



Water and Sanitation Program

An international partnership to help the poor gain sustained access to improved water supply and sanitation services

The National Water and Sanitation Programme in South Africa: Turning the 'Right to Water' into Reality

Africa Region



Water, sanitation and hygiene are vital components of sustainable development and the alleviation of poverty. Across Africa, political leaders and sector specialists are generating new momentum in these important areas. This Field Note, together with the others in the same series, constitutes a timely contribution to that work. It is intended principally to help politicians, leaders and professionals in their activities. As the Water Ambassador for Africa, invited by the African Development Bank and endorsed by the African Water Task Force and the African Ministerial Conference on Water (AMCOW), I commend it to your attention.

Salim Ahmed Salim
Water Ambassador for Africa



This stand-pipe in Bokong, Maluti Mountains, saves women a six-mile walk.

Summary

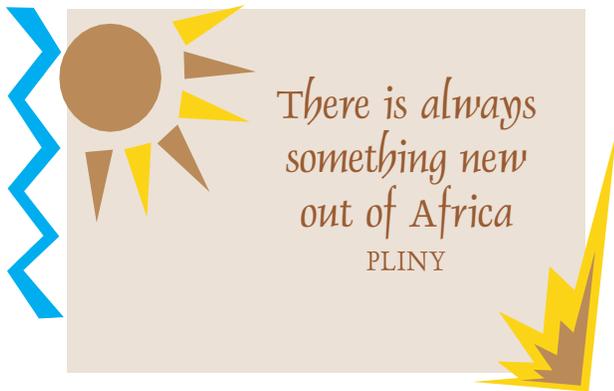
South Africa is one of the few countries in the world that formally recognise water as a human right. Its national water and sanitation programme, which is one of the largest national programmes in Africa, aims to deliver sustainably on that right.

Both the recognition of water as a human right and the development of the national water and sanitation programme derive from the advent, in 1994, of South Africa's democratic era. At that time the country faced immense challenges relating to water supply and sanitation. The government and its development partners have been determined to tackle those problems and to achieve major progress in water and sanitation as quickly as possible.

This Field Note draws principally upon the South African Government's experiences. It describes the key elements of the national water and sanitation programme, which include:

- The policy and legislative framework within which the national programme has been implemented
- The capital works programme which, between 1994 and 2002, has provided infrastructure intended to meet the basic needs of over seven million people
- The 'free basic water' policy, which aims to ensure that affordability is not a barrier to access to safe water
- Devolution of responsibility from the national government to local government, acting through community-based approaches

Considerable progress has indeed been achieved, especially in water. Looking to the future, the largest uncertainty relates to the financial sustainability of the free basic water policy, which depends upon the strength of the national economy.



Background

When South Africa's first non-racial democratic government took power in April 1994, the country's population was just over 40 million people. Of these, 15.2 million (12 million of whom lived in rural areas) lacked access to basic water supply¹ and 20.5 million lacked basic sanitation.

Prior to 1994 there was no single national government department responsible for water supply and sanitation in South Africa. Responsibility was fragmented and allocated

to local governments in the previous four provinces and to ten nominally autonomous homelands, resulting in very different levels of service. Most of the then white local governments offered standards equal to those in industrialised countries. In the rural areas there were often no services, while in black urban areas the situation was mixed. Both urban and rural services for black people were often in a state of disrepair. This situation was exacerbated by the absence of any coherent national policies, guidelines or support structures. The Department of Water Affairs and Forestry (DWAF) focused on water resources and forestry management.

This situation had been challenged by the Standing Committee on Water Supply and Sanitation (SCOWSAS), which was established in January 1992 with representation from the democratic movement's political parties, trade unions, NGOs, the Water Research Commission, and officials from local and national government. SCOWSAS undertook a national policy review and developed a set of recommendations for the sector. Perhaps most important of these was the call for a single national agency to take overall responsibility for water supply and sanitation. This recommendation was subsequently adopted as part of the new government's political programme.

