



# Water Sector Governance in Africa

Volume 1  
Theory  
and Practice

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# Acronyms

AfDB	African Development Bank
AMCOW	African Ministers' Council on Water
ASP	Alternative service provider
AWF	African Water Facility
CIDA	Canadian International Development Agency
GIS	Geographic Information System
GWA	Gender and Water Alliance
GWP	Global Water Partnership
H&A	Harmonization and alignment
IFPRI	International Food Policy Research Institute
IMF	International Monetary Fund
IPCC	International Panel on Climate Change
IRC	International Water and Sanitation Centre
IWMI	International Water Management Institute
IWRM	Integrated water resources management
JMP	Joint Monitoring Program
M&E	Monitoring and Evaluation
MDG	Millennium Development Goals
MTBF	Medium Term Budget Framework
MTEF	Medium Term Expenditure Framework
MTFF	Medium Term Financial Framework
MWE	Ministry of Water and Environment, Uganda
NDW	National Directorate of Water, Mozambique
NWSC	National Water and Sewerage Corporation
ODA	Official development assistance
ODI	Overseas Development Institute
OECD	Organization for Economic Cooperation and Development
OSS	Sahara and Sahel Observatory
OPM	Oxford Policy Management
OWAS	Water and Sanitation Department, AfDB
PFM	Public financial management
PHAST	Participatory Hygiene and Sanitation Transformation





PPP  
PRSP  
PSP  
RBO  
RWSS  
SADC  
SWAp  
TA  
TI  
TPTC  
TWRM  
UNICEF  
WHO  
WHS  
WPM  
WSP  
WSS

Public-private partnership  
Poverty Reduction Strategy Paper  
Private sector participation  
River basin organization  
Rural water supply and sanitation  
Southern African Development Community  
Sector-wide Approach  
Technical assistance  
Transparency International  
Tripartite Technical Committee  
Transboundary water resources management  
United Nations' Children's Fund  
World Health Organization  
World Health Survey  
Water Point Mapping  
Water and Sanitation Program  
Water supply and sanitation





# WWPPP

## Foreword

Water governance has been described as “...the range of political, social, economic and administrative systems that are in place to develop and manage water resources and the delivery of water services, at different levels of society.”

Good governance mainly depends on the quality of leadership, the strength of the institutions and how efficiently, effectively, sustainably, and transparently the resources are managed by sector institutions and main stakeholders.

On the African continent however, rigorous technical, financial, economic and institutional assessments undertaken in support of projects have not guaranteed sustainability of project outputs and outcomes. This checkered history of water sector projects over the past three decades provided the rationale for the African Development Bank to launch this initiative to assess water sector governance in Africa.

This report takes preliminary steps to investigate whether poor governance has been a major contributing factor to this lack of sustainability. Specifically, the report provides an overview and assessment of the state of water sector governance in Africa – looking at a very broad range of governance-related elements, including legislation and regulation, decentralization and devolution, sector-wide approaches, financial management, monitoring and evaluation, accountability and corruption as well as civil society participation, gender, alternative service provision, public-private partnerships and

equitable service delivery. The study highlights current thinking and research on all these key elements and issues affecting their quality.

Contemporary literature on water sector financing understandably focuses on the mechanisms and challenges associated with funding tangible water supply and sanitation services. This study however draws attention to the importance of financing overarching water management and governance functions, from strategy, planning and policy-making and engagement with sector stakeholders to water resource development, allocation and management.

Based on the report’s findings, indicators and targets have been developed to improve the sector’s governance. Volume 1 titled: “Theory and practice” presents the findings, indicators and targets to be achieved while Volume 2 presents concrete “Assessment guidelines” for conducting water sector governance assessments for programs and projects in Africa, based on the findings of Volume 1.

The Bank is pleased to offer this thought-provoking assessment and the tools developed as a contribution to efforts at improving governance in Africa’s water sector.



**Bobby J. Pittman**  
Vice President  
Infrastructure, Private Sector & Regional Integration  
AfDB



## Executive Summary

The objectives of the AfDB-financed African Water Governance Study<sup>1</sup> from which this report was derived were to assess the state of water sector governance in Africa, develop indicators and targets for its improvement, and raise awareness among all stakeholders. Furthermore, Volume 2, “Assessment Guidelines” provides guidelines for AfDB water sector staff and other water sector practitioners to use when developing programmes and projects in Africa.

The current state of water sector governance across Africa was assessed through missions to seven countries, a literature review, and four AfDB-OWAS and in-country workshops organized between June and December 2008.

The chequered history of sector projects over the past three decades provided the rationale for this initiative. This history has amply demonstrated that despite the rigorous technical, financial, economic and institutional assessments undertaken in support of projects, the sustainability of project outputs and outcomes remains far from certain. The Study’s underlying assumption was that poor governance has been a major contributing factor in this regard.

Not surprisingly, the Study identified numerous but common governance risks that have contributed greatly to this chequered history. It found that these are readily identifiable and easily mitigated against, and that substantial gains would be made if governance assessments became standard procedure and governance criteria were introduced into donor project approval procedures.

This report, an abridged version of the Study’s second chapter, provides an overview of the state of water sector governance in Africa and highlights current thinking and research on the key elements and issues affecting its quality. These include: sector policy, legislation and



AfDB and Cowater representatives at a workshop on the Water sector Governance Study

<sup>1</sup>Cowater International, (2008b) “AfDB Study on Water Sector Governance: Final Report,” Water and Sanitation Department (OWAS), African Development Bank, Tunis, December.

Rural water supply,  
Cape Verde



regulation; decentralization and devolution; sector-wide approaches; water sector financial management; monitoring and evaluation (M&E) integrated and transboundary water resources management (IWRM and TWRM); transparency, accountability and corruption; civil society participation; alternative service provision and public-private partnerships; gender; rights, voice and recourse; and, equitable service delivery.

The Study's findings are summarized below.

While local and national institutions have the most visible role to play in governing the water sector, it is the sector's underlying policies, legislation and regulations that provide the foundation for its overall governance. Some of the key roles sector institutions and organizations need to fulfil in developing and carrying out the underlying legislation, policies and regulations include strategic policy-making and planning for water and related sectors; conflict resolution and arbitration; and, the regulation and monitoring of water users and service providers. The various approaches and principles underlying each of these roles have

been the subject of significant debate and are addressed individually in the report. In short, however, it can be said that:

- i) sector policy is widely recognized a means for creating the enabling environment necessary for sector development, despite the lack of a clear blueprint on what related policies should entail;
- ii) legislation is the mechanism for incorporating this policy into national political and legal frameworks, ensuring the effective functioning of the sector, protecting individual and communal water rights and establishing conflict resolution mechanisms; and
- iii) regulation entails the system of instruments that enforces and oversees the implementation of sector policy and legislation.

**Decentralization** has become a key mechanism in sector reform since the concept of subsidiarity – the management of water resources at the lowest appropriate level – was introduced within the Dublin Principles in 1992.

The concept of decentralization – a general term commonly referring to the transfer of political, financial and administrative authority, including decision-making and management, from central government to lower levels – is first distinguished from devolution, which falls under the larger concept of decentralization and refers to the transfer of management and decision-making powers, rights and assets to local institutions, governments or communities that are largely outside the direct control of the central government, and from deconcentration – referring to the transfer of administrative responsibility for specific functions to lower levels within the central government bureaucracy without any real transfer of authority between levels of government. The section goes on to note that while the process of decentralization has become widespread throughout Africa, the devolution of water sector decision-making authority to local levels is occurring with varying degrees of success, in many cases due to excessive central control over sector revenues and intergovernmental transfers. This can often serve as a major constraint to effective and transparent planning.

With regards to **sector-wide approaches (SWAs)**, it is noted that while each are promising in theory, debate continues over their effectiveness in practice across the developing world, particularly with regards to the water

sector. Whereas in some countries, such as Uganda SWAs appear to be having a positive impact on sector governance, their impact in the many Sub-Saharan African countries that lack the appropriate institutional capacity to manage them effectively appears to be neutral at best and inhibiting at worst, particularly if the resources devoted to managing them are diverted away from more critical pursuits.

The contemporary literature on **water sector financing** – epitomized by the 2006 Gurria Task Force on Financing Water for All<sup>2</sup> – focuses predominantly on the mechanisms and challenges associated with funding tangible water supply and sanitation services, from rural and urban water supply schemes to sanitation infrastructure. Yet what this focus on financing

Water pipeline, Sidi Bel Abbès, Algeria



<sup>2</sup> Van Hofwegen, Paul (2006) "Task Force on Financing Water for All: Enhancing Access to Finance for Local Governments; Financing Water for Agriculture," World Water Council (WWC), Global Water Partnership (GWP) and the 4th World Water Forum.



water supply and sanitation (WSS) services ignores, others argue, is the importance of financing overarching water management and governance functions, from strategy, planning and policy-making and engagement with sector stakeholders to water resource development, allocation and management<sup>3</sup>. In other words, effective water governance depends not only on how much financing can be mobilized, but also on the extent to which these resources are managed and allocated efficiently, effectively and sustainably by recipient institutions across the sector. While the literature demonstrates a strong degree of consensus on the importance of decentralizing WSS delivery and expenditure management responsibilities to the lowest appropriate level, this is accompanied by recognition of the need to first improve the managerial and technical capacities of local authorities.

**Monitoring and evaluation** has become an essential tool not only for good water governance, but also for sector development and environmental sustainability. Nevertheless, the calibre of water sector M&E systems across the African continent is generally recognized to be at an early stage of development. Most monitoring systems are project-based and have served mainly the purposes of donors, doing little to support sector planning, budgeting and management processes. Far more in-depth and

better quality monitoring is therefore needed for sector management, transparency and accountability, especially within the budget support framework.

The section on **integrated and transboundary water resources management** (IWRM and TWRM, respectively) notes that the two are inter-related concepts that have been the basis for sector reform in recent years. Although the principles to be

applied in the sector under IWRM are sound, actual implementation is complicated. African countries tend to be lagging behind in this regard, although advances are beginning to be seen in the sector. The Dublin Principles<sup>4</sup> form the basis for IWRM, which has since become an accepted model for improved governance in the water sector by providing a viable framework for the sustainable use and management of water resources based on the catchment or basin being the most appropriate scale for water resources management. TWRM, on the other hand, represents a situation in which water governance is complicated by issues of politics and competition for scarce resources between two



<sup>3</sup>Rees, Judith, Winpenny, James and Hall, Alan W. (2008) "Water as a Social and Economic Good," TEC Background Papers No. 12, Global Water Partnership.

<sup>4</sup>Dublin Statement (1992) "Dublin Statement on Water and Sustainable Development," International Conference on Water and the Environment, Dublin, Ireland.



A Well in Northern Malawi

or more countries. The literature on the subject notes that TWRM cannot be conducted purely on a state-to-state basis, however, for many other stakeholders from the local to the international level typically need to be involved. Furthermore, weak legal and regulatory frameworks, a lack of basin-wide institutional arrangements for joint development and management of transboundary water resources, poor water resources information systems, poor financing and a lack of stakeholder participation also affect the success of TWRM.

Two basic principles discussed widely in the literature and considered prerequisites for good water governance are transparency and accountability, which are closely related to one another within the context of governance systems. For instance, transparency necessitates strong sector performance monitoring systems, which will enhance accountability for the use of resources by service providers. Decentralization provides an opportunity for the introduction of transparency and accountability measures, but also introduces threats to the same if community and civil society voices are not well articulated.

Moreover, **corruption** in the water sector results from a lack of transparency and accountability. Corrupt practices are endemic to most WSS institutions and transactions in

Africa, leading to increased costs to users for WSS service provision. According to Transparency International, the water sector is especially vulnerable to corruption for several reasons: the existence of numerous agencies, actors and government institutions in a single sector blurs lines of accountability and reduces transparency; the water sector involves the procurement of significant quantities of goods with large volumes of public money; informal service providers less subject to official oversight mechanisms play a key role in service delivery; and the widespread presence of monopolies promotes unfair or discretionary business practices. Finally, informal providers, often vulnerable to corruption, also play a key role in service delivery. Others add that the sector is characterized by widespread financial disorder, few service providers are accountable to their customers and financial management is not transparent.

With regards to **civil society participation** in sector governance, the involvement of all users in the process of developing appropriate policies and regulations for water resources management and use is essential for effective water sector governance. Participation of civil society and the permanent mechanisms that will enable it are essential in every aspect of governance, from project and programme selection and planning, to budgeting, policy and regulation. This not only improves sustainability of services, but also improves transparency, accountability and regulatory enforcement.

Women's participation in water sector governance has become widely recognized as essential to the sector's development. Many declarations have been agreed upon and commitments made at international meetings in support of gender equality. The Dublin Statement (1992) recognized the pivotal role of women, the Rio Declaration (1992) recognized their full participation as essential to sustainable development, the World Summit on Sustainable development called for ensuring that infrastructure and services are gender sensitive, and the MDGs include 2015 targets on gender equality and empowerment of women. Gender equality and mainstreaming in the sector have also

been given extensive attention, and methods by which these can be assessed and addressed are being demonstrated. Yet there is still little evidence to suggest that water management has deliberately and consciously addressed gender concerns. National water policies rarely include more than the mention of women's important role and do not have a comprehensive and consistent gender focus.

Closely related to the questions of gender and civil society participation in water sector governance are the issues of rights, voice and recourse and equitable service provision. Numerous international conventions protect individual rights to basic services such as



Diama dam,  
Senegal

sufficient, clean, accessible, and affordable water and sanitation and seek to protect vulnerable and marginalized groups from discrimination. All too often, however, research indicates that water is not distributed equitably among all users, resulting from factors relating to transparency and accountability underscored by inadequate mechanisms for citizen participation. Of particular concern are the large and increasing numbers of slums and peri-urban areas and their female inhabitants in particular who, despite being responsible for water, sanitation and the health of their families,

are often disempowered and left out of decision-making processes.

Finally, **public private partnerships and alternative service providers** are shown to play a significant role in the water sector in Africa and that further investment from the private sector will be required to meet the MDGs. Nevertheless, there is no clear blue print solution for private sector participation in water sector reforms. Yet if the realities of their situation are understood, the poor can stand to benefit from it.



Queuing for Water in  
Nampula province,  
Mozambique





## 1.1 Governance

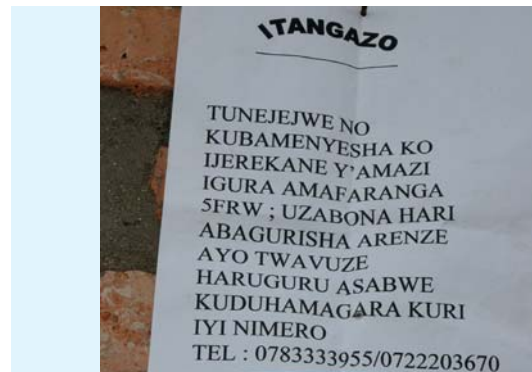
The concept of governance applies at both the macro (country level) as well as micro (institutional or sectoral) levels. As a result, its meaning depends on the context within which it is used.

For the purposes of this study, governance at the macro level is defined as:

The exercise of economic, political and administrative authority to manage a country's affairs at all levels ... it comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences<sup>5</sup>.

While this definition implies that governments at the central, regional or local level are the primary actors in a country's system of governance, public institutions are in fact only one category of actors with a determining stake in national governance. Civil society, composed of non-governmental and community-based organizations (NGOs and CBOs), donors, research institutes, religious groups, media, lobbyists, and individuals, among others, also play an important role. An analysis of governance must therefore focus on all the actors and structures in place to make and implement the decisions that shape and regulate the lives of citizens.

Governance at the macro level is increasingly becoming a central focus of development assistance. As a result, several different tools and frameworks have been developed to assess the quality of governance within individual countries. These include indicators that enable comparisons over time as well as across countries and regions. They generally focus on specific subsets of governance that relate to democracy, human rights, policies, public sector management, accountability, legislation, corruption, financial management and internal conflict.



### Rwanda

#### Announcement

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Nevertheless, while indicators such as these provide a general overview of governance in a country, they seldom address the gap between formal arrangements and realities on the ground. It is therefore prudent to use them only as one of many sets of tools to inform policy and decision-making in any particular country.

<sup>5</sup> UNDP (2001) in Rogers, Peter and Hall, Alan, (2003) "Effective Water Governance," GWP TEC.#7



Subsets of micro-level indicators, such as “water sector policy,” can be used to explore specific aspects of governance. In both cases, however, attention should be paid to margins of error as few governance indicators are objectively measurable; most include subjective perceptions.

Some of the most informative data sets on governance in the public domain include:

- World Bank Country Policy and Institutional Assessment (CPIA-WB);
- African Development Bank Country Policy and Institutional Assessment (CPIA-AfDB);
- World Governance Indicators (WGI), Kauffman, Kraay and Mastruzzi, World Bank;
- Corruption Perception Index (CPI), Transparency International;
- Failed States Index, Fund for Peace;
- Millennium Challenge Corporation Country Scorecards; and,
- Ibrahim Index of African Governance.

From these assessments, trends in the quality of governance in individual countries across the world can be observed. The World Governance Indicators, for example, demonstrate significant changes in 31 percent of countries over the past decade in at least one of its six aggregate

indicators. This indicates that changes in governance can occur within relatively short periods of time, even if those changes are not necessarily positive; after 12 years of monitoring governance using these indicators<sup>6</sup>, there is no convincing evidence to conclude that there have been significant improvements worldwide. With respect to corruption, Transparency International’s latest Corruption Perception Index rates all sub-Saharan African countries below 6 out of 10, and most below 5<sup>7</sup>. Some countries have experienced significant changes from the last index, while others have witnessed significant deteriorations. Overall, the CPI serves to highlight that perceptions of corruption are capable of changing quickly both positively and negatively.



Water and Sanitation Development Board Offices, Ashanti, Ghana

<sup>6</sup>Kauffman et al, (2008), Governance Matters VII: Aggregate and Individual Governance Indicators 1996 – 2007, World Bank, Washington.

<sup>7</sup>Transparency International, (2008), Corruption Perceptions Index.

## Water Sector Governance

As described above, the concept of governance can be applied at both the macro and micro levels: to countries as a whole as well as to individual institutions and sub-sectors within them. Water sector governance, at the micro level, is defined by GWP and UNDP as: "...the range of political, social, economic and administrative systems that are in place to develop and manage water resources and the delivery of water services, at different levels of society"<sup>8</sup>. Many of the processes and institutions will be defined directly by the central government, and these must function within the existing governance framework in the country.

