ensured that information is communicated effectively and efficiently to residents at the grassroot level.

Without this kind of commitment from the community, the project could not have succeeded.
Executive Summary

The growing demand for water services in urban informal settlements has for a long time been addressed through various interventions by NGOs, community-based organisations and informal small-scale providers. Their involvement was necessary because the utilities did not extend services to the settlements of the urban poor. These well-intentioned initiatives, with time, have often been taken over by gangs/cartels that control the provision of this crucial service in an exploitative manner. These cartels make numerous illegal connections that result in leakages, thus contaminating the water supplied. Regardless, the cartels sell the unsafe water to residents at exorbitant rates that are 2 to 10 times higher than that of connected consumers of registered water utilities. Cartels also often create artificial shortages in order to achieve their vested interest.

With the ongoing water sector reform, there is great emphasis on strengthening the pro-poor focus of the sector. This is hinged on the Water Act 2002 which provides for the formalisation of water and sanitation services, and offers an improved framework for decentralisation that strengthens, regulates and monitors the implementation of the human rights to water and sanitation, now enshrined in the Bill of Rights of the new constitution. Some of the institutions that have been established by the sector reform are the Water Services Regulatory Board (WASREB), charged with monitoring and regulating water services provision through setting and enforcing national standards; the Water Services Trust Fund (WSTF), a pro-poor funding basket to improve access to water and sanitation services in underserved areas; and the Water Services Providers (WSPs), commercialised utilities providing water services, that are owned by the public and required by law to register with WASREB.

With the sector reform creating a conducive environment, the Mathare-Kosovo pilot project was initiated to carry out formalisation of water services provision using the newly adopted partnership approach. This approach takes cognisance of the sector reforms and is aligned to the national structures, policy and strategies such as WSTF’s Urban Project Cycle (UPC). The partnership consisted of a strong cooperation and engagement of the community members, an NGO, the WSTF and a WSP.

Through this participatory approach within the UPC, it was possible to design and implement a custom-made solution to formalise water supply in the Mathare-Kosovo area (in this case a mix of household connections, yard taps and water kiosks). Moreover, this approach utilised the strengths of the partners involved to ensure the pilot project took off the ground. An NGO, whose strength is working on the ground with the community, played a major role in community mobilisation and sensitisation. With support from GTZ, the WSTF provided the funds for the pilot project. The water utility was the sole authorised institution to provide water services at regulated fees. And the community played a central role in the preparation, implementation and operation of the pilot project.
The close partnership between the stakeholders made it possible to overcome the cartels, and the utility’s pro-poor focus and comprehensive strategy to reach its low income customers showed that these areas can contribute to an increase in revenue.

In order to achieve this success, the project was guided by a number of important principles, key of which are:

• Water supply in the urban setting is the responsibility of the licensed and regulated provider (WSP) which ensures compliance to minimum service standards. Under no circumstances should the supply system in the urban setting be community managed.

• Residents in low income areas are customers with the same rights and responsibilities as other customers of the WSP. Water has to be paid for, but residents should pay no more than the regulated tariff.

• The mix of supply options (e.g. water kiosks, domestic and yard connections) should reflect the demands and abilities of the residents.

• The company has to establish a strong presence in the low income area to ensure sustainability and efficient customer services. For this the WSP should actively support the creation of community-based structures (committees, groups).

• Kiosks should be operated by the local residents of the area, contracted by the utility.

One of the most valuable lessons learned from the pilot project is that a water utility is able to work directly with urban low income communities. With such a partnership in place, it becomes possible to put an end to informal and illegal service provision — indeed, breaking the stranglehold of the water cartels and other resellers. The water utility is also able to address the challenge of unaccounted-for water and corresponding loss of revenue.

The formalisation of water services in the urban informal areas, as demonstrated by the Mathare-Kosovo pilot, not only ensures that the human rights to water and sanitation are observed, but also contributes towards filling the gap of the underserved in the urban setting, which doubled in the last 20 years from 13.4 million to 27.02 million.

Presently, the WSTF has reached a level of effectiveness which brings approximately 500,000 people annually to safe water supplied by formal utilities. This number of additional customers generated annually by the WSTF exceeds the annual growth in demand for water. For the first time, water service provision is not only keeping pace with the growth in demand, but also surpassing it to close the gap of the underserved.

Allowing the urban poor to remain dependent on informal service provision should be regarded as denying them the human right to water and sanitation contained in the Bill of Rights of the Kenyan constitution, and as contributing to their continued discrimination.
Mathare slum in Nairobi. Kosovo settlement can be seen in the centre of this aerial photo, stretching approximately 700 m along the banks of the Mathare River.
1. The Mathare-Kosovo slum

1.1 The settlement’s configuration

Mathare is one of Nairobi’s 373 low income settlement areas. It is located approximately 3 km from Nairobi’s Central Business District. It is bordered by two main highways, Juja Road and Thika Road. Mathare slum covers an area of approximately 73 hectares and houses a number of different informal settlements (also called villages) which stretch over two administrative divisions of Nairobi (Starehe and Kasarani). Much of Mathare was formerly a quarry and some settlements are built on steep slopes of carved-out rock. The Mathare and Gitathuru rivers which traverse the settlement are part of the larger Nairobi River watershed. These two rivers are a central feature of economic life in Mathare. The villages in Mathare slum are a dynamic set of informal communities with different histories, strong community networks and changing population characteristics.

The Kosovo settlement is one of the ten villages in the Mathare slum, with a population of 5,153 people. Unlike most densely populated slum settlements in Nairobi, this unique “village” has basic structures such as streets running perpendicular to the descending landscape. Horizontally, the settlement stretches approximately 700 m along the Mathare River.

According to the residents of Kosovo, the settlement started in 2001. The first settlers were victims of an eviction that took place at Village II (Kwanduru), where the land is said to have been

1. MajiData
Formalising water supply through partnerships

“Sometimes the pipes were punctured, causing clean water to mix with sewage and this is what the cartels sold to us for drinking and cooking.”

