# THE ROLE OF COMMUNITIES AS WATER SERVICES INTERMEDIARIES IN SOUTH AFRICA: THE CASE OF THE EASTERN CAPE AND FREE STATE PROVINCES

**REPORT TO THE WATER RESEARCH COMMISSION**

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# EXECUTIVE SUMMARY

Provision of water in South Africa is an area that has been shaped by legislation to become a development intervention for addressing social and economic inequalities. The government has put in place a water governance framework that has framed water as a human right (Constitution of the Republic of South Africa, 1996) and a basic need (National Water Act, 1998) at the same level of recognition as food, health, shelter and education.

The National Water Act (NWA, 1998) goes even further than that, by providing for the participation of water beneficiaries through the establishment of water management institutions such as catchment management agencies (CMAs), water user associations (WUAs) and water advisory committees.

At the local level, access to water and equitable supply for socioeconomic development of local communities has been delegated to municipalities by the Municipal Structures Act (MSA, 1998). In the same vein, the Municipal Systems Act (MSA, 2000) requires municipalities to promote the participation and empowerment of local communities for water services provision.

This developmental role assigned to water through legislation brings in an important aspect of water management – which is the empowerment of communities through participation as reflected in the MSA (2000). The compelling concerns behind community participation include equity to water access in terms of race and gender, poverty alleviation and the promotion of livelihoods, and health and hygiene in which water services provision is critical. For these concerns to be successfully addressed, the participation of communities in water supply management should be promoted.

South Africa's municipalities have been called upon to provide potable clean water and to empower local communities to participate in water supply management in view of the Sustainable Development Goals of the United Nations. However, despite such efforts at national and local government levels, access to piped water is dwindling in the Eastern Cape and Free State provinces – and disparities in distribution of water are growing. Noticeably,

such water inequalities are more prevalent in the formerly-excluded black communities in villages, townships, and settlements.

This study was conducted with an interest in identifying the roles of the legislative framework and institutional arrangements in supporting community participation in the water sector, and the main objective was to explore the existing policy and institutional frameworks that enhance or inhibit communities' roles as water services intermediaries in the Eastern Cape and Free State provinces of South Africa.

The study's research was conducted in Mbizana Local Municipality in Alfred Nzo District in the Eastern Cape and in Ngwathe Local Municipality in Fezile Dabi District in the Free Sate, with the constructivist paradigm being adopted to guide contact with communities because it advocates for interaction that privileges the life story narratives of the research participants.

A qualitative approach to the data collection was used as it provided for a two-way exchange built on mutual interest in the discussions on water supply in the research areas and purposive sampling was used to identify the two research areas – because of similarities in terms of water problems confronting the two provinces – and the sample groups of the study comprised beneficiary communities, municipal officials, the Department of Water and Sanitation (DWS), and the Mvula Trust – totaling 112 participants purposively identified for the study. Together, these methodological approaches enabled the study to source rich information that adequately addressed the objective of the research.

The findings of the study identified the following areas of attention in relation to the objective of the study: legal and institutional factors that enhance community participation, and policies, procedures, and community-level factors that hinder participation. These areas are outlined in the subsequent discussion, along with conclusions and interventions recommended to address them.

Legal factors that enhance community participation include the water laws put in place to promote community participation, such as the Constitution of the Republic of South Africa (1996), Water Services Act (1997), National Water Act (1998), Municipal Structures Act (1998), Free Basic Water (1998), Municipal Systems Act (2000), and Water Resource Management Framework (2013).

Institutional factors that enhance community participation include the Water Services Act (WSA), water service providers (WSPs), district water boards, catchment management agencies (CMAs), water services intermediaries (WSIs), and the water services committees (WSCs).

Policies and procedures presenting obstacles to community participation include the narrow concept of 'water services intermediary', dysfunction within the Department of Water and Sanitation (DWS), the failure of CMAs, the top-down approach of the management and rigid integrated development planning (IDP) processes, incapacities in municipalities, ageing infrastructure, and monitoring and evaluation.

Community-level factors hindering community participation include inadequate/non-existent access to water, poor water quality, restrictions on income-generating projects, loss of property, unemployment, violation of the right to water, the IDP approach, and ineffective monitoring and evaluation.

Despite its elaborate legal frameworks for water governance, South Africa has not managed to achieve water equity or to engage meaningfully with beneficiary communities as part of water management. Water inequalities are still predominantly characteristic of formerly excluded areas in the villages, townships, and informal settlements, and have grown in tandem with overall social and economic inequalities that are making South Africa the most unequal country in the world.

An added affliction is that these communities are not meaningfully participating in the decisions of water management and their needs are not adequately factored into the water supply decisions. This is in contrast to the UN SDG 6 requirement calling for water equity and the participation of beneficiary communities in the water management decisions that affect them.

Disparities in the allocation of water are still firmly entrenched along racial, gender and rural-urban divisions – making water accessible to the privileged few. Water inequalities and exclusion are compromising the livelihoods of these marginalised communities and their overall social and economic development.

This study has identified three areas of intervention to address policy and institutional shortfalls as well as the obstacles that impede meaningful community engagement and

participation in the quest for water equity and recognition of water as a human right for development.

The first area – legislative and policy review – entails the amendment of the WSA of 1997, Section 51(3) to designate WSCs as vehicles of community participation, add water cooperatives as alternative institutions alongside WSCs, and make way for partnerships between municipalities and communities. There is also a need to review the IDP processes of community consultation to include capacity development and training elements for creating a common understanding and shared view of IDP based on transparency and mutual trust.
The second area – capacity building for municipalities to attain their development mandate – will require the intervention of the Presidency, CoGTA and the Treasury.

Finally, in the third area – community engagement – the study recommends adopting the ABCD approach. This approach sees communities as partners and not just consumers, as well as considers the range of strengths and assets that communities bring into water management rather than keeping the sole focus on their water needs and creating expectation and dependency on government handouts.

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|---|---|
| ABCD | Asset-Based Community Development |
| ANDM | Alfred Nzo District Municipality |
| CMA | Catchment Management Agencies |
| CMFs | Comprehensive Financial Management System |
| CoGTA | Cooperative Governance and Traditional Affairs |
| CWP | Community Work Programme |
| DAFF | Department of Agriculture, Forestry and Fisheries |
| DoHS | Department of Health Services |
| DoL | Department of Labour |
| DPME | Department of Planning, Monitoring and Evaluation |
| DWAF | Department of Water Affairs and Forestry |
| DWS | Department of Water and Sanitation |
| FDDM | Fezile Dabi District Municipality |
| FSE | Federation for a Sustainable Environment |
| GHS | General Household Survey |
| GCIS | Government Communication Information System |
| GWP | Global Water Partnership |
| HRC | Human Rights Commission |
| ICA | International Cooperative Alliance |
| ICCPR | International Covenant on Civil and Political Rights |
| ICESCR | International Covenant on Economic Social and Cultural Rights |
| IDP | Integrated development planning |
| IWRM | Integrated water resources management |
| LED | Local economic development |

| | |
|---|---|
| MDB | Municipal Demarcation Board |
| MFMA | Municipal Finance Management Act |
| MIG | Municipal Infrastructure Grant |
| MSA | Municipal Services Act of 1998 |
| MSA | Municipal Systems Act of 2000 |
| NBI | National Business Initiative |
| NDP | National Development Plan |
| NEMA | National Environmental Management Act |
| NWA | National Water Act |
| NWRS | National Water Resource Strategy |
| NGOs | Non-governmental organisation |
| PFGM&E | Policy Framework for Government-wide Monitoring and Evaluation |
| PPPs | Public-private partnerships |
| RBIG | Regional Bulk Infrastructure Grant |
| STATSSA | Statistics South Africa |
| SDGs | Sustainable development goals |
| SDG6-RWS | Sustainable Development Goal 6 – Synthesis Report on Water and Sanitation |
| TCTA | Trans-Caledon Tunnel Authority |
| SMEs | Small and medium-sized enterprises |
| UN-INHWE Education | United Nations International Network for Health Workforce |
| UKZN | University of KwaZulu-Natal |
| WB | World Bank |

| | |
|---|---|
| WHO | World Health Organization |
| WSA | Water Services Act |
| WSC | Water Services Committee |
| WSDs | World Sustainable Development Summit |
| WSP | Water Services Provider |
| World Bank Group, PPPLRC | Public-Private Partnership Legal Resource Center |
| WUA | Water User Association |
| IDP | Integrated Development Plan |
| SALGA | South African Local Government Association |
| RSA | Republic of South Africa |
| UNCESCR | United Nations Committee on Economic, Social and Cultural Rights |

# CHAPTER 1 : WATER REFORM AND COMMUNITY PARTICIPATION IN SOUTH AFRICA

## 1.1 Introduction and background

Provision of water in South Africa is an area that has been shaped by legislation to become a development intervention for addressing social and economic inequalities. The government has put in place a water governance framework that has framed water as a human right (Republic of South Africa Constitution, 1996) and a basic need (National Water Act, 1998) at the same level of recognition as food, health, shelter and education.

The National Water Act (NWA, 1998) goes even further than that, by providing for the participation of water beneficiaries through the establishment of water management institutions such as catchment management agencies (CMA), water user associations (WUA) and water advisory committees (NWA, 1998).

At the local level, access to water and equitable supply for socioeconomic development of local communities has been delegated to municipalities by the Municipal Structures Act (MSA, 1998). In the same vein, the Municipal Systems Act (MSA, 2000) requires municipalities to promote the participation and empowerment of local communities for water services provision.

The above legislative actions of the government highlight the importance of the centrality of water as a crucial resource for social and economic development in the country. These actions are buttressed by the National Water Resource Strategy 2 (NWRS2), which embodies the twin objectives of water – to support development and the elimination of poverty and inequality, and to contribute to the economy and job creation (Department of Water Affairs, 2013).

The NWRS2 recognises that the past inequitable allocation of water that favoured the white community created exclusion and marginalisation, and that water allocation needs to play a legislated developmental role in addressing poverty and inequality (Department of Water Affairs, 2013) – a role that brings in an important aspect of water management, namely the empowerment of communities through participation as reflected in the MSA (2000). Community empowerment is a process by which capacity to act and to have control over

one's life is built among individuals and groups in a community: "It is the process by which they increase their assets and attributes and build capacities to gain access, partners, networks and/or a voice, in order to gain control" (Petersen, 2010).

In the view of Samah and Aref (2009), participation can lead to empowerment: "Empowerment through participation is a continuous process by which people develop and use their ability to act in response to shared problems and to achieve expected needs in an effort to bring some changes to community life".

Boakye and Akpor (2012) conclude that community participation has become widely accepted through legislation as a critical component of managing water resources in South Africa. The empowerment of communities through participation and capacity building in water supply and provision is fundamental to the quest of meeting basic needs and effecting the right of access to the communities and to sustainability of water management.

### 1.2 Water-services management and community participation

In South Africa, there are compelling reasons for local communities to be empowered to participate in water services management (Republic of South Africa, 2000). These reasons include addressing the questions of equity regarding water access in terms of race and gender, poverty alleviation and the promotion of livelihoods, and the promotion of health and hygiene – in which water services provision is critical.

For these concerns to be successfully addressed the participation of communities in water supply management should be promoted. This study was interested in the role of water policies in empowering communities as water services intermediaries for sustainable water provision, and the communities it focused on are those groups of households in urban townships, villages and settlements that are historically disadvantaged.

### 1.3 Problem statement

South Africa continues to battle with growing social and economic inequalities that are affecting the management of scarce resources, including the provision and distribution of water (Cole, 2019). According to Statistics South Africa's 2016 reports, only 63.9% of the nation's households are satisfied with the quality of water-related services – down from 76.4 in 2005.

About 3.7% of households still have to fetch water from either rivers, streams, stagnant water pools and dams, or wells and springs (Statistics South Africa, 2016). Water access

inequalities are greater in rural areas, informal settlements and shacks. Racial inequalities to water access amount to 69.1% access for black people and 94.8% access for white people in the country (Statistics South Africa, 2019). With the current Covid-19 pandemic, it has been revealed that nationally, 2000 communities do not have access to water (Mudombi, 2020).

Karuaihe et al. (2014) opine that despite an initial orientation towards community management in the early 1990s, most municipalities, which are legally responsible for all water services to individual consumers, have chosen not to involve communities. Such challenges are a pointer to the need for water management to move from the traditional top-down approach to a more integrated focus – based on community-led initiatives where communities will be empowered to manage their own facilities.

The participation of communities in water supply services stems from the fact that "hydrological, economic, social and environmental interdependencies occur within catchment (watershed) areas, it is within this geographical unit that integrated development and management of water resources is likely to be most successful" (Water United Nations, 2018).

Further according to the Water United Nations, 2018 report, the need to manage water supply chain, the interdependence of water uses, and natural processes requires holistic catchment-based management, in which the use of natural resources and ecological and water protection takes place, while local community and scientific involvement is integrated, and appropriate organisational structures and policy objectives are put in place.

The increasing complexity of water management challenges necessitates the empowerment of communities towards a more inclusive bottom-up approach that fosters greater participatory involvement of stakeholders as well as builds bridges between government leaders and citizenry.

### 1.4 Questions

The main question of the study is: how do the existing policy and institutional frameworks enhance or inhibit communities' role as water services intermediaries in the Eastern Cape and Free State provinces in South Africa?

The ancillary questions are:

- What are the narratives of the communities in relation to issues of ownership and accountability in community-owned and non-community owned water schemes?

- What is the communities' understanding of their role in sustainable water service provision and how does it intersect with their role as water services intermediaries?
- What are the policy provisions that hinder or enable the establishment of the participation of communities as water services intermediaries?
- What are the procedures associated with establishing and registering water services intermediaries in the water sector?
- How do the processes of integrated development planning and budgeting promote or hinder community participation in the district?
- What are the processes for monitoring and evaluation of water services at district level?
- What policy frameworks can be put in place to promote communities as water services intermediaries?

### 1.5 Aim of the study

The main aim of the study is to explore the existing policy and institutional frameworks that enhance or inhibit communities' role as water services intermediaries in the Eastern Cape and Free State provinces in South Africa.

#### 1.5.1 Specific objectives

- Explore the communities' narratives in relation to issues of ownership and accountability in community-owned and non-community owned water schemes.
- Evaluate the communities' understanding of their role in sustainable water service provision and how this intersects with their role as water services intermediaries.
- Assess the policy provisions that hinder or enable the establishment of the participation of communities as water services intermediaries.
- Evaluate procedures associated with establishing and registering water services intermediaries in the water sector.
- Assess the role of integrated development planning and budgeting processes in promoting community participation in the district.
- Examine the processes of monitoring and evaluation of water services at district level.
- Propose a policy framework for communities acting as water services intermediaries.

## 1.6 Significance of the study

The point of departure for this study is that South Africa has an elaborate framework of policies and programmes that have been put in place to broaden access to water and to integrate local communities in water management in their local areas. Water is recognised by these policies as a human and economic right and as a basic need to enhance the livelihoods of South Africans, with access to water being seen from an interventionist perspective in addressing socioeconomic inequalities in the country.

Community water management has been identified in the water legislative framework as a strategy for community participation. However, despite such efforts at national and local government levels, access to piped water is dwindling in the Eastern Cape and Free State provinces and disparities in distribution of water are growing. Therefore, this study is of the view that empowerment of communities through participation has a potential to complement the existing water provision institutions by mobilising local people – providing opportunities for aligning the needs of the communities with the whole process of water management in service delivery and thereby engendering a sense of ownership and accountability.

The participation of communities in water management is specifically supported by SDG 6, particularly SGD 6(b) that speaks directly to participation in water and sanitation management (Water United Nations, 2019) – a target that supports stakeholder participation, seeing effective and sustainable water management as an outcome of the participation of a range of stakeholders, including the private sector and local communities (Bartram et al., 2018).

This study focuses on Target 6b, which entails the engagement of relevant communities in the management of water. In line with Agenda 2030, Goal 6 calls for world communities to ensure the availability of water and sustainable management of water resources, thus indicating water management as a priority area for sustainable development (Nhamo et al., 2019). Such engagement is especially essential in South Africa, which is among the economies where some people still share water with animals from the rivers during water interruptions.

The findings of the study on the role of policy in empowerment of communities as water services intermediaries, and their involvement in assurance of water supply and public-private partnerships are presented in this report. They are based on the views of the research participants from the two areas of the study, namely the Mbizana Local Municipality in

Alfred Nzo in the Eastern Cape and Ngwathe Local Municipality in Fezile Dabi in the Free State – as well as from the literature that has been used on the subject of the role of policy in water provision and community empowerment.

Data for this study was gathered through in-depth interviews, focus group discussions, observations, and analysis of documents – for completeness and clarity purposes. Therefore, these findings reflect the narratives of the communities and views of municipalities and non-governmental organisations (NGOs) on the research questions of the study.

The study was informed by the need to explore the existing policy and institutional frameworks that enhance or inhibit communities' role as water services intermediaries in the Eastern Cape and Free State provinces in South Africa, and the interviews and focus group discussions were specifically designed to investigate opinions and perceptions of the research participants – which included officials who work at policy level in the municipalities, NGOs (Mvula Trust), the DWS and ordinary beneficiaries of water projects from villages and towns in the two study areas.

The data presented and conclusions drawn for this study contribute to the growing body of knowledge on the role of communities in South Africa, with the challenges and knowledge gaps identified as well as the recommendations made helping to inform the future design of policies and strategies that will enhance capacity for sustainable supply of water at the local level.

An emphasis is placed in this research on potable water (and potable water supply services) and access to it. The research follows the understanding of these concepts as derived from the Municipal Demarcation Board in their 2018 reports in both the Alfred Nzo District Municipality (ANDM) and the Fezile Dabi District Municipality (FDDM). In these reports, potable water and potable water supply services are defined as "water that is treated or confirmed safe for human consumption, and a potable water supply service as a service that delivers potable water through a pipe or similar duct that is connected to a network, the supply of which is relatively continuous given that it includes a deposit built for its storage."

The same reports further states that "If a house or group of houses has a 'mother' pipe connected either provisionally or permanently; it shall be considered to have access to potable water...a house shall not be considered to have access to potable water when an individual house or group is served by a conduit system built with for example wood, bamboo, or rubber hose, connected directly to a river, well, or to another house." In the same

vein, access to water is “usually considered to be within 200 m of the house... Reasonable access to water is defined as the availability of at least 20 L of water per person a day from a source within one kilometre of the dwelling.”

### 1.7 Chapter summary

Water reform in South Africa after 1994 was aimed at addressing the apartheid legacy of water supply inequalities, which were based on race, gender and rural urban divisions. In an effort to achieve water supply equity, legislation frameworks such as the WSA (1997) and NWA (1998) at the national level, and MSA (1998) and MSA (2000) at the local government level, were developed with a developmental dimension, which defined water as a right and a basic need in line with the Constitution of the country. These frameworks were also meant to give effect to these constitutional promulgations. The developmental dimension of water supply in the new legislation embraced the empowerment of local communities through participation in water supply management. As a result, a number of water management institutions were provided for in the legislation, such as CMAs and WUAs in the NWA (1998), and WSAs, WSPs, water boards, WSIs and WSCs in the WSA (1997).

This study is interested in the participation of local communities in water management, and therefore explores the main question of the study in relation to how the existing policy and institutional framework enhance or inhibit communities’ role as water services intermediaries in the Eastern Cape and Free State provinces in South Africa.

# CHAPTER 2 : LEGISLATIVE REVIEW AND THE INSTITUTIONAL CONTEXT OF WATER GOVERNANCE

## 2.1 Introduction

This literature survey presents an analysis of the water policies management framework and the extent to which it embraces empowerment and participation of stakeholder communities within the water sector in South Africa. South Africa has sufficient legal instruments that promote community participation in water supply management – a participation that is fundamental to the quest of meeting basic needs by effecting the right of access to water and ensuring the sustainability of water management as espoused in the Constitution.

Water governance in South Africa is driven by the Constitution and other water related legislation such as the Water Services Act (WSA), National Water Act (NWA), local government acts and the National Environmental Management Act. The WSA provides a regulatory framework for water services institutions, and the NWA provides for establishment of water management institutions such as the catchment management agencies (CMAs) and water user associations (WUAs). On top of these acts, the following regulatory tools have been provided for those responsible for water services provision (Department of Water Affairs and Forestry, 2008):

- Compulsory National Standards in terms of Section 9(1) of the NWA.
- Norms and Standards for Tariffs in terms of Section 10 of the NWA.
- Water Services Provider Contract Regulations in terms of Section 19(5) of the NWA.
- Water Services Intermediary Explanatory Guideline, version 1, 20 May 2002.
- Ensuring Water Services to Residents on Privately Owned Land: A Guide for Municipalities, Version 1, July 2005.

The latter two sets of guidelines were aimed at helping water services authorities to deal with issues of water services provision to households supplied by intermediaries.

Informed by the human rights perspective of the Constitution, these legislative frameworks converge in their advocacy for opening access to safe drinking water and sanitation on an equitable basis to address the economic and social exclusion of the majority of the population, Hove et al. (2019). The government adopted a decentralised, effective, efficient, equitable and environmentally sustainable water governance regime. The main aim was to decentralise water to the basin level. Herrfahrdt-Pahle (2014) states that in recent years basin management has increasingly been associated with such governance issues as the

decentralisation of water management and the encouragement of public participation in basin organisations as part of democratic decision. These goals of decentralised governance are embraced in the establishment of water user associations, which require the participation of all water users, including historically disadvantaged communities and individuals, Chikozho et al. (2017).

## 2.2 The legislative frameworks

The commitment for participatory water governance in South Africa is reflected in the reform of water legislation, which is informed by a new paradigm for the management of water resources – namely river basin management, which is a governance model that includes the management of water along hydrological boundaries, participation of stakeholders and policy integration. These water management reforms are in line with the international integrated water resource management ideas and are buttressed by the legislative framework outlined below.

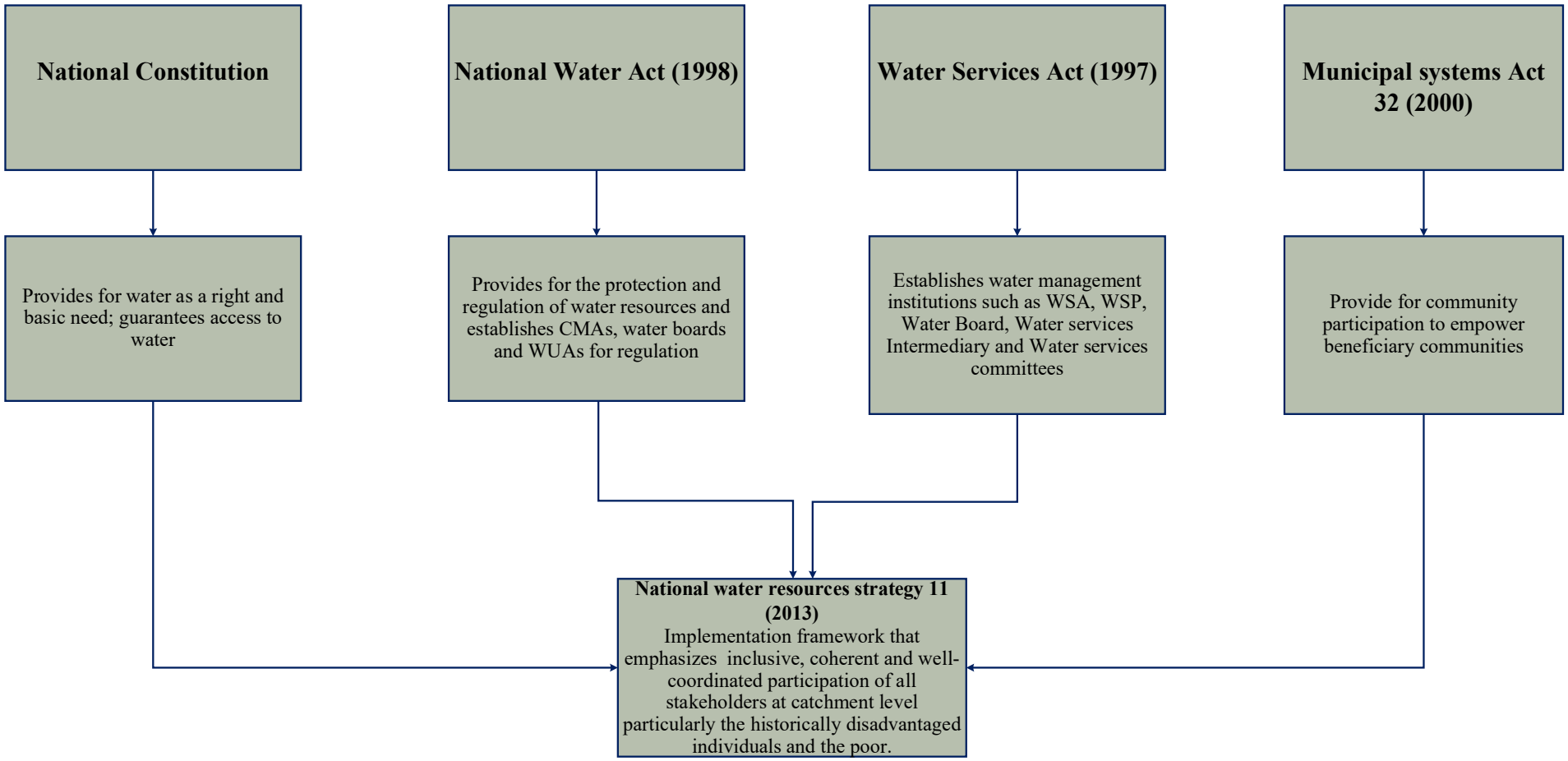


**Figure 2.1 Water reform framework in South Africa**

Legislative frameworks for water in South Africa converge in their advocacy for opening access to safe drinking water and sanitation on an equitable basis to address the economic and social exclusion of the majority of the population. Water legislation has adopted the management model of decentralisation at the basin level and the encouragement of public participation in basin organisations as part of democratic decision making. These water management reforms are in line with international integrated water resource management standards and provide for the empowerment of communities through participation in water services management

### 2.2.1 The Constitution

Section 108 of the Constitution (1996) guarantees water as a human right, along with everyone's right of access to water. The Constitution entrenches the values of human dignity, achievement of equality and the advancement of human rights and freedoms. It places the obligation to realise this right on the state, with the state being expected to put in place reasonable legislative and other measures using its available resources. The Constitution also guarantees the rights of equal treatment and benefit of the law, as well as ensuring that there is no unfair discrimination in providing water services, human dignity and life. Further guarantees related to water include the right to an environment that is not harmful to one's health or wellbeing and the right to just administrative action in water-related decisions (Section 24, Bill of Rights).

Regarding the allocation of responsibility for water management, national government has a regulatory role in water services, which includes legislative and executive authority over fresh water resources (Republic of South Africa, 1994).

The human rights perspective on water that is enshrined in the Constitution is in line with major international conventions on water. These include the United Nations Declaration on Human Rights (1948); the International Covenant on Civil and Political Rights (ICCPR, 1966); the International Covenant on Economic Social and Cultural Rights (ICESCR, 1966); and the United Nations Committee on Economic, Social and Cultural Rights (UNCESCR, 2002). Furthermore, the United Nations General Assembly took a major step in affirming the right to water in 2010 when it recognised water as essential to the full enjoyment of life and all other human rights including the right of participation.

### 2.2.2 Water Services Act 108 (WSA, 1997)

The WSA (1997) takes the constitutional promulgations of rights of access further by providing a legislative framework for the management of water services institutions that are involved in the management of water resources and water services, and provides for the setting of national standards, norms and standards for tariffs, and water services development plans.

Additionally, the WSA (1997) places sustainability and equity as the central guiding principles in dealing with the country's water resources in order to ensure that water is managed for the benefit of all. This includes ensuring the protection, use, development, conservation, management and control of water resources in a manner that takes into account need, equity, redress, efficiency, safety and growth, among other factors. The WSA (1997) identifies the Water Services Authorities (WSAs), Water Services Provider (WSP), water services intermediaries (WSI), water boards and water services committees (WSCs) as institutions that are responsible for water services management. In terms of civil society participation, the WSA (1997) provides for the registration of water services intermediaries and water committees as well as their functioning, powers, duties, and monitoring and evaluation.

### 2.2.3 National Water Act 36 (NWA, 1998)

The fundamental principles of this Act entail issues of sustainability and equity, which are identified as central guiding principles in the protection, use, development, conservation, management and control of water resources. "These guiding principles recognise the basic human needs of present and future generations, the need to protect water resources, the need to share some water resources with other countries, the need to promote social and economic development through the use of water and the need to establish suitable institutions in order to achieve the purpose of the Act" (NWA, 1998).

The Act also determines the quality and quantity of water that must be set aside to satisfy basic human needs and to protect aquatic ecosystems, as well as providing for financial measures to support water resource management services and the implementation of strategies aimed at effectively managing water resources (NWA, 1998).

Under the NWA, water services institutions such as catchment management agencies (CMAs), water user associations (WUAs), and advisory committees – including bodies established to implement international agreements relating to water and the Water Tribunal –

are provided for. This allows for a decentralised institutional structure, enabling local and regional communities to be involved in managing water resources in their areas. The NWA deals with WUAs as a compound group that, presumably, encompasses water committees and water services intermediaries.

### 2.2.4 National water resources strategy (NWRS)

The National Water Resource Strategy (NWRS) serves as a binding framework for strategically managing water resources on a national scale and must be reviewed every five years. The NWRS "provides the framework for the protection, use, development, conservation, management and control of water resources for the country as a whole (Department of Water Affairs, 2013). It also provides the framework within which water will be managed at regional or catchment level, in defined water management areas" (NWA, 1997).

The NWRS2 (2013) responds to the National Development Plan and is framed to achieve three core objectives for water: that it supports development and the elimination of poverty; that it contributes to the economy as well as job creation; and that it is protected, used, developed, conserved, managed and controlled sustainably.

Chapter 3 of the NWRS 2 places very special and direct emphasis on the involvement of stakeholders in water services management in Sections 3.4.3 on governance and 3.4.5 on participation. It calls for "ensuring inclusive, coherent and well-coordinated participation by all role players in water-related research and innovation" in one of its objectives (NWRS 2, 2013).