Good water governance is based on principles of good governance, which include equity, efficiency, participation, decentralization, integration, transparency and accountability. Yet there is also a tendency in the water sector to reduce issues to their component parts and thereby lose sight of the overall governance picture. Until recently, most aspects of governance have been treated in isolation. The application of mitigation measures (e.g. decentralization, participatory planning, etc.) has often been seen as an end in itself. Real improvements in governance have become lost and linkages between sector governance and the wider governance context overlooked.

Table 1 (adapted from Plummer and Slaymaker, 2007) demonstrates how water sector



Presidential  
palace,  
Senegal

governance is closely tied into broader aspects of governance at the national level.

Moreover, recent studies have demonstrated that there is a direct correlation between the countries most lacking water services and those with the weakest governance<sup>9</sup>. Improving governance in the water sector is therefore not only about government systems and services delivery; it encompasses a much broader range of factors, including engaging civil society, non-state agents and their relationship to government. Sustainable services are not achieved without involvement of other stakeholders and particularly water users in the development of the policies and laws for sector development. This applies equally well to water resources management, with good sector governance backed by appropriate policies and laws being a key determinant of the sustainability of water resources.

<sup>8</sup>UNDP, (2004), "Water Governance for Poverty Reduction," UNDP, New York, p.17,

<sup>9</sup>Plummer and Slaymaker, (2007), "Rethinking Governance in Water Services," Overseas Development Institute, London, UK

With an understanding of the linkages between the broad concept of governance and its application at the sectoral level, water sector practitioners are better equipped to formulate policies, projects and programmes intended to improve the governance of their sector and its

subcomponents. The sections that follow describe how each of the sub-components noted in the table above affect and fit into water governance systems and practices and therefore contribute to or detract from the quality of macro-level governance.

**Table 1**  
**Broader Aspects of Governance and their Linkages to the Water Sector**

Governance Aspect	Water Governance Context
Political stability and personal security	Role of water in conflict-resolution and as an essential basic service in recovery and reconstruction.
Economic and social policy management	Integrating water into poverty reduction strategies; role of water services in facilitating economic growth.
Government effectiveness and service delivery	Capacity of local government/utilities in managing, and maintaining WSS service delivery.
Revenue mobilization and public financial management	Financing WSS service provision at national and local levels.
Conditions for private sector investment	Policies, legislation, regulations and incentives for private sector participation in WSS service delivery.
Political participation and checks & balances	Strengthening consumer/user voice to enhance accountability for WSS services.
Transparency and media	Improving access information on WSS rights, access, planning, budgeting and expenditures.
Judiciary and rule of law	Ensuring water rights and providing for recourse, arbitration, conflict resolution and appeal.
Civil society	Support sectoral social accountability mechanisms to ensure effective service provision.
Respecting human rights	Process of articulating, agreeing, implementing and monitoring the fulfillment of rights to WSS.
Pro-poor policy	Water service delivery approaches responding to increasing demand from poor households for adequate and affordable services.
Gender equity	Gender-based approaches to service delivery, women's participation in user groups and decision-making bodies; gender-disaggregated data.
Regulatory quality	Regulatory environment that encourages pro-poor service delivery and minimum standards for water services while combating water pollution.
Corruption and integrity	Tackling misallocation and diversion of resources intended for WSS service delivery improvements.

## 1.2 Sector Policy and Legislation

The overall purpose of sector policy is to serve as the means for establishing and maintaining the enabling environment necessary for sector development. From a governance perspective, involving all relevant stakeholders in the policy-making process is as important as the definition of policy objectives and mechanisms themselves<sup>10</sup>.

With regards to objectives and mechanisms, policies tend to either (1) focus on high level goals such as increasing access to water and sanitation for the poor, or attaining the Millennium Development Goals (MDGs) – a common feature of most contemporary Poverty Reduction Strategy Papers (PRSPs) – or (2) emphasize mechanisms such as the use of local resources in WSS infrastructure development, mechanisms to finance sector projects<sup>11</sup>, means to improve the capacity of irrigation schemes<sup>12/13</sup>, or private sector participation in service delivery, as has been

the case in Ghana<sup>14</sup>. Many policies take a more holistic approach by combining objectives and mechanisms, as has recently been the case in Ethiopia's sanitation sector. There, stakeholders have been working to create an enabling environment for and achievement of universal access to sanitation over the past five years "through the formulation of an appropriate policy and strategy followed by the launch of a National WASH programme. The national hygiene and sanitation strategy sets out key principles, and the National Hygiene and Sanitation Protocol describes what needs to be done to achieve universal access." Moreover, "the strategy and protocol are rooted in government programmes like the WASH Universal Access Programme and the Health Services Extension Programme<sup>15</sup>."

With regard to process, the ways in which policies are developed is a major determinant of the quality of eventual policy outcomes. Two broad approaches to policy development – centralized and decentralized policy-making – can be compared.

<sup>10</sup> Gordon McGranahan and David Satterthwaite, "Governance and Getting the Private Sector to Provide Better Water and Sanitation Services to the Urban Poor," Human Settlements Discussion Paper Series (International Institute for Environment and Development, 2006)

<sup>11</sup> AMCOW (2008) "Can Africa Afford to Miss the Sanitation MDG Target?" A contribution to AfricaSan 2008, African Development Bank, World Bank and WSP p. 41.

<sup>12</sup> International Water Management Institute (IWMI) (2006) "Water Governance in the Mekong Region: The Need for More Informed Policy-Making," Water Policy Briefing, Issue 22, based on research by Francois Molle and Randolph Barker, IWMI.

<sup>13</sup> Global Water Partnership (GWP) (2005) "Integrated Water Resources Management Plans: Training Manual and Operational Guide," GWP, Stockholm, Sweden.

<sup>14</sup> Fuest, Veronika and Stefan A. Haffner, "PPP-Policies, Practices and Problems in Ghana's Urban Water Supply," Water Policy, Vol.9. No.2 (IWA Publishing, 2007) pp 169-192

<sup>15</sup>AMCOW, 2008, 41.

In centralized systems, an executive-level planning body of senior officials from apex ministries coordinates and controls sector planning and policy development. Policy formulation is unencumbered by long consultative processes with local governments and user associations. Some argue that governance is thereby strengthened through rapid development and implementation of sector policy. This approach seems to have served

Tunisia and Israel well, but it does not allow for sufficient demand-side input during the policy-making process. This creates a greater risk of the policies not being appropriate to or accepted at lower echelons. Furthermore, this approach circumvents the opportunity to build policy networks with key decision-makers within and around sector ministries that will help determine the eventual success of policy at the implementation stage.



Ismailia Canal, Egypt



## Box 1: Uganda and Mali : Participatory Policy-making Processes

### Uganda's Water Action Plan<sup>16</sup>

The first milestone in Uganda's IWRM process was the development of the Water Action Plan (WAP) – the first of its kind following the internationally agreed principles from the UN Conference on Environment and Development in Rio de Janeiro in 1992. The WAP outlined a framework for water resources management based on identification of the key water resources issues set against the background of gaps and constraints in the enabling environment, the institutional roles and the management instruments. The action plan assisted the development of the water resources policy and the legislative framework, defined short term and long-term roles and responsibilities of the involved institutions and assessed their needs for capacities, capabilities and management instruments. Cross-sectoral aspects were dealt with in a committee with representatives from a number of relevant ministries, from districts, from water services providers and from the private sector. A number of actions were programmed all aiming at supporting the overall policies and strategies.

Over the last ten years the IWRM framework has been built up to a degree where Uganda has asserted its role in the Nile Basin, where a consistent policy and legislation provides the guidance and rules for priorities of water use, allocation and wastewater discharge, and where stakeholder participation and decentralization provides local level involvement. The

identified programme activities in the Water Action Plan 1994 has provided the road map for this development. This has resulted, among other things, in empowerment both at local, regional and international levels.

### Mali's National Sanitation Policy<sup>17</sup>

Mali's first National Sanitation Forum took place in Bamako in 2006 and concluded that there was an urgent need for a National Sanitation Policy and sub-sector strategies. Since then draft documents have been written by the DNACPN in collaboration with the National Directorate for Water (DNH) and with assistance from international and national consultants. They were discussed and improved upon at the second National Sanitation Forum in 2007 by representatives of central government institutions, local authorities, international and domestic NGOs, private sector representatives and donor agencies. The final version of the National Sanitation Policy was disseminated the following week to the Secretariat General of the Government for discussion and validation. The new policy determines guiding principles for the sector, sets goals to be achieved by 2015 or 2020, clarifies the responsibilities of each stakeholder, proposes the creation of a coordination mechanism, exposes guidelines for a sustainable financing of the sector and describes the main features of the capacity building plan and M&E system to be put in place. The Parliament was expected to pass the National Policy law by the end of March 2008.

<sup>16</sup>From Jønych-Clausen, Torkil (2004) "IWRM and Water Efficiency Plans by 2005: Why, What and How?" TEC Background Papers No. 10, Global Water Partnership, Annex 4.5, p. 43.

<sup>17</sup>AMCOW (2008), Box 4, p. 42.





Water management meeting, Malawi

In the decentralized and participatory policy-making model, local governments and water users can play a much stronger role in the policy-making process. By doing so they can have a far greater impact on policy and overall sector governance than they could have under a centralized policy-making model. Two countries demonstrating the benefits of decentralized and consultation-rich policy-making are Mali, via its National Sanitation Policy<sup>18</sup>, and Uganda through its National Water Action Plan<sup>19</sup>.

Lastly, feeding the policy-making processes discussed above, and the decentralized approach in particular, are the institutions,

organizations and individuals recommending a wide variety of policies and associated frameworks recognized as “best practices.” Though some may indeed be suitable for a number of different countries, research indicates that caution should be employed by any country thinking of adopting them before they have been fully scrutinized and tailored to the local context. As argued by Carter<sup>20</sup> and IWMI<sup>21</sup>, “off-the-shelf” policy proposals not tailored to local contexts but championed by donors and some international organizations should be examined critically, as they may be unsuitable governance tools in many countries despite their effectiveness in others.

**Legislation** is the mechanism for incorporating policy into national political and legal frameworks, setting water quality standards, protecting individual and communal water rights, managing conflict resolution and, perhaps most importantly, for specifying the roles and responsibilities of sector institutions. Given the plurality of institutions involved in developing and managing the water sector, the latter function can be a particularly strong determinant of effective water governance.

In this regard, the World Health Organization (WHO) advises that the key principle that should

<sup>18</sup>AMCOW (2008), p.42.

<sup>19</sup>Jonch-Clausen, Torkil (2004) “IWRM and Water Efficiency Plans by 2005: Why, What and How?” TEC Background Papers No. 10, Global Water Partnership, 43.

<sup>20</sup>Carter, Richard C. (1998) “Prospects for Sustainable Water Management Policy in Sub-Saharan Africa,” in *Water Resource Management: A Comparative Perspective*, (Ed: Dharendra K. Vajpeyi), Greenwood Publishing.

<sup>21</sup>International Water Management Institute (2006)

underlie the legislative structure of the drinking water sector should be to “protect and improve public health through the sustainable provision of drinking water of adequate quality in sufficient quantities to all the population continuously at a price which is affordable<sup>22</sup>.” IWRM legislation should “be based on a stated national water policy that cuts across sectoral and stakeholder divisions, addresses water as a resource and stresses the societal priority for basic human needs and ecosystem protection<sup>23</sup>. In the case of transboundary water management, clear legislation is essential to provide clarity over institutional roles and responsibilities across shared jurisdictions and be based on the principles of equitable and reasonable use, duty to cooperate, and dispute prevention, resolution and compliance<sup>24</sup>.

As in the case of water policy formulation, experience cautions against adopting overly rigid or “off-the-shelf” legislation. While legislation empowers regulators, an overly legalistic approach towards water quality and supply is self-defeating. “The primary concern should be to influence management decision-making to reduce risks to public health<sup>25</sup>.” Caution is also advised against relying on legislation to push forward water sector reforms, since many are not enforced despite being set out in law.

In practice, despite the existence of numerous good examples, African water legislation often consists of a disparate collection of laws and regulations developed over several decades, many dating back to colonial times. These are often overly complex burdened by redundancies as well as gaps that handicap good governance. For example, remnants of colonial laws may still exist that define institutional roles long after named institutions have been replaced. Similarly, customary water law, in which water was seen as a collective right and safeguarded by the tribal group, may persist in spite of new laws modernizing the sector. Unfortunately, harmonizing and updating sector legislation can be a daunting task. Strong political commitment and tenacity is needed to drive the process forward.

Lastly, policies and legislation may overreach government’s capacity to implement and enforce them. Policies that are developed without sufficient finance in place for implementation complicate sector governance by adding to the existing collection of unenforceable or unrealistic legislative or policy initiatives. Likewise, the pursuit of targets or objectives set out in policy without sufficient attention being given to the processes and resources needed to attain them also inhibits effective sector governance.

<sup>22</sup>World Health Organization (WHO), “WHO Seminar Pack for Drinking Water Quality”, WHO, Geneva, [http://www.who.int/water\\_sanitation\\_health/dwq/S16.pdf](http://www.who.int/water_sanitation_health/dwq/S16.pdf)

<sup>23</sup>Ferragina, Eugenia, M. Marra and D.A.L. Quagliarotti (2002) “The Role of Formal and Informal Institutions in the Water Sector,” Plan Bleu, Sophia Antipolis.

<sup>24</sup>Shultz, Anna (2007) “Creating a Legal Framework for Good Transboundary Water Governance in the Zambezi and Incomati River Basins,” Georgetown International Environmental Law Review, 2007(1), Georgetown University Law Centre, Georgetown.

<sup>25</sup>WHO, “WHO Seminar Pack for Drinking Water Quality”



## 1.3 Regulation

A regulatory framework is basically a set of rules, processes, and monitoring and enforcement mechanisms that ensure service providers adhere to national service and quality standards. These also serve to “level the playing field” between user and provider in an otherwise monopolistic environment. A functioning regulatory system is thereby a central feature of good sector governance.

The effectiveness and enforceability of regulation is a function of the quality of governance writ large, or “the set of traditions and institutions by which authority in a country is exercised<sup>26</sup>.” This can be assessed using variables measured by instruments such as the World Bank’s “World Governance Indicators:” (1) voice and accountability, (2) political stability and the absence of violence, (3) government effectiveness, (4) regulatory quality, (5) rule of law, and (6) control of corruption. The rule of law is arguable the most important category with respect to water sector regulation given that it enables enforcement of existing standards.

Within the rule of law are the key requisites of (1) sound law courts, and (2) the ability to enforce contracts.

Regulation is typically applied to urban bulk water suppliers and service providers. The focus is on tariffs, service quality and consumer protection. Although the usual institutional model entails reliance on a single regulatory authority, water sector regulators encompass many oversight mechanisms including the authority, a ministry, an asset holding company or authority, a customer group, independent experts and / or the service provider itself through self-regulation. Regulations are stipulated in legislation, contracts, by-laws, personal commitments and service charters. They are enforced by the regulator exacting penalties, financial incentives (both positive and negative), withdrawing licenses, political pressure and use of the media.



Rwanda: This card is used for the sale of water. The seller ticks a box when selling a jerrican.

Table 2: African Water Sector Regulation Models

	Self-Regulation	Regulation by Contract	Regulation by Contract with Regulator	Regulation by Agency with Licensing Regime
Municipal	Durban, RSA			Zambia: 6 utilities
Regional & National	Djibouti	Senegal, Gabon Uganda, Burkina Faso	Niger Mali	

<sup>26</sup>Kaufmann, D., A. Kraay, and M. Mastruzzi. (2004). “Governance Matters”, Washington, DC: World Bank.

In most countries, urban water services are provided by the municipality, a public or para-public utility and by private operators that are contracted by the municipality under performance contracts. In some cases the utility may be regional or even national in scope, providing services to a group of municipalities. The most common ways in which service providers are regulated are listed in Table 2, above, and described in further detail in the list below<sup>27</sup>:

- **Self-regulation** is most often used by municipalities, ministry departments or state-owned companies. Private entrepreneur service providers also use a form of self-regulation through peer-to-peer regulation in a competitive environment;
- **Performance monitoring** regulation by a specific performance contract review committee (PCRC) made up of a multidisciplinary membership. This approach is being used in Uganda;
- Regulation by **performance contract** is common between asset owner and public or private utility, as in Uganda and Burkina Faso;
- Regulation by **contract** is also used in a hybrid form in which an independent regulator provides supervision but also uses contracts;
- **Licenses** are provided by independent regulators, as in the case of Zambia, that set out the terms under which they are to provide services;



<sup>27</sup>Adapted from Trémolet, s. & C Hunt (2006) "Taking Account of the Poor in Water Sector Regulation", WSP, Washington, DC, USA

- Regulation through an **asset holding authority** such as SONEDE of Senegal that uses a performance contract as the basis of regulation but otherwise monitors and assures good customer relations by the service provider; and,
- Regulation by a **network of stakeholders**, each representing an agency facet or sub-sector.

The regulator that is often considered most desirable is the independent or autonomous regulatory authority. The advantage this model has is that the regulator is independent from the political arena in its decision-making and is able to satisfy the three criteria stipulated for infrastructure regulatory systems<sup>28</sup>:

1. Legitimacy: the regulatory system protects consumers from the exercise of monopoly power, whether through high prices, low quality of service or both;
2. Credibility: investors (e.g. private sector utilities or capital market investors) must have confidence that the regulatory system will honour its commitments (e.g. maintain agreed minimum tariff levels); and
3. Transparency: regulation and related information are transparent.



Water Storage Tank, Uganda

<sup>27</sup>Adapted from Trémolet, s. & C Hunt (2006) "Taking Account of the Poor in Water Sector Regulation", WSP, Washington, DC, USA

<sup>28</sup>World Bank (2006) "Handbook for Evaluating Infrastructure Regulatory Systems", Washington, DC.



Complete autonomy may be the ideal but it is rarely seen in practice. There is inevitably some form of government and/or political influence. In practice, partial independence has become accepted although most often with the hope and understanding that the regulatory system is transitioning to independence. The country, however, may lack commitment, capacity, or both. Indeed, the full independent regulator may be too risky a model to attempt as a first step in regulation. Also, some aspects of the ideal autonomous model regulator may be incompatible with the legal and cultural norms of a country. In the real world, the best approach is to obtain the best fit, instead of insisting on a universal set of “best practices.” This is the case in South Africa, where the Department of Water Affairs has pro-actively assumed the role of sector regulator, though it lacks independence. Although it is said to be in transition, it could take several years to achieve the desired state of independence from government and the political arena. On balance, it is far better that government assume a regulatory role at this time than there be no such role being played at all.

