



NATIONAL WATER HARVESTING & STORAGE AUTHORITY

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NWHSA GIFT POLICY

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FOREWORD

National Water Harvesting and Storage Authority (NWHSA) is entrusted with the immense responsibility of advancing sustainable water security through the strategic development and diligent management of water harvesting and storage infrastructure across the country.

In fulfilling this vital mandate, the Authority must always remain firmly guided by the principles of integrity, transparency, and accountability that underpin the very foundation of Public Service in Kenya. The public expects nothing less than the highest standards of ethical conduct from us. It is this expectation that makes the Authority have clear ethical guidelines, not just a legal requirement, but a moral imperative.

The Gift Policy has been meticulously developed with an objective to safeguard the integrity of the Authority. It is designed to protect all Board members, management and officers, from situations that could compromise their objectivity or create perceptions of improper influence. A gift, no matter how small or well-intentioned, can create a conflict of interest or give the appearance of one, thereby eroding public confidence in our decisions.

Furthermore, this policy ensures our full compliance with the rigorous ethical standards set out in the supreme law of the land, the Constitution of Kenya (2010), and its detailed elaboration in the Leadership and Integrity Act, 2012. It is also aligned with the specific provisions of the Leadership and Integrity Regulations, 2015, which provide clear directives on the conduct of state and public officers. By adhering to this framework, the Authority demonstrates its unwavering commitment to operating within the boundaries of both the law and the highest ethical norms.

On behalf of the Board of Directors, I reaffirm our commitment to promoting a culture of accountability, transparency, and professionalism in all aspects of the Authority's operations.

I encourage everyone to read this policy carefully, to seek clarification on any point of uncertainty, and to integrate its guidance into their daily professional interactions.



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CHAIRMAN OF THE BOARD

ACKNOWLEDGEMENT

The National Water Harvesting and Storage Authority is responsible for stewarding national resources and delivering services that directly impact communities across the country. In carrying out this mandate, the Authority must uphold the highest standards of integrity, transparency, and ethical conduct.

The Authority regularly engages with a wide range of stakeholders, including Board members, management, employees, contractors, consultants, development partners, and members of the public. While these interactions are both necessary and valuable in advancing the Authority's objectives, they must always be conducted in a professional, transparent, and accountable manner that safeguards the independence and objectivity of our decision-making processes.

I recognize that even well-intentioned gestures, such as gifts, hospitality, or other benefits, may create real or perceived obligations that could compromise impartial judgment or undermine public confidence in the Authority. It is therefore essential that clear standards exist to guide how such situations are managed. By establishing defined principles, procedures, and accountability mechanisms for the declaration and management of gifts and benefits, this policy strengthens our collective responsibility to uphold integrity and protect both the Authority and its officers from circumstances that may give rise to impropriety, conflicts of interest, or reputational risk.

As the Accounting Officer, I am committed to ensuring the effective implementation of this policy across the Authority and to fostering a culture where ethical conduct, transparency, and accountability guide all our actions. I encourage all management, officers, employees, and persons acting on behalf of the Authority to familiarize themselves with the provisions of this policy and to adhere to them diligently in the performance of their duties.

Ethical conduct is not only a legal obligation but also a fundamental pillar of good governance and the foundation upon which public trust in our institution is built.

Through collective commitment and adherence to these standards, we will continue to strengthen the credibility and integrity of the Authority in the service of the nation.



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

Ag, Chief Executive Officer

INTRODUCTION

The National Water Harvesting and Storage Authority (NWHSA) is committed to upholding the highest standards of integrity, transparency, and accountability in the execution of its mandate. As a public institution entrusted with the development and management of water harvesting and storage infrastructure, the Authority recognizes the importance of maintaining public trust and ensuring that all its decisions and operations are free from undue influence.

In the course of official duties, employees, Board members, and other representatives of the Authority may interact with contractors, consultants, partners, stakeholders, and members of the public. Such interactions may occasionally involve the offering or receiving of gifts, hospitality, or other benefits. While some gestures may be customary or offered in good faith, inappropriate gifts or benefits may create real or perceived conflicts of interest, compromise professional judgment, or undermine the credibility and reputation of the Authority.

This Gift Policy has therefore been developed to provide clear guidance on the acceptance, declaration, management, and reporting of gifts, hospitality, and other benefits offered to or by employees and officials of the Authority. The policy seeks to ensure that all such interactions are conducted in a manner that safeguards impartiality, prevents corruption, and aligns with applicable laws, regulations, and public service ethics.

The policy applies to all Board members, management, employees, consultants, and any persons acting on behalf of the Authority. It outlines the principles, procedures, and accountability mechanisms necessary to promote ethical conduct and to protect both the individuals and the institution from situations that may give rise to conflicts of interest or perceptions of impropriety.

Through this policy, the Authority reaffirms its commitment to ethical governance and responsible stewardship of public resources, consistent with national laws and best practices in public sector management.

What Constitutes a Gift

For purposes of this policy, a gift refers to any item, benefit, favor, hospitality, service, or other advantage offered to, given to, or received by a Board member, employee, or representative of the NWHSA without equivalent value being paid in return, and which may influence, or reasonably be perceived to influence, the performance of official duties. A gift may be offered directly or indirectly by individuals, contractors, consultants, suppliers, other stakeholders, or any person or entity that the Authority has dealings with.