### 2.2.5 Local Government Acts

The Municipal Structures Act 117 of 1998 provides the basis for establishing municipalities in the three categories defined by the Constitution – metropolitan, local and district municipalities (Republic of South Africa, 1998). It defines the functions and operational requirements for municipal councils, including establishment of potable water supply systems and domestic waste water disposal, and also sets out the internal structures and functionaries within municipalities.

The Local Government: Municipal Systems Act 32 of 2000 provides the core principles, mechanisms and processes that are necessary for municipalities to progress toward the social and economic upliftment of local communities; to ensure universal access to essential services that are affordable to all, such as water supply; to define the legal nature of a

municipality as including the local community within the municipal area, working in partnership with the municipality's political and administrative structures; to provide for community participation; and to empower the poor for the overall social and economic upliftment of communities in harmony with their local natural environment (MSA 32, 2000). As indicated above, local governments are constitutionally obliged to provide access to water services.

The responsibilities of municipalities include the administration of water and sanitation services which is limited to potable water supply as well as disposal of domestic waste water and sewage. Municipalities are required to structure and manage administration, budgeting and planning processes in a way gives priority to the basic needs of the community – including water services – and promote the social and economic development of that community (Toxopeus, 2019).

### 2.3 Institutions of water management

The institutions of water supply management laid out in the WSA (1997) include the WSAs, WSPs, WSIs, water boards and WSCs. This structural arrangement is aimed at giving effect to the constitutional edict of the right to water. While it is the responsibility of local government to ensure that every person has access to water services, the provincial and national governments play an important oversight role to ensure that municipalities are carrying out their monitoring responsibilities. In its preamble, the WSA (1997) calls for cooperative governance for efficient, equitable and sustainable water supply as well as the promotion of the interests of consumers. The bottom end of the institutional structure is made up of community-based institutions, namely water services intermediaries, water boards and the water services committees (Republic of South Africa, 1997).

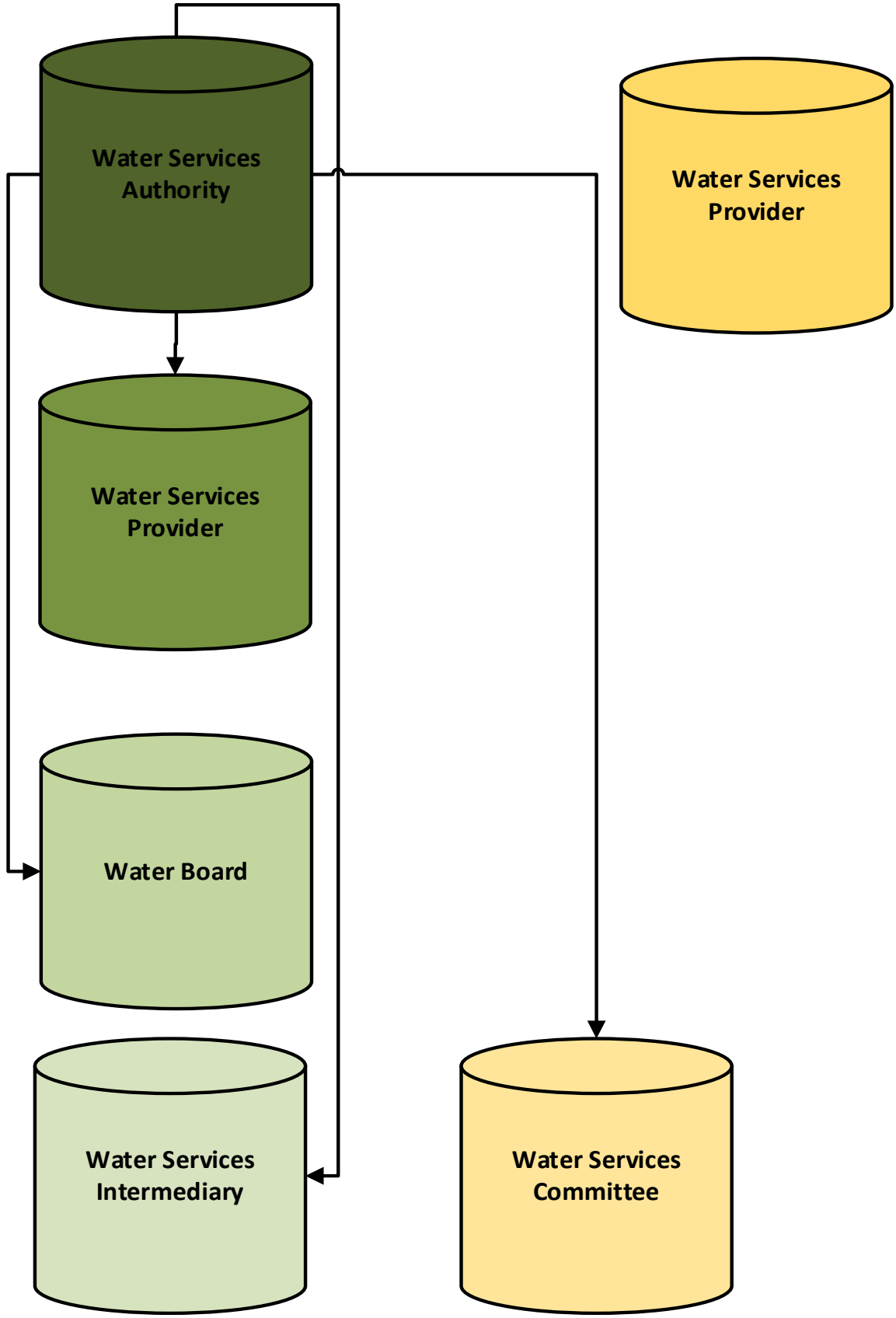


**Figure 2.2: Institutional arrangements for water management**

### 2.3.1 Water services authorities

A water services authority (WSA) is any municipality, including a district or rural council as defined in the Local Government Transition Act, 1993 (Act No. 209 of 1993), responsible for ensuring access to water services. The WSA must progressively ensure efficient, affordable, economical and sustainable access to water services (Section 11(1) of the WSA, 1997). It must have a water services development plan that details its strategy for providing access to water.

Not all municipalities are a WSA, as they vary in terms of type, size and capacity. A municipality may carry out the responsibility of ensuring access to water services as required by the Act or may contract these services to a service provider or another municipality or water services institution. In a case where the WSP is acting as a water services provider, a separate account should be given for the services (WSA, 1997).

### 2.3.2 Water services providers

A water services provider (WSP) is any person who provides water services to consumers or to another water services institution. This does not include a water services intermediary. A WSP may be the municipality itself, or the municipality can contract another municipality, private business, community organisation – or any entity with capacity in line with the requirements of the contract (Section 19 of the WSA, 1997).

The conditions of the contract must align with those set out by the Minister in terms of such things as the scope of the services to be provided, the consumer charter stating the responsibilities and rights in cases where the services are provided directly to the consumer (Water Services Provider Contract Regulations, 2002). The WSP is accountable to the WSA in the area where it is contracted to provide services (WSA, 1997).

### 2.3.3 Water services intermediaries

A water services intermediary (WSI) provides water services as part of an obligation where the provision of water services is incidental to the main object of the contract. When the provision of water services forms the main part of the contract the entity cannot be an intermediary. Examples of intermediaries are a farmer providing water to their employees or a housing estate providing water services to the lessee (Toxopeus, 2019).

A WSI is required to meet all the conditions of water provision set by the Minister – such as quality, quantity and sustainability. They can also charge a tariff on the services but these must comply with the set norms and standards. Intermediaries are accountable to the WSA,

who is responsible for monitoring and ensuring that minimum standards are complied with (WSA, 1997).

### 2.3.4 Water boards

A water board provides water services to other water institutions in its area as a primary activity (Section 29 of the WSA, 1997). It may perform other water activities, provided that these are not prejudicial to the board in terms of capacity to its primary activity, are not a financial burden to the board and other entities that it is serving, are provided for in its policy statement, and are part of its business plan.

Other activities that a board engages in include providing management services, training and support to other water institutions to promote cooperation in water services; providing untreated water for non-household use; providing catchment management services for a responsible authority; and performing water conservation services. A water board is a body corporate with the powers of a natural person: it can enter into contracts, set tariffs, and limit or curtail water provision to a customer, as well as set conditions for the provision of water services that are consistent with the Water Services Act (WSA, 1997).

### 2.3.5 Water services committees

These are established by the Minister to provide water services to consumers within a specific area. This takes place once the Minister has consulted with the inhabitants of that area, the water supply authority of the area, the Minister of Constitutional Affairs and Provincial Development, and other relevant provincial bodies (Section 51 of the WSA, 1997). A water services committee (WSC) comprises a chairperson, deputy chairperson and additional members.

The Water Services Act stipulates that no WSC may be established if the water services authority with jurisdiction in the area in question is able to provide water services effectively to that area (Section 55(6) of the WSA, 1997). The WSC has corporate powers and capacity as a person and can charge tariffs, limit or discontinue water services to a consumer, delegate its responsibilities to its employees, and set conditions for water services supply provision. It is also required to have a constitution that regulates its daily activities (WSA, 1997).

## 2.4 Community-based water supply services institutions

Community-based water institutions can exist on their own or operate as part of larger collectives such as government and non-government agencies and organisations. They can

provide useful financial and organisational assistance in setting up Water User Associations (WUAs), building and operating the actual water supply networks, and providing assistance to social service programmes – such as disseminating knowledge of national sanitation and hygiene strategies in rural areas (GWP, 2017).

Water services intermediaries and water services committees are institutions that are designated to supply basic water services to the local communities. A water board may perform this function as a secondary activity to its core mandate of providing water services to other water institutions as outlined in the WSA (1997). The National Water Act refers to such institutions as WUAs. This is an umbrella term for all entities that are involved in supplying basic water services to their communities. Basic water supply refers to "the prescribed minimum standard of water supply services necessary for the reliable supply of a sufficient quantity and quality of water to households, including informal households, to support life and personal hygiene" (WSA, 1997).

### 2.4.1 Water user associations

The NWA identifies water user associations (WUAs) as associations that represent the interests of their members, with their main function being to provide water services in their local area. They are referred to as "cooperative associations of individual water users who wish to undertake water related activities for their mutual benefit" (NWA, 1998). WUAs are not water management institutions but may exercise management powers and duties. They are established and de-established by the Minister and they must have a constitution that describes their functions. They are body corporates and have powers of a natural person. According to the NWRS2, WUAs can be established in the following three ways:

- A group of water users can come together to cooperate for the purpose of managing water use for the local area.
- An association can be established to manage the operations and maintenance of a government water scheme.
- An irrigation board can be transformed into a WUA.

These institutions are seen as the embodiment of stakeholder participation in water supply services, which will help to attain the aspiration of the developmental role of water. As a result, the NWRS2 has made stakeholder participation a key component of its implementation.

### 2.4.2 Powers of water user associations

Water user associations are empowered by legislation to carry out the following:

- Levying and collection of assessments which are subject to government approval.
- Setting the charges for the services provided to their members,
- Collecting the charges and handling the imposition of fines.
- Sanctioning and fining their members (the procedure for imposing sanctions and amounts on fines must be specified in the internal statute of each WUA).
- Suspending the water supply to members who do not pay their charges or violate guidelines for use of water and irrigation services.

### 2.4.3 Duties of water user associations

In terms of chapter 8 of the National Water Act, water user associations (WUAs) have the power to admit new members and to terminate memberships, given that they follow the necessary procedures and requirements for the decisions of both actions, and that the consensus of all members is reached before doing so. Ensuring democracy, equity, and representivity and empowerment for 'historically disadvantaged individuals' are also duties of WUAs.

The duties of the WUAs are as follows:

- Ensure equitable distribution of water to all users.
- Ensure that principal functions are adhered to before tackling ancillary actions.
- Support members within the WUA who might need training (NWA, 1998).

International experience shows that WUAs in India and Uganda are also formed following an act of parliament. Just like in South Africa, the underlying motivation for the formation of WUAs in these countries is mobilisation and the participation of end users of water services. In Uganda, an important role of the water user committee (WUC) in rural water supply is to mobilise the community to pay a monthly contribution for operation and maintenance, to carry out preventative maintenance, and to carry out major rehabilitation of water facilities (Etongo et al. 2018).

In a nutshell, the functions of the WUCs are both technical (maintaining and repairing the water point) and financial (collecting and saving community contributions so that funds are available for maintenance and repairs), meaning that their effectiveness would ensure the sustainability of water points (Harvey and Reed, 2005; Whittington et al., 2009).

The powers of WUCs in Uganda, in terms of the national operation and maintenance guidelines, include determination of user fees and supervision of day-to-day use of the water infrastructure (Naiga, 2018). Their duties entail taking responsibility for operating and maintaining water facilities, managing local water points, collecting and using water user fees, keeping records and reporting to community members (Terry et al., 2015).

In the case of India, the formation of WUAs is a collective action where members are elected by their community and general people of standing (Brown and Broek, 2020). The WUAs are generally formed within the command areas of irrigation schemes. Their powers include levying and collecting charges from their members and non-members for services provided and to impose fines (International conference on Irrigation Management Transfer, 2001). Their duties include to devise – with their community – rules of access and engagement with the resource, as well as graduated sanctions, which increase in severity depending on the nature of the free-riding transgression (Brown and Broek, 2020).

According to Naik and Kalro (2000) additional duties of WUAs are the following:

- Play a coordinative role in recovery of irrigation water rates from the beneficiary farmers.
- Protect the environment and ecological balance.
- Address conflict resolution between members and non-members.

### 2.5 Catchment management agencies

Schedule 3 of the National Water Act (NWA) of 1998 provides for the establishment of catchment management agencies (CMAs) and their powers to manage, monitor, conserve and protect water resources, as well as implement catchment management strategies. CMAs are meant to delegate water resource management to the catchment level and to involve local communities (Republic of South Africa,1998). As identified by the Department of Water and Sanitation (DWS), CMAs are aimed at decentralising water management and facilitating inclusive stewardship of water resources. As such, they are seen as vehicles to assist the South African Government achieve its broader socio-economic objectives and were referenced in the National Development Plan, with a target date of 2015 for the establishment of all CMAs, among other water institutions required to implement appropriate water resources management and water service provision (DWS, 2016).

Initially, in 2004, 19 CMAs were to be established nationally. This number was revised down to nine in 2012. However, the DWS took a decision in June 2017 to establish a single CMA, amid growing concern regarding the costs associated with the establishment of multiple institutions and the need to rationalise and align existing institutions as a mechanism to unburden the state of burgeoning service costs (DWS, 2017).

At that time there were only two CMAs that were functioning well, namely the Inkomati-Usuthu and Breede Gouritz ones. The plan of the reform is to utilise the Inkomati-Usuthu CMA as a base CMA , disestablish the Breede-Gouritz CMA and the four existing non-functional CMAs into four proto-CMAs operating out of the regional offices, and change the name and boundary of the Inkomati-Usuthu CMA to incorporate all nine WMAs (King Fisher Programme, 2016). The newly-formed, single CMA will manage water resources across all nine WMAs.

The Framework for CMA Establishment sets out the principles of CMAs as being equity, sustainability, efficiency and representivity as guiding principles in the protection, use, development, conservation, management and control of water resources. These principles are in conjunction with the philosophy of social and economic development and poverty eradication contained within the NWA.

In the Eastern Cape, the Mzimvubu-Tsitsikamma Proto-CMA (MTCMA) is still in its incubation stage but a significant change has started to occur in its regulatory capacity. The challenges that have been afflicting this CMA include lack of monitoring compliance and figuring out how to react to noncompliance. In the Free State, the Vaal Proto-CMA is struggling with worsening water pollution that is causing health risks and environmental degradation. It is also facing licensing, strategy development, and information sharing management issues, as well as an imbalance between available supply and growing demand (King Fisher Programme, 2016). This discussion is taken further in Chapter 5 below.

### 2.6 The integrated water resources management framework

The integrated water resources management (IWRM) approach can be traced back to the UN Water Conference of 1977. This conference set the pace for effective participation in planning and decision making, and for national policies, legal frameworks and institutional arrangements that ensure coordination in the development and management of water resources. The building blocks for water management, which include mobilisation of community action, water resources assessments, the sensitisation of lawmakers, and better

flow of information on water to the public were established in this conference (Smith and Calusen, 2015).

These ideas were taken forward through to the Dublin Conference and became the Dublin Principles of 1992 – now familiar as the guiding principles for IWRM. The Dublin Principles were later the basis for the call for integrated water resources development and management in Agenda 21 at the 1992 UN Conference on Environment and Development in Rio de Janeiro. By 1996, the Global Water Partnership (GWP) was established to foster IWRM.

The Dublin Principles are as follows:

- **Principle 1**: Fresh water is a finite and vulnerable resource, essential to sustain life, development and the environment.
- **Principle 2**: Water development and management should be based on a participatory approach, involving users, planners and policy makers at all levels
- **Principle 3**: Women play a central part in the provision, management and safeguarding of water.
- **Principle 4**: Water has an economic value in all its competing uses and should be recognised as an economic good (Smith and Clausen, 2015).

In addition to these principles, a definition of IWRM by the GWP (1996) describes IWRM as a process that promotes coordinated development and management of water, land and related resources in order to maximise the resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems (GPW, 2000). At the World Summit on Sustainable Development in Johannesburg in 2002, governments again reached consensus – this time to develop IWRM and water efficiency plans by 2005 (World Water Council Task Force on IWRM, 2013).

In order to aid the implementation of IWRM at country level, the GWP further introduced the following two practical elements that have shaped the agenda on IWRM since 2000:

- A strong enabling environment – with policies, laws and plans that put in place ‘rules of the game’ for water management that use IWRM.
- A clear, robust and comprehensive institutional framework – for managing water using the basin as the basic unit for management while decentralising decision making

These elements allow for the effective use of available management and technical instruments – assessments, data and instruments for water allocation and pollution control – to help decision makers make better choices (Smith and Clausen, 2015).

### 2.6.1 Integrated water resources management in the South African water sector

The water governance framework in South Africa is clearly oriented strongly toward integrating the management of the physical environment within the broader socio-economic and political framework. Adoption of the river basin as a management tool for water resources, which is an integrated water resources management (IWRM) perspective, discussed in Section 4 above, has approximated the first two elements of the IWRM implementation model outlined above – namely, the establishment of an enabling environment through policies, laws and plans for water management; and building an institutional framework for managing water using the basin as the basic unit for management while decentralising decision making.

The inclusion of these principles in the water laws has helped with shifting focus from water as a private good under the command management of private interests, to decentralised management and co-ownership under a strong role of the state and stakeholder institutions. While these achievements are laudable, the major problems have been experienced in the implementation of the governance framework. The challenges related to a shortage of skilled people in the Department of Water and Sanitation (DWS), weaknesses in management instruments, and difficulties in finding a balance between the role of the state and institutions. Moreover, 56% of the over 1 150 waste water treatment Works are in a critical state, with 44% of 962 domestic local government water treatment works being in a poor condition and the current water supply reliability only at 65%.

In the 27 priority district municipalities, the water reliability is only 42%, with the worst 10 water services authorities (WSAs) at below 30% reliability (National Water and Sanitation Master Plan, 2017). These problems are compromising the sustainability of water resources services and are undermining the achieved benefits. Therefore, the major question this study is poses is: How does the existing policy and institutional framework enhance or inhibit the community's role as water services intermediaries in the Eastern Cape and Free State provinces of South Africa? For these reasons, this study is embarking on achieving the following aims:

- Understanding community narratives about their role in sustainable water provision – in relation to issues of ownership and accountability in community-owned and non-community owned water schemes.
- Assessing policy provisions that hinder and enable the establishment of the participation of communities as water services intermediaries.
- Evaluating procedures associated with establishing and registering water services intermediaries in the water sector.
- Assessing the role of integrated development planning (IDP) and budgeting processes in promoting community participation in the districts.
- Examining the processes of monitoring and evaluation of water services at district level.
- Proposing a policy framework for communities as water services intermediaries.

## 2.7 Chapter summary

The water services framework in South Africa is based on the human rights values that advocate for the social organisation of water, which is informed by the river basin approach to water management – an approach that considers the participation of stakeholders in the water services, the development of water institutions, and an enabling policy environment. This approach was adopted in the quest to address social disparities in water provision and improve the sustainability of water resources.

The main legislative cornerstones for water services are the National Water Act (NWA); the Water Services Act (WSA), which establishes water services institutions; the Municipal Structures Act (MSA, 1998); the Municipal Systems Act (MSA, 2000); and the National Environmental Management Act (NEMA). These policies have adopted integrated water resources management, which promotes coordinated development of water, land and related resources to maximise equitable and sustainable development.

This legislative framework helped the country to move away from water resources capture by private interests to a more open and inclusive management approach that addresses the ownership of water as a public interest. However, these laudable developments have been confronted with serious implementation impediments that have compromised sustainability in the water services sector and undermined accrued benefits. It is for these reasons that this study examines the legal framework in relation to participation and empowerment of stakeholders in the water sector.

# CHAPTER 3 : WATER SUPPLY IN THE ALFRED NZO AND FEZILE DABI DISTRICT MUNICIPALITIES

## 3.1 Introduction

This section of the report discusses the water supply situation in the research areas of the Alfred Nzo and Fezile Dabi districts' municipalities. The elaboration starts with a classification of municipalities in terms of the Municipal Structures Act (1998) and is followed by a discussion of water supply sources and their capacities in the Alfred Nzo and Fezile Dabi district municipalities. This chapter is intended to provide a background picture of the state of water supply in the research areas.

## 3.2 Classification of municipalities

Municipalities in South Africa are categorised according to three classifications – namely, Category A, B and C. Category A describes a metropolitan area under exclusive municipal executive and legislative authority. Category B is the local municipality, which is located within Category C – the district municipality. Category B municipalities are further divided into four classifications comprising: Category C municipality which share jurisdiction with a number of Category B municipalities as follows:


**Figure 3.1: Category B municipalities**

**Source: Local government – Municipal Structures Act, 1998 (Act 117 of 1998)**

In terms of water supply and management, Category C municipalities are classified into two groups, namely C1: those which are not water services authorities (WSAs) and have fewer service delivery functions, and C2: those which are WSAs and have substantial obligations (MDB, 2018).

The two areas of the study – the Alfred Nzo and Fezile Dabi districts – are both classified as Category C municipalities. They are WSAs and act as water services providers (WSPs) to the local municipalities. As WSPs, in terms of the Municipal Structures Act No. 117 of 199, their responsibilities include providing potable water to the local municipalities; compiling the water services development plan and master plan; verification and review of by-laws and tariffs; investigation and design of all water schemes and extensions; operations and maintenance of water purification and sewage treatment works in all local municipalities; and providing the bulk and reticulation networks to schools and clinics (Alfred Nzo District Municipality, 2017).

### 3.3 Water supply in Alfred Nzo District Municipality

This is the smallest district municipality in the Eastern Cape province – making up only 6% of its geographic area – and is also one of the poorest. The total population in the Alfred Nzo district is 868 000 people, divided among four local municipalities as depicted in the table 3.1 below:

**Table 3.1: Alfred Nzo District – Local municipalities**

| Municipality | Population | Dominant Language |
|---|---|---|
| Matatiele | 219 000 | Xhosa |
| Umzimvubu | 200 000 | Xhosa |
| Mbizana | 320 000 | Xhosa |
| Ntabankulu | 129 000 | Xhosa |
| **Total population in Alfred Nzo District Municipality** | **868 000** | **Xhosa** |

Alfred Nzo lies in the Mzimvubu catchment area. This catchment has high annual rainfall and high annual surface water runoff. It is said to have the highest water potential yield in South

Africa, and it is suggested that water resources are underutilised in this area for a number of reasons, including the following:

- Absence of large-scale and local urban/industrial demand.
- Absence of large-scale irrigation potential.
- Expense of water transfer to water scarce regions due to high pipeline and pumping costs (MLM, IDP 2019-2020).

The Alfred Nzo District Municipality (ANDM) provides free basic services to its communities. These are at the RDP-standard level of service: 200m from a standpipe for communities and ERF connections for urban areas. The total number of households with access to water in 2016 was 178 341, and that of indigent households was 7 741 (ANDM, 2016).

The water service delivery backlog for the ANDM is estimated at 44 479, which means 92% of the households have no access to tap water. It is indicated that 5% of households have access to tap water below the RDP standard and that only 3.1% of households have access to water on or above the RDP standard. About 40% of the population still obtain water from rivers and streams, and the rural areas either have no sanitation or rely on pit latrines. Other existing water sources are boreholes, which are not reliable, and carting of water by water tankers (Alfred Nzo Basic Assessment Report, 2017).

The figure below shows the water backlog in the Alfred Nzo District:

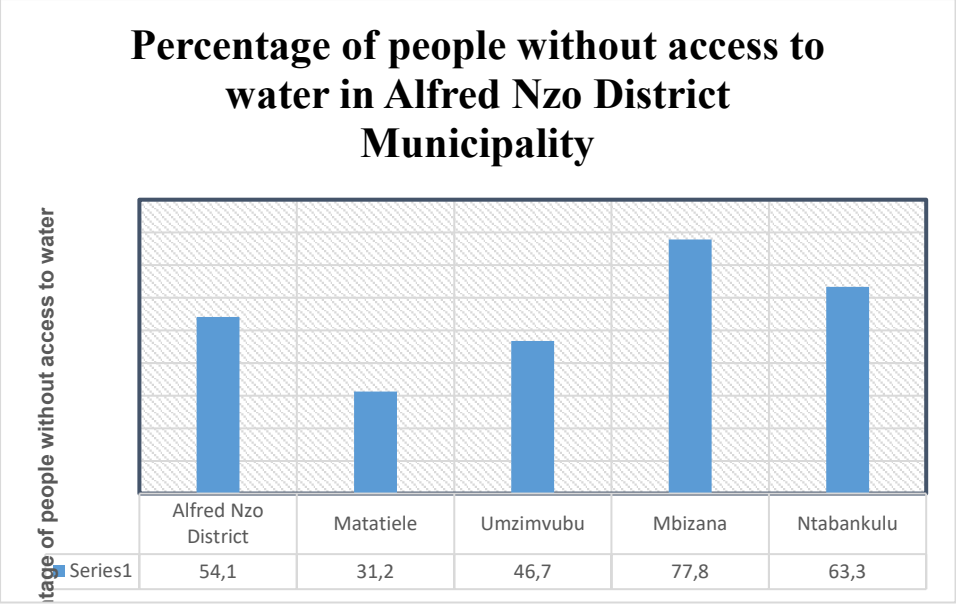


**Figure 3.2: Access to water in Alfred Nzo**

**Source: Mbizana Local Municipality IDP, 2019-2020**

There are different ways of accessing potable water in ANDM. These include sources such as boreholes, electric machines, diesel and natural sources of water as depicted in table 3.2 below

**Table 3.2 Water schemes in Alfred Nzo**

| Area | Power supply type for boreholes | Operational | Not operational | Number of water schemes per power supply per municipality |
|---|---|---|---|---|
| Mbizana | Electric | 6 | 9 | 15 |
| | Diesel | 6 | 5 | 11 |
| | Natural | 0 | 3 | 3 |
| Total | | 12 | 17 | 29 |
| Ntabankulu | Electric | 8 | 1 | 9 |
| | Diesel | 14 | 2 | 16 |
| | Natural | 6 | 4 | 10 |
| Total | | 28 | 7 | 35 |
| Matatiele | Electric | 26 | 0 | 26 |
| | Diesel | 45 | 1 | 46 |
| Total | Natural | 22 | 0 | 22 |
| | | 93 | 1 | 94 |
| Umzimvubu | Electric | 28 | 1 | 29 |
| | Diesel | 57 | 4 | 61 |
| | Natural | 79 partly operational | | 79 |
| Total | | 136 | 4 | 140 |

Table 3.2 above shows some of the water schemes found in ANDM. As indicated in the Table, Umzimvubu has the highest number of operational electric water schemes, which is 28, followed by Matatiela, which has 26 water operational schemes. Ntabankulu has eight operational electric water schemes. Mbizana has the fewest in terms of operational water schemes. In Mbizana, there are six operational and nine non-operational electric water schemes. The negative impact of having more non-operational water schemes is that it affects water supply to the communities.

Although ANDM has demonstrated commendable commitment towards the provision of water as indicated by a significant number of boreholes in four local municipalities, the interventions did not endeavour to combat the root cause of marginalisation – which is the exclusion of the beneficiary communities from water supply decisions.

As revealed in the findings, people in the Bizana rural areas have a problem in accessing water. They also cannot engage in income-generating activities such as gardening, brick making and poultry farming because of inadequate water supply. It was also indicated in the findings that due to inadequate water supply some rural women in Mbizana travel for long distances to fetch water from the river, with some of them being attacked by animals along the way.

In terms of diesel water schemes, Umzimvubu has 57, Matatiela has 45; Ntabankulu has 14 and Mbizana has six operational diesel-powered water schemes. Mbizana has the lowest number of operational diesel water schemes in comparison to other municipalities falling under the ANDM. Natural water schemes are found in Umzimvubu, which has 79 partly operational water schemes; Matatiele has 22; and Ntabankulu has six. Mbizana also has the fewest natural water schemes  of all the municipalities.

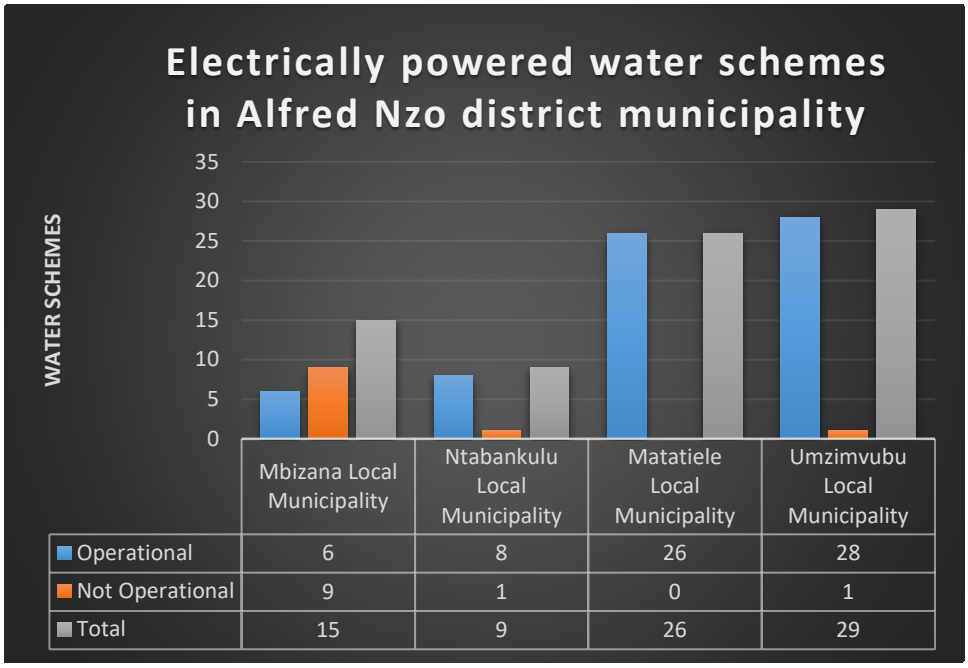


**Figure 3.3: Electrically powered water schemes in Alfred Nzo District**

**Source: Information from the Director of Water Services**

As indicated in figure 3.3 above, Umzimvubu has the highest number of operational electric water schemes, at 28 followed by Matatiele with 26, followed by Ntabankulu with eight and Mbizana with six operational electric water schemes. As compared to the other municipalities, Mbizana has the highest level of non-operational electric water schemes.