The greatest number and most deprived of services are undoubtedly the poor, the MDG’s primary target. They are special in that they are least served by formal and regulated service providers such as urban utilities. In 2006, for example, it was reported that Maputo’s water utility provided only 20% of the urban population through house connections and



Water vendor, Uganda

20% by standpipes. Another 20% bought their water from their neighbours, 30% bought water from small unregulated network operators and the remaining 10% collected or bought water at wells or boreholes and/or from vendors.

The poor are unlikely to have house connections, particularly if connection charges are high or they do not have land tenure. They commonly pay much more per litre than those that enjoy piped water. Their services are often poor and intermittent. In addition, they lack influence, voice and channels to complain to the regulator, if regulation exists at all. The poor represent the most difficult to reach but need to be if the MDGs are to be achieved. This is a key governance issue for the water sector.

Reaching the poor can be facilitated through special provisions in the regulatory framework.

Trémolet and Halpern have made recommendations for improving service delivery for the poor. These are paraphrased below<sup>29</sup>.

**Regulating access expansion:** Coverage targets may be overly restrictive by defining service at higher levels than can be afforded whether by the utility or the customer. Allowing for differentiated service levels, such as through regulated independent networks or vendors, can provide greater access and improve service delivery. Coverage targets might also be too ambitious, making it impossible for utilities to achieve even under pro-poor performance contracts. Alternatively, using positive incentives rather than penalties to encourage achievement of targets (particularly in poor areas) can be more effective, especially when funds are scarce and capital financing difficult.

**Regulating tariffs:** Tariffs need to be set at appropriate levels to permit cost recovery and contribute to investments while not generating excessive profits. Tariffs that are too low, although favoured by politicians, lead to financial insolvency and inability to extend services, particularly in the less accessible poor areas. On the other hand, tariffs that are too high, as may happen in non-competitive or unregulated environments, provide little

incentive to improve productivity and enable poor management and rent-seeking.

Subsidies, where they exist, need to be well targeted. The rich are subsidized through sewerage provision and piped water supply, whereas the poor who are excluded from sewerage networks and pay higher prices per litre of water to vendors. Subsidized connections such as “social connections,” using clear cut definitions of poor customers, are often better targeted. Also, differentiated service levels (regulated standpipes and private and condominal networks) provide for targeting and a form of self regulation. When faced with low tariffs and difficulties in extending services, there may be possibilities of providing financial incentives to the provider to specifically extend services into the poorer areas.



New handpump,  
rural Uganda

<sup>29</sup>Trémolet, S., & J. Halpern (2006) Regulation of Water and Sanitation Services, Getting Better Service to Poor People”, GPOBA Working Series Paper 8, Washington, DC

Regulating service quality: One way to keep tariffs at affordable levels is to provide lower-cost services through the use of service standards matched to local needs. Service standards need to be flexible, and potential trade-offs between service quality and price need to be recognized. Care also needs to be taken in applying excessively rigid water resources regulation such as banning entrepreneurs from abstracting from wells near poor areas when they are providing a legitimate and improved service. Similarly, the uniform

application of service standards can create lost opportunities of cost-savings and reaching the poor. An example is mandatory 24 hour pressure. In some areas reduction of pressure and/or intermittent services (using roof tanks) may be appropriate if well-regulated. There are other areas of service standards, such as hours of service, pressure, taste, physical appearance and customer service standards that could be researched further to find innovative ways by which costs could be lowered without jeopardizing public health.



Rural water supply,  
Cape Verde

.....

Regulating alternative service providers: In some countries, alternative service providers provide services to up to 60 and 70% of urban populations. Unfortunately they are often unrecognized and are regulated against without understanding what they have to offer in extending services to the poor. Indeed, alternative service providers may be the only alternative many utilities have in extending services into poor areas. The first step is to get a better understanding of the situation. Alternative providers offer services in many ways: piped networks, standpipes and vendors, and tankers. Domestic resellers (neighbours) may also provide water to a substantial percentage of consumers. Bringing alternative providers into the formal sector would be complicated, and many might shy away from being “formalized”. They can be brought under the regulation umbrella by being flexible and recognizing the very different conditions and needs in improving

services in low income areas. “Light handed” regulation is required in order to keep costs down and avoid driving those providers out of business. One objective should be to provide for a “level playing field” and focus on those aspects most important to the consumer (affordability, reliability and quality) while

leaving other less important criteria to market forces. One approach is through licensing and defining areas of operation and services provided. Monitoring can be conducted by organizations closer to the service areas contracted to do so by the regulator, such as an association of alternative providers.



Flap valves of the Massingir dam, Mozambique



## 1.4 Decentralization

The second principle of the agreement stemming from the International Conference on Water and Environment (ICWE) (Dublin, Ireland, 31 January 1992) states that:

Water development and management should be based on a participatory approach, involving users, planners and policy-makers at all levels. The participatory approach involves raising awareness of the importance of water among policy-makers and the general public. It means that decisions are taken at the lowest appropriate level, with full public consultation and involvement of users in the planning and implementation of water projects.

Taking decisions at the lowest appropriate level is referred to as the principle of subsidiarity. In the water sector its goal is to achieve more sustainable use of water resources through the close involvement of stakeholders at the local level<sup>30</sup>. To achieve this, decentralization needs to be implemented in a transparent, accountable and participatory manner<sup>31</sup>. It also needs supportive and enabling policies, legislation, regulation and adequate capacity within local governments. Local stakeholders must parti-

cipate in setting strategic directions, planning and implementation. All of this calls for substantial local government capacity and strong political commitment<sup>32</sup>.



Kids enjoying free flowing water

Decentralization entails the transfer of authority for decision-making, financing and management to representative and accountable local governments as well as the delegation of certain public functions to autonomous or semi-autonomous bodies, such as public utilities. Fiscal decentralization requires both improving local revenue generation capacity

<sup>30</sup>Dinar, Ariel et al. (2005) "Decentralization of Basin Management: A Global Analysis," World Bank Policy Working Research Paper 3637, Washington, USA.

<sup>31</sup>Water Aid (2008) "Local Millennium Development Goals Initiative: Local Government and Water and Sanitation Delivery," London, UK.

<sup>32</sup>Rees, et al. (2008)



and devolving budgeting and expenditure authority to the lower levels. It can be argued that the retention of sector financing control by the centre can have its advantages, such as being able to better respond to national priorities and donors that do not normally deal with sub-national authorities. On the other hand, national governments tend to give lower priority to the water sector than local governments. Control over budgeting and expenditure by local government facilitates needs-based and demand-responsive service provision<sup>33</sup>.

It is recognized that if roles, responsibilities and functions are to be devolved to lower levels, and if these lower levels lack human resources, management capacity and financial resources, then water service provision will suffer<sup>34</sup>. Costs may actually increase in parallel with declining service levels. Obviously, a balance is needed in control over sector financing and management that is tailored to specific and evolving realities.

Many African countries have attempted to decentralize the water sector but few have achieved devolution (successful transfer of decision-making authority). Most have de-concentrated the apex ministry in some form or other, but are reluctant to truly devolve and have been slow in resources and assets transfer. Key staff may have been moved to the local levels, but they continue to report to the centre, which retains power over their functions and performance. Examples of this among the

countries visited through the Water Governance Study include Malawi, Kenya, Tunisia and Burkina Faso. Far closer to devolution in the water sector are South Africa, Uganda and Senegal.

Despite its potential benefits, however, there is also a danger in decentralizing too quickly, before enabling policies and legislation are in place and before local capacity and competence can be strengthened. This applies in particular to the areas of procurement, project and financial management. A major challenge in this regard is the actual level of control assigned to local level institutions to determine how funds will be spent on sector development activities. One indicator of central government support for decentralization is their willingness to support and facilitate local level financial management without maintaining intrusive control over decision-making<sup>35</sup>.



Massingir dam, Mozambique

<sup>33</sup>WaterAid, 2008

<sup>34</sup>Global Water Partnership (GWP) (2008) "Water Financing and Governance," GWP, Stockholm, Sweden

<sup>35</sup>Dinar, et al. (2005)

In Uganda for example, the government has developed and implemented policies and an institutional framework that provides clarity and separation of functional roles and responsibilities with minimum overlap, gaps and duplication. Service provision and management is undertaken at the lowest appropriate level and procurement has been devolved to district levels, accompanied by regular audit, capacity building, follow-up monitoring and enforcement of findings, and feedback for learning lessons.

Similarly, in Senegal, decentralization has been implemented so that management of service provision is done at the lowest appropriate level

and technical capabilities, resources and mandates adequately devolved to regional and local levels to effectively support programmes and projects. The needs and preferences of local communities are included in sector plans and project designs through participatory processes, and local operation and maintenance management is achieving cost-effective service delivery. Asset ownership is formalized, and consumer organizations are legally recognized.

While South Africa has demonstrated good practice in achieving some significant progress in decentralization, problems remain in harmonizing sector legislation to clarify roles and responsibilities of stakeholders. The process of asset transfer has not been straightforward, and asset management has been deficient in the smaller municipalities. Shortage of skills among staff in municipalities is a key constraint, despite longstanding training efforts. Procurement skills are particularly weak, resulting sometimes in non-transparent transactions and rent seeking.

Malawi is attempting to decentralize its water sector but is facing many difficulties. Beginning with a lack of clarity in and support for decentralization from the Ministry of Local Government, decentralization of the sector has been handicapped by a chronic lack of capacity especially at district levels that has resulted in deconcentration (central government staff posted at the local level to administer programs) rather than devolution. Accompanied by little progress in fiscal decentralization, most sector development is centrally controlled and sometimes subject to



Mzimba water management committee, Malawi

political influence. While there has been progress in putting in place regional water boards, the management of significant sector development initiatives is controlled by program and project management units, which can bypass the government structures. Community participation in decision-making is still in its early stages.

In assessing what would be the best balance needed for decentralization and preservation of residual capacity in central government, the functions at each level need to be determined. The following paragraphs provide examples under the principal functions of (1) planning and budgeting, (2) project supervision and management, (3) procurement, and (4) monitoring and evaluation (M&E). For each one, a suitable balance in the devolution of responsibilities between the central government and the decentralized stakeholders (regions, local governments, and communities) is discussed under the general principle of subsidiarity.

These indicators propose a “generic point of balance” applicable in the context of countries where decentralization is still rather limited. They may not be as relevant for countries already far along in the decentralization process, such as Benin.

- Planning and budgeting. A balanced distribution of functions between the centre and decentralized stakeholders could be that central government is responsible for coordinating dialogue on and setting na-

tional sector policy, consolidating budgeting, mobilizing and allocating resources, and arranging for transfers from the Ministry of Finance. Local stakeholders would identify needs, participate in planning (local development plans and local water and sanitation plans), channel demands and set investment priorities and formulate local rolling plans and budgets. In other words, the central government would be mainly responsible for facilitating the sector’s planning and budget and setting the rules for distribution and use of resources, while the decentralized stakeholders would be responsible for local planning, project design and effective use of resources.

- Project supervision and management covers tasks linked to implementation: raising awareness, facilitating community capacity building and dialogue with beneficiaries, project planning and technical design, works supervision, information-education-communication, etc. Most of these activities are carried out by service providers (companies, consultants, NGOs) under the supervision of the project team inside the ministries in charge of water supply and/or sanitation. An appropriate balance between the central and local level would be one in which these tasks are supervised and managed by decentralized stakeholders either at the regional level or by decentralized project teams that may be supported by external technical assistance. As such, the role of the centre would be confined to quality assurance and administrative and financial management support.

Where legal authority for water supply and/or sanitation has been devolved to local government (as in South Africa, Tanzania and Uganda) they should have the capacity for assuming responsibility for implementation. The reality in most African countries, however, is that decentralization has reached only the deconcentration stage, and the main flow of resources is still channeled through sector apex ministries. Local governments do not yet have the capacity and staff to assume this level of responsibility (as is the case currently in Malawi and Mozambique). As a temporary measure, a reasonable balance would be that the local governments delegate part or total responsibility for supervision and management to the region, or contract with them for technical assistance (as is the case in Senegal).

- Procurement: Experience in devolving responsibility for procurement has emphasized the essential need to first build procurement skills and capacities locally (e.g. Uganda). A generic point of balance in the meantime could be that the region be made responsible for preparation of tender documents, managing the tender process and transfer responsibility for contract management to local authorities. The centre would be responsible for oversight, quality assurance and relations with the finance ministry and donors or lending institutions. This balance is not ideal but is a step towards devolution and ahead of an entirely centralized procurement process (as is the case in Burkina Faso) without requiring substantial reforming of procurement re-



Water supply facilities in a school, Rwanda

gulations. It is stressed, however, that even this partial devolution requires trained and experienced procurement staff.

- Monitoring and evaluation is one activity where decentralization is critically important from both data collection and feedback perspectives. An appropriate balance would be that all the responsibilities related to the production of data should be as decentralized as possible (local governments, water service providers, water user associations, project implementing teams, communities), while the responsibilities for data consolidation and management (i.e. storage, maintenance, publishing) would be located at regional and central levels. The increasing accessibility of online communications in rural areas in many African countries has made the centralized management of web-based databases feasible, for their contents can now be made accessible to any authorized stakeholder with an internet connection.

In this configuration, data collection is the responsibility of (trained and authorized) local government, municipality or service provider with community support and participation. Data collection would be at either local or regional levels and analysis, storage, feedback and dissemination would be a central responsibility. It should be recognized that the dissemination and use of data is as important as its collec-

tion and analysis. Management at all levels therefore needs to be trained in its proper use. Likewise, the public needs to be given access to the full range of information concerning their systems and overall sector status, including access figures, plans, budgets and expenditure data.

While these represent ideal models to strive for, there is no one-size-fits-all solution to making decentralization a reality. Each country is attempting to achieve its own balance and rate of change according to its stage of development, size and administrative capabilities. Devolution calls for a major effort in strengthening local government administrative, financial management and technical capacities, increasing financial resources allocated to the sector, and substantial changes in attitudes



Lake Kivu in Cyangugu, Rwanda



and perceptions among bureaucrats, politicians and the general public. Institutional roles, responsibilities and accountabilities must also change. While specific tools, such as local development plans, have been promoted to aid decentralization, local governments often lack the necessary skills and political maturity to plan their sector development and management effectively, frequently resulting in unrealistic, non-implementable and inequitable local development plans and programs.

Decentralization is normally driven by authorities outside of the water sector, such as Offices of the President or Cabinet, through Ministries of Local Government or Finance. Sector agencies respond to and comply with decentralization reforms and directives with varying degrees of enthusiasm and commitment. Strong and consistent leadership from the highest levels is therefore necessary to encourage change in bureaucratic practice and process.

Decentralization has developed from a relatively simple concept expressed as subsidiarity to a complex and often confusing reality that exists in many partially implemented forms across Africa. But certain areas of emphasis are clearly effective in advancing the process of decentralization to achieve sustainability of sector development. These include continued and more targeted effort in capacity building at all levels, especially in local governments. Supporting and assisting stakeholders at all

levels in accepting, adapting to and managing change is often overlooked, but critical.

To achieve greater success in decentralizing the management of water service provision to the lowest appropriate levels, it is recognized that the following criteria need to be considered in designing sector support initiatives:

- The lowest appropriate levels for the management of service provision have been identified for the range of sector services, considering the comparative advantages of each level, their strengths and their capabilities;
- The functional roles and responsibilities of all sector stakeholders are clearly defined and separate from one another, so that confusion and conflicts resulting from overlaps, duplication and gaps are eliminated;
- Stakeholder relationships are clear, legitimized and governed by written procedures, agreements or contracts, so that all parties are aware of each others' roles and responsibilities and can monitor each others' performance and results;
- Interests, incentives, mandates and responsibilities are aligned among all stakeholders and there is a shared commitment to achieving sustainable service provision;
- Regional and local level responsibilities are adequately supported by the decentrali-

zation of skills, capabilities, assets, human and financial resources, and mandates;

- Capacity building is aimed at ensuring core competencies at all levels; and,
- Devolved procurement is accompanied by capacity building, effective monitoring and regular audit.

Lastly, external funding from donor agencies is shifting from project-based to programme-based, and eventually to basket funding and SWAp mechanisms, as local level financial management competencies and accountability evolves. Central governments will therefore need to proportionately increase their funding to the decentralized sector, and local government revenue generation capacity will also need to increase.



A handpump in rural Senegal

## 1.5 Sector-wide Approaches

The sector-wide approach (SWAp) has traditionally fallen under the rubric of the programme-based approach to aid delivery: the coordinated disbursement and implementation of development assistance at the programme rather than project level with the intention to reduce transaction costs and improve aid effectiveness. While this may still be the case in many aid-dependant countries, governments are increasingly viewing SWAps as a means for coordinating and facilitating sector development. In other words, aid delivery may only be one part of this mechanism. As more countries develop stronger institutional capacities to manage them, SWAps are becoming increasingly recognized as a “common sense planning tool that can help politicians and planners better divide public resources over priorities<sup>36</sup>” and a way of coordinating a complex sector, building trust through dialogue among all stakeholders and strengthening domestic ownership<sup>37</sup>. Amongst the countries visited through the African Water Governance Study, Uganda provided examples of best practices in this regard. These are centred on annual technical performance assessments and joint sector reviews (JSRs) led by a sector-wide stakeholder working group (SSWG).

SWAps typically encompass five main elements: public financial management, sector policy, accountability and performance monitoring, aid alignment and harmonization, and institutions and capacities – all directly relevant to sector governance. They can therefore link policy and planning objectives to budgeting, implementation and monitoring; set up a framework for scaling up coverage improvements over time; and generate buy-in from ministries of finance and donors.

Eleven African countries are now using SWAps in the water sector and many more have SWAp in their health and education sectors (see Table 3.2b). As noted above, key elements in moving the sector forward as a team are being found to be SWAp’s SSWG, regular sector technical assessment and JSRs. These can draw all sector stakeholders together, harmonize approaches, underpin monitoring, reduce administration and transaction costs, provide an annual stakeholder review of the sector and identify key areas for improvement on an annual basis. In doing so SWAps can provide a harmonized approach for donor support to the sector and facilitate the use of earmarked sector budget support.

Sector policies and strategic plans, important elements of any SWAp, are meant to provide the enabling environment for and articulate the direction of sector development efforts. As

<sup>36</sup>Boesen, Nils and Dietvorst, Desiree (2007) “Sector Wide Approaches: From an aid delivery to a sector development perspective,” Reflections from the Joint Learning Programme on Sector Wide Approaches, January 2006 to April 2007: 14, [www.train4dev.net](http://www.train4dev.net).