Quote from a mother of five

sold to build a mosque. The affected squatters were given the Kosovo land by the Government and each acquired space through ballot papers. The settlement borders the Mathare Mental Hospital and Mathare Police Department.

Like all informal settlements, Mathare is characterised by inadequate access to basic services, by lack of security and by unresolved issues of land tenure. The only form of drainage is open sewers, and the public toilets found here pose a great health risk. The two rivers that traverse this settlement are highly polluted, as their main function has been that of transporting solid and liquid wastes.

1.2 Informal service provision in Mathare-Kosovo

The lack of pro-poor focus by the politicians and the water utilities, and poor management of water services by informal service providers (ISPs), led to the rise of water cartels that stole the utility’s water and sold it to the residents at exorbitant prices. The illegal connections created by the cartels and other individuals resulted in the emergence of a spaghetti network characterised by its poor technical workmanship and many leakages. Many of these informal pipes passed through the sewers and contaminated the water supplied.

These cartels operated like a parallel state in Mathare slum and controlled most illegal water connections and levied taxes on other essential services such as electricity. They caused artificial water shortages as a way of boosting business, hiking prices as high as Ksh 20 per 20 litres instead of the authorised Ksh 2. The residents couldn’t complain of the exorbitant levies for fear of reprisal by the cartels.
1.3 Previous unsuccessful attempts to formalise services

In October 2007 the Nairobi City Water and Sewerage Company (NCWSC) and the Kenya Power and Lighting Company (KPLC) carried out an operation of disconnecting all the water and electricity supplies. The disconnection of water was done indiscriminately; both the legal and illegal connections were disconnected, as a way of destroying the economic base of the organised gang-movement of Mungiki\(^3\) adherents who formed the cartels.

These gangs were not only stealing utility water but also terrorising and exploiting the residents of the settlements and frustrating the actions of the utility. Through the disconnection operations, the utility intended to break their stronghold. However, this action of indiscriminate disconnection of supply by the water utility was condemned by human rights activists as a violation of human rights. There was also an outcry from politicians demanding that supply of water services be restored to the settlement with immediate effect even though it was being supplied by gangs.

The NCWSC responded by installing a limited number of public water points at the periphery of the villages/settlements along Juja Road and Kosovo, where residents were allowed to fetch water free of charge. This somewhat eased the situation, but some residents resorted to

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3. Mungiki is a politico-religious group and a banned criminal organisation in Kenya (Wikipedia).
vandalising the company pipes claiming that the standpipes were too far away and they were being forced to walk long distances to access the water points.

The operation was justified as a security measure and was supposed to demonstrate the Nairobi City Water and Sewerage Company’s pro-poor focus on informal settlements. The company was also concerned about two other issues:

- The non revenue / unaccounted-for water (UFW), and
- Water governance in the informal settlements.

Every day the water company was losing huge amounts of water that was going unaccounted for and unpaid. Water was lost either through leakages (e.g. vandalised and leaking pipes), the irresponsible use of standpipes, or through the illegal sale of company water.

Attempts by the company to legalise water supply in the village by encouraging residents to get metered connections and pay their bills had failed.

The only solution the company saw was to replace the informal service provision with formalised water supply. In order to do this the NCWSC had to overcome a number of challenges:

- The negative perception with regards to the company among residents,
- The influence of and pressure exerted by the gangs and cartels which were strongly opposed to efforts to change the status quo.

The company decided it was time to adopt an entirely different approach to water supply in informal settlements. This new approach had to be pro poor and community oriented and, at the same time, had to further the company’s commercial interest. The Urban Projects Concept (UPC) of the Water Services Trust Fund (WSTF) allowed for the implementation of such a pro-poor approach which benefits both the residents and the company.

Residents in urban low income areas welcome the long awaited replacement of informal service provision by utilities. Sudden indiscriminate disconnection of both legal and illegal service provision makes the situation worst for the residents and is not the solution. The utility needs to bring formalised service to the doorsteps of the people.
2. Bringing formalised sustainable water services to informal settlements: the pilot project and its success factors

2.1 The Mathare-Kosovo pilot project

Kosovo village in Mathare was identified as a pilot area for the partnership approach (community, water utility, WSTF, NGO) since the water supply was controlled by a cartel, the settlement was informal but partially planned, and the residents had expressed a strong desire for formal water supply.

The joint water project proposal (community, NGO, water utility) which was forwarded to the WSTF asked for Ksh 2.8 million for the construction of household connections, feeder pipes and three water kiosks. The water kiosks would serve those who couldn’t afford individual household connections and/or pay a monthly water bill from accumulated consumption.

The Ksh 5,000 fee for a household connection proved to be a hurdle for many. To overcome this, the partners developed a credit facility for residents whereby they could access loans from an NGO, the Akiba Mashinani Trust, to facilitate payment.

A total of four water kiosks have been finalised in Kosovo to date. Six km of reticulation pipes have been laid, with a total of 122 individual households connected directly to the grid.

“...The water kiosk option has really helped because most of us, though we would like household connections, still find the connection fee too high. But the good thing is that with several water kiosks we are able to access safe water and at affordable fees.”

Quote from a vegetable vendor in Kosovo
"The Mathare-Kosovo water project has brought tremendous improvement to public health in this area. Waterborne disease has significantly reduced because the water now supplied is of trustworthy quality. In addition, the fee charged on water sold from kiosks is affordable and the cartels that used to harass us are no more. In addition many of us are able to get household connections through the loans that we can access from the credit facility brought to us."

— Quote from an oversight committee member

2.2 The success factors

Many factors together have contributed to the success of the partnership project. In summary they are:

1. Alignment to the water sector reforms, which resulted in a shift of focus to formal service provision as well as the establishment of a (poverty) basket, the WSTF.
2. The utility’s pro-poor focus, a comprehensive strategy to reach its low income customers with sustainable services, showing these areas can contribute to an increase in revenue collection.
3. The close partnership between the water service provider, an NGO, the residents of the project area, and financing institutions.
4. Community engagement, whereby residents were empowered and took the lead in project planning, implementation and operation.
5. Appropriate roles and responsibilities of stakeholders, aligned to the sector policies and reflecting the strengths and expertise of the various partners.
6. Improved information, through an intensive mapping and enumeration exercise of the population of Mathare-Kosovo, to develop an objective picture of the challenges faced.