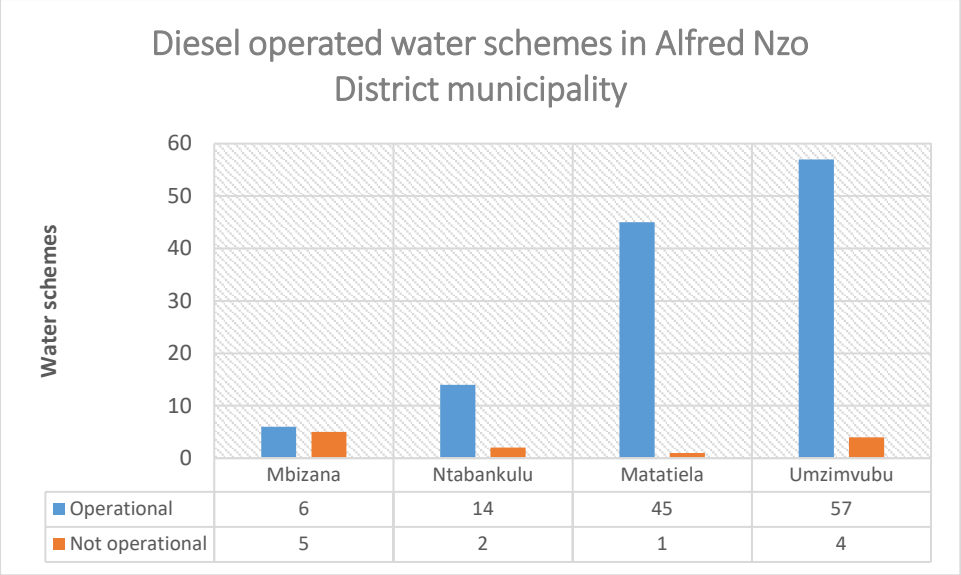


**Figure 3.4: Diesel operated water schemes in Alfred Nzo**

**Source: ANDM documents availed during field work**

As indicated in figure 3.4 above, Umzimvubu has the highest level of diesel operated engines, at 57.The municipality with the second-largest number of diesel operated engines is Matatiele, with a total of 45 diesel operated engines. Ntabankulu has a total of 14 diesel operated engines, and Mbizana has six operational diesel operated engines.

**Table 3.3: Natural water schemes in Alfred Nzo District**

| Location | Operational | Partly operational | Not operational |
|---|---|---|---|
| Bizana | 0 | 0 | 3 |
| Matatiele | 22 | 0 | 0 |
| Ntabankulu | 6 | 4 | 0 |
| Umzimvubu | 0 | 79 | 0 |

**Source: Generated from the field work**

As compared to other local municipalities in ANDM, Matatiele has the highest number of operational natural water schemes, as indicated in table 3.3 above. Umzimvubu has the highest number of natural water schemes but most of them are only partly functional. It was

revealed in the findings that the natural water schemes need upgrading because demand is exceeding supply. The population is increasing, putting pressure on the water schemes.

### 3.4 Fezile Dabi District water supply

The Fezile Dabi District Municipality (FDDM) is the smallest municipality of the four district municipalities in the Free State province, making up only 16% of its geographical area. The district has a population of 494 777 inhabitants, which is 17% of the total population of the Free State province (SA Municipalities, 2018; FDM Annual Report, 2015/16). It is a Category C district municipality, consisting of four local municipalities: Moqhaka, Metsimaholo, Ngwathe and Mafube (MDB, 2018).

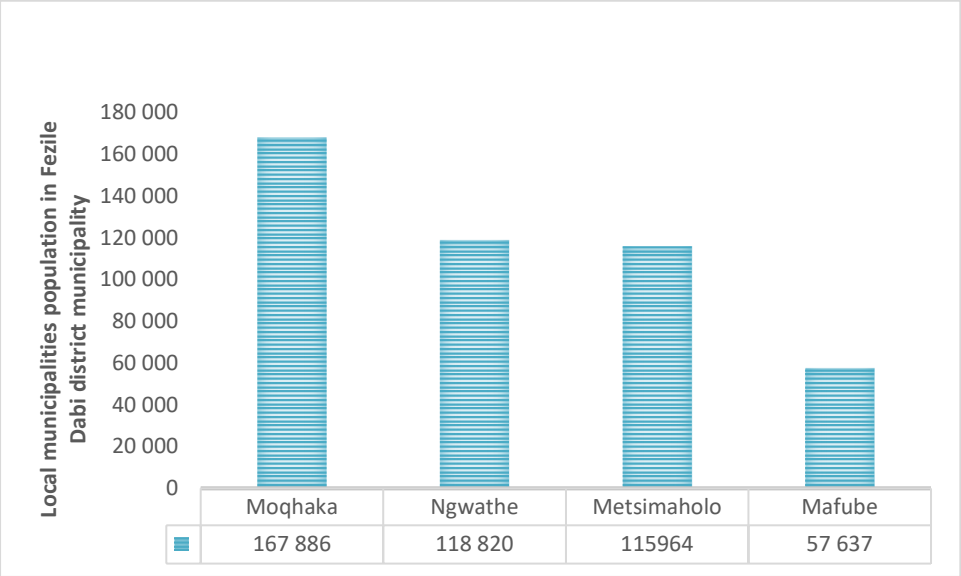


**Figure 3.5: Local municipalities in Fezile Dabi**

**Source: Statistics South Africa (2015)**

Fezile Dabi is situated within the Vaal catchment area. The Vaal River is the main source of raw water within the district. The other sources of water in the district are the rivers and dams that are supplying the different areas, municipalities and towns as indicated in the table below:

**Table 3.4: Rivers and dams in Fezile Dabi District**

| River | Dams | Municipalities | Towns |
|---|---|---|---|
| Vaal | Vaal dam | Moqhaka<br>Ngwathe<br>Metsimaholo<br>Mafube | Villiers,Oranjeville<br>Denneysville<br>Sasolburg,Parys |
| Renoster | Koppies | Moqhaka | Adenville,Koppies |
| Vals River | | Ngwathe | Steynsrus<br>Kroonstad |
| Wilge | | Metsimaholo | Frankfort |
| Liebenbergvlei | | Mafube | |

**Source: Rural Development Plan Fezile Dabi District Municipality (2016)**

In terms of access to water in the district , 98.86% of the population (almost the entire population) has access to piped water. Only a small percentage (1.14%) does not have access to piped water – particularly in the two local municipalities of Moqhaka and Mafube. Ngwathe has the highest access to piped water in the district, as shown in figure 3.6 below.

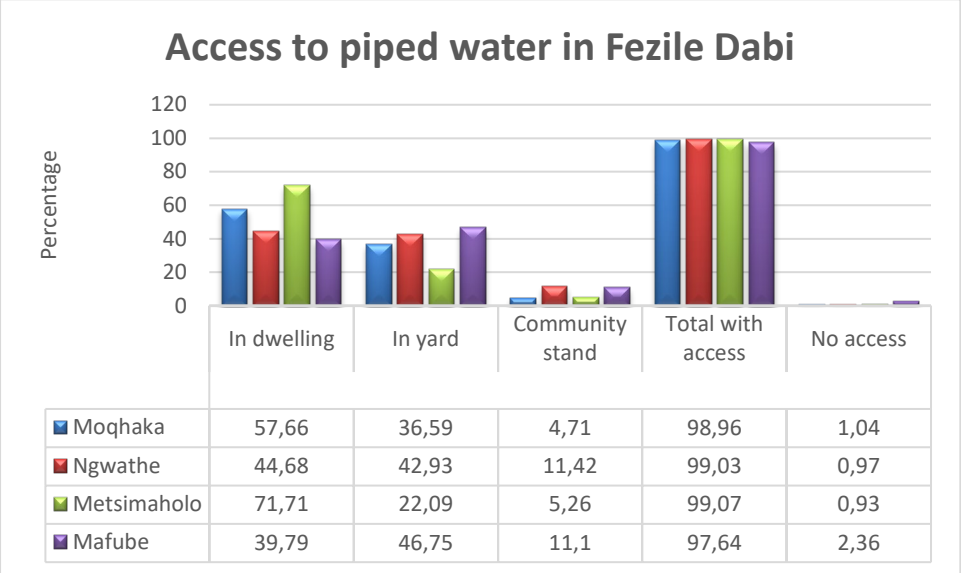


**Figure 3.6: Access to piped water in Fezile Dabi**

**Source: Rural Development Plan FDM (2016)**

Two important issues, which are the core aspects of this study, regarding the situation of water supply are highlighted in the sections above. Firstly, there are no community water schemes that are initiated and owned by the beneficiary communities in the Alfred Nzo and Fezile Dabi districts. The existing water schemes were initiated and are owned and maintained by the municipalities. Secondly, water supply to local communities has been reducing in both research areas, in addition to the supply backlogs which amounted to 54.1% for Alfred Nzo and 1.14% for Fezile Dabi in 2016.

### 3.5 Conclusion

As indicated in the commentary above, the two research municipalities of ANDM and FDDM are classified as category C municipalities. They are WSAs and WSPs with a responsibility to provide water services to the local municipalities. Water supply services to local communities in these municipalities have been dwindling. This is happening against a background where there are communities which still depend on unprotected natural water sources. Reasons for water scarcity include lack of water management capacity on the part of the municipalities, ageing infrastructure and increasing water demand due to population growth.

# CHAPTER 4 : METHODOLOGY AND STUDY AREAS

## 4.1 Introduction

This section of the study discusses the methodological concepts and instruments that have shaped the study. It introduces the constructivist paradigm and the qualitative procedures that were used to gather the fieldwork data that is the empirical basis of this research report. The discussion includes a description of the populations of this study, who are located in Mbizana and Ngwathe Local Municipalities in the Eastern Cape and Free State Provinces; the sampling procedures and the samples; fieldwork procedures for collection of data and its analysis; and the ethical issues of the study.

## 4.2 The research paradigm

The paradigmatic outlook of this study is constructivist and phenomenological. Kivunja (2017) describes a paradigm as a world view – a set of abstract beliefs and principles that a researcher uses to interpret the world around them – and that a constructivist researcher is more concerned with understanding a phenomenon rather than generalising or changing it. This paradigm, sometimes referred to as interpretive, is a philosophical approach that is interested in social reality as interpreted by social actors within their cultural and historical context, while the constructivist approach appreciates the subjective meanings that individuals attach to social phenomena. A qualitative methodology is the main approach that is used to understand phenomena in constructivism.

A paradigm, according to Shah and Al-Bargi (2013), is a basic system that guides an investigator; it is a worldview that is made up of general assumptions, laws and techniques that a researcher adopts in a quest to understand social reality.

This study has adopted the constructivist paradigm in trying to understand the experiences of communities and their participation, the views of related institutions involved in water management, and the water management and policies shaping access to water and water services.

In order to adequately tap into the experiences of individuals and groups in the study areas, qualitative methodology techniques were used to collect data through interviews, discussions and interactions with government and municipal officials, community leaders, NGOs and community focus groups. Document reviews and visual data analysis were also employed in the study.

Qualitative research methodology refers to the study of social phenomena through identifying, exploring or describing the phenomena under study within the context of the research participant's experiences and views so as to get the holistic understanding of it. Leedy and Ormrod (2013) are of the view that qualitative research methodology is suitable for studies that intend to provide description, interpretation and evaluation.

Furthermore, qualitative research methodology believes in subjectivity because the way people view the world is not objective (Babbie, 2016). In fact, in qualitative research methodology, a researcher may see and analyse the social world from a point of view which may be different from another researcher's point of view (Hallberg 2013; Bertero 2015). Qualitative research methodology was also chosen for this study because of the nature of the research questions. The differences between quantitative and qualitative research methodology are outlined in the Table below.

**Table 4.1: Differences between quantitative and qualitative research methodology**

| ITEM | Characteristic | Quantitative research methodology | Qualitative research methodology |
|---|---|---|---|
| 1 | Assumptions | Social facts have an objective reality | Reality is socially constructed. |
| | | Variables are complex, interwoven, and difficult to measure. | Emphasises primacy of subject matter. |
| 2 | Purpose | Generalisability. | Contextualisation. |
| | | Prediction. | Interpretation. |
| | | Causal explanation. | Understanding participants' Perspectives. |
| 3 | View of human behaviour | Behaviour is regular and predictable. | Behaviour is fluid, dynamic, social, situational, contextual, and personal. |
| 4 | Focus | Narrow-angle lens, testing specific hypotheses | Wide-angle and 'deep-angle' lens, examining the breadth and depth of the phenomenon to learn more about it. |
| 5 | Sampling | Determined prior to data collection and can only be added as the need arises. | Non-probability, purposive. Actors are chosen to illuminate emerging understanding and/or to check theories or hypotheses. |
| 6 | Data analysis | Analysis is done after data are collected.<br>Emphasises the 'figure' rather than the 'ground'.<br>Concentrates more on the hypothesis.<br>Identifies statistical relationships. | Analysis is often done as data are collected.<br>Context is extremely important.<br>Analysis seeks to search for patterns, themes and holistic features. |

**Source: Moyo et al. (2002: 23-25).**

### 4.2.1 Population of the study

A population is the total group of people or entities from which information is required. The population of the study comprised people from Alfred Nzo District in the Eastern Cape and Fezile Dabi District in the Free State. Two local municipalities are of particular interest to the study in these areas, namely Bizana Local Municipality in Alfred Nzo District in the Eastern Cape province and Ngwathe Local Municipality in the Fezile Dabi District in the Free State province.

Of significance to the study are the commonalities between these two municipalities in different provinces in terms of dissatisfaction of communities with availability and access to water. Therefore, these two research areas have been purposively selected for an assessment of community participation in the management of water services and how access and availability of water can be improved at the local municipality level.

#### 4.2.1.1 Alfred Nzo District Municipality

The first visit by the research team was in July, 2019. The research team met personnel from Infrastructure Development at the municipality. The research study was introduced to the municipality personnel and specific enquiries were made regarding water projects in the municipality – including their locations. The research team was given information on the locations of water projects in the municipality and the contact details of the relevant officers responsible for granting permission for the research. It was indicated that there were no community-initiated water schemes in Alfred Nzo District Municipality (ANDM), and that all the existing schemes belonged to its municipalities. The research team was promised it would be accompanied to the project sites of Bizana during data collection.

The ANDM is located in the north-eastern corner of the Eastern Cape (EC) and is responsible for the Alfred Nzo district. It is one of the six district municipalities in the EC, along with those covering Amathole, Chris Hani, Joe Gqabi, OR Tambo, and Sarah Baartman (Sithole et al., 2019). In terms of population, ANDM is among the most populous district municipalities in the Eastern Cape and in terms of density it is the smallest, accounting for about only 6% of the geographic area (Alfred Nzo Integrated Development Plan 2018-2019).

According to the ANDM's IDP, the district is characterised by high levels of poverty, based on both income inequality and a low level of development. In response to this deprivation, the Alfred Nzo district was one of the presidential poverty nodes identified in the Integrated Sustainable Rural Development Programme and has been a subject of different forms of

economic intervention. The district is largely rural in nature, with village settlements defined by the district's geographical footprint through mountain ranges and river systems. Agriculture and tourism are the core carriers of the local economy.

There are low levels of access to clean water in the district. Access to piped water above RDP level increased from a low level of only 18% to 40% between 1996 and 2008. Similarly, there has also been an increase in access to piped water below RDP level, with about 15% of households now receiving this service. More than half the households do not have access to clean water, and the poverty rate is 86% (Amathole Integrated Development Plan, 2017-12022). There are four local municipalities in the Alfred Nzo district, namely Matatiele, Mbizana, Ntabankulu and Umzimvubu. Mbizana's municipality is the district's gateway to the Wild Coast and has a medium-sized town in the form of Bizana. (Sithole et al, 2019). Alfred Nzo's municipality is the poorest municipality in EC, and is estimated to have a population of around 880 000 people (Statistics South Africa, 2016).


**Figure 4.1: Alfred Nzo municipal area map**

**Source: Google Maps**

#### 4.2.1.2 Fezile Dabi District Municipality

The site visit to the Fezile Dabi district in the Free State took place in August 2019. The research team met with the representative of the Manager in the Infrastructure Development department, which is responsible for issues pertaining to water in the municipality. The representative was happy to share information on water and communities in Ngwathe,

indicating that there was a great need for communities to have a role in the management of water in the area, that communities were not involved in water management, and that the area was experiencing water supply problems. The research team was provided with the contact details of the director responsible for granting permission and giving assistance to the research team.

The Ngwathe Local Municipality is located in the northern part of the Fezile Dabi district in the Free State. The Fezile Dabi District Municipality (FDDM) comprises four local municipalities, namely: Mafube; Metsimaholo; Moqhaka; and Ngwathe (Sebeho and Stevens,2019). As figure 4.2 below demonstrates, the Free State province comprises four district municipalities, namely: Fezile Dabi; Lejweleputswa; Thabo Mofutsanyane; and Xhariep.

The Ngwathe Local Municipality is a Category B municipality situated in the northern part of the Fezile Dabi district in the Free State. The Vaal River forms the northern boundary of the area, and also serves as the boundary between the Free State, Gauteng and North West Provinces. It is one of four municipalities in the district, making up a third of its geographical area. The Renoster River also drains through the region and is dammed up in the vicinity of Koppies, in a series of dams, namely the Weltevrede, Rooipoort and Koppies dams. The rivers, together with the respective dams, are prominent water sources for agricultural purposes in the region.

The Parys district has unique natural and environmental assets, like the Vaal River, – with several islands in the proximity of Parys – and the Vredefort Dome, which present exceptional tourism potential. Parys has a well-developed airfield that supports commercial and tourism development in the area. It has a strong commercial component and provides a wide range of services regarding health, education and professional services to the district.

Vredefort is the only town that formed the former Vredefort district. The former Heilbron district is predominantly an agricultural area, although major manufacturing industries contribute largely to the gross geographic product of the district.

Koppies is located in an area of agricultural significance and mainly provides services in this regard to the surrounding rural areas, with the three well-established and developed irrigation schemes it is home to enhancing the agricultural character of the area. Koppies is now also becoming known for its tourist attractions.

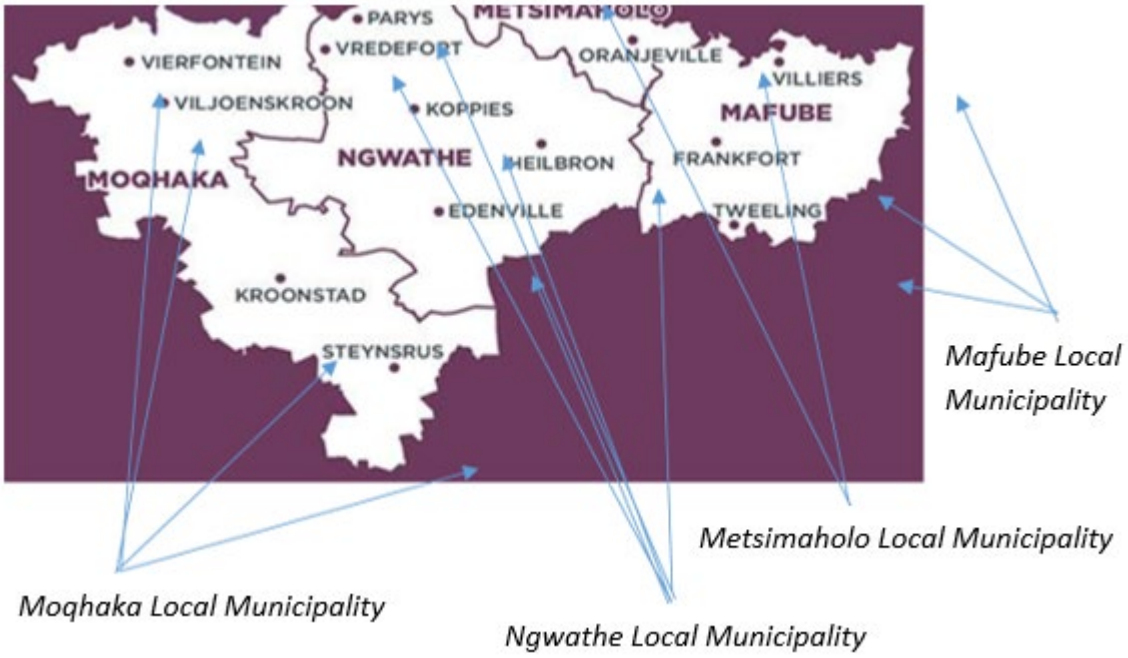


**Figure 4.2: Local municipalities under the Fezile Dabi District Municipality**

As indicated in figure 4.2 above, the main towns in the Ngwathe local municipality are Vredefort, Koppies, Heilbron, Edenville and Parys. Ngwathe local municipality consists of 18 wards. Parys is known as an agriculture town and it is located on the riverbanks of the Vaal River , with most of the water used for agriculture in this town being drawn from the Vaal River (Mlomi, 2019). The population projection of Ngwathe local municipality in 2019 was about 120 754 (Ngwathe Integrated Development Plan 2017-2020).

### 4.2.2 Sampling procedures

Purposive sampling was deemed the best method for identifying the sample elements that were required for data collection in the two provinces. Bryman (2012) conveys that, "Purposive sampling is a non-probability, non-random form of sampling. Participants will be drawn strategically with regard to their relevance to the study." Purposive sampling allows a researcher to select particular elements that are well-informed regarding the topic under investigation. The main objective of a purposive sample is to produce a sample that can be logically assumed to be representative of the population. This is often accomplished by applying expert knowledge of the population to select a sample of elements in a non-random manner that represents a cross-section of the population (Tyrer and Heyman, 2016).

The two provinces were purposefully identified on the basis that residents in these areas had expressed similar experiences about the quantity and quality of water in literature that was

consulted by the researchers. The study then sought to find out about issues of community participation in these areas with the view that empowering these communities to be part of water management could help to augment official attempts in water services management. The experiences of these communities in the two provinces were confirmed by fieldwork findings to be similar in terms of water quality, quantity and the views on community participation.

#### 4.2.2.1 The study sample

The sample of the research participants was made up of stakeholders from the two research area districts of Alfred Nzo and Fezile Dabi, and comprised 100 community members in total – 50 from the villages of Nomlacu, Mbombheni and Dumise in Mbizana local municipality and 50 from Parys and Tumahole in Ngwathe local municipality. The other participants were five municipal officials (two from Mbizana and three from Ngwathe); three councillors (one from Mbizana and two from Ngwathe); and one representative each from the Department of Water Affairs and Mvula Trust.

There are no community initiated and/or operated water schemes in Mbizana and Ngwathe local municipalities. The only community that the study identified during fieldwork was in Matatiele in the Eastern Cape. Mvula Trust is the most visible non-governmental organisation engaged with water issues at the community level in the Eastern Cape and Kwazulu-Natal. As a result of lack of community initiated/run schemes in the two research areas, the research focused only on government-initiated water schemes that are supplying communities in these areas: the Nomlacu Water Treatment Works, which supplies several villages including Nomlacu, Mbombheni and Dumise villages in Mbizana, and the Parys Water Treatment Works which supplies Parys town and Tumahole areas in Ngwathe. The Nomlacu Water Treatment Works is part of the Greater Mbizana Regional Bulk Water Supply Scheme.

The aim of this scheme is to ensure that the community of Mbizana has clean and healthy water. Water flows to Nomlacu Water Treatment Works from a pump station at the Ludeke Dam, through 13km of steel pipe, to the water treatment works. The Parys Water Treatment Works scheme was built as a result of the increasing contamination of the Vaal River water from growth of industries in the Vaal Triangle, particularly the energy and steel projects in Vanderbijlpark and Sasolburg from the 1950s. With the continued pollution of the Vaal River and the unprecedented population growth of the town, the plant was upgraded in 2008 to improve its capacity for purification. Table 4.2 below shows the breakdown of the sample.

**Table 4.2: Breakdown of the interviewed sample**

| Units of analysis | Data source | Eastern Cape | Free State | Total | Data collection method | Level |
|---|---|---|---|---|---|---|
| Communities | Water project beneficiaries | 50 | 50 | 100 | Focus groups | Community |
| Non-governmental organisation | Mvula Trust | 1 | 0 | 1 | Interviews | Policy |
| Government | Municipal officials | 3 | 3 | 6 | | Policy |
| Government | Ward councillors | 2 | 2 | 4 | | Community and policy |
| Government | Department of Water and Sanitation | 1 | 0 | 1 | | Policy |
| | Total | 57 | 55 | 112 | | |

Sources of data

Primary and secondary sources of data were used for the study. Primary data refers to fresh data, which is original in character: first-hand information collected specifically for the intended purpose. Secondary data refers to the use of information which is already there and may have been used for other purposes (Babbie, 2016). Existing documents were used for in-depth understanding of variables of the study and for interrelating with empirical data analysis for sound conclusions.

### 4.2.3 Data collection procedures

Data was gathered by means of five main methods: face-to-face interviewing, telephone interviewing, focus group discussion, participant observation, and reviewing relevant documents. The interview guides contained both unstructured or open-ended questions for the main issues of the study and structured or closed-ended questions for biographic data.

Structured questions were used to obtain information on quantitative aspects such as the number of research participants, number of water schemes, and number of beneficiaries. The unstructured questions were used to enable the researchers to probe the narratives of the communities on their experiences and the perceptions of other water stakeholders interviewed.

The study sought to investigate the role of policy in empowerment of communities as water services intermediaries, and their involvement in assurance of water supply and public-private partnerships. The investigation sought to answer the main question of the study: How do the existing policy and institutional frameworks enhance or inhibit communities' role as water services intermediaries in the Eastern Cape and Free State provinces in South Africa?

The questions for fieldwork were developed in English, and based on the main research question, sub-questions and the research title. The English interview questions were then translated into the vernacular to comprehensively capture the essence of the central variables of the study question relating to policy and institutional frameworks that enhance or inhibit communities' role in water management. The weight of the discussions during the interviews with the research participants was centred around the essential question of empowerment of the communities through participation and the role of policy.

The vernacular translations were in isiXhosa for the Eastern Cape and Sesotho for the Free State, with the help of experts in these languages. Speakers of these languages were part of the fieldwork.

#### 4.2.3.1 Face-to-face interviews

Face-to-face interviews took place with municipality officials in both provinces, and the councillors in Ngwathe Local Municipality. These were chosen because they enabled probing and clarifications of questions which were put to participants so that they could be answered to the satisfaction of individual researchers. Face-to-face interviews permitted qualitative data to be collected through intensive individual question and answer sessions with participants, through in-depth investigations of their subjective perceptions, beliefs, opinions and experiences in relation to events, occurrences, and phenomena regarding the water supply issues of quantity, quality, their own participation, and other related issues that came up during the discussions.

As Babbie (2016) explains, owing to their exploratory nature, face-to-face interviews permit large volumes of additional qualitative information to be obtained from observations of non-

verbal behaviour, such as gestures. The interview schedule for communities was translated into Xhosa for Mbizana and Sesotho for Ngwathe.

#### 4.2.3.2 Focus groups

Focus group discussions took place with beneficiary communities of the Nomlacu Water Scheme in Mbizana and those of the Parys Water Works in Ngwathe. The focus group method was chosen because it enabled qualitative data to be collected from group interviews in which the members were asked to express their opinions concerning particular topics, with the discussions being guided by a moderator.

As it has been explained, focus group discussions in which 100 residents participated were held in rural Mbizana and urban Ngwathe municipalities in the two selected provinces. Participants were able to express their perceptions, beliefs and opinions concerning the empowerment of communities as water service intermediaries by asking and responding to questions from one another. There was indeed a great deal of interaction among the participants during all of the discussions and large volumes of relevant data were obtained.

The focus group meetings were dynamic and very fruitful with each of the six groups – three in Mbizana and three in Ngwathe. In Mbizana the discussions with the three focus groups took place in their own villages. In Nomlacu , the research team benefitted from a group of villagers that was called for a village meeting by the headman at his residence. The research team arrived at the headman's residence and waited for their meeting to finish.

In Mbombheni the gathering was called together for the research team, the same way as in Dumise – where the meeting was arranged by the local councillor for the research team. In Ngwathe, the first group was made up of patients who had visited the local clinic in Parys, the second group was made up of people who had attended an interdenominational church meeting in the community hall, and the third group was made up of neighbours who were sitting together.

#### 4.2.3.3 Telephone interviews

Telephone interviews were used in discussions with the representatives of the Department of Water Services in Alfred Nzo District Municipality, of Mvula Trust, and the second ward councillor in Mbizana. The discussions yielded much fruit in the same way as face-to-face interviews did. The team was able to source relevant information on the questions of the

study from the perspectives of these three participants. The telephone interview was the most suitable method for the availability and timing for these officials.

#### 4.2.3.4 Documents

A third source of data was document analysis. Document analysis entails the use of information which is already available and which may have been used for other purposes (Shepherd, 2002). Books in the university library, policy documents, newspapers, the websites of NGOs, accredited journals and Water Research Commission reports were all consulted and used for consolidating the data set of the study and to corroborate the fieldwork findings to make a solid basis for conclusions. The relevance and suitability of documents used were determined by the issues dealt with in these documents that were important for the study questions and objectives.