<sup>37</sup>Train4Dev., [www.train4dev.net](http://www.train4dev.net)

noted in the discussion on sector policy and legislation in section 1.1.2, they provide a framework for overall sector governance. As the Joint Learning Programme (JLP) has found, “cobbling together a reasonably coherent policy framework can be one of the first steps towards a sector or sub-sector programme and often a number of policies and acts exist that could begin to form the basis for a broader approach<sup>38</sup>.” Yet this is no simple task. One of the largest challenges associated with adopting a SWAp in the water sector is the existence of numerous overlapping policies and the multiple institutions and actors involved in their implementation. Given the complexity of the sector (with sub-sectors including agriculture, forestry, environment in addition to WSS and IWRM), it is often said that SWAps are most effectively introduced at the sub-sector level, before being expanded to include all sub-sectors.

The second major element of the sector-wide approach is the coordination and management of a “sector budget,” which in light of the plurality of institutions and budgets involved is difficult to undertake in the water sector. One mechanism used to simplify budget decision-making and management processes at the macro level is the MTEF, a three stage activity and output-based fiscal planning process fed by fiscal policy objectives, macroeconomic projections and medium-term budget estimates. In sectors such as water, where the development of a sector budget may be impossible due to the fact that

most budgets are created at the institutional rather than programmatic level, it may be more useful to return to the essence of the SWAp as a governance mechanism. That is, rather than trying to create a sector budget out of thin air, the SWAp, in theory, encourages and necessitates inter-institutional dialogue and financial coordination in the pursuit of shared objectives. This is particularly important in relation to the management of aid contributions and donor coordination. Since considerable donor funding is now disbursed at the programme level, a SWAp is a means through which dollars can be channelled to appropriate areas within the sector and aligned with national budgeting processes.

This, of course, requires sufficient financial management capacity to be in place in the focus country, which is often far from the case in reality. Dutch experience in Benin, for example, showed that although considerable preparatory work has been done by donors to help setup a pooled fund mechanism, the formal “conditions for SWAp” have not yet been met due to the weakness of local public financial management capacity<sup>39</sup>. Similarly, even when basic budgeting systems are in place, donors and the government in question may still not agree that SWAps are the best approach. The Netherlands found that in Bangladesh, institutional weaknesses, lack of political commitment and lack of interest from donors heavily constrained opportunities for a water sector SWAp, and the Dutch ended up continuing their project-based

<sup>39</sup>Van Woerse, Bert and Heun, Jetze, “Evaluation of Sector Support and Approaches in the Water Sector,” Final Report, Policy and Operations Department (IOB), Directorate-General for International Cooperation (DGIS), May 2008.

<sup>38</sup>Boesen and Dietvorst (2007), p. 20



Mulunguzi dam, Zomba, Malawi

approach<sup>40</sup>. Beyond the sector's complexity, an additional factor behind this reluctance is the belief amongst some practitioners that SWAp's may increase corruption risks due to the lower

levels of project supervision, particularly on the part of donors, they sometimes entail.

These elements combine to determine in large part the scope for capacity building and reach of performance monitoring also typically included in sector-wide approaches. A SWAp's holistic approach to sector development can help prioritize capacity building needs and identify those willing and able to undertake them. Yet it can also unearth common disjunctures between policy objectives and a particular government's capacity to implement them. Similarly, the transparency promoted by the inclusion of all sector stakeholders in planning and budgeting processes can contribute to increased accountability. For example, many SWAp's now encourage participation of user groups in the design and implementation process and facilitate stakeholder platforms to ensure their voices are heard<sup>41</sup>. With regards to monitoring, mechanisms such as Sector Technical Assessments and JSRs are said to help strengthen mutual accountability between governments and donors.

<sup>40</sup>Van Woersem and Heun, (2008)

<sup>41</sup>Boesen and Dietvorst, (2007)



## Box 2: South African's Water SWAp

### (« Masibambane »)<sup>1</sup>

South African's water SWAp represents a good example of the way in which such these mechanisms are less about donor coordination than about guiding sector governance and development. Now in its third phase, «Masibambane», as it is known locally, has evolved from a water and sanitation policy and strategic planning tool to one that is guiding capacity building efforts not only within the WSS sub-sector but also water resources management. These three phases are summarized below.

Masibambane I :

- Three-year €75m pilot initiative begun in 2001 focused only on supporting WSS services in three of nine provinces. Intra-sector collaboration is the overriding theme.
- Managed by the Department of Water Affairs but seen as a vehicle for sector decentralization

- Water services policy (10-year strategic vision and objectives for the sector) and transfer policy (decentralization of WSS) developed.

Masibambane II :

- Objectives : strengthen water services sector ; support local government ; expand from three provinces to entire country.
- 2004-2007, €60m
- Identified too much of a focus on infrastructure as opposed to operation and maintenance of water services, poor quality of sanitation services, the need for an improved monitoring system and a dependency on consulting support.

Masibambane III :

- Objectives : promote IWRM in the water sector throughout entire country

## 1.6 Sector Financial Management

Effective water sector financial management is crucial if services are to be provided equitably, transparently and efficiently. A review of sector financial management practices can be broken down into two broad categories: sector financing and financial governance (budgeting and accounting mechanisms).

With respect to sector financing, a variety of fiduciary mechanisms have been used in Africa to finance service delivery, including inter-ministerial transfers, off-budget allocations (e.g. donor funding), cross-subsidization, taxation, user fees, and public-private partnerships<sup>42</sup>. The relative utility and success of these mechanisms depend to a large extent on the state of decentralization, poverty levels and affordability of services, external donor support, and the effectiveness of financial management systems. In the vast majority of African countries, user fees and debt financing are not a realistic means to fund service delivery alone<sup>43</sup>; government and donor support will be required in most cases for the foreseeable future.

Budget formulation and expenditure management frameworks are key components of sector financial governance. As in other

sectors, it is important that water sector budget formulation be policy sensitive, in that policy objectives are reflected in sector allocations. Budgets should reflect sector targets, such as the MDGs or national sector development strategies, while also ensuring that allocations to the water sector are balanced with those to health and education. Strong accounting and monitoring systems should also be in place to ensure resources are allocated equitably to ensure the diverse needs of various user groups are addressed. As noted in the World Bank's Public Expenditure and Financial Accountability (PEFA) Performance Measurement Framework, the outputs of these monitoring mechanisms, such as year-end financial statements and budget execution reports, should also be available to the public.

Medium-term expenditure frameworks (MTEFs) and the Medium-Term Budget Frameworks (MTBFs) and Medium-Term Fiscal Frameworks (MTFF) that precede them have become common tools to strengthen policy and spending linkages in macro-level expenditure planning. However, the capacity of many African countries to implement them effectively is uncertain, particularly in the water sector<sup>44</sup>. Amongst the three, MTBFs – focused on budgets for individual spending agencies – are often recognized as the most suitable mechanism for a highly complex sector such as water.

<sup>42</sup>Mehta, Merra and Mehta, Dinesh (2007) "Financing Water and Sanitation at Local Level," Draft Synthesis Paper, WaterAid UK

<sup>43</sup>Savage (2003)

<sup>44</sup>Oxford Policy Management (2002) "MTEFs: Panacea or Dangerous Distraction?" OPM Review, May, Oxford, UK.



Waste Stabilization  
Pond in Gulu,  
Uganda

In South Africa, MTEFs and rolling plans are only partly effective. Allocations are still subject to political influence, although those to lower-levels are formula-based and weighted to reflect needs, population, poverty and implementation capacity. Efforts are being made to continually improve budget and expenditure monitoring to analyze equity, effectiveness and efficiency of targeted subsidies. Uganda is also using MTEFs and formula-based allocations to local governments. There the MTEF is used to develop multi-year projections of sector expenditures. These provide stakeholders and local governments with reasonable and reliable estimates of future budget allocations, which enable them to develop their own relatively accurate three-year rolling plans. Allocation formulae were developed in Uganda by consensus and are said to reflect local level needs, although it has taken several years to have them used on a consistent basis. Lastly, In Malawi, although MTEFs and rolling budgets are

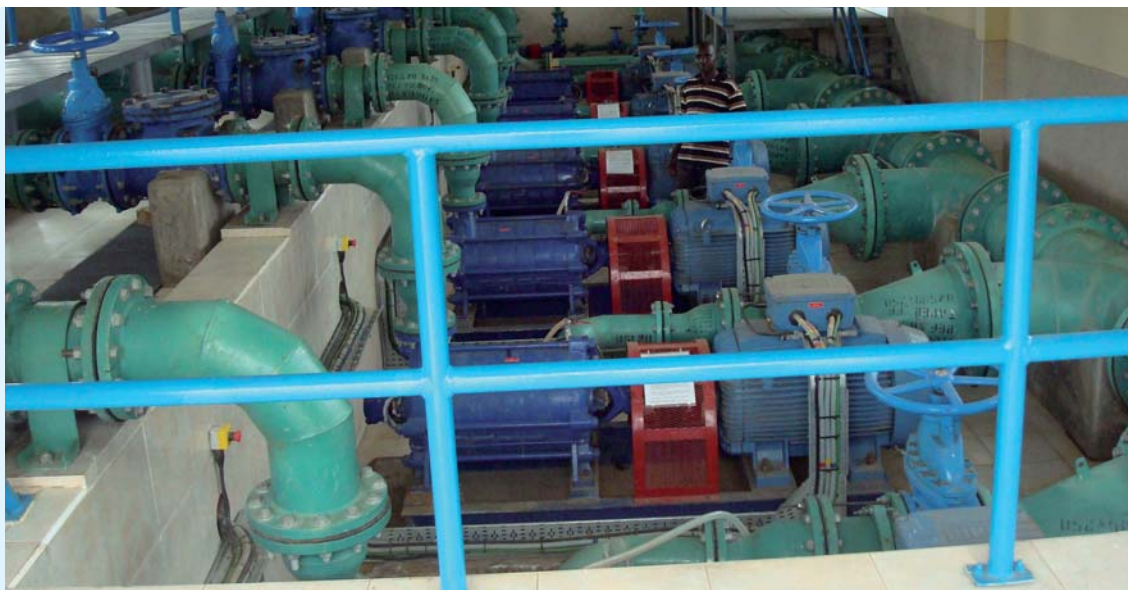
in place and are consistent with policies, allocations are not predictable and formula-based allocations are not being used. Moreover, monitoring is weak and it is not yet possible to measure service equity or distribution of allocations among various user groups.

While many of the tools intended to improve financial management (MTEFs, MTBFs, rolling plans and budgets, accounting systems, value for money audit etc.), have been found useful, the key areas requiring attention are allocation procedures to local governments, equity of allocation among users, efficiency of subsidy targeting, and financial management at local levels. Participatory planning and budgeting involving users and local governments, for instance, is essential for improving allocation distribution, subsidy targeting and equitable service provision. In this respect decentralization is viewed as a means to improve budget allocation effectiveness by enabling lower levels to participate in the formulation and expenditure management processes. Yet capacity weaknesses, especially at local government levels, have proven to be a significant constraining factor<sup>45</sup>. One response has been the use of conditional grants to local levels, changing to block grants as capacity increases. Furthermore, civil society organizations such as user organizations and particularly advocacy NGOs have key roles in monitoring allocations, implementation and management of water resources and services delivery.

<sup>45</sup>Savage, David (2003) "Governance and Financing of Water Supply and Sanitation in Ethiopia, Kenya and South Africa," WSP Sector Working Papers: No.5, Water and Sanitation Programme; and Rees et al. (2008)

In light of the above, the following points represent recognized mechanisms that can be used to improve water sector financial management:

- Rolling plans and budgets to provide reliable estimates of future allocations enabling effective planning at local levels;
- Inclusion in sector budgets and expenditure monitoring of all sources of funds, including national, donor, banks, taxes, tariffs and NGO contributions;
- Accurate financial information enabling the analysis of spending efficiency, equity and effectiveness in meeting social needs;
- Formula-based and weighted allocation procedures that reflect poverty, population, existing services and capacity;
- Harmonization of sector visions and targets with budgets, allocations and subsidies;
- Financial management and accounting in compliance with recognized standards;
- External audit of expenditures is required at least annually and should include value-for-money checks; and,
- Applying lessons learned from government-wide PFM review processes using mechanisms such as the World Bank's PFM Performance Measurement Framework<sup>46</sup>.



Water Pumping in  
Nakuru, Kenya

<sup>46</sup>The World Bank's PFM Performance Measurement Framework allows for the measurement of country PFM systems, processes and institutions over time. It is based upon a set of high-level indicators that measure a country's performance against critical dimensions of performance of an open and orderly PFM system at the central government level. As of September 1, 2008, PFM Performance Reports had been completed for 23 African countries, with reports "substantially completed" in 12 others. More information and country reports can be obtained through [www.pefa.org](http://www.pefa.org).





Water is life, water is fun!



## 1.7 Monitoring and Evaluation<sup>47</sup>

### Reasoning

Well-functioning water sector monitoring and evaluation (M&E) systems – the mechanisms in place to track water resource consumption and availability; measure access to WSS services; analyse project inputs, outputs and outcomes; and collect data for sector planning purposes – lie at the heart of good water governance due to their impact on transparency and accountability, environmental sustainability, the equitable distribution of resources and sector planning.

M&E systems provide the foundation for transparent and accountable sector governance. Through the use of data collected through these systems on sector investments and their associated outputs, for example – such as how much money has been invested, what it was used for, who received it and whether value for money was achieved – sector stakeholders can hold politicians and government officials to account for their decisions and be better equipped to participate in sector planning. Without these mechanisms in place, decision-makers are free to allocate these resources with impunity. This is to the detriment of the vast majority that are affected by misallocations and corruption known to permeate the water sector in many African countries<sup>48</sup>.

M&E systems are also essential safeguards for ensuring the sustainable use of water resources. Through the use of data derived from the indicators, tools and methods for basic water resources monitoring that have become relatively well known and established across Africa – as opposed to those for water and sanitation services, which tend to be far less harmonized across countries – measures can be put in place to mitigate the depletion of underground water tables<sup>49</sup>, the pollution of surface water resources and the decline in flow



African Water Facility meeting on Monitoring and Evaluation, Tunis 2006

<sup>47</sup>This text draws extensively from Cowater International's Final Report (Cowater, 2008) from the Pan African Water Sector M&E Assessment project undertaken on behalf of the African Water Facility (AWF). The report provides guidance on improving African M&E systems at the country, sub-regional and regional levels in addition to a comprehensive assessment of the current state of water M&E systems across the continent. For more information or copies of the report, contact Mr. Peter Akari at the AWF.

<sup>48</sup>Transparency International (TI) (2008) "Global Corruption Report 2008: Corruption in the Water Sector," Cambridge University Press, New York USA.

<sup>49</sup>Cowater International Inc. (2008a) "Pan African Water Sector M&E Assessment: Final Report," African Water Facility, July, Tunis.

of major river systems. Without such data and the policy, regulatory and project-related measures that it would feed, averting innumerable “tragedy of the commons” scenarios – where common resources such as river systems are depleted or destroyed through the unregulated and self-interested activities of countless individuals – becomes next to impossible. This serves to undermine the sustainability of existing water resources.

In addition, water sector M&E systems are essential tools for ensuring equitable access to water resources and WSS services, a key characteristic of good water governance. Monitoring tools such as Water Point Mapping, for example, which provides a geo-referenced map of water points with essential information on water point location, functionality and distribution and is currently being used in Malawi, endow sector practitioners and civil society organizations with the information they need to improve access to water on the bases of need and equity rather than political influence.

Finally, M&E is an invaluable tool for sector planning and management. As noted in a recent World Bank report on developing results-based M&E systems, effective governance is not only about ensuring inputs are directed to the appropriate destinations, but also that their impact and outcomes are

measurable<sup>50</sup>. This allows practitioners to extract lessons learned, both good and bad, and thereby strengthen future programming initiatives.



A well in rural  
Burkina Faso

Nevertheless, while the use of information derived from M&E systems for planning and budgeting purposes is a strong indicator of good water governance, the bridge between data collection and use for these purposes is lacking in many African countries. For example, while water resources and WSS data may be collected on a regular basis by the sector’s apex ministry, such as the ministry of water, it may not be shared with other ministries and organizations involved in the sector that could also use it to improve programme and policy planning and management. Though this is often the case domestically, such data – if available and reliable – can also assist foreign

<sup>50</sup>Kusek, Jody Z. (2004), “Ten Steps to a Results-Based Monitoring and Evaluation System: A Handbook for Development Practitioners,” World Bank, Washington DC.

organizations and governments support a country's water sector from the outside. For instance, data collected by the Water and Sanitation Programme (WSP)-Africa for their 16 country report on progress towards the MDGs<sup>51</sup> and by the WHO/UNICEF's Joint Monitoring Programme (JMP) helps donors and international NGOs develop programmes to support those countries or sub-sectors that have made limited progress to date in attaining their WSS MDG targets.

### History and Current Status of Water Sector M&E

Current challenges related to M&E have deep historical roots. When monitoring systems were first introduced in Africa during the colonial period, they were primarily used to survey surface water resources. Whereas river gauging networks were generally well maintained under colonial authority and protection, they have since proven expensive to operate and protect from vandalism. The Drinking Water Decade of the 1980's saw an increase in M&E of water supply projects. Project-based M&E systems established during this period were intended primarily for project management and post-project evaluation, but like their water resource monitoring predecessors of the colonial era, most have since been abandoned or downscaled after project completion and withdrawal of donor support.

By the mid-1990s it had become increasingly apparent that in the face of population growth

and systems breakdown, the number of people without access to safe water supplies and basic sanitation were increasing rather than decreasing in many countries. Furthermore, doubts were being voiced about the reliability of country data. By the end of the 1990s, donor fatigue and frustration with lack of progress and accountability were tangible. These soon spawned renewed efforts that led to the development of the MDGs, which though aimed at poverty alleviation included key targets related to water supply and



Collecting water, Cape Verde

<sup>51</sup>WSP (2006) "Getting Africa on Track to meet the MDGs on Water and Sanitation: A Status Review of 16 African Countries," AfDB, AMCOW, EUWI, UNDP, WSP-Africa, Nairobi, Kenya.

sanitation. During that decade the WHO and UNICEF teamed up to jointly track progress towards these goals through the JMP, but it was not until 2000 that JMP statistics became based on direct household surveys and confidence was restored.

