



NATIONAL WATER HARVESTING & STORAGE AUTHORITY

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NWHSA CONFLICT OF INTEREST POLICY

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FOREWORD

National Water Harvesting and Storage Authority (NWHSA) is entrusted with a critical national responsibility; the development and management of water harvesting and storage infrastructure aimed at strengthening water security and supporting sustainable socio-economic development. In carrying out this important mandate, the Authority must consistently uphold the highest standards of integrity, accountability, transparency, and professionalism in all aspects of its operations and decision-making.

As a public institution, the Authority relies on the trust and confidence of the citizens it serves. Preserving this trust requires that officials carry out their duties objectively and impartially. Nonetheless, personal or financial interests may occasionally affect or seem to affect decision-making, and if these situations are not effectively managed, they can impair professional judgment and weaken the institution's credibility.

This Conflict of Interest Policy provides a structured framework for recognizing, disclosing, and managing actual, potential, or perceived conflicts of interest within the Authority. It upholds the principles of leadership and integrity set out in Chapter Six of the Constitution of Kenya and aligns with the requirements of the Conflict of Interest Act, 2025 and the Leadership and Integrity Act, 2012. By specifying clear standards and procedures, the policy ensures that Authority stakeholders perform their responsibilities impartially, independently, and free from undue influence.

The Board acknowledges that effective governance extends beyond mere legal compliance. It depends on cultivating a robust institutional culture where ethical behavior is integrated into daily decision-making, and where transparency and accountability underpin all actions. Accordingly, this policy functions not only as a regulatory framework but also as a practical guide to fostering responsible leadership, enhancing internal controls, and protecting the integrity of the Authority's operations.

I encourage all Board members, management, employees, consultants, contractors, and partners associated with the Authority to familiarize themselves with the provisions of this policy and to uphold its principles in the performance of their responsibilities.

On behalf of the Board of Directors, I commend this policy as an important instrument in strengthening governance, protecting institutional credibility, and safeguarding the integrity of the Authority's work as it continues to deliver on its mandate to the people of Kenya.



.....
Chairman of the Board of Directors

ACKNOWLEDGEMENT

As the Accounting Officer of the Authority, I formally acknowledge the critical importance of the Conflict of Interest Policy and my personal accountability for its implementation. I fully recognize that the foremost responsibility that I share with every employee of this Authority is to ensure that the Authority's operations remain beyond reproach. This policy is a public declaration of the Authority's values and a binding commitment to the people of Kenya.

My commitment to you, and to the public we serve, is to ensure the effective and unwavering implementation of this policy across all levels within the Authority. This commitment is multifaceted and will be pursued with deliberate action.

The citizens of Kenya have entrusted us with the stewardship of vital national water resources. In return, we owe them a guarantee that the public interest remains the singular guiding principle in every decision we make, every contract we award and every project we undertake. Any private interest, whether actual, potential, or perceived, that seeks to overshadow this principle must be identified and managed with the utmost transparency. I am making a public pledge to uphold this policy and its principles in every aspect of my work.

However, this responsibility cannot rest with the Accounting Officer alone. Integrity is a collective endeavor. Therefore, I call upon everyone associated with this Authority, from the Boardroom to all officers, to join me in this commitment and read this policy, understand its implications for your role, and let its principles guide your daily actions.

By embracing this shared responsibility, we will not only safeguard the credibility of the Authority but also reinforce the public trust that is essential to our mission of ensuring water security for generations to come.



Eng. Julius Mugun, P.E, MIEK, MCI Arb

Ag, Chief Executive Office

INTRODUCTION

National Water Harvesting and Storage Authority (NWHSA) is committed to maintaining the highest standards of integrity, transparency, accountability, and ethical conduct in the execution of its mandate.

In the discharge of their duties, Board members, management, employees, consultants, and other stakeholders of the Authority are expected to make decisions solely in the public interest. Situations may arise where personal, financial, or other private interests could conflict with the official duties of an individual serving the Authority. Such situations may undermine objectivity, compromise decision-making, or create the perception of improper influence.

This Policy establishes a framework for identifying, disclosing and managing conflicts of interest in accordance with the Constitution of Kenya 2010 and the Conflict of Interest Act 2025, which requires public officers to avoid, declare, and properly manage real, potential, or perceived conflicts between private interests and public responsibilities.

