

**THE ROLE OF THE DEPARTMENT OF WATER AFFAIRS
AND FORESTRY IN THE EMPOWERMENT OF THE KEI
DISTRICT COUNCIL IN THE EASTERN CAPE**

BY



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DECLARATION

I declare that “the role of the Department of Water Affairs and Forestry in the Empowerment of the Kei District Council in the Eastern Cape” is my work, that it has not been submitted before for any degree or examination in any other university, and that all sources that I have quoted have been indicated and acknowledged by means of reference.

Signed:



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ABSTRACT

According to the Constitution of Republic of South Africa (Act 108 of 1996) it is the responsibility of local government to provide basic and effective water services to all consumers in its area of jurisdiction. The Water Services Act (Act 108 of 1997) further supports this concept and establishes the institutional framework for service delivery and an enabling environment for development of the sector. In the spirit of co-operative governance the department of Water Affairs and Forestry is obliged to provide this support to local government around the issues of water services provision but this support needs to be located within the legislative laid out in local government legislation.



The nature of capacity support to Kei District Council is that it requires intensive initial support to ensure that it is able to fulfil its service functions, including those outlined in the Water Services Act. This requirement for intensive initial support is due of the following: (a) Kei District Council was previously not responsible for water services, (b) it require support to set up structures and systems for managing and monitoring water Services, (c) it need to develop water services expertise, (d)The Transitional Local Government process places an enormous challenge on Kei District Council to gear up for its role as developmental local government, and (e) the Water Services Act has introduced new requirement and clarified the water services authority functions that municipalities are required to fulfil.

In empowering Kei District Council to fulfil its obligations of providing the basic and effective water services to all its consumers in its area of jurisdiction, the Department of Water Affairs and Forestry needs to work with other Departments like Department of Provincial and Local Government, Department of Provincial Housing and Local Government and other relevant stakeholders.

This study considers the existing research and practice, tests it against current project and programmes by other departments and agencies and makes recommendations that will lead to higher efficiencies, improved sustainability and the success in the implementation of water services by Kei District Council.



DEDICATION

This study is dedicated to my maternal grand father, Mkhancani Samuel “Mambawulele” Ndlovu, who supported me during my early years of studies and my paternal grand father Mingedzi Watson “Machukani “ Mabunda.



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LIST OF ABBREVIATIONS

BP	: Business Plan
BoTT	: Built operates Train and Transfer
CEO	: Chief Executive Officer
CMA	: Catchment Management Agency
CMIP	: Consolidated Municipal Infrastructure Programme
CWSS	: Community Water Supply and Sanitation
DBSA	: Development Bank of Southern Africa
DFID	: Department of International Development
DC	: District Council
DPLG	: Department of Provincial and Local Government
DWAF	: Department of Water Affairs and Forestry
EU	: European Union
ESCOM	: Electricity Supply Commission
EXCO	: Executive Water Services Co-ordinating Committee
FOS	: First Order Strategy
IDP	: Integrated Development Strategy
IWSMF	: Integrated water services Management Forum
"I"	: Municipal Institution Transfer
ISWIP	: Implementing of Sustainable Water Services institutions Program
ISD	: Institutional and Social Development
JSB	: Joint Service Boards
JV	: Joint Venture
NGOs	: Non -Governmental Organisation
NWA	: National Water Act
MAAP	: Multi Annual Action Plan
MIIU	: Municipal Infrastructure Investment Unit
MOU	: Memorandum of Understanding
O& M	: Operation and Maintenance
OTT	: Operates Train Transfer
KDC	: Kei District Council
PIA	: Project Implementing Agents
TLC	: Transitional Local Council
TRC	: Transitional Rural Council
TTT	: Technical Task Team
"S"	: Municipal Basic Services Transfer
SMME	: Small Medium Micro Enterprises
SSA	: Support Services Agents
SPA	: Sanitation Promotion Agents
RDP	: Reconstruction and Development Programme
ROT	: Refurbish Operate Transfer
VIP	: Ventilation Improved Pitlatrine
UDT	: Urine Diversion Sanitation

LIST OF ABBREVIATIONS (Cont.)

WSA	: Water Service Authority
WSASC	: Water Services Authority Standing Committee
WSI	: Water Services Intermediaries
WSDP	: Water Service Development Plans
WATSAN	: Water Supply and Sanitation
WSP	: Water Service Provider
WRC	: Water Research Council




CHAPTER ONE

INTRODUCTION

This study concerns local government service delivery in respect of water and sanitation services at the provincial level. The Kei District Council in the Eastern Cape serves as the case study to illustrate the constitutional, policy and legislative framework of water resources, practical realities of the concept of co-operative governance, and its attendant administrative and institutional problems of implementation. The study is limited but not confined to the 1994- 2001 period.

STATEMENT OF THE PROBLEM



This study seeks answers to several research questions: firstly, what constitutional, policy and legislative framework informs service delivery in water and sanitation in South Africa? secondly, what are the mission, vision, values, mandates and functions of the Department of Water Affairs and Forestry? thirdly, How has the Kei District Council managed its water resources and what kinds of support has it received from the Department of Water Affairs and Forestry? and, fourthly, what has been the involvement of other stakeholders both in decision –making and implementation processes of water and sanitation in the Kei District Council?

Without the full engagement of communities in the planning, construction and the operation and maintenance functions of service provision, experience has shown throughout South Africa and developing world that services are not sustainable. The Eastern Cape Province, which is the second poorest of South Africa's nine provinces, has very poor coverage of basic water supplies, particularly in the rural areas, with an estimated 2.5 million people without basic water supplies in some 3000 villages. The Department of Water Affairs and Forestry and most of the implementing agents engaged in community water supply projects in the Eastern Cape have not worked sufficiently with communities in the past and therefore need to build the skills required to train communities to take control of, and responsibility for their own services. If training of rural communities is not an integral part of water and sanitation projects there is little chance in installing sustainable infrastructure (Steffen et al, 1997:10).

The Department of Water affairs and Forestry has established a great number of rural community water supply projects in the Kei District Council. These projects were initiated under different DWAF managed programmes, such as DWAF- RDP Phases 1-2-3-4, DWAF- Mvula, DWAF- European Union (EU), and sundry others. In addition to these a number of projects were inherited from the former Transkei homeland government, whilst many others were funded independently. It is also envisage that further projects will be established through the BoTT Initiative. For the successful transfer of community water projects it is important that a transparent and participate process be established that will ensure the Kei District Council, water institutions and communities support the transfer programme. The necessary measures are to be put in

place to strengthen their capacity to ensure effective and efficient water services to the communities, which they serve (Mvula, 1998: 12).

The Kei District Council is now in power. According to the interim constitution of 1993, the reticulation of water supply to the communities and the operation of the water schemes are the function of the local government, but up to date there is no deliver of services to the communities as promised. The dilemma of Kei District Council is that, the area is too large, no administration capacity, structures are fragmented and lack of resource and poor or non- existent of infrastructure. The Kei District Council as an administrative arm of the TLC/ TRC is charge with huge responsibilities of ensuring service delivery to the communities, especially to the disadvantaged communities. The current problem is that the Department through forums set up in various areas has initially identified projects. Water Services Authorities are now responsible for Water Service Development Plans and such are generating their own priority lists. The result is that (a) Water Service Authority's have not necessarily assumed ownership of the projects; (b) Priorities' in Water Service Authority do not necessarily coincide with what the Department is doing; and (c) Water Service Authority do not necessarily accept projects coming off the line and are not ready to undertake operation and maintenance functions. It appears very clear that without proper mechanisms and clear defined roles and responsibilities between various role players such desired services will never be provided. Local Government needs to be empowered. Confidence and competence increases when people gain experience in organisation and management and acquire

knowledge and skills, including the capacity to generate knowledge (Siyaphambili, 1999:9-10).

REVIEW OF RELATED LITERATURE

In this section, published sources have been studied in order to increase understanding of factors influencing the subject of community water supply and sanitation. Literatures related to community participation, constraints to community sustainable water suppliers, free water, affordability, and willingness to pay services has been consulted. The source of information is found in both academic literature and reports produced by institutions and government studies. There are discussed in detail below:

Community Participation and Services

Abbott highlights an important point when he differentiates between the interaction between services and that of land or housing (Abbott, 1993:102). He says: " in the latter cases, the notion of two negotiating parties (e, g. those controlling resources and those seeking to benefit from the resources), as in the employment approach, may be a valid assumption. In the case of service provision, the roles of a number of other parties (e.g. technical professionals and financial institutions) become important and the ensuing negotiating process becomes more complex." This highlights the need for the involvement of not only the community in this process of participation, but also for the professionals involved with the different aspects of the service provision, financing,

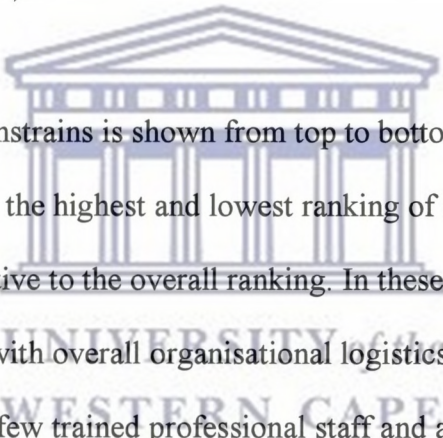
operating and sustaining the serves. In the process of participation, provided there are clear objectives and benefits, the complex route should be managed and optimised to ensure the identified objectives are achieved. The emerging trend in current service supply projects appears to be that an implementing agent is appointed by the community to act on their behalf in managing both the institutional development as well as assisting in defining and managing the infrastructural development on behalf of the community (Ive, 1999: 35).

Constrains to Sustainable Community Water Supplies

Katko, (1991a: 19-21 and 1986: 231- 244, reproduced in 1991a: 83-96) reports extensively on seven studies carried out between 1978 and 1985 into the major constraints frustrating the development of sustainable water supplies and sanitation in developing countries. The studies were based on a questionnaire developed by the World Health Organisation (WHO) in which respondents were asked to rank a fixed list of 17 “major” constraints to effective water supply and sanitation delivery. The respondents were professional staff responsible for the implementation of water supply and, sometimes, sanitation projects in developing countries either as local employees of government departments or as expatriate of external funding organisations. Figure 2.4 shows the combined results of four of the studies carried out in Africa.

The four studies, which were combined, are as follows:

- ◆ WHO Africa region: whole water and sanitation sector study involving 28 government official respondents (1980);
- ◆ Katko, Kenya: Kenya: rural water supply study involving 19 expatriate respondents (1979-1985);
- ◆ Katko, Malawi: rural water supply study involving 11 expatriate respondents (1978-1985); and
- ◆ Katko, Tanzania: rural water supply study involving 19 expatriate respondents (1978-1984). (Katko, 1991:19-21).



The overall ranking of the constraints is shown from top to bottom in the figure whilst the horizontal shaded areas show the highest and lowest ranking of each constraint obtained in the individual surveys relative to the overall ranking. In these early surveys operation and maintenance, combined with overall organisational logistics, were considered the most severe constraints. Too few trained professional staff and a poor cost recovery framework were the next most severe constraints. This hierarchy of constraints is very similar to common problems reported by George Bunker, a water and sanitation engineer working in Central and South America, in a presentation he made to the Colegio de Ingenieros de Panama in 1938. As cited by Donaldson (1984: 6), Bunker reported, amongst other details, that:

- ◆ The operation and maintenance of the systems were poor;
- ◆ There was usually a lack of trained technical and managerial personal;

- ◆ Financing was often a problem; and
- ◆ Organisational problems were more common than technical ones. (Donaldson, 1984:6).

Dabbagh (1991, cited by Katko 1991a: 19) analysed later surveys reported by WHO in 1990. This analysis by Dabbagh rated poor cost recovery as the most severe constraint on the attainment of sustainable water supplies in Africa followed by maintenance and organisational logistics. Katko (1991a: 19) also reports that cost recovery related constraints are not limited to developing countries. In 1984, from a survey of 24 constraints in the water supply industry in the USA, the American Waterworks Association reported inadequate tariffs as the most severe one. Financing constraints were one reason, Katko reports, for the privatisation of water and sewerage systems in Britain. In the 1960s and 1970s this need for cost recovery was not understood by the governments of the newly independent states or by providers of development aid, and water was regarded as a social service to be provided free of charge (Kanko , 1992). However, since the 1980s the wheel has turned full circle. Now according to Yacoob (1990) there is a real danger of the implementation of cost recovery contributes nothing to sustainability and probably militates against it (Yacoob, 1990:21).

Currently in South Africa much emphasis is being placed on capital works to increase coverage. Without sustainability, increased coverage does not address poor service delivery but represents a significant waste of scarce resources. Sustainability is here defined as: the benefits of water supply project continuing indefinitely in a reliable

manner at a level genuinely acceptable to the community it serves and close to the design parameters, without an unacceptable level of external managerial, technical or financial support (adapted from Hodgkin 1994 : vii). There is thus an urgent need to increase the resources for and emphasis on institutional capacity building and training for water scheme management, operation, caretaking and maintenance as well as for the much wider implementation of cost recovery as defined in the Water Supply and Sanitation Policy White Paper (DWAF, 1994:10).



Table 2.1 Major Constraints to effective Community Water Supply as ranked by Respondents of four Studies carried out in Africa

1	Operation and maintenance		3 Government Officials
2	Overall organisational logistics	1 Tanzania	5 Malawi
3	Too few trained professionals	1 Malawi	10 Kenya
4	Poor cost recovery framework	2 Kenya	10 Government officials
5	Funding limitations	1 Gov. officials	12 Kenya
6	Intermittent water services		14 Malawi
7	Poor government policy	2 Malawi	14 Tanzania
8	Too few trained technicians	5 Government officials	11 Malawi
9	Poor knowledge of resources	6 Kenya	12 Malawi
10	Poor institutional framework	6 Malawi	13 Kenya
11	Poor health education	8 Malawi and Tanzania	14 Gov. officials
12	Import restrictions	6 Tanzania	14 Kenya
13	Inappropriate technology	5 Kenya	16 Malawi
14	Poor legal framework	6 Government officials	17 Tanzania
15	Non-involvement of communities	8 Kenya	17 Malawi
16	Poor design criteria	11 Government officials	17 Kenya
17	Inadequate water resources		13 Malawi

Overcoming the Constrains to Sustainable Water Supplies

The literature continually stresses community participation in facilitating sustainable community water supply schemes. For example, refer Churchill 1987, Rural water supply and sanitation: time for change; WHO 1989, Principles and models to achieve sustainable community water supply and to extend household sanitation (Abbott, 1989:15)

Community participation in water supply planning: the Ramogodi experience; and UNDP-World Bank 1996, Water and sanitation program; annual report July 1994- June 1995: 14. Some recent literature, for example Donnelley- Roark 1992 cited in Hodgkin 1994: 12, describes different categories of community participation and reports that community participation which empowers communities to control projects is critical in facilitating sustainability. Community control is achieved through community structures, normally assisted by an outside facilitator. Through this structure the community can initiate demands, define their own goals, assess options, and finally assume responsibility for the required actions to implement the chosen option. Some authorities also report that the ownership of the completed project assets is an important aspects of control and hence sustainability. (Hodgkin, 1994:12).

Such community empowerment builds self- reliance and autonomy at the community level. The ultimate question then becomes how much autonomy is desirable at this level? Hodgkin (1994: 12) replies that communities should be given or take as much autonomy as they can assimilate, but that no community can be totally self-sufficient. Each community will still have to interact with government authorities and to rely on other outside

assistance to meet some of its needs. Apart from capacity building and training, ongoing governmental extension services and private sector interventions are likely to include health and hygiene education, supportive management monitoring and performance auditing, an information and decision- making support system that is accessible to all without restriction, and interventions associated with major maintenance work, as well as droughts and other disasters (WHO, 1989: 15, DWAF, 1994: 29-32 and Hodgkin 1994: 9 - 12).

The Concept of “ Free Water “ After and Its Consequences

After independence African countries considered domestic water supplies as a social service, which the government should provide, free of charge to rich and poor alike. Aid agencies also largely accepted this policy (Katko, 1991a). Despite high enthusiasm, ambitious development plans and commendable progress from the early 1960s, in 1990, at the end of the International Drinking Water Supply and Sanitation Decade, more than half the rural population of these countries was still without adequate supplies. Using the rates of implementation reported at the time further net gains in percentage coverage by the year 2000 will be modest and the total numbers unserved will continue to rise (see Table below).

Table 2.2: Water Supply coverage for rural Africa: 1980, 1990 and predicted for 2000 based on 1980 to 1990 of progress.

Year	Total population (millions)	% Coverage	Population served (millions)	Population Unserved (millions)
1980	333	33	110	223
1990	410	42	172	238
2000	497	47	234	262

(Source: UN General Assembly (1990) cited by Evans (1992P.5)

In rural South Africa over the same period the governments of the Transkei, Bophutatswana, Venda and Ciskei (TBVC) states and other homelands, to curry favour with their subjects, also indulged in a policy of little or no cost recovery from existing water supply schemes. In addition, cost recovery was generally impossible to implement due to their illegitimacy, little or no consultation with beneficiaries, a lack of structures to implement cost recovery and / or the low quality of service caused by maintenance being neglected (DWAF 1994: 5).

The results of the policy of free water are:

- ◆ The rich and influential receive more by way of subsidy than the poor (Cairncross and Kinnear ,1988) noted when they found that the poorest people in Khartoum had to pay 120 times more for water they purchased through vendors than the rich paid for their piped connections (cited in Franceys ,1990);
- ◆ It leads to people being treated as the objects of aid rather than in development which results in there being no relationship of accountability between the provider of the service and the beneficiaries (as DWAF White Paper ,1994 : 7) states, “ the worst possible approach is to regard poor people as having no resources “ of their own);
- ◆ As more schemes are commissioned there is a rapid reduction in the finances available for the development of new basic services for those who have nothing because the government’s entire budget becomes consumed in operating and maintaing existing low levels of service and /or maintenance gets neglected (DWAF, 1994 : 23), and
- ◆ Communities have been misled into believing that water provision is cheap and as a result they have little or no understanding of the true costs of implementing water projects or operating and maintaining them (Murdock JR: 1956 cited in Katko, 1992).

In contrast to the low demand for water from schemes where cost recovery has been implemented, schemes with " free water" are without any form of demand management. As a result they often operate at demands far in excess of their design capacities causing many customers to receive no water during periods of peak demand. Subsequent

customer dissatisfaction, vandalism, water hammer and 'overloading' of pumping plant become a major cause of failure of such schemes. The presence of unauthorised connections on free water schemes to even higher water demand and earlier scheme failure (DWAF, Implementing prepayment water metering systems, 1997:26).

Affordability

Sub-Saharan Africa is currently facing an acute crisis, and the number of poor people in the sub-continent is expected to rise before the end of the century (World Bank, 1990, cited in Evans, 1992: 19). In South Africa per capita incomes are currently below 1960s levels (World Bank 1995, cited in UNDP 1996: 3). It is therefore not surprising to find that according to the most recently published rural poverty survey 50,3 % of all rural households live below the rural household subsistence level where the minimum income for a family of two adults and four children is taken to be R723,05 per month (May et al. 1995 main report: 10). From May et al. (1995) the approximate distribution of rural African household monthly incomes can be estimated (refer Table 2.3) The analysis of poverty using access to basic needs or under-nutrition as criteria reveals a similarly depressing picture. In terms of under-nutrition, approximately 57% of rural households in south Africa fall below a 2100 calories per day nutritional poverty line and the average under-nourished household is estimated to fall 32,3% short of their caloric needs (May et al. 1995: 55).

Table 2.3: Approximate Distribution of Rural African Household Monthly Incomes in South Africa based on data collected between August and December 1993

% of rural households	Median adult equivalent monthly income	Estimated average family size	Number of equivalent adults	Median rural African household month income
Poorest	R79	7.0	3.87	R306
1 st Decile	R113	6.6	3.72	R421
2 nd decile	R143	6.2	3.56	R512
3 rd decile	R176	5.8	3,40	R600
4 th decile	R211	5.4	3.40	R682
5 th decile	R252	4.9	3.05	R770
6 th decile	R294	4.5	2.89	R849
7 th decile	R289	3.3	2.73	R1 062
8 th decile	R508	3.7	2.57	R1 304
9 th decile	R895	3.3	2.40	R2 148
Riches dicile				

(Source: May et al. 1995 base on main report: 9 table 1. and Figure 1)

Affordability is a very imperfect measure of what people will pay for water. Income and poverty indicators are reported here primary to demonstrate the importance of:

- ◆ Keeping the price (and the costs, both capital and operation and maintenance) of providing basic water needs as defined in the (DWA White Paper, 1994 : 15) as low as practical so that this need can be satisfied with the lowest cost- benefit ratio to all South Africans (for examples refer to Mac Rae and Whittington ,1988);
- ◆ Engineers, sociologists and development practitioners not fuelling communities demands and expectations for water supplies in excess of basic needs provision, nor deciding for communities that only basic needs will be provided for; and
- ◆ Acknowledging the spread of incomes even within rural communities, so that those households with higher incomes, which are willing to pay the full cost of a higher level of service, will have their income base with which to operate and maintain the scheme. A number of possible scenarios are depicted in figure (DWA, 1997:24).

Willingness to Pay Services in South African

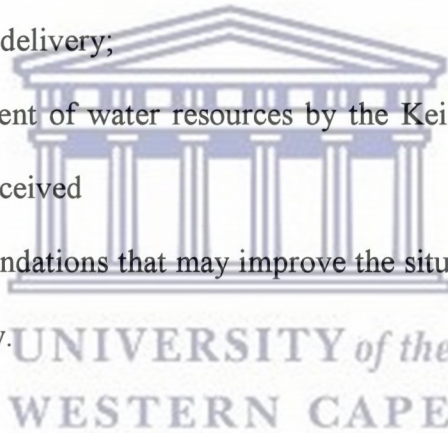
Prior to the elections I April 1994, there were four independent and six self-governing homelands in South Africa with a population of 15 million. Water services, like most infrastructures in these former homeland areas, are inferior to those in the rest of the country. Facilities are characterised by low coverage, low and intermittent levels of service, and poor maintenance. Domestic water provision responsibility was left at local government level, with little central government involvement. Precedents for free services for rural populations were established by homeland governments, which had no real incentive to make services financially viable. They provided coupons for free diesel fuel, paid for the repair of equipment. This together with other factors, has reduced

peoples willingness to pay for services in rural areas, while at the same time many factors lead to high expectations about levels of service (Mvula. Trust, Internal Evaluation. 1996: 9).

OBJECTIVES OF THE STUDY

This study has four objectives. They are as following:-

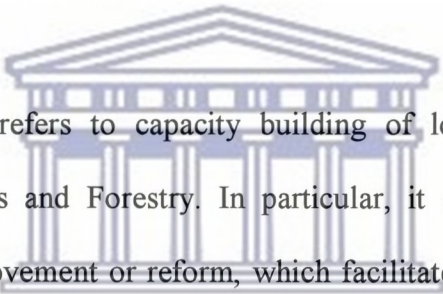
- To review the constitutional and legislative framework of water and sanitation in South Africa;
- To examine the role of the Department of Water Affairs and Forestry in supporting local government service delivery;
- To discuss the management of water resources by the Kei District Council and the nature of support it has received
- To make policy recommendations that may improve the situation regarding water and sanitation service delivery.



THE RESEARCH METHODOLOGY

The information for this study was gathered from primary and secondary data sources. The former included personnel interviews with senior officials in the Department of Water Affairs and Forestry and the Kei District Council, unstructured questionnaires and participant observations. The latter included books, journal articles, newspapers, seminar/conference papers as well as government policy documents and / or annual reports.

DEFINITION OF MAJOR TERMS



Empowerment: This term refers to capacity building of local government by the Department of Water Affairs and Forestry. In particular, it describes the process of institutional expansion, improvement or reform, which facilitates the effective operation of programmes or services. This process is continuous and applies as many to formal bodies such as local community group (EU, 1998:211).

Integrated Development Programme

“Integrated Development Planning” is the process through which a municipality can establish a development plan for the short, medium and long – term. It means not just considering one sector (e.g. transport) or one group of issues (e.g. environment), but

instead bringing together all important sectors, issues and concerns into a whole” (DCD, IDP. Process Manual .1998:7).

Participation

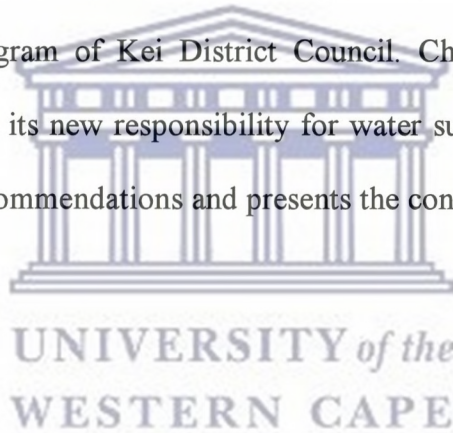
Participation is understood to mean a process by which people share in decisions relating to policies and actions undertaken by formal bodies on their behalf, and by which they accept responsibility for those decisions. A participatory approach is often one, which leads to project beneficiaries becoming actors or managers within a service delivery scheme (EU, 1998: 217).

Service Delivery:

The concept service delivery in this study means to achieve significant impact on public health through the implementation of sustainable water services programme to ensure access to and distribution of basic levels of potable water supply, sustained sanitation related health improvement and integration of planning at all water sector institutions (DWAF, MAAP, 2000).

ORGANISATION OF THE STUDY

This study has five chapters. The first chapter has stated the research problem, reviewed related literature, listed the objectives of the study, and described data gathering methods and the significance of the study. Chapter two discussed the constitutional and legislative framework of water and sanitation in order to set the context for understanding the whole study. Chapter three examines the role of the Department of Water Affairs and terms of its mission, vision, values, mandate and functions as well as the nature of support it has received from the Department of Water Affairs and Forestry. Chapter four discussed the management of water resources by Kei District Council, location, climate, rainfall, population size and orgonogram of Kei District Council. Chapter five discussed the changing role of DWAF and its new responsibility for water supply and sanitation. The last chapter makes policy recommendations and presents the conclusion.



CHAPTER TWO (2)**THE CONSTITUTIONAL POLICY AND LEGISLATIVE FRAMEWORK OF WATER IN SOUTH AFRICA****INTRODUCTION**

Before 1994 no national institution was responsible for ensuring equitable and sustainable access to water supply and Sanitation services and no structured national legislation existed regulation provision of these services. Water supply and sanitation services were dealt with in a fragmented and partially inconsistent manner in Provincial Ordinances, and rural water supply and sanitation was primarily left to the former homeland Governments to deal with. The Water Act of 1956(replaced by National Water Act of 1998) did not provide a framework for the provision of water supply and sanitation services to households and is thus not systematically structured for this purpose. The Reconstruction and Development Programme identified the lack of adequate water supply and sanitation services as an important priority for government intervention. It identified the void created by the absence of a national institution charged with providing these services as a critical obstacle to meeting community needs. The Department of Water Affairs And Forestry (hereafter referred to as “The Department “) was subsequently tasked with the responsibility of building competent local and provincial agencies that are capable of providing adequate water supply and sanitation services. The Department therefore, formulated a strategy, outline in the White Paper on Water Supply and Sanitation (November 1994) to achieve this goal. A Framework of Water Services, 1997, was also developed after the setting up of a democratic, legitimate and organised local government sphere to further define the way in which this goal is to be achieved.

The enactment of the Constitution, the election of democratic local government, together with the two policy documents referred to above, made it possible to provide a constitutional and legal framework within which these services could be provided and regulated (DWAF, Summary of WSA, 1998: 1).

The Constitution of the Republic of South Africa (Act 108 of 1996)

The constitution of the Republic of South Africa (Act no. 108 of 1996) places the management of water resources as a national responsibility. With respect to service provision, the picture is more complicated, although this is becoming clearer as the national and provincial departments develop their strategies and define their competencies. The Constitution also sets out the rights and obligations of individuals and government with regard to basic water supply and sanitation. It outlines the broad institutional framework for service provision. It is discussed in detail below (The RSA Constitution, 1996:12).



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Bill of Rights

The constitution guarantees everyone the right to-

- ◆ An environment not harmful to health or well – being;
- ◆ Have the environment protected for the benefit of present and future generations;
- ◆ Access to sufficient waters (RSA Constitution 1996: 11).

"Water for All"

The new Constitution of South Africa enshrines the right of all people to basic needs required to maintain basic health and quality of life. Section 27(1) of the constitution guarantees every person the right to access to "sufficient water and food", and to "health care services". Under section 28 every child is guaranteed the right to amongst other things, basic nutrition and health care services. Access to sufficient affordable clean water for hygiene purposes could be seen as the primary health care service. Government is required by section 27(2) to "take reasonable legislative and other measures" to achieve the progressive realisation of the right to sufficient water. This is the mandate of the Department of Water Affairs and Forestry to ensure that all South Africans have access to sufficient water to meet basic needs. This is not to say that the Department is the "provider" of the Water Services, its mandate is to ensure that it happens. The constitution places the responsibility for the delivery of services on local Government (DWAF. BP, 1997/98:6).



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WESTERN CAPE

Co-operative Governance

The Constitution also states: -

- ◆ that the state [all three spheres of government] must take reasonable legislative measures, within its available resources, to achieve the progressive realisation of these rights;

- ◆ that one of the objectives of local government is to ensure the provision of services to communities in a sustainable manner. Schedule 4B identifies water and sanitation services limited to potable water systems and domestic waste water and sewage disposal systems, as a local government function;
- ◆ that the different spheres of government must support each other in a spirit of co – operative government ;
- ◆ how national and provincial government must pursue their responsibilities in functions that are, in the first instance, the competence of local government;
- ◆ National and provincial governments must, by legislative and other measures, support and strengthen the capacity of local government to manage their own affairs, to exercise their powers and to perform their functions;
- ◆ National and provincial governments have the legislative and executive authority to see to the effective performance by municipalities of their functions, by regulating the exercise of this executive authority (RSA Constitution 1996:21-22).

Chapter three (3) of the Constitution describes Government in South Africa as constituting spheres, which are not only distinctive but also interdependent and interrelated. It provides that all spheres of government and all organs of State must co – operate with each other in mutual trust and good faith by co-ordinating their actions and legislation with each other. Co-operative governance and integration are not only policy matters they are constitutionally mandated. It is also the duty of the national and provincial governments to make sure that municipalities are effectively performing their

functions, including the provision of water supply and Sanitation to achieve this goal (RSA, Constitution of 1996: 21).

The Reconstruction and Development Programme (RDP)

The Reconstruction and Development Programme was initiated in 1994 to provide adequate social services like water and sanitation, health care, education and shelter (housing) for all South Africans. The RDP provides an integrated framework for the transformation of the social, economic and political spheres in South Africa. The RDP regards the eradication of poverty and deprivation as the first priority of the democratic government. Five key programmes were defined in the RDP, namely, meeting basic needs, developing human resources, building the economy, democratising the state and society and implementing the RDP through institution development at national, provincial and local levels. Access to safe water and sanitation for all in a sustainable manner was a crucial element in the attack on poverty and deprivation. The policy Principle of RDP is " water security for all" the RDP outlines the three goals of water management as meeting health and functional requirements, raising agricultural output and supporting economic development (RSA, WP, 1994:5).