### 4.2.4 Data analysis

The thematic approach was used to analyse the data. Thematic data analysis is a type of qualitative analysis. It is used to analyse classifications and present themes that relate to the data, and illustrates the data in great detail while dealing with diverse subjects via interpretations (Braun et al, 2016). It allows the researcher to associate an analysis of the frequency of a theme with one of the whole contents, conferring accuracy and enhancing the research's whole meaning. Qualitative research requires understanding and collecting diverse aspects and data. Thematic data analysis gives an opportunity to understand the potential of any issue more widely (Marks and Yardley, 2004).

## 4.3 Delimitations

This study was confined to the Eastern Cape and Free State. The provinces share two common attributes: decreasing water access over the past years and the least satisfaction with the quality of water. One community water scheme per province was investigated, namely Nomlacu Water Treatment in Mbizana Local Municipality, Alfred Nzo District; and the Parys Water Treatment Plant in Ngwathe Local Municipality, Fezile Dabi District.

The aim was to have a comparative discussion on water issues in these two provinces. While sanitation is part of water considerations, the study focused only on the water aspect in terms of the role of policy in the empowerment of communities for water management. The units of analysis were limited to municipality officials responsible for water issues, ward councillors, beneficiary communities in the municipalities, the Department of Water and Sanitation, and the Mvula Trust. Relevant literature on water issues was used.

### 4.4 Ethical issues

The study obtained permission from the University of Fort Hare Research Ethics Committee in the form of an ethical clearance certificate before embarking on fieldwork. Permission was also sought from the two district municipalities of Alfred Nzo and Fezile Dabi. The research team made preliminary visits to each one of these municipalities to present the idea on the proposed research and to request the assistance of the municipalities. It was during these visits that relevant departments were identified and information was provided regarding the responsible officers to assist the research team. Subsequent to these preliminary visits the research team sent letters to the municipalities to request permission to do research.

The issue of participation in water schemes does not have any immediate risk implications as it is a community issue and not a private individual issue. Therefore, the research did not require the private details of research participants and their names were not recorded during data collection. Participants did not need any assurances of anonymity. On the contrary, participants in both municipalities indicated that they would like their inputs to be recorded and to be publicised, and they also asked for feedback. It was explained to them that there would be a report-back conference where the findings will be presented to the water stakeholders and that the invitation would be sent through the municipalities.

The research participants were also informed about the nature of the research during the meetings and they showed enthusiasm to participate and express themselves. In each interview and focus group, permission – which was granted without qualms – was sought from the participants to record their inputs using a voice recording device.

### 4.5 Chapter summary

This section has discussed the methodology used to achieve the objectives of the study. The study employed the constructivist paradigm that provides for active engagement between the researcher and the researched. The qualitative methodology was used for data collection, which helped with identifying techniques for sampling the research populations, data collection and analysis. These have culminated into an accomplished research report, which details the findings of the study from both the empirical and secondary data sources on the role of water legislation in empowering communities as water services intermediaries in the Mbizana and Ngwathe local municipalities.

# CHAPTER 5 : FINDINGS AND ANALYSIS: THE EFFECTS OF LEGISLATIVE REFORM ON COMMUNITY EMPOWERMENT

## 5.1 Introduction

This chapter presents the first division of findings of the study with regards to the policy and institutional frameworks that enhance or inhibit communities' role as water services intermediaries as reflected in the main question and objective of the study. This division of findings emanates from the analysed literature and from the fieldwork report.

The discussion is in three parts: The first part outlines the set of existing legislation and policies that enhance participation and the empowerment of beneficiary communities. The second part assesses the policies and interventions that are inhibiting the empowerment of communities to participate in water supply management as water services intermediaries. And in the third part, the discussion goes on to argue for water services committees and water cooperatives to be considered for the role of vehicles of community participation for the empowerment of communities.

Finally, the discussion closes with a call for the amendment of WSA 1997 to remove restrictions imposed on water services committees in order to position them for the new role.

## 5.2 Water legislative frameworks that enhance community empowerment

In South Africa, the legal instruments for the promotion of participation of stakeholders in water supply services are a sequel to the promulgations of the WSA (1997), which provide a regulatory framework for water services institutions and water services intermediaries (Republic of South Africa, 1997); the NWA (1998), which provides for the establishment of water management institutions such as the catchment management agencies (CMAs) to delegate water resource management to the catchment level and to involve local communities (Municipal Systems Act, 2000); and the DWS of 2004, which obliges municipalities to undertake social and economic upliftment of local communities and to provide for community participation to empower poor communities.

Clearly, the orientation toward stakeholder participation in these pieces of legislation is informed by a participatory ethos at two levels. The first level is that of the principles of integrated water resources management (IWRM), which call for water management that includes the mobilisation of community action, water resources assessments, the sensitisation of lawmakers and better flow of information on water to the public; Principle 2 advocates that

water development and management should be based on a participatory approach, involving users, planners and policy-makers at all levels (Smith and Clausen,2015).

At the second level, the water legislation is informed by the quest to empower the marginalised communities to participate in water services management to improve access and to achieve equity for social development as articulated in the WSA (1997) and NWA (1998). This participatory ethos is amplified in the NWRS2 (2013), the framework within which water will be managed at regional or catchment level in defined water management areas in the country. The NWRS2 puts special emphasis on the involvement of stakeholders in water services management and stresses the importance of ensuring inclusive, coherent and well-coordinated participation by all role players (DWS, 2013).

The NWRS2 articulates that proactive steps are required to meet the water needs of historically disadvantaged individuals (HDIs) and the poor and ensure their participation in productive use of water. The NWRS2 framework further gives the rationale for stakeholder participation as follows:

- Water is to play an optimal role in poverty eradication and the reduction of inequality, growth and development, and in building a just and equitable society.
- Water development and management should be based on a participatory approach, involving users, planners and policy makers at all levels.
- The participation of the poor is critical in eliminating poverty and ensuring the political legitimacy of policies and strategies.
- This participatory approach is fundamental in ensuring that development is localised and meaningful for ordinary citizens.
- The meaningful participation of communities will broaden the responsibility for effective and sustainable water resource management and serve to strengthen accountability from all (NWRS2, 2013).

These water legislative frameworks look set to achieve the objectives of access, equity and participation of marginalised communities in the productive use of water. The Department of Water and Sanitation (DWS) is a major role player in ensuring that the country's water resources are protected, managed, used, developed, conserved and controlled in a sustainable manner for the benefit of all people and the environment. The DWS develops effective policies and procedures for water resources and services, in line with the IWRM perspective

and constitutional requirements regarding the right of access to sufficient food and water, transforming the economy and eradicating poverty.

The responsibility of providing both effective water legislation and functioning of water supply institutions also belongs to the DWS. All implementation is under the leadership of the DWS, with both the private sector and civil society playing a role. A full discussion on the nature and roles of water services legislation and institutions of water management has been given in detail in Chapter 2 above. Samah and Aref (2009) are of the view that participation can lead to empowerment; accordingly, "empowerment through participation is a continuous process by which people develop and use their ability to act in response to shared problems and to achieve expected needs in an effort to bring some changes to community life (Samah and Aref, 2009)". However, there are aspects of water policies, institutions and interventions that have not fully managed to enhance the role of communities as water services intermediaries.

### 5.3 Policies, procedures and interventions that inhibit community empowerment

Empowerment of communities through participation has not been fully realised due to some recalcitrant impediments, such as the failure of CMAs to be conduits for community participation, the top-down approach to water management, integrated development planning (IDP) and budgeting processes, and poor monitoring and evaluation. The discussion below will start with the analysis of the concept of water services institutions (WSIs) as used in the WSA (1997) in terms of its narrowness, corporatist orientation and lack of fit with the participatory ethos embedded in the Constitution, the WSA (1997), the NWA (1998) and the NWRS2 (2013).

#### 5.3.1 Narrowness of the term 'water service intermediaries' in the Water Services Act (1997)

This study is founded on the question of whether water legislation and policies are empowering or hindering the role of communities as water services intermediaries (WSIs). In terms of the WSA (1997) a water intermediary is "any person or organisation who is obliged to provide water services to another in terms of a contract where the obligation to provide water services is incidental to the main object of the contract" (WSA, 1997). Examples here include farmers who have farm labourers living on their properties, mining companies who operate private towns for their employees, and body corporates of flat buildings who are responsible for providing water and other services to their employees or clients as part of a

contractual obligation. Such WSIs are accountable to the municipality that must monitor them and may require them to be registered as water services providers: “Intermediaries have a duty to meet any minimum standards prescribed by the minister and any additional minimum standards set by the authority in terms of the quality, quantity and sustainability of water services provided” (WSA, 1997).

The understanding of a WSI and its functions as outlined in the WSA (1997) is very limiting in relation to empowerment of communities through participation as stated in the water legislation. Close examination of the understanding of WSIs in the WSA (1997) shows that it is based on a neo-classical business model of free enterprise which upholds private ownership of property. Farms, housing landlords, and mining companies are examples of market enterprises that operate on the principles of profit maximisation as an overriding value of free enterprise.

In terms of this business model, farms, housing compounds and mining companies referred to in the WSA (1997) are private properties established for the business purposes of maximisation of profitability. The communities that reside on these properties are clients and their relations with owners are governed by the rules of market exchange and not the egalitarian community-based participatory ethos. The model contract by the Minister which is provided to guide the WSI confirms this where it clearly stipulates under section 1.6 that, “Therefore the parties agree that the WSI will provide water services to the consumers situated on the property owned by the WSI”.

In the above context, water ceases to be a human right as outlined in the Constitution and becomes a commodity provided under the principles of profitability maximisation. This has been confirmed in the experiences of the poor communities residing on farms in the Western Cape where the HRC Report (2014) points out that many farm dwellers also rely on the keeping of livestock for their livelihood and that, in many instances, the farmer cuts water from the livestock so people have no access to water for their animals. If the municipality is approached, they often refuse to assist on private land. And so, farm dwellers find themselves in a legislative gap.

The concept of community participation derives from a cooperative perspective that promotes profitability on the basis of mutual benefit for all. Cooperative enterprises are jointly owned and democratically controlled. They are founded on values that are based on solidarity, equality, equity, social responsibility and mutual support, among others (International

Cooperative Alliance, 1995). These cooperative values have become a mode of operation for many community-based organisations and other NGOs working in communities. They do not fit well when applied for community benefit in the context of a free market enterprise such as described above, or for that matter, an enterprise on a private property. Therefore, the free market business model of WSI in the WSA (1997) is not in congruence with the ethos of community participation aimed at historical redress for water access and equity.

Furthermore, as stated by the Human Rights Commission Report (2014), a private entity is under no obligation to consult with consumers, ensure meaningful engagement on decision-making, or create transparency in operations and access to information. It is also under no obligation to ensure that people who are historically disadvantaged or marginalised are receiving access to service that is sufficient to meet their needs. Another issue with the business model of WSI is the fact that water supply is an incidental function rather than the core function. This distancing of water services hinders community participation and further makes the model an unsuitable mechanism for adoption in community empowerment actions.

This then shows that there is no specified institution to handle water issues at ward level and to ensure achievement of water equity and community participation in line with water laws. Communities are operating in a vacuum that is perpetuating widespread community discontentment**.** Ward committees have not succeeded in adequately addressing water supply problems, and we therefore turn to the water services committee as an appropriate model at ward level.

#### 5.3.1.1 Water services committees

A water services committee (WSC), as outlined in the WSA (1997) has many attributes that are in congruence with those of the community participation perspective. A WSC has participatory ethos embedded in its formation, functioning, governance and conditions of service – making it the most appropriate structure for empowerment of communities because it is more amenable to a cooperative form of institution. The provisions in the WSA (1997) for the establishment of a WSC include aspects of consultation and participation that are in line with empowerment for the local communities as follows:

- In terms of formation, WSCs are established after consultation with either the inhabitants of the proposed service area or with the established WSC for that area – along with the relevant water services authority.

- The function of a WSC is to provide water services to consumers within its service area. A WSC may not unreasonably exclude any person within its service area from those water services.
- The governing committee of a WSC is appointed by the Minister, based on nominations made by members of the community served or to be served by the WSC and with regard to the need for the committee to be representative of the inhabitants of the area to be served as well as the expertise required. Also, for a person to act as a member of the committee, the decision must be authorised by most of the committee members. The committee must develop a constitution that outlines conditions of its daily functioning and said constitution must be a product of inputs from the inhabitants of the area served by the WSC.
- A WSC has powers of a juridical person, including the power to set tariffs for providing water services, limiting or discontinuing water services to a consumer, collecting monies owed and delegating its powers to its own employee.

#### 5.3.1.1.1 International experience of water services committees

International experience of water services committees (WSCs) in Ghana, Kenya and Zambia indicates that empowering local community members with technical skills promotes sustainability of community-managed water systems because communities will be able to fix broken-down water infrastructure and maintain it in the long run. Besides technical skills, the commitment of community members to water management proved to be certain, though it varies with seasons.

Communities become more committed to water management during dry seasons; during the rainy season community members focus more on rain-harvested water from seasonal streams, springs and wells (Kelly et al (2018). Further to that, the success and sustainability of community water management is determined by the WSC's management skills, such as their ability to mobilise financial resources inside and outside, their participation, their sense of ownership, the practical authority of WSC members, the rules made by the WSC, and the ability of the WSC to be recognised and trusted by the community members.

In Nicaragua, South America, two studies by Rodriguez et al. (2008) and by Romano (2017) found that organic empowerment of WSCs in Nicaragua led to the decentralisation of the top-down water governance. WSCs from geographically isolated rural areas were found to have

greater water management skills and to be more organically empowered when compared to the ones closer to the urban areas.

#### 5.3.1.1.2 Common obstacles and limitations of water services committees

Common problems that often confront water services committees (WSCs) include the following:

- Limited financial assistance from outside

Limited financial assistance given to WSCs in rural areas in comparison to urban areas was found to be a challenge for WSCs in Kenya, Ghana, Zambia, and Nicaragua.

- Deteriorating infrastructure soon after installation

Deteriorating infrastructure after installation was found to be a common challenge for WSCs in Kenya, Ghana, Zambia, and Nicaragua. However, the difference is that in Nicaragua, community members with technical skills were the ones who were fixing and repairing water infrastructure such as hand pumps without the help of outsiders. In a certain Nicaraguan community, technical innovation was found to be among the reasons for the success story of WSCs in Nicaragua, with community members being able to utilise old hand pumps by using the spare parts of water pumps that were installed by UNICEF around 25 years ago. Technical innovation without outsiders' interventions ensured sustainable water access in Nicaragua.

- Breakdown of water infrastructure

Broken and ageing infrastructure was found to be common in WSCs in Zambia, Ghana, Kenya and Nicaragua. In Nicaragua in 2002, about 18% of the 4 886 documented water systems were not operational because some were old and others were broken (Government of Nicaragua and PAHO, 2004). In Sub-Saharan Africa, about 20% of community hand pumps are non-functional at any given time (Banks and Furey, 2016).

- Limited legal recognition of WSCs

WSCs were found to be politically marginalised and to have little legal recognition. In Kenya, Ghana and Zambia it was found that WSCs follow what is detected from the top, which is a sign of limited authority. In Nicaragua, it took around three decades for WSCs to be fully legally recognised.

In South Africa, while the WSC appears to be a prototype institution that can be amenable to use in the empowerment of communities in the local area, it has a limitation imposed on it by

the WSA of 1997. Chapter VII 51 (3) states that, “No water services committee may be established if the water services authority having jurisdiction in the area in question is able to provide water services effectively in the proposed service area”. This clause needs to be urgently reviewed, as much evidence exists showing that many municipalities are failing to provide water services to the communities.

Literature is replete with reports of lack of capacity for water services supply in some municipalities in every province in South Africa. The lack of institutional capacity in municipalities is also indicated in the NWRS2 which states that weak performance in the management of water supply and sanitation services by many municipalities has compromised services. These weaknesses are outlined in section 5.2.3 below.

#### 5.3.1.2 Water cooperatives

This study presents water cooperatives as another alternative model of water services delivery worthy to be considered in South Africa. Co-ops are a good alternative model for water supply for many reasons. As indicated above, their egalitarian values of solidarity, equality, equity, social responsibility and mutual support, among others, are people centred. Co-op members are both owners and customers. Their main objective is not profit maximisation but to provide sustainable service at an affordable cost. They are created from below to provide the most affordable service.

The co-op model of service delivery provides the greatest level of democratic civil participation, as it does not leave a distinct position for bosses of the private and public sectors. However, this model is ignored by research and policy as a community-based water supply model, including in South Africa. Water legislation in South Africa does not refer to or recognise co-ops for water supply management at the local level, despite the fact that co-ops have proven to be as effective in water management in other countries such as Kenya, Argentina, Brazil, Mexico, Chile, Finland, Denmark, Canada, USA and Bolivia.

### 5.3.2 Lack of institutional capacity in municipalities

Lack of water services management capacity on the side of municipalities is one major factor underlying lack of participation, leading to the exclusion of communities. Several issues that are at play include the following:

- Budget constraints are impeding the development of new sources of water, such as the building of new dams. As indicated by the DWS representative during interviews, the

money that is supposed to be used to build dams goes to maintenance of the old infrastructure that was inherited from the old Department of Water Affairs and Forestry. This issue places in question the capacity of the municipalities to plan for the future in areas of supply security, drought cycles and technical aspects of engineering expertise.

- Revenue from water provision is decreasing, as a result of increasing reluctance by the communities to pay water tariffs and the inability of the municipality to act against defaulters.
- The proliferation of illegal water connections has a negative impact on revenue from water tariffs. It also contributes to water shortages and to water pipes bursting because they have to handle higher volumes of water distribution than initially intended.
- There is a failure to enforce municipal by-laws for water regulation. This is the case in Fezile Dabi, where it was indicated that there are no consequences or penalties imposed on those who violate water restrictions. Participation goes hand in hand with the virtues of transparency and honesty. Accordingly, transparency is the quantity and quality of information that a stakeholder makes available to others in regards to the decisions taken. These decisions can affect individuals for example, recognition or suppression of individual rights by the authorities or a group of individuals (Zarsky, 2013) Transparency is a feature especially required for the government. Lack of transparency, whether in terms of the decisions that affect individuals or that affect groups, strongly influences the perception that other stakeholders may have (Gao and Yu, 2020). In other words, stakeholder actions should be guided by the principle of common good and should not take advantage of other stakeholders not only on decisions that affect individuals but on those that affect communities. The virtue of transparency seem to be lacking in water management on the part of both communities and leadership when it comes to illegal water connections.
- There is a time lag by the municipality in responding to calls for help with access to water such as in the cases of Ghana and Sisulu, or to calls for maintenance of water equipment and infrastructure such as in the case of Dumise village, or to address water quality problems such as in the Ngwathe municipality. The time lags have made communities lose confidence in those municipalities.
- In terms of poor communication between the communities and the municipalities, the Mbizana communities pointed out that they are sometimes called to meetings when

there are problems with water or during political campaigns. In Ngwathe, focus groups expressed lack of confidence in ward councilors and stated that "we hear about water problems through the media". This is despite the municipalities insisting that there are communication processes in place.

- Unfulfilled promises by politicians, who make what the research participants referred to as "empty promises" during political campaigns, are a problem. At the time of campaigning, every politician becomes eager to give a good story to the electorate. This leads to the implementation of projects that are not properly conceived – as the representative of Mvula Trust pointed out – and end up as unfulfilled promises.

A report on the strategic overview of the water sector in South Africa, outlined the following weaknesses of the municipalities (DWA, 2013):

- Only 3% of water services authorities (WSAs) indicated that they were operating in a satisfactory manner, while 18% were at risk, 33% at high risk, and 46% in crisis. Few WSAs practice proper management of their water services infrastructure, resulting in regular service failures that cause the non-functionality of schemes as well as customer dissatisfaction, health threats and financial losses. Recent deterioration in service caused 71 water related protests in 2012.
- There is poor water usage efficiency, as well as a lack of water demand management across the sector. A lack of capacity – particularly technical capacity – also exists within WSAs, with infrastructure asset management being especially affected, which leads to infrastructure failures and service delivery shortcomings. Many municipalities are unable to provide sustainable services because of the lack of capacity and skills.
- Several WSAs do not budget sufficiently for asset maintenance and replacement, meaning that expensive refurbishments become necessary, which eat into the available funds for ongoing maintenance. Deteriorating infrastructure also leads to poor service delivery and reduced levels of payment by consumers due to dissatisfaction – exacerbating the lack of cost recovery.

The Human Rights Commission Report (2014), on its public hearings on water and sanitation services delivery identified the following incapacities in municipalities:

- While water and sanitation service delivery are the responsibility of local government, many municipalities – particularly in poor or rural areas – do not have the skills and capacity to implement their mandate.
- Municipalities are not sufficiently capacitated to plan innovatively and effectively around the Municipal Infrastructure Grant (MIG) process, resulting in service delivery targets not being met. Therefore, municipalities that most need the funds are often the least able to spend them. In addition, if a municipality does not spend its allocated 105 grant in a year, there is a great possibility that the funding will be reduced in the following year. In this way, under-capacitated municipalities are at a distinct disadvantage.
- The National Environmental Management Act 107 of 1998 requires provincial governments to oversee implementation of service delivery at the local level. However, there is a lack of monitoring by government to ensure that toilets and taps continue to work properly and are cleaned regularly. This also applies to outsourced services – even though those private companies are paid but not meeting their requirements and government is not checking to see that they are doing so.
- Mostly, communities complained of broken taps, pipes (reticulation systems) and toilets, which were never maintained or repaired by municipalities. They complained of non-functioning water and sanitation systems that were ignored by ward councilors and municipalities.
- Various community members across the country complained of poor workmanship by contractors or faults that were never repaired and government inaction in holding the contractors accountable. There is also a lack of monitoring by government of contractor workmanship. As such, contractors often under-performed or violated the conditions of their contracts with no follow-up or recourse. There were also allegations of corruption levelled at government officials. Monitoring was therefore confirmed by both the Ministers of the Department of Health Services and the Department of Planning, Monitoring and Evaluation as a challenge in the service delivery process and one that warrants constant improvement. Even though the country may be heralded as one of the most transparent in terms of how the budget is allocated, much more transparency and meticulous monitoring of how the budget is spent is required.

- During these hearings, the following situation was obtaining:
- Forty-two percent of all municipalities did not have a registered engineer in their employ.
- Provision of water was in a crisis state in 23 municipalities (9%), with an acute risk of disease outbreak.
- Ninety-nine municipalities (38%) were at a high risk of deteriorating into a crisis state.
- Chronic delivery weaknesses were escalating into outright service emergencies in a growing number of municipalities.
- Forty-six percent of all municipalities were in a crisis state in terms of technical and financial capacity.
- There was inadequate involvement of communities in the planning and implementation of service delivery projects.
- Due to the unaffordability of maintenance costs, there was poor cost recovery from households.
- Overall, there is no accountability by the municipalities and no space for community participation.

The latest report by Mudombi (2020), states that: "Ample research has exposed the gross deficit in skills needed to manage municipalities more professionally. This problem has been driven by the lack of political desire to appoint highly professional senior managers, because such appointees are less likely to implement questionable instructions than those who are beholden to their political principals. Cadre deployment ensures the appointment of party loyalists to manage the financial affairs of municipalities and state institutions. This, in turn, circumvents public accountability and brings the institution under the control of the party, as opposed to the state. As a result, there is a significant lack of consequence management, leading to non-compliance and the resultant irregular expenditure and poor financial governance, a matter regularly reported on by the Auditor General's office. This is not about to change overnight. So, here's the nub of the crisis looming large over the next few months; a substantive rise in the fall-out between communities and administrators, to the extent that poor leadership and weak systems management will cause the total collapse of many more municipalities."

The points above illustrating the incapacity of municipalities are an indication that local communities have space to augment the efforts of the municipalities. Therefore, Section (51) 3 of the WSA of 1997 needs to be amended to provide for water services committees (WSCs) to work in partnership with municipalities. As it stands now, the clause actually rejects partnerships between the municipality and local communities in water management. International experiences show that WSCs have been found worthwhile in assisting communities in service provision.

### 5.3.3 Dysfunction within the Department of Water and Sanitation

A recent report by the Federation for a Sustainable Environment (FSE) has exposed disconcerting information about the capacity of the Department of Water and Sanitation (DWS) that will have a negative impact on the empowerment of communities and their participation and on other water stakeholders – such as obstructing the formation and functioning of Catchment Management Agencies (CMAs). The FSE Report (2018) refers to these as dysfunction and institutional paralysis in the DWS.

Human resource and organisational challenges are at the root of the dysfunction of the DWS. These challenges include the suspension of senior managers, high staff turnover and vacancy rates and intensified capacity constraints – all of which have led to shortages of experienced personnel and significant skills gaps in all water sector institutions. Moreover, financial mismanagement related to over-expenditure, accruals and failure to pay contractors (leading to a corresponding escalation of debt), overdraft of the Water Trading Entity, debt owed to the Reserve Bank, and irregular, fruitless and wasteful expenditure, poor revenue collection and corruption allegations are among these problems.

The DWS has plans to consolidate nine catchment management agencies (CMAs) into a single national agency, and intends to discontinue key statutory bodies like the Water Tribunal and water boards – worrying steps toward undermining or destroying established water institutions. Failure by the DWS to publish Blue Drop (water quality) and Green Drop (waste water treatment) reports since 2013 is also seen as a risky action. The Blue Drop and Green Drop reports are arguably the only comprehensive assessments available to the public and water service authorities on whether water and wastewater treatment plants are functioning and complying with water quality standards. The absence of such assessments has considerable implications for management, operation, risk mitigation, remedial action

and refurbishment plans related to treatment plants – and hence water safety and water quality (Africa Economic Outlook, 2018).

The deterioration in wastewater treatment works and infrastructure due to lack of maintenance and investment, with initial findings of the 2014 Green Drop report indicating that 212 waste water treatment plants fall within the 'critical risk' categorisation – a situation that poses a serious risk of completely untreated sewage entering rivers, streams and dams. This has dire impacts on water quality and human health, including enhancing the spread of pathogens such as *E. coli* and hepatitis A.

Significant deficiencies in compliance monitoring and enforcement for the DWS are also noted, with it only employing 35 compliance and enforcement officials for the whole country, and having never published a specific water compliance and enforcement report. The 2016/17 National Environmental Compliance and Enforcement report highlights that the DWS has completely failed to undertake meaningful enforcement action against offenders. In 2017, 76 of the 321 facilities inspected were found to require enforcement action, yet the DWS has netted zero convictions. Despite widespread non-compliance, the DWS has only suspended one water-use licence since 1 January 2008 (FSE, 2018).

### 5.3.4 Failure of Catchment Management Agencies as conduits for community empowerment

The adoption of the river basin approach as a water management tool has had benefits for water services, including coordination and collaboration between the different institutions and organisations involved in the management of water inside and outside the sector, increased participation of stakeholders (to incorporate local knowledge), multilevel and polycentric governance to support decentralised decision making and coordination across levels and scale (Herrfahrdt-Pähle, 2014), and the establishment of water management areas (WMAs) and catchment management agencies (CMAs) – which have the task of managing water resources for various uses by coordinating the activities of water users and water management organisations.

However, the challenges facing these efforts are numerous. Firstly, the stalling process of formation and functioning of CMAs is causing great concern. The concern is that staff of the regional offices often comprise engineers and hydrologists who are having to set up CMAs in addition to their ordinary tasks – rarely with the support of additional manpower or capacity building. They are often overburdened and ill-prepared for the tasks of institutional

development and facilitating participation processes. Furthermore, the Department of Water Services staff have few incentives to establish CMAs. These disincentives, together with other constraints such as limited financial and human resources, have resulted in an extremely slow reform process (Herrfahrdt-Pähle, 2019).

Secondly, while the CMAs are responsible for water resource management and agricultural water supply, water supply to individual and industrial users is the responsibility of the water services authorities (WSAs), i.e., municipalities. However, a lack of coordination and communication can be detected both within the DWS (between divisions responsible for water services and water resource management) and between the DWS, the CMAs, and local government or WSAs.

Thirdly, the latest report on water-related challenges produced by the Federation of Sustainable Environment (FES, 2018), summarises the problem of water services delivery as owing to dysfunction and institutional paralysis in the DWS. The Report outlines the challenges as being associated with deterioration in financial management, service delivery, policy coherence and performance. The National Water Resource Strategy 2 (NWRS2) underscores this view by stating that slow delegation of functions – along with their associated authority and responsibility – and delays in the transfer of funds, have impeded the effective functioning of CMAs.

The capacity gaps of the water governance framework that are identified above are an indication that the sustainability of water supply services has not been fully achieved. As Classen (2018) points out, the challenges in implementing progressive legislation are reflected in a shortage of skilled people, weaknesses in management instruments, and difficulties in finding a balance between the role of the state, institutions, and the effective function of networks in achieving development outcomes. Movik et al. (2016), state that CMAs did not yield desired results and that there were only two operational CMAs in 2015, out of the 19 that were established nationally. Among the obstacles identified – particularly for CMAs and WUAs – were the unclear mandates and overlapping roles of the CMAs and WUAs (Denby, 2016).

CMAs are an important conduit for community participation, as indicated in chapter 4 of the NWRS, where it says that the DWS and CMAs will assist water institutions in promoting and implementing a multiple-use systems approach to develop water supplies for basic domestic use, social use and economic activities in support of community development. The NWRS2

further states that the role of CMAs is to ensure that water resources are managed in accordance with national policies, guidelines and standards in their jurisdiction, through the active participation of local communities and other stakeholders in their water resources. It concludes that stakeholder groups and communities will be empowered by CMAs through being involved in structures such as catchment committees, catchment forums and WUAs (NWRS2, 2013). Therefore, the failures of CMAs have an adverse effect on the empowerment of communities to participate in water management.

The above scenario was corroborated by the findings of this study in Alfred Nzo District Municipality (ANDM) in the Eastern Cape and Fedile Dabi District Municipality (FDDM) in the Free State, where the communities expressed that they are not participating in water services decisions in their areas. Community members interviewed through focus group discussions from the two municipalities did not attest to the last interactive participation and/or self-mobilisation in the water projects. In both research areas, participants indicated that they became aware of the water projects during the meetings that were called for this purpose prior to the implementation of the projects.