Since 2000 there have been increasing demands for transparency and accountability by the Auditors General (AGs) of donor countries. With aid gradually shifting away from exclusively project based support to sector wide, pooled funding or direct budgetary support mechanisms, the AGs have been calling for increased and improved monitoring and evaluation of expenditures and use of this less trackable support<sup>52</sup>. Such statements strongly emphasize the need to create and/or strengthen monitoring and evaluation systems in the water sector since monitoring inputs, outputs and outcomes is one way by which donors can assure their taxpayers of accountability. M&E will therefore become increasingly important in the years to come as the transparency and accountability of the budgetary support mechanism become more widely scrutinized in donor countries.

In essence, monitoring has become an essential tool for both sector development and environmental sustainability. While monitoring

progress regarding access is imperative for global reporting purposes, far more in-depth and better quality monitoring is needed for sector management, transparency and accountability, especially within the budget support framework.

Currently, M&E systems across the African continent can generally be categorized into three broad quality-related groups: strong, intermediate and weak. Yet even these general categorizations tend to err on the optimistic side. Most M&E systems across Africa are weak. Typically, they are project based and fragmented, have little capacity to gather, analyze and report, lack national frameworks, lack resources and sustainability and suffer from the little demand for the information they offer. Many evaluations have been undertaken, but they again are of projects and serve mainly the purposes of donors and do little to support planning, budgeting and management processes. Countries with intermediate level M&E systems all have substantial weaknesses but are otherwise committed to their upgrading. These systems can thereby be argued to offer the best potential for early improvement at reasonable cost. Likewise, those few countries with strong M&E systems also need to improve them but have gone to some length in establishing functional M&E.

<sup>52</sup>Cowater International (2008a)

### Box 3: Diversity of M&E Systems in Africa Today

Water sector M&E systems in Africa vary significantly in scope, quality and reliability. Below are descriptions of two systems that exemplify this diversity from both the higher (Senegal) and lower (Congo-Brazzaville) ends of the scale.

#### Senegal's Programme d'Eau Potable et d'Assainissement du Millénaire (PEPAM)

PEPAM is a national programme launched in 2005 to help Senegal reach the water and sanitation MDGs. With support from WSP-Africa, PEPAM's Programme Coordination Unit (PCU) has developed a framework for a national water information system that will aggregate and harmonize. Using an electronic database management system (DBMS), this framework will allow stakeholders to monitor the evolution of access to safe water and sanitation in Senegal, facilitate performance assessments of sector stakeholders and allow for the use of an iterative approach to PEPAM's implementation. Focusing on water supply and sanitation but also including water resources management, PEPAM's model employs the WSP's conceptual model for Sector Information Monitoring Systems (SIMS), which allows for both implementation monitoring (e.g. financial inputs, physical and non-physical inputs) and outcome monitoring (e.g. access to services, intermediate results).

#### Congo-Brazzaville's Water Resources and WSS Monitoring Network

Having only brought to an end in 2003 a decade-long series of devastating civil wars that destroyed much of the country's basic

infrastructure and pre-existing water monitoring networks, urban and rural WSS and water resources M&E systems in Congo-Brazzaville are currently either weak or non-existent. Nevertheless, some sub-sector institutions have developed action plans for rebuilding pre-war infrastructure or frameworks for the development of water resources databases, and practitioners recognize the importance of M&E as a tool for effective planning and sector governance. For example, the Republic of Congo developed a PRSP in 2003 that serves as a framework for addressing sector-related MDGs.

Water resources data is collected and analyzed primarily by the Direction Générale de Recherche Scientifique (GRSEN). Hydrological data is collected through a network of five surface water monitoring stations (down from 40 prior to the civil war) that measure water height, flow and water quality but lack limnographs.

The country's primary water provider, la Société nationale de distribution de l'eau (SNDE), relies largely on the under-resourced Laboratoire de Bromatologie of the Direction de l'hygiène nationale for water quality testing. The SNDE's water consumption and quality monitoring network is plagued by the lack of automatic counters at the household (consumption) and industrial (production) level. Its information management system is "embryonic" according to officials. Rural water supply monitoring is now the responsibility of the Ministry of Energy and Water's (MEH), National Rural Water Agency (ANHR), which is still in its infancy.

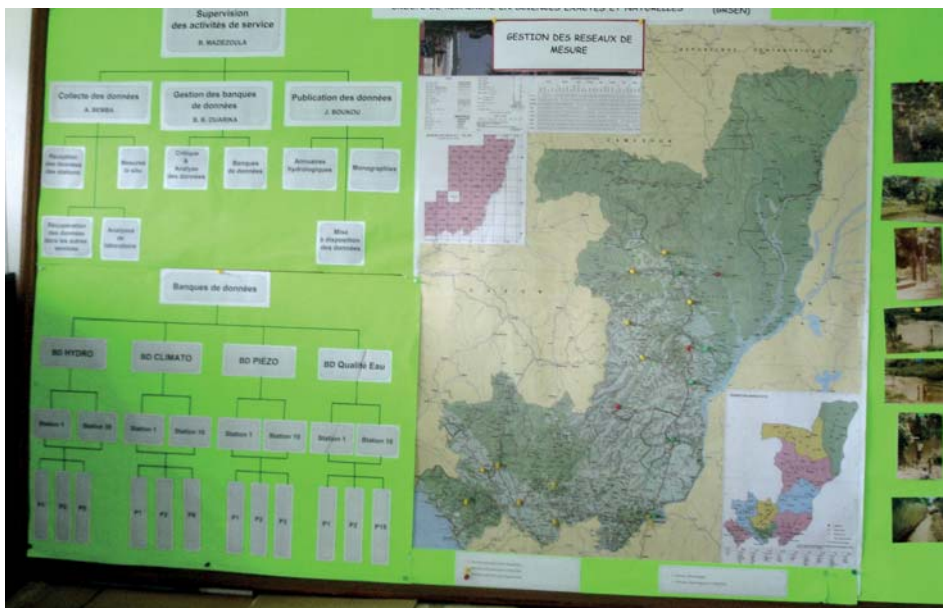


An overriding constraint to the growth of M&E systems is the lack of demand for information by management typically inexperienced in the use of MIS. This is true of both water resources and WSS sub-sectors. As a result, water sector information in most countries is typically fragmented, unreliable and out-of-date. Nevertheless, indicators, tools and methods for basic water resources monitoring are relatively well known and established.

The same is not true for water supply and sanitation. In a single country it is common to see a variety of indicators and methods of data collection used to measure the same parameter, which renders comparative analysis impossible. Most data is collected, analyzed and stored by the service providing agencies and apex ministries, such as ministries of water and/or

agriculture and local government. These agencies normally estimate “coverage” using the “capacity” of systems built rather than determining access to services through direct household observation surveys. This introduces inaccuracies that severely limit use of the information in sector planning and management.

Fortunately this generally does not apply across all countries in Africa; instead, several good examples of best practices were made evident through this project’s country missions. In Uganda, for example, M&E is bolstered by demand for information generated through the sector-wide approach processes of annual technical performance assessments and JSRs. Indicators are harmonized and while there are areas needing improvement, the M&E continues to serve the sector well.



Water Resources Management  
Planning, Congo Brazzaville

Lake in Gaza province,  
Southern Mozambique



## 1.8 Water Resources Management

Integrated water resources management (IWRM) and transboundary water resources management (TWRM) are inter-related concepts that, in recent years, have provided the basis for sector reform efforts. The principles of IWRM and TWRM are sound, but their implementation is complex and is proving difficult in many African countries<sup>53</sup>.

In 2008 the UN conducted an international review of progress in IWRM and TWRM plan development and their implementation<sup>54</sup>. Africa was found to be lagging in comparison with Asia and the Americas; nevertheless, the 22 African countries surveyed were found to be more advanced in specific areas such as stakeholder participation, subsidies and microcredit programs. Most countries were found needing to prioritize IWRM and water efficiency measures, for which substantial external support

will be required. While most have put IWRM policies in place, or are in the process of doing so, only 38% of the African countries surveyed have completed IWRM plans and few have implementation substantially underway. Implementation needs to be prioritized, roadmaps agreed to and financing strategies for implementation prepared with donors, preferably under SWAp arrangements. Experience and lessons learned to date also need to be evaluated and shared. The context behind these findings is explored in further detail below.



Windmill  
water  
pumping,  
Cape Verde

<sup>53</sup>UN Water (2008) "Status Report on Integrated Water Resources Management and Water Efficiency Plans," Prepared for the 16th session of the Commission on Sustainable Development; and GWP (2008).

<sup>54</sup>UN Water (2008)

Integrated water resource management has become an accepted model for improved governance in the water sector and has its basis in the International Conference on Water and the Environment's (1992) Dublin Principles. IWRM advocates a shift to more integrated and coordinated water management<sup>55</sup>. IWRM is essentially a political process, providing a viable framework for water resources management at the watershed, basin or catchment scale. Management at the basin level, for example, allows national governments to allocate and regulate water more rationally and equitably, since the basin boundaries cut across traditional jurisdictional and administrative boundaries, encouraging users to come to agreements on sharing basin water resources. Community involvement and stakeholder participation are fundamental building blocks of IWRM. Stakeholders all have diverse interests in the use of water, and these interests must be accommodated within the political process in order to overcome local development, environment, property and access conflicts<sup>56</sup>. Typically, basin organizations are established to institutionalize stakeholder participation and provide for accountability from government<sup>57</sup>.

In Uganda, progress is being made towards IWRM through pilot basin water resource management projects – the most advanced



Rainwater harvesting tank, Uganda

being in the Risvi River basin where basin organizations are being established and resourced – and through ongoing programmes. The pilots have demonstrated examples of effective civil society stakeholder participation and consensus building in water resource allocation, setting of standards, planning and water resource protection. Senegal has achieved much the same progress as Uganda. Monitoring systems supporting good basin governance are in place, resourced and functional.

In South Africa, IWRM is being piloted in several basins, and in general water allocations are considered to be in line with sustainable use, social equity and economic efficiency. Major water users are managed through a permit or licensing system. The monitoring system is being strengthened and is providing basic management information for decision-making.

<sup>55</sup>Global Water Partnership (GWP) (2002) "Dialogue on Effective Water Governance," Stockholm, Sweden Basins," Bonn International Centre for Conversion, Germany.

<sup>56</sup>Boge, Volker (2006) "Water Governance in Southern Africa – Cooperation and Conflict Prevention in Transboundary River Basins," Bonn International Centre for Conversion, Germany.

<sup>57</sup>Schulz (2007)

Malawi has just recently prepared a national IWRM plan, which awaits cabinet approval. If it can be implemented it is hoped that further degradation of Malawi's water and associated land resources can be prevented. Malawi's monitoring and information systems have deteriorated over the past several decades, but renewed efforts are being planned to rehabilitate and expand them so that they can form the basis of the new IWRM programme. Environmental management is closely associated with IWRM. Many countries have established functional policies and legislation for the management of ground and surface waters. Mandatory project approval procedures provide oversight and definition of mitigation against water pollution, excessive groundwater extraction and watershed protection. Many also have environmental impact assessment procedures being used along with social and environmental safeguard measures required by external donors. Nevertheless, enforcement continues to be an area of concern. Political influence is used in attempts to reduce investment in mitigation measures, and legislation in many countries does not adequately separate roles and responsibilities of stakeholder agencies involved in environmental management so as to avoid duplication, confusion and even conflict.

The key governance indicators relating to IWRM that were selected in this Study's governance assessment tools focus on the key issues of:

- The scaling-up of pilot projects in IWRM to regional and national programs through evaluation of results, learning of lessons, and incorporation of this information into planning and design;
- Water allocation procedures and the degree to which they are sustainable, socially-equitable and economically efficient;
- Management of major water users' use of water resources through a permit or licensing system;
- Water resources monitoring systems, data management and information sharing and availability;
- The meaningful involvement of stakeholders in regularly updating of basin-level plans;
- Consideration of potential effects of climate change in planning, management and utilization of water resources; and,
- Continued efforts at establishing functional transboundary water resources management mechanisms.

**Transboundary water resources management** provides for governance of water resources shared between two or more riparian neighbouring countries. Issues of differing and elastic political agendas and competition for scarce water resources complicate the situation. There are many shared water basins



Footpump in rural Burkina Faso



in Africa, the Nile Basin being geographically the largest with 10 riparian countries and complex upstream/downstream issues to be dealt with. In the South African Development Community (SADC) alone, there are 13 transboundary rivers shared by two or more riparian states. As many local, national and international stakeholders are involved, TWRM cannot be conducted purely on a state-by-state basis. Multi-national dialogue and negotiations are the basis of wide-ranging agreements between riparian states. The need for cooperation and information sharing is an essential element. This can be facilitated by the creation of transboundary-basin institutions or agreements – such as the Congo-Oubangui-Sangha International Basin Commission (CICOS), the still-born Zambezi Basin Commission, or the Nile Basin Initiative – established to monitor the policies of riparian states and ensure equitable utilization of water resources, create development strategies, and monitor the implementation of national IWRM plans. In most cases, however, such institutions have faced severe challenges impeding their ability to get off the ground.

As one of the world's largest and most complex efforts at TWRM, the Nile Basin Initiative (NBI) was established in 1999 as a partnership between the Nile's 10 riparian states. The objective is to develop water resources in a sustainable and equitable way, and to ensure efficient water management and optimal use of the Nile's water resources. The NBI is led by the Council of Ministers of Water Affairs. Major achievements have been



Water for Livestock,  
Rural Senegal

the development of a shared vision programme to facilitate cooperative action, build confidence and capacity in riparian states, and pursue cooperative development opportunities.

In the SADC Region, the SADC Water Protocol was prepared in 1995 to encourage the establishment of appropriate institutions for monitoring, ensuring equitable utilization and strategizing for water resources development. The Protocol also provides for essential data and information exchange between riparian states. Progress has been made in forging agreements in some shared basins, such as the Zambezi, Orange-Senqu and Incomati basins, and some water monitoring networks have been established that are now providing information to riparian states. Efforts to get the Zambezi Watercourse Commission (ZAMCOM) up and running five years after an agreement was signed by seven of eight riparian states to do so continue to be bogged down by political disputes.



## 1.9 Transparency and Accountability

Stemming from colonial times, many African governments remain characterized by bureaucratic behaviour of secrecy, exclusivity and upward rather than downward accountability (government accountable to the people). In the water sector such behaviour is a recipe for failure, especially when the ability of service providers to reach poorer communities and maintain services in a sustainable manner depends on community participation and input. It is therefore now acknowledged that the crisis in the water sector is a crisis in governance. In turn, the crisis in water governance is a crisis in

accountability, to which transparency is inextricably linked.

Accountability and transparency in governance are closely inter-related, as transparency is a prerequisite for real accountability. For instance, transparency requires strong sector performance monitoring systems that serve to enhance accountability for the use of resources by service providers. Only through access to the information these systems produce is the public able to keep service providers and governments accountable and participate fully in public consultation and appeal processes. The involvement of beneficiaries in planning, design and management of water systems (be they for water resources or services) implies the sharing of information between providers and users, and this in turn necessitates service providers being responsive and thereby accountable to the public they serve. Civil society involvement in expenditure reviews, auditing and performance reviews of sector institutions can therefore provide needed checks and balances that accountable water governance demands. In addition, participation by disempowered groups such as women and the poor in water budgeting and policy development can enhance the pro-poor focus of spending.

There are several mechanisms that can be used to increase transparency and accountability in the water sector. Many pertain to access to information and participation of beneficiaries. Several are described below.



Poster of the International Commission of the Congo-Oubangui-Sangha Basin

- As discussed above, decentralization provides an opportunity for the introduction of transparency and accountability measures but also introduces threats to the same if community and civil society voices are not well articulated and if citizens do not have a clearly defined role in sector monitoring and regulation. For example, without appropriate safeguards in place, powerful groups may claim an unjust share of resources. Other ways to improve transparency and accountability through decentralization include the alignment of fiscal powers with functions, internalization of accountability for expenditure decisions, and the clear definition of responsibilities of national and local institutions<sup>58</sup>.
- Use of water point mapping tools (now used in Malawi and Tanzania) to map and analyze the equity of services distribution, service levels and functionality of rural water supply. Such mapping and analysis is useful in identifying distortions in distribution and possible political interference in the planning process. They are also invaluable in district water sector planning and ensuring the equitable distribution of services and investments.
- Sectoral budget analyses and their publication can say a great deal about whom actually benefits from water subsidies intended for the poor and disadvantaged. Such analyses are also useful in subsequent public participatory budgeting processes and have been demonstrated to




N'tjilla dam, Mali

have direct impact on pro-poor budgeting, spending and expanded access. The public should also be involved in tracking and auditing expenditures to provide retrospective information on expenditure. The knowledge that the public may be involved in such investigations has a powerful effect on corruption and inappropriate spending.

- Community-based management, from planning through to operations and maintenance, and the participatory processes this entails opens the door to information on the project and sector to local beneficiaries. This makes local government as service provider far more transparent and accountable than it would otherwise be through centralized management processes.