The goals set out for water supply are threefold:

- ◆ In the short term , the aim is to provide all households with “ a clean water supply of 20-30 litres per capita per day within 200 meters”

- ◆ The medium –term aim is to provide ; “an on site supply of 50- 60 litters per capita per day of clean water” , this is being applicable to nearly 100% of the rural households;
- ◆ The long-term goal is to provide “every South African with accessible water” (Clause 2.6.6.8) (DWAF) ANC, 1994: 28).

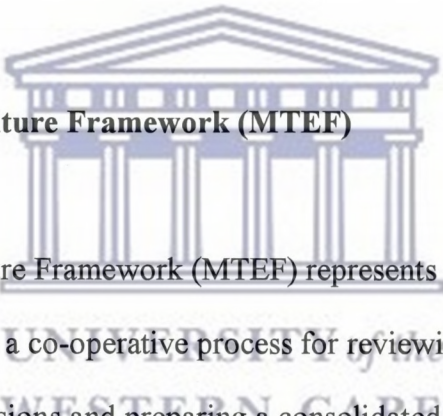
The Basic Principles of the RDP

1. To create capacity at all levels of government and within communities in support of democratic processes based on the needs and involvement of all people;
2. To address the problem of reconstruction and development;
3. To provide peace and security for all;
4. To link reconstruction and development by co – ordinating resources and actions resulting in integration of development programmes;
5. To develop procedural, institutional and financial frameworks to ensure implementation and sustainability of programmes and projects;
6. To strengthen democracy by involving communities in management of their development programmes; and
7. To build a nation (RSA, RDP WP, 1994:8-9).

The Growth, Employment and Redistribution Strategy (GEAR)

The Growth, Employment and Redistribution (GEAR) macro- economic strategy, 1997 could be regarded as the complementary supply- side instrument for social and economic transformation. The macro-economic growth, employment creation, the redistribution of income and opportunities and the provision of services to all. The GEAR strategy notes the importance of spending on social infrastructure to reduce backlogs and that government will not cut infrastructure spending in this respect. GEAR reinforces the fact that water and sanitation is the first priority of rural communities (Department of Finance, GEAR, and 1997:2).

The Medium Term Expenditure Framework (MTEF)



The Medium Term Expenditure Framework (MTEF) represents a major reform of the budget process. The MTEF is a co-operative process for reviewing and analysing national and provincial budget submissions and preparing a consolidated expenditure framework consistent with the social, economic and developmental goals of government. The primary objective of the MTEF is to ensure that Government is able to deliver its Reconstruction and Development priorities in the context of three -year estimates that are consistent with a sound macroeconomic framework. The MTEF is intended to enhance transparency of the budget process and budget documentation, so those policy goals are clearly set out, and thereby to allow political prioritisation of budget (RSA Budget Speech, 1998:4).

GENERAL WATER POLICY

The policy context provides the guiding principles for the water services sector in South Africa. The major policy developments reflect the emphasis of the democratically elected government in 1994. Since 1994 to the present, policy development has reflected the progression of emphasis from improving the quality of life through the provision of basic services to the dual emphasis on equity and economic efficiency. The policy development has reached the stage where the delivery of services is undertaken within a Medium Term Expenditure Framework (MTEF), reflecting the importance of planning and budgeting. Policy developments further reflect the importance of establishing and supporting water services institutions and local government in taking responsibility for the provision of services. Integrating planning in the provision of services and policy co-ordination between government departments is essential. Water Services Sector policy is classified into three broad areas;

- ◆ The first area encompasses the national overarching policy context within which water sector policy has been developed;
- ◆ The second area is the development of specific water services sector policy; and;
- ◆ The third area addresses other governmental policies that influences the water services sector (DWAF, Draft SA WSSSP, and 2000: 6).

Water Supply and Sanitation Policy

DWAF 's White Paper on Water Supply and Sanitation, published in late 1994, marks a watershed in water and Sanitation policy in South Africa. The paper outlines a new and far –sighted policy framework, drawing on international experience and the prior work of non- governmental organisations in South Africa, for a national Community Water Supply and Sanitation. Based on local and international experience, and on the premises of Reconstruction and Development Programme, the following principles are adopted as the basis for the policy, which follows. These principles assume a context of universal human rights and the equality of all persons regardless of race, gender, creed or culture. The White Paper sets out the government's policy on the provision of Water to communities. The basic principles of the policy were as follow:

(i) Development must be demand driven and Community base

The process should not be driven from outside the community in a way, which reduces their responsibilities and disempowers them.

(ii) Basic Service is a human right seen within the context of the broad National Interest.

(iii) 'Some for all' rather than "all for some" which requires that development should be fair and that everyone should have at least a basic to provide some with higher levels of Service.

(iv) Equitable regional allocation of development resources. One Province or area should not be favoured over and above another.

(v) Water has economic value

The way, in which water and sanitation services are provided must reflect the growing scarcity of good quality water in South Africa in a manner, which reflects their value and does not undermine long-term sustainability and economic growth.

(vi) The user pays principles

The government has a limited budget and cannot afford to subsidise on – going operating and maintenance costs. This will have to be borne by communities and equitably applied to ensure fairness.

(vii) Integrated Development

All aspects of community development need to be addressed if Services are to be of maximum benefit at Local Level. For example, without basic hygiene education, the potential health benefits of an improved water supply may not be realised.

(viii) Environmental Integrity

The relationship between a community and their environment is a delicate one. Development of a resource such as water could have unforeseen negative consequences if care is not taken (DWAF, 1994:8; 9).

Policy Principles of Sanitation

The eight policy principles stated in the White Paper on Water Supply and Sanitation Policy of 1994 form the initial point of departure for sanitation principles, with addition of two more. The policy principles apply in rich and poor communities, in rural and urban areas, and whether sanitation is for individual households or provided as a system for an entire community. There are discussed in detail below:

1. Development should be Demand –driven and Community Based

Household sanitation is first and foremost a household responsibility and is demand driven. Households and communities have to demonstrate a willingness to pay a significant portion of the costs involved in providing and running the sanitation system. Communities need to be involved in the design, fencing, construction and maintenance of both water and sanitation services.

2. Basic Services are a Human Right

In fulfillment of its obligation, government must create an enabling environment through which all South Africans can access services, but in the end it is individuals who are responsible.

3. "Some for All" Rather "All for Some"

The use of scarce public funds must be confined to assisting those who are unable to attain a basic level of service. Individual households are ultimately responsible, although

communities may require a degree of conformity to achieve the “healthy environment” envisaged in the Constitution. A careful balance needs to be achieved between what is affordable to households, communities and the national economy.

4. Equitable Regional Allocation of Development Resources

The limited national resources available to support the provision of basic services should be equitably distributed throughout the country, according to population and level of development.

5. Water has an Economic Value

The way in which sanitation services are provided must take into account the growing scarcity of good quality water in South Africa. The true value of these services must be reflected in such a way that it does not undermine long term sustainability and economic growth. The population of water resources also has an economic cost.



6. The User Pays

Sanitation systems must be sustainable. This means they must be affordable to the service provider, and payment by the user is essential to ensure this. Similarly, polluters must pay for the cost of cleaning up the impact of their pollution on the environment.

7. Integrated Development.

Sanitation development is not possible in isolation from other sectors. There is a direct relationship between water supply and sanitation and their combined impact on health.

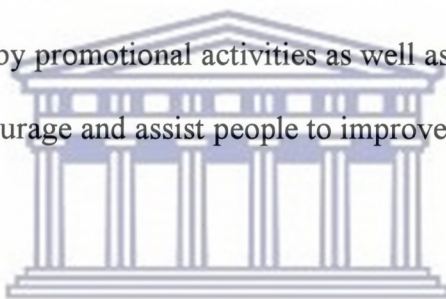
Co-ordination is necessary between different departments, all tiers of government and other stakeholders.

8. Environmental Integrity

The environment must be considered in all development activities. Appropriate in all development activities. Appropriate protection of the environment must be applied, including if necessary prosecution under unacceptable impacts on the adequate.

9. Sanitation is about Health

Sanitation is far more than the construction of toilets-it is a process of improvements, which must be accompanied by promotional activities as well as health and hygiene education. The aim is to encourage and assist people to improve their health and quality of life.



10. Sanitation is a Community Responsibility.

Improvements in health through improved sanitation are most likely to be achieved when the majority of households in a community are involved. Sanitation is therefore a community responsibility, and this must be emphasised through sanitation awareness programmes (RSA, 1996: 4).

The National Sanitation Policy is also summarised as follows.

The aim of the health and hygiene promotion policy is to:

- ◆ Raise awareness of diseases caused by unhealthy behaviour and practices;

- ◆ Support and provide hygiene education that will enable people to improve their health through correct hygiene practices;
- ◆ Lead to an increased demand and willingness to pay for appropriate sanitation facilities;
- ◆ Health and Hygiene education and promotion:
 - Must be an integral part of all community sanitation projects and community water supply improvement projects;
 - Strategy will be drafted by various departments dealing in health, hygiene and infrastructure provision. A task team for this purpose will be chaired and co-ordinated by the Directorate of Environmental Health of the Department of Health, and operate under the auspices of the National Sanitation Task Team;
 - Will be community- driven and lead to the empowerment of communities;
 - Will be specially targeted at high risk groups such as the mothers and cares of infants and small children, and at the beneficiaries of new water supplies;
 - Strategy will be developed and based on operational research and a good understanding of the wide range of health problems, different communities and cultures in South Africa;
 - Will enhance the training of health workers in effective hygiene education methods;
 - Will be sensitive to specific local issues, such as rural and urban differences and cultural factors;
 - Will be primarily implemented at the local level with support from provincial and national structures; and

- Programmes will be monitored and regularly evaluated for effectiveness (RSA, 1996: 6).

Development of New Water Policies and Legislation

The primary policy of the Department which has driven the water and sanitation development Programme is the November 1994 White Paper on Water Supply and Sanitation Policy. In the foreword of the White Paper the statement is made that " the last word in policy is never written" reinforcing the fact that, with new developments and increased experience, policy needs to be dynamic and able to be amended over time. Whilst the 1994 White Paper remains the basic policy document of the Department, new aspects and refinements of policy are included in a number of papers and documents produced by the Department particularly the annual Business Plans (DWA Sustainability Guidelines, 1998:21).

Legislation process of promulgating the water laws has been an ongoing process during the first six-years of new democratic elected Government. There are more than 40 policy documents of direct relevance to the Water and Sanitation Sector. Many of these have been prepared during the last two years. In addition to the government's white Paper on the Water Supply and Sanitation policy, which describe the basic rights of recipient communities, there are now a number of Government Acts in place. There are discussed in detail below.

The Water Services Act

The Water Services Act was promulgated in December 1997 and is one of the measures the Department will use to fulfil its Constitutional obligations. The Act aims to provide a developmental regulatory framework for the provision of Water Services by clearly defining the roles and responsibilities of the different spheres of government. This is done in a manner consistent with the constitution, while ensuring that the RDP goal and Constitutional imperative of achieving equitable access to basic services is achieved in an effective and efficient manner. Some of the objectives of the Act are:

- ◆ Set out the rights and duties of those who provide services, those who are responsible for providing services and those of consumers;
- ◆ Allow the minister of Department of Water Affairs to set National standards to ensure enough continuous, affordable and equitable Water Services. Every person organisation that provides Water Services to others will have to comply with these standard;
- ◆ Promote, support and strengthen the capacity and authority of Local government, while creating mechanisms that will allow the provincial and national government as well as consumers to monitor its performance;
- ◆ Regulate contents for the provision of water services to promote the fair and transparent provision thereof; and
- ◆ Create effective institutions to assist local government in fulfilling its obligations under the Act (RSA, WSA, and 1997:10).

The Water Services Act also describes in detail how the rural Water Supply and Sanitation is to be implemented and then regulated through Local Government bodies. This will require additional training and support and has resulted in considerable focus on the future roles of the Project Steering Committee (PSCs) and the Village Water Committees and training local institutions would need in the future. The impact of this new legislation is considerable and must lead to the actualisation of further training needs in the future. The Water Services Act includes a variety of provisions, which require the Department and other actors, including local government, to adapt their approach. These elements are summarised below:

- ◆ The right of access to basic water supply and the right to basic sanitation necessary to secure sufficient water in an environment not harmful to human health or well-being;
- ◆ The establishment of norms and standards for water services provision;
- ◆ The establishment of norms relating to tariffs and payment structures;
- ◆ Regulatory framework for water services institutions;
- ◆ Monitoring of water services and intervention by the Minister or by the relevant province;
- ◆ The requirement for each Water Services Authority to prepare a water services development plan within one year of the enactment of the legislation;
- ◆ The functioning of Water Services Providers as defined in the new legislation;
- ◆ The establishment and de-establishment of Water Boards and water services committees and their duties and powers;
- ◆ Financial assistance to water services institutions;

- ◆ The gathering of information in a national information system and distribution of that information;
- ◆ The accountability of water services providers; and
- ◆ Promotion of effective water resource management and conservation (RSA, WSA, 1997: 10-12).

The Water Service Acts is further discussed in detailed below:

The Rights to Basic Water Supply and Sanitation

The Act says that everyone has a right to basic water Supply and a right to basic sanitation, and place a duty on all Water Services institutions, (Water services provides, water boards and Water Services Committees) to take reasonable measures to realise these rights. Water Services must be provided under certain conditions that must be available to everyone and provide sufficient information to enable a consumer and potential consumer to be aware of important aspects relating to the Water Services provided or that will be provided to him or her. Those conditions must include aspects listed in the Act. A Water Services authority must provide for these conditions in bylaws. One must however remember that in a democratic society all rights, even the basic human rights recognised by the Constitution, and have limits. Limits are places on rights to protect the public interest. This act also places limitations on rights given or recognised by it. Some of the limitations that applied to rights set out in the Act are:

- ◆ That access to Water Services must be gained through the Water Services authority and that nobody may utilise Water Services from another source without the authority's approval. This enables Local government to regulate Water Services provisions, monitor its compliance with its Constitutional obligations and promote the sustainable use of its infrastructure;
- ◆ The availability of financial, human and natural resources;
- ◆ The duty of consumers to pay reasonable charges for the water services provided;
- ◆ The right of the water service authority to limit or discontinue services if reasonable conditions, including payment, are not met (RSA, WSA, 1997:12).

The National Water Act



The other important legislation is the new National Water Act 36 of 1998. The National Water Act recognises and acknowledges: -

- ◆ That water is a scarce and unevenly distributed national resource which occurs in many different forms and are part of a unitary, interdependent cycle;
- ◆ That while water is a natural resources that belongs to all people, the discriminatory laws and practices of the past have prevented equal access to water, and use of water resources;
- ◆ The National Government's overall responsibility for the nation's water resources and their use, including the equitable allocation of water for beneficial use, the redistribution of water, and international water matters;

- ◆ That the ultimate aim of water resources management is to achieve the sustainable use of water for the benefit of all users;
- ◆ That the protection of the quality of water resources is necessary to ensure sustainability of the nation's water resources in the interests of all water users; and
- ◆ The need for the integrated management of all aspects of water resources and, where appropriate, the delegation of management functions to a regional or Catchment level so as to enable everyone to participate (RSA, NWA, 1998:18-20).

Furthermore, the purpose of this Act is to and will be to ensure that national water resources are protected, used, developed, managed and control in ways in which take into account among other factors:

- ◆ Meeting the basic human needs of present and future generations;
- ◆ Promoting equitable access to water;
- ◆ Redressing the results of the past racial and gender discrimination (article 2) ;
- ◆ Promoting the efficient, sustainable and beneficial use of water in the public interest;
- ◆ Facilitating social and economic development;
- ◆ Providing for growing demand for water use;
- ◆ Protecting aquatic and associated ecosystems and their biological diversity;
- ◆ Reducing and preventing pollution and degradation of water resources;
- ◆ Meeting international obligations;
- ◆ Promoting dam safety; and
- ◆ Managing floods and droughts (RSA, NWA, 1998:18).

Integrated Policy Environment

The provision of water services occurs within an environment where other government policies and strategies must be taken into consideration. Integrating planning is the most effective and efficient manner of addressing the social and economic transformation process. The policy context which influences the water services sector includes the policies of most government departments involved in the provision of services. There are various key pieces of the Department of Environmental Affairs and Tourism, which have an impact on water services, notably:

- ◆ National Environmental Management Act (Act No 107 of 1998);
- ◆ Environmental Conservation Act (Act No 73 of 1989);
- ◆ Environmental Protection Act (Act No 73, 1997);

These Acts are discussed in detail below:

National Environment Management Act

The National Environment Management Act, 1998 (Act no 107 of 1998) inter alia provides for co-operative environmental governance by establishing principles set out in section 2 of the Act apply throughout the Republic to the actions of all organs of state that may significantly affect the environment. The National Environmental Management Act also develops a framework for integrating good environmental management into all development activities; establishes procedures and institutions to promote and facilitate

co-operative governance between government departments, as well as creating an enabling environment for the public at large to participate in environmental governance.

Some of the important principles affecting the provisions of water services are:

- ◆ Development must be socially, environmentally and economically sustainable;
- ◆ There must be inter-governmental co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- ◆ Actual or potential conflicts of interest between organs of state should be resolved through conflict resolution procedures;
- ◆ The environment is held in public trust for the people, the beneficial use of environment resources must serve the public interest and the environment recourses must serve the public interest and the environment must be protected as the people's common heritage;
- ◆ Sustainable development requires consideration of all relevant factors including that the development, use and exploitation of renewable natural resources such as water and the ecosystems of which they are a part of do not exceed the level beyond which their integrity is jeopardised (RSA, NEMA, 1998:18).

It therefore, goes without saying that the Department must take into account environmental aspects when planning water services projects although legislation pertaining to the environment has not been strictly enforced in the past; the Act introduces more efficient enforcement and controlling measures. Section 24 of the constitution contains a provision that everybody has the right to a clean and safe environment that will not harm people's health or well being. As well as a right to have

one's environment protected through legislative and other measures to prevent pollution and environmental degradation, to promote conservation and to secure sustainable development and use of natural resources. This principle formed the cornerstone of a consultative Conference on National Environmental Policy in August 1995, the Consultative National Environmental Policy process was established. From this process developed a new environmental management policy, published as a White Paper in July 1997. This policy emphasis that integrated and sustainable management of the environment, now and in the future, is the essential basis of sustainable development in all areas of human activity. One of the most important objectives of the policy is the creation of an effective institutional framework and legislation, and the building of institutional capacity. It is not yet sure how this policy will be streamlined with policy under the Environment Conservation Act, but it is clear that the ideal is that all policies concerned with conservation will eventually be integrated (RSA: NEMA 1997: 4).



Environmental Conservation Act

In terms of the previous water law, little provision was made for the conservation of the resource. Water quality standards have been laid down by regulation, but little practical enforcement therefor was possible. The pollution of water and water waste are offences under the Act, and Irrigation Boards were also empowered to control these activities. But no measures existed to ensure sustainable utilisation of the resource. The Environment Conservation Act no. 73 of 1989 makes provision for the declaration of an environment conservation policy, which policy was declared in 1994. In terms of thereof, the

maintenance of natural systems and ecological processes and the protection of all species, diverse habitats and landforms are essential for the survival of all life on earth. The state and every person has a responsibility to act as trustee of the natural environment, and to consider all activities which may have an influence on the environment duly, and to take all reasonable steps to promote the protection of the environment. The policy further states that water resources should be used judiciously and measures should be taken to ensure that the available water resources are utilised to the optimum for household, agricultural, forestry, industrial, recreational and nature conservation purposes and for the maintenance of ecosystems. In terms of regulations passed in 1997 under this Act various activities related to water use have been identified as potentially hazardous to the environment, and prior to undertaking these, prescribed environmental impact assessments must be done in order to obtain authorisation therefor (RSA, ECA, 1997:6).



Environmental Protection Act

The other one important legislation is the "Environmental Protection Act of 1997 which was amended and applicable from March 1998 on the construction of structures such as bulk Water Supply Systems, reservoirs, water treatment works, and other environment aspects were identified as being insufficiently covered in the initial training offered by the technical and /or social consultants. The Act will provide a stronger basis for inclusion of environmental aspects in training for community-based water and Sanitation schemes.

The Act requires that project implementers obtain authority from the Department of Economic Affairs, Environment and Tourism for construction of a water Supply project

based on submission of an Environmental Impact Assessment detailing steps, which will be taken to mitigate possible negative effects on the environment. Project approval is required before the project implementation can start.

The programmes must be implemented in accordance with the national environmental principles set out in chapter 1 of the National Environmental Management Act (NEMA)(No. 107, 1998) and Sections 21, 22 and 26 of the Environment Conservation Act (No. 73, 19989). In order to ensure that development programmes proceed in line with government environmental policy, the provincial authority of the Department of Environmental Affairs and Tourism (DEAT) will be consulted prior to implementation of the programmes, as authorisation is required. If deemed necessary, the DEAT will sit on the programmes 's area forum. The authorisation required by DEAT essentially involves the following activities:

- ◆ An application, including a scoping plan of work submitted to DEAT. Scoping is the initial identification and analysis of issues which are of interest to the public;
- ◆ Scoping undertaken culminating with submission of a scoping report to DEAT;
- ◆ An Environmental Impact Assessment (EIA) plan of work submitted for approval by DEAT;
- ◆ EIA, involving Specialist Studies covering a variety of issues, culminating in Specialist Reports and an EIA Report;
- ◆ Peer and external review of reports prior to submission to DEAT and circulation to the general public for comment;
- ◆ DEAT approval process, including a Record of Decision and Conditions of Approval (RSA, EPA, and 1997:14).

Local government Legislations

Legislations pertaining to Local Government, and the resulting institutional arrangements, has had a major impact on the Department's activities. In terms of the Water Services Act, local authorities are responsible authority for water services. Some of this legislation pertaining to local government are:

- ◆ Green Paper on Local Government 1996;
- ◆ Municipal Structural Act, (Act 117 of 1998);
- ◆ Municipal Amendment Structural Act; (Act 33 of 2000);
- ◆ Municipal Systems Bill of 1999;
- ◆ Municipal Demarcation Act (Act 27 of 1998);
- ◆ Municipal System Act (Act 32 of 2000);
- ◆ Division of Revenue Act (Act 16 of 2000);
- ◆ Division of Revenue Bill 2001;
- ◆ The Draft Local Government Financial Management Bill.

These Acts and Bills are discussed in detail below:

Green Paper on Local Government 1996

The Green Paper on Local Government based on the 1996 Constitution of South Africa and issued October 1997 provides the background to the institutional set-up, which will in its transitional form be valid until 1999. It states that "a guiding principles of the

public services in South Africa will be that of service to the people". According to the paper improving delivery of public services means redressing the imbalances of the past. While maintaining continuity of services to all levels of society, focusing on meeting the needs of the 40% of South Africans who are living below the poverty line and who have been disadvantaged in terms of service delivery, such as black women living in rural areas. This represents a shift away from inward- looking, bureaucratic systems, processes and attitudes towards new ways of working, which puts the needs of the public first (RSA, Green paper LG, 1997:7-11).

A developmental vision was also spelt out in this Green paper on Local Government. This vision includes the establishment of efficient, viable municipalities with the capacity to deliver basic services, as well as the inclusion of community participation in decision - making. Flowing from the White Paper, a number of laws have been drafted, some of which have been promulgated. There are discussed in details below (RSA, Green Paper on LG, 1997:15).



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Municipal Structural Act (Act 117 of 1998)

The institutional transformation of local government has been spelt out by two key pieces of legislation promulgated in 1998- the Municipal Demarcation Act and the Municipal Structural Act. On the basis of demarcated boundaries the establishment of new local government structures in terms of the Municipal Structures Act will take place. The provisions of this Act institute the democratic participation of residents in local

government through structures such as Ward Committees, sub- Councils and other mechanisms (RSA, Municipal Structural Act, 1998:2)

Municipal Structural Act (Act 117 of 1998), known as the 'Structural Act' deals with the following matters:

- ◆ It sets up the basis for the establishment of new Municipalities in the 'A' (Metropolitan Municipalities), 'B' (Local Municipalities) and 'C' (District Municipalities);
- ◆ It defines the way municipalities are to be established;
- ◆ It establishes the way councils are to function, including committees and mayoral options;
- ◆ It determines the division of powers and functions between municipalities.

The following water services powers and functions are delegated to District Municipalities (clause 84);

- ◆ Bulk supply of water that affects a significant proportion of municipalities in district;
- ◆ Bulk sewage purification works and maintain sewage disposal that effects significant proportion of municipalities in the district and ;
- ◆ The remainders of the functions are delegated to local municipalities (RSA, Municipal Structural Act, and 1998:16).

Municipal Structures Amendment Act (Act 33 of 2000)

Under the Municipal Structural Amendment Act, reference to ‘bulk’ water and ‘bulk’ sewage is deleted. Instead, the functions of; ‘potable water systems’ and ‘domestic sewage and wastewater’ are assigned to the category C municipality by default. The wording of functions has been amended to be consistent with the constitution. In terms of Water Services Act this wording implies the water services authority function.:

- ◆ Thus the water services authority function is allocated to the Category C level municipality;
- ◆ However under Section 84 (3) of the above Act, authorisation refers to a Local Municipality being authorised to perform a District Municipality’s function. The Minister of Provincial and Local Government makes Authorisations in consultation with the appropriate national minister. Authorisation relates to the four functions, namely:
 - Water;
 - Electricity;
 - Sewage;
 - Health

Authorisations will be done in three phases:

- ◆ **Short-term Phase:**

Provide an authorisation to cover the period from 5 December 2000 to 30 June 2001, with a view to maintaining the status quo, in order to ensure that there is no disruption of services;

◆ **Interim Phase :**

Review and provide interim Authorisations for period from 1 July 2001 to 30 November 2002,

◆ **Long –Term Phase:**

Review and provide final Authorisations for period from 1 December 2002 onwards. The status quo referred to in the short –term phase was established in November 2000 by a whole series of Authorisations given by the Minister of Provincial and Local Government in terms of section 84 (3) of the Municipal Structures Amendment Act. These Authorisations require certain local municipalities to continue performing water services authority functions. In doing so, the local municipality must assume full those powers and functions, and the effective and efficient performance thereof. In summary, the implications of the Municipal Structures Amendment Act, and the Authorisation process in terms of water services authority functions are as follows (RSA, 2000:14).

Table 2.1 Comparison of Municipal Structural Act and Municipal Structural Amendment Act

Municipal Structures Act	Municipal Structures Amendment Act
<p>□ District Municipalities are responsible for bulk supply of water and bulk sewage purification and sewage disposal that affects a number of local municipalities in the district;</p> <p>□ Local Municipalities are delegated the water services authority function</p> <p>OLD</p> <p>Water Services Authority = Local Municipality</p> <p>In practice there was confusion concerning the water services authority function and in some cases the District Councils fulfilled the water services authority role, whilst in other cases the local Councils fulfilled the water services authority role.</p>	<p>◆ District Municipalities are allocated the water services authority function. (Potable water systems according to the Water Services Act.)</p> <p>NEW</p> <p>Water Services Authority = District Municipality</p> <p>◆ But, if authorised, local Municipalities must continue to perform the water services authority function.</p> <p>Water Services Authority = District Municipality or Local Municipality based on authorisation process.</p>

Municipal Demarcation Act, 1998 (Act no 27 of 1998)

The Act focuses on various structures for local government and mechanisms for service delivery. It determines new municipal structures in line with capacity requirements and functions to be performed. There are Category A Municipalities (metros) -cities with a large urban core and extended rural periphery. It is assumed they have significant, and will perform the full set of municipal functions. Category B Municipalities (Local Councils) are assumed to have some small town or village in their area, which brings capacity (of a varying degree). Category C Municipalities (District Councils) sit at a "higher " level in that they are comprised of a group of Category B Municipalities (Local Councils.) Recent amendments to the Act place the responsibility for the provision of water in the hands of District Councils. In accordance with the amendments a Local Council will only be allowed to provide water services to its consumers with the authority of the Minister for Provincial and Local Government. The authority will be published in the Government Gazette after the Minister has consulted with the Minister of Water Affairs and Forestry, the relevant MEC and the South African Local Government Association (SALGA) Category A Municipalities (Metropolitan Councils) will have the responsibility to provide water services (RSA, LG Municipal Demarcation Act, 1998:21).

The Municipal Systems Bill

This Bill is founded on the provisions of chapter 7, of the Constitution 1996. The object of the Bill is to outline in detail the status of municipalities, the powers and duties, functions,

administrative structures of governance, including internal regulations and procedures. The Bill acknowledges that municipal government is administrative entities closer to communities; therefore, they have to encourage and facilitate public participation. The Bill requires Municipalities to develop and adopt integrated development plan. It also gives powers to the province to establish monitoring measures in respect of performance of their functions. The Municipal Systems Bill will empower municipalities to use a wide variety of mechanisms to restructure and deliver services. It also explicitly seeks to empower the poor and ensure that municipalities put in place service tariffs and credit control policies that take their needs into account. The Bill therefore affirms the crucial role local government plays in the overall reconstruction and development of South Africa, while at the same time making sure that municipalities get the basics right by focusing on the performance of priority services. The Bill establishes a framework for support, monitoring and intervention by other spheres of government in order to progressively build local government into an efficient, frontline develop agency capable of integrating the activities of all spheres of government for the overall social and economic upliftment of communities (RSA, Municipal Service Bill: 2).

The Municipal Systems Act (Act 32 of 2000)

This Act focuses on the internal systems and administration of Municipality. It covers various matters including:

- ◆ Public accountability and public involvement in policy formulation and decision making;

- ◆ Guidelines for making bylaws;
- ◆ Establishing Integrated Development Plans;
- ◆ Establishing a performance management system.

Key issues impacting on water services are summarised below:

Authority Provider Differentiation

The Act introduces the differentiation between authority and provider functions of a municipality, which makes it consistent with water services Act which identifies a water services authority and water services provider.

Municipality Service Partnerships

The Act identifies the importance of alternative mechanisms for providing municipal services, sets out certain requirements for entering into partnerships with others. This applies to a water services authority contracting a water services provider to fulfil the water services provision function.

Institutional Options

The Act introduces a range of new institutional entities associated with the municipal services, notably business enterprises and service utilities. These institutional options may

be applied to the delivery of water services, as appropriate (RSA, Municipal Systems Act, 2000:5-11).

The Division of Revenue Act (Act 16 of 2000)

The division of Revenue Act, which is enacted annually, give effect to section 214 (of the Constitution of the Republic of South 1996 (108 of 1996)). The Constitution requires an Act of Parliament to provide for the equitable division of nationally raised revenue among the three spheres of government. The Act contains various schedules, which set out:

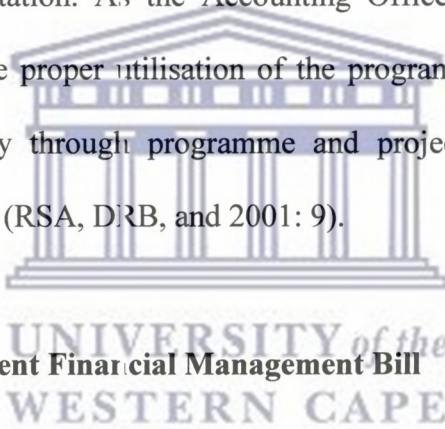
- ◆ The respective equitable shares in respect of national , provincial and local spheres of government;
- ◆ The respective shares of each province;
- ◆ Other allocations, including conditional grants and indirect transfer, as well as the condition they are subject to.