In Mbizana municipality, research participants from the three villages of Nomlacu, Mbombheni and Dumise attended meetings in their areas that were called by their respective headmen and ward councillors. It was in these meetings that they were informed about the construction of the Ludeke Dam and the Nomlacu Water Treatment Plant that would supply them with water to ease water shortage problems. They were also asked to form committees that would work in tandem with the local municipalities. In Ngwathe municipality, the communities attended meetings called by ward councillors, to be informed about the upgrading of the Parys Water Treatment Plant to increase its capacity to include the excluded former black areas of Parys, and asked to form ward committees to work with the municipality.

Clearly, involvement in these committees is not viewed as participation by these communities, as the narratives of exclusion are firmly based on the issue that their needs are not been taken seriously by the municipalities and politicians. This shows the institutional vacuum at the community level – specifically the lack of a community-based institution to handle community water concerns – explaining the lack of coordination between communities and municipalities.

### 5.3.5 The top-down approach to water management

While the abovementioned legislation aspires to a bottom-up approach of water management that is demand driven, the practices of policy formulation and determination of community needs and processes are still lingering in the top-down approach where these processes are centrally formulated. The consultation of communities comes in the form of information about decisions already made, as was indicated by the communities in the two research areas. This practice in South Africa confirms the views of Chirenje, Musamba and Giliba (2013), who point out that, "while governments have accepted the need to either cede or devolve control and management of natural resources to the local communities, the communities are not part and parcel of the planning and budgeting which are crucial in decision-making. Communities were seen to be more involved in the implementation of natural resource management programs but lacked ownership of the projects." This causes lack of commitment to the programs and at times hostile reaction from the communities.

In carrying out research on the effect of participatory approaches, a study by Annamalati et al. (2016) indicated that the "top-down approach has not been very conducive to community participation, despite the theoretical benefits associated with such participation... This shows that even government provisioning of services can be more successful if the planning and implementation of projects is undertaken in consultation with the beneficiaries or involves beneficiary participation."

The rigidity of the supply-focused approach to water services management that is centred on the triad of provision, administration and consumption crowds out the role that can be brought about by community participation. The challenges of insufficient capacity in several areas of water services management faced by the two municipalities, as well as the lack of meaningful community participation outlined above, are pointers to the need for empowerment of communities to play a role in the different levels of water services provision. The top-down approach in water management is reflected in integrated development planning processes which are discussed below.

### 5.3.6 Budgeting and community participation in the Integrated Development Plan

The Integrated Development Plan (IDP) is an approach to planning developed in response to the landscape of social, economic, cultural and political inequalities based on race that was created by apartheid development planning. IDP is a super plan for an area that gives an overall framework for development and it aims to co-ordinate the work of local and other

spheres of government in a coherent plan to improve the quality of life for all the people living in an area. It brings together the municipality and citizens in an attempt to involve all stakeholders in the area. Each municipality is required to have an IDP, and the stakeholders include the municipality, councillors, communities, and other government departments (Local Government in South Africa: ETU; 2019). Public participation takes the form of IDP forums comprising the stakeholders identified above. IDP participation underpins the democratic ethos of the Constitution of the Republic of South Africa, Act 108 (1996) as reflected in the precepts of the Municipal Structures Act (Act 117 of 1998) and the Municipal Systems Act (Act 32 of 2000).

According to ETU (2019) the main reasons for using the IDP are identified as effective use of scarce resources, speeding up delivery, attracting additional funds, strengthening democracy, overcoming the legacy of apartheid and promoting co-ordination between local, provincial and national government. The IDP process consists of five phases, which include analysis of problems, developing strategies to address the problems, designing the content of identified projects and performance targets, integration into the IDP, and approval (ETU, 2019).

#### 5.3.6.1 Weaknesses of the Integrated Development Plan approach

While the Integrated Development Plan (IDP) instrument seems to fully embrace community participation as mandated, research findings indicate that it has not yet showed the desired impact in terms of integrating the views of the communities into planning in the water services sector. The challenges that were identified by the participants in the two researched municipalities include very slow implementation. It was indicated that there is a need for going the extra mile in terms of implementation of policies that encourage the participation, ownership and accountability of community projects. Community members stated that they are informed about IDP targets when the plans are introduced to them in meetings , making them feel that they are intentionally excluded from participating in the budgeting process, in both the initial stages and the IDP. The feeling was that IDP barred them from using water for income-generating opportunities such as brick making and gardening.

There was a unanimous view in Bizana that water tender initiatives were guided by greediness for profit by the tender officials rather than being guided by the genuine water needs of the people living in poverty, and also that water tender officials were using the poverty-stricken communities as an instrument to milk municipality funds for enriching themselves by using cheap materials to construct water facilities. This was revealed by a

research participant in one of the villages who said, *"Poor quality material was used for the diesel engine, this [sic] only operated for a few days and now it is not working. They did the same thing with water pipes that run underground in this place. Mothers have to walk long distances to fetch water from the river and are sometimes attacked by animals."*

These problems were blamed on the IDP. As such, the overall perception of IDP participation is negative in the two municipalities. It looks like the problems of poor participation in IDP processes are a long walk to community empowerment and a sense of ownership of development projects in South Africa. A study conducted by the University of KwaZulu-Natal in 2009 in KwaZulu-Natal, Gauteng, the Eastern Cape and the Western Cape echoes the same challenges by outlining findings indicating that the IDP structures in KwaZulu-Natal were faced with challenges that rendered them ineffective as structures of public participation.

"Ward Committees in some municipalities were established late after the IDPs were already drafted. In others, they were either dysfunctional or by-passed as structures of participation. The IDP Representative Forums were used as the main structures for public participation in the IDP process. Like Ward Committees, these structures were faced with challenges such as lack of decision-making powers by role-players, partial functioning of IDP Representative Forums and capacity problems for some role-players. These structures at times accentuated the socio-economic inequalities inherent in society some of these mechanisms were not accommodative of the marginalised groups of society, thus hindering participation of such groups in the IDP process" (Njenja, 2009).

### 5.3.7 Monitoring and evaluation of water services at district level

#### 5.3.7.1 The policy framework

The policy framework for government-wide monitoring and evaluation system (PFGM&E) is a monitoring and evaluation (M&E) system put in place by government to address the distortions created by the apartheid system. The issues included firstly the fundamental restructuring of the apartheid state into a modern public service; secondly, the coordination and integration of government systems and services and; third, putting in place a number of strategic priorities – with the primary focus being an increase in effectiveness, so that a greater developmental impact is achieved.

Accordingly, government is increasing effectiveness by concentrating on M&E as a pivotal competence that has positive effects both up- and downstream. According to PFGM&E,

M&E improves policies, strategies and plans, as well as improves performance and optimises impact: “Improving M&E leads to improvements in the quality of planning (driven by comparisons between what was planned and what was done) and implementation systems (so that they are better able to record what services are delivered and what results they yield” (PFGM&E, 2007).

The PFGM&E defines monitoring as collecting, analysing, and reporting data on inputs, activities, outputs, outcomes and impacts as well as external factors, in a way that supports effective management. “Monitoring aims to provide managers, decision makers and other stakeholders with regular feedback on progress in implementation” (PFGM&E, 2007).

The reversing of the oppressive laws of apartheid in the post-1994 era by government encouraged people to move to cities, seeking better lives. The resultant influx augmented the demand for basic services in urban areas. This then necessitated astute implementation of M&E by municipalities to track their plans and align them with municipal performance, which added to the pressure on local government to provide basic services such as potable water, proper sanitation, a sustainable electricity supply and regular waste removal. Studies have shown that many municipalities are under stress and are failing to design and implement comprehensive M&E systems to facilitate continuous assessment IDPs and other operational plans to implement the budget.

#### 5.3.7.2 Problems in in monitoring and evaluation

In depicting the problems of compliance with monitoring and evaluation (M&E), Business Day (09 March, 2018) reported that 34% of municipalities did not assess the condition of their water infrastructure during their needs-assessment processes in 2016, and that this had a knock-on effect on their strategic planning processes, with 45% of municipalities failing to produce water infrastructure maintenance plans. This, in turn, influenced their budgeting processes. In engaging with local communities in Alfred Nzo and Fezile Dabi, this study established that there was serious dissatisfaction as a result of poor M&E processes.

A response from one participant on the monitoring of water services was that *“we see monitoring at the end of awarding of tenders”*. Inadequate M&E mechanisms on water services was perceived to be a deliberate attempt by corrupt officials to hide their transactions and actions within the municipality. One interviewee said, *“We read about certain sums of money being allocated for borehole drilling within the municipality but in most cases it ends on the IDP budget and very little if not nothing reaches us.”*

This failure to monitor and evaluate the projects is argued to be a stumbling block for inclusive economic development and accountability – which in essence is key to good governance. One participant in Alfred Nzo stated that *"We report all our water challenges to the ward committee and the water committee who are responsible for taking our water grievances to the municipality. However, our grievances take ages to be addressed by the water committee. Even this issue of our yards and fields that were used as part of the water supply network, we reported these issues to the ward committees but until today nothing has been done. The ward committee does not listen to our grievances and the council as well, they do not take our plight seriously, but the problem is with the municipality. The municipality people do not even bother to come to us, they just sit there in their offices. So, we wait until we give up. The solution to all these problems is to toyi-toyi." In Tumahole in Fezile Dabi, one of the focus group members complained that "we have been reporting water problems for the past 8 years, municipality takes time but after they have fixed the problem it comes back again."*

### 5.4 Monitoring and evaluation in Mbizana and Ngwathe

The view of the municipality officials is that there are monitoring and evaluation (M&E) actions taking place for water services. The Mbizana and Ngwathe municipalities took the research team through the processes of how and when monitoring of water services and water quality were taking place in their areas – in particular the monitoring of water quality. In Bizana the acting technical manager had this to say, *"the municipality employs a person in the community to monitor the water source, for instance, monitoring whether the engine is working but it remains the WSP's responsibility to monitor the engines. We have a monitoring and evaluation programme in the municipality. The municipality monitors the quality of water and the service provision. If, for instance, the borehole has a problem, for example E. coli and septic tank problems, it will be shut down. There are currently 20 people in the district that are being trained to monitor water quality and how to measure chemicals. We wanted to train more people but the budget was limited"*.

In Ngwathe municipality, the official stated that *"Whenever there is a spillage or when pipes bursts, we have a team that is ready all the time to go and address such situations. We are always aware of such situations because people they report such issues. We have our own internal labs. We have samplers, we have lab technicians who go twice a week to our sampling points that are registered with the NWS. We go to those areas, to monitor water*

*quality so it's not only at the plant. At the plant they do it every two hours they do test the water and then samplers do their tests twice a week. There is a guideline for the NWS that shows us how often we should test for bacteria depending on the number of households or population in the area, microbiological analysis. The water that goes to the communities is tested every day, day and night, at the plant, testing happens every two hours (testing for available chlorine, NtU, and pH) and the sampling points it's twice a week. Remember that according to SANS 241 we are supposed to do physical test, chemical test and microbiological test. So the physical it's a two-hourly test without fail, and the chemical at the plant they do it twice a day, they check in the morning and they also check afternoon if they are still on track when it comes to quality. The micro test, we have an external lab where we take our samples twice a week at the Vaal University, there they also check if our internal results concurs with theirs".*

### 5.5 Ageing water infrastructure

In South Africa, water investment currently comes mainly from the government through tariffs and taxes, with some external finance (McNamara, 2018). Key grants include the equitable share, Municipal Infrastructure Grant (MIG), Regional Bulk Infrastructure Grant (RBIG) and new Water Services Development Grant; some RBIG funds now channelled directly to well-functioning Municipalities (DWS Strategic Overview of the Water Sector, 2015). The Trans-Caledon Tunnel Authority (TCTA), water boards and a number of water services authorities also borrow money through capital markets.

However, the country is experiencing a serious backlog in water infrastructure investment for the development and management of water resources and water services (Reuters, 2013). This emanates from the fact that there is under-investment in the water sector in general, which has negatively impacted the water infrastructure. In 2017, the then Minister of Water and Sanitation, Nomvula Mokonyane, urged the business community to invest in water infrastructure.

Speaking at the Water Infrastructure Investment Summit 2017 in Johannesburg, Mokonyane stated the need to shift the water and sanitation sector investment landscape to a space that is open and enabling for investment and inclusive growth opportunities (Mokonyane, 2017). Mokonyane argued further that many of the nation's water and wastewater infrastructure and systems have been operating for five or more decades. As pipes, pumps, and plants reach the

end of their expected lifespan, water infrastructure capital needs are growing rapidly, yet investment in water infrastructure is not keeping pace (Mokonyane, 2017).

This state of affairs was very evident in both Alfred Nzo and Ngwathe. The issue of deteriorating water infrastructure such as water plants, pipes and pumps was repeatedly mentioned as one of the challenges of water supply. In Alfred Nzo, the communal taps and boreholes that the municipality installed in different areas in the community had either deteriorated or stopped working. In Ngwathe, the respondents in water problem areas such as Ghana stated that the water that they were receiving was not clean and that this was due to problems with water infrastructure. The problem was the water reservoirs that have deteriorated for more than two or three decades and remain unfixed.

Water infrastructure investment in both these two municipalities comes from the government. The residents in Alfred Nzo are not keen on paying for the water that they use, as they argue that access to water is their right and as such it should be free of charge. They also argued that since they get water from communal taps and not inside their yards or households then they should not pay for it. Contrary to this, residents in in Ngwathe municipality had no problem in paying for their water use: their main concerns were the insufficient infrastructure capacity to meet demand and the ageing and non-functional infrastructure that made water inaccessible and unfit for consumption.

### 5.6 Chapter summary

The point of departure of this study was to explore the role of policy in empowering communities as water services intermediaries. Assessment of water legislation in this section shows that the community empowerment legislation and institutions have been undermined by water policies and procedures that perpetuate the exclusion of beneficiary communities from access to water services. The core issues of exclusion include the failure of catchment management authorities (CMAs) as conduits for community participation, the top-down water management approach, Integrated Development Plan and budgeting processes, and poor monitoring and evaluation at municipality level.

An analysis of the concept of ‘intermediary’ as applied in the WSA (199) is too narrow, more oriented toward corporatism, and does not embrace a community-based participatory ethos for achieving redress and water supply equity. Therefore, the water services committee (WSC) must be recognised as a vehicle for community participation; as an institution, the WSC bears many features of community participation. However, this recognition will require

the amendment of section (51) 3 of the WSA of 1997 which forbids the establishment of WSCs where the municipality is supplying services, as this clause inadvertently rejects partnerships between communities and municipalities.

# CHAPTER 6 : STUDY FINDINGS: COMMUNITY NARRATIVES AND STAKEHOLDER PERSPECTIVES ON PARTICIPATION IN WATER SERVICES SUPPLY

## 6.1 Introduction

This chapter discusses the research findings from the case studies in Alfred Nzo District Municipality (ANDM) and Fedile Dabi District Municipality (FDDM) regarding empowerment through participation in water supply services. The discussion begins with sharing the narratives of the beneficiary communities in the two municipalities regarding how they see their role in water supply, along with the perspectives of the municipalities and other water stakeholders. After that, the discussion goes on to elaborate on the model of participation that is currently influencing water supply services in municipalities and the exclusionary consequences of exclusion that it brings. This is followed by the story of the Lucene community's success in working with the municipality to confront their water problems. The chapter then ends with a perspective on public-private partnership interventions.

## 6.2 Communities' narratives on their role in water supply

Communities in the Mbizana and Ngwathe municipalities are willing to participate in the management of water. Findings reveal that these communities would be more comfortable having representatives in the management of water who are members of their own communities rather than what they perceive as "people who spent most of their time in their offices without coming to the communities to meet with the community members and seeing what is taking place". The communities indicated that they want local representatives in the water management who understand their water problems better than outsiders – a view that was more pronounced in Mbizana than in Ngwathe.

There is a feeling shared within both the research area communities that water project beneficiaries are not involved in important decisions in the management of water. There is a strong perception of 'us and them' in the communities regarding the municipalities. Communities in both provinces asserted that they are willing to be managers of their own water, and that they would need training for this: for example on how to fix leaking taps and pipes and how to present their issues or negotiate. They stated that this will be easier for them than waiting for the municipalities to do everything for them.

Participants in the three villages of Bizana and in the three areas of Ngwathe attested to the fact that they were asked to go and form water management committees (WMCs), however the feeling of exclusion is overriding the existence of these WMCs. The dominant concern is that community members are excluded, because their complaints are being ignored by the municipalities, and that their committees are not being taken seriously – except during political campaigns where politicians compete for their votes.

In terms of ownership, the message is very clear that the water projects belong to, are owned by, and are the responsibilities of the municipality. It was also clear that the general tendency of the communities has become one of reacting negatively to the offers of the municipality, despite the latent desire to be more involved and to maximise service benefit for themselves. This narrative runs contrary to the insistence of the municipality officials in the two research areas that the communities are participating fully in the projects, showing that the processes of community participation have not been recognised and felt by the beneficiaries of water projects. The diagrams below lay out the narratives of the communities.

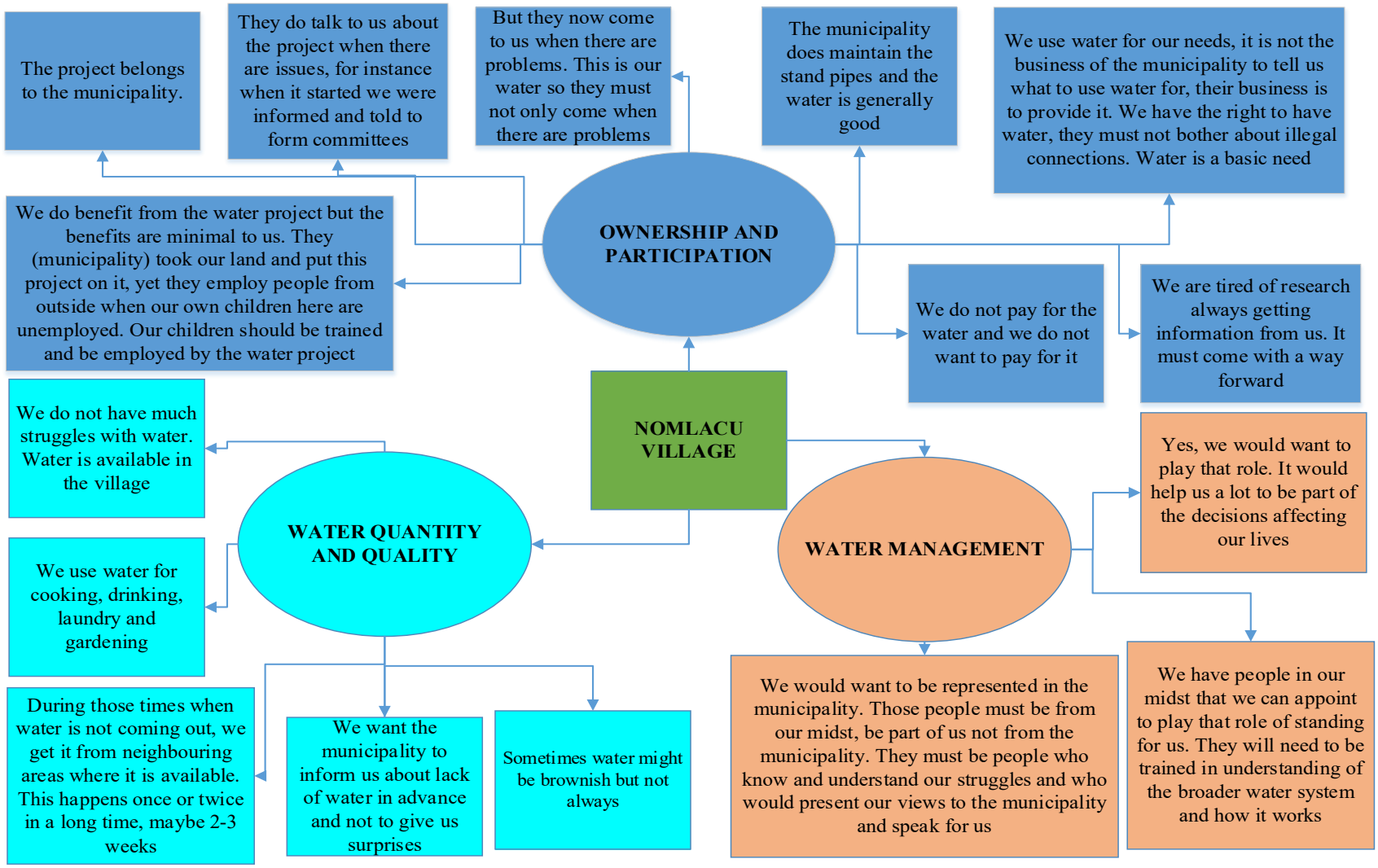


**Figure 6.1: Responses collected from Nomlacu village in Mbizana LM**

The Nomlacu residents did not have serious concerns about the scarcity of water, as they get water from neighbouring areas when they experience water cuts. It was confirmed that water cuts do not happen in the whole village at the same time. In the same way, water quality did not seem to be a particular concern as they indicated that sometimes water can be expected to have a brownish colour.

With regard to ownership and participation, it was indicated that the water project belongs to the municipality – who only come to the community when there are problems. Residents were adamant that they did not want to pay for water and that they were not benefitting much from the water project in relation to the land they have lost to the project. They would like to be involved in water services management and to be given the relevant training.

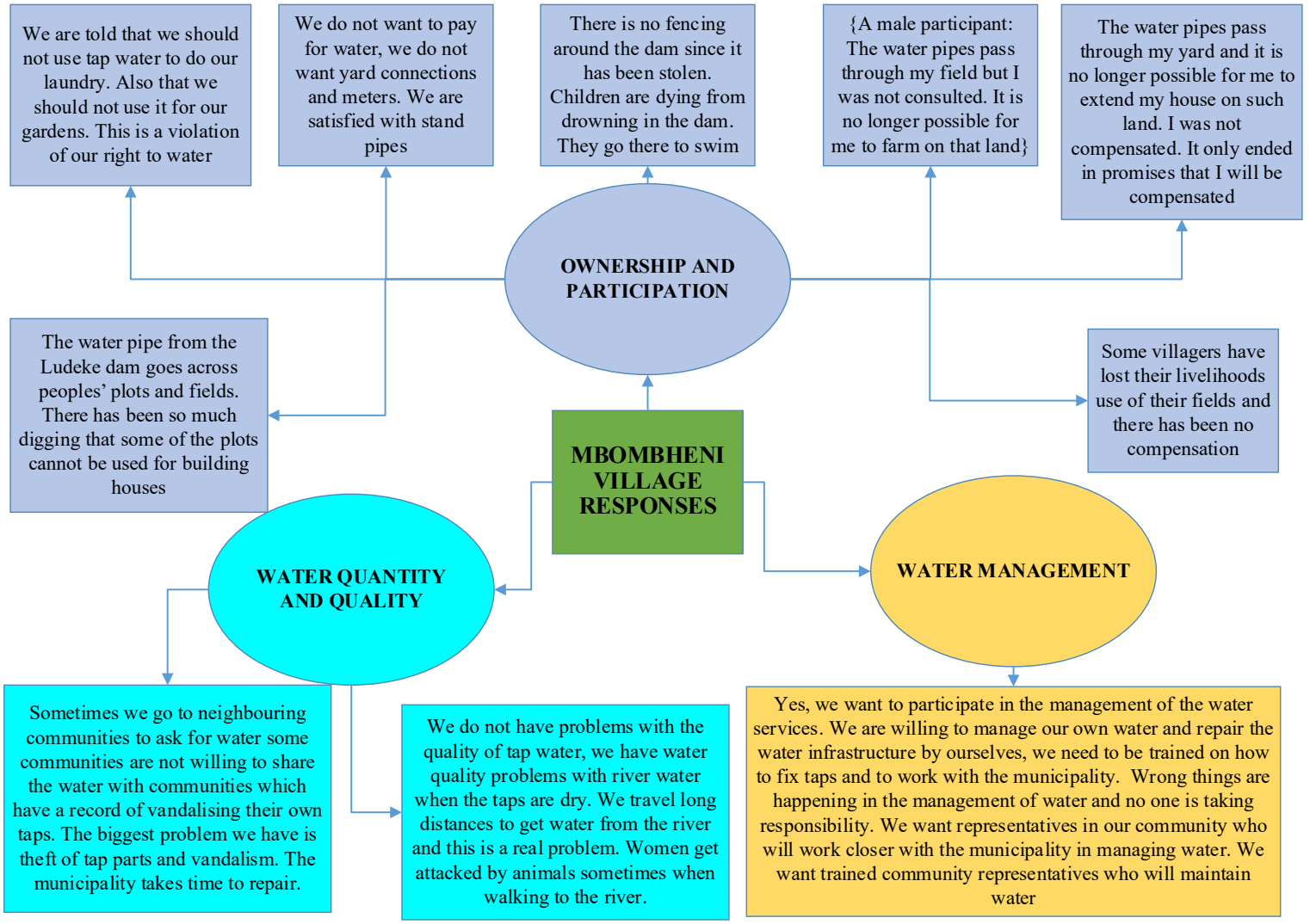


**Figure 6.2: Responses collected from Mbhombeni village in Mbizana LM**

In Mbhombeni, water scarcity occurs when the water supply infrastructure is not functioning due to water cuts and theft of water facilities. There are no problems regarding quality expressed about the tap water. Quality concerns come with the river water that they use during water scarcity in the village. Their main points of dissatisfaction included the 13 km water pipe that passes through the land of some community members. This pipe has caused some of them to lose use of their land, thus affecting their livelihoods.

Water restrictions for income-generating activities is a concern in this community as it affects livelihood opportunities. This is also related to restrictions on using pipe water for laundry at the tap site. Another other issue is the lack of fencing around a particular dam, which the communities claim has caused children to lose their lives. The research team travelled to the dam after discussions with the community, and met with a group of security guards that work there and the two who were asked about the loss of lives denied any knowledge of such. The Mbombheni community has expressed a keen interest in participating in water management for their own supply, but were quick to stress that they would need to be trained to repair water supply facilities.

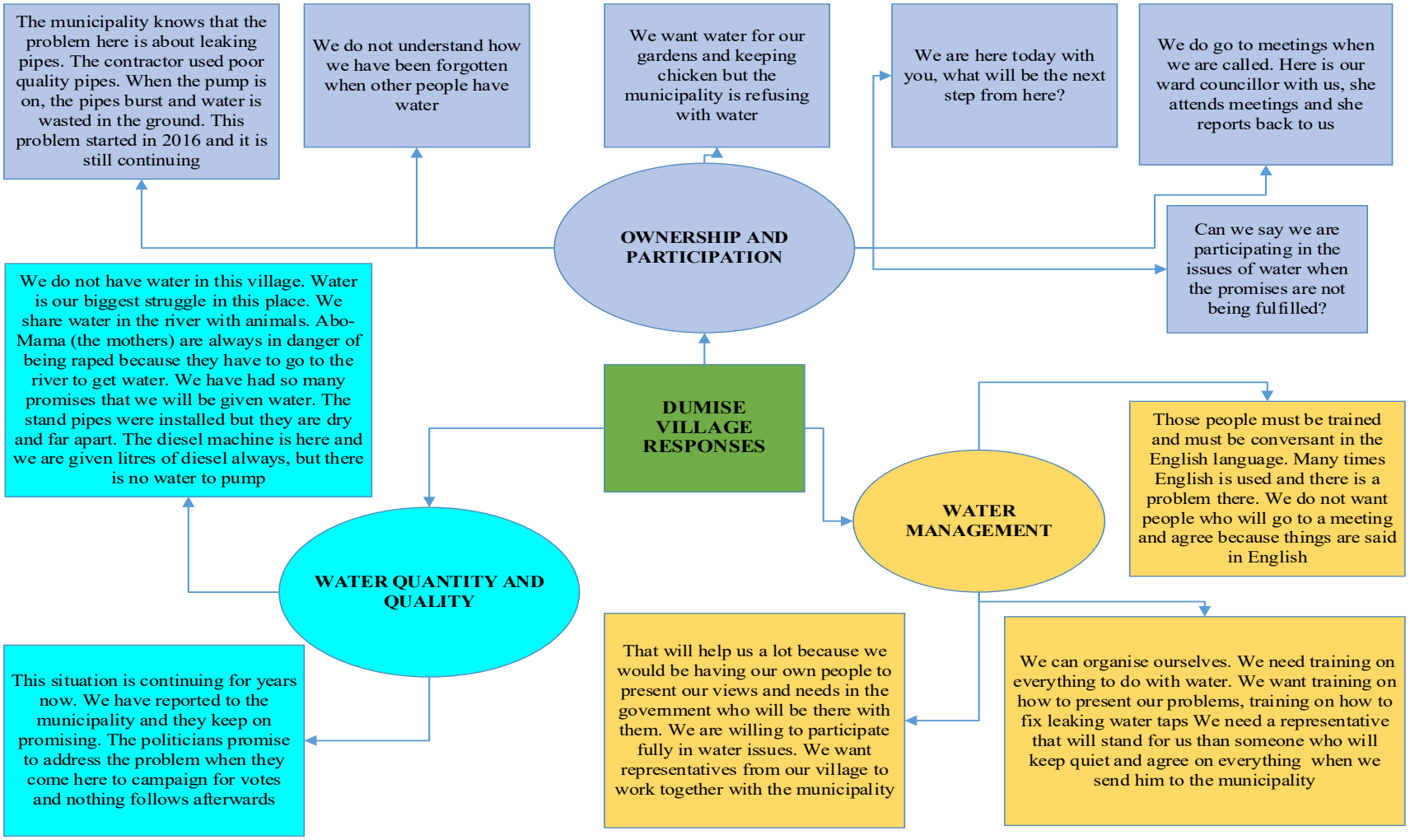


**Figure 6.3: Responses collected from Dumise village in Mbizana LM**

Water quality and quantity are serious problems in Dumise because the community uses natural sources of water such as the river and springs – walking long distances to fetch it. They say that they are not participating in water supply because they have been forgotten, and that they are not heard by the authorities, with their needs presented to the municipality through their councillor being ignored. The issue of unmonitored contractors was also raised by community members, with the concern being that the contractors use cheap materials that do not last. Members pointed to burst pipes that function for a short time after repairs before bursting again.