2.2.1 Alignment to the water sector reforms

The water sector reforms in Kenya have been partly influenced by the discussions held at global and regional levels. Declarations made by the UN (such as the Universal Declaration of Human Rights and the Millennium Declaration) and outcomes of key conferences (such as water is an economic good) have had an impact upon the international conventions signed by many countries, and have become an integral part of the sector reforms.

Sector reforms have led to new legal and institutional frameworks which in many countries have changed the orientation of their sectors. In Kenya, for instance, the sector reforms have resulted in a shift of focus from informal to formal service provision as well as the adoption of a pro-poor orientation with the establishment of a (poverty) basket, the WSTF. Sector reforms have also changed the role and room for manoeuvre of the sector stakeholders.

The new approach adopted for Mathare-Kosovo has aligned itself to the new framework of the sector reforms and has made use of the specific strengths of all the partners involved. The project has also acknowledged the national policy for safe water, which stipulates that it has to be supplied and managed in the urban setting by a professional, licensed and regulated provider. In addition, the national financing mechanism (WSTF) has been used to finance the pilot project for Mathare-Kosovo residents, within the framework of a national concept (UPC — up-scaling access for the urban poor). The WSTF has been financing the upscaling of low cost technology for many WSPs, but the Mathare-Kosovo project was a special pilot because of the strong cartel presence which had to be overcome.
2.2.2 The utility's pro-poor focus

Since the commencement of the water sector reform, a new policy framework is in implementation which puts increasing pressure on the utility through regulation. Access to water for all is not only the mandate of a WSP but also a performance indicator measured by WASREB. The current performance ranking of WSPs depends strongly on the ratio of access measured over the entire urban settlement of a specific WSP service area. In this regard, WSPs who want to be seen as performing need to be more committed to serving the poor who constitute a great percentage of the urban population.

The challenges faced during the implementation of the Mathare-Kosovo water project indicate that a utility is only able to successfully and sustainably extend its services to low income areas if its management is willing to adopt a pro-poor focus and invest in the development and implementation of a comprehensive strategy for its low income customers. Implementing such a pro-poor strategy can be a long process as it requires convincing management and staff that moving into the low income areas is worth the effort, that services can be sustained, and that these areas can contribute to an increase in revenue collection. Instances such as delays in the delivery of materials and inadequate supervision of works can, to a significant extent, be attributed to the unwillingness of company staff to provide the necessary services and support.

Becoming pro poor often requires a change in corporate culture. Instead of perceiving the low income areas as a burden and a risk, company staff have to start seeing the provision of services to informal settlements and to planned low cost areas not only as being part of their mandate but also as a business opportunity.

One has to ask the question: how can a pro-poor focus best be implemented? In other words, how can a water utility really reach the urban poor and sustain its services? Experience acquired in Zambia and Burkina Faso shows that creating a dedicated pro-poor unit or department within the WSP is a first step. It is important to emphasise, however, that a pro-poor focus cannot be implemented by the informal settlements department alone; it needs a pro-poor corporate culture which is shared by all staff and which guides its interventions. Required is a corporate culture which acknowledges that providing water and sanitation services is not the exclusive domain of engineers but also requires the inputs of commercial staff, community workers, etc.

Reaching the poor also requires establishing a strong and lasting presence in the low income areas. Sustaining a strong local presence requires:

- A strategy for the low income areas (for unplanned settlements in particular) and, if a large proportion of the population resides in low income areas, a dedicated low income areas section or department which receives the required resources and support from management;
- A certain degree of decentralisation of service delivery, customer care and maintenance and repair services; 4

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4. In Lusaka (Zambia), the Peri-Urban Department of the Lusaka Water and Sewerage Company has established small offices in a number of unplanned settlements. This has resulted in cleaner and better maintained water kiosks and a dramatic increase in collection efficiency and revenue, as well as an increase in the number of domestic connections. In Kampala (Uganda), the National Water and Sewerage Corporation Pro-Poor Branch has been able to increase revenue collection twenty-fold since its establishment in 2006. It also connects approximately 50 new customers per month. The Branch attributes this success to the improved relations with its customers.
Formalising water supply through partnerships

• Qualified local staff able to provide tailor-made customer care. In other words, the utility should be able to communicate with its customers and to listen to the residents of the low income areas;
• The ability to respond to reported damage and complaints, and being able to identify and disconnect illegal connections;
• A focus on the technical and hygienic condition of the water supply and sanitation infrastructure.

The decentralisation of certain operations and creation of a strong presence in the low income urban areas brings the utility closer to its customers. Improved customer relations result in higher customer satisfaction levels, lower unaccounted-for water (UfW) levels and higher revenue collection.

The Mathare-Kosovo water project can be analysed in terms of the efforts made by NCWSC’s Informal Settlement Department (ISD) to convince the other departments of the company to allocate more resources to the project and the operation of the scheme. For example, the department had to remind the Pangani Regional Office to carry out the meter readings and to prepare bills, as the office did not see the need to bill these new customers. Although some reluctance still exists within the NCWSC to provide services to the urban poor, the efforts of the Informal Settlement Department should be seen as contributing to a gradual change in the corporate culture of the company.

Performing utilities have experienced that low income areas can be profitable. Extending services to these areas generates a better image for the water company and is economically interesting. Therefore an increasing number of utilities are trying to start providing services to the urban poor.