Another important pre-1994 initiative was the establishment of the Mvula Trust,² an NGO that focused on the delivery of water services through community-based approaches. It was established with substantial support from the European Union, in partnership with the democratic movement, and provided important capacity in the early years of the new programme.

Description of the programme

The inception of the water supply and sanitation policy

In 1994, the new government made DWAF responsible for ensuring that all South Africans had equitable access to water supply and sanitation. DWAF consulted a range of interested parties and produced a policy (outlined in a government White Paper) on community water supply and sanitation in November 1994.



Using a swipe-card system to access water at a communal stand-pipe.

¹ In South Africa, basic water supply is defined as 25 litres per person per day, within 200 metres of the home, and of acceptable quality. Basic sanitation is defined as a ventilated improved pit latrine or equivalent.

² The Mvula Trust is the subject of another Field Note in this series.

This policy provided the foundation for the legislative and regulatory framework (enacted in the Water Services Act of 1997) governing the water sector, and for the national programme to address the backlog of water and sanitation services for those who had been excluded from services in the past – especially the rural poor.

The policy recognised that local governments would eventually take responsibility for service provision, although the majority of South Africa's poor people still lived in areas without any legitimate local government.³ It also referred to the right – later enshrined in the new constitution – of access to basic water and to an environment not harmful to health or well-being.

In 1994, DWAF launched the Community Water Supply and Sanitation Programme to put the policy into practice and start delivery of basic water services in the areas of greatest need. The subsequent experiences illustrate how the various aspects of a national water programme can relate to each other in order to provide an effective framework for sustainable implementation.

Policy and legislative framework

Following the 1994 policy, the Water Services Act of 1997 gave legal basis to the constitutional right of access to sufficient water and an environment not harmful to health. It also set out how to implement the requirement that local government take responsibility for water services.

The Act distinguished between water services authorities (which have a governance function) and water services providers (which have a provision function). A water services authority is a local government body responsible for services, which is legally obliged to consult communities in preparing its plans. A water services provider is an organisation that actually provides water services to the people – this might be the authority itself, another authority, a water board, a community-based structure or a private company. The Act regulates the relationship between authorities and providers

and requires the relationship to be formalised in a contract.

To ensure acceptable levels of service to the people, the Act instructs DWAF to regulate water services through compulsory national standards, norms and standards for tariffs, contracts between water services authorities and water services providers, and model by-laws.

The water sector works within the framework of local government, which is itself in the process of total transformation. Water-sector programmes have had to reflect the demands of this rapidly changing environment.



The capital works programme

In 1994, there was huge popular and political expectation of rapid progress, so DWAF knew that it must quickly start a large capital works programme of water supply and sanitation. However, the new institutional framework was not ready: rural local government had not yet been formed; the roles and responsibilities of water services institutions had not been determined; and the sector had severe capacity constraints.

DWAF therefore took a flexible approach in order to construct new water and sanitation services as quickly as possible by involving all the types of organisation that could do the work. DWAF mobilised water boards, NGOs (notably the Mvula Trust described above), some transitional local government bodies and private-sector companies as

The funding of the capital works programme

To support DWAF, the new government provided US\$38 million for twelve Presidential Lead Projects – endorsed by President Nelson Mandela – to kick-start a programme to address the areas of greatest need in the country. These came under the umbrella of the incoming government's special Reconstruction and Development Programme (RDP). DWAF was given three further allocations of RDP funding for nearly 1,000 capital works projects, totalling US\$340 million, over three years. After that, DWAF's capital budget was allocated through the normal government budget system. After some short-term disruption in 1998, this arrangement subsequently enabled a predictable rolling three-year budget allocation to be made for the capital works programme. This in turn greatly helped the process of transferring some of DWAF's functions to local government, which had always been the government's long-term aim. To give an idea of the current size of the capital works programme, its allocation in 2002 was over US\$130 million, including valuable contributions from external support agencies.

³ In many such areas, democratic local government only came into existence in 2000.

partners in delivery. By these means, between 1994 and 2002, new water services have been constructed for a design population of seven million people. This is one of the largest and most rapid programmes of service provision in Africa.