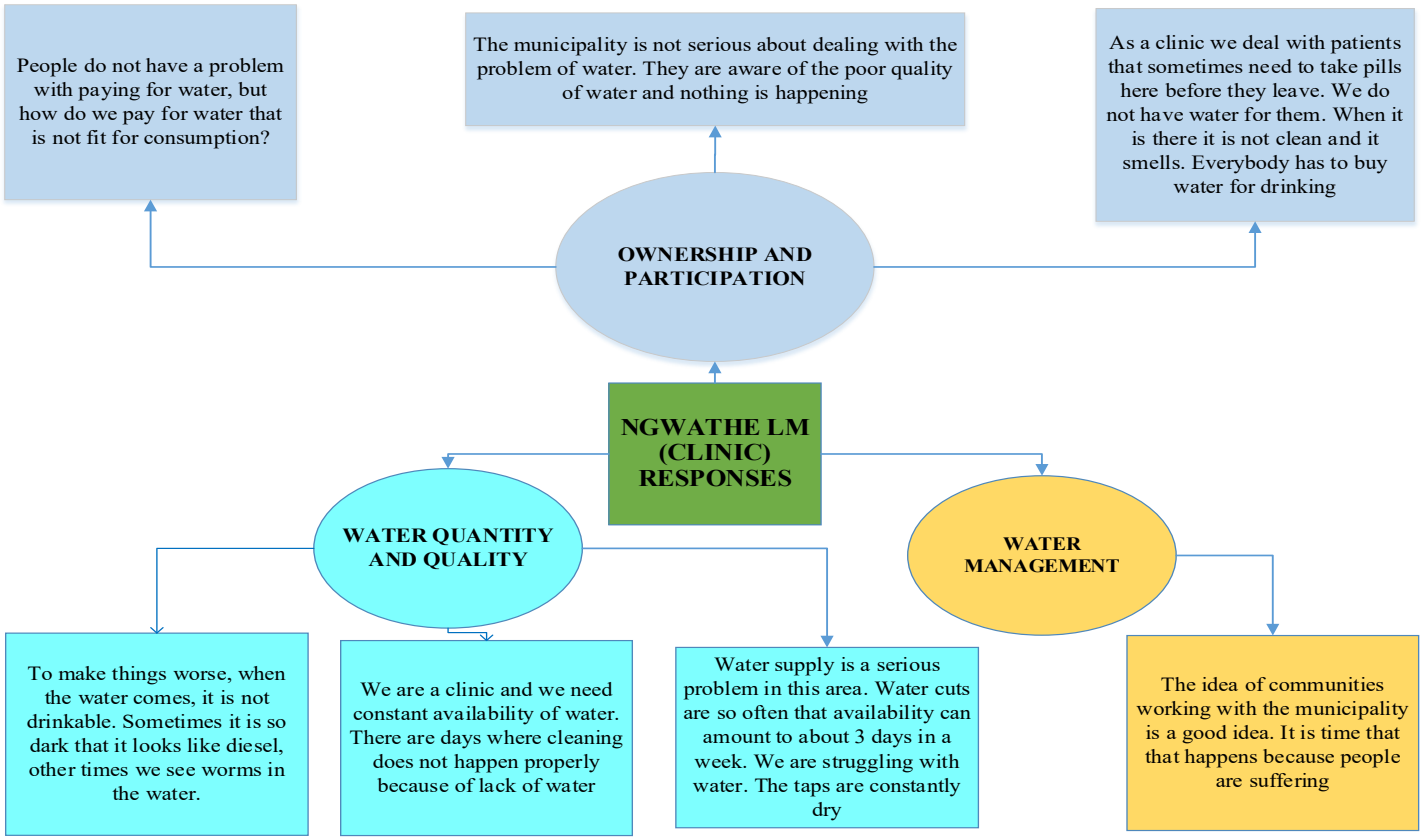


**Figure 6.4: Responses collected from Ngwathe local clinic in Ngwathe LM**

Much dissatisfaction in the clinic group centred around the quality of water. The major concern was that the supply of water was a serious problem as it often amounted to three days of unavailability in a week, with the feeling being that the municipality was not serious about addressing the water problem even though they knew about it.

The local clinic cannot use water from the tap to give medication to the patients who need immediate treatment. Also, the residents say that they are constantly requiring treatment for different stomach ailments related to the unclean water. The idea of communities playing a role in water supply was seen as a good idea that would empower them to be part of water service delivery and to understand why the problem of bad quality water remains present.

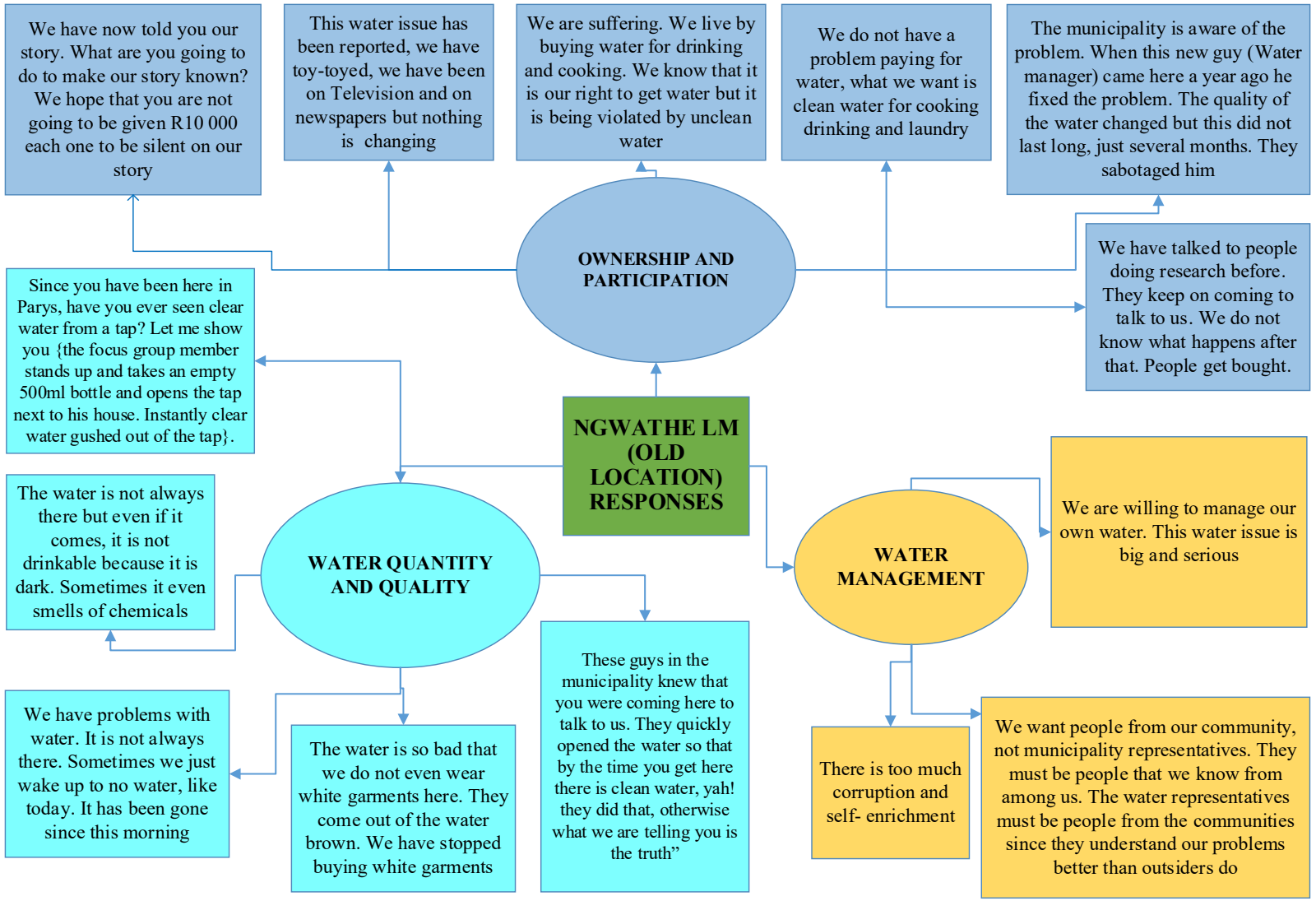


**Figure 6.5: Responses collected from Old Location in Ngwathe LM**

The Old Location area focus group expressed deep concerns about the quality of water in the area. The water is dark and cannot be used for drinking, cooking and laundry. They referred to it as ‘Coke water’ – because of its dark colour and the bad smell it sometimes has – and avoid using white clothing or using the water in their washing machines as they fear that it will cause damage. Similarly, they avoid using the water for cooking and drinking, opting to buy water instead. The feeling is that the municipality knows about the problem but that there is no intervention, and the community is willing to play a role in the supply of water, although they emphasised that participation should be by representatives from among themselves and not from the municipality.

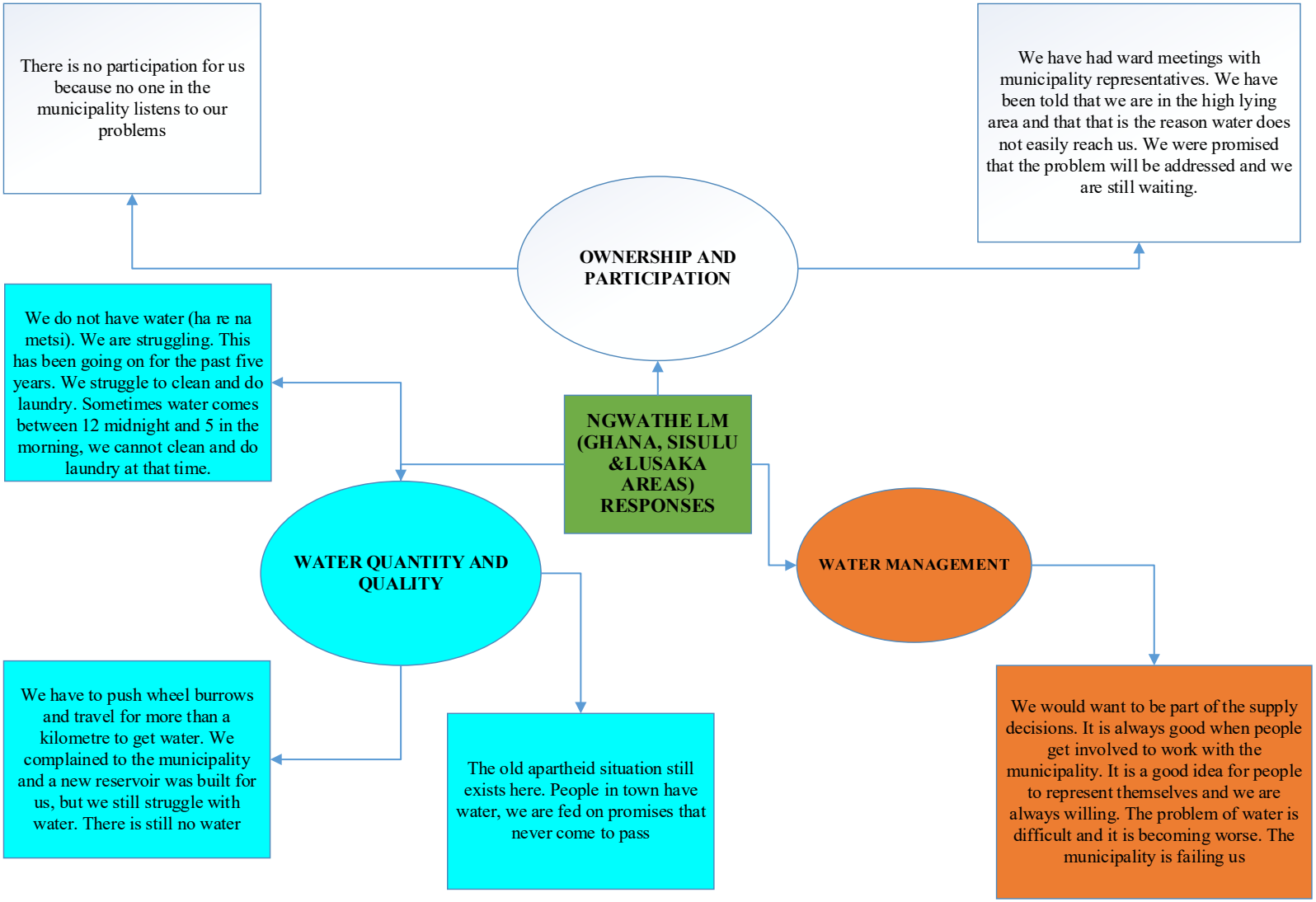


**Figure 6.6: Responses collected from Ghana, Lusaka and Sisulu in Ngwathe**

The communities of Ghana, Lusaka and Sisulu have gone without a local water supply for the past five years, having to travel long distances to fetch water with wheelbarrows. There is a local reservoir, but they are told by the municipality that they are in a high-lying area and that the water does not reach them. The municipality's promise to address this problem has been unfruitful, leading to the community feeling that they are discriminated against just like in the old apartheid era because the people in the town of Parys (less than two kilometres away) have adequate water. They feel that the municipality is not listening to them, and they are very willing to play a role in the water supply decisions for the area.

### 6.3 The role of the communities in water supply and the provisions that hinder them

A lack of community participation has been found to be at the root of the lack of sense of ownership and commitment to water supply projects in the two research areas. Community members interviewed through focus group discussions from the two municipalities did not attest to interactive participation and /or self-mobilisation in the water projects. In both research areas, participants indicated that they became aware of the water projects during the meetings that were called for this purpose prior to the implementation of the projects.

In Mbizana, research participants from the three villages of Nomlacu, Mbombheni and Dumise attended meetings in their areas that were convened by their respective headmen and ward councillors. It was in these meetings that they were informed about the construction of the Ludeke Dam and the Nomlacu Water Treatment Plant that would supply them with water to ease water shortage problems. They were also asked to form committees that would work in tandem with the local municipalities.

In Ngwathe, the communities attended meetings called by ward councillors to be informed about the upgrading of the Parys Water Works to increase its capacity to include the formerly excluded black areas of Parys. They were also asked to form ward committees that would work with the municipality. In both Mbizana and Ngwathe, water concerns are discussed at the ward committee level where all other issues of the ward community are discussed. However, the major dissatisfaction expressed in both municipalities is that their concerns are not heard.

In both areas, water projects and water supply are seen as the responsibilities of the municipalities. In terms of ownership, the water projects belong to, are owned by, and are the responsibility of the municipality. It was clear that the general tendency of the community regarding water supply was that of reacting negatively to the offers of the municipality. This is despite the insistence of the municipality officials in the two research areas that the communities were participating fully in the water supply projects.

The lack of a sense of ownership of water supply projects goes hand in hand with the lack of accountability. In Alfred Nzo, the lack of commitment is reflected in the vandalism of water supply infrastructure such as taps, valve chambers and metal leads. In addition, illegal water connections were pointed out as the most prevalent problem. Illegal yard connections entail individual households illegally drawing water from municipal pipes to their own yards despite municipal by-laws that do not allow such water connections.

A municipality official indicated that "illegal connections are exacerbated by the fact that some of the people of standing in the community such as politicians, ward councillors and some headmen are found to be in this violation of illegal water connections. This makes other members of the community follow suit despite the awareness campaigns by the municipality". Such problems attest to the innate lack of commitment by the communities and their leaders that makes it difficult for the municipality to enforce its own by-laws – because the protocol for reporting violation of by-laws in the municipality follows the hierarchy of first the headman, second the ward councillor, and third the municipality.

In the case of Ngwathe Municipality in Fezile Dabi, the lack of accountability manifests in failure to pay for water bills. The residents there feel that the quality of water that they are getting is very poor and therefore not worthy of remuneration. In Alfred Nzo, the communities make it very clear that they do not want to pay for water, hence the problem of theft of water instruments – which are used for illegal yard connections – as was indicated during interviews. The community members also point to promises of free water made by politicians during political campaigns as a contributing factor to the lack of desire to pay for water.

Discussions with communities in the two municipalities highlighted seven main issues that kept on cropping during the group discussions. The issues came out as sore points that were preventing the communities from embracing the water services provided, and presenting stumbling blocks to community commitment and sense of ownership. These are: lack of access to water, poor water quality and quantity, restrictions on income-generating activities, loss of property, violation of the right to water, integrated development planning (IDP) processes, and poor monitoring and evaluation. All of these issues loomed large as impediments in the explanations of the community members regarding their role in water services management.

Below, we individually unpack each of the seven issues:

**Lack of access to water**

Lack of access to water manifests as either the absence of water facilities, or the presence of non-functioning water facilities. In the case of Dumise, water pipes have been laid, the communal taps are in place and the diesel pump has been provided. However, there is no water – thanks to the water pipes underground having burst. As a result, the community have turned to the river and springs for water and are losing hope that the problem will be fixed.

In Mbombheni, the water shortages are so frequent that the community also turns to the river for water. It takes too long for the municipality to respond to calls for repairs, and the water facilities are vandalised. There is no solution to in sight. Mbizana Municipality has a problem with illegal connections, which remain a cause of water shortages as yard connections are also used for other forbidden activities such as gardening, laundry and brick making, which take water usage beyond the limit.

The burden of water collection in these areas falls on women and girls, who have to travel long distances to fetch water, exposing them to various dangers – as was indicated in the Dumise incidents where they were attacked when they went to collect water by the river. They also spent valuable time in these trips that could be spent on personal development instead. The HRC Report (2014), in quoting WHO and UNICEF, states that surveys from 45 developing countries show that women and children bear the primary responsibility for water collection in the vast majority (76%) of households.Furthermore,the report state that girls often miss school or drop out of school because of a lack of sanitation facilities to accommodate them. As such, a lack of access to water has a major impact on the rights and well-being of women and girls.

In Ngwathe Municipality, areas such as Ghana and Sisulu have not had access to tap water for the past four years, as was stated by the local councillor. In Tumahole, the biggest hindrance to water access is the 'Coke water', which is not fit for human consumption. Communities in both Parys and Tumahole turn to buying water for drinking and cooking, and avoid wearing light-coloured garments. The report by the HRC (2014) indicates that in their public hearings on water and sanitation, a key issue with access to water was the poor quality of infrastructure. In some cases, the infrastructure provided was broken or dysfunctional. And in other cases, those businesses contracted to provide infrastructure did not deliver on their contracts or delivered in a manner which did not uphold human rights.

**Poor water quality**

Fezile Dabi is facing two main problems – the shortage of water and poor quality of water – particularly in the Ngwathe Local Municipality. In terms of water quality, the Department of Water and Sanitation (DWS) report of 2012 indicated that the Ngwathe municipality's management was not showing commitment to drinking water quality management despite the human health risks involved. Problems identified by the DWS in the report are poor asset management, low competency of staff, poor monitoring, poor process control and an

unacceptable overall Blue Drop performance of 20.6% (DWS Report, 2012). This situation does not seem to have changed, given the growing dissatisfaction of the communities in that area; a health care worker in the focus group at the clinic was supported by the whole group when she stated that *"we are constantly attending to patients that come here suffering from stomach ailments, who drink water from the taps when they do not have money to buy. We do not drink tap water here; we all buy from the shops. We cannot even use our washing machines because we fear that they will be damaged by this dark water".*

Similarly, a member of the focus group at Old Location was also supported by other members of the group when he said that *"we do not wear white garments here because of the dark water. We have actually stopped buying white garments because they get spoiled by the water. We buy water for drinking and cooking".* Sickness as a result of contaminated water was also reported in Dumise in Mbizana, where the community depends on river water.

The HRC Report (2014) indicates that according to the United Nations Development Programme (UNDP), approximately 443 million school days are lost each year due to illness caused by a lack of access to water or access to a poor water source. It also says that people who either consume poor quality water or do not have access to water are 1.6 times more likely to be sick. In the Mbombheni and Dumise areas in Mbizana, poor water quality is as a result of the unprotected rivers and natural springs that the communities are using.

Poor quality of water affects the quantity of water available for consumption. The poor quality and quantity of water are partly due to the fact that "of the approximately 1689 water schemes in South Africa, 9% are currently totally dysfunctional at present and lie mainly within the 24 DMs which cover the pre 1994 old homeland areas. Some 48% of schemes are in urgent need of refurbishment. Water treatment and wastewater treatment works are generally in poor condition, with 66% of them requiring short to medium term intervention, 35% requiring capacity upgrades and 56% requiring additional skilled operating and maintenance staff" (DWS, 2013).

**Restrictions on income generation activities**

The restrictions imposed on the use of water in Alfred Nzo and the water shortages in Fezile Dabi are making those communities feel that they are being deprived of opportunities to improve their livelihoods. This has generated the perspective that water projects do not contribute to livelihoods and employment creation in these areas – particularly in the post-construction phase of projects. In Ngwathe municipality, especially in the dry areas of Ghana and Sisulu, residents who used to make a living from producing vegetables and herbs have lost out in terms of supplying the local market of schools and residents. In Alfred Nzo, water restrictions forbid using tap water for laundry, gardening and other activities such as brick making, thereby damaging the sense of ownership and accountability among water project beneficiaries – partly accounting for the general reluctance among the communities to pay for water.

This demonstrates once more that community participation remains the most likely instrument to generate community interest and foster a sense of ownership and accountability. As Booth (2011) indicates, participation can lead to sustainable results in terms of socioeconomic transformation, as well as benefits that promote a sense of ownership. This assessment was also articulated in the Paris Declaration on Aid Effectiveness (2005), which emphasises the need for policies that are inclusive of marginalised population groups. Problems identified above, such as the poor quality and quantity of water and the exclusion of income-generating projects can be addressed through the participation of community members – who are best poised to articulate local needs and present possible solutions to the problems, thereby influencing policy priorities and changing attitudes (Ahmad, 2016). Accordingly, ensuring community participation at all stages of implementation of water projects allows project beneficiaries to identify problems which may otherwise have hindered the success of the programmes.

**Loss of property and unemployment**

The issue of loss of land came up strongly in the Mbizana municipality. In Nomlacu, the residents complained about losing land where the water treatment works project is situated in the village. One participant expressed dissatisfaction that “this project has taken our land and we are not benefitting from it. The water we get is not enough in comparison to the land that we have forfeited on which the project is situated.” This sentiment was echoed by others in the group, with another participant stating that “there is unemployment; our children are

unemployed and this project is not providing us with employment. The opportunities of employment that are there are given to outsiders who come from outside Bizana, those are the ones who benefit from the project".

In Mbhobeni, participants expressed displeasure with the 13 km water pipe that runs across their village from the Ludeke Dam to Nomlacu. The pipe runs across their properties and makes the soil unusable in some areas. One participant complained that the pipe runs across his land and that when the pipe was installed, deep trenches were dug where the pipe needed support from the ground, with the problem being that he has lost the use of this part of the land because the soil has been affected. He indicated that he reported his concern to the municipality and then been referred to different offices – to no avail. He was bemoaning the fact that he has not been compensated for the loss of his land.

**Violation of the right to water**

The communities interviewed in the two municipalities showed acute awareness of the constitutionally promulgated right to water enshrined in the right to just administrative action in water-related decisions (Section 24, Bill of Rights). This awareness was displayed during discussions – particularly in the Mbizana municipality. Residents in this area indicated that they were all aware that water is a right. When asked to elaborate on this, one participant was supported by others in saying that *"that means that we must have water".*

The residents stated that water is a constitutional right but that they were feeling deprived of this right because of the problems of poor water quality, water scarcity and restrictions on water usage, as discussed above. When asked about the illegal water connections and their implications – namely causing water shortages and putting a burden on water distribution – the response from one of the participants was that *"the business of the municipality is to give us water and not tell us what to do with it".* This revealed a way of thinking that is prevalent in the communities, in which rights exist without attached responsibilities. A view of this kind was emphasised by the participants being emphatic that they do not want to pay for water.

In the Ngwathe municipality, residents showed a more tranquil understanding of water as a right. While they bemoaned the poor quality of water and its scarcity, they stated that they were ready to pay for water that is of good quality. They did not see a problem with metred water, as long as it was adequately available and of good quality.

**Integrated development planning processes**

While the integrated development planning (IDP) instrument seems to fully embrace community participation as mandated, research findings indicate that it has not yet showed the desired impact in terms of integrating the views of the communities. The challenges that were identified by the participants included that of experiencing very slow implementation; it was indicated that there is a need for going the extra mile in terms of implementation of policies that encourage participation, ownership and accountability in community projects. The community members stated they are only made aware of IDP targets when the plans are introduced to them in meetings, and therefore felt that they were being intentionally excluded from participating in the budgeting process in the initial stages, as well as from the IDP. The feeling was that IDP barred them from using water for income-generating opportunities such as brick making and gardening

**Monitoring and evaluation**

There is serious dissatisfaction expressed by the communities in the two municipalities regarding monitoring and evaluation (M&E). A response from one participant on the monitoring of water services was that *"we see monitoring at the end of awarding of tenders"*. Inadequate M&E mechanisms for water services was perceived to be a deliberate attempt by corrupt officials to hide their transactions and actions within the municipality. One interviewee commented that "we read about certain sums of money being allocated for borehole drilling within the municipality but in most cases it ends on the IDP budget and very little if not nothing reaches us".

This failure to monitor and evaluate the projects is a stumbling block to inclusive economic development and accountability – which are in essence the keys to good governance. One participant in Alfred Nzo stated that *"We report all our water challenges to the ward committee and the water committee who are responsible for taking our water grievances to the municipality. However, our grievances take ages to be addressed by the water committee. Even this issue of our yards and fields that were used as part of the water supply network, we reported to the ward committees but until today nothing has been done. The ward committee does not listen to our grievances and the council as well, they do not take our plight seriously, but the problem is with the municipality. The municipality people do not even bother to come to us, they just sit there in their offices. So, we wait until we give up. The solution to all these problems is to toyi-toyi"*.

One of the Tumahole focus group members in Fezile Dabi stated that *"we have been reporting water problems for the past 8 years, municipality takes time but after they have fixed the problem it comes back again".* The HRC report (2014) underscores these sentiments in its findings, where participants at the hearings complained of an apparent lack of M&E by government – particularly of external contractors. They also highlighted cases of corruption and maladministration.

### 6.3.1 Willingness to participate in water supply

The communities in the Mbizana and Ngwathe municipalities are willing to participate in the management of water. Findings reveal that these communities would be more comfortable having representatives in the management of water who are members of their own communities rather than what they perceive as "people who spent most of their time in their offices without coming to the communities to meet with the community members and seeing what is taking place", and that such local representatives would far better understand their water problems than outsiders. This view was more pronounced in Mbizana than in Ngwathe.

There is a shared feeling within the communities in the two research areas that water project beneficiaries are not involved in important decisions regarding the management of water, with a strong feeling of 'us and them' when relating to the municipality. Communities in both provinces asserted that they are willing to be managers of their own water. They stated that they need training and that the municipalities could help in offering this training. Areas that they identified for training included learning how to fix leaking taps and pipes, how to present their issues at meetings with the municipality and other government officials successfully and how to speak the English language.

Furthermore, the community members stated that participation in water management will help them to understand what is going on in water supply and to articulate their own needs. They were emphatic that their complaints are not being attended to because they are excluded; that training will help them to not have to wait for the municipality to do everything for them. In terms of ownership, the message is very clear that the water projects belong to, are owned by and are the responsibility of the municipality. It was also clear that the tendency of the communities has become that of reacting negatively to the offers of the municipality, despite the latent desire to be more involved and to maximise service benefit for themselves. This is despite the insistence of the municipality officials in the two research areas that the communities are fully participating in the projects.

What we see here is that the processes of community participation have not been recognised and felt by the beneficiaries of water projects, but that despite the obstacles the communities are facing, they remain willing to engage in the water supply processes. These same sentiments were expressed countrywide in the HRC hearings as stated in the report, where community members stressed how keen they were to be given greater opportunities for participation in municipal decision-making processes in the water services sector. Additionally, communities in the Eastern Cape expressed unhappiness at the lack of access to information as well as participation of residents in the development of policy and decision making for service delivery (HRC Report, 2014).

### 6.4 The views of municipalities on community participation

While the beneficiary communities in this study have expressed unhappiness with water supply services in their areas, the idea of participation in water supply was widely welcomed. This idea was supported by municipalities, who argued that the communities do participate in water supply issues but that this could be increased. Both the municipalities in Mbizana and Ngwathe indicated that the communities do participate in water supply services through IDP processes. Participation is a structured process that takes place through ward committees and IDP processes, and the two municipalities are of the view that participation takes place through a 'consultation process'.

#### 6.4.1 Fezile Dabi Municipality

In the case of Fezile Dabi, it was indicated that ward councillors go to the communities to find out what their needs and priorities are for the coming financial year, and that the planning inputs are a result of the needs identified by the communities. The ward councillors then return to the communities after their inputs have been incorporated in the plans. In Alfred Nzo, the process includes the headman before the ward councillor; the role of the headman in development projects and in political processes is so important that it determines the success or failure of a project. However, there was one municipality representative who expressed that communities are consulted at the end of the planning process to inform them of the plans and to buy their input.

In Ngwathe, their communications manager indicated that – in addition to the conventional approach of participation through councillors – his department is developing a participation model in the municipality that comprises community-based forums consisting of community members of any political affiliation. The idea is that as and when there is a particular

challenge, such as with water or electricity, forum members can alert the communications unit, which then links them up with the relevant person in the municipality.

The communications manager then went on to point out that *"Basically, we want to respond rapidly into any challenges affecting water or anything in the community. As part of communications strategy, we have introduced municipal services on social media, we are running it on Facebook, and on WhatsApp. And as communications unit we are responsible for their functioning thereof of these particular social media groups. In those social groups we have senior officials from the municipality, we have councillors, we have ordinary members of the community from different wards. They advise us on anything; should they be any water leak or water absence in any particular area they throw it in the group and immediately we see it and we advise the water team to respond, and as and when they respond; they take images from the ground, they respond with images, evidence, in these particular social media".*

In addition, the communications manager informed the research team that his department is also involved in establishing different advisory forums which are made up of different categories of people, such as educators, health professionals who are responding to social issues at the local clinic, ordinary people who are working for community works programme, unemployed young people, pensioners as part of the advisory committee to the councillor', apart from the ward committee.