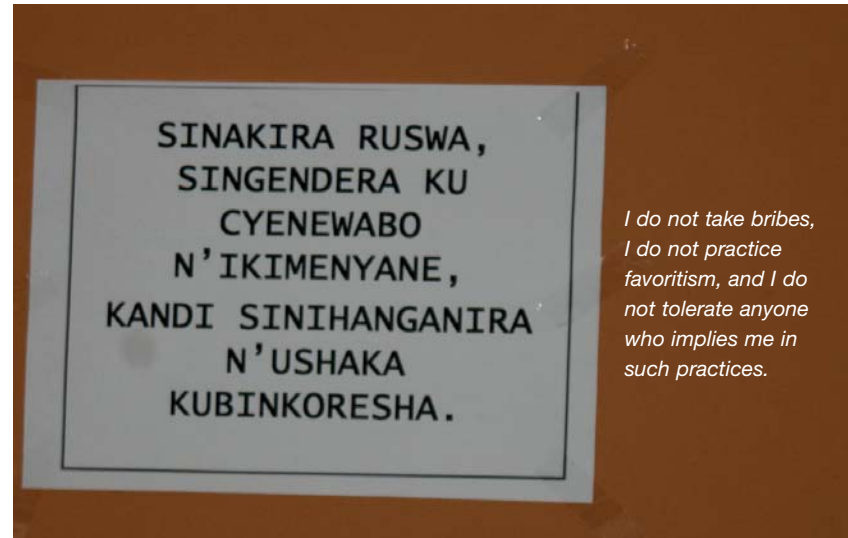
<sup>58</sup>Savage (2003)

- 
- The citizen report card is another effective tool to improve transparency, accountability, performance and ultimately the quality of service provision. Most often coordinated by civil society organizations, the report card monitors performance with direct input from the poor. Benchmarked performance indicators are published and, if favourable, can be used by local politicians to back their claims or, if unfavourable, can be used to bring both politicians and organizations to account.
  - Private sector providers operate under performance contracts that can be upgraded to include requirements for transparency such as clear lines of responsibility, responsiveness to the public and service quality standards. These performance criteria are set into contracts that can be made available to the public and used in ensuring downward accountability. In all such cases disclosure requirements also need to be included into performance contracts, including public disclosure of investment plans, management contracts, rate-setting information, and financial and operational performance information.
  - Monitoring, reporting and disclosure of indicator targets and achievements need to be included in performance contracts with utilities. There are several public utility performance indicators and targets that are well recognized, easily understood by the public and in common use. They include coverage rates, unaccounted for water, fee collection rates, employee per connection ratio, service uptime, and water quality.
  - Utilities that interact positively with consumer associations in building consumer relations ensure that their perspective is being understood by the public. Dakar's water utility is a case in point. It regularly interacts with its three consumer associations in providing information and even giving tours of expansion works and explaining project and operational costs to its consumers. Similarly, as representatives of Johannesburg Water have testified, opening avenues such as complaint centres (internet or call-in) can improve public relations and reduce costs. They allow consumers to voice their concerns and have them addressed by the utility and keep the utility informed about distribution and service problems. Such interaction also builds trust and confidence between parties that is invaluable when the time comes for tariff negotiations.
  - As mentioned earlier, one of the three essential criteria for effective regulation is transparency – a requirement if the regulatory authority is to build trust and confidence in utility investors and customers. Unfortunately, transparency is not a common attribute of regulatory authorities. In a 2005 survey of regulators, for example, fewer than one third of regulators published contracts and licenses<sup>59</sup>.

<sup>59</sup>Bertolini, I., (2006) "How to Improve regulatory transparency: Lessons Learned from an International Assessment", PPIAF Gridlines Note #11, World Bank, Washington, DC.

## 1.10 Corruption

Corrupt practices are endemic to most water sector institutions and transactions in Africa<sup>60</sup> and therefore inhibit effective water governance at all levels. On a global scale they directly and profoundly affect the lives of literally billions of people, and to a disproportionate extent, the livelihoods of women, the poor and the marginalized. For instance, corruption in the water sector, as recently highlighted in the latest Transparency International report on corruption<sup>61</sup>, can account for an estimated 30 percent increase in the cost of a household water connection. Not only does this cost get passed on directly to consumers, but it also inflates the overall costs for achieving the MDGs for water and sanitation by more than USD 48 billion, thereby diverting money away from beneficial initiatives to improve the lives of thousands. As is frequently recounted in discussions on the topic, this situation led the Hon. Prof. Wangari Maathai to state that “the global water crisis ... is a crisis of governance: man-made with ignorance, greed and corruption at its core. But worst of them all is corruption.”<sup>62</sup>



Poster on the door of a Government Office in Rwanda

<sup>60</sup>Plummer and Cross (2007)

<sup>61</sup>Transparency International (2008)

<sup>62</sup>Hawkins, J, Herd, C and Wells, Dr. J. (2006) "Modifying Infrastructure Procurement to Enhance Social Development," Institution of Civil Engineers (ICE), London, UK.

The degree of corruption in the water sector in many cases mirrors the prevailing corruption environment in the country-at-large. Transparency International<sup>62</sup> has rated most African countries using its Corruption Perception Index (CPI), and while some are relatively less corrupt – for example: Botswana, Cape Verde, Mauritius, Namibia, Seychelles, South Africa and Tunisia – most still suffer from significant corruption. Only three African countries scored 5 out of 10 or higher in the 2008 CPI.

Corruption manifests itself in numerous ways throughout the water sector project cycle, from identification through to implementation. The World Bank (2007) has published a useful list of warning signs in the project cycle that may indicate corruption, while the United Kingdom's Institution of Civil Engineers through the Engineers Against Poverty organization have also conducted a study of corruption in sector procurement. This research has uncovered the following set of risks typically found at each stage of the project cycle.

- Project Identification: Large infrastructure projects in water resources and piped water supply and sewerage are “high rent”, offering greater chances for bribery and commissions. Projects may be “hard wired” to favoured companies who control market segments (such as the supply of pipe which meets stringent technical specifications).
- Project Preparation: Capital expenditures or equipment requirements may be deliberately over-estimated. Studies can be manipulated to open up paths for fraud and corruption during implementation. Supervisory mechanisms may be weak, under-designed or under-resourced, thereby increasing the risk of corruption particularly in remote or inaccessible locations. Projects that give discretionary powers to individuals to grant subsidies, issue permits or authorize payments run the risk of abuse.
- Project Implementation: Lax verification of works supervisors or inspectors overseeing and certifying the quality of work and materials opens the doors to both petty and large scale corruption risks. Watch for the deliberate use of weak supervisors and monitors: weak financial management substantially increases corruption risk, as does the lack of regular independent audit. Poorly-formulated project budgets provide an opportunity for misallocations that increase rent-seeking behaviour. Faulty procurement practices are most susceptible to corruption, in areas such as contract packaging, procurement methods, technical specifications, and bid evaluation criteria. Tender advertising and prequalification of bidders are other areas susceptible to manipulation. Change or-



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ders and product substitution are common ways to circumvent contract administration rules.

Furthermore, corruption, particularly “petty corruption,” is widely known to pervade scheme operation. It comes in the form of rent seeking efforts between service providers and consumers such as:

- Bribery for falsification of accounts to indicate payment or to avoid disconnection on default of tariff payment;
- Fraudulent meter reading or tampering with meters;
- Bribery for free bulk water to vendors;
- Bribery to allow illegal pollution;
- Speed money for new connections; and,
- Bribery for illegal water extraction.

These are just some of the most common forms of corruption in the water sector. Individually they appear relatively small and petty, but combined they represent large losses to both consumer and provider. Equally as important is that the most seriously affected are the poor, who often have to rely on bribery to obtain services. Those which they do receive are often poor quality despite having to pay higher prices than the rich and being less able to afford it.

It is commonly agreed that corruption thrives in situations that lack transparency and accountability, and that meaningful stakeholder

participation in all stages of the project cycle is a primary means to expose corruption and make it more difficult to get away with. As a response to these increasingly visible risks and manifestations of corruption and with encouragement and support from external agencies, many African countries have developed or established anti-corruption policies, legislation, guidelines, processes and organizations. Anti-corruption measures often focus on improving procurement procedures, increasing stakeholder participation, and setting-up functional monitoring and evaluation systems. But increased emphasis on these and other areas is required to reduce the costs of and increase access to WSS services by further reducing corruption. Unfortunately, many of these countries continue to lack the necessary human resource capacity to implement these reforms effectively and do not have sufficient political will to drive them forward.

That being said, things can still improve with appropriate governance mechanisms in place. Political stability, government effectiveness, clear and enforceable legislation, accountability and transparency measures are all means of mitigating corruption. The following examples from countries visited over the course of the Water Governance Study exemplify some of the positive measures being put in place in some countries as well as the lack of progress inhibiting good sector governance in others.

- WWFP
- In Uganda there has been progress made in increasing the competitive environment for bidding on sector projects so that unit costs of service provision between projects are comparable and are independent of project funding sources and implementing agencies. Good sector monitoring systems and procedures have helped ensure that unit costs can be tracked.
  - Senegal and South Africa have both focused on making their sector procurement processes for goods and services more open and transparent and their appeal mechanisms more available, utilized and effective. Bid evaluation results are disclosed to all bidders, with financial bids being opened in their presence. Good sector monitoring systems enable equitability of service access and service quality information to be tracked, and this information is made public in easily understandable forms. In South Africa, progress has been made in facilitating the establishment of civil society advocacy organizations to watch over sector institutions, officials and politicians.
  - Sector procurement in Kenya was heavily affected by corruption in the 1990s, but following the introduction of reforms to establish a legal framework, appropriate public procurement institutions and monitoring and evaluation mechanisms, the situation has improved markedly. Implementation of these reforms has been central to the government's objectives.
- Additional steps that are recognized as capable of reducing corruption in this sector include:
- Measures to increase commitment to, and advocacy of, anti-corruption measures in the sector, including procurement reform, skills upgrading, and creating a culture of professionalism and integrity;
  - Implementing Ethics Codes or Codes of Conduct within water sector institutions. Such codes can set out in broad terms those values and principles that define the professional role of public officials, or they can focus on the application of such principles in practice. For example, they can specify what actions are appropriate in conflict-of-interest situations such as the receipt of gifts or other benefits from private firms bidding for large projects<sup>63</sup>;
  - Ensuring that sector regulators and procurement officials are technically competent through training and oversight;
  - Establishing mechanisms that enable civil society organizations to monitor water resources management and environmental protection, and assisting these organizations to become credible, active and vocal;
  - Reinforcing decentralized management of service provision by providing capacity building, enabling participatory planning, and encouraging public display of budgets, expenditures and procurement outcomes;
  - Insisting on regular, independent audits including comprehensive or value-for-money audits;

<sup>63</sup>For more information, see "Ethics Codes and Codes of Conduct in OECD Countries," Directorate for Public Governance and Territorial Development, OECD, [www.oecd.org](http://www.oecd.org).

- Training of sector professionals, including task managers, in the revised procurement procedures;
- Networking of sector specialists and task managers in country offices with RMC anti-corruption campaigns and organizations;
- Acting on Country Procurement Assessment Reports (CPAR) undertaken by the World Bank and Borrower countries as a component of the Bank's Country Assistance Strategies<sup>64</sup>.



Water Reservoir,  
Rural Rwanda

<sup>64</sup>The main purpose of the CPAR is to establish the need for and guide the development of an action plan to improve a country's system for procuring goods, works, and consulting services. The CPAR (a) provides a comprehensive analysis of the country's public sector procurement system, including the existing legal framework, organizational responsibilities and control and oversight capabilities, present procedures and practices, and how well these work in practice; (b) undertakes a general assessment of the institutional, organizational and other risks associated with the procurement process, including identification of procurement practices unacceptable for use in Bank-financed projects; (c) develops a prioritized action plan to bring about institutional improvements, and (d) assesses the competitiveness and performance of local private industry with regard to participation in public procurement, and the adequacy of commercial practices that relate to public procurement. For more information visit: <http://go.worldbank.org/9FMKK5Y040>

## 1.11 Civil Society Participation

### History and Reasoning Behind Civil Society

**Participation:** In many respects, civil society participation in water resources management and water supply and sanitation is the key to successful sector governance, encompassing management, quality service provision and sustainability. This has been recognized in the Dublin-Rio principles, which are clear in their statements that water development and management should be based on a participatory approach, involving users, planners, policy-makers at all levels and that women play a central part in the provision, management and safeguarding of water<sup>65</sup>. This calls for a sharing and balance between stakeholders (both top down and bottom up) in their planning and management. It has also been recognized that service provision functions should be delegated to the “lowest appropriate level” at which stakeholders involved in management need to be identified, resourced and mobilized.

It follows that in the water sector, far more than most, the beneficiary needs to be involved at all stages of the project cycle from monitoring and needs identification right through maintenance and basin and system management. Despite this being acknowledged as far back as the

1970s and demonstrated time and again since then, civil society participation has only now become a regular feature of projects and programmes.

There are many reasons for this, but the two of the most significant are tradition and experience. Following on from the colonial era, as discussed earlier, most African governments have continued their traditional top down bureaucratic behaviour and practice upward accountability, which place the citizen as a secondary priority. Secondly, the experience of the average citizen has been one of the passive recipient and not participant in government projects. On the one hand, government is reluctant to provide information and respond to suggestions from the client public; on the other, the community is unfamiliar with interacting with government and exerting influence in projects.

The 1980s witnessed perhaps the greatest advances in local participation in development projects to date. These projects tended to be isolated and NGO-driven, and the participatory experience gained was seldom imported into government programmes. By the 1990s, however, the lack of government outreach and inability to maintain the schemes they were implementing became obvious and reached a crisis point. User participation became mandatory in scheme development if only for

<sup>65</sup>GWP (2000) “Integrated Water Resources Management” TAC Background Paper No. 4

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sustainability reasons. Policies began to emphasize the importance of civil society involvement and projects incorporated it in their design; however, the resources, time and commitment needed to achieve meaningful community participation was often underestimated and success and sustainability were spotty. It was therefore not until this decade, which brought with it clear evidence of failing systems, that governments and donors came to recognize how essential community involvement is to project and programme design and implementation. In a similar time frame, IWRM became recognized as the best, if not only, way by which water resources could be properly managed. At the heart of IWRM is civil society participation in basin planning, resource allocation, environmental protection consensus building and conflict resolution.

Widespread decentralization reforms across Africa over the last decade have greatly facilitated civil society participation. In line with the principle of subsidiarity, many local governments on the continent have now assumed responsibility for implementing rural water supply projects. Likewise, many municipalities are outsourcing water services delivery to public or private utilities. This has enabled new participatory approaches to be undertaken, although both government and community representatives continue to need orientation and training with such new approaches to service delivery.

**Civil Society Participation in Practice:** Burkina Faso, Senegal and South Africa use similar approaches to ensure the enhanced participation of target communities in programme design and implementation and come closest to what could be defined as best practice. Benefiting from decentralization and democratic systems that avail responsive representation and local governments, these approaches centre on participatory planning in the development of Local Development Plans (LDPs) and, commensurate with them, Local Water and Sanitation Plans (LWSPs). The LWSPs are a platform for the identification of specific projects that are prepared in concept and budget estimates for approval by local or municipal councils and forwarded to regional and national levels. The LDPs and LWSPs constitute a useful framework for sector planning that is based on community and community organization participation. They successfully integrate community involvement and local government ratification with regional and national planning and budgeting processes.

Each level of government has separate responsibilities in plan formulation. Allocating resources across the country in accordance with national priorities is a central responsibility of the apex ministry for the water sector. Further allocation of resources to the programme level is taken at the regional and local government levels to reduce gaps in the



region or the programme intervention zone. Allocation of systems is done on a community demand-responsive basis incorporating the priorities of the LWSPs, and detailed localization of works and water points/connections within the community are decided at community level by the beneficiaries within the limits of the project.

Nevertheless, no one size fits all. There is no single community development methodology to involving communities to ensure sustainability that can be used across Africa. There are many successful variations to the theme and it seems that each country and sometimes regions within countries have their own appropriate approaches. But the objective is consistent and minimum requirements are similar.

As just one example, WaterAid has coordinated a Local MDG Initiative (LMDGI) encompassing Ghana, Mali, Burkina Faso and Nigeria to demonstrate community participation with local government in implementing rural schemes<sup>66</sup>. Despite differences in local contexts, each country's challenges and

solutions were found to be quite similar. Common to all was the huge gap between local government and communities. Extensive awareness raising and building of trust was needed before the initiative could make progress, which take time, patience and understanding to achieve. Similar experiences have been reported across Africa<sup>67</sup>.

The starting point for improving civil society participation can be an assessment of existing services. This may be accomplished through household surveys that are used to assess demand for services. Such assessments are normally made on the basis of overall socio-economic and poverty considerations and seldom on field assessments. An approach used in Senegal is based on market analysis and provides a channel for households to express their voice and choice individually<sup>68</sup>. Its strong points are that (i) the voice of vulnerable groups, especially women and the poorest people can be captured, and (ii) statistical market analysis techniques are used to assess the willingness to pay along with the elasticity of demand for segregated services and service levels.

<sup>66</sup>M. Abdul Nashuri (2006) Citizen's Engagement for Transparency and Accountability in Decentralized Water and Sanitation Service delivery, WaterAid, Accra, Ghana.

<sup>67</sup>Mvula Trust (2003) A Decade of the Mvula Trust in South Africa (1993-2003), Johannesburg, RSA; Cowater International (2008) Final report, COMWASH Project, Ottawa

<sup>68</sup>Such an approach has been recently used in Senegal for the preparation of rural electrification concession contracts by the Agence Sénégalaise d'Electrification Rurale (ASER). Surveys made over several thousands households were used to determine the package of services to be proposed and related acceptable tariffs, and then to calculate the level of subsidy required over the investments to make this service activity an attractive business opportunity for private service providers.

Participatory needs assessment and planning also call for combined community-based local government facilitated data collection. For most local governments this may be their first experience in working directly with the community in collecting field information data. There are then several steps before a sector development plan is created and project priorities agreed upon before acceptance by the local government council and incorporation into LDPs and LWSPs. In Bushbuckridge Bohlabela's case in South Africa<sup>69</sup>, these included:

- Training of local government officials;
- Field assessment with the community using open meetings and Participatory Rural Appraisal (PRA) tools;
- Local water resources and uses mapping;
- Household surveys and assessments;
- Verification workshops;
- Priority setting and project definition; and,
- Combining participatory approaches with local government planning.

Of note are the several steps and time required, the specialized expertise in working with communities, logistical and transport requirements and the integration of the development approach with project planning and development that is usually driven by targets, budgets and deadlines.

These stages are essential for community ownership and acceptance of responsibility for long-term management and maintenance of the facilities, without which the facility cannot be sustained. Omit them and the entire programme may be in jeopardy. South Africa, where overly ambitious targets and supply driven approaches have cut back drastically on its previously successful community development approaches, is a case in point. South African municipalities are unwittingly limiting the "soft" components of their projects. As a result, inadequate maintenance and poor services management has become a serious threat to the national programme.

Community-based user organizations can play a large role in facilitating civil society participation. These can actively participate in sector governance processes alongside democratically elected and representative local governments, consultative committees and market mechanisms. Yet this does not mean that decision-making being devolved completely to the community level is desirable or necessary; instead, a balance is needed and possible between community level and government organizations. To achieve this, civil society groups need to be created and strengthened so that they can meaningfully participate in operational water resources management<sup>70</sup>. User organizations need to be

<sup>69</sup>Maluleke, T., T. Cousins & S. Smit (2005) Securing Water to Enhance Local Livelihoods, Community Based Planning of Multiple Uses of Water in Partnership with Service Providers", CARE, RSA

<sup>70</sup>WSP-AF (2002) "Rural Piped Supplies in Ethiopia, Malawi and Kenya: Community Management and Sustainability", Nairobi, Kenya

provided the training and skills to manage and maintain their water supply systems.