2.2.3 Partnership

The so-far successful Mathare-Kosovo water supply project is the outcome of close cooperation between a water service provider (Nairobi City Water Services and Sewerage...
Company), an NGO (Pamoja Trust), the residents of the project area (Mathare-Kosovo residents) and financing institutions (WSTF and an NGO, the Akiba Mashinani Trust). The strength of this approach is the creation of an effective partnership among the involved stakeholders. The partnership proved to be effective not only during implementation of the physical investments but also during the planning of the project, when data was being collected and preparatory activities undertaken, and thereafter during the initial operation of the scheme. Data collection and frequent interactions with the community enabled the project to develop tailor-made and sustainable solutions.

Throughout the project, the partnership was guided by a number of important principles:

- Water supply in the urban setting is the responsibility of the licensed and regulated provider (WSP) which has to comply to minimum service standards (water quality, reliability, accessibility, etc). Under no circumstances should the supply system be community managed.
- Residents in low income areas are customers with the same rights and responsibilities as other customers of the WSP. Water has to be paid for but residents should pay no more than the regulated tariff.
- The mix of supply options (e.g. water kiosks, domestic and yard connections) should reflect the demands and abilities of the residents.
- The company has to establish a strong presence in the low income area in order to ensure sustainability and efficient customer services. For this the WSP should actively support the creation of community-based structures (committees, groups).
- Kiosks should be operated by local residents of the area contracted by the utility.

Furthermore, it is important that:

- The maintenance and repair of the supply infrastructure (distribution network, water kiosks, etc) as well as metering, meter reading, billing and revenue collection, are the responsibility of the WSP even in the case of contracted operators for water kiosks.
- The residents should be involved in the planning of the project and during its implementation (e.g. contractors should be asked to employ local labour).
- The water supply infrastructure should meet technical/national standards.
- Local structures such as oversight committees etc have an important role to play as they can collect and communicate customer complaints and suggestions, assist with the identification of illegal connections, etc.

### 2.2.4 Community engagement

For sustainable solutions that meet the challenges and make best use of the new institutional framework, it is crucial that the sector institutions have the support of the community. Through community participation, residents are empowered and take the lead in project planning, implementation and operation.

“The project involved us in the planning, implementation and operation phases. The chiefs, the church leaders and the residents were all involved through barazas and workshops where the process and benefits of the water project were explained to us. Those of us who attended these gatherings were able to pass on the message to residents at the grassroots level”

Quote from a cluster committee member
The Mathare-Kosovo pilot project took cognisance of the community and power dynamics and devised strategies that would ensure the success of the project. The strategies included encouraging and ensuring the involvement and participation of the majority of Kosovo residents. Through community meetings the stakeholders were sensitised on their respective roles and responsibilities as well as on the disadvantages of subscribing to informal systems of water service delivery. The targeted groups included the community’s youth, Mungiki members (hitherto part of the water cartel), provincial administration and registered CBOs. This made it easier for the partners to engage community members. However, this took time due to the existing power relations and vested interests among a few individuals.

Through community meetings, residents felt more empowered to demand their rights and take the lead in contributing towards development of a formalised water supply system for the settlement. Deliberate effort was made to ensure the buy-in of the opinion leaders, both in the political and social spheres within the settlement, with regard to the envisaged project deliverables.

The partners, including the residents, agreed on a mix of infrastructure consisting of pipeline extension, water kiosks and individual household connections, as opposed to the previous approach where the water company had extended pipelines along the periphery of the settlement. This new approach brought safe water into the settlement thus impacting positively on several indicators, among them time spent and distance covered when fetching water.

For the mixed infrastructure approach to work there was need to uproot the entire existing spaghetti network and disconnect all the illegal connections. This was done, and thereafter laying of the new pipeline by the water company was made possible through community involvement and participation. The support and commitment of the residents was key to the success of the project.

For effective community participation, a community structure with clear roles and responsibilities was agreed upon. The structure included the following:

• **Lane representatives**: responsible for policing the respective lanes to ensure that there are no illegal connections and to monitor any bursts. The lane representatives comprise two individuals (male and female).

• **Cluster committees**: supervise the lane representatives and report to the oversight committee. The representatives of each lane form the cluster committee. Presently there are 10 clusters in the Kosovo area.

• **Oversight committee**: This is the top organ of the structure and is responsible for ensuring smooth implementation and operation, as well as the sustainability of the project. It is made up of two representatives from each of the cluster committees. They link the residents to the water company through receiving water connection applications and they police lines against illegal connections.
During the implementation of the project, community members participated in providing pipeline way leaves, identifying kiosk sites and providing skilled/unskilled labour. The residents played a crucial role in providing storage space and security for the construction materials.

This required the building of capacity among the residents. The partners developed a training manual and a budget for the training. The community members were trained on several issues starting with the mandate and role of each partner as per the water sector reforms, basic operation and maintenance of infrastructure, as well as community organisation and leadership.

The Kosovo project shows that the success of a water supply intervention is determined by the collective participation of all the key stakeholders, in this case the NCWSC, Pamoja Trust, WSTF and the residents. One of the strengths of the partnership was that the “community” was never romanticised. The population of Kosovo was realistically and fortunately enough never viewed and treated as a harmonious group of people sharing the

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5 Created paths for laying pipes
same objectives and destiny, and who were therefore always willing to work together for their common good. All partners, including the residents who frequently participated in community-based activities, kept a sense of reality and were always aware that different groups and categories (landlords, tenants) have different interests.

2.2.5 Appropriate roles and responsibilities of stakeholders

The Mathare-Kosovo pilot shows that a successful partnership is rooted in a common understanding with regard to the roles and responsibilities of the different partners and stakeholders. This should reflect the strengths and expertise of the various partners and should be aligned to the sector policies.

a. Non-governmental organisations

NGOs active in the water sector and working on the ground not only tend to have an in-depth knowledge of the cultural, social and economic conditions existing in specific low income areas, but they also often have a good understanding of the local political arena and its dynamics, and how this impacts on the local “water market”. NGOs with previous successes and a record of sustainable interventions have a number of important advantages.

Compared to WSPs, such NGOs are in a better position to collect data, mobilise residents, identify real needs and establish community representation. Their understanding of local power groups and brokers enables them to recognise, assess and unravel existing water interests and cartels. NGOs have an edge when it comes to sensitising and convincing residents, creating sustainable local structures (organisations) and providing community-oriented training.