In the absence of a local government planning framework, area forums were set up throughout the country to prioritise projects. At the project level, community-based Project Steering Committees (later led by elected local government representatives) were set up. To help ensure sustainable services, DWAF prepared guidelines to help these committees to plan the implementation and maintenance of their projects. Some funds, particularly

for stand-alone projects in small (less than 5,000 people) communities, were channelled through the Mvula Trust, which had developed community management delivery models.

In 1996, as the capital works programme expanded rapidly, DWAF recognised that progress was constrained by a shortage of delivery capacity. So it started four partnerships with private-sector consortia to undertake BoTT (Build, Operate, Train and Transfer) contracts in the four provinces (Eastern Cape, KwaZulu Natal, Mpumalanga and Northern Province) where the backlog of services was greatest. The aim was to achieve a flexible mechanism for speeding up delivery by minimising administration and bureaucracy, and by using the resources of the private sector to achieve the vision of the public sector.

These partnerships had mixed results. The extra capacity available through the BoTT contracts was not fully used since many Project Steering Committees preferred alternative arrangements, while the BoTT contractors were not able to respond with sufficient flexibility to the unpredictable demands. This resulted in relatively high unit costs. In addition, although the BoTT consortia included skills in institutional development and social communication, there was little evidence that the BoTT system was any more successful than the traditional government system in transferring schemes to sustainable community management. Approaches that emphasise construction tend to mean that cost recovery and sustainability suffer, and the BoTT system was no exception.

Equity of access, and the free basic water policy

Under the 1994 policy, the government funded the capital costs of new services infrastructure while the users covered operation and maintenance costs – a financial division that applies in many other countries. Towards the end of the 1990s, it became clear that the high running costs of many schemes meant that poorer people could not afford the charges and so this arrangement would not be adequate to ensure either sustainability or equity. A substantial and important part of the population was being denied access to water and sanitation



Mpumalanga Community members digging trenches to lay water-pipes.

services, and community unity and support for those services were being undermined by conflict.

In response, using a combination of political and legislative mechanisms, the government developed a free basic water policy. This encourages water services authorities to structure their charges for water to provide the first 6,000 litres per household per month free of charge. The operating costs are covered by a combination of a rising block tariff above that consumption and a subsidy from the national budget to the local government specifically for basic service provision. With substantial political support, this policy had by 1 July 2002 been implemented in local government areas serving over 27 million people.

The free basic water policy was, in 1999, heresy in an international context. The policy has, however, provided a valuable method to ensure that people's right of access to basic water supply is not limited by affordability (a principle increasingly recognised internationally). It has also helped to maintain the strong political impetus for the water and sanitation programme as responsibility is transferred from national to local government.

Devolution to local government

As part of their Integrated Development Plans, local government authorities are drawing up water services development plans to guide their operations. Through this process, local government authorities are setting targets for:

- The subsidy allocation which enables them to provide free basic water
- Tariff structures to be used for each category of user
- Percentage cost recovery which must be achieved
- Cost savings through leaks reduction and improved staff or technical efficiency

Now the newly established local governments are taking up their planned responsibility for implementing projects, the benefit of having national or regional stand-by arrangements such as BoTT contracts is reducing.



RDP housing supplied with water and flush toilets, Katorus, Gauteng.

Analysis and ongoing issues

Political context

The success of the national water and sanitation programme derived from the political context in which it was developed. The new government was elected democratically in 1994 on the promise of 'a better life for all'. It had a vision for South African society encapsulated in the aim of its Reconstruction and Development Programme (RDP) to provide 'peace and security for all, build the nation, link reconstruction and development, and deepen democracy'.

The RDP emphasised that an improvement in the quality of life of the majority of South Africans was needed to enable economic growth, and that economic growth was needed to sustain that improved quality of life. There was thus a deep political commitment to programmes of service

delivery. The national water and sanitation programme was therefore part of a strong, shared national vision of a South Africa in which people would have opportunities to develop their skills and to use them productively to work for an income with which they could meet their basic needs.