A recent comparative study of three countries (Ethiopia, Kenya and Malawi) identified common elements for success in involving the beneficiary in community management. Beyond the participatory data collection and planning methods described above are:

- The employment of paid staff to undertake technical, administrative and financial management responsibilities at scheme level. Volunteers cannot be relied upon to devote the time required over an extended period. Schemes need good, reliable workers not just for technical tasks but also for management and administration;
- Targeted training to help empower community members in asserting their governance role in relation to their own community;
- Sound financial management and achievement of financial viability through house connections and tariffs. Schemes that attempt to serve everybody commonly experience low water demand and, combined with low tariffs, generate inadequate income to pay maintenance costs;
- Cohesion of the community resulting in clarity of purpose and a sense of ownership resulting in sustainability of the system; and,
- Continuing technical and professional support available when the community needs it. This is provided by local government or

provider authority that also monitors scheme operation and service quality.

There is also a wide variety of roles to be played by private entrepreneurs, NGOs, communities and user groups in the participatory management of surface water and groundwater resources. At the river basin level, organizations vary enormously, from those with mandates for water rights allocation and licensing to others responsible for advisory services. As a result, a forum is often needed for stakeholders to discuss and decide on water related issues – a kind of “parliament” for the basin needed to oversee the planning and budget formulation and approval processes. Central government has a role as a stakeholder in ensuring the necessary links and conformity with national policies. It is emphasized, however, that such organizations should only be created and mandated in response to stakeholder demand. In addition, reliable, timely and relevant information needs to be made available for the participatory process to be effective. This means that surveys, inventories, benchmarking efforts and information on water use, discharges and water rights and allocations needs to be made available to the public along with operational information and performance assessments of regulators, government agencies and service providers involved. In other words, management of river basins needs to go beyond professionals and experts to include all stakeholders in an open and transparent manner.

## 1.12 Alternative Service Providers

Urban water supply infrastructure development and services provision is typically carried out by a mixture of public and private institutions. Senegal serves as an example of good practice. There, La Société Nationale des Eaux du Sénégal (SONES) serves as the para-public institution with primary responsibility over the planning, development and regulation of urban water supply infrastructure and services. The institution responsible for the actual operation and maintenance of these networks in Senegal's major towns and cities is the private sector company Sénégalaise des Eaux (SDE). Following the construction of urban water facilities and distribution networks, SDE leases this infrastructure from SONES and operates and maintains it according to the regulations and guidelines set forth in formal concessions and performance contracts. As the water supply utility, SDE collects and manages water user fees in addition to sanitation surtaxes at

the household level. Also involved in the regulation of the urban water sector is the Direction de l'Hydraulique Urbain (DHU), established in 2007 under the Ministry of Water to monitor and enforce adherence to national water supply policies and regulations<sup>71</sup>. Similar but locally adapted arrangements exist in many countries and cities of Africa<sup>72</sup>.

Most often overlooked, however, are the small and often informal enterprises that fill the demand for water and sanitation services from households beyond the reach of public WSS infrastructure. These households are composed of the poorer customers in smaller cities, peri-urban and remote areas of most developing countries. Alternative service providers (ASPs) provide them with access to water through private supplies such as wells, public stand posts, water kiosks, informal distribution networks, tankers and small scale vendors<sup>73</sup> and can account for up to 60 or 70% of market share in some countries<sup>74</sup>.

The following table provides an overview of the most common types of ASPs<sup>75</sup>.

<sup>71</sup>Cowater International (2008a)

<sup>72</sup>See PPIAF, "Approaches to Private Sector Participation in Water Services: A Toolkit," World Bank, 2006, Appendix A, for additional examples.

<sup>73</sup>Foster, Vivien et al. (2006) "Africa Infrastructure Country Diagnostic Descriptive Manual: Water Supply and Sanitation Performance Indicators," World Bank, Washington, DC. And OECD (2008) "Private Sector Participation in Water Sector Infrastructure," OECD Investment Division, France.

<sup>74</sup>Trémolet and Hunt (2006:18), adapted from Kariuki and Schwartz, (2003)

<sup>75</sup>Ibid

**Table 3: Alternative Service Providers**

	Dependent on the main utility for bulk water	Dependent on the main utility for bulk water
<b>Piped networks</b>		
Type of system	Private operator purchases bulk water from a public authority or utility and distributes to consumers through piped networks.	Private operator relies on or develops its own bulk water sources (wells, etc) and connects consumers through piped networks.
Main regulatory issues	<ul style="list-style-type: none"> <li>• Contract with the utility or bulk supplier</li> <li>• Bulk water rates</li> <li>• Business or operations license</li> <li>• Customer agreements</li> <li>• Consumer tariffs</li> <li>• Service quality</li> </ul>	<ul style="list-style-type: none"> <li>• Groundwater extraction permits (where applicable)</li> <li>• Land title deeds</li> <li>• Resale permits</li> <li>• Bulk water quality testing</li> <li>• Business or operating licenses</li> <li>• Customer agreements</li> <li>• Consumer tariffs</li> <li>• Service quality</li> </ul>
<b>Point sources</b>		
Type of system	Point sources (kiosks, standpipes, institutions and households) are connected to a public utility network. Consumers purchase water in bulk from the point source.	Point source is linked to a private bulk water supply such as a well or borehole. Consumers purchase water in bulk from the point source or from tankers that transport water from the bulk source.
Main regulatory issues	<ul style="list-style-type: none"> <li>• Contract with the utility and agreement to off-sell</li> <li>• Operating license or permit</li> <li>• Bulk purchase price</li> <li>• Operator performance incentives</li> <li>• Consumer tariffs</li> <li>• Service quality</li> </ul>	<ul style="list-style-type: none"> <li>• Groundwater extraction permit (where applicable)</li> <li>• Operating license or permit</li> <li>• Bulk water quality testing</li> <li>• Consumer tariff structure</li> <li>• Service quality</li> </ul>
<b>Mobile distributors</b>		
Type of system	Tankers or trucks purchase water from bulk supplier (public utility) and deliver directly to consumers (institutional, commercial, and other users).	Tankers or trucks obtain water from private source and deliver directly to consumers (institutional, commercial, and other users).
Main regulatory issues	<ul style="list-style-type: none"> <li>• Bulk water purchase rate</li> <li>• Contract with the utility</li> <li>• Business license</li> <li>• Transport license and vehicle regulations</li> <li>• Consumer tariffs</li> <li>• Service quality</li> </ul>	<ul style="list-style-type: none"> <li>• Abstraction permits (where applicable)</li> <li>• Business license</li> <li>• Bulk water quality testing</li> <li>• Transport license and vehicle regulations</li> <li>• Consumer tariffs</li> <li>• Service quality</li> </ul>





Youssef Ben Tachfine Dam, Morocco

Questions exist regarding whether and how such informal service providers can be brought into formal regulatory frameworks<sup>76</sup> and the degree to which they can be formally regulated in practice. Many ASPs are being regulated by institutions that lack the capacity to carry out their oversight responsibilities. The result is often over-kill, which works against rather than for increased access to improved services by the poor. In this way “the best becomes the enemy of the better.” As a result, a more effective approach may be “light handed” regulation that recognizes the constraints facing ASPs while at the same time applying flexible and relevant criteria that protects public health but reflect local conditions and consumer needs.

Constraints facing ASPs include barriers to entry such as investment risks, limited availability of credit, uncertain contract enforcement mechanisms, limited access to hydrants in peri-urban and slum environments, insufficient spare parts, monopolistic behaviour by existing service providers, lack of qualified technicians and limited access to business development services.

There are many models currently being used to stimulate increased participation of alternative service providers in the water sector. For

instance, governments can act to bring ASPs into the formal sector, which would provide them with increased investment security, lower risk of expropriation and improved access to finance, which would bode well for both regulation and service expansion to underserved populations<sup>77</sup>. Box 4 presents examples from Mali and Niger.

As illustrated in Box 4, local governments can play a significant role in water governance from both a regulatory and sector development perspective. With ongoing decentralization reforms across Africa, this can only be expected to increase. From regulatory and governance perspectives, this includes but is not limited to facilitating the operation of local water services boards, managing contracts with local service providers, and collecting basic data on behalf of national regulatory authorities in order to monitor the activities of ASPs. Other local level institutions might also be involved in the regulation of alternative service providers in towns beyond the reach of national institutions. In Mali, for example, an ad-hoc body, the CCAEP, is in charge of supervising and providing technical assistance to alternative providers, including verifying their financial accounts and technical performance, in towns of less than 10,000 inhabitants.

<sup>76</sup>See the section in this report on regulation for a full discussion in this regards.

<sup>77</sup>Water and Sanitation Programme-Africa (2002) “Water services in Small Towns in Africa: The Role of Small and Medium-Sized Organizations,” WSP-Africa, Nairobi.

From the sector development perspective, there are substantial advantages to local governments and institutions working with ASPs to strengthen their institutional capacity and scale up their

operations. This will help ASPs take advantage of the large economies of scale that can be realized in water delivery and sewerage provision, as demonstrated by CCAEP in Mali.

#### **Box 4: Alternative Service Provision in West Africa**

In Mali, the government's National Water Directorate contracts the operation of small-town water supplies to civil society groups called Users' Associations (UAs). The UAs work closely with a government technical unit called the Council for Supply of Treated Water (CCAEP), based in Bamako. Communicating by radio, CCAEP routinely records operational details, guides the work of the UAs and, in the event of a breakdown, can dispatch spare parts. CCAEP also checks the monthly accounts of each operator, and its staff visit biannually to verify the condition of the water supply systems and to balance the operating accounts with the General Assembly of the UA. Each UA contributes to CCAEP a surcharge of US\$0.025 per cubic metre of water produced<sup>78</sup>.

A Nigerian company, SONEXIE, manages the water supplies in six centres in the north of Niger. SONEXIE started when its current director was told by the local chief in one village that the water supply had broken down and there was no project to assist them. He then worked with other local entrepreneurs to repair and replace some of the equipment. The same situation occurred in other places. To formalise their investment in this growing market, the group founded SONEXIE as a company. SONEXIE has capital of about US\$6,500. The commissioning communities are share-holders in it. Their shares are financially not very significant, but entitle them to certify the annual financial report. The operator depends on economies of scale, even if in certain cases the selling price of water has to be reduced. SONEXIE aims to break even within its first five years.

<sup>78</sup>Trémolet & Halpern (2006)

## 1.13 Gender

During the 1970s and 1980s, women were commonly thought of as passive recipients of water and sanitation services and restricted to roles of water and health care in the home. At that time, the Women and Development (WID) approach was used in an attempt to improve their resources but did little to address unequal relationships. The subsequent Gender and Development (GAD) approach aimed at removing disparities between men and women as a precondition for achieving people-centred development. Although both WID and GAD are still in use, a gender and empowerment approach has been introduced in recent years to transform gender relations by stressing women's self-empowerment.

Since that time women's participation in water sector governance has become widely recognized as essential to the sector's development. Many declarations have been agreed upon and commitments made at international meetings in support of gender equality. The Dublin Statement (1992) recognized the pivotal role of women, the Rio Declaration (1992) recognized their full participation as essential to sustainable development, the World Summit on Sustainable development called for ensuring that infrastructure and services are gender sensitive, and the MDGs include 2015 targets on gender equality and empowerment of women. Gender equality and mainstreaming in



Water Collection, Nampula Province Mozambique

the sector have also been given extensive attention, and methods by which these can be assessed and addressed are being demonstrated. Yet there is still little evidence to suggest that water management has deliberately and consciously addressed gender concerns. National water policies rarely include more than the mention of women's important role and do not have a comprehensive and consistent gender focus.

This was confirmed during the field visits conducted during the Water Governance Study. While gender policies are in place and extend to being specific to the sector (as in Uganda), they have been found difficult to implement in ways that directly affect women in sector programmes and projects. For example, typical gender training may inform policy-makers, but seldom changes attitudes. Real changes in attitudes and practices have proven particularly difficult to achieve in the usual male

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engineer-dominated sector institutions. Despite women's increasingly influential role on local water and sanitation user committees in countries such as Mozambique, Malawi and Tanzania, few examples exist where women participate meaningfully in planning and decision-making roles in design, implementation and O&M of water services. In Tunisia, for instance, very few if any women participate in Groupements de Developpement Agricoles (GDA), local water user associations, in such roles. These shortfalls inhibit effective water governance by preventing the implementation and monitoring of targeted policies and programmes to reduce the disproportionately heavy costs on women's well-being associated with poor access to safe water and sanitation services.

One explanatory factor behind this slow progress is that women and men continue to differ in their access to power and resources. Hierarchical relations of power between women and men tend to disadvantage the former, particularly in poorer and disadvantaged communities. As a result, women are seldom involved in management and decision-making; men typically control planning and budgeting; women are often left out of or go unheard in consultations; and despite attempts at inclusiveness and participation, women are often inexperienced in speaking out in public. Gender relations are also dynamic and strongly influenced by age, marital

status, caste and position in the family. Family and household relations can make it difficult for women to express their views in front of male members of the family, especially in public, and different abilities to participate, such as varying literacy levels, affect many women's confidence and experience in public fora. Further complicating efforts to improve women's participation in sector management is that communities cannot be regarded as having harmonious sets of interests and priorities, each containing its own strong divisions based on gender, class, wealth and status.

It is for these and many other reasons that gender mainstreaming and analysis have become essential to programme and project design, despite the challenges listed above. Gender mainstreaming is "a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes<sup>79</sup>... so that women and men can benefit equally..." It involves a gender analysis that provides for:

- Understanding gender differentiated systems for access to resources, water, rights and project benefits in each community;
- Recognizing that gender influences how people respond both collectively and individually;
- Revealing the gender dimensions of institutions at all levels, from government departments to community based organizations;

<sup>79</sup>Gender and Water Alliance, GWA, (2006) "Mainstreaming gender in Water Management, A Resource Guide," Netherlands, [www.genderandwater.org](http://www.genderandwater.org)



- Giving importance and recognition to women's responsibilities and views in project design;
- Identifying concrete project objectives relating to gender equality and developing indicators for results tracking; and,
- Determining how the project will, both positively and negatively, affect gender dimensions in terms of income/resources, quality of life, and distribution of benefits.

There are examples of what could be defined as best practices in gender mainstreaming in Africa. In Egypt, for example, the NGO "Better Life Association for Comprehensive Development" (BLACD) facilitates water and sanitation services through a project covering 700 households<sup>80</sup>. One of its main thrusts has been gender mainstreaming. Women's needs have been integrated into the project in a community that had traditionally been male-dominated. Women's decision-making roles were visibly increased and their security and dignity enhanced.

The Department of Water and Forestry (DWF) and Mvula Trust of South Africa provide another example of a best practice, this time a combined effort between government and an NGO<sup>81</sup>. Through the

Mabule Village Sanitation Project, the local community was sensitized regarding gender issues and women took the lead in the project committee. Gender was then mainstreamed into each of the project's activities. The project succeeded in an all-inclusive and non-threatening way to provide latrines to all houses in their campaign against the prevailing cholera epidemic.

In addition to supporting initiatives such as these, there are several other ways by which gender-related governance can be improved by governments. These should start at policy level but can focus on the programme or project. The first is the gender analysis mentioned above, followed by women's inclusion in needs identification and project planning and design in such a way that also recognizes the constraints to their participation listed above.

Furthermore, the capacities of both men and women need to be strengthened in gender mainstreaming that goes beyond traditional training to build an enabling environment. Sector professionals have often had an engineering education with little or no experience in incorporating gender and social equity approaches in their work. Capacity building needs to recognize that women at the

<sup>80</sup>Gender and Water Alliance, GWA, (2006) "Empowering Women's Participation in Community and Household Decision Making in Water and Sanitation," Egypt, [www.genderandwater.org](http://www.genderandwater.org)

<sup>81</sup>Gender and Development Group (2007), "Water, Sanitation and Gender Briefing Notes," World Bank, Washington, <http://sitesources.worldbank.org/INTGENDER>

grassroots level are often semi-literate and inexperienced in playing pro-active roles in projects. In both cases capacity building needs to be a process rather than a one-off training event. The inclusion of a gender unit in the project, staffed by experienced local gender specialists, may be called for.

While the following list of project development elements is not all-inclusive, it is useful in ensuring that risks to gender sensitive programming are mitigated:

- A review of gender and diversity issues in sector policies through a gender analysis conducted by a local gender specialist and feeding results into project objectives, planning and implementation<sup>82</sup>;
- Involvement of government institutions responsible for gender equality as well as women's advocacy organizations in project design;
- Gender responsive budgeting at sector and project levels and ensuring that resources are adequate for implementing gender equity components and monitoring;
- Adequate women's participation in grassroots consultations, as water professionals and at all levels of government;
- Analysis of obstacles to women's participation and definition of ways to overcome them;
- Understanding of men's and women's different views about technology and project design as well as their willingness and ability to contribute to the project;
- Involving both men and women in all stages of the project cycle from needs identification to long term management of services;
- Understanding the commitment and capacity of institutions to work with a gender perspective and promote women's and men's participation at all levels;
- Ensuring that stakeholders are accountable for contributing to and meeting gender equality objectives;
- Analysis of varying patterns of access and control over water sources, supply and sanitation;
- Maximization of both women's and men's participation in consultative processes;
- Assessment of needs, roles and workloads of women and men;
- Sex disaggregation of baseline data;
- Inclusion, if appropriate, of gender specific project objectives;
- Inclusion of gender issues in the results based logical framework;
- Identification and inclusion of gender related indicators and gender disaggregated data measurement; and,
- Inclusion of gender expertise in project staff for on-going support and monitoring.

<sup>82</sup>SDC (2005) Gender and Water, "Mainstreaming Gender Equality in Water, Hygiene and Sanitation Interventions," UK

## 1.14 Rights and Voice

Human rights conventions related to water and mechanisms that allow for citizens to voice their concerns regarding access to essential services are both instruments that, support good water governance. Their various manifestations will be explored and clarified in the section below.

**Rights:** The right to water and sanitation is implied by the International Covenant on Economic, Social and Cultural Rights (ICESCR), signed by 158 parties, amongst them nearly all African countries. The Covenant requires signatories to ensure that everyone within their jurisdiction has access to the underlying determinants of health, such as clean water and sanitation<sup>83</sup>. Similar entitlements to water and sanitation are contained in the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all forms of Discrimination against Women (CEDAW).