Pamoja Trust (PT), one such NGO, was chosen for the pilot project since it had already been working with the community and had established a good rapport with the residents. In fact the residents had at one point requested PT to help bring formalised water supply services to the area. In this regard a Memorandum of Commitment was signed between the water company and PT stipulating their roles. PT was to mobilise and sensitise the community members on the need to formalise water supply and ensure that the members were involved at every stage of the project.6

b. Residents

The complex social conditions as well as the poor and illegal water supply situation that existed before the implementation of the Mathare-Kosovo water project constituted important challenges to the partners. Overcoming these challenges was only possible because a majority of the residents and most of their representatives believed in the project and participated in the planning (design) and implementation of the adopted technical and social solutions.

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6. NGOs–MWI; communication issue 4 — role of NGOs: September 2010.
During project implementation residents and the community organisations play an important role in:
- the mobilisation and sensitisation of the community,
- the identification of sites for water supply outlets,
- the development of solutions/conflict resolution,
- the identification of kiosk operators, consensus building,
- directing construction of the facilities and monitoring management of the water kiosks on behalf of the company through a signed contract.

The role and contribution of the residents does not end with the commissioning of the project. The created committees under the Kosovo project continue to ensure the sustainability of the scheme. During the operation of a water supply scheme the residents carry on playing a crucial part, not only in their role as customers, but also in ensuring smooth operations. In the case of Mathare-Kosovo the lane and oversight committees are expected to communicate complaints and requests to the water company, assist the company with the collection of connection applications and report any illegal activity (illegal connections and bypasses) to the company.

c. Water service providers

The main strengths of the water utility are related to its core activities — producing and distributing safe water to the doorsteps of consumers, providing sanitation services, and collection of fees for these services. Within the context of partnership, the roles of the WSP should be focused upon these strengths.

If a WSP intends to offer long-lasting solutions to the populations of its low income areas, it needs to be able to communicate to the local leaders and the residents — its new customers — and with the other partners. The WSP also needs to be able to communicate local findings and experiences (lessons learnt) within its own organisation. This requires not only the creation of dedicated pro-poor units or departments but also the creation of a presence “on the ground” by the company. Lack of such a presence explains why many pro-poor water supply schemes are characterised by low collection efficiencies and by poor technical conditions.

A customer services assistant (CSA) who works in one or more low income areas can be in a position to manage these interface situations. For instance, the effectiveness and sustainability of the committees created in the Mathare-Kosovo area will be seriously undermined if the NCWSC fails to establish its presence in the area.

A CSA, who is known to all partners, can effectively deliver customer care services, liaise with the local “water committees”, market new products (e.g. social connections, affordable sanitation solutions), monitor the technical and hygienic conditions of the water kiosks, monitor the technical state of the network, identify illegal connections, supervise the kiosk operators, etc.

The Mathare-Kosovo water supply project shows clearly that licensed water service providers are able to extend water services to the populations of informal settlements and other low income areas provided they develop close partnerships with residents and NGOs.

d. Pro-poor financing mechanism

The Water Services Trust Fund with the support of the GTZ (German Technical Cooperation) financed the water project and provided technical advice to all the partners within the national concept to reach the urban poor (UPC). The strength of such a pro-poor financing mechanism on national level is that funds are
linked to national concepts, and standards are derived from national policies and strategies (alignment and harmonisation of donors). In addition, it offers the decision makers a nationwide overview of the situation, therefore enabling the sector to monitor progress in the country.

In the case of this pilot project, the financing through the WSTF was combined with the support of Akiba Mashinani Trust, an NGO that provided credit to the residents of Kosovo to facilitate payment for household connections.

### 2.2.6 Improved information

In many countries, decision makers are not really aware of the desperate situation in the urban low income areas and have no effective and comprehensive solutions on how to overcome the challenges, due to missing information on the actual situation. Utilities often restrict their reporting to the served areas and thereby hide the low coverage rates. It has now become obvious that coverage according to human rights criteria is much lower than documented so far in national strategies and reports (including reports at international level such as the Joint Monitoring Program [JMP] for the Millennium Development Goals). This is one reason why progress in sector reforms needs to include the establishment of a database for urban low income areas such as the MajiData exercise in Kenya which has collected data in 200 towns and 1300 low income areas, covering approximately 6 million people.

During the planning and designing of the pilot project an intensive mapping and enumeration exercise of the population of Mathare-Kosovo area was carried out by Pamoja Trust (though this was done before the MajiData exercise, the outcome was later harmonised with MajiData). This exercise was a community-owned and driven process designed to capture the physical and socio-economic details of the settlement and ultimately develop an objective picture of the level of challenges in the area. The information was generated in the form of layout maps, service distribution, population, socio-economic data and settlement profiles, and used by the water company for planning.

Based on this information, technical designs were developed of the physical water and sanitation supply structures and their installation, which took into account the larger urban context. The design team shared plans and consulted with relevant stakeholders (recipient community, experienced NGOs, steering committee and the company management). The approach relied on the strategic guidelines for water and sanitation services to the informal settlements of Nairobi, developed by the water company and WSTF’s UPC toolkit.

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One of the strengths of the partnership was that the “community” was never romanticised. All partners, including the residents who frequently participated in community-based activities, kept a sense of reality, aware that different groups and categories (landlords, tenants) have different interests.
3. Past negative trends in access

Access to safe piped water provided by formalised and controlled water service providers / utilities declined in Kenya according to the census report (KNBS 2010) — from 32% in 1989 to 31% in 1999 and 30% in 2009. Although this decline in access expressed in percentages may not look dramatic, the severity of the situation becomes clearer when absolute figures are considered. In 1989 the number of people without access to piped water was 13.4 million, in 1999 this figure had risen to 20 million and in 2009 to 27.02 million! The number of underserved urban residents depending on the services of informal service providers (ISPs) numbered around 3 million in 1989; by 2009 this figure had increased to around 7 million.