It was also noticeable in the 1994 national elections that water was the second highest priority for rural voters (after jobs).

The aims of the RDP were underpinned by the adoption in 1996 of a new constitution, which entrenched a Bill of Rights including extensive social, economic and environmental rights. The community water supply and sanitation programme thus became not just a short-term activity by DWAF under the RDP but an integral element of the whole nation's human rights programme.

Institutional capacity

Before 1994, DWAF already had a very substantial technical and operational capacity with a network of functional regional offices. This institutional capacity has been extremely important for the success of the programme to date, both for technical and project management and for the linkages to community, local government and provincial structures.

South Africa also has a relatively well-developed professional and industrial sector and can design, build, operate and provide equipment and materials required from within the country's resources.

Looking ahead, the main institutional questions relate to local government. It is difficult to transfer operational responsibility for water services in the poorest areas of the country from a relatively well-resourced national department to often weak local governments. While the problems are very visible (through well-publicised public complaints), the success of the process will only be measured by the sustainability of services over the medium term.

Operational sustainability of the recently constructed water services

In only a few years, the national capital works programme has constructed an extremely large number of water supply schemes, designed to serve about seven million people. However, it is not certain that all those people are actually benefiting, since the user numbers were calculated on the basis of assumed rather than actual use. Also, many of the schemes use comparatively high, engineering-driven standards that may be difficult for local authorities to maintain. So it will be important to ensure that all the schemes remain functional and do indeed continue to serve those numbers of people. An independent field survey could verify these large achievements and could generate useful lessons for the local authorities responsible for these services.

Financial sustainability of the free basic water policy

The free basic water policy is a recent innovation in South Africa. It will take some years to assess whether it is financially viable and actually provides enough money for operation and maintenance. Its viability depends on the country containing enough rich people for them to subsidise the poor people, either directly through differential tariffs or indirectly through the taxation system and national budget.

The initial indications are that in large urban areas such as Durban, where the policy originated before being nationally adopted, there are enough rich customers for the differential tariffs to raise enough money. However, this is not the case in rural areas, so the water services providers there will rely on the subsidy from the national budget. This is, in effect, exactly what many African and other countries aimed to do in past decades but often failed to achieve due to national budget weakness. South Africa is, however, a middle-income country (with a strong tax base and a GDP per capita of over US\$3,000 compared to less than US\$500 in much of Africa) and better able to fund this without adverse fiscal impact if it remains a social priority.

The constitution mandates local government to receive an equitable share of national revenue for delivering basic services, and the present government is firmly committed to ensuring that this is a reliable source of income. Looking to the future, however, the South African economy will need to be willing to continue to sustain the financial burden of both the operation and maintenance of existing services and the extension of these services to all the currently unserved people in the country.

DWAF's changing role

Now that the initial centrally planned capital works programme is passing into the hands of local government, DWAF will take on a regulatory and support role instead of a direct implementing role.

A policy review process to plan and manage that change of role is currently under way. This will clarify and strengthen DWAF's regulatory role, not only over service delivery contracts, but also in the water services planning process, in the water services information system, and ultimately in ensuring that the people receive services of acceptable quality. The review will also need to consider how to overcome the inherent problem of a single organisation being the financier, policy maker and regulator. There may be a case for the separation of regulatory oversight – this would become particularly important if the current strong political support were to wane in the future.

Private sector participation

This is frequently a contentious topic. It has two quite different aspects:

- On the one hand, South Africa is fortunate to have a highly developed private sector that has been involved in many aspects of the water sector for years. Private companies undertake research, design, construction, spare parts manufacture and supply, even social consultation, training and participation processes and some project management.
- On the other hand, the direct participation of the private sector in service provision has been tried but is not a major factor in service delivery. Only a few small and medium-sized towns have established long-term concession arrangements. As has already been described, the use of BoTT contracts to involve the private sector in DWAF's rural water service provision had only limited success. Given the current economic and political circumstances, it seems likely that future take-up of the private sector in service provision will be slow.