The division of Revenue Act (16 of 2000) has implications for Community Water Supply and Sanitation Capital Programme (CWSSCP) since the programme ‘grant’ –in –kind to municipalities. The intention of categorising the programme as a ‘grant’ –in –kind is to decentralise the CWSSP function to municipalities. Fund from the programme can only be committed to new projects once there is a formal agreement concerning ongoing financial responsibilities between the Department of Water Affairs and Forestry and the municipality. Once the project is implemented it is formally handed over to the municipality concerned (RSA, DRA, 2000:14).

The Division of Revenue Bill (2001)

The Division of Revenue Act (16 of 2000) is similar to the Division of Revenue Act (16 of 2000) in terms of the intent to decentralise the CWSS function to municipalities. It still provides for water and sanitation infrastructure grants to local government to be administered by the Department of Water Affairs and Forestry, but as 'conditional grants' rather than 'grants in-kind'. This means that the municipality is responsible for implementation of projects, so there is no project hand over between the municipality and the Department, however, municipalities may still use the services of the Department to assist in project implementation. As the Accounting Officer, the Department remains responsible for ensuring the proper utilisation of the programme grant. The Department exercises this responsibility through programme and project business plan appraisal, amongst other mechanisms (RSA, DRB, and 2001: 9).

**The Draft Local Government Financial Management Bill**

The Department of Finance is in the process of developing a bill that will deal with municipal finances. It will provide the legal framework for sound municipal management. The Bill will ensure local government accountability in terms of the spending of the equitable share (RSA Draft LG, Financial Management Bill, and 2001:7.).

CHAPTER THREE (3)**THE NATIONAL DEPARTMENT OF WATER AFFAIRS AND FORESTRY****OVERVIEW OF DEPARTMENT OF WATER AFFAIRS AND FORESTRY**

By presidential proclamation, 1 July 1994 saw the birth of the Department of Water Affairs and Forestry (DWAF). Given the political history of South Africa, the Department was confronted with massive inequality in the distribution of potable water and sanitation, as was the case in the spheres of health, education, housing and land ownership. More than 12 million people did not have access to an adequate supply of potable water, and over 21 million lacked basic sanitation. In 1994, the lack of these basic services was a key symptom of poverty and underdevelopment in the newly democratic South Africa. Therefore, the Department was faced with a mammoth task to redress these inequalities. The national Department had not primary been responsible for basic domestic services when the former homelands were incorporated, the Department by default became responsible for the daily operation and maintenance of water schemes that existed within those structures. As local government structures did not exist at the time. Thus it took on the added function of water service delivery primarily in the rural areas, whilst reorienting its policies to ensuring that all South Africans get access to adequate basic water supply and basic sanitation. Also added to its functions was the water resources management, which concerns itself with how South Africa gets, allocates, manages and conserves its water, as well as Forestry (DWAF, Magic Delivery, 1997:4).

In 1994, a vital responsibility of the Department of Water Affairs and Forestry continued to be the management of the nation's scarce water in the interest of all South Africans. For it to succeed in correcting the imbalances in Water Supply and Sanitation, it had to make the provision of such services a major part of its developing strategy. Thus the Reconstruction and Development Programme (RDP) adopted by the Government of National Unity (GNU) and the programme become the goals through which the DWAF would deprive the quality of life of the majority of South Africans. In the process of integrating the water and forestry functions of the former homelands, the Department had to amalgamate the employees of these holdings into a national establishment. It entailed the amalgamation of all water and forestry related services, functions, personnel and budgets of the former homelands of South Africa. Prior to the national elections of 1994, the Department stood at 5000 posts. With the amalgamation, the posts increased to 33000, which was a mammoth administrative and logistic programme. Unfortunately staff is now skewed, with a deficiency of middle management or skilled persons for new functions, and an oversupply of unskilled personnel. By December 1996, further restructuring had cut the posts to 27 200. Due to its expanded structure and new functions, the Department's budget soared from R470 million in 1994 to R2 142 billion in 1997 (DWAF, Magic Delivery, 1997:5).

At the outset a major new national function was ascribed to the new Department, that of Water supply and Sanitation. In the interim, while the process of amalgamation was underway, a new Chief Directorate of Community Water and Sanitation has been

established to promote Water Supply and Sanitation provision. The responsibilities of this chief directorate are:

- ◆ Assuring the effective ongoing operation of potable water supply for DWAF is responsible for :
- ◆ Planning the expansion of services in collaboration with the provincial governments and in keeping with the policies outlined in this white paper;
- ◆ Promoting such investments as may be necessary to achieve the expansion of services;
- ◆ Developing the Organisations needed at both local and regional level to achieve the goals of the Government of National Unity as expressed in the Reconstruction and Development programme;
- ◆ Monitoring and regulating water supply and sanitation activities in accordance with the Constitution of Republic of South Africa. (DWAF, WP, WATSAN, 1994:2).



DEPARTMENT OF WATER AFFAIRS 'S VISION, MISSION AND VALUES

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VISION

- We have a vision of democratic , people-centred nation working towards human rights, social justice, equity and prosperity for all;
- We have a vision of society in which all our people enjoy the benefits of clean water and hygienic sanitation services;
- We have a vision of water use carefully and productivity for economic activities which promote the growth, development and prosperity of the nation;

- We have a vision of a land in which our natural forests and plantations are managed in the best interest of all;
- We have a vision of people who understand and protect our natural resources so as to make them ecologically stable and safeguard them for current and future generations;
- We have a vision of a department that serves the public loyally; meets its responsibilities with energy; and compassion and acts as a link in the chain of integrated and environmentally sustainable development;
- We have a vision of development and co-operation throughout our region of playing our part in the African Renaissance. (DWAF, Strategic plan 2000-2001).

Mission

The mission of the Department of Water Affairs and Forestry is to serve the people of South Africa by:

- Conserving, managing and developing our resources and forests in a scientific and environmentally sustainable manner in order to meet the social and economic needs of South Africa, both now and in the future;
- Ensuring that water services are provided to all South Africans in an efficient, cost – effective and sustainable way;
- Managing and sustaining our forests, using the best scientific practice in a participatory and sustainable manner;
- Educating the people of South Africa on ways to manage, conserve and sustain our water and forest resources;

- Co-operating with all spheres of Government, in order to achieve the best and most integrated development in our country and in our region;
- Creating the best possible opportunities for employment, the eradication of poverty and the promotion of equity, social development and democratic governance. (DWAF, Strategic Plan 2000-2001).

Values

- The Department of Water Affairs and Forestry is a loyal servant of the government and the people of South Africa;
- As public servants, our skills will, at all times, be used for the benefit of the people and the reconstruction and development of our country in the spirit of Batho Pele;
- As management, our responsibility is to provide high quality transformational leadership and a disciplined work ethic and to promote a working culture for motivated, accountable and committed teamwork;
- as citizens of the African continent, we are dedicated to long-term integrated regional security and co-operation, and to the spirit of the African Renaissance;
- Our working environment is governed by the principles of representivity, equality, mutual respect and human development.

“Viva water, pure and clean-Viva forestry, rich and green” (DWAF, Strategic Plan 2000-2001).

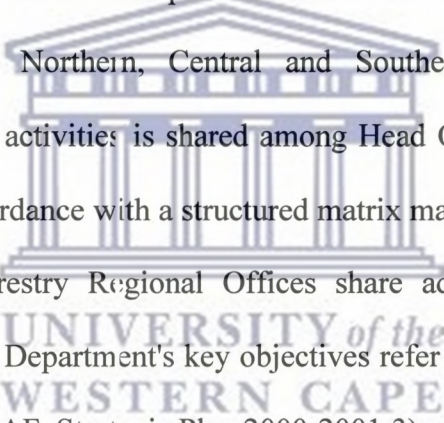
DEPARTMENT OF WATER AFFAIRS AND FORESTRY 'S MANDATE

The Department is mandated: -

- ◆ By the National Water Act (No 36 of 1998): to ensure that South Africa's water resources are protected, used, developed, conserved, managed and controlled in a sustainable and equitable manner, for the benefit of all persons. The Act establishes the National Government, acting through the Minister of Water Affairs and Forestry, as the public trustee of the nation's water resources, with power to regulate the use, flow and control of all water in the Republic;
- ◆ By the Water Services Act (No 108 of 1997): to create a developmental regulatory framework within which water services can be provided. The Act establishes water services institutions, and defines their roles and responsibilities. Schedule 4 of the Constitution of the Republic of South Africa (Act 108 of 1996) vests the responsibility for water and sanitation services, limited to potable water Supply systems and domestic wastewater and sewage disposal systems, in Local Government. However, the National Government has a constitutional responsibility to support and strengthen the capacity of municipalities to manage their own affair's, to exercise their powers and to perform their functions, and also has the authority to see to the effective performance by municipalities of their functions in respect of matters listed in Schedules 4 and 5 of the Constitution, by regulating the exercise by municipalities of their executive authority. The Water Services Act gives substance to these constitutional requirements and provisions, whilst acknowledging the authority of Local Government in respect of water services (DWAf, Strategic Plan, 2000-2001:2).

DEPARTMENT OF WATER AFFAIRS AND FORESTRY 'S KEY FUNCTIONAL AREAS AND RESPONSIBILITIES

The key departmental objectives, based on the above mandates as well as the nationally-applicable policies and laws relating to the Public Service as a whole, are presented for each of the two major functional areas of work in the Department: Water Resource Management and Water Services. These objectives relate not only to the policy, strategy and regulatory work undertaken at the Pretoria Head office, but also to the implementation work undertaken by the Regional Offices. There are nine Regional offices, which deals with water –related issues, one in each province. Three Forestry Regional offices deals with forest issues in the Northern, Central and Southern areas of the country. Responsibility for Regional activities is shared among Head Office staff and the staff of the Regional Offices in accordance with a structured matrix management system. As far as possible the water and forestry Regional Offices share administrative and financial management resources. The Department's key objectives refer to a medium- term (four to five year) time horizon (DWAf, Strategic Plan 2000-2001:3).



Water Resource Management

In the light of the above, the key objectives for water resources management are described as follows: -

- ◆ Review and revise the organisational structure to achieve consonance with the mandate arising from the National Water Act (No, 36 of 1998), including consideration of the establishment of a National Water Utility;
- ◆ Implement the provisions of the National Water Act, inter alia:-
 - Develop and establish the National Water Resource Strategy and Catchment Management Strategies;
 - Establish, empower and capacitate water management institutions;
 - Continue the development of, and implement water resource protection measures;
 - Continue the development and establishment of, and maintain national water resource monitoring and information systems;
 - Progress registration of water use;
 - Develop a strategy for compulsory water use licensing;
 - Develop and implement water conservation and demand management strategies;
 - Continue the development and establishment of, and maintain national water resource monitoring and information systems;
- ◆ Implement a national programme for clearing invading alien plants (Working for Water Programme);
- ◆ Develop and establish a national water resource management / water services co-ordination structure;

- ◆ Position the Department as national water resource management, policy development, regulatory, monitoring and support institution (DWAF, Strategic Plan, and 2000-2001:3).

Water Services

Thus, the key objectives for water services provision is: -

- ◆ Undertake direct investment interventions to provide basic water services- supply of potable water, and sanitation services- to the previously unserved population. Realign the programme as necessary and appropriate to achieve sustainability, effectiveness, efficiency and affordability of services;
- ◆ Promote the transfer of water services schemes currently operated by the Department to appropriate water services institutions;
- ◆ Monitor and guide the activities of water boards;
- ◆ Support Local Authorities in developing capacity to undertake water services provision, including the preparation of Water Services Development Plans;
- ◆ Develop and establish water services monitoring and information systems;
- ◆ Review the approach to sanitation services provision to achieve sustainability, effectiveness, efficiency and affordability of services;
- ◆ Position the Department as national water services, policy development, regulatory, monitoring and support institution (DWAF, Strategic Plan, 2000/2001:3).

Inter- Departmental Collaboration

The Department of Water Affairs and Forestry and Department of Provincial and Local Government have entered into a Memorandum of Understanding process focussed on supporting and strengthening the capacity of municipalities to meet their constitutional right and duty to provide water services. The proposed programme allows the two departments to implement a collaborative initiative based on the 'institutional capacity building area of co-operation, outlined in the Memorandum of Understanding.

Why Memorandum of Co-operation

Noting that:

- ◆ Local government has undergone massive changes towards a more developmental system as captured in the White Paper on Local Government (1998) and legislated through various Acts and Bills, and thus as a consequence required capacity building; training and support which must focus on training the needs of developmental local government;
- ◆ Municipalities have the executive authority in respect of and the right to administer the provision of water services within their areas of jurisdiction, in terms of schedule B of the Constitution of Republic of South Africa, Act 108 of 1996 and Water Services Act , Act 108 of 1997;
- ◆ National Government has the constitutional obligation to support and strengthen the capacity of municipalities to manage their own affairs , to exercise their powers and to

perform their functions; and see the effective performance by municipalities of their functions;

- ◆ The Department of Water Affairs and Forestry as the national Department responsible for regulation of Water services sector and therefore must give effect to the Constitutional obligation referred to above in respect of water services;
- ◆ Sectoral and local government activities impact on water as a critical resource to social and economic activities, and this unique character of water requires that is not simply treated as another sector but as a resource that is effectively regulated and managed;
- ◆ Effective, efficient, affordable and safe access to water services dependent upon integrated water resource management and since water resource management cannot be effectively undertaken or co-ordinated in accordance with existing or proposed provincial or municipal boundaries DWAF as the national custodian of water resources in South Africa, is responsible for measures aimed at ensuring appropriate quality, quantity, conservation, demand management and consumer protection;
- ◆ Water services provided by local government have a critical impact on the management of water resources and DWAF has a sectoral interest to ensure effective water services provision by local government;
- ◆ The Local Government Transformation Programme is an existing structure that will both determine the overall priorities for local government capacity building and co-ordinate existing capacity building (DWAF, Memorandum of Understanding: 2000:3).

Purpose of the Memorandum of Co-operation

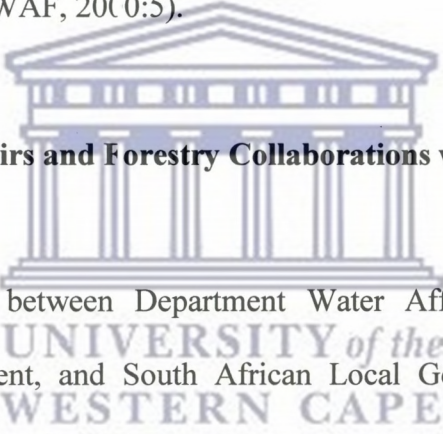
The purpose of Memorandum of Co-operation is to provide an understanding between the Department of Water Affairs and Forestry (DWAF) and Department of Provincial and Local Government (DPLG) with respect to collaboration and co-ordination pertaining to support local government as implied by the Constitution and various Acts and Ordinances related to local government and water services. This Memorandum of Understanding identifies areas of co-operation and provides a framework within which detailed agreements can be developed. Co-ordination of local government initiatives between DPLG and DWAF intends to improve both the overall efficiency of such efforts, as well as the overall impact and benefits for local government particularly in terms of achieving services. The intention is to ensure a common understanding by all-relevant stakeholders, particularly provincial departments and municipalities, of the respective roles of the two Departments in terms of their local government support functions thereby minimising duplication, ambiguity, and potential contradictions within support initiatives. Towards achieving these purposes, the Memorandum provides a mechanism towards establishing around areas of co-operation towards ensuring a co-ordinated and integrated approach to local government support whereby the following are outlined:

- ◆ Objectives that both Departments aim to achieve;
- ◆ Roles, responsibilities and functions of both Departments;
- ◆ Areas of co-operation;
- ◆ Mechanisms towards implementing the objectives;
- ◆ Dealing with amendments to this Memorandum (DWAF, 2000:2).

Area of Co-operation

Specific areas of co-operation for water and sanitation services including, but not limited to:

- ◆ Co-ordination, alignment and rationalisation of legal and policy formulation process;
- ◆ Alignment and rationalisation of planning process;
- ◆ Approach to monitoring, support and intervention;
- ◆ Transfer issues and process;
- ◆ Institutional capacity building;
- ◆ Information systems (DWAF, 2000:5).

**Department of Water Affairs and Forestry Collaborations with its Partners**

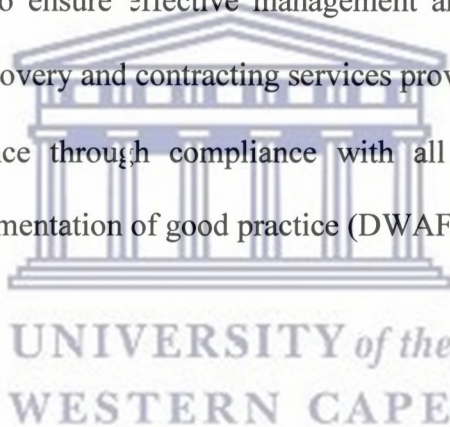
Example of collaboration between Department Water Affairs Forestry, Department Provincial Local Government, and South African Local Government Association are discussed in detail below:

MASIBAMBANE

Masibambane is a water services sector support programme set up by the Department of Water Affairs and Forestry in collaboration with its partners and supported by donors. The purpose of the R2.2 billion programme is to support and strengthen the water services sector as a whole and in particular local government in targeted provinces. Eastern Cape

province is one of them. Masibambane is the isiZulu word meaning 'lets work together' One of the biggest challenges facing the water services sector is the transfer of water and sanitation services delivery to municipalities. Over the next three years the Masibambane support programme will help make that transfer a reality by assisting municipalities to develop plans and systems for effective decentralisation. It will provide resources, training and support to strengthen local government's own capacity to:

- ◆ Provide good customer service through effective operation and maintenance of existing water and sanitation services including provision to free basic water;
- ◆ Extend water and sanitation services to people who are not served at present;
- ◆ Develop the capacity to ensure effective management and administration including billing systems, cost recovery and contracting services providers;
- ◆ Ensure good governance through compliance with all legislative and regulatory requirements and implementation of good practice (DWAF, Masibambane, 2000)



Programme Elements

- ◆ An interdepartmental policy review to clarify and align the roles , relationships, powers and functions of institutions in the sector;
- ◆ Monitoring and evaluation so those lessons learnt from the water services strategy can become models of good practice. As the strategy is implemented, models processes and tools will be developed and shared through Masibambane;
- ◆ An information and communications strategy focussing primarily on local government. It will be sectoral in approach and ownership to enable the sharing of

information, including planning data, between players in the sector. Effective communication within the sector and beyond it (Masibambane, 2000:3).

Local Government Information Dissemination Workshops

One of the most important elements of transition in South Africa is the development of viable and effective local government, which meets the needs, and expectations of its constituency. National government has a constitutional obligation to support this process. Collaboration between national departments and local government is but one of the strategies towards achieving this. Effective collaboration requires planning, development of appropriate strategies, structures that work together effectively, and the implementation of integrated developmental programmes. The Local Government Information Dissemination Workshops is one of ongoing collaboration between the South African Local Government Association, Department of Provincial and Local Government and the Department of Water Affairs and Forestry (DWAF, WSB, 2001:1).


Objectives

- ◆ To provide a broad orientation to key issues in the water and sanitation business;
- ◆ To provide an overview of the Water Services Authority roles, responsibilities and functions;
- ◆ To ensure that Chief Executive Officers (CEOs), water services councillors and officials have a common understanding of the overall legislative and strategic framework for water and sanitation services;

- ◆ To provide local government with information regarding municipality specific water and sanitation services challenges and resources,
- ◆ To provide input to the Department of Water Affairs and Forestry 's programme of support to local government;
- ◆ To build relationships and links between officials, councillors, the Department of Water Affairs and Forestry's regional offices and provincial local government associations (DWAF, WSB, 2001:3).

DEPARTMENT OF PROVINCIAL AND LOCAL GOVERNMENT

Roles, Responsibilities and Functions



The Department of Provincial and Local Government is required in terms of section 154 (1) of the Constitution, to support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers, and to perform their functions. The Department of Provincial and Local Government is also required, in terms of section 155(7) of the Constitution, to regulate municipalities in terms of their executive authority responsibility (RSA, 1996:63).

RELATIONSHIP WITH PROVINCIAL GOVERNMENT

Water and the management and development of water resources fall outside the functional areas specified in the Schedule 6 of the Constitution of South Africa Act 1993, which sets

out the legislative competence of provinces. In terms of Section 126(1) of the Act they are thus the responsibility of the National Government. However the same section of the Act does make the Provinces responsible for the Local Government matters. Since Local Government is charged with the responsibility to: “make provision for access by all persons residing within its area of jurisdiction to water, sanitation, providing that such services and amenities are rendered in an environmentally sustainable manner and are financially and physically practicable.” In this context, the need for close collaboration between provincial and central agencies is clear (RSA Interim Constitution, 1993: 34).

While Central Government may be responsible for assuring essential functions where local structures are unable to do so, this has to be done in such a way to support the development of local government to proceed with its own affairs under provincial supervision. It is of utmost importance that closest co-operation be maintained between the Department and the Provinces given their joint interest in the development of the capacity of local government to provide water and sanitation services on an equitable and efficient basis. To ensure effective formal communication and liaison between the Department and the Provinces, Provincial Water Liaison Committees include liaison with the Department, the identification of priorities and critical areas of need, and advising on the implementation of the Reconstruction and Development Programme as it relates to water supply and sanitation (DWAF, White Paper on WATSAN: 1994:11).

The provincial government has the responsibility of ensuring the proper establishment of Local government within their provinces. Local government is only empowered to

function since the provincial government is satisfied that sufficient Local Capacity exists to ensure proper governance. Water Supply and Sanitation Service require specialised expertise and therefore part of DWAF's Local government support programme must include a great deal of collaboration with provincial authorities, especially the Department of local government. The Department will seek to link with the Local government capacity building initiatives of the province – it is important to avoid duplication and ensure maximum use of limited human resources (DWAF, BP, 1997/98: 12).

SELECTED EXAMPLES OF PROGRAMMES PROJECTS WHICH PROMOTE CO-OPERATION

Selected examples of Programmes or Projects which promote co-operation between the Department of Water Affairs and Forestry and Provincial Government are discussed in detail below:



Consolidated Municipal Infrastructure Programme (CMIP)

The Department of Local Government and Housing in co-operation with Department of Water Affairs and Forestry utilises Consolidated Municipal Infrastructure Programme (CMIP) funding for the development of water supply and sewerage treatment infrastructure in Transitional Local Councils (TLCs) within the Kei District Council.

Various projects are in progress and their status varies from design phase to being implemented. There are as follows:

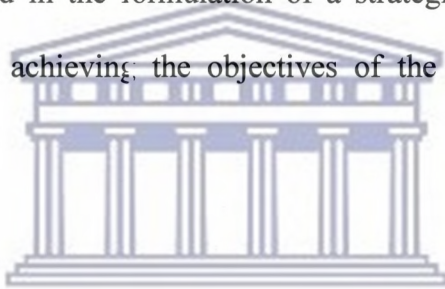
Figure 3.1: Kei District Council -Projects Per Transitional Council

Nat. No	Project Description	Approved CMIP Budget	Total Project Cost	Project Status	Spent to Date
313	Elliotdale: Cwebe- Water Supply Phase I	R3,274,000.00	R7,611,000.00	NPM- approved	R0,00
312	Mqanduli: Coffee Bay-SDI water Supply	R5,200,000.00	R11,584,000.00	Design phase	R0,00
262	Ngqeleni-Water Supply to 27 villages	R30,432,453.00	R43,405,064.00	Design phase	R62,106.90
315	Port St. Johns: Silaka- Water Supply SDI	R7,378,246.00	R44,364,445.00	NPM approved	R0.00
341	Tsolo: Xaba- Water Supply Scheme	R3,158,691.00	R3,600,908.00	Design phase	R0.00
348	Umtata- Peri Urban Water Supply Phase 1	R7,244,347.00	R8,258,556.00	Design phase	R0,00
	Total	R56,687,737.0	118,823,973-00		62 106-90

(Source: DWAF, BP, 1999/2000:10)

Integrated Water Services Management Programme

The establishment of the Integrated Water Services Management Forum (IWSMF) was a result of initiatives by Department of Water Affairs and Forestry (DWAF) Department of Housing and Local Government (DHLG) to facilitate the process of assisting District Councils in assuming their responsibilities as Water Services Authorities (WSAs) in terms of Water Services Act. Subsequent to the formation of the Forum, an EU funded initiative was launched to draft a MAAP for water services in the Eastern Cape. This involved the same role-players as the IWSMF and had very similar objectives. The MAAP drafting process culminated in the formulation of a strategic plan, which has in effect provided the strategic for achieving the objectives of the IWSMF (DWAF, EC, and 2000:2).



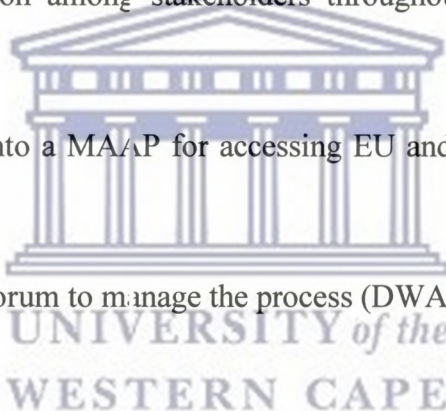
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Key issues to be Addressed

The following is going to be addressed by the Integrated Water Services Management Forum:

- ◆ The Water Services Act allocates responsibilities for water service provision to local authorities, which receive guidance and support from Department of Housing and Local Government (DHLG). DHLG is aware of its obligation to assist and support WSAs with regard to their responsibilities;
- ◆ There is a critical need for provincial co-operation and integration of efforts to assist local authorities in taking up Water Services Authorities responsibilities. Agreement among stakeholders on capacity building programmes is also required;

- ◆ It is an urgent requirement that the necessary agreements are effected at a national level to facilitate the process and designate funding;
- ◆ The process must have the support of top management of all stakeholder organisations in the province if it is to be successful;
- ◆ Strategic planning needs to be done on an integrated basis involving all stakeholders;
- ◆ The demarcation process will have an impact on the functioning of the District Councils and these implications are needed to be taken into account;
- ◆ The lack of capacity and resources within certain District Councils will have to be addressed;
- ◆ Excellent communication among stakeholders throughout the process is of utmost importance;
- ◆ The Province's input into a MAAP for accessing EU and other funds will be needed urgently;
- ◆ There is need to be a forum to manage the process (DWA, EC, and 2000:3).



PLANNING AND LAUNCHING OF WATER PROJECTS

AREA PLANNING FORUM

The Constitution now clearly defines the responsibility of Local Government to provide water and Sanitation services together with the supporting infrastructure, however this is subject to national and provincial legislation. This, together with the need to address the lack of local government capacity to fulfil their duties, requires effective organisation and

co-operation between National and Local government. The present and future legislation also requires that local government develop an integrated area plan for water, land use etc. The new constitution in chapter three further calls for co-operative governance, and requests that different parties go out of their way to work together in order to meet these common objectives. A key principle of the RDP is to ensure that services supplied are sustainable. It is therefore essential that proper planning be carried out incorporating the needs of the Municipal Infrastructure programme, Local government and Housing, Department of Agriculture etc. This means that a high degree of co-operation is essential as well as a quality knowledge base within proper decision support and reference systems. The planning of community water is not only the technical provision of the infrastructure; it must also ensure sustainable management taking into account the social and cultural aspects of the people being supplied. In many cases the carry capacity of the water resource has also been exceeded which mean that the planning of water in particular must be done on a regional and even national basis. The importance of water as a national asset and the lack of capacity in a lot of areas, gives further credence to the concept of bulk management on a regional scale where appropriate. Forums were introduced as a means of moving away from a centrally driven project by project approach to a programmatic approach, whereby local government is central to planning and decision making. These forums, led by local government, comprise the interested parties in a given area including representation from local government, the Department of Water Affairs and Forestry, other departments, community and civic structures, NGOs and consultants. The multi-stakeholder provincial planning forums have been deliberating and agreeing the Area Forum boundaries. The criteria included water resource considerations, the political and

administrative boundaries, and economic factors such as towns, agriculture and industry, land use and other infrastructure such as roads and electricity. Area forums will assist local government in providing a forum for planning and managing development in their areas. Although the Department is establishing the forums for the purpose of supporting the development of water supply and sanitation services, these forums could be seen as the vehicle for local government development planning (DWAf: BP, 1999/2000: 35).

Objectives of Area Forums

To support local government in the supply and management of essentially water and sanitation services the department has embarked on a local government support initiative.

To facilitate this initiative the concept of Area Planning and Management was introduced.

The main objectives being:

- ◆ To practice co-operative governance;
- ◆ To integrate department needs;
- ◆ To develop integrated regional strategies;
- ◆ To identify, prioritise and recommend projects through an inclusive process;
- ◆ To facilitate local government training and empowerment;
- ◆ To facilitate ongoing sustainable management through scheme transfers, and monitoring and auditing, empowerment etc;
- ◆ To facilitate bulk management through Built Operation Train and Transfer style implementation initiatives (DWAf, BP, 1997/98: 44).

The Functions of Area Forums

In fact one of the most important functions of the forums will be to ensure that integrated development takes place at local levels. It is critical that water supply and sanitation is not developed in isolation from issues such as primary health and hygiene education, housing, transport and energy planning. The task of Area Forums is to plan and develop strategies for the provision, management, operation and maintenance of water and sanitation services. It is necessary to take a programmatic and holistic approach, looking at the needs of the area, the adequacy of existing systems and new infrastructure requirements. This should happen within a national and provincial framework and be part and parcel of a top down and bottom up planning process. Strategies will include:

- ◆ Setting criteria, agreeing priorities budget apportionment and planning on a longer term basis;
- ◆ Information management and updating of data base for informed decision making;
- ◆ Development of appropriate institutions and human resources;
- ◆ Administrative system;
- ◆ Financial planning, including expenditure and revenue forecasting;
- ◆ Local tariffs, billing systems and cost recovery;
- ◆ Operations and maintenance for smooth functioning of water and sanitation services;
- ◆ Management of consultants, contractors and where required private sector;
- ◆ Capacity building and training;
- ◆ Monitoring and evaluation;
- ◆ Reporting system (DWAF, BP 1997/98: 22).

It must be emphasised that local government must lead the process. The Department of Water Affairs and Forestry would offer support to help sustain Area Forums. Local government must take responsibility for providing services to its people (DWAF: BP, 97/98:21-22).