This rather spectacular increase of the underserved urban population was to a large extent the result of a lack of pro-poor focus at the national level, as well as a highly centralised service provision and infrastructure management by the public administration (Ministry and Local Authorities). The top-down approach often gave rise to unprofessional practices and procedures, and allowed for inefficiencies which led to high costs of production and low tariffs that were not sufficient to ensure recovery of costs. The consequence of this was inadequate maintenance of infrastructure leading to frequent and premature wear and tear.

Eventually many municipal departments responsible for the operation and development of water infrastructure before the reforms were unable to maintain service levels for their connected consumers, let alone cope with the increasing demand due to rapid population growth and urbanisation. In many Kenyan cities
and towns, connected consumers experienced frequent interruptions in supply, erratic water bills, fluctuating water quality, and slow or no response to their complaints, among other irritations.

The water supply situation of the urban poor residing in slums and planned low income areas was even worse. The absence of a pro-poor policy to put pressure on the municipalities to provide services to all urban residents, including those residing in the low income areas, allowed for this vulnerable group in society to be ignored. It should not come as a surprise, therefore, that the ever growing demand / gap in service delivery was filled by local private small-scale initiatives and community-managed informal service providers (ISPs), many of them established by NGOs and private organisations. ISPs indeed played and continue to play an important role in the provision of water and sanitation services, especially since many municipalities and policy makers did not provide any support. Informal service provision and small-scale systems however, have important inherent shortcomings and disadvantages.

The NGOs and local private small-scale initiatives that aimed to address the plight of the urban poor developed and implemented a number of community-based and -managed water supply solutions, resulting in short-lived improvements. Many of these initiatives soon faced insurmountable challenges. The gap between the vision to improve living conditions of the urban poor through community-managed schemes, and the reality of little community cohesion and lack of social control needed to prevent them from being taken over by gangs and cartels, remained huge. Moreover, the lack of professional capacity among community members jeopardised the sustainable operation of many community-managed schemes following the withdrawal of the supporting NGOs.

Because the community-managed and small-scale private water supply schemes were not embedded in national structures e.g. regulation, and therefore were not closely monitored by a system on national level, policy makers and donors were led to believe that this approach was a success and improved the living conditions of the urban poor. The absence of solid information caused a distorted picture of reality on the ground, for instance the overestimation of population (e.g. Kibera in Nairobi) in order to obtain more funds, exaggerated success stories of community-managed systems etc, due to missing medium and long term evaluation and monitoring.

Indeed, many of the highly praised community-managed schemes crumbled soon after the NGOs withdrew, and were taken over by individuals and organised gangs (cartels) which operated the monopolies (water and electricity) in an exploitative manner. The informal small-scale private systems can raise their prices above the average cost of a licensed utility and at the same time lower their standards of service in a non-regulated market where competition is absent. Such private informal systems will not be able to survive when they have to compete with licensed water utilities or if they become regulated. Under informal systems, the human rights criteria such as sustainability, accessibility, non discrimination, etc are not fulfilled.

7. The population of Kibera has been claimed in many documents and studies to be 1 Mio and therefore Kibera positioned as the biggest slum in Africa, while the 2009 National Census and the detailed MajiData exercise revealed that the population is only around 250,000.
The result of such growing informality in water supply and sanitation services provision in these densely populated areas is that people today still live under desperate and inhuman conditions, which get worse with increasing population density. Informal service provision has not resulted in affordable tariffs and a safe water supply for about half of the urban population.\(^8\) Today, therefore, with increasing population densities, the public health situation in low income areas is only getting worse. Cholera outbreaks are still frequent and child mortality expressed in YLL (years of life lost) is still four times higher in the slums than the national average of the population.\(^9\) In addition, with informal service provision the poor are forced to pay 2-10 times more for drinking water of doubtful quality than the connected consumers of the utilities, which constrains them financially or limits consumption to a level inadequate for minimum hygiene practices.

Furthermore, there is no place or agent the poor can turn to and launch a complaint when an ISP intentionally interrupts supply in order to push prices higher or when children fall ill from consuming water of poor quality. The absence of formal water and sanitation services can be seen as causing much misery in urban low income areas. Allowing the urban poor to remain dependent on informal service provision should be regarded as denying them the human rights to water and sanitation contained in the Bill of Rights of the Kenyan constitution, and as contributing to their continued discrimination.

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Before the water sector reform there was a lack of pro-poor focus for basic service provision. This generated millions of underserved in urban low income areas who were forced to resort to unreliable and exploitative informal services. Allowing the urban poor to remain dependent on informal service provision is denying them their human rights to water and sanitation as contained in the Kenyan constitution.

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9. The burden of disease profile of residents of Nairobi’s slums: Results from a demographic survey system, March 2008.
The water sector reform brought much needed changes to the legal and institutional framework of the sector. The implementation of the new Water Act 2002 resulted in separation of policy formulation, regulation and service provision. The sector became more decentralised with the formation of semi-autonomous sector institutions which include the Water Services Regulatory Board (WASREB), whose mandate is to monitor water services provision through setting and enforcing national standards, and the Water Services Trust Fund (WSTF) which is a pro-poor funding basket whose mandate is to provide funds for improving access to water and sanitation services in the under- and un-served areas. The Water Services Providers (WSPs) now “commercialised” utilities (companies registered under the company act but publicly owned) are required by law to register with WASREB, the water services regulator.

The Millennium Declaration and the Human Rights to Water and Sanitation underpin the poverty orientation, which has now been further reinforced by the Bill of Rights in the new Constitution of Kenya. Not only do they emphasise a focus on poverty, but they also require and set basic standards for everyone (including the under-privileged), which informal service provision can never fulfil. However, the national strategies oblige the WSPs to extend their (formalised) services to areas of the underserved population (low income areas/slums) and that services be monitored by the regulator — WASREB. Thus, legislation, national sector policies and strategies oblige stakeholders involved in service provision to
gradually phase out ISPs, as implementation of the sector reforms progresses.