Sanitation

Sanitation is a critical area. The cholera epidemic of 2000 provided a huge stimulus to address the country's slow rate of progress in sanitation.

This slow progress was partly due to the fact that the communities themselves have always strongly prioritised water supply; it was also due to the absence of a good system for promoting improved sanitation at community level. While the system used for water is community based, that for sanitation should be household focused, which has not previously been the government's strength.

While the South African Government has made substantial progress on water, it has not yet developed an effective programme to address the sanitation problems of

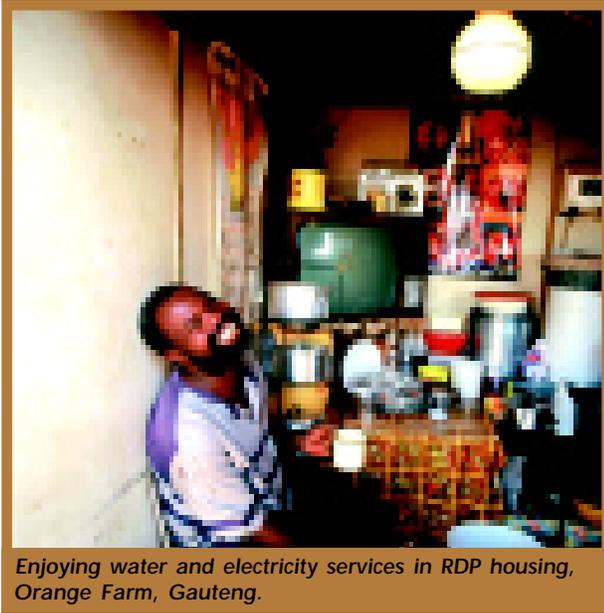


A woman signals approval of her flush toilet, Kwazulu-Natal urban development, Pietermaritzburg.

individual households and to promote health and hygiene awareness. The Cabinet has now recognised the importance of this issue and has given DWAF the mandate to co-ordinate the work of all other role players in sanitation. DWAF, in turn, has created a dedicated sanitation programme to do this work.

Lessons applicable elsewhere

The precise circumstances of South Africa's transition from apartheid rule to a non-racial democratic society were exceptional. However, some of the political and operational lessons may be applicable to other countries undergoing major political change.



Enjoying water and electricity services in RDP housing, Orange Farm, Gauteng.

Political leadership

Top-level political support for the water and sanitation sector has been critically important. The strong political leadership at and since the beginning of the democratic era provided an opportunity for a sector agency such as DWA, assisted by a substantial budget, to expand and innovate and hence to serve the people.

This leadership was itself a response to the people's expressed priorities and aspirations.

Clear policy framework

The constitution of South Africa, acts of Parliament and associated policies all contain clear and mutually compatible policy statements regarding water and sanitation. This gives guidance and confidence to all the agencies working in the sector to determine their own policies and plans and to advance their activities as quickly and as well as they can.

Slow progress on sanitation

South Africa's programme has rapidly expanded access to basic water supply in a potentially sustainable manner. Progress in sanitation has, however, been much slower. This reflects both the lower priority attributed to it by the people and the government, and the perceived difficulty of working at the household level (although it is interesting to note that other African countries have made better progress on this).

Turning the right to water into reality

Finally, South Africa has given substance to the much discussed but rarely implemented 'right to water'. The approach used is appropriate for South Africa's unequal society, in which local cross-subsidy from the rich to the poor is often possible through stepped tariffs and can be augmented by a transparent subsidy for rural water and sanitation from the national budget. This model is less likely to be effective in countries where there are fewer rich people or where the national finances are less strong. Large amounts of money have been devoted to water in poor countries, but much of it achieved little due to the absence of effective and sustainable investment mechanisms at a large scale. The South African national water and sanitation programme aims to be such a mechanism: its effectiveness is currently being demonstrated, while its sustainability will be tested during the years ahead.

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