Planning Process and Selection of Projects

Provincial Water Supply and Sanitation planning Forums do prioritisation of projects according to real needs. From experience gained in the first two programmes and on the development of Department 's own structures, a more systematic process has been followed, with the establishment of provincial, regional and area forums. These identified villages and their needs, and evaluated them according to the reference systems developed to provide a sustainable planning process involving Department of Water Affairs and Forestry, Provincial and Local Authorities. Applications were received by both Department of Water Affairs and Forestry, Provincial structures, feedback from the crisis Committees established to address the drought crisis, information about water resource planning and Development proposals and existing projects developed by the former administrations. On the basis of this review, the final prioritisation and selection of projects and allocation of funds was confirmed. The above Provincial Forum also attempts to- ordinate funding from other channels such as the Public Works Programme and the Municipal Infrastructure Fund. In essence the process described in the second programme Business Plan has been retained. The process has, however, been streamlined and information required has been amended and added to a further innovation is to provide

planning grants for projects where insufficient technical preparation has been carried out, but the project has been a high priority. This will ensure that implementation funds are allocated, the project can be initiated without delay (DWAF, BP, 1997/98:43).

Planning and Strategic Support

The strategic and planning support, which the Department is able to provide to both provincial government and District Councils, is of two main forms. The first is in relation to water resource availability and management. The Department has many years of experience in this field. Basin studies have been conducted on most of the main catchment areas of the country. The Department of Water Affairs and Forestry is responsible for the administration of the Water Act and, through its regional offices has a great deal of information relating to all aspects of water. This information is essential in planning for water supply infrastructure. The second main area of assistance, which the Department will be able to offer, is in the establishment of water supply and sanitation related functions within local government structures both District Council and local council levels. It is important that the appropriate complement of staff is established at each level to ensure the sustainability of local and regional services. The Department, and its agencies, is able to assist local government structures to assess the service needs in their areas and to design appropriate institutional structures for sustainable management to meet the needs in both the short term and the long term. The Department of Water Affairs and Forestry should not however, be regarded as the solution to all problems – the aim is to support local government to take its responsibility. The Department, and its agencies,

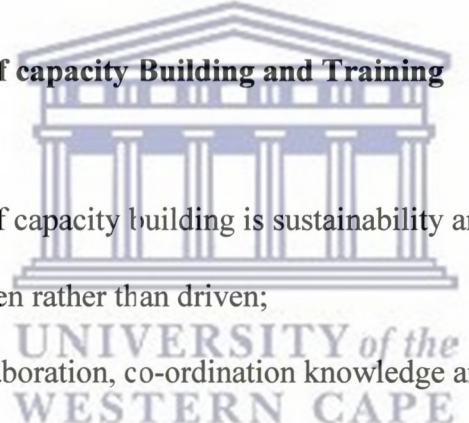
can assist them to plan their service provision activities and to access the required support from the private sector or other sources, through the Area Forums (DWAf: CWSS, Strategic Study. 1996:1-5).

CAPACITY BUILDING AND TRAINING

The most crucial activity for successful local government development is that of capacity building and training. For it to be successful it has to be well planned, targeted, carried over through a period of time and applied to the work or community situation. Capacity building is needed at various levels – within the community at large, amongst project steering committees and area forum members and within local government structures and their chosen operators. Training is primarily focused on those who in the long term will have to take responsibility for the services. A fundamental reason for a more programmatic approach is to be able to develop a capacity building and training programme on a planned and on-going basis that caters for the long term human resource development necessary for the sustainable operations and management of water services, rather than the immediate imperatives of individual projects. By working on an area basis repeated duplication is avoided from one project to the next and allows for capacity building and skills development in those areas, which do not have new projects. Training cannot effectively take root if done in academic isolation and if there is no mentoring in the workplace. Therefore implementing programme on the ground, geared towards local government taking over responsibility is the ideal learning situation. Department of Water Affairs and Forestry's rural community water and sanitation programme can act as a

catalyst for developing skills and competencies in local government, which will be important for all infrastructural development and management. In order to establish a more programmatic and coherent approach to service development, the Department has undertaken a national capacity building and training audit. The objective is to build an inventory of organisations and agencies who are experienced in local level training and capacity building and who can be involved on a longer term basis, so that the process of developing local skills does not continue in an ad hoc manner with different criteria and methodologies from community to community and governing bodies (DWAF, Local Government Support Programme, 1996:4).

Best practice in respect of capacity Building and Training

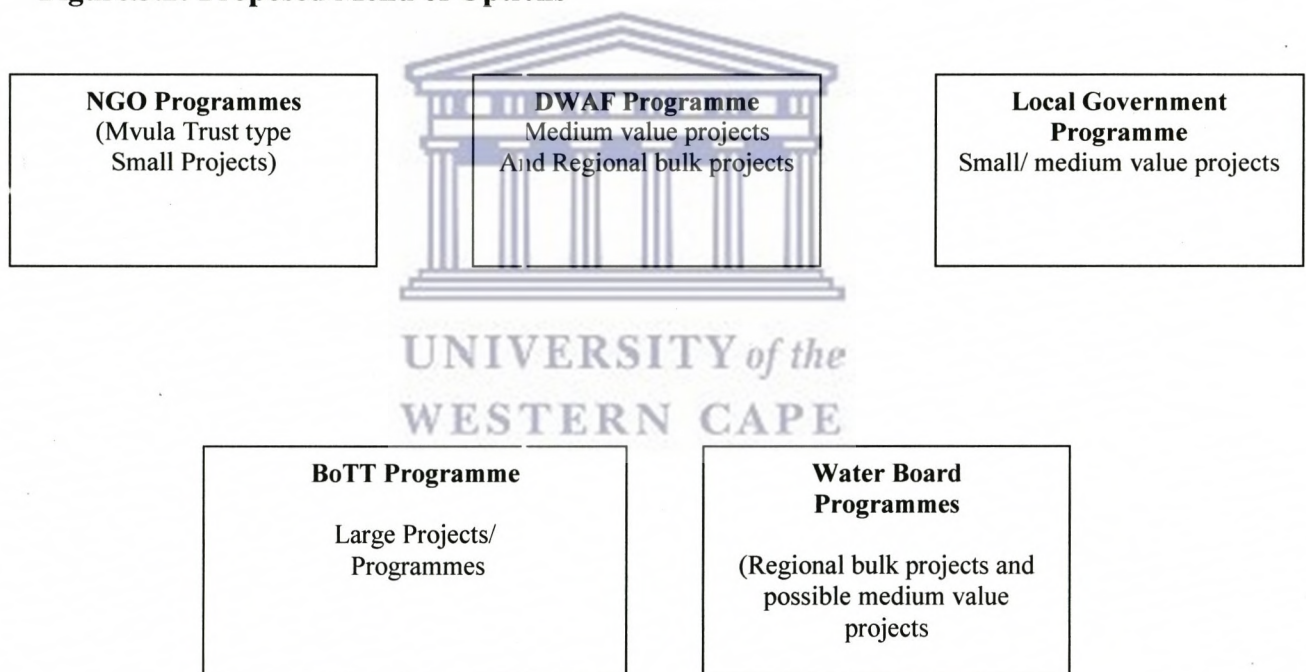
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- ◆ key objectives /goals of capacity building is sustainability and effectiveness;
 - ◆ must be outcomes driven rather than driven;
 - ◆ must intersectoral collaboration, co-ordination knowledge and integration;
 - ◆ must build partnerships with an emphasis on local capacity;
 - ◆ must be monitored where best practice feeds into improved policies;
 - ◆ must start at the beginning of the projects to ensure maximum stakeholder participation;
 - ◆ must empower through ensuring access to control of resources;
 - ◆ Needs assessments, which should identify what capacity exists at local, level (East London Conference, 1999 March 17:5).

ORGANISATIONS FOR IMPLEMENTATION OF WATER PROJECTS

Proposed Menu of Delivery Options

The Department of Water Affairs and Forestry is currently marketing to the local Government the main five mechanisms of water implementation as found within its menu of delivery options. From this menu it is up to Kei District Council to choose one that best suit its area of jurisdiction. These options are discussed in detail in the subsequent section.

Figure.3.2: Proposed Menu of Options



There are five delivery mechanisms within the water sector. The challenge is how the existing mechanisms can be improved, or replaced with alternative delivery mechanisms. In addition, where possible, additional mechanisms that are appropriate for the delivery of

sustainable water services to the rural areas should be identified. The five delivery mechanisms within the water sector are discussed below in details:

Non -Government Organisations (NGOs)

The non- governmental (NGOs) delivery mechanism is appropriate for smaller projects of less than R2million. Currently, Mvula Trust is the only NGO whose tender and procurement procedures have been approved and thus the Trust provides a delivery mechanisms. However there are a range of other NGOs who are also involved in the services delivery, that can be contracted through the various mechanisms. One of the most commonly used approaches within the NGO delivery mechanism is the community management model whereby water or sanitation committees play a major role in the implementation of the projects. However, as with other delivery mechanisms, any range of models can utilise within the NGO delivery mechanism (DWAF, Discussion Doc, Delivery Mechanism, and 2000:21).

Advantages of the Non Governmental Organisation (NGO) Delivery Mechanism

- ◆ National Government Organisations (NGOs) in the role a Programme Implementing Agent are able to implement programmes across local government jurisdictional areas and thus achieve economies of scale when grouping stand alone and small projects;
- ◆ NGOs have mechanisms in place to assess projects feasibility as well as capacity to prepare holistic project business plans for smaller projects;

- ◆ NGOs have developed and tested innovative approaches towards building community management. The community management models are based on extensive experience and have exhibited a good track record of sustainability;
- ◆ The NGO delivery mechanism has proved to be cost efficient (DWAF, Discussion Document on Delivery Mechanism: 22).

The Department of Water Affairs and Forestry

The Department of Water Affairs and Forestry has also acted as a delivery mechanism for medium valued projects, in the region of R2 to R50 million. The Department is considering whether it can use Regional staff and its Construction Units to act as Implanting Agents. If a partnership arrangement with Local Government can be introduced then skills transfer and capacity building can an output designed for Local Government to be an Implementing Agent in its own right. The partnership arrangement should also have the benefit of ensuring that Transfer of assets and the O&M function passes from DWAF to Local Government (DWAF, Discussion Document, and 2000:23).

Local Government / District Council

This option promotes the role and responsibility of local government to provide water services. Where local government has the necessary capacity to manage and implement water services programs; funds may be released directly to local government who fulfils the role of programme implementing agent. Local government may either act as the

Implementing Agent itself or appoint an Executing Agency or Implementing Agent. There are a number of advantages within this approach:

- ◆ Promotes developmental local government;
- ◆ Provides an opportunity to build implementation expertise and capacity;
- ◆ May facilitate closer contact with communities;
- ◆ Ensures that local government is more directly involved in decision making;
- ◆ Opportunity to build contracting experiences and increases delivery capacity;
- ◆ The transfer process is automatic and does not include DWAF in terms of responsibility for the O& M function (DWAF, Discussion Document, 2000:23).

Disadvantages:

Not appropriate if local authority lacks capacity (DWAF, Discussion Document, and 2000:24)



Build Operate Train Transfer (BoTT)

DWAF develop the Build Operate Train and Transfer (BoTT) mechanism as an implementing initiative aimed at speeding up delivery of water and sanitation services while ensuring the sustainability of such services and schemes. The BoTT programme supplements other delivery mechanisms such as NGO's, Water Boards, Local Authorities and consulting and construction contracts, which are delivering water and sanitation services to the poor people in rural areas. The BoTT Programme was set up in late 1996 in

four most deprived provinces of Northern Province, Mpumalanga, KwaZulu Natal and Eastern Cape. This new and innovative programme in South Africa has no similar instruments to use as a benchmark. It is an attempt to find solutions for Africa, particularly Southern Africa. The BoTT process has a short response time, and gets around DWAF's 21 steps required bidding and placing a public contract. These steps can take up to 24 months. The BoTT process complies with the requirement for competitive procurement by being competitively bid up front. It then provides a quick response time by having a call down facility, or "shopping list" of items and prices on which projects can be implemented. The BoTT contracts provide for sustainability in that they include the full projects life cycle from the mobilisation of community institutions to handover of the project to the Water Services Authority. The scope of work required of the Programme Implementing Agent (PIA) is the implementation of RDP water supply and sanitation projects, including the transfer to Local Government through the provision of services, covering: Planning, Design, Construction, Operations and Maintenance, Mentoship to Local Government, Training; Institutional and Social Development, Hand over to the Water Services Authority (DWAF, BP 1997/98, 1997:41).

Advantages

Can ensure economics of scale.

Disadvantages

Can lose cost effectiveness if not enough work is allocated to consortium. (DWAF, BP 1997/98, 1997:42)

Water Boards

The Water Board mechanism is where a Water Board fulfils the role of Programme Implementing Agent. Within this mechanism there are different models.

IMPLEMENTATION OF RECONSTRUCTION AND DEVELOPMENT PROGRAMME (RDP)

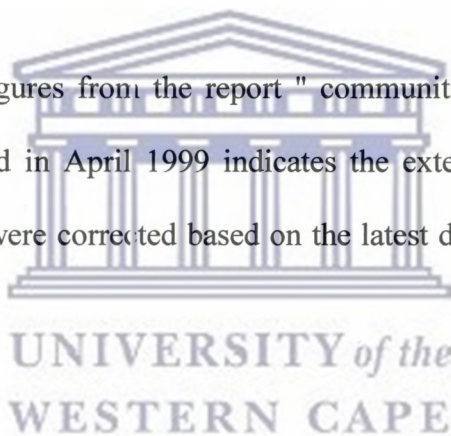
With the pressure on the Department to deliver immediately after the 1994 elections a number of projects called the Presidential Lead Projects were launched nationally. In the Eastern Cape eight of these projects were launched, that later became the RDP Round 1 projects. Subsequent to the launch of the above mentioned projects the Department of Water Affairs and Forestry initiated an Area Planning Forum in each of the six district council areas to identify, plan and co-ordinate future projects. The outcome of these forums gave rise to the RDP Round 2, and 4. Implementation was however subject to the availability of funds. This means that certain projects identified during a specific RDP round were postponed to later as a result of budget constraints (DWAf, EC, 1999:6).

Table 3.3: Eastern Cape Development of Water Services Programmes

Programme	No of the schemes to be developed	No of communities affected	No of people to be benefit	Funding Provision
RDP I	8	55	28 616	R18 281 000
RDP II	69	443	593 356	R 238 067 671
RDP III	57	345	286 909	R123 689 781
RDP IV	77	461	542 762	R 191 499 725
Total	211	1276	1 566 650	R571 538 177

(Source: DWAF, EC, 1999: 6)

Table 3.5 based on the figures from the report "communities and their water services levels" that were published in April 1999 indicates the extent of the RDP 1,2,3 and 4 programmes. The figures were corrected based on the latest data obtained from the M&E unit (DWAF, EC.1999: 7).



Progress to Date

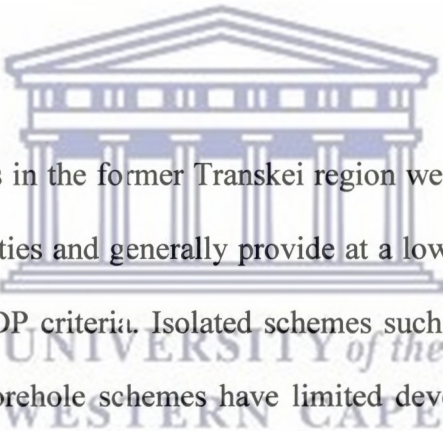
To date the following progress has been made in the supply of water to the needy communities in the Eastern Cape.

Table 3.4: progress to date on RDP projects

RDP NO	Completed	Under constr ict ion	Tender stage	Design stage	Planning stage	Identifi cation stage	Not specified
RDP I	8	-	-	-	-	-	-
RDP II	18	33	2	7	8	1	2
RDP III	15	19		12	6	2	1
RDP IV	2	46	2	7	9	12	1

(Source: DWAF, EC, 1999:7)

The Challenge



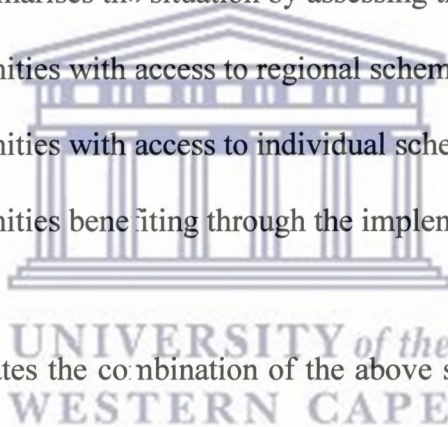
Infrastructure developments in the former Transkei region were primarily aimed at a very limited service to communities and generally provide at a lower level of service than that is required according to RDP criteria. Isolated schemes such as windmills, hand pumps, and small engine driven borehole schemes have limited development and cost recovery potential. Traditionally these communities were also not asked to pay the government for the operation and maintenance of their schemes, but the government of the time also did not have sufficient resources, staff and money, to effectively maintain these schemes. There is currently a discrepancy in that some communities need to pay for operation and maintenance while others receiving services at below RDP standard are not paying. This result in reluctance from some communities to pay for newly developed schemes, be it that these are providing water services at a higher level than before. Not all schemes undertaken by the former Transkei Government are small schemes however. There are a

number of large regional schemes generally consisting of well- developed bulk supply system but often lacking reticulation and therefore not meeting RDP standards. These schemes are currently the subject of a so-called "OTT" initiative (DWAF, EC, and 1999:10).

WATER NEEDS

Many projects are planned to serve people who have some access to water services existing infrastructure. The existing infrastructure may be individual schemes or regional schemes. Diagram 4.1 summarises the situation by assessing the following factors:

- ◆ People and communities with access to regional schemes;
- ◆ People and communities with access to individual schemes;
- ◆ People and communities benefiting through the implementation of new schemes.



The diagram below illustrates the combination of the above situations with the following meaning:

- ◆ Communities with access to existing infrastructure and no projects are being implemented;
- ◆ Communities benefiting from individual schemes (infrastructure)
- ◆ Communities to benefit from current projects being implemented;
- ◆ Communities benefiting from regional schemes;
- ◆ Communities to benefit from current projects and have access to an individual scheme;
- ◆ Communities benefiting from both regional and individual schemes;

- ◆ Communities benefiting from regional schemes and projects;
- ◆ Communities benefiting from both regional and individual schemes, and to benefit from a current project.

Diagram 3, 1: Combined graphical presentation of water situation



(Source: DWAF, EC, 1999:11)

In all instances, (1 to 8) may the people in any community still have a need (needy people) or basic water needs may be satisfied (no need). Diagram 3.1 below summarises the provincial situation, as explained above for each of the situations. Note that this is the

1996 situation when only the Presidential Lead Projects were completed (DWAF, EC, 1999:11).

Table 3.5: The 1996 water needs situation in the Eastern Cape

Water situation	No of people	No of communities	No of people	% needy people	No of communities	% of communities
1	2 348 383	2 379	2055 554	23,94%	2 362	41, 56%
2	1 527 878	1 163	1 199 225	13,97%	1 151	20, 25%
3	504 999	460	454 879	5,30%	4,36	7,67%
4	612 726	339	223 858	2, 61%	303	5,33%
5	355 370	282	279 042	3, 25%	241	4,24%
6	2 422 040	521	413 436	4,82%	442	7,78%
7	261 371	227	186 003	2,17%	192	3, 38%
8	553 036	312	392 762	4,57%	254	4,47%
Eastern Cape	8 585 803	5683	5204 786	60, 62%	5381	94, 69%

(Source: DWAF, EC, 1999:12)

It important to note that although 60,6% of the people still have a basic water need, 94, 7% of the communities are not receiving water at basic standards. For the purpose of the First Order Strategy (FOS), a community that includes a group of people receiving water at a level below that of RDP standards was classified as a community in need, similar to the above a person receiving water at a level of RDP standards was classified as a community in need. Similar to the above a person receiving water at a level below the RDP standards is classified as a person in need or a needy person. From the above table it is clear that urgent attention must be given to the following aspects:

- ◆ The completion of existing projects and the creation of an enabling environment where these newly completed schemes will be kept operational. The number of the needy people will reduce by 1 312 686 or 15, 3%;
- ◆ The repair and upgrading of regional schemes to serve all the people in benefiting communities and the creation of an enabling environment through which these upgraded schemes will be kept operational. The number of needy people will reduce by 1 216 116 or 14, 2%. Through the two actions, more than a third of the current needy people will be served and the needy people will reduce to 2 528 802 people, or 29, 5 % of the province and 7% of the KDC population (DWAf, EC, 12).

Table 3.6: Provincial Water Needs 1998-2000 (KDC Highlighted)

DC	Pop 1998	Pop. above RDP	Pop. below RDP	Com. below RDP	Com. below RDP	No. of Com.	Pop. 2000
DC10	333 433	227 397	123 884	142	38	180	351 281
DC 12	2 077 925	746 989	1 087 114	2 347	130	2477	1 834 103
DC 13	1 107 417	215 137	650 728	1 151	75	1 226	865
DC 14	412 910	68 234	304 186	363	29	392	372 420
DC 15	1 824 261	289 178	1 237 674	2 664	100	2 764	1 526 852
DC 44	758 363	150 471	480 954	834	52	886	631 425
PE	1226 272	1 166 546	62 000	32	15	47	1228 546

(Source: DWAF, Communities and their water services levels, 1999:10)

Table 3.7: Provincial Sanitation Needs Perspective (KDC Highlighted)

District	Pop. 1998	Pop .above RDP	POP. Below RDP	No. of com.
DC 10	337 433	188 690	162 591	180
DC 12	2 077 925	498 175	1 335 928	2 477
DC 13	1 107 417	110 567	755 298	1 226
DC 14	412 910	28 900	343 520	392
DC 15	1 824 261	127 055	1 399 797	2 764
DC 44	758 363	24 201	607 224	886
PE	1 226 272	1 141 024	87 522	47

(Source: DWAF, Communities and their water Services levels, 1999: 12)

WATER REQUIREMENTS

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Water requirements within the Eastern Cape Province were estimated to be as shown in table1. The abbreviation Mm³/a is used in the tables and in the text for million cubic metres per year.

Table 3.8: Water Requirements per User Group in 1995 and 2015

User Group	Estimated water 1995 (Mm3/a)	Requirements in the year 2015 (Mm3/a)	Average annual compound Growth Rate
Urban and industrial	188	389	3,7%
Rural Villages	85	216	4,8%
Irrigation	1180	1345	0,7%
Livestock	62	62	0%
Plated Forests	120	270	4,1%
Hydropower	570	570	0%
Environmental	2980	2980	0%
Total	5185	5832	0,6%

(Source: DWAF, EC, 1999:2)

Expected domestic and industrial water requirements in the years 1995 and 2015 in each District Council area are shown in table 3.9 and 3.10 respectively.

Table 3,9: Domestic and Industrial Water Requirements in 1995

District	Urban and Industrial Requirements (Mm3/a)	Rural Domestic Requirements (Mm3/a)	Total Domestic and Industrial Water Requirements (Mm3/a)
Wild Coast	3	15	18
Kei	14	22	36
Drakensberg	6	5	11
Amatola	62	30	92
Western Region	89	6	95
Total	188	85	273

(Source: DWAF, EC, 1999:2)

Table 3,10: Domestic and Industrial Water Requirements in 2015

District	Urban and Industrial Requirements (Mm3/a)	Rural Domestic Requirements (Mm3/a)	Total Domestic and Industrial Water Requirements (Mm3/a)
Wild Coast	6	33	39
Kei	44	61	105
Drakensberg	11	11	22
Stormberg	26	18	44
Amatola	132	80	212
Western Region	170	13	183
Total	389	216	605

(Source: DWAF, EC, 1999:3)

Table 3.11: Assumed Per Capita Water Requirements in Rural Areas

	Assume Water Requirements including Distribution loss	
Years	Rural Villages	Commercial Farms
1995 and 2005	30l/c/d	100l/c/d
2010	45l/c/d	100l/c/d
2015	65 l/c/d	100 l/c/d

(Source: DWAF, EC, 1999:3)

It can be seen from **table 3.8** that environmental water requirements account for approximately half of the total requirement. This is a rough estimate based on a few estimates of instream flow requirements that have been made for rivers in the province. Allowances range from 37% of mean annual runoff for unspoilt rivers to 11% for highly utilised rivers. This aspect requires further investigation. The estimates of water requirements in the year 2015 are based on projections of historical growth in water use. They do not take account of the potential for reduction of water use through water demand management. If vigorously implemented, water demand management should result in water requirement in 2015 being significantly lower than those shown in the tables shown in the tables (DWAF, WRSS, 1999:2-4).

WATER DEMANDS AND WATER SUPPLIERS IN THE KEI DISTRICT COUNCIL AREA

Water users within the Umtata area and some of the surrounding settlements obtain water from Umtata Dam via the Umtata Municipality Water Supply System. The system is owned and operated by the Umtata Transitional Local Council, which has been allocated $19 \times 10^6 \text{ m}^3/\text{a}$ out of the total yield of the dam of $170 \times 10^6 \text{ m}^3/\text{a}$. The water is treated in a modern treatment works having a capacity of $40\,000 \text{ m}^3/\text{day}$, equivalent to an effective output of $18 \times 10^6 \text{ m}^3/\text{a}$. The population served is believed to number at least 150 000, so that the average availability of water is probably something less than 400 l/c/day. Relatively water is used for industry, and it is believed that there is a considerable amount of wastage. It is planned to supply water from this scheme to RDP standards to additional villages in the peri-urban area, and this, together with growth in the existing area of supply makes it necessary to upgrade various components of the water supply and distribution system, notwithstanding the reduction in demand that could be achieved by effective water demand management. The allocation of water from Umtata Dam may then be insufficient (DWAf, Umtata River Catchment, 1998: 18).

Mhlahlane Rural Water Supply Scheme

This scheme draws water from Mabeleni Dam and supplies 28 000 people in eight villages and some peri-urban areas of Umtata. The Dam has a yield of $1,73 \times 10^6 \text{ m}^3/\text{a}$, while the treatment works has a capacity of $850 \text{ m}^3/\text{d}$, equivalent to an output of $0,26 \times 10^6 \text{ m}^3/\text{a}$.

The average availability of water is thus 25 l/c/d. The dam has the capacity to serve a greatly increased population. Management of this scheme, as others mentioned below, is presently in the hands of Department of Water Affairs and Forestry (DWAF, but it is intended that this work should be taken over by Kei District Council. The capacity to undertake this function is yet to be built up (DWAF, Matt River, 1998:24).

Corana Rural Water Supply Scheme

This scheme draws water from Corana Dam and supplies 47 000 people. This dam has a yield of $0,34 \times 10^6 \text{ m}^3/\text{a}$, while the treatment works has a capacity of $750 \text{ m}^3/\text{day}$, equivalent to an output of $0,22 \times 10^6 \text{ m}^3/\text{a}$. The average availability of water is thus 13 l/c/d. the dam has the capacity to supply 20 l/c/d. This scheme is being extended to a peri-urban area east of Umtata (DWAF, Mtata River Catchment, 1998:19).

Libode Rural Water Supply Scheme

This scheme supplies 60 000 people in an area largely in the T70 secondary sub-Catchment but also a small area in Mtata River T20 sub-Catchment and a substantial area in the Catchment of the Mzimvumbu River. The scheme draws water from Mhlanga Dam which has a yield of $0,78 \times 10^6 \text{ m}^3/\text{a}$ the treatment works has a capacity of $350 \text{ m}^3/\text{day}$, equivalent to $0,1 \times 10^6 \text{ m}^3/\text{a}$. The average availability of water, based on the yield of the dam is 36 l/c/d. (DWAF, Mtata River Catchment, 1998:20).

Table 3.12: Remaining surface water potential in Kei District Council area

Drainage Area	Potential Maximum Yield (Mm³/a)	Water use from local sources (Mm³/a)	Assumed Environmental Reserve (Mm³/a)	Unused Potential Yield (Mm³/a)
Mbashe Basin and coastal rivers	948	69	319	560
Mtata River and coastal rivers	700	178	237	285
Mzimvumbu Basin	2421	98	793	1 530
Total	4069	345	1349	2375

(Source, DWAF, CMP, 1998:15)

Surface Water Resources



Quantity

In the study area there are three flow gauging stations, T2H001, midway down the length of Mtata River, T2H002 immediately of Umtata Dam, and T2 H003 in the headwaters. Only the station near Umtata Dam has a record of useful length and reliability. The naturalised mean annual run-off (MAR) at this point is given in WR90 as $297 \times 10^6 \text{ m}^3$ compared with naturalised MAR at the mouth of Mtata River of $392 \times 10^6 \text{ Mm}^3$ estimated by simulation techniques. Seventy five percent of the flow therefore is derived from the Catchment upstream of the dam. The MAR of the secondary sub-catchment to the east, T70, is given as $284 \times 10^6 \text{ m}^3$ and that to the west, T80, as $163 \times 10^6 \text{ m}^3$. Thus, the

total naturalised run-off of the study area is about $850 \times 10^6/a$. Usage of water has not reduced flow in the adjacent sub-Catchment to any measurable extent, but in the Mtata catchment about $8 \times 10^6 m^3/a$ is absorbed by the tree plantations, $30 \times 10^6 m^3/a$ is used for domestic by towns and villages and $25 \times 10^6 m^3/a$ is lost by evaporation via the dams, thus a total reduction of $64 \times 10^6 m^3/a$, or 16% of the MAR. The present day MAR upstream of Umtata Dam is about $285 \times 10^6 m^3/a$, compared with a combined capacity of three dams of $258 \times 10^6 m^3$ of which 99% is in Umtata Dam. The run-off from the upper part of the catchment is therefore well controlled. Umtata Dam is used to regulate flow in the river downstream for the purpose of generating hydro-power. The effect immediately downstream of the power stations is therefore to convert the erratic natural flow with its large summer floods to a fairly regular week day flow with surges during the hours of peak generation. During periods of low natural flow the effect of power station operation can be great, with average monthly flow increased from 1 or 2 m^3/s to 5 m^3/s or more (DWAF, Mtata River Catchment, 1998:11).

Table 3.13: Summary of mean annual run-off ($10^6 m^3$)

At T2Hoo2 (Mtata River d/s)	Naturalised	Usage & losses	Present day
Of Umtata Dam	297	64	233
Mtata River mouth	392	67	325
T70 Sub-Catchment	284	0	284
T80 Sub-Catchment	163	0	163
Total	1135	131	1005

(Source: DWAF, Mtata River Project, 1998:14)

Quality

Although regular measurements of water quality are not available, it is clear that many of the streams and rivers are severely polluted by microbes (faecal) and nutrients derived from towns and villages, particularly the Mtata River downstream of Umtata. The Mtata River carries a substantial load of sediment derived mainly from the donga erosion in the vicinity of Umtata. It appears that little of the sediment carried into Umtata Dam settles out there despite the long period that water is held in the dam, thereby confirming the suspected dispersive nature in the Catchment. Known point sources of pollution are the sewage pump stations, sewage treatment works and overloaded or blocked sewers in Umtata. Waste dumps may be contributing point sources. Non-point sources of pollution arise from urban and rural stormwater runoff, particularly where an effective sanitation system is lacking, and from livestock and human activities in the river such as washing. Water quality in the main river is believed not to meet the standards for human consumption and probably not for contact recreation and consequently poses a significant health hazard. Litter from the urban and rural communities' cause, among other problems, blockages in the power station intakes and aggravate water pollution. The Umtata Dam and its draw off arrangements provides some benefit to the microbiological quality of water, but, depending on abstractions, may have certain adverse effects on the environment. Nutrient from the non-point sources and point sources and possibly from agricultural activities may result in algal blooms in Umtata Dam and are responsible for the proliferation of water hyacinth (DWAF, Mtata River Catchment, 1998:12).