These conventions call for universal access to water and sanitation, without discrimination. Non-discrimination means no exclusion or restriction is made based on any ground (political, national or social origin, property, birth, race, colour sex, language, religion or other status) that differentiates without legitimate reason. Groups that are vulnerable to discrimination and marginalization include

women, children, inhabitants of deprived areas such as slums, refugees and asylum seekers, the aged and disabled, victims of natural disasters, and nomads. Although many countries are implementing poverty reduction programmes which address this issue, few if any are resolving it. Of particular concern are the vast and increasing populations of slums and peri-urban areas, women and girls who, although responsible for water, sanitation and health of their families, are disempowered and left out of decision-making.

The degree to which such rights are being recognized can be judged by the priority given to water and sanitation in budgetary and political processes; the recognition of these rights in revisions to sector legislation and policies; measures taken to improve affordability of services; and the purposeful inclusion of marginal groups through implementation of pro-poor policies and PRSPs. Similarly, the degree to which rights to access, quality and quantity of water are being recognized can be assessed by the existence or non-existence of policies and the implementation of set standards for water quality, distance/time for collection, and service reliability and sustainability.

Nevertheless, while progress is being made in most countries towards the MDGs, unit costs are rising and, as a result, access to those remaining

<sup>83</sup>International Covenant on Economic, Social and Cultural Rights (1966), Articles 11 and 12, and the Cairo Conference on Population and Development (1994).

without services – the poorest members of society and marginalized groups noted above – is becoming more and more difficult. Yet misconceptions about such rights can lead to unnecessary conflict over access to services, their quality and their cost. It is therefore worthwhile to clarify some of the most common.

First is the misperception that rights entitle people to free water; instead, water and sanitation should be clean, accessible and affordable for all<sup>84</sup>. People are expected to contribute financially or otherwise to the extent that they can do so.

Second is the belief that rights allow for unlimited use of water; instead, rights entitle everyone to sufficient water for personal and domestic uses to be realized in a sustainable manner for present and future generations.

Third, some argue that rights entitle all to a house connection; however, water and sanitation facilities need only to be within or in the immediate vicinity of the household and can come in the form of wells and standpipes.

Last is the belief that a country is in violation of these covenants and conventions if all of its citizens do not have access to water and sanitation; in reality, the rights require that a state takes steps to the maximum of its

available resources to progressively realize these rights.

**Voice:** Bitter experience can teach the public that getting government to improve services is best achieved through influence and bribery. In many countries this is reinforced by the lack of avenues for recourse against delinquent service providers. Even if such mechanisms exist, many users believe that, at best, complaint is futile and, at worst, even dangerous, as retribution is easily taken against those without influence. This has a significant impact on good governance, which demands accountability. This cannot be driven from above but has to begin with those most informed and interested in quality services. The public must have voice and avenues to express it that are effective. Regretfully, few governments recognize the real value of providing open and responsive avenues for consumers to exercise their voice (e.g. complaint mechanisms), and therefore few have experienced the benefits that can be achieved when the combined interests of the service provider, politician and consumer are aligned.

One government that has recognized the value of giving voice to the consumer is the Republic of South Africa (RSA). A good example is Johannesburg Water's (JW) customer care programme. It responded to (1) the Water Commission of RSA's finding of a direct link

<sup>84</sup>SDC, AAAS, UN-HABITAT, COHRE (2007) "Manual on the Right to Water and Sanitation"  
<http://www.cohre.org/store/attachments/RWP%20-%20summary-A4-lowres.pdf>

between non-payment for services with service levels not meeting community expectations, and (2) the RSA Municipal Finance Management Act stipulation that customers must have access to query, verify or appeal charges levied and to receive prompt corrective action by the municipalities when appropriate. JW operates two call-in centres (24 hours service, one for revenue related complaints and the other for technical) and two walk-in contact centres while also offering contact by mail and email to its customers. It also maintains an open and transparent relationship with its customers and publishes a Customer Service Charter that declares the utility's commitment to provide the best possible service to its customers. JW has benefited enormously from maintaining good customer care and relations. By responding quickly and providing feedback, customers are more likely to inform the utility of service failures that can then be rectified quickly. In response, customers are satisfied and more willing to pay for the services. It is a win-win situation.

Many countries have established higher level systems of voice and recourse through regulatory bodies, human rights commissions, ombudspersons and the judiciary, but these are inaccessible to the vast majority of the target population. In most, regulatory bodies lack independence and cannot guarantee impartial decision-making and consumer protection. Depending on the degree to which they are independent from government, such mechanisms can:

- Review legislation, policy and programmes to ensure their consistency with rights agreements;
- Investigate complaints and ensure adequate redress and resolution of issues and concerns for genuine complaints; and,
- Monitor compliance with national legislation and service standards.

In addition, civil society organizations such as advocacy and development NGOs, the media, research organizations and consumer protection associations have a variety of responsibilities:

- Monitoring and providing information, facilitating, strengthening and supporting community based organizations;
- Building awareness and capacities in water and sanitation rights and responsibilities;
- Conducting and sharing research; and
- Advocating rights, equitable services provision, service standards, and consumer voice and protection.

Lastly, the community and its individuals also have their own set of responsibilities:

- Identifying needs and priorities and participating in planning, project design, implementation, maintenance, repair and extension;
- Becoming aware of and acting on their rights and responsibilities;
- Contributing to the management, maintenance and financial sustainability of their services;



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- Maintaining and conserving their environment by avoiding pollution of their water resources and maintaining good environmental hygiene practices; and,
  - Assisting marginalized and vulnerable people within their communities gain access to services.

In light of the above it is the responsibility of the state to ensure that information on water

resources and water supply and sanitation is made available to the public (including the media) in a format that is readily understood so that civil society can participate in sector development, policy formulating and decision-making. It is also the state's responsibility to enable participatory processes in sector planning, management and monitoring that counter discrimination and encourage equitable access to services.

## 1.15 Equitable Service Delivery

The preceding sections of this report have addressed numerous issues related to the equity of service delivery. These have included:

- The role of civil society in needs assessment, planning and decision-making processes at the local and national levels;
- The importance of women's involvement in the development and management of water resources and water and sanitation services;
- The role of alternative service providers in reaching under-served populations, typically the urban poor in peri-urban areas;
- Adaptation of regulatory requirement to facilitate services provision to the poor and marginalized groups;
- Sector policy and legislation and their roles in championing pro-poor strategies and ensuring equitable access to WSS;
- The decentralization of the water sector and its potential in narrowing the gap between rural and urban access to WSS services;

- The importance of monitoring and evaluation as a tool to hold decision-makers to account and reduce the politicization of decisions over resource allocation; and,
- International conventions that provide for rights to water and prohibit discrimination in service delivery.

As a theme that cuts across all aspects of water governance, the various tangible manifestations of (in)equitable service delivery – urban vs. rural, rich vs. poor, men vs. women and powerful vs. the marginalized – are worthy of further attention. That is the purpose of this concluding section.

Disparities in access between rural and urban areas are the most easily identified form of inequity in WSS service delivery. Table 4 uses JMP data to compare access rates and rural to urban ratios for WSS in Sub-Saharan Africa between 1990 and 2006. While the gap is large, there is evidence that progress is being made to decrease it. Yet these improvements should still be viewed with caution: some argue the 1990 figures offer an inappropriate and unreliable baseline against which to compare progress towards in the water sector<sup>85</sup>.

**Table 4: Access to Improved WSS in Sub-Saharan Africa (2006/1990)<sup>86</sup>**

	2006		1990	
Sanitation	Urban: 42% Rural: 24%	Rural to urban ratio: .57	Urban: 40% Rural: 20%	Rural to urban ratio: .50
Water supply	Urban: 81% Rural: 46%	Rural to urban ratio: .56	Urban: 82% Rural: 35%	Rural to urban ratio: .42

<sup>85</sup>GTZ, "MDG Monitoring for Urban Water Supply and Sanitation: Catching up with Reality in Sub-Saharan Africa," Federal Ministry for Economic Cooperation and Development (BMZ), Eschborn, Germany.

<sup>86</sup>World Health Organization and United Nations Children's Fund Joint Monitoring Programme for Water Supply and Sanitation (JMP) (2008), "Progress on Drinking Water and Sanitation: Special Focus on Sanitation," UNICEF, New York and WHO, Geneva.

Regardless, the most important point to acknowledge is that rural WSS coverage in Africa remains roughly half that in urban areas, a clear indicator to those concerned with sector governance as to where to concentrate their efforts and investments.

participate meaningfully in planning and decision-making roles in design, implementation and O&M of water services. Hierarchical and unequal power relations between women and men disadvantage women, particularly in poorer and disad-

Coverage	28%	40%	53%	70%	85%
	Poorest	2nd	3rd	4th	Richest

Arguably the second-most visible manifestation of inequitable service provision today is the disparity in coverage between the rich and the poor. In general terms, the rich are those who can afford “improved” water connections to piped systems and sanitation while the poor rely predominantly on “unimproved” water and sanitation, such as unprotected wells for drinking and open defecation in the case of sanitation. Table 5 illustrates the sanitation gap between the rich and the poor. It underlines the need for effective governance, such as pro-poor policy development, increased civil society participation in decision-making and better monitoring.

Gender is another major source of inequality in the water sector. As discussed on the section on gender above, women’s unequal position vis-à-vis men manifests itself in numerous ways in the governance of the water sector. Few examples exist in Africa where women

vantaged communities. Men typically control planning and budgeting, while women are often left out of or go unheard in consultations. Despite attempts at inclusiveness and participation, women often remain inexperienced and reluctant to speak out in public gatherings. Sector development suffers as a result, not only in terms of its not benefiting from women’s considerable knowledge and commitment to the sector but also in the poor design of facilities and lack of women’s input to their maintenance and management. In addition, women and girls continue to suffer a disproportionate burden of unimproved access to services as Table 6 illustrates. Combined, they account for 71% of those responsible for fetching water.

Finally, one of the most widespread causes of inequitable service provision – arguably second only to a lack of financial and human resources – is the politicization and/or poor co-ordination

Coverage	28%	40%	53%
	Poorest	2nd	3rd

<sup>87</sup>Sugden, Steve and Stoupy, Olivier, (2003) “Halving the Proportion of People without Access to Safe Water by 2015: A Malawian Perspective,” WaterAid Malawi, [www.wateraid.org.uk](http://www.wateraid.org.uk)

of investments in sector infrastructure. This issue served as the basis for WaterAid's pioneering research into water point mapping (WPM) and the inequity of water point distribution in Malawi. There, like in many African countries, "in some communities there seems to be a handpump every 250 metres, whilst in others people have to travel long distances to the nearest water point"<sup>87</sup>."

WaterAid's study found that methods of allocating resources for the improvement of water supplies had been unfair and lacked coordination. They had resulted in communities who already had access to adequate water receiving more while others that were short of water received none. While poor co-ordination was indeed an indicator of poor sector governance at the local level, so was the politicization of resource allocation that likely contributed to this skewed distribution. As is well known throughout the world, politicians often take advantage of their authority to reward their constituents as a means of strengthening their position in office. In the absence of monitoring tools such as WPM, such politicization and inequitable distribution of services will persist in Africa's water sector. One of the most useful and innovative aspects of WPM as a tool for governance is its ability to map the (in)equity of water point distribution by geographic area using quantitative data, thereby decreasing reliance on subjective and qualitative assessments. Using a database of improved water points generated through a GPS-based survey of several districts, population data from a recent census WPM provides "water point densities" (WPD); "water density profiles" are then calculated and graphed to compare the equity of services for planning and budgeting purposes.

The outside observer seldom has the opportunity of observing inequities in services



A water tower in Morocco

<sup>87</sup>Sugden, Steve and Stoupy, Olivier, (2003) "Halving the Proportion of People without Access to Safe Water by 2015: A Malawian Perspective," WaterAid Malawi, [www.wateraid.org.uk](http://www.wateraid.org.uk)

provision him or herself. Ways in which inequity can be objectively measured and reported, such as through WPM, are few and subject to error. Consequently, inequity tends to be either underestimated or ignored altogether. This report draws attention to several other ways through which inequity can be identified and addressed. These include:

- Participatory planning and needs identification by grassroots communities themselves;
- Responsive democratic processes involving elected representatives and local councils;
- Ensuring women, marginalized groups and the poor are represented and active in decision-making;
- Providing responsive channels for consumer/user complaint, recourse and appeal;
- Raising awareness of inequities amongst government officials and encouraging commitment to counter it;
- Strengthening alternative providers of services, particularly in the more difficult to reach poor neighbourhoods and including them under a “light handed” regulatory framework;
- Implementing PRSP and championing pro-poor strategies in sector development;
- “Depoliticizing” the water sector through awareness raising campaigns amongst the politicians themselves; and,
- Improving monitoring and providing access to information on equity of services to the public and media.



Community meeting to review sanitation options in Thyolo district, Malawi



## Annex A: Field Assessment Results

Within the scope of the project, seven governance assessments were conducted in the field to develop and refine the indicators and the assessment process. These were carried out in Senegal, Uganda, Burkina Faso, Kenya, Malawi, Tunisia and South Africa. The objectives of the missions were as follows:

- To undertake a review of water sector governance in the country (including water resources management, and urban and rural water supply and sanitation/sewage);
- To hold meetings with sector professionals working and experienced in sector governance;
- To meet and brief AfDB Resident Representatives and country teams, where available, on the project and mission findings;
- To identify key governance related issues, lessons learned and best practices; and
- To develop indicators, tools and where possible targets and thresholds by which country governance can be characterized and assessed, and used in programme/project identification, design and appraisal.

Senegal and Uganda were visited by members of the Project Team in the early stages of the study, in August 2008. These two countries represent models of water sector governance that are relatively

advanced compared with most other African countries. The missions included brainstorming sessions to develop indicators and governance workshops with key stakeholders where the indicators were tested to assess governance in each country, and subsequently refined.

In Uganda, the key issues of governance in the water sector were found to be:

- Significant differences in water and sewerage service provision, as well as in the quality of service provision between rich and poor, and rural and urban populations;
- M&E system is still disaggregated between sub-sectors, creating problems of data consistency, authenticity and verification;
- Little coordination between investments in the sector, and poor coordination among the sub-sectors, causing inefficient allocation of resources;
- Gaps in the regulatory framework, and a lack of coherence among bodies responsible for sub-regulatory functions;
- The current system of budget allocations to rural areas is formula-based and weighted to reflect coverage and access requirements, but access figures are less than reliable and prone to manipulation by local government leaders;
- Inadequate access to information by civil society organizations (CSOs), hampering meaningful advocacy;
- Lack of strong incentives for alternative service providers and competition in the

- market deprives customers of increased managerial efficiencies;
- Inadequate gender considerations at all levels of employment and decision-making in the sector; and,
- Irregularities in unit costs, especially in rural areas.

Some of the mitigation measures to improve sector governance in Uganda include:

- Implementation of the sanitation strategy (developed in 2006) and mobilization of investment funds for sanitation;
- Integrated information management system is being implemented to ensure harmonization of data capture methods, data verification and trend analysis but needs to be extended to the district level;
- Assessment of the accuracy of access figures and entrenching the use of investment tools (sector investment plans (SIPs), etc.) into sector planning and monitoring.
- Strengthen regulatory framework such that there is meaningful customer protection utilizing credible appeal mechanisms and fair price levels;
- Engage financial experts to provide advice on asset management for WSS assets with low return;

- In consultation with key stakeholders, the Ministry of Water and Environment is refining the allocation formula. The need to focus on equity and sanitation should be examined;
- Strengthen conflict resolution / appeal mechanisms so that meaningful pressure can be put on service providers to improve efficiency;
- Harmonize best practices among sub-sectors through capacity building programmes to increase value for customers; and,
- Gender is often considered at a project level, but sector gender policy should be implemented within sector management.



Group discussion on Participatory Hygiene and Sanitation Transformation (PHAST), Malawi

In Senegal, the key issues of governance within the sector include:

- Little progress has been achieved in decentralization and local governments are not yet involved in decision-making for sector management;
- NGOs and user associations have acknowledged that the participative approach adopted in PEPAM has given them opportunities to express their voice, but at the same time they consider their capacity to influence decision-making related to key issues still very low;
- As a consequence of frequent changes of government teams during the past few years, sector responsibilities have moved from one ministry to another, hampering the continuity of strategic management;
- Resources allocated to IWRM are not in line with strategic goals;
- Access to water and sanitation is much lower in rural areas than urban areas. In rural areas, access to water is much lower in the three southern regions compared with other regions in Senegal;
- Transparency and accountability remain important issues for the rural water supply sub-sector. Weaknesses in financial management and the absence of regular reporting to the population create conditions for local pre-emption and social conflicts. External performance monitoring or independent audits of the ASUFOR are not yet effective;

- There is a structural gap between the costs faced by ONAS to operate and maintain the sewerage and drainage infrastructure and the regular resources received through the sanitation tax that is included on water bills affecting financial sustainability; and,
- The ongoing lease contract with SDE will come to an end in 2011, which leaves less than three years to implement a new contractual delegation framework and requires that the government launch preparatory studies now.

Mitigation measures for the sector in Senegal include:

- The voice and choice of the 320 rural municipalities has been strengthened through regional joint reviews organized for the first time in 2008 prior to the national joint sector review;
- A public-private partnership for maintenance should be effective in 2009 for 600 of the 1,200 rural water supply schemes. Furthermore, increased resources will be mobilized by the DEM to assist in the development or reinforcement of water user associations. Innovative performance monitoring tools using mobile phones have been developed and are undergoing field tests with ASUFOR managers. Scale-up is planned in 2009;
- The government has designated a technical committee to study options for the evolution of the urban sector. This work will cover both technical and contractual op-

- tions to be considered for urban water supply after 2011 and until 2030;
- An improved dialogue framework has been established with civil society. Consumer associations are members of the board of SONES and ONAS as observers. A partnership protocol has been signed between PEPAM and CONGAD;
  - Implementation of sector budget support progressively, in parallel with MTEF, with partners willing to endorse this approach, as this may be a way for the government to match its capacity for execution to the effort needed to meet the MDGs; and,

- Intensification of the efforts initiated by the sector to achieve decentralization by accelerating the devolution of responsibilities to regional representative structures.

Additional country visits were undertaken by members of the Project Team to Burkina Faso, Kenya, Malawi, South Africa and Tunisia between September and November 2008. During these visits meetings were held with water sector stakeholders in which the draft tools and indicators were used to assess governance in the countries and subsequently further refined.

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## The Water Partnership Program and its mission

The Water Partnership Program (WPP) promotes effective water management policies and practices at regional and country levels. It operationalizes the African Development Bank's Integrated Water Resources Management policy in the Bank's regional member countries.

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