In addition, the WSTF provides funds (grants) to registered WSP projects with the aim of extending formalised and regulated services to the urban poor. This is also in line with the intentions of the new constitution to establish an “Equity Fund” to promote social justice. These subsidies are disbursed in the framework of an implementation concept in the WSTF called the Urban Projects Cycle (UPC). This has allowed the water sector for the first time to move to an ambitious up-scaling of basic service provision. Now the under-privileged in the urban low income areas receive services through water kiosks, household connections and yard taps which offer the same minimum standards as enjoyed by the connected consumers of the WSPs. This conforms to the human rights requirements.

The WSTF has presently reached a level of effectiveness which annually brings around 500,000 additional people to safe water supplied by the WSPs. This is a huge leap forward in the water sector, made possible by one single sector institution partnering with relevant sector players on the ground such as the WSPs and NGOs. This goes beyond covering the projected annual growth in demand due to population growth rate and urbanisation (400,000 urban dwellers additionally per year, from which 250,000 will live in low income areas). After 20 years of continuous decline (chapter 3) the trend has clearly been reversed due to improvements brought by the sector reforms.

Another encouraging result of the sector reform is the impressive increment in the ministry’s budget, growing from Ksh 6.6 billion in 2004/5 to Ksh 27.8 billion in 2009/10 and currently at Ksh 38.2 billion in 2010/11. The infrastructure development budget for the water sector has increased during the same period from Ksh 4.3 billion, to Ksh 24.7 billion, to the current Ksh 32.5 billion in 2010/2011.

The contributions from the WSTF (500,000 additional people annually), combined with the impact of the many other ongoing and planned investment projects (another estimated 500,000 additional people annually), will enable the sector for the first time to not only cope with the demand of population growth/urbanisation but also close the gap of the underserved in the urban setting, caused during the last two decades, within the next 10 to 15 years.10 The up-scaling of water services through low cost technology by the WSTF and other projects, as

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10. From the approximately 14 Mio (urban and peri-urban) population, 7.5 Mio are not served today by formalised WSPs. The urban population is growing by 400,000 annually. With a contribution of 500,000 additionally served by both WSTF and investment projects (combined 1 Mio), an additional 600,000 so far underserved will be provided with access every year. This means that the backlog accumulated in the last 20 years could be closed in around 12 years.
Formalising water supply through partnerships

Well as the increase in household connections by various projects through partnerships, can lead to 100% coverage within this relatively short time span. This will keep the transition period for phasing out informal service provision in the urban setting relatively short.

The comprehensive sector reform concept, the new policy, legal and institutional framework and the pro-poor focus in implementation has brought the sector onto this successful path. The promotion of low-cost technology on a large scale as a first step to reach the under-privileged is a swift and bold move to increase coverage sustainably and fulfill the criteria of human rights to water. The impact of this development on the living conditions of people in the low income settlements is more than positive, as the survey carried out in 2010 documents. For example: there is a substantial drop in use of water treatment as households trust the quality of water from kiosks, the distance and time used to fetch water has reduced, there is continuity of services and security when fetching water at the public outlet, and money spent on buying drinking water has substantially reduced due to regulation.11

Nevertheless, not all the challenges have been mastered. One of the biggest challenges in the effort to reach the underserved in urban low income areas is the replacement of informal service provision controlled by cartels and gangs. Due to their vested interest in conserving power and the benefits reaped from an uncontrolled monopoly, these cartels stop at nothing to prevent the registered WSPs from bringing formalised services to these areas, resulting in injuries and loss of lives.

Therefore the sector needs to reverse/mitigate the damage caused by informal service provision over the last 20 years. The WSTF, the WSPs and the NGOs, learning their new role in the framework of a comprehensive reform, need to work together to phase out informal service provision by bringing in utility service. Working through national institutions means anchoring developing efforts and developing capacity among national professionals who will in future depend less on external support. This will result in enhanced sustainable development in the sector.

The Kenyan water sector reform has put in place a new legal and institutional framework (WASREB, WSTF, WSPs) through which partnerships can be forged with other relevant sector players such as NGOs, communities, development partners, etc for sustainable development. Such a partnership has the potential to systematically and swiftly phase out informal service provision, which discriminates against the urban poor.

11. Survey on the impact of formalised water kiosks on the living conditions in Athi River and Ongata Rongai, July 2010, WSTF / GTZ.
5. Lessons learned and the way forward

The need to align to an enabling policy framework: access to safe piped water declined in the past due to a lack of pro-poor focus. The politicians and utilities ignored areas where population was growing the fastest (urban low income areas) and where access to basic services was the lowest. The positive reversal in trends now observed is only happening because utilities are obliged to move services into these areas and they partner with NGOs in doing this. The Bill of Rights in the new constitution leaves no other option than to offer sustainable services that meet the criteria of human rights (formalised service provision). The Mathare-Kosovo project has followed the new orientation of the sector reforms using the new principles.

Professional utilities can serve and have interest: Although much work is still required to ensure the long-term sustainability of the Mathare-Kosovo scheme, the project preparation and implementation phases have clearly shown that it is indeed possible for a licensed utility with professionalism to introduce formal and regulated service provision in an urban slum with a rather complex water supply history. Serving the poor needs professionals for management and maintenance of infrastructure. Leaving service provision in the underserved low income areas to the informal sector or in the hands of community-managed schemes is not the solution. In fact if a provider is unwilling to extend its services to the low income areas located within its service area, it not only ignores its obligation, but also fails to see the opportunities these areas have to offer in terms of lowering UfW and increasing revenue. Low income urban areas do not merely constitute a market for “kiosk water” — they also offer opportunities to significantly increase the number of domestic/yard connections. It is therefore up to the licensed provider to prove that

- it can meet its pro-poor obligations as specified in the sector reforms,
- it can meet its own commercial objectives, and
- it can meet the needs and expectations of the urban poor.

With the implementation of the Mathare-Kosovo project the NCWSC has attempted to do just that.