The main water quality issues identified in the assessment include salinisation, eutrophical, erosion, microbiological contamination, trace metals, and organic contamination, as outlined below:

◆ In the Kei District Council, runoff from widespread rural settlements has brought about considerable contamination with increased concentrations of microbes, nutrients and particulate material. In addition to high potential for water-borne disease, soil erosion also affects the rivers. Further rural development without enhanced sanitation may increase the contamination of water. Treatment of raw surface water is essential if a safe supply is to be provided.

◆ Water quality problems in the bulk supply impoundment's include:

- Eutrophication microbiological contamination in Umtata Dam (DWAf, WRSS, 1999:5).

Groundwater Resources Kei District Council

Quantity

Information on boreholes and yields is contained in the National Groundwater database of Department of Water Affairs and Forestry and from the Transkei Development Information publication of the Development Bank of Southern Africa. Unfortunately very little information is recorded from the few boreholes in the study area. A map "The Groundwater Harvest Potential of South Africa" was published in 1996 by Department of Water Affairs and Forestry, which indicated that in the bulk of the Mtata Catchment a potential harvest of about 20 000 m³/a/km², reducing to about 12 000 m³/a/km² towards

the coast, is available. Present actual user however is given as less than $600\text{m}^3/\text{a}/\text{km}^2$ (DWAF, Mtata River Project, 1998:15).

Quality

The chemical quality of groundwater is directly attributable to the geological formation. Overall the quality is believed to be good in the upper part of the catchment (TDS-450 mg/l) but poorer towards the coast (TDS possibly-1000mg/l). The potential for microbiological contamination of springs, wells and boreholes is probably, caused by some of the factors affecting surface water quality (DWAF, Mtata River Catchment, and 1998:17)

Sanitation

Sewage treatment works and reticulation infrastructure only occurs in the major towns. Most of the rural population utilises flush pit latrine toilets. 94, 2% (1 615 021 people) of the population fall below the minimum RDP sanitation standards. 1 % of the current population have been supplied with sanitation facilities (DWAF, EC, 1999).



KEI DISTRICT COUNCIL WATER SERVICES INFRASTRUCTURE

Water supply and sanitation in major towns is generally to an acceptable standard. However limited water supply and sanitation infrastructure exists in the rural areas. A situational analysis of water and sanitation area as follows:

Water

Water services Providers in Towns are mostly the Transitional Local Councils (TLCs). In water treatment works and the majority of the rural areas, Department of Water Affairs and Forestry has taken on that function temporarily due to a lack of capacity in these regions. Once capacity has been built they will however be handed over to the appropriate local structures (KDC, IDP, and 2000:17).

Bulk and Regional Water Supply Infrastructure

Three Major regional water supply schemes exist and can be found in Mhlanga, Corana and Mhlahlane. The Mhlanga and Corana schemes supply peri-Urban; Lobode while the Mhlanga schemes supplies peri urban, rural and institutional demands. Bulk infrastructure within the study area includes 76 reservoirs, 19 water treatment works and 12 dam sites (RDC, IDP, 2000:18).

Rural Water Supply Infrastructure

Rural water supply infrastructure in the Kei District Council consists of 176 windmills, 213 boreholes, 76 reservoirs, 58 springs, 239 hand pumps, 1 weir, 8 dams and 34 stock dams. Few of these individual schemes deliver water at RDP standards (KDC, IDP, 2000:17).

FINANCING AND SUSTAINABILITY OF WATER PROJECTS

In 1994 an investment programme aimed at ultimately wiping out the backlog in Water Supply and Sanitation Services throughout the country began. The first phase comprised the presidential projects phase of the RDP. Since then three more phases have been introduced corresponding with the annual budget phasing of the Department of Water Affairs and Forestry. Allocations to the Water Supply and Sanitation sector from the RDP have been as follows:

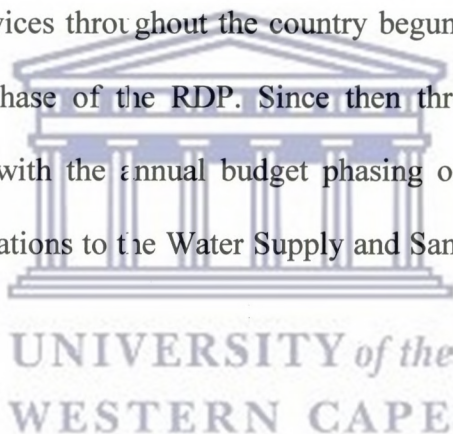


Table 3.14 RDP 1- 4

RDP Phase	Target Population	Number of Projects	Estimated Cost	Project Status
1	1148000	12	R282 m	Underway
2	1666364	311	R576 m	Underway
3	1077648	345	R966 m	Underway
4	1057847	357	R793 m	To Commence

(DWAf, BP1999/ 2000:7)

The Ideal Funding Requirement Department of Water Affairs Forestry Eastern Cape

The total funding required providing a sustainable water service to citizens (RDP standards) in the Eastern Cape Province, is R4 706 million. The funding required to commence with the first action in each grouped area, is R237, 6 million, as presented in the table below. This is an ideal annual budget for the province resulting in total service provision within 20 years (April 1999 figures). It remains now to do a priority ranking of the required actions to determine which areas should get funding before others. This will also assist in funding scenario analysis and assessment. Considering recent cuts in the Department's capital budget as well the general shortage of funds for social services, it is questionable whether the above target is realistic. In light of the Department's slogan "some for all for ever", it is considered paramount that RDP guidelines of a 98% assurance level, 200m walking distance and 25l per capita per day revised. If this is not done and realistic achievable and affordable targets are set, the backlog will in all probability not be removed within the next 20 years (DWAF, EC, 1999:13).

Figure3.15: Ideal funding Requirement

Group	No of communities	Number of people	No. of Needy people	Priority Action Cost	Estimated Total Area Cost	Remaining Estimated Total area Cost
1	139	199 840	78 989	R8902 947	R11 990 400	R3116 100
2	513	759 173	551 160	R153014848	R501889920	R37614000
3	1275	3326213	1167 607	R 23 814 664	R448922700	R630431930
4	216	425 066	152 689	R7 545 265	R94 770 510	R 145 567 530
5	1084	1 283 508	1031 379	R 33 944 817	R784778 580	R 813 292 740
6	2456	2592 000	222 962	R 10 391 158	R2094128960	R2737656640
Total	5683	8585803	5204786	R2 37613699	R3 900481070	R4706204940

(DWAf, EC, 1999: 13)

Department of Water Affairs and Forestry's Funded Projects

The Kei District Council was allocated R117 123 302 .00 for 1999/98 financial year. The investment programme is aimed at providing basic services in communities, which do not at present have any water supply. Due to budget cuts to date R47 849 882.00 million has been allocated to the programme, which will ensure 500 000 thousand people gain access to basic water supplies and 10 000 people to adequate sanitation. Completed projects are approaching R15 069 352.00 and 1 million people who have benefited (DWAf. Projects summary report.1999: 1.6).

Table 3.16: Allocations for the 1998/99 Financial Year for KDC

District	Original Amount Allocated	Latest Estimate	Budget for the Year 98/99	Expenditure to Date
Council				
Kei	R117 123 302	129 599 537	47 849 882	15 069 352

(Source: DWAF, BP, 1998/1999)

Figure 3.17: Breakdown of Budget of Kei District Council area 1998/99 per magisterial areas

Magisterial area	Original funds Allocated	Adjusted budget 98/99	Expenditure to Date
Elliotdale	R7, 686, 800-00	R2, 871, 000-00	R 337, 050-00
Engcobo	R15, 228, 989-00	R10, 745, 898-00	R5, 168, 911-00
Libode	R2, 277, 600-00	R200,000-00	R54, 109-00
Mqanduli	R9, 160, 903-00	R1, 714, 434-00	R998, 840-00
Ngqeleni	R10, 406, 000-00	R500, 000-00	R218, 801-00
Port ST. Johns	R4, 942, 800-00	R4, 638, 519-00	R1, 574, 384-00
Qumbu	R16, 652, 200-00	R4, 804, 165-00	R250, 431-00
Tsolo	R12, 378, 000-00	R11, 522, 117-00	R423, 548-00
Umtata	R38, 390, 010-00	R10, 720, 000-00	R6, 043, 278-00
Kei Total	R117,123,302-00	R47,716,133-00	R15, 069, 352-00

(DWAF, 1998/99, BUDGET)

ACHIEVING SUSTAINABILITY

Allocating budgets, drilling bore holes and constructing infrastructure is relatively easy – ensuring that the Water is structure flowing and that the pumps are still separating in 5 – 10 or 20 years from now is more difficult. Unless this is ensured, however the investments being made now will be marked and large proportions of the budget in future years will have to be spent on rehabilitation. It is the firm belief of the Department that sustainability can only be attained if the beneficiaries of the services own them and are responsible for keeping them going. The Department therefore believes that the provisions of Local services should be the responsibility of Local government, not only because the Constitution says so, but also because it has been borne out by World experience. The key to sustainability is financial viability pumps will break down and pipes will leak. What matters is that there is an efficient system in place to operate and maintain the service. Which requires trained, skilled people who in turn require adequate salaries which presupposes a flow of revenue from the people who use the service who will only pay if there is an efficient service. This cycle of service and revenue can only be maintained at a Local Level.

If a distant government official with no direct accountability to the service users is responsible for operating and maintaining the system, there will inevitably be lengthy breakdown periods and a reluctance to pay. Up to now, because of the pressure of time and public expectations, the department has worked on a piecemeal project by project basis concerns about the sustainability of projects and the engagement of the Local

government in projects. Project steering committees are established for each project, which include all the relevant stakeholders. This helps to ensure that the correct people are engaged from the very beginning, but projects still tend to work more strategically, the department has embarked on a more programmatic approach taking into account the wider area in which projects are based (DWA.F: Sustainable Management Guideline, 1998: 3-7).

BUSINESS PLANNING APPRAISAL PROCESSES

The Department has established a Business Plan Appraisal Committee in the province and all project business plans are being appraised locally. Local Authorities that have been designated as Water Services Authorities in terms of Water Services Act are involved as part of the Appraisal Committee whenever their projects are being discussed. 2% of the Capital Programme Conditional Grant will be available for project business planning. The development and approval of business plans can potentially delay the implementation of the Capital Programme if not carefully addressed. Approaches and mechanisms could be developed to facilitate the business planning process, for example increasing the transparency of business plan approval processes (DWA.F, EC, 1999:20).

CHAPTER FOUR (4)**MANAGEMENT OF WATER RESOURCES BY KEI DISTRICT COUNCIL****LOCATION**

The Kei District Council is situated in the former Transkei region and in the eastern portion of the Eastern Cape Province on the edge of the Indian Ocean. The Kei District Council stretches from the a Drakensburg and Stormberg Districts in the north, the Indian Ocean in the South, the Wild Coast District to the East and the Amatola District in the west. The boundaries are as follows:

- ◆ In the west its boundary stretches from Enqcoaba in the south to Tsolo in the North;
- ◆ In the east its boundary stretches from Ngqeleni in the south to Lusikisiki in the north;
- ◆ In the South its boundary stretches from Elliotdale to Tsomo in the west;
- ◆ In the North its boundary stretches from Tabankulu in the east to Enqcoaba in the west.

The district has an area of some 12 856 square kilometers in a Province having an area of 170 600 square kilometers and the district accommodates 1 191 624 million people out of the population of 7 million according to census 1996. (KDC, Draft IDP, 2000:1). According to Demarcation Act, the present Kei District Council area will be amended to become a District Council Municipality (DC 15) which will have an amended area of jurisdiction. The new area will include areas of Lusikisiki, Flagstaff and Bizana magisterial districts and exclude Elliotdale, Engcobo and a portion of Tsolo magisterial

district. Within the DC 15 area, will be known as O. R. Tambo District Council with a total of 7 category "B" Municipalities called EC 151 Mbizama Local Municipality, 152, Ntabankulu, Local Municipality, 153 Ingquza Local Municipality, 154 Port St, Jones Local Municipality, 155 Nyandeni, Local Municipality, 155 Mhlontlo Local Municipality and 157 King Sabata Dalindyebo Local Municipality. For the sake of this study the old boundaries of Kei District council will be still used for most of the references (KDC, IDP, 2000: 1).

KEI DISTRICT COUNCIL 'S PERSPECTIVE

The study area comprises rural, semi-urban communities, a wide variety of life styles, income levels and facilities. A variety of natural scenic beauty and strategic opportunities, such as the Wild Coast Spatial Development Initiative, stand to offer significant possibilities for the future well being of the communities in the Kei District. Nine Transitional Rural Councils and Nine Transitional Local Councils and 1415 villages administer the Kei District Council. The Kei District Council does not have significant urban center. It is mostly a densely populated rural community. The magisterial districts are as follows: Encobo, Elliotdale, Mqanduli, Ngqeleni, Libode, Qumbu, Port St. Johns, Tsolo and Umtata. Settlement of the Province has occurred in four main ways, namely: rural, peri-urban, urban and informal. In many instances the rural/urban character of settlements have merged and it is difficult to distinguish the differences between such areas. People in the Kei District Council are settled in towns and villages. The rest of the people are settled in 1415 villages. Each magisterial district has a town located mainly

along major transport routes. None depend on mining, industry or other activities for their existence. They all play a significant role in the provision of services (KDC, Regional Perspective, and 2000:2).

PHYSICAL PERSPECTIVE

Topography

The Kei District Council is deeply dissected by a number of convoluted roughly parallel running rivers and streams which generally have only minor areas of alluvial deposition. The coastal zone is more steeply dissected than in the inland "plateau" which is undulating rather than steeply rolling. Further in and the African surface plateau abuts the foothills of the Drakensburg Mountains, which massifs dominate the landscape there are outside the Kei District (KDC, Regional Perspective: 34).

Currently the Kei Districts Council region consists of three sub- regions namely: the Hinterland, the Metropolitan and Coastal sub-regions. These are made of nine magisterial districts, which are:

Hinterland: Engcobo
Tsolo
Qumbu
Libode

- ◆ A high plateau leading up to the Drakesberg Mountains with relatively good soils, a high rainfall supporting a mixed agriculture with a lower population

Metropolitan: Umtata urban and peri-urban

- ◆ A central plateau leading up to Drakensberg Mountains with relatively good soils, and intermediate rainfall supporting mixed agriculture and industry with high population density

Coastal: Eliotdale (Xhosa)
Mganduli
Ngqeleni
Umzimvubu (Port St Jones)



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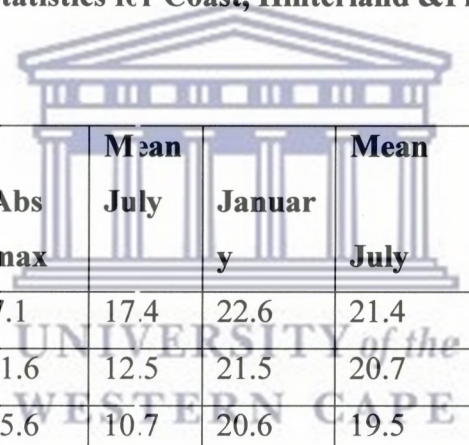
- ◆ A coastal belt consisting of a magnificent coastline, good soils and a high rainfall together with high population density (KDC, Regional Perspective, 2000:67).

CLIMATE

Temperature

The increasing elevation with distance from warm Mozambique Ocean current results in a wide range in climatic conditions. The temperature lapse rate is 0.35C per 100m changes in elevation in summer and 0.60c per 100m elevation change in winter. The mean temperatures in table 4.1 below illustrate this.

Table 4.1: Temperature statistics for Coast, Hinterland & Plateau



Zone	Abs max	Abs max	Mean July	Mean January	Mean July	Maximum January	Mean July	Minimum January
Coastal	35.0	7.1	17.4	22.6	21.4	25.3	13.4	19.8
Hinterland	44.0	-1.6	12.5	21.5	20.7	27.0	4.2	16.0
Plateau	41.7	-5.6	10.7	20.6	19.5	14.3	1.8	14.3

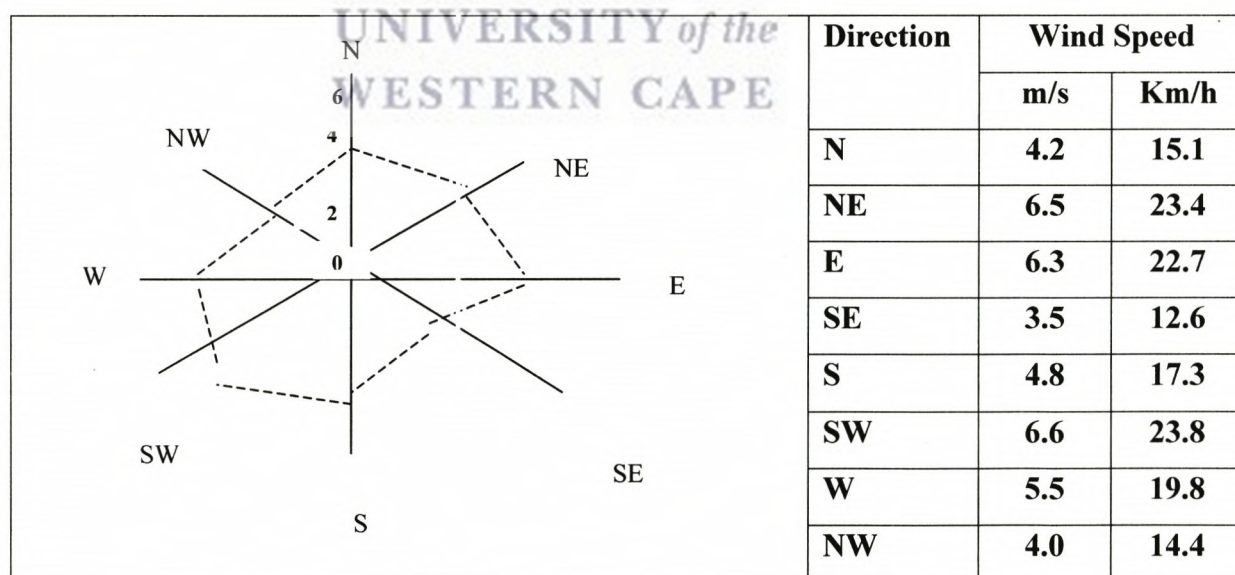
(Source: KDC, Regional Perspective, 2000, 32)

Generally, the mean temperature in the winter ranges from 7- 10 degrees Celsius in the winter for the northern areas and between 16- 18 degrees Celsius for the coastal areas. The summer temperature ranges from 18- 24 degrees Celsius (KDC, Regional Perspective, and 2000:32).

Winds

Winds are strongest at the coast and in the escarpment area. Wind direction recorded at East London from 1959-1992 show that NE-E winds and SW-W winds predominate (Table 4.2). There is a weak seasonal pattern regarding wind direction. NE-E winds are more commonly recorded during the summer months and SW-W winds occur more frequently during winter. On average 44% of the wind speed recorded is between 3.4 and 7.9m/s (12.2 and 28.4 km/h). The Moderate to calms are recorded during the autumn months (March-May), while the windiest periods are recorded towards the end of winter and during spring (July-October) (KCC, Regional Perspective, and 2000:33).

Table 4.2: Annual average Wind velocity and direction recorded at East London over 34 years. Wind velocities on the rose are recorded in m/s.



(Source: KDC Regional Perspective, 2000:33)

Rainfall

The Kei District Council rainfall season is in the summer from October to March although approximately 30% of the annual rainfall occur in the winter months. March is the wettest month. Rainfall decreases steadily with progression inland from over 1000mm at the coast towards the central plateau (600-800mm rain) and is particularly low (less than 600mm) in the major river valleys. The upliftment provided by the inland mountains results in an increased rainfall (over 1000mm) in the escarpment area. An appreciable amount of rain falls in the winter months in the coastal areas (32% at Cape Hermes) but the inland areas receive 80% or more of their precipitation in the six summer months October to March (81% at Umtata). Humidity is high at the coastal, decreasing inland where a more marked seasonal and diurnal fluctuation is found with middays being quite dry (about 30%). Frost occurs with increasing frequency with progression inland (Barkly east has 93 days annually with a minimum temperature of below 0 °C). Snow occurs in the more elevated areas (average of 1 day annually at Cala and Mt Frere). The Kei District Council falls within the most reliable zones in South Africa and it can be expected 85% or more of the normal rainfall in a 7 to 8 years out of 10. In general the climate can be described as temperate with moderate winds (KDC, Regional Perspective, 2000:32).

POPULATION SIZE

The total population of the Kei District Council Region is estimated at approximately 1, 191, 624 million. This is broken down per magisterial district as follows:

Table 4.3: Comparison between census 1998 and FOS data For Kei District Council**Area**

	Census Data	FOS Data
Population	1, 191, 624 million	2 045 000 Million
Area (km2)	12 856,8 km2	-
Population density	869	-
Number of villages	1550	1415

(Source: DWAF, EC, 1999: 2)

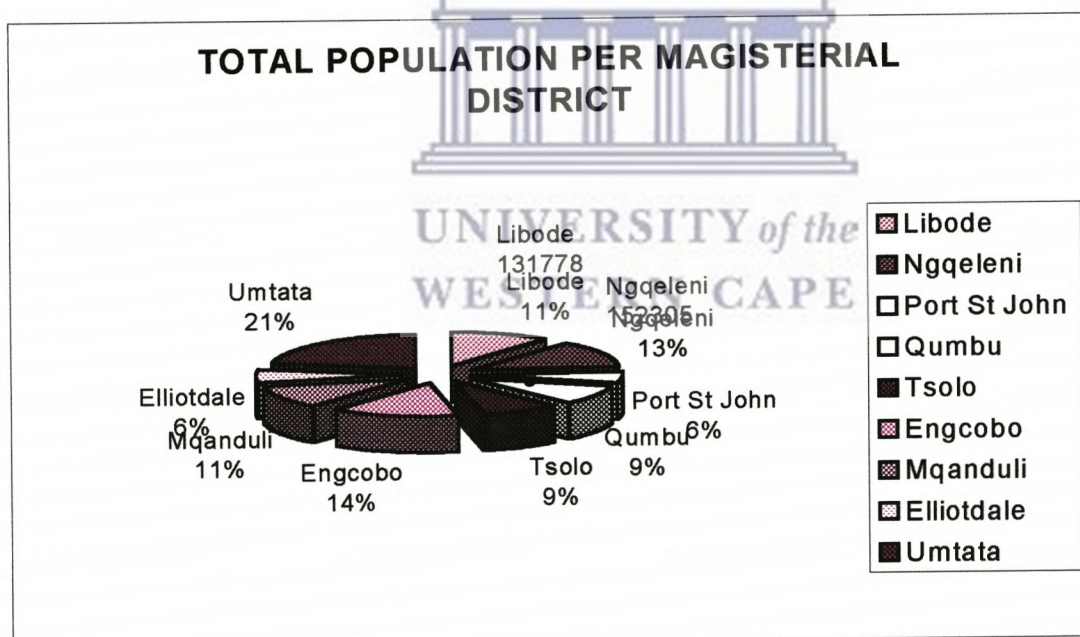
Table 4.4: Total Population Distribution Per Magisterial District

Magisterial District	Population	Percentage	Density	Km3
Engcobo	166 837	14%	55	2409.8
Elliotdale	74 166	6%	97	763.3
Mqanduli	129 590	11%	106	1226.0
Ngqeleni	152 305	13%	110	1388.4
Libode	131 778	11%	122	1368.9
Port St. Johns	68 137	6%	106	642.3
Umtata	261123	21%	145	1806.0
Tsolo	103 793	9%	59	1725.7
Qumbu	103 895	9%	69	1499.6
Total	1,191,624 .00	100%	869	12850

(Source: KDC IDP, 2000: 20)

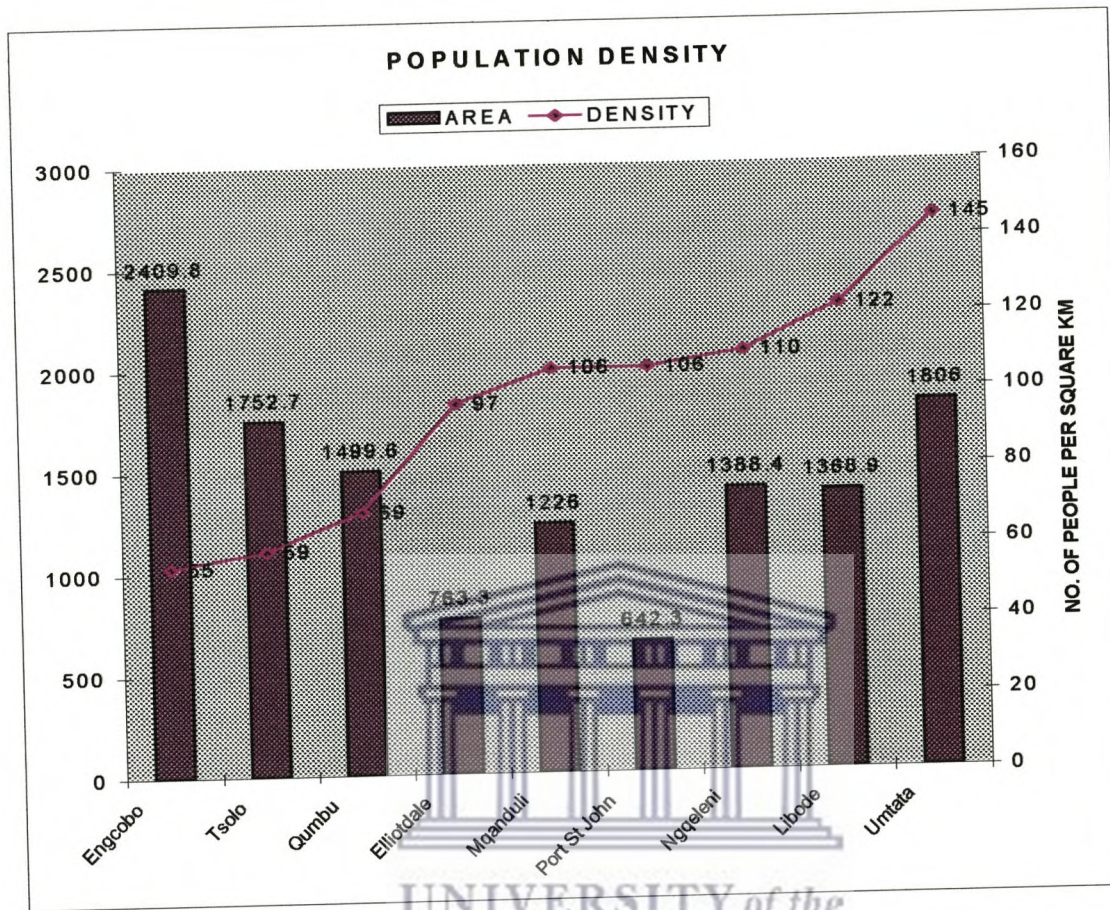
Umtata magisterial district has the largest number of inhabitants accounting for 21% of the total Kei District Population. Table 4.1 illustrates the percentage inhabitants of the total population in each magisterial district. The urban and non-urban population distribution per magisterial district is presented in Figure 4.1, indicating that Kei District is predominantly non-urban, with 94, 4% of the total population living in non –urban areas. The largest portion of urban dwellers is situated in the Umtata Magisterial District. The spatial distribution of the sub-region’s population is in line with the distribution of economic activity, with clusters prevalent around the main economic centres.

Figure 4.1 Total Population per Magisterial District



(Source: KDC, Regional Perspective: 2000:20)

Figure 4.2: Population Density

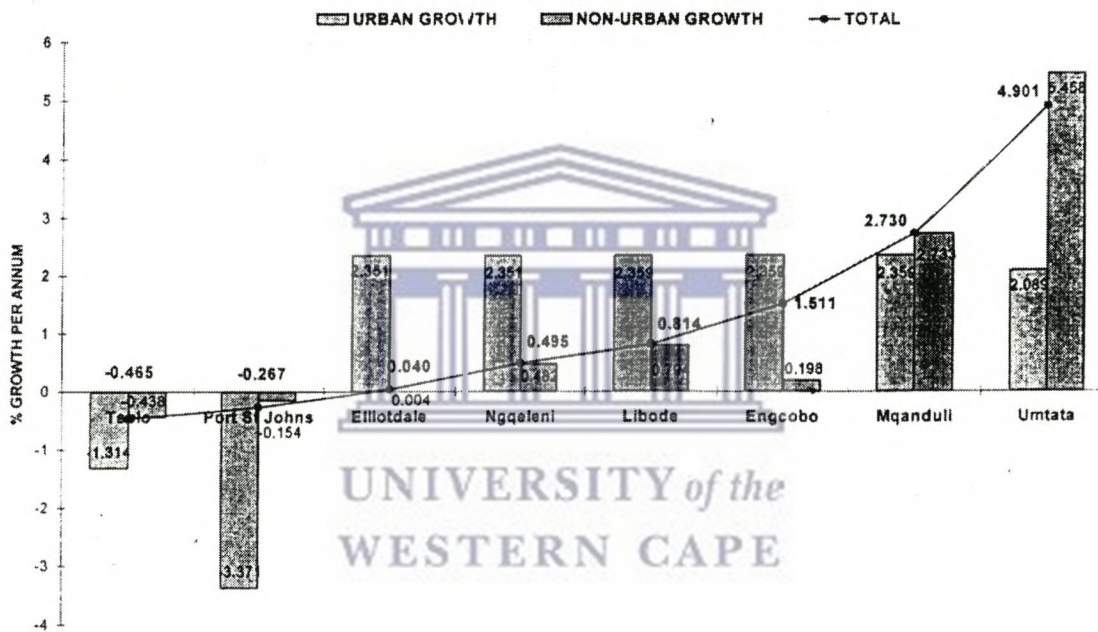


(Source: KDC, Regional Perspective, and 2000:21)

Figure 4.2 illustrates the population density per magisterial district for the Kei District Region, as well as the area each magisterial district covers per square kilometre. It is clear that the large districts have a lower population density and vice versa. Umtata district has the highest density of 145 people per square kilometre; illustrating the higher densities around the main urban areas with greater access to services and facilities. Engcobo district has the lowest density in the region of 55 people per square kilometre, but it is the largest magisterial district in size. Table 4.4 illustrates the population density per magisterial

district. The Kei District Council Region covers some 12 856,8km² and the overall population density of the Kei District is some 92,6 persons per square kilometre, which is in sharp contrast to the Eastern Cape Province, with an average of 37,1 people/km². The high population density correlates closely with the previously designated bantustan areas of Transco (KDC, Regional Perspective, and 2000:20).