Purpose of the Policy

The purpose of this Policy is to:

1. Promote integrity, transparency, and accountability in the operations of the Authority.
2. Ensure that decisions and actions of officials are not influenced by personal interests.
3. Provide guidance for identifying, declaring, and managing conflicts of interest.
4. Protect the reputation and credibility of the Authority.
5. Ensure compliance with the requirements of the Conflict of Interest Act 2025 and other applicable laws.

Scope of Application

This Policy applies to the stakeholders defined as:

1. Board of Directors
2. The Chief Executive Officer
3. All employees of the Authority
4. Consultants, advisors, contractors/suppliers and any other person acting on behalf of the Authority

Legal and Regulatory Framework

This Policy is guided by the following legal and regulatory instruments:

1. Constitution of Kenya 2010 – particularly Chapter Six on Leadership and Integrity.
2. Conflict of Interest Act 2025 – which establishes a comprehensive framework for identifying, declaring, and managing conflicts of interest in public service.
3. Leadership and Integrity Act 2012 – which outlines the leadership and integrity requirements for public and state officers.
4. Mwongozo Code of Governance for State Corporations 2015 – which governs how state corporations are managed and controlled
5. Guidelines and advisories issued by the Ethics and Anti-Corruption Commission.

The Conflict of Interest Act requires public/state officers to take reasonable steps to avoid conflicts of interest and to disclose any private interest that may influence their official duties.

Definition of Conflict of Interest

A conflict of interest arises where the private interests of a stakeholder interfere with, influence, or appear to influence the impartial performance of their official duties/decision-making.

A conflict may be:

1. **Actual Conflict of Interest**
Where an official's private interests directly influence or interfere with the performance of their official duties.
2. **Potential Conflict of Interest**
Where an official's private interests could reasonably develop into a conflict with official duties.
3. **Perceived (Apparent) Conflict of Interest**
Where it may reasonably appear to others that an official's private interests could improperly influence their decision-making.

Under the Conflict of Interest Act 2025, public/state officers must avoid situations where personal interests conflict with their official responsibilities.

i. Examples of Conflict of Interest

Situations that may give rise to conflicts of interest include, but are not limited to:

1. Participating in procurement or contract decisions involving a company in which the official, spouse, children, relative, or associate has an interest.
2. Awarding or influencing the award of contracts to a family member or business associate.

3. Holding financial interests in companies that supply goods or services to the Authority.
4. Using confidential information obtained through official duties for personal gain.
5. Accepting gifts, benefits, or hospitality that may influence decision-making.
6. Engaging in outside employment or business activities that interfere with official responsibilities.

The law also prohibits public/state officers from holding interests in entities that contract with or benefit from their employing public institution.

Disclosure of Conflict of Interest

All stakeholders of the Authority shall:

1. Promptly disclose any real, potential, or perceived conflict of interest.
2. Declare any personal interest before participating in any meeting, decision, or procurement process where such interest exists.

Stakeholders must also comply with statutory requirements relating to the declaration of income, assets, and liabilities as provided under the Conflict of Interest Act 2025.

Management of Conflict of Interest

Where a conflict of interest arises, the Authority shall implement appropriate measures to manage the situation, including:

1. Recusal from discussions or decisions relating to the matter.
2. Reassignment of responsibilities to another official.
3. Divestment from conflicting financial interests where necessary.
4. Independent review of the matter by an adhoc committee appointed by the Accounting Officer.

A stakeholder who has declared a conflict of interest shall not participate in deliberations, decision-making, or influence the outcome of the matter concerned and shall record such declarations.

Gifts and Benefits

Stakeholders shall not solicit or accept gifts, benefits, or favors that may influence or appear to influence their official duties.

Where a gift is received in an official capacity, it shall be declared and managed in accordance with the Authority's Gift Policy and the requirements of the Conflict of Interest Act 2025.

3. Periodic refresher workshops

Monitoring and Compliance

The implementation of this policy shall be monitored through:

1. Periodic review of the Conflict of Interests Register.
2. Internal audit checks
3. Ethics and integrity compliance reviews
4. Reporting to the Board of Directors

Where necessary, the Authority shall cooperate with oversight bodies including the Ethics and Anti-Corruption Commission and other government agencies responsible for enforcing public sector ethics.

Policy Review

The Policy shall be reviewed every three (3) years, or earlier where necessary, to ensure continued compliance with:

1. The Conflict of Interest Act 2025
2. Other relevant laws and governance standards
3. Best practices in public sector ethics and integrity.

Effective Date

The policy shall come to force the date it is signed by the Chairman of the Board and the Chief Executive Officer.