Currently the company, with the help of Pamoja Trust and the financial support of the WSTF, is extending its services to other parts of Mathare. Working with the same partners, the company is constructing 24 water kiosks. Eighteen kilometres of reticulation pipes are being laid, enabling yards and households to be connected to the distribution network.

Water kiosks set up by formal service providers bring slum dwellers water of assured quality at the same low rates enjoyed by connected consumers.
The community needs to be involved: One of the most valuable lessons learned during the implementation of the project is that a utility is able to work directly with urban low income and informal communities, provided it is willing to create a strong stakeholder partnership.

Partners can develop a common view: once such a partnership has been established and if the majority of the residents share the view that service levels need improving, it becomes possible to put an end to informal and illegal deep-rooted service provision. (Breaking the stronghold the cartels and other resellers had over the Kosovo community can be seen as being one of the major challenges and successes of the project.)

Ownership is necessary: The partnership that implemented the Mathare-Kosovo project has always emphasised the need to create a strong sense of project ownership within the community and the utilities. However, creating ownership, community participation and improving water supply in urban slums does not mean that residents should or want to become water managers or participants in a local water democracy. The main concern and desire of most urban residents, whether they are living in a slum area or elsewhere in a city or town, is having access to affordable safe water. In slum areas, residents also want to be involved in the identification of appropriate sites (i.e. is the kiosk accessible, does it offer security to girls and women, etc) and operators for their kiosks.

The creation of dedicated water committees may be a way to ensure good communication between community and the utility, enabling the latter to provide better customer care.

Gaining the confidence: During the course of the Mathare-Kosovo project the partnership has aimed at, and succeeded in, changing the perceptions of the residents with regard to the service provider — what its role is, its responsibilities and its ambitions. Instead of still perceiving the NCWSC as a distant organisation only interested in supplying well-established formal residential areas, many Kosovo residents are now convinced that the company indeed intends to address the poor water supply situation of many slums and other low income urban areas. The company has also shown that it aims to give a meaningful content to community participation; that it wants to work with the residents in order to benefit from local knowledge and expertise, and that it wants to join forces with experienced NGOs such as Pamoja Trust that are better positioned to mobilise an urban community, build capacity and create or strengthen local structures (water committees, etc). The mistrust that existed between residents and the utility/administration has been significantly reduced as both sides have realised the potential of working together to promote synergy and deliver results for the benefit of all stakeholders.

Big benefits for the urban poor through formal service provision: The community teams formed at the onset of the project continues to play their oversight role successfully and there are no illegal connections so far. Burst pipes are reported to the WSP to ensure timely repairs. The NCWSC has implemented a system of receiving applications for water connection from residents through the oversight committee. This is convenient to the residents as they do not have to travel to the utility company to submit their forms. Now most of the residents receive quality water directly controlled by a water company that follows national standards and international requirements to which the Kenyan Government has subscribed (human rights).

Formalised service provision in Kosovo has focused on increasing the number of connections, effective meter reading and billing, operation and maintenance, reliable water supply, continued company presence
and encouraging timely payment of bills. The partners do realise that only through working together can the project be sustainable.

The cost of water has dramatically reduced since tariffs are regulated. A company-proposed tariff (agreed by the regulator) of Ksh 15/cu. m (Ksh 2 for every 20 litres) for public outlets and a graduated tariff of Ksh 18/cu. m for domestic water connection is in place. Billing of all consumers is done by the company and the cartels have been successfully uprooted from the settlement.

**Sustainability through long term commitment by the utility:** Implementing a project successfully is one thing; making a project sustainable is another, equally important challenge. It will be up to the NCWSC to prove that it is able to operate its pro-poor water supply schemes in a sustainable way. This requires staying in close contact and communicating with the residents, and working together with the committees that were created within the framework of the project. Achieving sustainability requires not only the ongoing pro-poor commitment of the company and of its individual staff members, but also the willingness and ability of the NCWSC to establish a permanent “on-the-ground” presence. Such presence is crucial if the company aims to provide customer care services aimed at serving the needs of the urban poor, if it intends to prevent the re-emergence of the cartels and illegal connections, and if it wishes to achieve a high collection efficiency and low UfW. The NCWSC is currently assessing the capability of its ISD and of its regional offices to provide such an ongoing presence. Subsequently the company will train its field staff and occupy a small office in Mathare. The coming year will show whether a model which has proved to be successful during project preparation and implementation will be equally efficient and effective in ensuring the sustainability of pro-poor urban water supply schemes.

One of the most valuable lessons learned during the implementation of the project is that a utility is able to work directly with urban low income and informal communities, provided it is willing to create a strong stakeholder partnership.
Formalising water supply through partnerships

Partner profiles

**Nairobi City Water and Sewerage Company**
The Nairobi City Water and Sewerage Company is a public utility whose mandate is provision of water and sewerage services to the residents of Nairobi City. The company’s mission is to equitably provide affordable water and sewerage services through efficient, effective, and sustainable utilisation of the available resources in an environmentally friendly manner, and meet and exceed the expectations of its customers and other stakeholders. The company’s vision is to be the leading water service provider in Africa providing world class service.

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**Water Services Trust Fund**
Water Services Trust Fund is a basket fund established under the Ministry of Water and Irrigation through which the Government of Kenya and donors channel funds for improving access to water and sanitation services in under- and un-served areas of Kenya.

Water Services Trust Fund
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**Pamoja Trust**
Established in 1999, Pamoja Trust is a non-profit organisation that seeks to promote access to land, shelter and basic services for the urban poor. It owes its origins to the need for institutional support for the anti-eviction movement that arose and grew in Kenya in the late 1990s and early 2000.

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**GTZ Water Sector Reform Programme**
The overall goal of GTZ Water Sector Reform Programme is to ensure that sustainable access of the urban poor to safe drinking water and basic sanitation is increased, and that water resource management is improved. This objective is in line with Kenya’s ongoing water sector reforms, which the German Technical Cooperation supports in its implementation.

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