Figure 4.3: Population Growth – Urban and Non-Urban

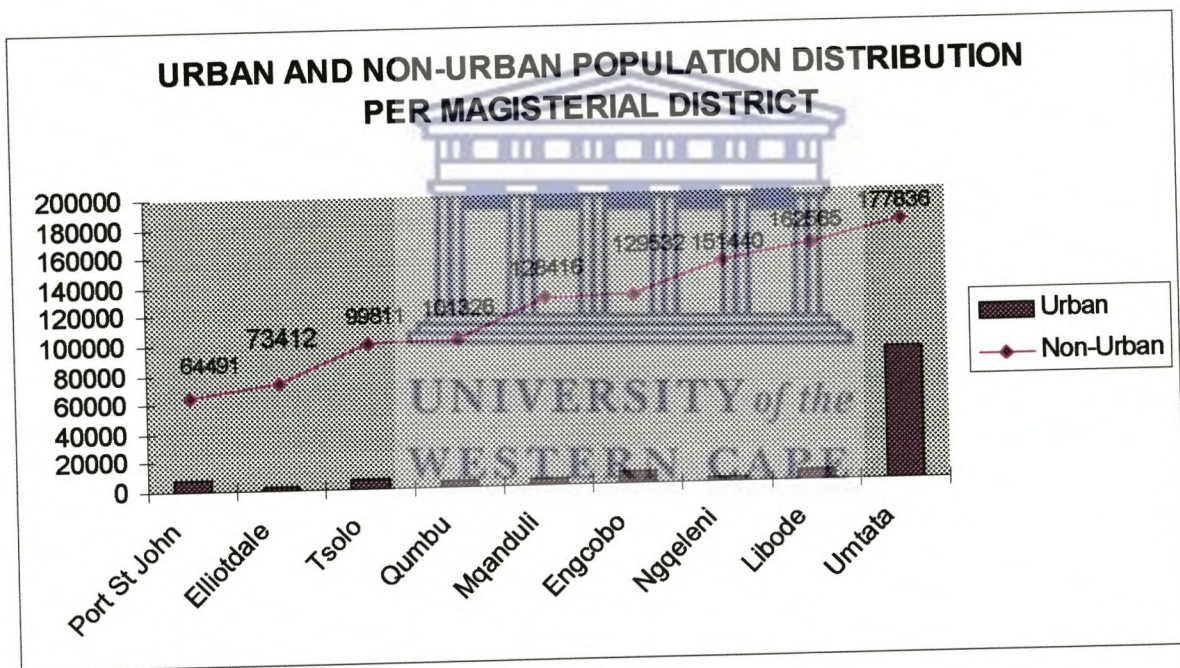


(Source: KDC, Regional Perspective: 2000:22)

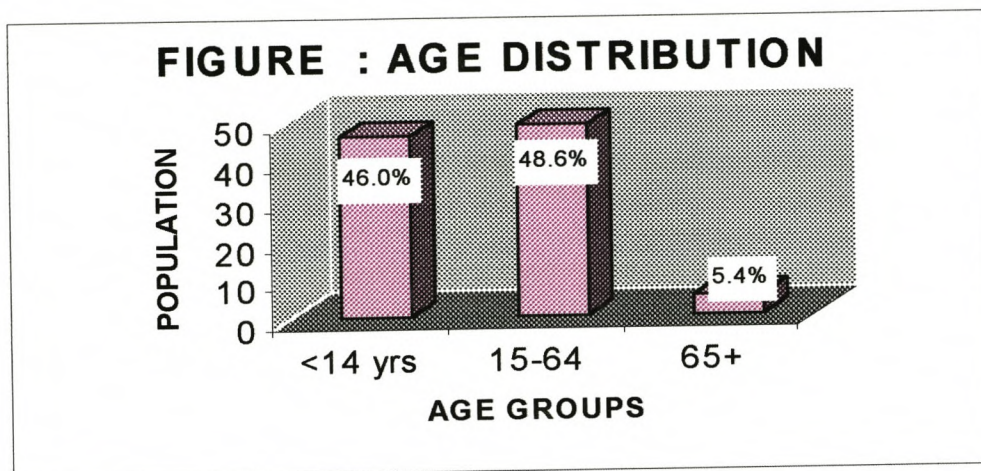
Data D (1993) predicted that the population of the Kei District would grow at an average rate of 1.3% per annum from 1995-2000. 50 % of the magisterial districts in the Kei District are declining due to the out-migration of people. Figure 4.3 illustrates the urban and non-urban growth rate respectively for each magisterial district, as well as the total

growth rate per district. Tsolo and Port St. Johns are experiencing a negative growth rate and Elliotdale, Ngqeleni and Libode are experiencing no growth. The 4.9% growth rate of Umtata and the significant growth rate of the urban areas indicate that more people are moving from the rural to the urban areas in search of employment opportunities and educational facilities (KDC, Regional Perspective, and 2000:22).

Figure 4.4: Growth Population



(Source, KDC, and Regional Perspective: 2000: 21)

Figure 4.5: Aged Distribution

(Source: KDC Regional Perspective, 2000:23)

There are 547 402 children under the age of 14 years, who form 46% of the total population of the Kei District Council, indicating a young and growing population. People in the age group 0-14 years, together with the people in the age group 65 years and older, are classified as the economically dependent group. The majority of the population of the Kei District, namely 51,4% is economically dependent (KDC, Regional Perspective, 2000:23).

KEI DISTRICT COUNCIL INSTITUTIONAL MANAGEMENT

The Kei District Council was established in 1996. It consists of 32 elected and nominated councillors including 3 traditional leader representatives. Councillors represent the nine (9) Transitional Representative Councils. In each of the 9 magisterial districts

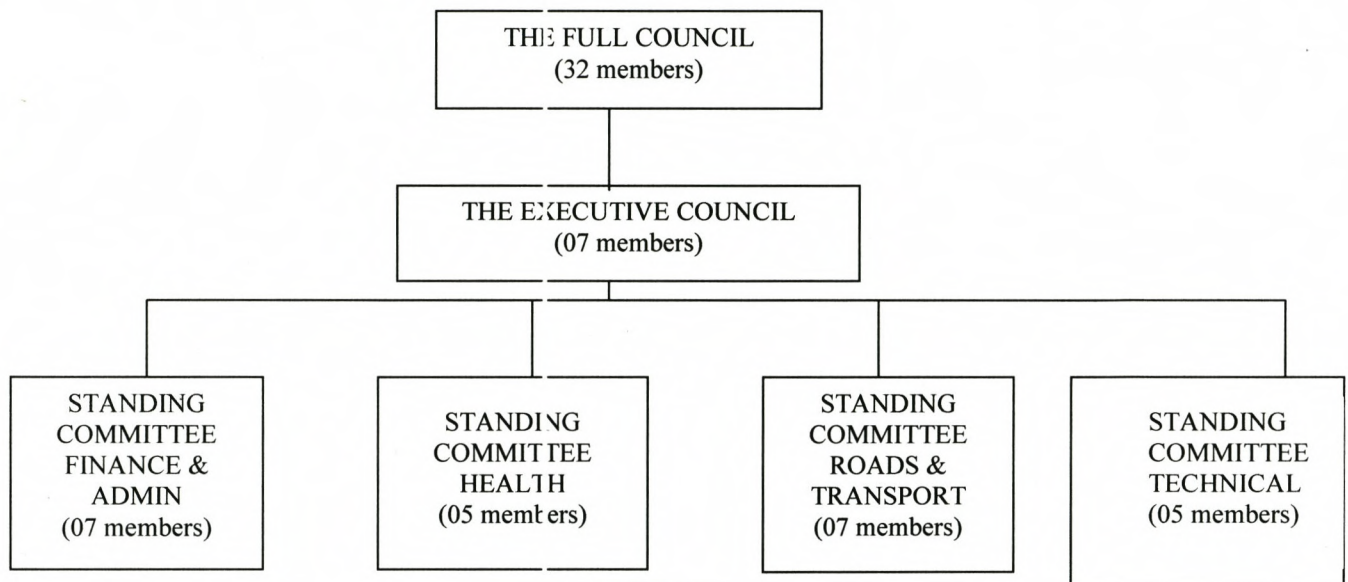
emmunerated above there is a Transitional Rural Council (TRC) which is the local authority of the district. Their area of jurisdiction does not cover the municipal area which has transitional local authority, called the (TLC). The two local authorities are transitional in nature until such time as new boundaries that will be determined by the demarcation board have been finalised and local government elections held in 5 December 2000. Each TRC and TLC has representation at the Kei District Council. The Chairperson of the Council is the political head of the Kei District Council and also chairperson of the Executive Committee. The hierarchical arrangement of Kei District Council is as follows:

- ◆ The full Council;
- ◆ The Executive Council;
- ◆ 4x Standing Committees

Each standing committee has specialised functions and powers delegated by the full council. These standing committees are sectoral in nature and are not working as integrated committees. As the roles and functions of the District Council grow in future, this sectoral structure will prove unwieldy and make it very difficult to achieve integrated development. The Following standing Committees are in place:

- ◆ Executive Committee (5 councillors and CEO);
- ◆ Finance & Administration (7 members)
- ◆ Health (5members)
- ◆ Roads &Transport (7 members)
- ◆ Technical (5members)

Each standing committee has specialised functions and powers delegated by the full council (KDC, IDP, and 2000:21).

Figure 4.6: Kei District Council Organogram

ADMINISTRATION

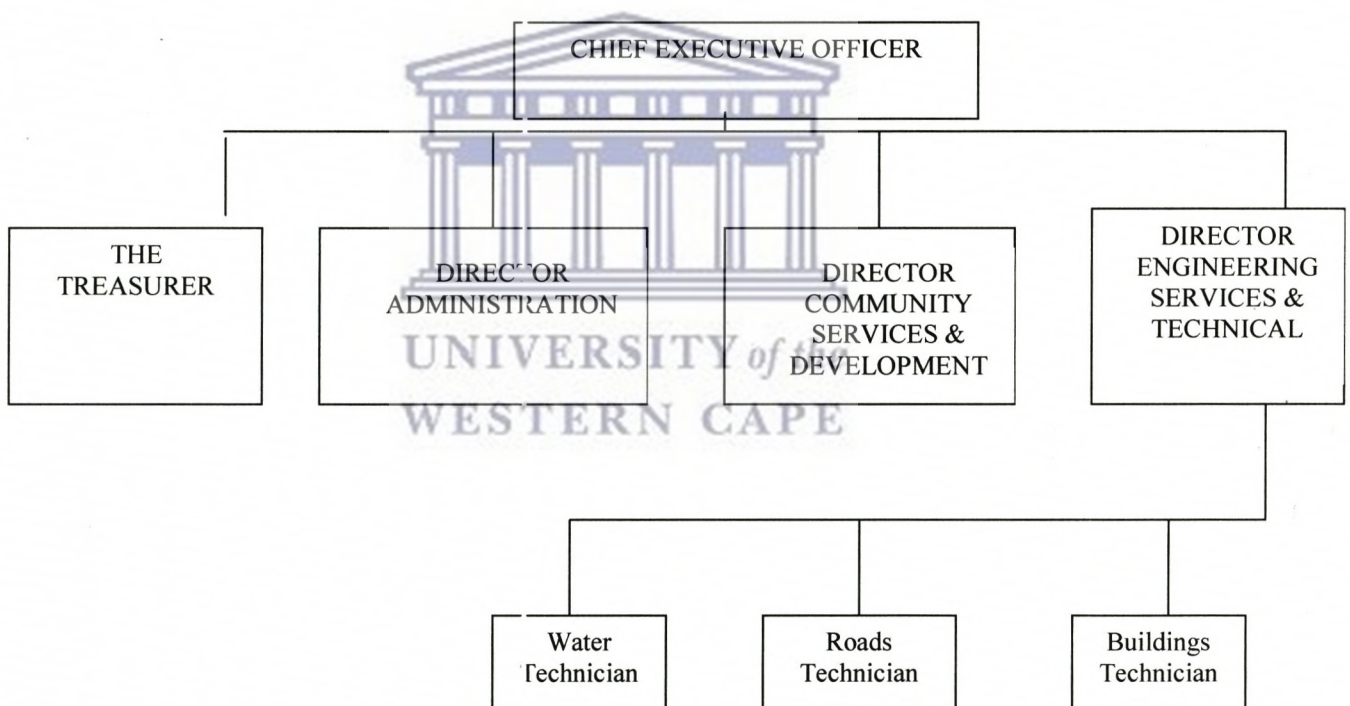
The Chairperson of the Kei District Council (political) and the Chief Executive Officer (administration) head the executive arm of the District Council. Reporting to the chief Executive Office are four Directors, namely:

- ◆ Director Finance(Know as Treasure);
- ◆ Director Administration;
- ◆ Director Community Services and Development;
- ◆ Director Engineering Services and Technical (position vacant)

The Kei District also has Regional and Tribal Authorities established in terms of Transkei Authorities Act. 1965. There is yet no clear distinction between the powers and functions of the Regional /Tribal Authorities and those of the elected local authorities. In each of the

9 magisterial districts there is a Transitional Rural Council (TRC), which is the local authority of the district. Their area of jurisdiction does not cover the municipal area which has a transitional local authority called (TLC). The two local authorities are in transitional in nature until such time as new boundaries that will be determined by the Demarcation board have been finalised and local government elections held, during December 2000. Each TRC and TLC has representation at the Kei District Council (KDC, IDP, and 2000:32).

Figure 4.7: Ogonogram of KDC Administration



TECHNICAL AND DEVELOPING STANDING COMMITTEE

Council 's Chief Executive Officer is an ex officio member of all the standing Committees. Persistently, Water Services delivery is a function of the Technical and Development Committee and is being managed by the Directorate Water Services.

Directorates Water Services

The post of Director Water Services is vacant. At the moment Assistance Director is in charged with the directorate, with the help of one technician.

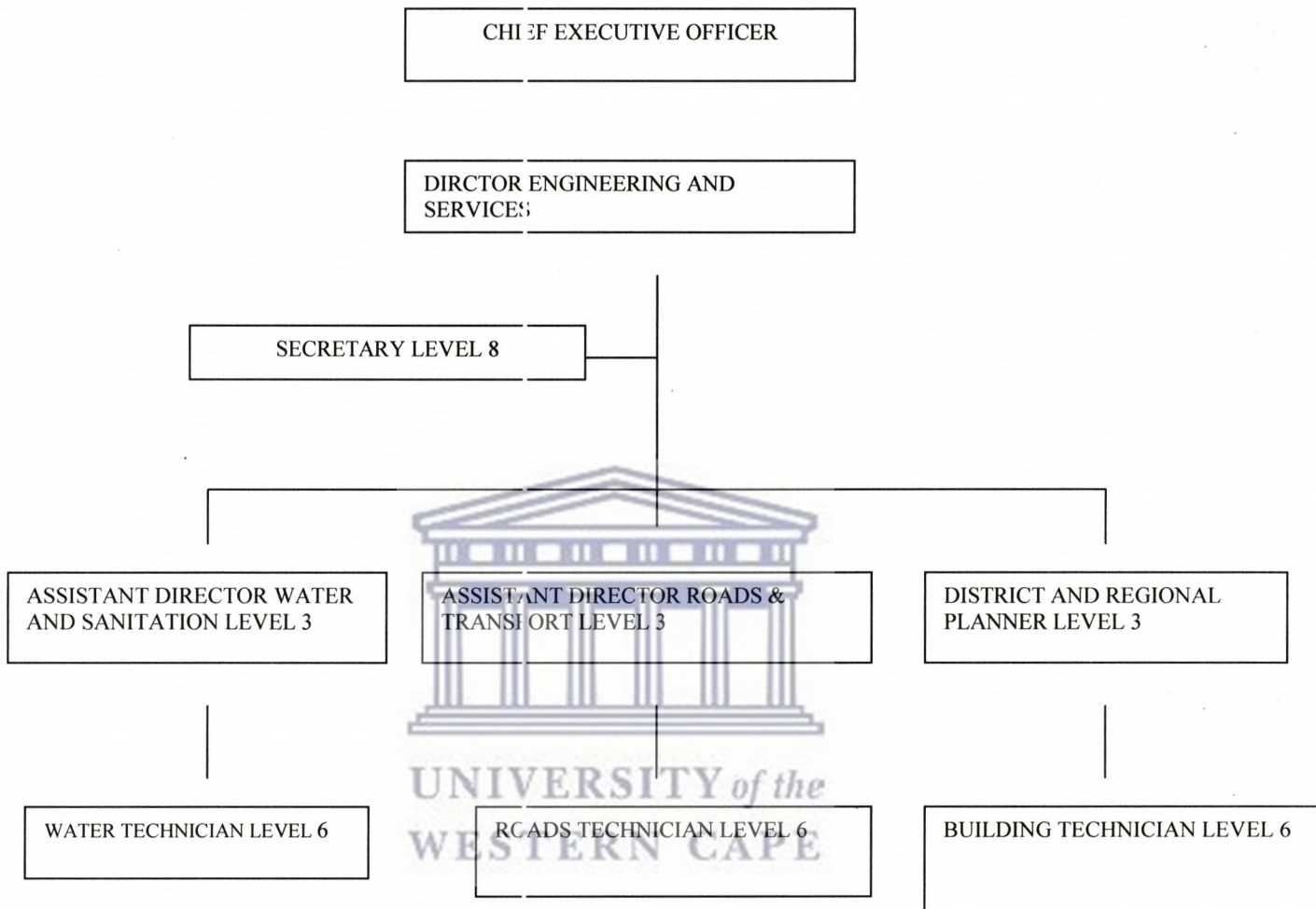
Functions

The operations of the Directorate Water Services include the following:

- ◆ Commissioning of Water Services Development Plans;
- ◆ Planning, implementation and management of Council's water projects;
- ◆ Participation in the Transfer Task Team with DWAF and Project Implementation Agents;
- ◆ Explore other avenues of state funding to finance the completion of water services projects that are currently on line, and new projects that need to be implemented in the short term;
- ◆ Decide on project refurbishment priorities as part of DWAF ' s OTT Programme;
- ◆

- ◆ Facilitate the rehabilitation and institutional capacity of some of the minor waterworks under DWAF 's current budget;
- ◆ Explore avenues of funding for the secondment of DWAF specialist staff to the KDC;
- ◆ Consider water services provider options for bulk supply (Mvula Trust, 2000:32-33).



Figure 4. 8: Kei District Council: Directorate Engineering and Technical Services

WATER MANAGERIAL CAPACITY PROBLEMS

The Kei District Council, Transitional Rural Councils (TLCs) and Transitional Rural Councils (TRCs) have limited capacity to deliver services, which constitutional are their responsibility. This is due to training needs of staff which have not been fully addressed.

Furthermore plant and equipment is often in short supply. Also there are financial constraints to be faced. Use is often made of private companies to render services such as road construction and road maintenance. These however need monitoring and evaluation of their work more so that the companies are themselves not fully capacitated. In the past assistance has been rendered to the TLC and to a limited extent the District Council, by external organisations like the Presidential Project Team and much later by the Eastern Cape Municipal Support Services (ECMSS) (KDC, Regional Perspective, and 200:69).

Department of Water Affairs and Forestry - Directorate Water East

Figure: 4.9: DWAF – National Department – Kei District Council

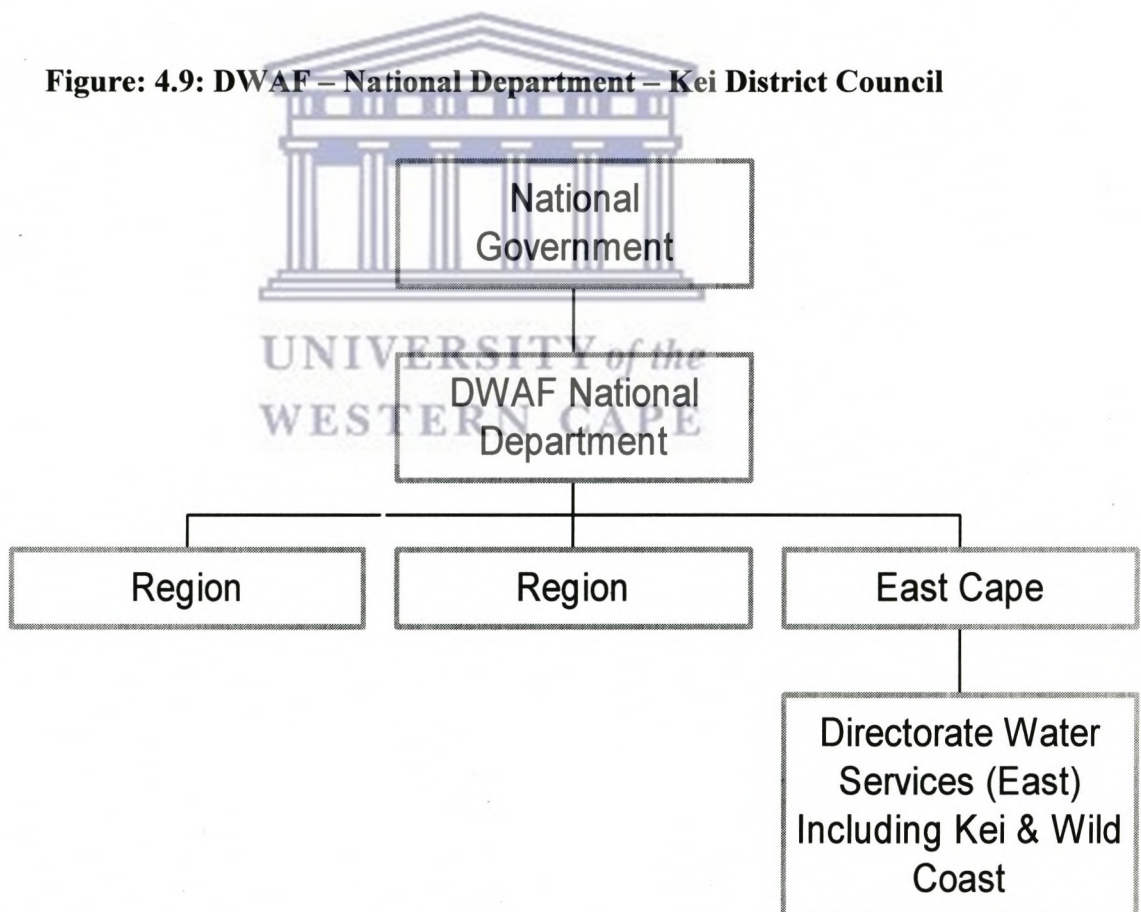
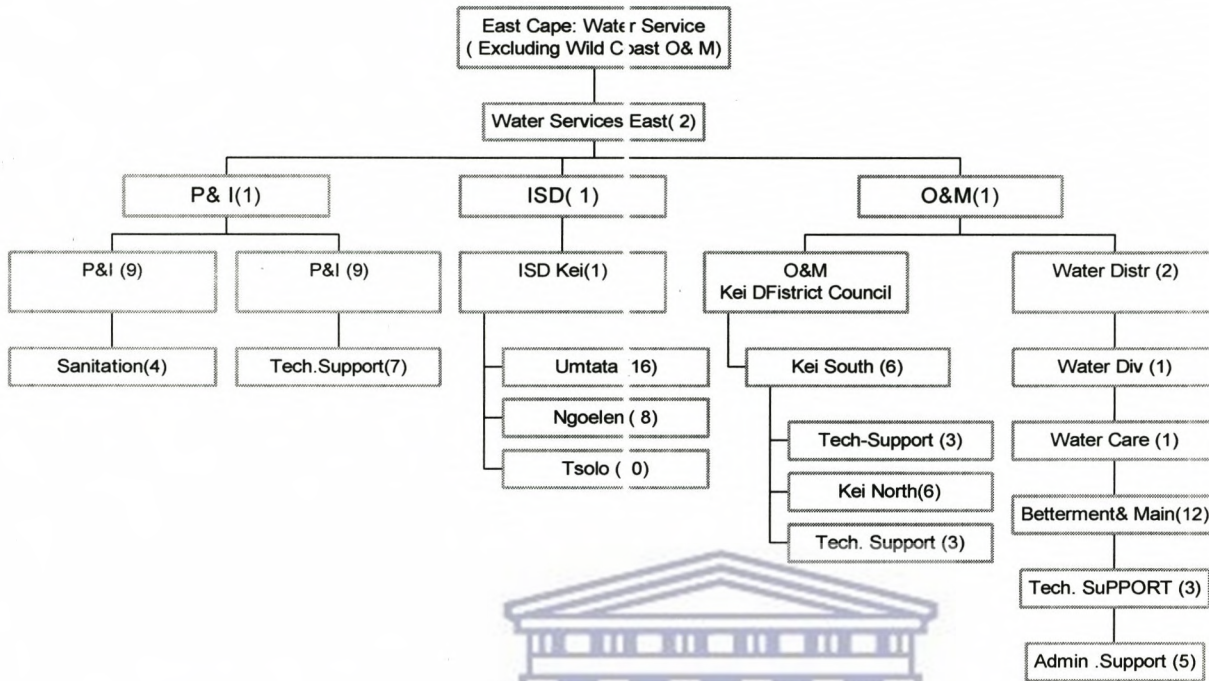


Figure: 4.10: DWAF Directorate – Water Services East



Department of Water Affairs and Forestry (DWAf) is presently responsible for water services delivery of scale in the Kei District Council Area. Accordingly its staffing structure is geared up to manage and operate all government waterworks. It is also responsible for the planning and implementation of a number of new projects. Within the

Eastern Cape these functions are performed by the Directorate Water Services East. The organogram in **Figure 4,9** illustrate the position of the Directorate Water Services East as part of a national structure. **Figure 4.10** shows the staffing structure responsible for direct services in the Kei District Council area. It is envisaged that following the completion of the transfer process, most of the functionaries under the Sub- Directorate Water Services East (2) would have been transfer to the Kei District Council. DWAf will then adopt a

NEW INSTITUTIONAL STRUCTURE FOR KEI DISTRICT COUNCIL**INSTITUTIONAL PLAN**

The Kei District Council institutional structure according to Kei Integrated Development Plan presently comprises two components. The first component involves the full council (containing representation from all local authorities), executive Committee of Council and four standing committees dealing with the following matters in a sectoral way: -

- ◆ Health;
- ◆ Finance and Administration
- ◆ Roads and Transport; and
- ◆ Technical

In support of the standing committees and council, the second component comprises the administration, with the chief Executive Officer, Treasurer and Director of Administration and staff. It is proposed that the committees be adjusted to align the function with the proposed Integrated Strategic Development Framework, as described below.

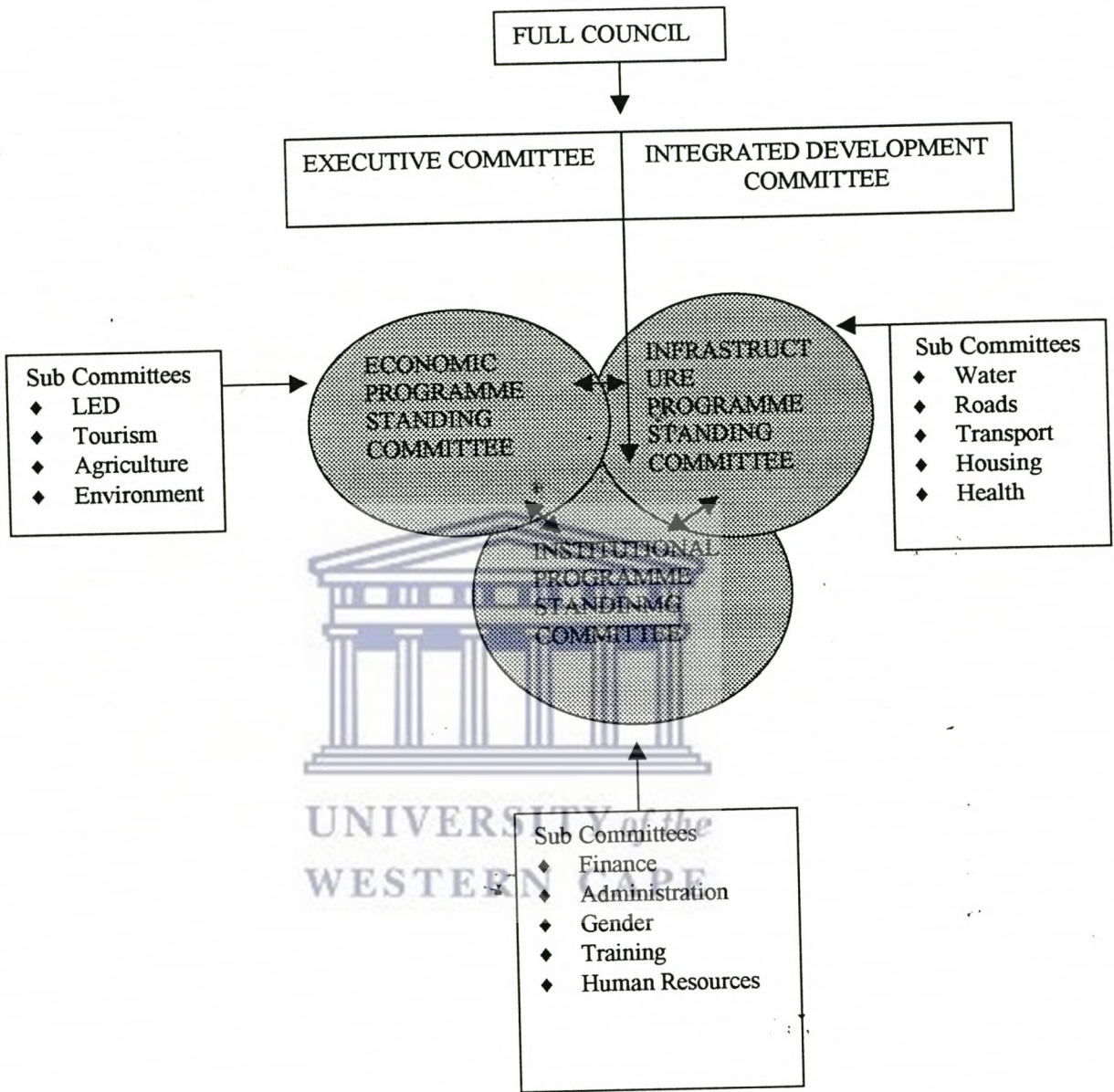


INSTITUTIONAL STRUCTURE

Council and Committees

The Institutional plan proposes that the full council be supported by the Executive Committee as presently constituted. However, in order to establish integrated development and channelling of funds, there is a need to establish a technical co-ordinating committee, which will recommend projects, policies and proposals to the Executive Committee and Council. This IDC representing the Kei District Council, Local Government Departments, Parastatals and delivery Agencies/NGO's, would fulfil the role of a technical advisory forum to co-ordinate the integration of delivery efforts, co-ordination of planning, design and development projects between all the stakeholders active in the district. Such an integrating committee (IDC) will not change the activities and roles of the executive committee or council, but would provide an opportunity for exchange of information, prioritisation. It is further proposed that KDC executive Committee and Transfer Task Team be established to over see the smooth transfer of staff and assets from DWAF to KDC. It is further discussed in detailed below (KDC, IDP, 2000,31).

Figure 4.11: Proposed New Committee Structure



KEI DISTRICT COUNCIL AS WATER SERVICES AUTHORITY

The Bill of Rights in the Constitution enshrines the right of access to water to all the citizens of South Africa. The responsibility for ensuring that this guarantee is reasonably met falls within the Constitutional competency of the local sphere of government as the appropriate organ of state. The Water Services Act incorporates the right of access to basic water supply and sanitation and every water services institution must take reasonable steps to realise these rights. The Kei district Council is Authority who must progressively ensure efficient, affordable, economical, and sustainable access to water services. The Act further states that no person may operate as water services provider without the approval of the Water Services Authority (Water Services Act.1997: 8-18).