Gifts may also include benefits offered to family members, relatives, or close associates of an officer where such benefits are connected to the official's role at the Authority.

Gifts may include, but not limited to, the following:

- a) **Monetary gifts:** Cash or cash equivalents such as vouchers, gift cards, cheques, or digital money transfers.
- b) **Material items:** Physical goods such as electronics, clothing, equipment, artwork, souvenirs, hampers, or any other personal items.
- c) **Hospitality:** Meals, drinks, entertainment, or invitations to social or recreational events.
- d) **Travel and accommodation:** Payment or sponsorship of travel, transport, accommodation, conference attendance, or related expenses not officially authorized by the Authority.
- e) **Services or favors:** Provision of services at no cost or at a discounted rate, including professional services, repairs, training, or personal assistance.
- f) **Discounts or special privileges:** Preferential treatment, exclusive discounts, or benefits not available to the general public.
- g) **Entertainment and sponsored events:** Tickets to sporting, cultural, or entertainment events provided free of charge or at subsidized rates.
- h) **Other intangible benefits:** Any advantage, opportunity, or benefit that has value to the recipient, including job offers, internships for relatives, or preferential access to services.

However, modest tokens such as promotional materials of nominal value (for example branded pens, calendars, or notebooks) provided during official meetings or public events may not constitute gifts requiring declaration, provided they cannot reasonably influence official decision-making.

The Authority requires that all gifts, be managed in accordance with the procedures established under this policy to ensure compliance with the ethical standards as prescribed under the integrity principles contained in the Constitution of Kenya 2010.

LEGAL FRAMEWORK

Article 76(1) of the Constitution which provides for financial probity of state and public officers, cautions state and public officers against compromising their integrity on the basis of seeking or receiving gifts, donations and such other benefits. As a general rule, any gift, donation or benefit, when given to a State or public officer on a public or official occasion shall be treated as a gift or donation to the State, and must be surrendered to the Republic unless exempted under an Act of Parliament.

The Leadership and Integrity Act, Cap.185C in section 14 as read with Part II of the Leadership and Integrity Regulations, 2015 provides the regulatory framework for gifting in public service.

GENERAL PRINCIPLES

The general principles are outlined as follows:-

i. Permitted Gifts/Donations

The Authority and its employee acting in their official capacity may receive and be allowed to retain a gift as long as the gift is not monetary, and the value thereof does not exceed twenty thousand shillings. A gift that is in a category of items ordinarily given as a show of appreciation or expression of courtesy or protocol and within the ordinary standards of hospitality in the line of service of the State or public officer is permitted. However, even where a gift satisfies these conditions, it shall not be allowed if it is intended to compromise the integrity, objectivity, or

impartiality of the officer, or the receipt of such a gift shall create a potential conflict of interest.

ii. Prohibited Gifts/Donations

The Authority and its employee shall not receive or accept any gift, donation or benefit in kind if;

- a) The gift is in cash or cash equivalents, the gift or donation is made in the form of jewelry, precious metals or stones, ivory, or other animal parts that is protected by law,
- b) Where the gift or donation is made by a person or entity that has an interest or relationship with the employees of the Authority,
- c) Where the gift donation is from an outlawed donor such as proscribed organizations, blacklisted companies and enemy states.

General Rules

- a) The Authority and its employees are prohibited by law from soliciting a gift, donation and benefits in kind. This applies irrespective of whether the gift or donation is permitted or not.
- b) Whenever a gift or donation is received and accepted, the same must be declared to the Authority, irrespective of the type or value of gift. The Authority shall decide whether the officer shall be allowed to retain the gift or not.
- c) Acceptable gifts and donations to an employee should only be accepted where the offer and receipt of the gift is done with utmost transparency and openness; the offer and receipt of the gift is not done in secrecy or exclusivity of the donor and recipient; and the person making the offer is present at the time of presentation.
- d) Gifts and donations received by an officer which are surrendered, may be utilized by the Authority, or disposed through the procedures as set out in the Public Procurement and Asset Disposal Act and Regulations therein.
- e) It is not mandatory to physically deliver all types of gifts to the Authority prior to their declaration and registration. Some gifts may, by their nature, remain in the custody or control of the employee as the declaration and registration is going on. However, the officer should aptly and fully describe the gift for the

benefit of the Authority, and for this purpose may provide photographs and other forms of description including valuation or market value comparison report.

- f) Materials meant for education, awareness and promotional purposes given by public entities to Authority or to employees need not be declared as gifts.

Register of Gifts, Donations and other Benefits in Kind

- a) It is the responsibility of Authority and the employees to ensure that all gifts, donations or other benefits received or given are recorded in the register, in the prescribed form.
- b) Accounting officer should ensure that the entity has operationalized and maintains the Register of Gifts, Donations and other Benefits received and given, in the prescribed format.
- c) The Authority is required, under Regulation 9 of the Leadership and Integrity Regulations, 2015, to within thirty days after the close of the financial year furnish EACC with a report specifying all gifts received and any gifts that the entity has disposed or intends to dispose. The report is mandatory, even if the entity has not received any gifts in the course of the year.

Review of the Policy

The Policy shall be reviewed every three (3) years, or earlier where necessary, to ensure alignment with evolving legal and governance requirements and the ethical standards established by EACC and other legal frameworks.

Effective Date

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