The communications unit of the municipality also have established street committees, which focus on different needs in their streets, such as funerals, with the main idea being to keep them organised and collaborate with the municipality in identifying other areas to address – such as unemployed students, struggling elderly people, health care needs, and the like. This encourages community participation and allows the community to see that their concerns are being addressed. *"These civil structures – we bring them on board to form part of our communications strategy. We are working with government communications and we have a local office here in Ngwathe".*

Municipalities also are ready to embrace the idea of communities playing an active role in water supply. This was clearly expressed in the comments from municipality officials in the two areas. In Ngwathe, the official stated that *"I agree 100% with that one. You know how this thing will assist us as municipality; in some areas there may be challenges that we don't know about but if we have someone in the communities specifically to assist us on water*

*issues it would be helpful. So, I especially think that for the local challenges that we have it would really help us to have water services people we can work with. We wouldn't want people to act as an opposition but people that would assist us to improve service delivery in water supply and water management. I was at a meeting last Sunday and people were telling me that it's been 3 months since they had water, others will tell you it's been three years. So, I asked them why they did not report".*

### 6.4.2 Alfred Nzo District Municipality

In Alfred Nzo, the municipality official underscored that there is no sense of ownership of water projects on the side of communities and stated, regarding the greater issue of community participation, that *"communities in the management of water is a worthwhile idea because it will help us to know the urgent needs of the community, that, for instance, sometimes officials may decide to put the first priority as a borehole drilling which might not be a community priority yet at times the community's priority might be a road".*

The official's view was also that decisions are being imposed on communities yet communities have their own priorities and that this is sometimes a source of protest action such as strikes. He then suggested that a policy shift that promotes a sense of ownership of water schemes and the management of water by the communities as the way ahead.

## 6.5 The views of the Department of Water and Sanitation and the Mvula Trust

### 6.5.1 The Department of Water and Sanitation

According to the Department of Water and Sanitation (DWS) representative in Alfred Nzo, the problem of water quality sometimes comes from contamination due to illegal dumping and pit latrines. Pit latrines above the water sources cause contamination of water sources below. The contamination problem is exacerbated by the fact that such latrines are usually not emptied, with people simply digging a new one every time the old one fills up – causing contamination of both the surface and underground water. Budget limitations are the main obstruction leading to this situation. Water sources are checked and any identified contamination addressed with chlorination, but that amounts to the bare minimum intervention and is not enough to rectify the state of affairs.

The DWS representative sees the problem of lack of participation and ownership regarding water projects as emanating from the changed water usage requirements in the rural areas. *"The water uses in rural areas have changed; they are now the same with the ones in urban areas. People in the rural areas now need higher levels of services such as hot water geysers*

*and sprinklers in the yards. Long back most of the people in rural areas were not using geysers. The purpose and use of water have become different in the rural areas. New uses include LED projects, car washes etc; these then create a challenge to the water infrastructure which was meant to cater for RDP houses and services for an indigent community. Therefore, water schemes fail because they were meant for providing lower levels of services, not higher-level services. This then brings the challenge of unwillingness to pay despite the need for higher levels of water services in rural areas because they are provided with basic water services and not what they are expecting".*

The DWS representative further stated that *"for instance, the rate of unemployment in Alfred Nzo is 98% and money to provide in the district comes from other provinces. Due to water shortages the money which is supposed to be used for constructing other water schemes is used for maintenance, which makes it difficult to focus on long term plans. The long-term goal is to ensure water is sustainable to run industrial and domestic projects while the medium-term is to ensure that all villages are provided with potable clean water within 200 m, to RDP standards".*

The representative stressed that communities are at the receiving end, without ownership of the water schemes, and that this passive, receiving-end mindset needs to be changed – through being included in the initial stages of the project and given proper, continuous service.

### 6.5.2 The Mvula Trust

The Mvula Trust is of the view that community participation must be based on principles that build a sense of ownership and accountability towards projects in communities. Accordingly, they have issued the following directives: firstly, ensure a thorough process of buy-in from influential people in the local communities – such as chiefs and headmen; secondly, ensure negotiation on benefits, like employment, giving priority to the beneficiary community; thirdly, ensure training of the water committees on how to sustain and maintain the water schemes and on water quality and quantity in the case of boreholes; and fourthly, ensure that women and youth constitute a larger percentage of the committees.

Providing infrastructure without involving communities will lead to vandalism of infrastructure, and excluding communities discourages ownership of water projects. According to the Mvula Trust representative,*"Ownership is lacking in the communities mainly because of exclusion. Excluding the communities and chiefs from the initial stage lead*

*to lack of ownership while involving communities from the initial stage promotes ownership. Ownership is the key to sustainability of water schemes. Also, that lack of truth among project implementers discourages ownership of water projects by communities. Participation brings understanding to the communities and reduces the toyi-toyis"*.

The Mvula Trust's representative stressed that the right timing of projects usually results in successful implementation. She stated that *"in South Africa, there is a tendency that most projects are initiated around the time of political campaigns. The implementation of such projects is accompanied by promises that end up not holding after elections, and creating orphan projects. After the political campaigns, communities remain holding on the promises that are not backed up by financial or political commitments. This thing needs to be avoided because it is hindering development of trust and commitment to projects"*.

She further indicated that the Mvula Trust has done plenty of work with communities on the ground, particularly in KwaZulu-Natal province, and that experiences in this work has shown that the approach required for engaging community members depends on the prevailing circumstances within the communities. For instance, in the Eastern Cape the role of chiefs and headmen is more central to development projects than in KwaZulu-Natal. She also said that community projects that overlook chiefs and headmen are unlikely to succeed, and emphasised that the approach used for community engagement and training is key. Finally, the representative highlighted that training is crucial for empowerment of community members to run with projects, helping to build the interest of community members in projects, as well as get them to take ownership.

Both DWS and the Mvula Trust echoed the same sentiments on the importance of communities playing an active role in water services supply. They emphasised the value of training of community members to equip them with the skills required to enable their participation – something also identified by the communities themselves. Participation of communities in water-management decisions will prevent the exclusion of people from all aspects of water-management interventions that affect their lives. Participation intensifies their contribution in operation (water distribution) and maintenance, financial administration (revenue collection) and conflict resolution – potentially promoting better water management by communities (Pawar, 2016; Cini, 2011).

### 6.6 Rethinking community participation

Rethinking community participation in water supply will require a serious assessment of capacities in the different municipalities at the various levels of water-services provision, consumption and regulation. Capacity gaps have to be identified and addressed. Community empowerment presents opportunities for alternative ways to address capacity concerns and deficits in water-services supply, as well as the constitutional mandate of water equity and access for the socioeconomic development of local communities.

The protracted problems of insufficient water quantity and quality, along with delays in the response rate in Alfred Nzo and in Ngwathe municipalities – as pointed out by the communities – are a reflection of a lack of capacity to address the queries, whether that capacity be in the form of lack of equipment, time, skills, funding, personnel or others. This lack of capacity is hampering the ability of the municipalities to provide effective water-supply services. Examples of this are the water backlogs in Dumise, Ghana and Sisulu; the failure to implement by-laws that will sanction non-compliance in Alfred Nzo; and the perpetual poor water quality in the areas of Old Location and Clinic, in Tumahole.

Illegal water connections, theft of water equipment and vandalising of water infrastructure are cases in point. The illegal water connections depict a salient system of political patronage in operation, that privileges defiance of authority, and the municipality at the local and district levels is failing to deal with this. In Ngwathe, the water backlogs in the areas of Ghana and Sisulu have been there for more than five years – as confirmed by the two ward councillors in these areas.

The planning failures in the two municipalities are evidence of the deficiencies of a centralised top-down approach that excludes project beneficiaries. Dependency on central planning discourages local creativity and innovation. Chirenje et al. (2013) conclude that "It is important that governments of developing countries involve communities in participatory planning and budgeting in local decisions. This can be achieved through involving the communities in local policy formulation, which can be adopted at national level, thus guaranteeing a bottom-up approach in governance and management. The participatory role of communities in planning and budgeting will enable stakeholders to identify resources among communities, which can be used in programs, projects and activities, reducing their dependence on donors. Empowering the local communities through sustainable allocation, management and exploitation of resources are key elements of poverty alleviation".

### 6.7 Models of participation in the Alfred Nzo and Fezile Dabi district municipalities

Discussions with communities in the two municipalities brought out similar experiences in terms of participation in water supply. The general reporting structure is one in which the village/ward committee is the level closest to the people, with the ward councillor acting as intermediary between them and the municipality. In terms of water schemes, participation follows the order depicted in Table 6.1 below:

**Table 6.1: The participation model**

| | |
|---|---|
| **Conception** | - |
| **Preparation** | Informed about the project |
| **Construction** | Digging trenches and installation of pipes, taps etc. |
| **Operation** | Machine operators |
| **Maintenance** | - |

Community inclusion in water schemes for the two municipalities takes place at the second (preparation) stage, in which they are informed about the project, at the third stage (construction), where their labour is needed, and at the fourth stage (operation), where a machine operator is required. Communities are excluded from the critical first (conceptualisation) stage and from the final (maintenance) stage, which contributes to the sustained functioning of the project. This incomplete process, in terms of community participation, is alienating the beneficiaries – confirming the participants' assertion that "the municipality talks to us only when there are problems".

Table 6.2 below shows seven different forms that participation can take: manipulative participation, passive participation and participation by consultation, participation for material incentives, functional participation, interactive participation, and self-mobilisation. Community participation in the two municipalities seems to subscribe to the third form (participation by consultation) and the fourth form (participation for material incentive). These types of participation are top-down processes and amount to merely nominal consultation. The project goals and processes of participation are defined and controlled by outsiders, which is the municipality. This participation also contains elements of material incentives. It is these forms of participation that are a source of dissatisfaction among the beneficiary communities in the Alfred Nzo and Fezile Dabi municipalities.

This research advocates for an inclusive and meaningful approach, entailing interactive participation and self-mobilisation as depicted in Table 6.2. Interactive participation and self-mobilisation types of participation allow decisions to be made at the community level, which engenders a sense of ownership and positive interest.

**Table 6.2: Characteristics of Categories of participation**

| Type of participation | Characteristics |
|---|---|
| Manipulative participation | Pretence, in that nominal representatives of indigenous populations have no legitimacy or power. |
| Passive participation | Unilateral decisions without consulting indigenous populations. |
| Participation by Consultation | External agents define problems and processes through which information is gathered, thereby controlling the ways in which it is interpreted and analysed. |
| Participation for material incentives | Indigenous populations participate by contributing resources in the form of labour in return for material incentives. |
| Functional participation | External agencies encourage participation to meet predetermined objectives. |
| Interactive participation | Participation by indigenous populations entails the exercising of a right to joint analyses, the development of plans for action, and the formation or strengthening of local institutions. |
| Self-mobilisation | Indigenous populations conduct initiatives independently of external institutions, to facilitate change. |

The forms of participation and engaging with local communities in the municipalities are aloof and have led to the communities in Alfred Nzo and Fedile Dabi believing that they are excluded from what they see as a basic human right. There is a common feeling, across the two provinces, that the municipalities there do not care and do not respond to the calls for better service delivery in water supply. These feelings of exclusion have serious implications

for empowerment through participation. Exclusion is driven by unequal power relationships across economic, political, social and cultural dimensions, and it is characterised by unequal access to resources. Social exclusion entails not only material deprivation but also a lack of agency or control over important decisions – as well as feelings of alienation and inferiority (UN Water for life, 2005-2015).

### 6.8 Implications of social exclusion on community empowerment

As was discussed in section 2 of this report, section 108 of the Constitution of the Republic of South Africa of 1996 guarantees water as a human right and everyone's right of access to water. The Constitution entrenches the values of human dignity, achievement of equality and the advancement of human rights and freedoms. It also guarantees the rights of equal treatment and benefit of the law and ensuring that there is no unfair discrimination in providing water services, human dignity and life. This was underscored by the United Nations General Assembly in 2010 when they recognised water as essential to the full enjoyment of life and all other human rights including the right of participation.

The WSA (1997), NWA (1998) and MSA (1998) added to the UN pronouncements by providing for measures to achieve equity and community participation. However, the failures of policy measures, processes and interventions such as the top-down approach to water management, integrated development planning (IDP), poor monitoring and evaluation processes, weaknesses in the capacity of municipalities, and general problems that have confronted water user associations (WUAs), have undermined the edicts of these legislative frameworks and the empowerment of communities to participate in water supply services. Such policy measures and processes have become the drivers of exclusion and are maintaining the apartheid legacy of racial inequality in water provision, thus adversely affecting the well-being of the excluded communities.

We indicated in Chapter 2 above that the water governance framework of South Africa has been influenced by the adoption of the river basin based management approach of Integrated Water Resource Management (IWRM), which calls for the establishment of an enabling environment, through policies, laws and plans, as well as an institutional framework for decentralisation of decision making in the water sector. This is particularly the case in terms of the Dublin Principles of the IWRM, which require that water development and management should be based on a participatory approach that involves users, planners and

policy-makers at all levels – with women playing a central part in the provision, management and safeguarding of water.

The points of disempowerment that have been raised by the communities in Mbizana and Ngwathe are increasing the incidences of exclusion and disadvantage in these communities. As discussed above, such incidences include lack of access to water, poor water quality and quantity, restrictions imposed on income-generating activities, loss of land and livelihood opportunities, violation of the right to water, and IDP processes and monitoring and evaluation.

These problems are increasing the vulnerability of these communities in terms of lack of influence in policies, strategies and interventions over water-supply services allocation. The lack of water and inadequate supply opens them up to the dangers of ill-health, especially in light of the COVID-19 pandemic. It has been reported in the media that 2 000 communities in South Africa have no access to water.

Social exclusion is represented by the three main elements depicted in figure 6.7 below: unequal access to resources, unequal participation and denial of opportunities.

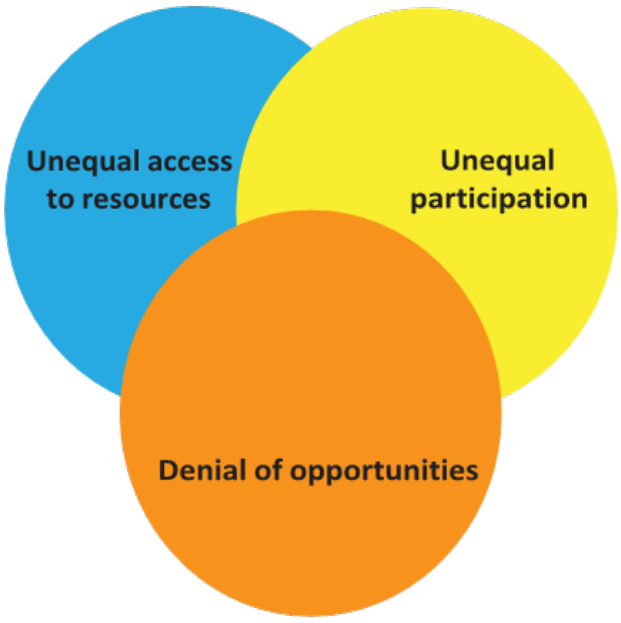


**Figure 6.7: Symptoms of exclusion**

**Source: United Nations Department of Economic and Social Affairs (2016:27)**

Sustainable water management requires that communities have the right to water and the responsibility of water management. Target 6.8 of SDG6 calls for the support and

strengthening of the participation of local communities in improving water and sanitation management. According to the UN, “The most important lesson is that the sustainability of projects necessarily requires strengthening community participation and empowerment, linked to municipal management processes, while considering the issues of water, hygiene, sanitation and health education as skills” (UN Water for Life, 2005-2015).

The strong presence of the elements of exclusion – namely unequal access to resources, unequal participation and denial of opportunities – in the communities in the Eastern Cape and Free State, as revealed by the research results, indicates that water supply in these areas is not sustainable. Lack of sustainability is a driver of exclusion, which inhibits the empowerment of communities to play a role in water management. It also promotes their vulnerability and exposes them to ill-health, poverty and hunger. The figure below has grouped together the consequences of exclusion that are largely responsible for generating indifference towards water projects and leading to a lack of sense of ownership and accountability in the beneficiary communities.

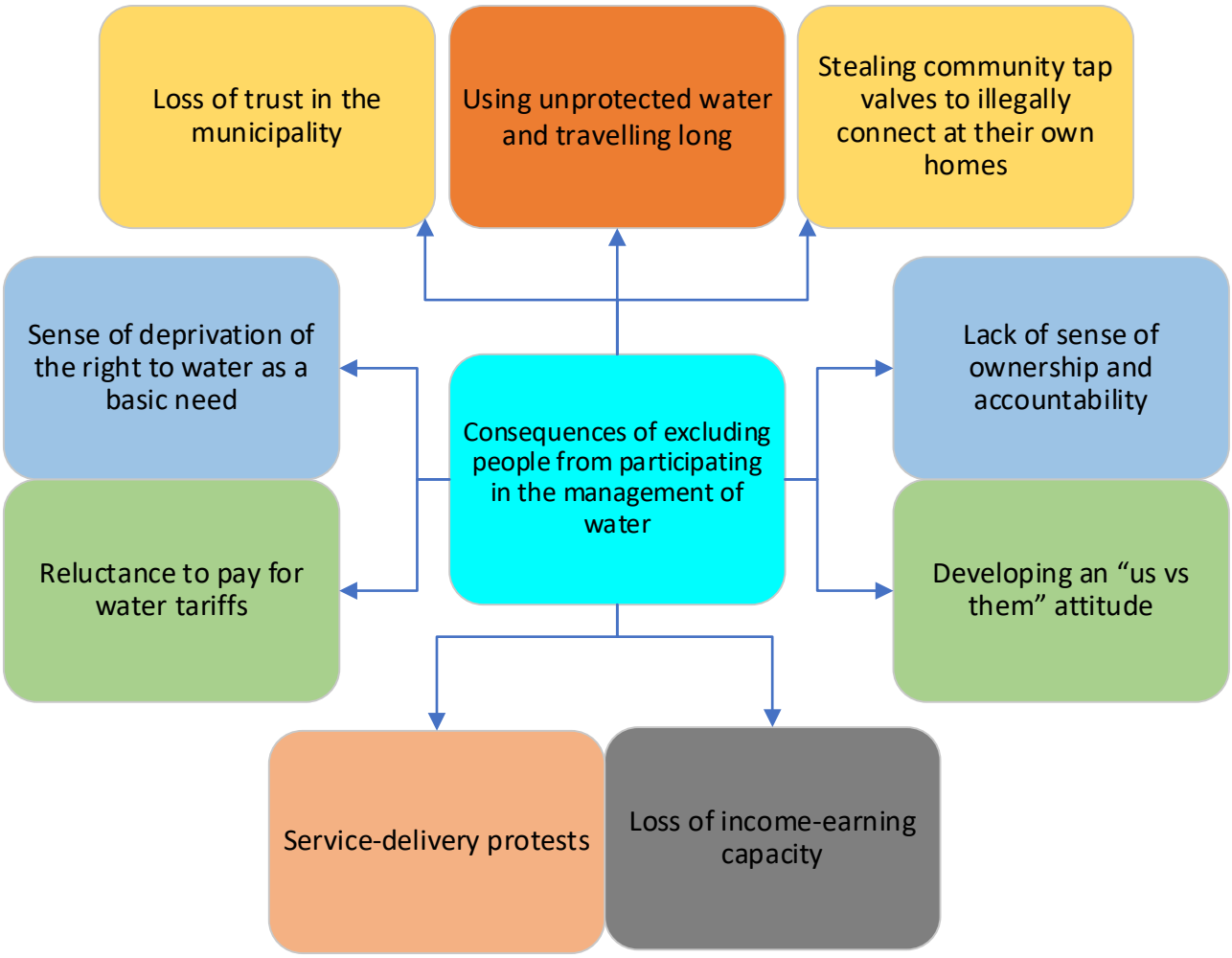


**Figure 6.8: Consequences of excluding people from participating in the management of water**

### 6.9 The success story of the Lucene community

The research team conducted interviews with a municipal officer from the Matatiele local municipality in ANDM. The officer had visited the ANDM offices on official business during the time of data collection by the team. The team was informed of her presence in the district, obtained a contact number for her, and decided to meet with her for a discussion. During this discussion, in talking to her about community participation, she narrated the following story about the Lucene community in her area.

The Lucene community was supplied water from a borehole by the municipality. Two years ago, the community realised that the population had grown too large to be adequately supplied by the borehole, and made a resultant request to the municipality for assistance. However, they could not wait for the drawn-out processes of the municipality, which did not promise immediate solutions to the water scarcity situation they were facing. They then decided to discuss the problems as a community, leading to agreement on the way forward.

The way forward entailed the Lucene community changing the problem into a project, in which they identified a spring in their area to augment the yield from the borehole. They contributed money to buy pipes to expand the spring and also contributed the labour. The municipality was approached for assistance, which was given in the form of buying chemicals to test the water quality to meet set standards, and the representatives tasked with collaborating with the municipality were chosen by the community. Through these representatives, the community manages their two water sources, namely the borehole and the spring, with technical assistance such as water testing and inspection provided by the municipality. The community makes the decisions on water usage. For example, using water for income-generating activities is not allowed during the periods when the water levels are low.

Lucene's example shows a situation where the community were pressed into devising a way of meeting their water needs. They led the initiative, organised their own institutional structure, bought the necessary material for expansion of the spring, offered their own labour, and the municipality was pressed into intervening and providing technical assistance. The negative conditions that are affecting water services provision in Mbizana and Ngwathe have been discussed – as narrated by the residents in these areas. It is not clear in the case of Lucene under what type of conditions water supply is taking place, or what policies, processes and interventions are enhancing or inhibiting the empowerment of the Lucene

community. Such background information would enable analysis of the factors surrounding the success of the Lucene community water scheme and whether it could be replicated in other communities.

### 6.10 Public-private partnerships in water-supply management

Around the world, public–private partnerships (PPPs) in the water sector have been in retreat in recent years, despite hopes for the private sector to address challenges in providing adequate water-supply and sanitation services (Qian et al., 2018). The World Bank's Private Participation in Infrastructure database suggests that the pace of development of PPPs in the water sector has slowed considerably as the number of new projects reaching financial closure has declined sharply since 2007 – when the growth of PPPs in the water sector peaked (Qian et al., 2019). PPPs in Africa's water sector date back to 1959, with the implementation of the Côte d'Ivoire urban water scheme that continues to provide water to over seven million people today (World Bank Group, 2014). However, there have been many changes since that first PPP was launched, with creativity, technology, and political realities having changed the face as well as the function of PPPs.

PPPs have proved to be an important tool in improving utility performance, leveraging finance, and stimulating a much-needed sense of competition and accountability in an otherwise monopolistic water and sanitation sector (World Bank Group, 2014). A number of governments have explicit policies that move the management of systems away from community-based organisations to private operators, such as in Benin, Burkina Faso, Mali, Mauritania, Mozambique, Niger, Rwanda, Senegal and Uganda. In these countries, an estimated one-third of small-piped water schemes are under the management of private operators (World Bank Group, 2014).

According to the National Business Initiative (NBI), nearly half of the localwater sources are in a "critical state" and need help from the private sector (NBI, 2019). The NBI has developed a project called Kopano ya Metsi, which looks into how to strengthen municipal water management and enable PPPs to unlock water investment. The then minister of water and sanitation echoed these same sentiments in 2017 when she urged the business community to invest in water infrastructure and expressed that there is a need to shift the water and sanitation sector investment landscape to a space that is open and enabling for investment and inclusive growth opportunities (Mokonyane, 2017). The NBI Report 06 (2019) states that the PPP regulatory framework is highly developed in South Africa, but also considered complex

and difficult to navigate by many procuring institutions. This is amplified at the local government level by the existing municipal legal framework – specifically the Municipal Systems Act (MSA) and Municipal Finance Management Act (MFMA). Notably, the country's best-known water PPPs, the iLembe concession, Mbombela concession and Durban Water Recycling Project, were established prior to the introduction of South Africa's PPP legal framework (NBI Report 06, 2019).

There are no active PPPs in Alfred Nzo and Ngwathe. Given the extent to which water provision is a problem – especially in Ngwathe – there is a need to tap into the PPP finance model. In addition, people in Ngwathe are willing to pay for their water use, meaning that the involvement of PPPs in the water sector in Ngwathe could be the solution needed to help curb the challenge of water provision. In the Alfred Nzo, there is a need to educate communities on the importance of paying for their water usage, which also. This must be coupled with addressing the unemployment and poverty issues, which are often an underlying factor in the reluctance to pay for water. The involvement of PPPs in Alfred Nzo could also help to address the issue of installation of water taps in households instead of communal taps.

In both municipalities, the respondents stated that they are keen on water management and willing to work with the municipalities to solve water-related issues – for the benefit of both the communities and municipalities. In Alfred Nzo, the communities stated that they are willing to co-manage water with the municipalities, as long as they will be remunerated for their services. And in Ngwathe, the sentiments on the issue of remuneration were somewhat different; however, the respondents shared the sentiment with the Alfred Nzo respondents that it is vital for the communities to work hand in hand with municipality in managing water.

Such a partnership between the communities and municipality is envisaged to bring about efficiency in water provision and in maintaining water infrastructure because the community will keep the municipality updated on all the leaks and deteriorating water infrastructure. Currently, the role that communities can play in managing water is limited. It is therefore vital that clear links to community-based structures be carved out so that communities can help the municipality manage water issues. When communities are involved in the water-supply process, it will help them and the municipality to better deliver on their mandate, as they will be aware of what is happening on the ground. In Ngwathe, respondents stated that there is a need for more community involvement in water issues..

### 6.11 Chapter summary

The communities in the two municipalities of Mbizana and Ngwathe have expressed dissatisfaction with water-supply services in these areas, with the main triggers being the unsatisfactory access to water, the quality and quantity of water, the water restrictions, the loss of land and livelihood opportunities, and the poor monitoring and evaluation services of the municipality. These hindrances inhibit community participation in water-supply management, leading to their exclusion. However, in spite of these obstacles, the communities feel strongly about the need to be fully engaged in water supply.

While the municipalities are emphatic that the integrated development planning (IDP) processes provide for the participation of communities in water supply decisions, they agree that their participation could be enhanced. This is important because the current IDP model of engaging the communities is passive and reinforces exclusion, actually creating a hindrance to the empowerment of communities as provided for in water legislation. A PPP approach is one way that needs to be encouraged to promote community participation.

# CHAPTER 7 SUMMARY OF FINDINGS AND CONCLUSION

## 7.1 Summary of findings

**Table 7.1: Summary of findings regarding legal and institutional arrangements that enhance community empowerment, and policy and community-level factors that hinder community empowerment**

| | |
|---|---|
| **Legal and institutional factors enhancing community participation** | **Participatory governance framework:**<br>• **The Constitution (1994)**<br>• **WSA (1997)**<br>• **NWA (1998)**<br>• **MSA (1998)**<br>• **MSA (2000)**<br>• **NWRS (2013)**<br>**Institutional structures:**<br>• **WSA**<br>• **WSP**<br>• **Water Boards**<br>• **WSI**<br>• **WSC** |
| **Policy and procedures inhibiting community participation** | • Narrowness of the concept of 'intermediary' in the WSA.<br>• Weaknesses in the DWS<br>• Lack of institutional capacity in municipalities<br>• Top-down water management approach<br>• IDP and budgeting processes<br>• Monitoring and evaluation<br>• Ageing infrastructure |
| **Community-level factors inhibiting empowerment** | • Lack of access to water<br>• Poor quality and quantity<br>• Restrictions on income-generation projects |

- Loss of land and livelihoods
- The violated right to water
- IDP and monitoring and evaluation

### 7.1.1 Legal and institutional aspects enhancing participation

- Legislative frameworks

The RSA Constitution (1996), WSA (1997), NWA (1998), MSA (1998) and the MSA (2000) provide a strong legal basis for community participation in the water-services sector. These are buttressed by policy interventions, such as the Water Services Intermediary Explanatory Guideline of 2002, FBW of 2007, NWRS of 2013, and IDP involving water stakeholders and addressing their concerns at the catchment level, hence the adoption of the river-based management approach of the IWRM.

- Institutional arrangements

Water management institutions in the form of the WSA, WSP, water boards, water services committees and water intermediaries are set in place to facilitate water supply and empowerment of stakeholder participation.

### 7.1.2 Policy and procedures hindering participation

- Narrow concept of 'intermediary'

The current concept of an 'intermediary' is the business model of a neoclassical enterprise whose operations are governed by a profit-maximisation motive and private ownership. Examples of intermediaries are body corporates of flat buildings, farmers who have farm labourers living on their properties and mining companies who operate 'private towns' for their employees (FBW, 2007). In each case, the intermediary provides the consumer with services but this is done as part of a service contract, and operates on a private property where the communities residing there are employees or tenants for business purposes.

Therefore, the provision of water in this manner is a business activity that subscribes to market demand and supply, and has nothing in common with the egalitarian principle of participation that is promoted by the water laws of South Africa, which are based on the values of solidarity, equality and common good espoused by the International Cooperative Association (ICA, 1995). Moreover, an intermediary, according to the Act, undertakes water supply as an incidental activity to the main contract. Such limitations exclude the

participation of communities and therefore their empowerment, meaning that the concept of intermediary as it stands in the Act does not apply to community empowerment.

- Lack of a specified water institution at community level

There is no specified institution to handle water issues at ward level and to ensure achievement of water equity and community participation in line with water laws. Communities are operating in a vacuum, which perpetuates widespread community discontentment**.** Ward committees have not succeeded in adequately addressing water supply problems.

WSCs and water cooperatives are alternative models for community participation. The formation, functions and activities of WSCs outlined in the WSA of 1997, fully embrace a participatory ethos for the water legislation. Water cooperatives are also suitable prototype institutions that have been proven for community participation, as they are egalitarian and embody the idea of community-based mobilisation for water-supply management.

- Dysfunction within the DWS

Human resources constraints and skill gaps in water-supply institutions; financial management mismanagement, including failures to pay contractors, among other issues; poor monitoring and evaluation, resulting in poor water quality, which increases the dangers of water contamination; delays in the formation and functioning of CMAs themselves, resulting from the lack of capacity in the DWS; suspension of senior managers, high staff turnover and vacancy rates and intensified capacity constraints; plans to consolidate nine CMAs into a single national agency; and plans to discontinue key statutory bodies like the Water Tribunal and water boards, which will undermine or destroy established water institutions; and a failure to publish Blue Drop (water quality) and Green Drop (waste water treatment) reports since 2013, are all part of the dysfunction within the DWS

Further dysfunction afflicting the DWS includes 212 waste water treatment plants falling within the 'critical risk' categorisation; the existence of significant deficiencies in compliance monitoring and enforcement, with the DWS only having 35 compliance and enforcement officials for the whole country, without ever having published a specific water compliance and enforcement report; and a failure to undertake meaningful enforcement action against offenders.