The Functions of Water Services Authority

The Water Services Act enumerates the following functions of the Water Services Authority:

- ◆ Section 11 (1) the duty to all consumers and potential to progressively ensure efficient, affordable, economical and sustainable access to water services;
- ◆ Section 12 , 15 and 18 the duty to prepare, adopt and report on the implementation of Water Services Development Plans;
- ◆ Section 19 Contracting and enter into joint ventures with Water Services Providers, including monitoring and evaluation as well as support to Water Supply Provider's;
- ◆ Section 21 Making bylaws containing conditions for the provision of water services;

- ◆ Section 10 and 21 (d) Determining the structure of tariffs considering equity;
- ◆ Extend the appointment of Water Services Providers (S22) to include Support Services Agents, Water Services Intermediaries (S24) and Sanitation Promotion Agents (not in the Act);
- ◆ Section 65 May apply to the Minister of financial assistance (Also National Water Act S61).
- ◆ Section 62 Reporting to Provincial and National spheres at regular intervals on the status of water services provision (DWAF: Water Services Act:1998:9);
- ◆ Furthermore, council has the following responsibilities that relate to its duties as Water Services Act: Deciding on subsidisation and the application of its equitable share of national revenue to provide basic water services to the poor;
- ◆ Representation on the Catchment Management Board relevant to its area of jurisdiction (National Water Act Section 81 (2) when these are established (RSA: National Water Act. 1998:90).

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WATER SERVICES AUTHORITY STANDING COMMITTEE

It is proposed that Kei District establish a distinct Water Services Authority institution within Council as a standing committee in terms of Section 32 and Section 79 of the Municipal Structural Act. An important element in the establishment of the Water Services Authority Standing Committee (WSASC) function involves an environmental scan or an analysis of the 'sector' within which it will operate. The Kei District Council should have a vision to predict its ongoing and future water services needs and develop

strategies on how these needs are going to be met. The formation of the Water Services Authority Standing Committee (WSASC) needs to have the following performance components addressed:

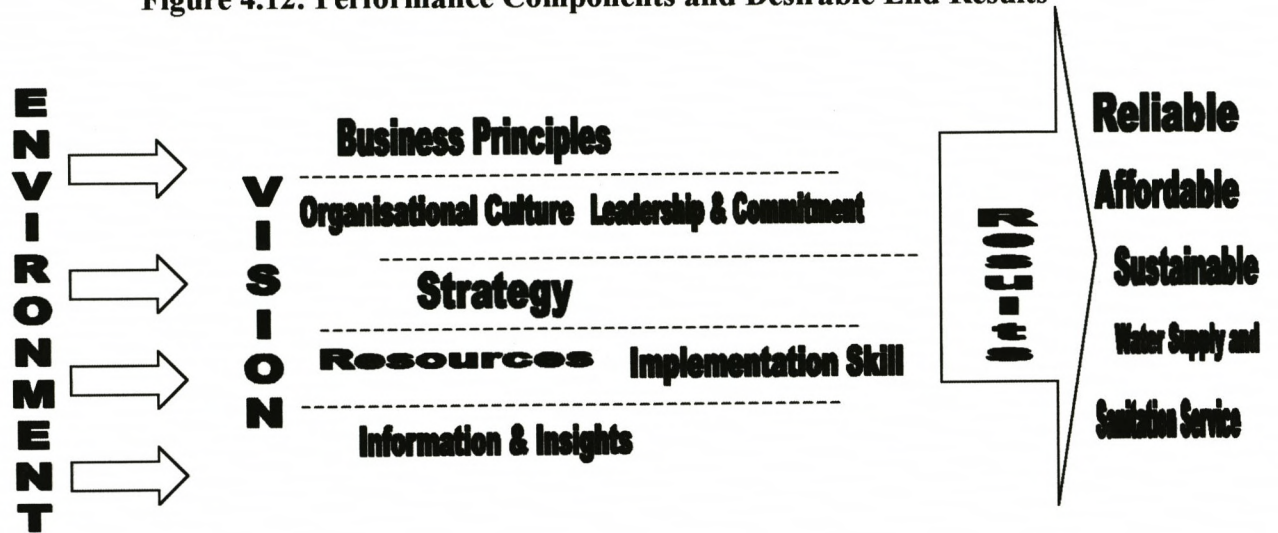
- **Organisational culture.** The WSASC culture will inform staff and clients as to what is possible and what is not; what behaviour is acceptable under various circumstances; and how to cope with a range of challenges.
- **Resources. Resources.** Resources fall into two categories: assets (finance, plant and equipment, experience) and capabilities (skills, systems). The WSASC will require a short to medium term plan (with required budget allocation) to get what resources they need to perform their tasks.
- **Business principles.** The WSASC should be developed and run along business principles with clear identifiable service performance areas.
- **Strategy.** There should be water services strategy from which the WSASC should operate. The different concepts and models should inform the strategy is key and the Kei District Council WSASC should create one.
- **Information and insights.** The WSASC should be 'information rich' – In terms of project information (good reporting structures and formats) and the staff being well informed. The WSASC should actively encourage creative thinking and develop fresh points of view, as its establishment is a new concept within the KDC structures.
- **Leadership and Commitment.** Good leadership will drive the WSASC to succeed. Leadership and commitment will make many things become possible and is a powerful driving force.

➤ **Implementation skill.** There must be an effective, determined, spirited implementation of tasks by the WSASC (RSA ,Municipal Structural Act, 1998:54)

There are five broad formation phases that need to be addressed in the developing of Water Services Authority Standing Committee (WSASC):

- ◆ Goal and vision setting: decisions made on the vision, goals and objectives of the WSASC, based on Kei District Council strategies (must be done with co – operation Of all Councillors).
- ◆ Research: an environmental scan and an analysis of the water sector in the district. A Resource plan will be based on the tasks, roles and responsibilities
- ◆ Preparation: The resource plan structured, developed and put into place. The organisational systems must be prepared for implementation;
- ◆ Implementation of activities: The performing of tasks identified (training and staff development included);
- ◆ Continuity: the functioning and performance of the WSASC regularly monitored and evaluated (Mvula Trust: 2000: 31).

Figure 4.12: Performance Components and Desirable End Results



Water Services Authority Standing Committee Structure and Functions

It is proposed that a Water Services Authority Standing Committee is established in terms of Section 79 of the Municipal Structures Act and that all the relevant duties and responsibilities of WSA are delegated to this committee (section 32).

Composition:

- ◆ 3 or 5 councillors
- ◆ CEO
- ◆ Director of Water Services

Responsibilities:

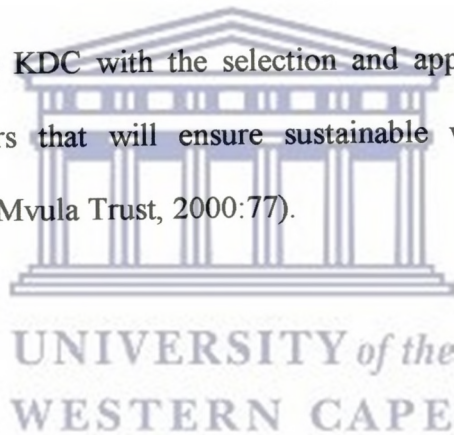
- ◆ Represents Council's political, constitutional and other statutory duties and functions in all aspects of water services delivery;
- ◆ It will perform Council's "delegating Authority" role and delegate functions to its functionaries and other institutions that it may appoint to perform water services delivery and sanitation that it may appoint to perform water services delivery and sanitation functions (RSA, LG: Municipal Structures Act, 1998: 34-54).

WATER SERVICES CO-ORDINATING COMMITTEE

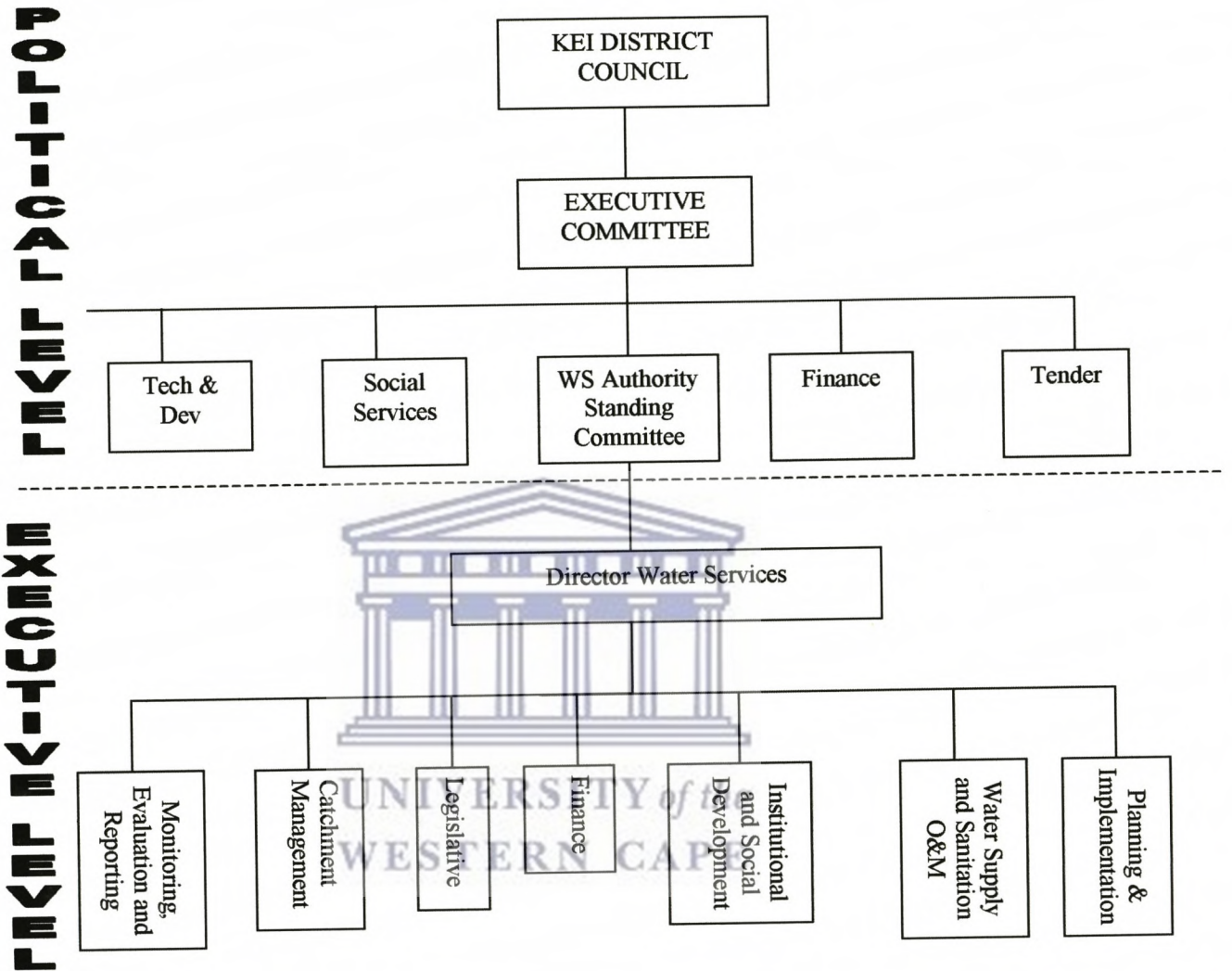
It is proposed that Kei District Council established water Services Co-ordinating Committee to discuss water services and transfer issues and pass a resolution within three (3) months of the official adoption of this report. Giving official status to the Co – ordinating Committee, consisting of Department of Water Affairs and Forestry (DWAF) senior officials and the Kei District Council Executive Committee members (or other nominated officials), with the following terms of reference:

- ◆ negotiate and institute a Transfer Process Agreement between DWAF and Kei District Council;
- ◆ Identify and prioritise the Kei District Council's Water Services Authority development needs ;
- ◆ Explore avenues of funding to finance water services provision with general reference to the following particular:
 - DWAF – Operate Train and Transfer (OTT) programmes;
 - DWAF – Refurbish Operate Transfer(ROT) programmes;

- An Agency Agreement whereby Kei District Council perform certain water services functions on behalf of DWAF in certain selected water schemes, while the transfer process is in process;
- Kei District Council allocations of “ Equitable Share” and other Municipal basic services transfer("S ") and Municipal Institution Transfer (“I”) grants for the provision of water services;
- Assistance to the Kei District Council (KDC) to approach the Municipal infrastructure Investment Unit (MIU) to assist with the sourcing of additional loan finance;
- Provide assistance to the KDC with the selection and appointment of appropriate Water Services Providers that will ensure sustainable water services that are affordable to consumers (Mvula Trust, 2000:77).



Figure, 4.13: Proposed Organogram Water Services Authority Function for KDC



The Figure 4,13: above is a proposed organisational structure for a Water Services Authority Standing committee within the Kei District Council. In order to meet Council’s statutory and developmental mandate, it is important that all the functions listed above are incorporated in the Water Services Authority Standing Committee’s terms of reference. The staffing of the WSASC will be determined by Council’s budgetary parameters, and caution must be taken not to compromise the effective operations of the

WSASC by under staffing. Staffing appointments may have to be made incrementally over a predetermined time frame (Mvula Trust, 2000: 39-40).

Directorate Water Services; Terms of Reference

1. Planning and Implementation

- ◆ Co – ordinate planning activities of Water Service Provider's ;
- ◆ Drafting of Water Services Development Plans;
- ◆ Synthesise WSDP with Council's Integrated Development Plan;
- ◆ Sourcing of funding (Consolidated Municipal Infrastructure Programme (CMIP), "S" grants, Municipal Infrastructure Investment Unit (MIIU) and other);
- ◆ Prioritise project implementation, and develop "Demand Responsive Approach" policy;
- ◆ Supervise and monitor project implementation Built Operate Train and Transfer and all other projects to be implemented in future (RSA: Local Government Act, 1998:54).

2. Water Services Operations and Maintenance and Sanitation

- ◆ Contracting of bulk water supply service providers;
- ◆ Contracting of community Water Service Providers, water Services Intermediaries, Support Services Agents (SSA) and Sanitation Promotion Agents (SPA);
- ◆ Monitoring of, and liaison with Water Service Provider's, Water Services Intermediaries (WSI's), Support Services Agents 's and Sanitation Promotion

Agents;

- ◆ Enforcement of bylaws (Mvula Trust, 2000: 3).

3. Institutional and Social Development

- ◆ Liaison with all water services institutions;
- ◆ Develop customer / community relations policy;
- ◆ Develop policy on subsidisation of services to indigent households (Indigents policy);
- ◆ Develop cost recovery policy and enforcement in the event of non – compliance;
- ◆ Ensure consumer / community water services development needs are incorporated in Council's WSDP processes;
- ◆ Supervise and monitor service providers in the implementation of council's policies in the matters listed above;
- ◆ Ensure Council's adherence to a developmental approach to water services provision and sanitation, and give prominence to demand responsiveness when decisions are made on the implementation of new services.



4. Finance

- ◆ Budgeting;
- ◆ Financial management and supervision;
- ◆ Sourcing of funding from public and private institutions;
- ◆ Develop and supply procurement policies.

5. Legislative

- ◆ Develop water services bylaws;

- ◆ Ensure linkages of water and sanitation legislation with basic (minimum) health standards;
- ◆ Enforcement of water services bylaws;

6. Catchment management, conservation and environment

- ◆ Represent council's interest in Catchment Management Agencies when these become operational;
- ◆ Dealing with water and sanitation related environmental and conservation issues.

7. Monitoring, evaluation, reporting and mentoring

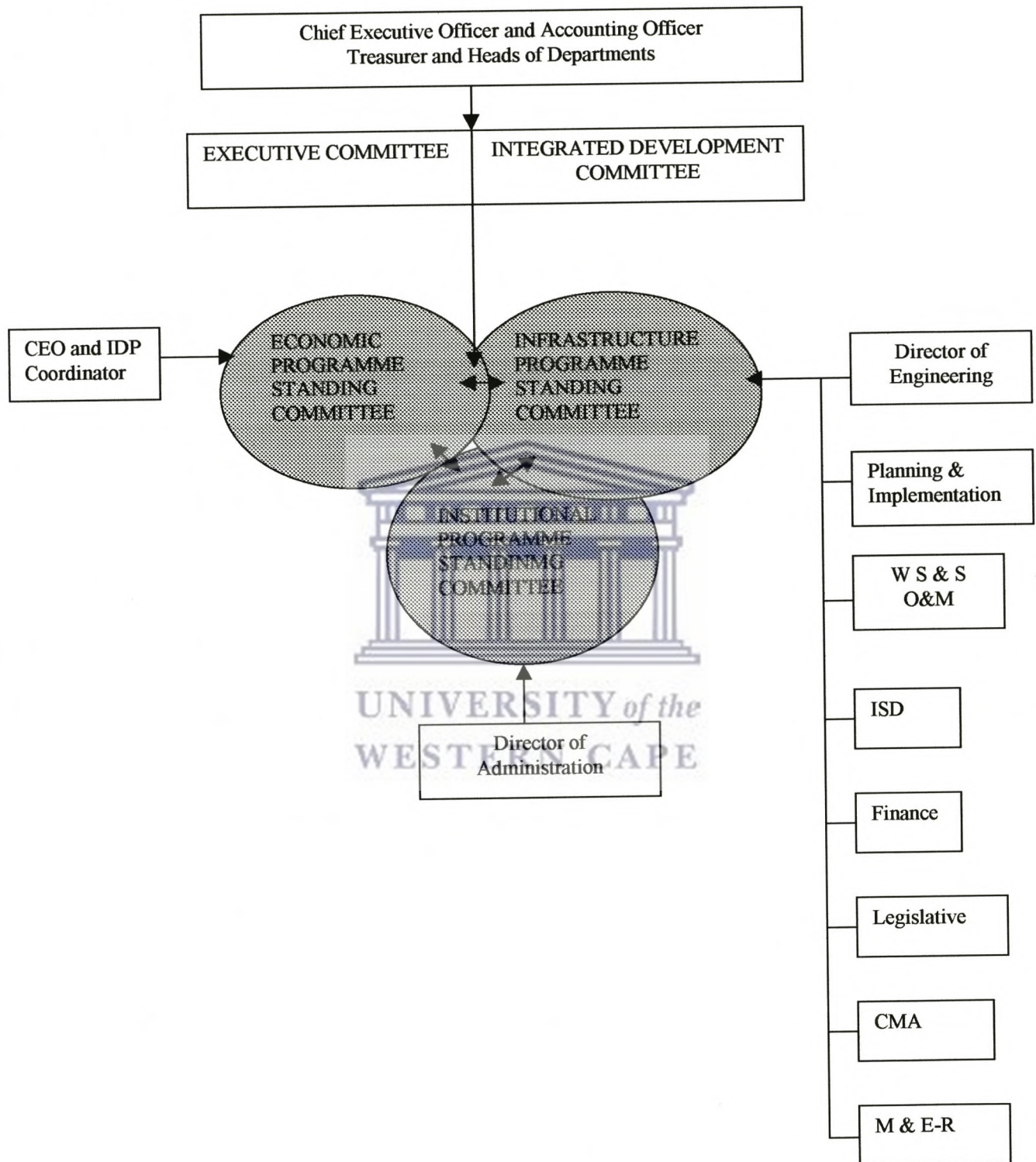
- ◆ Ongoing monitoring of all Water Services Authority functions within Council;
- ◆ Regular and periodic evaluations of all ESA functions, including follow up on remedial actions where these may be required;
- ◆ Learning and improvement of water services delivery;
- ◆ Reporting to constituents, provincial and national spheres on the status of water service delivery in Council's area of jurisdiction (Mvula Trust, 2000: 38).

ADMINISTRATIVE STRUCTURE

In order to support the Integrated Development Process it is recommended that the executive and administrative component would also be aligned with the Institutional Development Programme. The present Director of Administration would administer the Institutional Development Programme. The director of Engineering would administer the infrastructure Development Programme. And the chief Executive Officer (CEO) would administer the Economic Development Programme. In order to provide capacity to the CEO, an IDP Co-ordinator would be appointed within the CEO's department to manage the activities of the Integrated Development Committee, acquire funding and facilitate Economic Development Projects. A further appointment would be required under the CEO for an Information Officer to manage the communications plan (KDC, IDP, and 2000: 32).



Figure 4.14: Institutional Structure Kei District Council: Administration



CHAPTER FIVE**DEPARTMENT OF WATER AFFAIRS AND FORESTRY 'S SUPPORT TO KEI DISTRICT COUNCIL****The Changing Role of the Department**

Responsibility for water supply is a new function; the role of Department was restricted to that of Water resource management in the country. Water Supply was solely the responsibility of Local governments. The Department was responsible for the establishment of water Boards but, once established, Water Boards generally function as autonomous bodies within their areas of supply. The Central Department had no jurisdiction in the previous homelands where most of the service backlogs developed over the years. After the elections in 1994 all of the functions of the previous Transkei government relating to water were transferred to DWAF at National Level. Through an amendment to Water Act, the department was mandated to engage in Water Supply issues for the first time. As this was a new function, a new section called Community Water Supply and Sanitation (CWSS) was established within the Department. Initially there were few resources available for this new function, but the branch has been developed over the past five years through recruitment of new staff and through the transfer of personnel from different sections in the Department to the CWSS branch. With Water Supply and Sanitation highly being designated as a Local government function in the Constitution, DWAF had to work out its role in the sector. After much

consideration and Consultation, the Consensus is that the role of the Department should be one of support for Local government through a number of avenues as described below (DWAF, BP, 1997:4).

Water Services Institutional Support and Capacity Support for Kei District Council

According to the Constitution of Republic of South Africa (Act 108 of 1996) it is the responsibility of local government to provide basic and effective water services to all consumers in its area of jurisdiction. The Water Services Act (Act 108 of 1997) further supports this concept and establishes the institutional framework for service delivery and an enabling environment for development of the sector. In the spirit of co-operative governance the Department of Water Affairs and Forestry is obliged to provide support to local government around issues of water services provision but this support needs to be located within the legislative laid out in local government legislation.



Since 1994, The Department of Water Affairs and Forestry (DWAF) has been involved in water services –related capacity building at the community and local government level. The capacity building has evolved in response to shifts in the legislative and policy environment, and to priorities around the delivery of water services. Prior to the Water Services Act (the emphasis was to provide support to infrastructure delivery within the context of the Reconstruction and Development Programme. Since the promulgation of Water Services Act the emphasis has shifted to the development of water services institutions and increasingly the emphasis and focus is building the management and

governance capacity of Water Services Authority (WSA). (DWAF, Capacity Support to Municipal, 2000:7).

THE NATURE OF CAPACITY SUPPORT TO KEI DISTRICT COUNCIL

The nature of capacity support to Kei District Council is such that it requires intensive initial support to ensure that it is able to fulfil its municipal service functions, including those outlined in the Water Services Act. This requirement for intensive initial support is due of the following:

- ◆ Kei District Council was previously not responsible for water services. It require support to set up structures and systems for managing and monitoring water services, and it needs to develop water services expertise;
- ◆ The transitional local government process places an enormous challenge on Kei District Council to gear up for its role as developmental local government;
- ◆ The Water Services Act has introduced new requirement and clarified the water services authority functions that municipalities are required to fulfil.

These challenges require a programme that can support the initial establishment and development of institutional capacity as well as processes to develop policy and regulatory frameworks. This type of support will require additional personnel, specialist inputs, institutional building and organisational development processes and range of planning and decision –making processes. In terms of the requirements outlined in the Water Services Act these requirements include the following:

- ◆ Established water services authority capacity;
- ◆ Developing water services policy and bylaws;
- ◆ Developing water services development plans;
- ◆ Establishing effective water services provider capacity or entering into water services provider contracts (DWAF, Capacity Support to Municipalities, 2000:2-3).

Purpose of Department of Water Affairs and Forestry Support to Kei District Council

The purpose of Department of Water Affairs and Forestry interventions is to provide capacity support to Kei District Council (KDC) in its water service authority function, which is complimented by national and regional co-ordination and policy and strategies, inputs, such that water services are able to effectively fulfil their governance and management functions. The objectives is that:

- Kei District Council, is able to effectively fulfil its water services authority functions:
 - ◆ Kei District Council have developed ‘water services capacity’ within its overall municipal governance and management structures and systems;
 - ◆ Kei District Council will have access to water services capacity support for each of the following functions: policy formulation, planning, planning, regulatory, and ensuring the provisions of services;
 - ◆ Kei District Council develop an overall strategy and business plan towards building its water services authority capacity and towards fulfilling the associated deliverables

- Interventions to enhance Kei District Council capacity are effectively aligned and co-ordinated at national , provincial and district level;
- Institutional development and capacity building policies , strategies, models and approaches for the effective governance and management of water services are developed at national level which have drawn on provincial and local inputs and experience;
- The Department of Water Affairs and Forestry and the Department of Provincial and local government will have a better understanding of challenges and support required by Kei District Council to effectively fulfil its municipal service functions (DWAf, WSID-Capacity Building to Municipalities: 2000:3).



**DEPARTMENT OF WATER AFFAIRS AND FORESTRY –KEI DISTRICT
COUNCIL’S SUPPORT INITIATIVES**

This section provides an overview of Department of Water Affairs and Forestry (DWAf) led support initiatives in working with Kei District Council (KDC), flowing from both the water services and the water resource management components. Following the summary table, selected programmes are described in more detail:

Table 5.1 Summary of Selected examples of Projects and Programmes

Support Project or Programmes	Elements of the Programme
Rural Water Services Infrastructure Programme	Funds for rural water services development; consultation processes; the establishment of provincial and area planning forums; first order planning strategy and project prioritisation process; institutional and social development package; Build, Operate, Train and Transfer (BoTT) Programmes.
Institutional Arrangements Programme	Institutional framework for regional water supply management; framework for establishing Water Services Providers in rural areas; guidelines for District Councils on the provision of water services; information workshops; the Implementing Sustainable Water Services Institutions (ISWIP) project; model contracts, by laws and constitutions; funding for pilot projects.
Water Services Transfer Programme	Funds for operation, train and transfer; transfer forums and task team; transfer pack; consultation process.
Environmental Sanitation Programme	NaSCO and National Sanitation Task Team; Provincial Planning Forums; Provincial Sanitation Forums; Funds; funds for training programmes; local government Participatory Health and Sanitation Transformation (PHAST); Provincial sanitation co-ordinators; pilot projects.
Local Authorities and Water	Development of water conservation/demand

Services Institutions Programmes (Water Conservation and Demand Management)	management database; resource materials and tools, training of local government staff; monitoring and evaluation of Water Services Development Plans; twinning with other African cities; promotion of water conservation and demand management plans at local government level; pilot projects; liaison with provincial departments of local government.
Water Quality Effects of Settlements Project	National strategy for the management of water quality in settlements; guidelines for management; problem identification methodologies; training of DWAF regional water quality staff and nine settlements test.
Roles and Interrelations Project	Guidelines for interaction between Catchment Management Agencies and other institutions active in the water sector.

(Source: DWAF, BP, 2000/20001:12)

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SELECTED EXAMPLES OF PROGRAMMES SUPPORT TO KEI DISTRICT COUNCILS

IMPLEMENTING OF SUSTAINABILITY OF WATER SERVICES INSTITUTIONS PROGRAMME (ISWIP)

- ◆ The Implementing of Sustainable Water Institutions Programme (ISWIP) was initiated by DWAF in 1999 as a pilot programme aimed at quantifying the appropriate costs and resources required building water services institutions. This

programme is based on the principle that it is the constitutional responsibility of local government to provide basic and effective water services to all consumers in its area of jurisdiction and the Department has a responsibility to play a supportive and facilitative role. The Kei District Council area was selected as one of the local authorities focus area for the pilot project for ISWIP in the Eastern Cape Province. At local authority level the intended approach is to assist Kei District Council with:

- ◆ Capacity building (systems, resources and management capacity) relating to each of the key Water Services Authority functions;
- Developing water services policy and by-laws and setting up and regulatory arrangements (including monitoring and reporting);
- Developing Water Service Development Plans;
- Establishing effective water services provider capacity or entering into water services contracts;
- Transfer of water services works in the district council area (DWAF, ISWIP, and 2000:4).

WATER SERVICES DEVELOPMENT PLANS (WSDPS)

The Department is currently providing support to Water Services Authorities in terms of their water development plans. Kei District Council is one of them. This support includes:

- ◆ Guides and tools towards developing water services development plans;
- ◆ Consulting support;

- ◆ Information and induction support;
- ◆ Strategies towards linking Water Services Development Plans (WSDPs) to Integrated Development Planning (IDP) process. The Department has allocated R7million in the 2000/2001 financial year, being approximately R800 000 per province per year. Kei District Council receives R300 000 of this amount (DWAF, WSIDCSM, and 2000:5).

MULTI ANNUAL ACTION PLAN (MAAP)

A J Wilson and Associates International undertook the development of the Multi Annual Action Plan (MAAP) for Water Services in the Eastern Cape. It was sponsored by the European Commission and developed on behalf of the Department of Water Affairs and Forestry (DWAF) in close co-operation with the Department of Local Government and housing. It is in fact a master plan for the water services sector for the next three years and beyond. It outlines where water resources will be allocated over the next three years and is driven by a strong strategic imperative. In addition, the process followed in developing this MAAP has placed a very strong emphasis on participation and involvement of local government institutions. In this regard, a new approach has been adopted which is starting to move towards defining a new paradigm for water services in the region. This is characterised by a co-operative and participatory approach to developing water services strategy and determining where resources will be allocated in future. At the same time, it is fostering a process whereby activities currently carried out by DWAF will be transferred to local government institutions. As part of this initiative, a strategic plan for water service was also produced. In this strategic plan, the area of

institutional support for local government was recognised as being the most strategic issues of all interventions identified (DWAF, MAAP, and 2000:3).

Key issues to be addressed by MAAP in the Kei District Council

Some of the key issues that would need to be addressed would be as follows:

- ◆ What is the most appropriate institutional model to achieve the Kei District Council (KDC) 's objectives in the water sector?
- ◆ What are the modest effective roles of the key stakeholders that will optimise on overall performance and delivery?
- ◆ How can the Kei District Council most effectively structure and resource itself to respond to the new water sector paradigm?
- ◆ What will the Kei District Council insource and what will it outsource?
- ◆ How can the vexing issue of operational sustainability best be tackled?
- ◆ How can the skills and resource of the private sector be leveraged to best effect?
- ◆ How can the role of communities be best most effectively leveraged to the benefit of all parties?
- ◆ What are the impacts and mitigating measures required as a result of the current demarcation process? (DWAF, MAAP, 2000:6).

Focus Areas of activities in the Multi Annual Action Plan (MAAP) will be influenced by the MAAP strategic plan. Seven high level goals were developed as follows:

- ◆ Improve institutional capacity and support;
- ◆ Reduce water supply backlog in a sustainable manner;

- ◆ Address problems with operation and management of schemes and overall sustainability;
- ◆ Reduce sanitation backlog;
- ◆ Foster an integrated inter-sectoral approach;
- ◆ Secure finances for MAAP;
- ◆ Apply appropriate cross-cutting strategies or themes to improve overall effectiveness of the program (DWAF, MAAP, 2000:11-13).

