



Terms of Reference

Consultancy for Development of Meru County Water Sector Policy

1. Background

Wetlands International is the only global not-for-profit organisation dedicated to the conservation and restoration of wetlands for people and nature. We are driven by the knowledge that safeguarding and restoring wetlands is urgent and vital for water security, biodiversity, climate regulation, sustainable development and human health. In Kenya, we are at the forefront in carrying out awareness, capacity strengthening and advocacy on sustainable ecosystem management and restoration, including Integrated Water Resource Management and climate change adaptation, both at the national level, and site-specific areas, covering Athi, Ewaso Ng'iro and Tana catchment areas.

Wetlands International is implementing a project titled *"Creating shared value over water resources in Upper Tana, Kenya"*. This project is aimed at empowering civil society organisations to lead efforts in evidence-based lobbying and advocacy on landscape approaches for Integrated Water Resource Management (IWRM) and biodiversity conservation in Upper Tana, Kenya. The project's focus is on mainstreaming biodiversity into wider development policies, plans, and projects to deliver the co-benefits of biodiversity conservation, improved local livelihoods and economic development in the Upper Tana. The interventions contribute to Sustainable Development Goal 6 on universal access to water and sanitation services, and water security by making the voices of citizens heard and strengthening governance and accountability in water resources management. This project is implemented in Kirinyaga, Meru and Nyeri Counties in partnership the Critical Ecosystem Partnership Fund (CEPF).¹

2. The Assignment

The Constitution of Kenya (CoK), 2010 has brought significant change to the country's environmental governance and particularly the water sector. Chapter 11 provides for a devolved system of governance aimed at promoting democratic and accountable exercise of power, the equitable sharing of resources and responsive and effective delivery of services while empowering citizen's participation through the process. The decentralised system of government led to the creation of 47 counties. Each level has its own set of functions, which though distinct require co-operative inter-relationships in the exercise of their functions. Article 43(1)(d) in the CoK 2010 prescribes the right for every person to clean and safe water in adequate quantities: sufficient, safe, acceptable, physically accessible and affordable. The recognition of water as a human right entails the responsibility to step up performance whilst accommodating to the new organisational situation in which county leaders have a major responsibility for water supply and sanitation towards their population.

¹ CEPF is a joint initiative of l'Agence Française de Développement, Conservation International, the European Union, the Global Environment Facility, the Government of Japan, the MacArthur Foundation and the World Bank.

The water sector in Kenya is undergoing an important process of reforms since the Water Act 2002. In order to align the Water Act, 2002 to the provisions of CoK, 2010, it became necessary to amend the Act and now the country has a new Water Act 2016. The CoK 2010 delineates the functions of the national and county governments. Water resource management is a function of the national government while water service provision is a function of the county governments. Every sector is required to align itself to the current constitutional architecture in terms of policy and legal framework. Under the Constitution, county governments have policy formulation and legislative powers including preparation of development plans such as County Integrated Development Plans (CIDPs).

It is against this background that counties are in the process of formulating essential sector policies and plans in order to enable the full implementation of devolved functions. Meru County has not been left behind; a Water, Environment and Natural Resources sector policy was developed and validated in August 2017 by diverse stakeholders. However, due to the salient challenges faced in the water sector and discussion with water sector players in the county, there is need to develop a substantive sector specific policy. This policy will provide a framework for water governance including: institutional arrangement; development of infrastructure; the allocation of the resources, the implementation of incentives for its efficient use, its protection, as well as the financing of all these activities. Wetlands International is supporting the Meru County Department of Water and Irrigation to formulate this policy.

3. Objective and deliverables

The objective of this consultancy is to support Meru County to formulate a water policy using a participatory process involving all key stakeholders. In conducting the proposed assignment the Consultant will be expected to use all applicable tools to collect relevant information that will inform the process of policy, legislative and institutional assessment.

The Consultant will work with Wetlands International and the designated policy development and adoption steering committee to develop the policy. The following are the key deliverables:

- i. **First deliverable:** A brief, descriptive Plan based on these ToRs, on how the assignment will be carried out, the methodology to be used, a tentative timescale, and other products that are expected. The Plan will also identify any advice, support or other input that might be required from Wetlands International or the County;
- ii. **Second Deliverable:** An Inception report detailing historical data and trends, analyses and assessments of the current situation and the policy environment;
- iii. **Third Deliverable:** Draft and validated water policy;
- iv. **Other Deliverables:** Supporting process documents such as workshop reports, lists of participants, minutes and completion report.

4. Work Schedule

The total duration of this assignment is 40 person-days spread over a period of 3 months effective 1 November 2018.

5. Reporting and Coordination

The Consultant will liaise with the Wetlands International team and Meru County Officials. Wetlands International will facilitate the coordination. The periodical coordination will be in the form of in-person meetings at least every month throughout the consultancy

6. Qualifications

- i. Minimum Postgraduate Degree in environmental law, public policy, law, water engineering, water resources management, environmental studies or a closely related field with a strong bias in water and environmental policy.
- ii. At least ten (10) years of working experience in the field of environmental law, institutional analysis of a related discipline; Institutional Analysis (including aspects of national water policy), Environmental Law or related field.
- iii. Demonstrated practical experience related to environmental policy and drafting and/or reviewing environmental legislation are a plus.
- iv. Demonstrated understanding of the Kenya water sector
- v. Ability to work constructively with different stakeholders in a complex environment and under strictly defined timelines.
- vi. Excellent writing and presentation skills with excellent command of written and spoken English.

7. Consultant Selection Procedure

The bidding is a competitive process. Interested Consultants are expected to respond by submitting a proposal on their understanding of this ToR, stated experience and expertise to undertake the Assignment with a clear outline of the methodology including the work plan and budget.

The application should be sent on or before Friday, 12 October 2018, via email to lnyaega@wetlands-africa.org with a copy to kenya@wetlands-africa.org