- Failure of CMAs

The regional offices often comprise engineers and hydrologists who have to set up CMAs in addition to their ordinary tasks, and rarely with the support of additional manpower or capacity building. These specialists are often overburdened and ill-prepared for the tasks of institutional development and of facilitating participation processes. The DWS staff have few incentives to establish CMAs, and limited financial and human resources have resulted in an extremely slow reform process.

There is a lack of co-ordination and communication both within the DWS (between divisions responsible for water services and water-resource management) and among the DWS, CMAs, and local government or WSAs, along with dysfunction and institutional paralysis in the DWS. Slow delegation of functions – with the associated authority and responsibility – and delays in the transfer of funds, have impeded the effective functioning of CMAs. There are difficulties in finding a balance between the role of the state and institutions and the effective function of networks to achieve development outcomes. Only two CMAs were operational in 2015, out of the 19 which were established nationally.

- The top-down approach of water management and rigid IDP processes

Policy formulation and implementation is rigidly top-down. The model of participation in the two municipalities only involves communities in the construction stage, where manual labour is required to install facilities, and in the operation stage. Communities are left out of the initial planning stage and the maintenance stage. The rigidity of the supply-focused approach of water-services management, which is centred on the triad of provision, administration and consumption crowds out the role that can be brought about by community participation.

There is a lack of capacity in several areas of water-services management as well as of meaningful community participation. The top-down approach to water management is reflected in the IDP and budgeting processes, which are technocratic, informing the communities about the projects and budgets already decided by the municipality – with the communities being expected to make comments. Their comments are not meant to influence the planned projects and budgets, solicit opinion or alter the course of their community.

- Incapacities in municipalities

Poor monitoring and evaluation of water supply and the work of contractors; lack of skills and capacity to implement mandates; deterioration of infrastructure; crisis management and service failure; budget constraints and failure to develop new water sources; decreasing revenue from water provision, allegations of corruption; illegal water connections by

communities; failure of municipality to enforce bylaws; lack of transparency; long time lags involved in repairing reported broken infrastructure; and poor communication between municipalities and communities are all incapacities affecting service delivery by municipalities.

The failure of policy and institutional interventions to resolve these incapacities have prompted the Human Rights Commission to state that "despite government's belief that access to water and sanitation is substantial in South Africa, many residents, particularly in the poorer areas of South Africa, suffer from a complete lack of access or only have access to non-functional or broken infrastructure The problem is that some people – notably the poor – are systematically excluded from access by their poverty, by their limited legal rights or by public policies that limit access to the infrastructures that provide water for life and for livelihoods" (HRC, 2014).

- Ageing infrastructure

There is a serious backlog in water infrastructure investment for the development and management of water resources and water services. There is under-investment in the water sector in general, which has negatively impacted the water infrastructure. Water and wastewater infrastructure and systems have been operating for five or more decades. As pipes, pumps, and plants reach the end of their expected lifespan, water infrastructure capital needs are growing rapidly while investment in water infrastructure is not keeping pace.

- Monitoring and evaluation

Most municipalities fail to assess the conditions of their water infrastructure during their needs-assessment processes. This has a knock-on effect on their strategic planning processes, with 45% of municipalities failing to produce water infrastructure maintenance plans. This, in turn, influences their budgeting processes. The HRC Report (2016) points out that monitoring of delivery at a local government level was confirmed by both the Ministers of the DoHS and DPME as a challenge in the service delivery process and one that warrants constant improvement.

### 7.1.3 Community-level factors hindering participation

- Inadequate or non-existent water

Broken-down water infrastructure that is not producing water and vandalised water facilities that stand dry for long periods, are common obstructions to the water supply, leading to dependence on unprotected water from the river and springs. The municipality takes a long

time to attend to such facilities, with the result being that people wake up at 4 am to queue for water tanks.

The municipality has been transporting water in water tanks for more than four years. On the days that the water is opened up, the time window of availability is usually between midnight and 5 am, which is out of sync with the community's time for cleaning and laundry. This lack of access to water is a direct violation of the right to water, and one that is especially troublesome during the COVID-19 crisis, as the risks associated become greater. Poor Water quality

In Ngwathe municipality, the water is usually dark and the residents refer to it as 'coke water'. They are not able to use it for drinking, cooking or laundry, leading to the residents depending on purchasing water for consumption. The 'coke water' is a health hazard for the residents of Tumahole, where the clinic staff stated that they often treat stomach ailments related to consumption of unhealthy water, and that they are not able to help administer medication to patients requiring immediate attention because of the unhealthy water. In Mbizana, dependence on unprotected river and spring sources also presents challenges and health hazards.

- Restrictions on income-generation projects

In Mbizana, municipality by-laws forbid the use of water on income-generating activities such as gardening and brick making, among others. In Ngwathe, residents in Ghana and Sisulu indicated that they lost livelihoods in which they were growing fresh produce for local schools, when the water problems started four years ago. Such denial of livelihood options is not in keeping with the stipulations of the WSA (1997), namely "Acknowledging that all spheres of Government must strive to provide water supply services and sanitation services sufficient for subsistence and sustainable economic activity". The NWA (1998) takes this further by identifying "the need to promote social and economic development through the use of water". Undermining economic empowerment of the communities compromises all areas of empowerment, including participation in community affairs.

- Loss of land, and unemployment

The loss of the communal land on which the Nomlacu water treatment works is situated is seen by the community as unequal exchange in terms of the minimal benefits they are getting from the water. Also, the 13 Km water transmission pipe that runs from the Ludeke Dam to the treatment plant runs across personal land, and has given way for houses being built and

has, in some instances, destroyed the soil in such a manner that it cannot be used productively. Additionally, the water treatment plant is seen as failing to create jobs for the local youth.

- Violation of the right to water

The inadequate or non-existent water supply and the problems with poor water quality, water restrictions, loss of livelihoods, and loss of land are seen as a violation of the right to water that is prescribed by the constitution.

- Integrated development planning approach

Integrated development planning (IDP) processes are an effort by municipalities to galvanise community participation at the local level. Municipalities in the two research areas stressed that they are following IDP processes, but agreed that the communities need to be more involved in water services supply. However, the IDP processes are top-down and prevent meaningful community participation, causing communities to only play a peripheral role in the predetermined plans of the municipalities.

The IDP is perceived by the communities as lacking transparency, and as a means of legitimising the actions of the municipality – which are fraught with corruption. The Mvula Trust believes that more focus should be put on engaging communities in the initial stages of projects, in consultation with the authorities, and that the lack of community participation is very closely related to how projects are initiated, while the DWS stressed that the RDP norms and standards need to be revisited to meet the rural populations' new needs and that municipalities must do more to address water problems.

- Monitoring and evaluation

The municipalities in Mbizana and Ngwathe have monitoring and evaluation procedures that they follow to assess water supply in their areas. However, the lack of water supply that has lasted for years in some areas of both municipalities points to a lack of monitoring of water supply. Both communities pointed out that their interactions with municipalities only occur when there are problems or when they are being canvassed by politicians for votes. The lack of monitoring in municipalities is a nationwide problem that has been acknowledged.

### 7.2 Conclusion

Evidence from both fieldwork and literature in this research have confirmed that the water policies, processes and procedures used for intervention have failed to realise the

constitutional edict of the right to water and the legislative vision of empowering marginalised communities to participate in water-services management. Disparities in the allocation of water are still firmly entrenched along racial, gender and rural-urban divisions, making water only accessible to the privileged few. These disparities in water provision have grown in tandem with the overall social and economic inequalities in South Africa that make it the most unequal country in the world, with a Gini coefficient of 68% according to STATSA 2018.

"The Covid-19 pandemic has brought pre-existing inequalities into stark light, in particular the right to clean and sufficient water mostly due to mismanagement of funds and corruption" (Ellis, 2020). The failures of the policy measures and processes have become the drivers of exclusion and are maintaining the apartheid legacy of racial inequalities in water provision, adversely affecting the well-being of the excluded communities.

The sustainable development goal (SDG) 6, of the United Nations (UN) SDGs 6, recognises that meeting an SDG on water, and any other SDG, will require all societal actors – including communities and the business sector – to take action by committing resources, skills and expertise. Target 6.8 of SDG6 calls for the support and strengthening of the participation of local communities in improving water and sanitation management. Evidence from this study shows that water-services management in South Africa has eschewed the pronouncements of SGD 6, particularly regarding water equity and community empowerment through participation.

In the same vein, the adoption of the river basin-based management approach of the Integrated Water Resources Management (IWRM), which calls for establishment of an enabling environment through policies, laws and plans as well as an institutional framework for decentralisation of decision making in the water sector, has been compromised. This is particularly so in terms of the Dublin Principles of the IWRM, which require that water development and management should be based on a participatory approach, involving users, planners and policy-makers at all levels, and that women should play a central part in the provision, management and safeguarding of water.

The points regarding disempowerment that have been raised by the communities in Mbizana and Ngwathe are increasing the incidences of exclusion and disadvantage in these communities, which leads to an increase in the vulnerability of these communities in terms of a lack of influence in the policies, strategies and interventions associated with water-supply

services allocation. Inadequate or non-existent water supply opens them up to the dangers of ill-health especially in the context of COVID-19. Frighteningly, it has been reported in the media that 2 000 communities in South Africa have no access to water.

The communities in Mbizana and Ngwathe are willing to participate in the management of water, and have indicated that their local representatives in water management will understand their water problems better than outsiders, a view that was more pronounced in Mbizana than in Ngwathe. There is a deep-seated feeling of 'us and them' when relating to the municipalities.

Communities in both provinces emphasised that they are willing to be the managers of their own water but that they are not empowered to do so, as they still need training – which the municipalities could help with. Areas that they identified for training included learning how to fix leaking taps and pipes, how to present their issues at meetings with the municipality and other government officials successfully, and how to speak the English language.

In terms of ownership, the message is very clear that the water projects belong to, are owned by, and are the responsibility of the municipality, despite the insistence of the municipality officials in the two research areas that the communities are fully participating in water supply through IDP processes. This shows that the processes of community participation of IDP have not been recognised and felt by the beneficiaries of water projects. None of the communities in the research understood the gamut of water legislation of South Africa. However, participants in all the focus groups admitted that they were aware that water is a basic right and that they have the right of access to it. This study makes suggestions for a way forward, as discussed in chapter 8 below.

## CHAPTER 8: RECOMMENDATIONS

These recommendations emanate from the findings of the study, having identified points in the legislative and policy domains related to water that enhance community participation, and policy and procedural processes and community-level factors that impede community participation. The recommendations address the legislative, policy and procedural points in the first section of the discussion; followed by institutional weaknesses in the Department of Water and Sanitation (DWS) and the municipalities; and then leading into a proposed management approach for the ABCD model that addresses the shortcomings of the needs-based analysis approach. A call for further research to identify training needs and relevant capacities in the interface between municipalities and communities, and to develop an ABCD-based training and capacity-development programme to address relational difficulties between the two parties, closes the chapter.

### 8.1 Legislative and policy review

- **Policy area:** ***Chapter VII Section 51 (3) of the Water Services Act (WSA) of 1997*** states that "No water services committee may be established if the water services authority having jurisdiction in the area in question is able to provide water services effectively in the proposed service area". This tenet contradicts the participatory ethos of the water laws discussed in this report. It creates an institutional vacuum at the ward level for the management of water supply, regulation and consumption and it prevents the opportunity of integrating the needs of the communities with those of the water sector. Ward committees have not succeeded in fulfilling this role, leading to compromised water services. This section of the WSA harms the potential for PPP arrangements between the municipalities and communities.
- **Recommendations**: This clause needs to be urgently reviewed to position water services committees (WSCs) to be the institutions that manage water supply at the community level, and designate them as the institutions to investigate issues of supply, regulation and consumption of water at the ward level as well as integrate the interests and needs of the community with those of the sector. Even where a municipality can provide water services effectively, community participation will add an element of sustainability to water management when the community takes responsibility for decisions made in the supply of water – which will also bring in the

critical element of community buy-in. Ward councils have not been successful in fulfilling this role.

- **Policy area:** The premise of the conditions in ***Section 51 of the Water Services Act of 1997*****,** on the formation, powers, functions and conditions of WSCs**,** is harmful in the sense that WSCs come in only when the municipality has failed. This assumes a 'winner takes all' working environment where the municipality is weak and accepts the community's intervention. The conditions negate a possibility in which the municipality is strong and accepts a partnership with the community. These conditions will create a problem when communities must partner with a strong municipality.
- **Recommendations:** the formation, powers, functions and conditions of WSCs should be amended in consideration of the new role of WSCs as drivers of water issues at the community level. In amending the conditions, a thorough analysis needs to be conducted on the current experiences of the strained relationships between municipalities and communities in water supply. The conditions need to include a capacity-building intervention that will empower both the municipalities and communities to work together. Co-operation between these two parties should not be taken for granted.

- **Policy area:** ***Chapters III to VII of the Water Services Act of 1997*** must add water cooperatives.. These chapters provide for water-management institutions, while showing no consideration of community-based civil society organisations (CBOs) such as water cooperatives – missing out on a dynamic opportunity for meaningful community participation in the form of water cooperatives. Cooperatives are a mode of operation that is prevalent in the communities in both research areas as well as in the whole country, that is used to meet social and economic needs.
- **Recommendations**: Water cooperatives need to be added as an alternative institution for the supply of water services at the community level, alongside WSCs. Water cooperatives are business enterprises with great potential to engage in PPP with municipalities. There is already vast experience in the communities in running trade cooperatives in the Eastern Cape and the Free State. The Eastern Cape has more than 3 000 while the Free State has more than 4 000 registered cooperatives. Water cooperatives will build on this experience. Municipalities need to seize the

opportunity to build on this strength and encourage the formation of water cooperatives at the community level. WSCs can be developed into cooperatives as communities gain more experience in water management.

- **Policy area:** A review of ***IDP consultative processes*** must be conducted. There is a lack of adequate dialogue and exchange between municipalities and local communities. IDP processes are failing to include the beneficiary communities, and they are looked at with suspicion by the communities – seen as instruments of coercion for personal financial gain by the municipality officials.
- **Recommendations:** IDP needs to include capacity-building and training programmes for ward councils, communities and municipal officials, to develop a common understanding of the role of IDP, and shared analysis and a balanced platform for deliberations and decision making for community water supply. IDP processes of consultation should not be viewed as an issue of compliance by municipalities but rather as mechanisms to assist the municipalities in achieving their developmental mandate.

  IDP should create an environment of mutual trust between the municipalities and communities, uphold the right to information and engender transparency and trust. It should also adopt bottom-up processes of community engagement that are people-centred, such as the asset-based community development (ABCD) planning approach discussed below. The working environment between the municipalities and communities cannot be taken for granted. The strained relations are a real stumbling block for any progress, including a sense of belonging and ownership of water projects at the community level. Immediate and meaningful community consultation on existing and new IDPs is required to ensure that planning is responsive and specific to the community. Contracts must be developed to ensure that community sign-off on IDPs is required (HRC, 2014).

## 8.2 Addressing institutional limitations in municipalities and the Department of Water and Sanitation

- **Policy areas**: ***Poor implementation and maintenance of facilities*** cause obstructed access to water**,** which leads to dependency on unprotected and contaminated water sources.

- **Recommendations:** The Presidency, through the Department of Planning, Monitoring and Evaluation should engage with existing government multi-department structures that deal with water and sanitation to ensure the necessary co-ordination and oversight in relation to the provision of water and sanitation. The Ministry of Cooperative Governance and Traditional Affairs (CoGTA) and the National Treasury need to evaluate how government can strengthen the Municipal Infrastructure Support Agent, which deploys technical capacity into districts to render support through planning, design, implementation, skills, development, reporting and monitoring and evaluation functions to municipalities, as well as government's capacitation grants, capital grants and technical assistance grants aimed at assisting municipalities with the execution of their powers and functions.

  Officials and representatives of rich and poor municipalities need to recognise their obligation to serve the poorest communities. In addition, skills and training should be transferred between local government departments in different areas to assist with on-going education and training (HRC, 2014).
- **Policy area:** The ***poor monitoring and evaluation of community water projects***, including the work of the contractors and the level of function of the water facilities, leads to long periods without water.
- **Recommendations:** Provincial and national government departments – particularly CoGTA and National Treasury– must monitor the implementation of contracts with the private sector to ensure that the contracted company provides all services stipulated in the agreement and that service delivery is prompt and of a high quality. In addition, all infrastructure projects must include human rights-based norms and standards. Additional monitoring is required to ensure service delivery and to eradicate corruption (HRC, 2014).
- **Policy area:** A **failure to meaningfully engage beneficiary communities**, in which communities are brought in after decisions have been made on projects and budgets,

tis disempowering to the communities them and perpetuates negative perceptions about municipality actions, as well as promotes the narratives of exclusion and denial of the right to water.

- **Recommendation:** The National Treasury and CoGTA should liaise with CBOs on proposals regarding the provision of water and sanitation, with a view to potentially provide CBOs with funding to implement appropriate projects – with monitoring from the relevant government departments and other CBOs. Communities must be enabled to scrutinise budgets as well as hold government and the businesses they contract with accountable. The National Treasury must ensure that these budgets are accessible, easy for communities to understand and available at the relevant time and in all official languages (HRC, 2014).

### 8.3 Application of the asset-based community development approach

- The failures of community water supply discussed in this study are an indication that the needs-analysis approach used by municipalities to provide services is incapable of engaging communities in service delivery. Municipalities should adopt the ABCD approach, to assess opportunities for the involvement of communities in water services provision. This is a bottom-up empowerment approach that identifies community strengths, potentials and assets, rather than focusing on water needs (shortfalls and problems) as municipalities are currently doing.
- Individuals and communities in the Fezile Dabi and Alfred Nzo districts possess many strengths, capabilities skills, abilities and passions, as well as voluntary community organisations and network institutions that are connected to the community – including livelihood strategies, as well as land and water upon which to build sustainable water supply services (Kretzmann and McKnight, 1993; Lynam, 2006).
- The adoption of the ABCD approach should be ***preceded by a community assets analysis profiling process*** that is a precursor to engaging communities toward address their needs.

### 8.4 Research innovation

This research project has produced two videos, detailing the report in the vernacular of the communities in the Mbizana and Ngwathe local municipalities. For Mbizana, the report is given in IsiXhosa and for Ngwathe, in Sesotho. The research team had planned to return to the communities in the Alfred Nzo and Fezile Dabi District municipalities, for a report back. However, due to the restrictions imposed by the COVID-19 response, these visits will not take place. The videos that were made will be forwarded to the relevant communities, as feedback.

### 8.5 Future research

Communities taking an active role in water-supply management is an urgently-required intervention that will help towards curbing the widespread dissatisfaction which often erupts into violent demonstrations in South African communities. Moreover, the COVID-19 situation requires full access to clean potable water as part of preventative measures. Therefore, research needs to identify the training needs and relevant capacities in the interface between municipalities and communities and ***develop an ABCD-based training and capacity development programme that will address cooperation gaps and capacity deficiencies for both municipalities and communities*** in the supply of water services.

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## APPENDIX 1: INTERVIEW GUIDE FOR COMMUNITIES (ENGLISH VERSION)

**Interview schedule for water project beneficiary communities: Mbizana and Ngwathe Local Municipalities**

| Categories | No. | Question |
|---|---|---|
| Bibliographic details | 1.1 | Number in group |
| | 1.2 | Age-group range |
| | 1.3 | Gender |
| Open-ended questions | 2.1 | What are the sources of water for the community in your area? |
| | 2.2 | What does the community use the water for? |
| | 2.3 | Is the water supplied enough to meet community demand? Please explain. |
| | 2.4 | Who is responsible for maintaining the water sources you have identified? |
| | 2.5 | Are you happy with the supply and quality of the water you are getting? |
| | 2.6 | What are the problems that you are experiencing with the supply and the quality of water? |
| | 2.7 | Where have these problems been reported and what was the outcome? |
| | 2.8 | What can be done to monitor water services to ensure continuous and sustainable supply? |
| | 2.9 | Do you think it is a good thing to involve the community in the management and supply of water as water services intermediaries? Please explain. |
| | 2.10 | What should the role of the community in the management of water be? |
| | 2.11 | Do you think communities will need training in order to be able to perform effectively in water management? |
| | 2.12 | In what areas do you think the community members would need training in order to be part of water management and to give better service? |
| | 2.13 | Do you have information on how to register as water services intermediaries? |
| | 2.14 | What are the things that you think can be done by the municipality to help to promote the participation of community members in water supply services? |
| | 2.15 | Do community members participate in the IDP and budgeting processes of the municipality with regards to water supply and demand? |
| | 2.16 | Were you part of the decision making in this water project before it was brought to the community? |
| | 2.17 | Are you aware of any government policy that is aimed at assisting communities in water (The Constitution, 1996; Water Services Act, 1997; The National Water Act, 1998; The Local Government Acts, 1998 and 2000)? |

| Categories | No. | Question |
|---|---|---|
| Bibliographic details | 1.1 | Number in group |
| | 1.2 | Age-group range |
| | 1.3 | Gender |
| Open-ended questions | 2.1 | What are the sources of water for the community in your area? |
| | 2.2 | What does the community use the water for? |
| | 2.3 | Is the water supplied enough to meet community demand? Please explain. |
| | 2.4 | Who is responsible for maintaining the water sources you have identified? |
| | 2.5 | Are you happy with the supply and quality of the water you are getting? |
| | 2.6 | What are the problems that you are experiencing with the supply and the quality of water? |
| | 2.7 | Where have these problems been reported and what was the outcome? |
| | 2.8 | What can be done to monitor water services to ensure continuous and sustainable supply? |
| | 2.9 | Do you think it is a good thing to involve the community in the management and supply of water as water services intermediaries? Please explain. |
| | 2.10 | What should the role of the community in the management of water be? |
| | 2.11 | Do you think communities will need training in order to be able to perform effectively in water management? |
| | 2.12 | In what areas do you think the community members would need training in order to be part of water management and to give better service? |
| | 2.13 | Do you have information on how to register as water |

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| | | services intermediaries? |
| | 2.14 | What are the things that you think can be done by the municipality to help to promote the participation of community members in water supply services? |
| | 2.15 | Do community members participate in the IDP and budgeting processes of the municipality with regards to water supply and demand? |
| | 2.16 | Were you part of the decision making in this water project before it was brought to the community? |
| | 2.17 | Are you aware of any government policy that is aimed at assisting communities in water (The Constitution, 1996; Water Services Act, 1997; The National Water Act, 1998; The Local Government Acts, 1998 and 2000)? |

## APPENDIX 2: INTERVIEW GUIDE FOR COMMUNITIES (SESOTHO VERSION)

Interview schedule for water project beneficiary communities: Ngwathe Local Municipality ( Sesotho Version)

| Categories | No. | Question |
|---|---|---|
| Bibliographic details | 1.1 | Number in group |
| | 1.2 | Age-group range |
| | 1.3 | Gender |
| Open-ended questions | 2.1 | Mehlodi ya metsi ke efeng e le nang le yona sebakeng se salona? |
| | 2.2 | Metsi ana le a sebedisetsa eng? |
| | 2.3 | A metswedi ena ya metsi e lekane ho ka khotsofatsa ditlhokeho tsa baahi? |
| | 2.4 | Ke mang anang le boikarabelo bahore metsi a dule a ntse a le teng metsweding ena? |
| | 2.5 | A le khotsofaletse ho ba teng ha metsi ana le ho hlweka ha ona na? |
| | 2.6 | Ke mathata afe ao le kopanang le ona mabapi le ho ba teng le ho hlweka ha metsi na? |
| | 2.7 | Ditletlebo tse bileng teng ka metsi le ne la di lebisa ho mang na? Tharollo ebile efe? |
| | 2.8 | Ho ka etsiwang hore metsi ana a dule antse a hlwekile mme asa che? |
| | 2.9 | A le bona ele ntho e ntle hore baahi ba motse ba be le seabe ho hlokomeleng le tsamaisong ya metsi? Ho baneng? |
| | 2.10 | Seabe sa motse se lokela ho ba eng tsamaisong ya metsi jwalo ka baemedi? |
| | 2.11 | A naa le bona e le hore ho bohlokwa hore baemedi bana ba motse ba fuwe thupello hore ba tsebe ho etsa mosebetsi wa tsamaiso ya metsi? |
| | 2.12 | Ho ya kalona le bona ele hore baemedi bana ba ka |

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| | | rupellwa jwang hore ba be le tsebo tsamaisong ya tsa metsi? |
| | 2.13 | A le tseba mokgwa o le ka ingodisang ka ona ho ba basebeletsi ba tsa tsamaiso ya metsi? |
| | 2.14 | Ke dintho dife tse ka etsiwang ke Masepale ho thusang ho susumetsa baahi ho ba le seabe tsamaisong ya tsa metsi. |
| | 2.15 | A ditho tsa tsamaiso ya lona ya metsi di dula dikomiting tsa merero ya tsamaiso ya ditshelete ya masepale na? |
| | 2.16 | A le bile le seabe morerong ona wa metsi pele o fihla motseng wa lona na? |
| | 2.17 | A na le tseba ho hong ka melao ya muso e e behilweng ho thusa baahi ka tsa tsamaiso ya metsi (The Constitution, 1996; Water Services Act, 1997; The National Water Act, 1998; The Local Government Acts, 1998 and 2000)? |

## APPENDIX 3: INTERVIEW GUIDE FOR COMMUNITIES (ISIXHOSA VERSION)

Interview Schedule for water project beneficiary communities: Mbizana Local Municipality (IsiXhosa Version)

| Categories | No. | Question |
|---|---|---|
| 1. Bibliographic details | 1.1 | Number in group |
| | 1.2 | Age-group range |
| | 1.3 | Gender |
| Open- ended questions | 2.1 | Zeziphi indlela enifumana ngazo amanzi apha kule ndawo yenu? |
| | 2.2 | Niwasebenzisa ekwenzeni ntoni amanzi? |
| | 2.3 | Ingaba amanzi eniwafumanayo kulomphakathi wenu ayazonela zonke imfuneko nezidingo zenu njengabahlal? cacisa |
| | 2.4 | Ngubani onoxanduva lokunonophela,okanye ukunakekela ezindawo nifumana kuzo amanzi? |
| | 2.5 | Ingaba uyoneliseka ngenkonzo yokuziswa kwamanzi eluntwini nezinga lococeko lala manzi niwafumanayo? |
| | 2.6 | Zeziphi iingxaki enihlangabezana nazo kwinkonzo zoziso manzi nezinga lokucoceka kwawo? |

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| | | ezingxaki nihlangabezana nazo niyixelaphi kwaye zithini iziphumo |
| | 2.7 | Zezozikhalazo niye nizixele? |
| | 2.8 | Kungenziwa njani ukuqinisekisa ukuba amanzi eniwafumanayo alondoloziwe kwaye anikezelwa ngendlela eyiyo akubikho makhwiniba? |
| | 2.9 | Ngokucinga kwakho, ingaba kulungile na ukubandakanya uluntu kuphatho noziso lwamanzi njengabantu abazokuba ngabathetheleli boluntu kwizinto ezingxamnye namanzi? |
| | 2.10 | Ingayintoni indima enokudlalwa ngabahlali balendawo kulawulo lamanzi njengabathetheleli kwiziko lamanzi? |
| | 2.11 | Ucinga ukuba abo banokonyulwa njengabathetheleli kwinkonzo zamnzi bangaludinga uqeqesho khonukuze babenolwazi olungakumbi kokobazibandakanya kuko? |
| | 2.12 | Ucinga uba zeziphi indawo umphakathi onodinga kuzo uqeqesho khonukuze babeselungelweni lokubayinxalenye kwezolawulo lwamanzi nasekuphuhliseni unikezelo lwenkonzo ezingcono? |
| | 2.13 | Unalo ulwazi lokuzibhalisa njenge gosa elisebenza njengo mthetheleli woluntu kwiziko lwezamanzi? |
| | | Zintoni ezinokwenziwa ngumasipala ukwandisa izinga lokuthatha |

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| | | inxaxheba nokubandakanyeka kwalomphakathi njengabathetheleli kweza manzi? |
| | 2.14 | Ingaba abahlali bayinxalenye yokuqulunqwa kwe IDP, kwaye bayabandakanyeka kuhlengahlengiso lwezimali ngumasipala ngokuphathelele izidingo zabo zokunikezelwa nokufumana amanzi? |
| | 2.15 | Ingaba ubuyinxalenye yabantu abathathe izigqibo ngale project phambi kokuba iziswe eluntwini? |
| | 2.16 | Ingaba lukhona ungenelelo okanye umthetho owaziyo ngokunikezelwa nokubandakanya abahlali kwizinto ezinxamnye namanzi? |
| | 2.17 | |

## APPENDIX 4: INTERVIEW GUIDE FOR INSTITUTIONS

**Association/Department of Water Affairs/Community-Based Organisations.**

| Categories | No. | Question |
|---|---|---|
| 1. Bibliographic details | 1.1 | Position/Office |
| | 1.2 | Gender |
| | 1.3 | Period in position |
| 2. Open-ended questions | 2.1 | Who is responsible for the supply of water to the communities in the municipality/at municipality level? |
| | 2.2 | What do communities use water for in the municipality? |
| | 2.3 | Are the communities happy with the quantity and quality of water supplied? Please explain. |
| | 2.4 | What is the municipality doing to address the problems you have enumerated? |
| | 2.5 | What are the monitoring and evaluation interventions of the municipality to ensure sustainable and equitable water availability? |
| | 2.6 | Do you think communities should be involved in water management in their areas as water intermediaries? Please explain. |
| | 2.7 | In which aspects of water management do you think they should be involved for sustainable water provision? |
| | 2.8 | Do you think there is need for communities to be trained in water management? In what areas? |
| | 2.9 | What can your office/organisation do to help communities participate in water management and become effective water managers? |
| | 2.10 | How are communities involved in IDP and budgeting processes in the municipality in relation to |
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| | | promoting their participation in water issues? |
| | 2.12 | What are your thoughts on public-private partnership engagement with local communities on water management? |
| | 2.13 | Do you think the water legislation is adequate for the involvement and participation of communities in water management? Please explain. |
| | 2.14 | Do you think procedures associated with establishing and registering water-services intermediaries are user friendly?<br>Are there any improvements that can be added in the policy to encourage community participation as water intermediaries? |