These were supported by 32 high level strategies. A prioritisation process was carried out to assist with focusing efforts and using scarce resources to their optimum. This resulted in the following working group being established:

- ◆ Institutional support to District Councils ;
- ◆ Transfer of functions to District Councils;
- ◆ Planning and implementation;
- ◆ `Operation and Maintenance issues (DWAF, IWSMF, 2000:3).

WATER TRANSFER PROGRAMME

The mission of the Department of Water Affairs and forestry (DWAF) is to ensure that all the citizens of South Africa have access to at least basic water and sanitation services. This does not imply that the provision of these services should be the direct responsibility of the Department, but rather that the Department should enable and support local government authorities to provide local services. With the re-incorporation of the Transkei administration into South Africa in 1994, existing water supply and sewage infrastructure in this area was transferred to the Department of Water Affairs and

Forestry. Since no local government structures were in place at the time, the Department by default became directly responsible for the execution of the day to day activities to operate and maintain these water schemes. At the same time the Government recognised the lack of development in this area and introduced the Reconstruction and Development Programme (RDP) to address the development backlog. Funds are made available to the Department to plan and construct new water schemes for basic levels of service especially in rural areas. One of the main conditions to construct a new water scheme is the acceptance and willingness of the beneficiaries to operate and maintain the completed scheme. Constitutionally local government is designated to provide local services to persons residing within its area of jurisdiction. This includes the responsibility to recover costs of fund these functions (DWAF, Policy of GWSW, 1999:2).

It is expected from beneficiary communities that they will contribute to the cost of their water and sanitation services and that these contributions should at least cover the operation, fuelling, maintenance and replacement cost at a basic level of supply. For higher levels of service, the recovery of capital cost may also be required. To enable local government to fulfil its constitutional obligation, it is the Department's policy to transfer water supply infrastructure to them if it is appropriate in terms of their capacity. Where necessary and appropriate, regional bulk water supply wastewater infrastructure will be transferred to second tier organisations such as Water Boards. If no such organisation exists, the Department will for the interim operate the regional bulk schemes under its Trading Account and provides local government with bulk supply (DWAF, Policy Transfer, 1999: 1).

Transferring the Responsibilities for Water Service from DWAF to Water Services Providers

DWAF took the decision to provide water services to rural communities as an intervention strategy for a period of 5-10 years. Interventions were aimed at accelerating the delivery process to communities who had no access to basic water services. The Department has indicated its unwillingness to continue to provide the service indefinitely. As provided for by the constitution, local government, which is represented by local District Councils, should take over schemes. This entails the following:

- ◆ District Councils taking ownership of all the water infrastructure implemented under the project;
- ◆ District Council acting as Water Services Authority;
- ◆ District Councils operating and maintaining the systems within their areas of jurisdiction, or delegating the responsibility to institutions which have the capacity to do so;
- ◆ District Councils funding all water supply functions within their areas of jurisdiction, and
- ◆ District Councils providing oversight of service providers they may appoint (DWAF, Policy on Transfer of GWS, 1999: 6).

Transfer of Schemes

Local government is the provider of services at local level. Therefore, schemes currently operated by the Department in rural areas must be transferred to local government as soon as possible, and in a responsible fashion. To avoid transferring unsustainable burdens careful planning and support will be needed. Part of the support, which the Department will provide, includes assistance to the refurbishment of infrastructure, and the establishment of appropriate frameworks. Progress made in the process to create a framework for transfer of schemes includes:

- ◆ A policy for the Transfer of Government Water Services Works has been developed;
 - ◆ A policy on Transfer of Personnel from the Department of Water Affairs and Forestry to other institutions/ organisations has been approved by the Department Bargaining Council ;
 - ◆ Approval has been given by the Minister of Finance that the Minister of Water Affairs and Forestry can approve the transfer of water services works valued up to R100million. For higher amounts transfers must be approved by the Parliament;
 - ◆ An inter- departmental committee consisting of the Department of Water Affairs and Forestry, Provincial and local government, and Finance is meeting regularly to integrate government policy and oversee the process;
 - ◆ A departmental Steering Committee to co-ordinate the transfer process;
- Various schemes and works are already in the process of transfer, with a few already transferred (DWAF, EC, Transfer Strategy, 1999:6).

Challenges in the Process

The Department has published a draft document titled "policy for the Transfer of Government Water Services Works". The objective of this document is to set the policy framework regarding the transfer of water supply schemes and other as well as personnel, to the appropriate institutions. The Department is currently busy at various levels in an attempt to speed up this process. As mentioned before, the following issues are however obstacles in the way of the transfer of water services:

- ◆ The impact of the current local government re-demarcation process;
- ◆ The sustainability of the services to be transferred;
- ◆ The capacity of the institution to whom the assets are to be transferred;
- ◆ Defining the mechanism by which the operational subsidies will be handled between the Departments of Water Affairs, Provincial and local Government, and Finance;
- ◆ Capacity problems within local government- this is a severe constraint;
- ◆ Capacity problems with the Department to handle the process;
- ◆ Some local government's unwillingness to accept schemes and /or staff;
- ◆ Transfer of staff is a very sensitive issue, and guidelines on how to handle all the various aspects are a major challenge still to be addressed;
- ◆ Funds for upgrading of works to an appropriate operational state must be made available, and the "appropriate operational state" must be defined;
- ◆ Defining what will be transferred -many of works do not have any records or as built drawings;

- ◆ Cost recovery on most of the schemes is very low, making the transfer a very low, making the transfer a very unattractive proposition to local government;
Land issue -ownership, servitudes, permission to occupy must be clarified (DWAF, EC, Transfer Policy, 1999:15).

An additional problem is that in terms of the Municipal Structures Act, 1998, the Municipal Demarcation Board has to determine which local authority can become a Water Service Authority. This process has not been completed and it implies that certain authority expected to obtain Water Services Authority status may not achieve this. This obviously means that transfer of services to any doubtful potential Water Services cannot proceed. In spite of the highlighted problems the Department is currently following a proactive approach in speeding up of the transfer process. Transfer task teams have been formed with all six of the Districts Councils in the Eastern Cape. The Department has proactively tackled the issue of capacity building, especially in the Kei District Council. The challenges of transfer of water services infrastructure to Kei District Council are discussed in detail below (DWAF, EC, P, and 1999:17).

Water Services Transfer from Department of Water Affairs and Forestry to Kei District Council

The Kei District Council is the Water Services Authority having jurisdiction, and consequently has the constitutional responsibility to ensure access to water services to all people within its area. Presently Department of Water Affairs and Forestry (DWAF) is responsible for all government waterworks to take and is the de facto Water Services Provider for the reasons stated in Chapter. It is government policy that DWAF facilitates a process of transferring water services delivery functions to the Kei District Council. This requires of DWAF to transfer all government waterworks under its management to the Kei District Council in terms of Section 73-(1) (a) of the Water Services Act (also Section 115 of the National Water Act).

- ◆ Creating the conditions and an enabling environment for Kei District Council to take transfer ;
- ◆ Programmed transfer by way of an Action Plan for transfer;
- ◆ The enhancement of Kei District Council's capacity as Water Services Authority ;
- ◆ Establishing sustainable water services and institutional arrangements in existing water schemes, as well as contracts between the Kei District Council and the latter's choice of Water Services Providers, through the Operate Train Transfer (OTT) and Refurbish Operate Transfer (ROT) programmes;
- ◆ It is accepted that the transfer of water services responsibilities and functions from DWAF to the Kei District Council is complex and it will require long-term commitment from both parties to ensure its eventual success. Other than suggesting a

timeframe for the initial formal establishment of the proposed Water Services Authority standing Committee, and the signing of the Transfer Process Agreement. The study have not offered timeframes for all the aspects of the transfer process as the author believe that they need to be the subject of negotiation and mutual agreement among DWAF, Kei District Council and the various community, consumer, user and worker stakeholders. The study do however strongly suggest that due to the complex emotional nature of personnel transfer, that this matter be given priority attention and that due process be followed (RSA, National Water Act, 1998).

Transfer Process



The department is seeking to meet three objectives in the process of transfer:

- ◆ Ensuring effective efficient, equitable and sustainable water Services provision associated with the adoption of customer service principles and the introduction of a new structure for the Water Services Act;
- ◆ Enabling Kei District Council to take up their constitutional mandates in the provision of Water Services, through transferring ownership to them when this is appropriate in terms of their capacity to ensure the deliver of acceptable services;
- ◆ Reduce the substantial operation and maintenance cost on the Department's trading account (DWAF, EC Transfer Strategy Status Quo: 1999:13).

To give effect to these objectives the Department has formulated a draft policy on the transfer of government Water Services Works. This policy is premised on the

understanding that if transfer is to be sustainable then it must be seen a process that builds the capacity of recipient authorities to undertake these functions. In this sense “transfer” refers to the long- term arrangements for the establishment of competent Water Service institutions in existing scheme areas. The ultimate objective of a transfer policy is therefore, the creation of local management Water Service Authority (WSA) and operational Water Service Provider (WSP) capacity to ensure the sustainability of these schemes. Thus, a successful transfer programme is, by definition, a slow and consultative process that seeks to build Local capacity to ensure sustainable Water Services provision. If the process is forced to be fast tracked, the Department will probably inherit most of the schemes back in a few years time when services provision will fail due to a lack of capacity and funding (DWAF, BP, 1999/2000: 18-19).

Transfer Process Agreement or Memorandum of Understanding

It is important that agreement is reached between Kei District Council (KDC) and Department of Water and Forestry (DWAF) on how the transfer process will evolve setting out the ground rules, and binding both parties to the transfer process. (This agreement is variously referred to as “Water Services Transfer Partnership Agreement”, “Transfer Process Agreement”, or “Transfer Memorandum of Understanding” (MOU). This agreement is to be reached and assigned within three (3) months from the date that the KDC has passed a resolution giving formal status to the DWAF –KDC water Services Co-ordinating Committee. Essentially this agreement should provide for the following:

- The principles, processes, intentions and timeframes necessary for producing the Transfer Action Plan;
- ◆ The establishment of a Transfer Co – ordinating Committee that will be responsible for -Developing the Transfer Action Plan;
- ◆ Facilitating the implementation of the Transfer Action Plan, including the signing of transfer agreements and reporting to principals;
- ◆ Identify the projects and scope of the schemes that will be the subjects of transfer;
- ◆ Location and population served;
- ◆ Water source and infrastructure;
- ◆ Resources required for rehabilitation (where required), and O&M costs after transfer;
- ◆ Sharing of necessary information;
- Proposed funding arrangements including cost recovery strategies, conditional state grants (“S” & “T” grants), and “Equitable Share” allocations. There should be a clear indication of the respective parties’ financial commitment;
- Assistance and support DWAF is able to provide;
- ◆ Water Service Development Plans;
- ◆ Kei District Council capacity needs;
- ◆ Bylaws;
- ◆ Cost recovery strategies;
- ◆ Operation and Maintenance;
- ◆ Refurbishment;
- ◆ Institutional arrangements;
- ◆ Water Service Provide agreements;

- Personnel secondment from Department of Water and Affairs and Forestry to KDC, as well as staff appointments by Kei District Council;
- Personnel training requirements;
- Conflict resolution procedures;
- Commencement date and duration of the transfer process (Mvula Trust 2000:78,79).

Situational Assessment and Operational Status

Based on the findings from the First Order Strategy (FOS) sampling process, this section is intended to give broad recommendations towards creating an enabling environment for transfer of schemes from DWAF to District council. RDP – level Schemes (Stand – alone and Small Group Schemes).

RDP –Level Schemes:

- ◆ The community – based water committees that have been formed and developed over a period of years enjoy a broad level of support from within their communities, from their communities, from their relevant tribal authorities, and generally from TRC Councils. Water committees have shown a high level of dedication to their water schemes, and where daily operation and maintenance of schemes has occurred, they are the only structures to have played an active role. Water committees have largely been operating as de facto water services providers at RDP – level schemes. It is recommended that these community – based structures are the most suitable and appropriate to be formally developed as future water services providers;

- ◆ A full audit of each project / scheme needs to be conducted with reference to aspects such as institutional, technical, financial and customer satisfaction. Those projects that are not functional, or are not only partly functional must be revisited and put into working order through programmes such as DWAF's Operate Train and Transfer (OTT) and Refurbish Operate Transfer (ROT) as well as Kei District Council funded programmes;
- ◆ In order to develop water committees as water services providers, many of the schemes will need to be re – visited particularly the older ones where up – to – date training guidelines did not apply. Both technical, but particularly management, Operation and Maintenance training must include the setting up of management, administrative, financial and technical systems for operation and maintenance;
- ◆ Resulting from the revisiting and auditing process, Water Services Business Plans should be developed for each scheme (or group of schemes, to secure funding for rehabilitation and the long term sustainability of the water schemes; A mentorship programme must be instituted to ensure that the community management system developed as part of training are then put into place and are functional;
- ◆ Once schemes are in working order (i.e. technical, management and institutional aspects), conception certificates should be signed by all relevant structures: KDC; water committee; DWAF, technical consultant; Institutional and Social Development (ISD) consultant and support service agent (where applicable). (The European Union (EU) is developing this completion certificate as part of the EU – DWAF programme). Project transfer will be based on the principles and conditions agreed upon in the Transfer Process Agreement; "

- ◆ Contractual agreements should be put in place between the designated water services provider and KDC. The appointment of Support Services agents should be considered where these are required. Programme Implementing Agents (PIA) are to provide all necessary reports and support documentation to the WSP (Village Water Committee), the Support Services Agent (SSA) and the Water Services (Mvula Trust, 2000:79).

Pre- 1994 Schemes:

Based on the sample of pre – 1994 projects visited, it would appear that approximately only 19% of schemes are fully functional supplying water as intended. Most schemes are completely not working (62%) and remaining are partially working with very flows and /or poor quality water. The Kei District Council and Department of Water Affairs and Forestry will need to work jointly on a strategy to progressively refurbish these dysfunctional schemes, including the establishment of appropriate institutional and cost recovery arrangements. The steps suggested above for the RDP – level schemes should be applied where relevant (Mvula, 2000:56).

Regional and Sub-Regional Schemes

The nature of these schemes are that they are technically more complex. They provide water services to relevant larger communities. The research report wants to caution against hasty and superficial decision making processes when decision on Water Services Provider choices is made. The study recommend that Kei District Council and

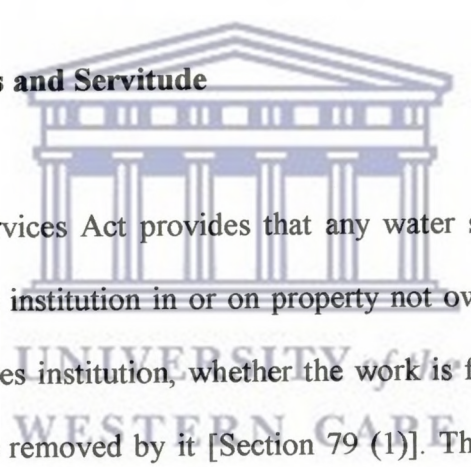
Department of Water Affairs and Forestry jointly approach the Department of Provincial and Local Government, with a view to obtain Municipal Infrastructural Investment Unit support for an in depth assessment of the WSP choices available to the Kei District Council. Considering criteria such as the long term sustainability of all the regional and sub – regional schemes: affordability to consumers and minimal subsidisation requirements; and meaningful local economic development (Mvula Trust, 2000:80-81).

Personnel Transfer

Department of Water Affairs and Forestry (DWAF) – Eastern Cape is presently engaged in a process of staff rationalisation as part of a national programme to engage efficient water services delivery at optimal costs. The Kei District Council (KDC) has expressed its concerns about the prospect of having to inherit a very large staff contingent as a result of the transfer of water services from DWAF. The KDC has expressed preference for the appointment of private sector consultant in order to keep their staffing to minimal levels. (This is particularly being considered for the large regional and sub – regional schemes). It is the study 's view that this route may bring an additional financial burden on consumers who feature among the poorest in the country. Furthermore, this may also bring about substantially higher levels of subsidisation of services. Consequent the study wish to caution against KDC's stated intention, and it is recommended that careful consideration of Water Services Provide options and in particular the study 's recommendation that the KDC approach the Municipal Infrastructure Investment Unit to assist with a feasibility study of private sector partnership options. Personnel transfer

from DWAF to the KDC is a very sensitive matter, and has to be dealt with, circumspection and great care, as it will have far reaching consequences for those individuals and their families, who are not likely to be employed under a new structure with the KDC. There are also the workers' concerns about the shift of being employed by the national sphere of government, to the local sphere of government, and their perception that this may result in decreased status and related benefits in areas such as job ratings, salary scales, employment and retirement benefits (DWAF, Transfer Policy: 1999: 12).

Ownership of Water Works and Servitude



Section 79 of the Water Services Act provides that any water services work placed in good faith by water services institution in or on property not owned by it. Remains the property of that water services institution, whether the work is fixed to any part of that property or not, and may be removed by it [Section 79 (1)]. This section also provides that the owner or occupier of such property may require the water services institution to restore any physical damage caused to the property by such removal. As far as may be reasonably possible and that such owner or occupier has no other claim against the water services institution (Section 79 (2)). Section 79 (3) provides that any water services institution may transfer its rights in respect of improvements on property not owned by it to another water services institution. Furthermore Section 115 (3) of National water Act provides that where a government water work is being disposed of or transferred to a water management institution, the Minister of Finance may direct that no transfer duty,

other tax or duty is payable. Water works transferred from Department of Water Affairs and Forestry to the Kei District Council is required to be registered in the name of the KDC in terms of the Deeds Registration Act 47 of 1937 (RSA, National Water Act; 1998: 11).



CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

OBJECTIVES OF THE STUDY RE-VISITED

The objectives of this study were (a) to review the constitutional, policy and legislative framework of water and sanitation in South Africa, (b) to examine the mission, vision, values, mandates and functions of the Department of Water Affairs and forestry, (c); the Kei District Council's service delivery in respect of water and sanitation as well as the nature of support it has received from the Department of Water Affairs and Forestry, and (d) to make policy recommendations.

MAIN FINDINGS

Constitutional, Policy and Legislative Framework

The research report has noted that the Constitution of Republic of South Africa, 1999, guarantees access to sufficient water to all South Africans. A key element of the Constitution is that it clarifies the functional responsibilities of each sphere of government. It was also found that the Constitution entrenches the rights developed in the Reconstruction and Development Programme and stresses the importance of linking priorities to resource allocation.

Policy and Legislative Framework

The findings of the research report has noted and captured that since 1994 to present, policy development has reflected the progression of emphasis from improving the quality of life through the provision of basic services to dual emphasis on equity and economic efficiency. Water services sector policies are classified into three broader areas. The national overarching policy, the specific water services policies and other government policies. There are discussed in detail as follows:

(1) National Overreaching Policy

The national overarching policy context within which water sector has been developed which are the following:

- ◆ RDP White paper 1994;
- ◆ DWAF White paper on Water and Sanitation Policy 1994;
- ◆ Growth , Employment and Restructuring (GEAR)Strategy;
- ◆ The Medium Term Expenditure Framework (MTEF).

(2) Specific Water Services Sector Policy

The research has also find that legislation process of promulgating the water laws has been an ongoing process during the first six years of new democratic elected government.

There are more than 40 policy documents of direct relevance to water and sanitation sector. But for the sake of this study the following Government Acts has been consulted:

- ◆ The Water Services Act
- ◆ National Water Act;
- ◆ National Environmental Management Act;
- ◆ Environmental Protection Act.

(3) Local Governments Legislations

The research report has found that the Legislations pertaining to local government, which had an impact on the Department's activities, have been consulted. Some of this legislation are as follows: (a) Green Paper on Local Government 1996; (b) Municipal Structural Act, (Act 117 of 1998); (c) Municipal Structural Act (Act 33 of 2000); (d) Municipal System Bill of 1999; (e) Municipal Demarcation Act (Act 27 of 1998); (f) Municipal System Act (Act 32 of 2000); (g) Division of Revenue Act (Act 16 of 2000); (h) Division of Revenue Bill of 2001; and (I) the Draft Local Government Financial Management Bill.

The Role of the Department of Water Affairs and Forestry

In order to put the sub topic in proper perspective with to regard to roles and responsibilities of Department of Water Affairs and Forestry the research has taken into cognisance the following aspect:

- ◆ Mission, Vision, Values, Mandate, Key functional areas and key objectives;
- ◆ The roles and responsibilities of the Department of Provincial and Local Government;
- ◆ Inter Departmental Collaboration
 - memorandum of understanding between Department of Water Affairs and Forestry and Department Provincial Local Government;
 - Collaboration between DWAF and South African Local Government Association (SALGA) - Local Government Information Dissemination Workshops;
- ◆ Relationships with Provincial Government;
 - Provincial Water Liaison Committee was formed;
 - programmes and Projects- CMIP-SDI;
 - Integrated Water Services Management Programme;
 - Planning and Launching of water projects;
 - Area Planning Forums- planning and selection of projects, planning and strategic Support,
 - Capacity Building and Training;
 - Provision of delivery mechanism option to Local Government
- ◆ Implementation of RDP Water Services ;and
- ◆ Financing of Sustainability Water Projects;

The research study has also noted that:

- ◆ there is generally a sufficient water source in the Kei District Council area with suitability for sustainable and group schemes;

- ◆ Expectation is mainly low, such that the basic level of service is generally acceptable. There is a generally unwillingness to pay for services and in most areas communities do not have sufficient income;
- ◆ Community capacity building is an urgent requirement to enable the sustainability of projects;
- ◆ A very needy population will require a programme in excess of 15 years at present funding levels, thus a faster programme of implementation is necessary to correct the situation;
- ◆ The Ventilation Improved Pit latrine (VIP) toilet will solve sanitation problems in all but a very few areas;
- ◆ That integrated planning across the Kei District Council; is the only effective way of developing and planning the Community Water Supply and Sanitation program. The establishment of forums has brought together the technical , social and economic needs together with other government agencies and NGOs to formulate solutions on the ground;
- ◆ This process would not have taken place without Department of Water Affairs and Forestry assuming the co-ordination and leadership in the provision of water services in the Kei District area.

The research report has also identified some gaps in as far as data collected is concerned.

Areas in which additional information required are as follows:

- ◆ The domestic water requirements calculated in this study have been based on the DWAF estimate that the population of the Eastern Cape Province is 10,4 million

people, but the recently published 1996 census results indicate a population of 5, 9 million. It is clearly important to obtain clarity on the true population and its distribution if planning of water supplies is to be effective;

- ◆ There is little information available on environmental requirements. It is important that these should be better determined because they have a very significant effect on the quantity of water available for other uses;
- ◆ There is little readily available information on actual groundwater use;
- ◆ There are no streamflow gauges on the middle and lower reaches of the Mzimvumbu River. As the river reaches are likely to be developed in the future, it is important that gauges be established on them without delay;
- ◆ Stream-flow data gathered from gauges in the former Transkei since 1970 is apparently not in a readily accessible form. This affects the reliability of steamflow data in the eastern part of the District ;
- ◆ Eskimo's plan for the future operation of Umtata Falls Hydro power plant is not known. It is important that these be established because the major parts of the yields of Nora and Umtata Dams are allocated to hydropower generation at present.

The Management of Water Resources by Kei District Council

The research has noted the following major constraints and problems with regard to management of water resources by Kei District Council:

- ◆ Economies of scale need to be considered in the provision of local schemes if sustainable solutions are to be provided. Many schemes implemented in the recent

past lie idle because of lack of Operation and Maintenance skills. While training is being provided some schemes are just too small to stand-alone and others are too large to be managed without specific skills;

- ◆ There is an inconceivable lack of skills at District council level;
- ◆ Inherited and adopted institutional arrangements , which overlap and are not geared to address needs;
- ◆ Limited funds and reluctance by communities to pay for services;
- ◆ Lack of suitable plant and equipment;
- ◆ Lack of trained work force and backlog on services to be rendered.

Department of Water Affairs and Forestry 's Support to Kei District Council

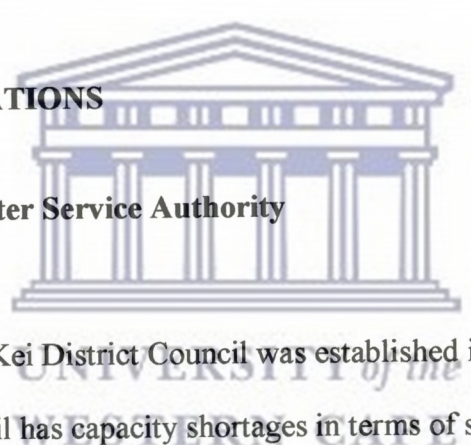
The research report has noted the following guidelines, projects and programmes in support to Kei District Council:

- ◆ Community Water Supply and Sanitation Programme to access capital finance for new infrastructure and extensions;
- ◆ Sustainability allocation which is part of the Community Water Supply and Sanitation Programme and provides financial support to :
 - Address Water Services Authority to fulfil its water services authority functions;
 - Address sustainability issues within Reconstruction and Development Programme, projects;
- ◆ Water Services Development Plan Guidelines, data to assist Water services authorities, data capturing programmes, co financing, capacity support;

- ◆ Various models contracts, models by-laws, etc;
- ◆ Guidelines on institutional arrangements;
- ◆ Water quality effects of settlements project;
- ◆ Roles and interrelations project;
- ◆ Environmental Sanitation Programme;
- ◆ Rural water Services Programme;
- ◆ Institutional Arrangements Programme- ISWIP and MAAP,
- ◆ Water Services Transfer Programme.

POLICY RECOMMENDATIONS

Kei District Council as Water Service Authority



The research has noted that Kei District Council was established in November 1995. As such, the Kei District Council has capacity shortages in terms of staff and resources. Furthermore, existing policies, systems and procedures are generally not developed. However, the Kei District Council does want to establish itself as a fully functional water Services Authority within four years. It is recommended that Department of Water Affairs and Forestry support Kei District Council to address the key Water Services Authority gaps within council which need to be addressed in the next six to twelve months, as follows: -

a) By-Laws

The By- Laws which should cater for such issues as conditions for the provision of water services;

b) Water Services Provide (WSP) arrangements-

Water Services Development Plans arrangements, including tariffs, free basic water, organisational structure and equitable share review, WSP contracts, financial policy and systems and communications with Department of Water Affairs Forestry and Kei District Council regarding Water Services Provider arrangements and transfer.

c) Planning

The Completion of Water Services Development Plans (WSDPs), alignment of Integrated Development Plans (IDP), Water Services Development Plans and ISRDP, completion of feasibility studies, project identification and incorporation of Local Government Sector plans.

d) Project Implementation

The Project Implementing- including policy regarding level of services, project prioritisation, Implementations Agency status, financial systems and procedures, staffing levels and project implementation and Monitoring and Evaluation systems (M& E)

Capacity Assistance

In chapter four of this report research, it was found that Kei District Council do not have sufficient capacity (human resources, systems, structures, procedures and overall management capacity) to effectively fulfill the Water Service Authority (WSA) role. In addition, it requires support to identify its Water Service Authority Capacity requirements. It is therefore recommended that Department of Water Affairs and Forestry (DWAF) in consultation with Kei District Council (KDC) appoints the consultant to do the following work: (a) to identify and to develop appropriate methods and tools to access WSA Capacity, (b) to identify the current WSA Capacity of the KDC, (c) to identify and gain consensus about the WSA Target capacity, within the broader institutional strategy of the KDC, (d) to identify and analyses the gap between existing WSA Capacity and WSA Target capacity, (e) to identify WSA Capacity building objectives, (f) to identify activities to achieve the WSA Capacity building objectives and (g) to identify the nature of the support that the DWAF Regional Office should provide to Kei District Council.

Budget

It is recommended that DWAF must provide the budget. The estimated amount for consultant to prepare the Business Plan would be at R100 000 for 2001/02 and R50-000 for 2002/2003. It is also recommended that all rates must be within the Department 's agreed norms and standards.

Technical Assistant to Kei District Council to carry out Water Services Authority

In chapter four, it was pointed out that one of the constrain of Kei District Council (KDC) to carry out Water Services Authority (WSA) is the lack of human resources. It is therefore recommended that Department of Water Affairs and Forestry (DWAF) provide a water services management function within the Water Services Authority, and to assist in the appointment of Municipal Engineering Technical Division. It is also recommended that DWAF help to fund the following structures in order to position the proposed secondment. It is further recommended from the above the following DWAF funded staff positions are envisaged.

Period Jan 02-March 02

A) Deputy Director :Water and Sanitation Services

B) Assistant Director: Planning

C) Admin staff: Typist /Clerk

Period April 02 –March 04 (2 years)

(a) and (b) as above

(c) Assistant Director: Implementation

(d) Assistant Director: Operation and Maintenance

(e) Admin Staff: Extended from one to four members over time to suite requirements

Procurement of Staff Complement

Due to the fact that no personnel will be readily available as a short term measure between Jan 2002 to March 2002, it is recommended that consultant be appointed or part of the positions could be filled by seconded Department of Water Affairs and Forestry (DWAF) personnel where feasible. In the medium term it is proposed that contract posts should be advertised at market related packages to encourage skilled personnel to be recruited. Maximum period of two years for contract is required there after it may be renewed. It is also recommended that Kei District a Council must provide, suitable offices for the above and the appropriate furniture and equipment, all provisionally funded by DWAF. The process of acquisition of contract staffing and institutional review study must be carried out for Kei District Council (KDC) before the end of financial year (March 2002).

The head of the Water Services which in this case is equivalent to that of a Deputy Director should at least but not limited to, satisfy the following: (a) must be from an engineering background preferable water (b) must have good managerial skills (c) 5 but preferably 10 years experience in water engineering (d) knowledge of acts and legislation pertaining to District Council area will be an added advantage.

It is further recommended that DWAF and KDC must work together on the process for the procurement of seconded contract staff. In generally terms, this is expected to entail the following: (a) Development of job descriptions, (b) a suitable advertising process (c)

short listing of potential applicants (d) interviews (e) offer of employment and (f) acceptance of an offer and commencement of contract. It is also recommended that the packages for contract staff must be mutually agreed. These must be markets related, taking into account the requirements for attracting high quality persons to areas where there is a significant scarcity of skills. At the same time, it must be necessary to attempt to reconcile the packages as far as possible with the District Council's pay scales.

Costs and Cash-flow

It is recommended that the cost of seconded staff shall have to be reimbursed by DWAF for the initial period Jan-March 2002 as well as an undertaking for the remaining two years of secondment and it shall include: (a) the salaries and secondment cost at the standardised 1.6 factor applicable to resident staff (b) transport allowance and (c) suitable information technology equipment in the form of a personal computer and printer must be provided.

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Cash flow (all-inclusive)

- a) Period: 1/ 02-3/02
- Deputy Director Water and Sanitation
3x R40 000
 - Assistant Director Planning
3 x R30 000
 - Admin staff
3 x R10 000

-	Equipment, equivalent hire costs		
		3 x R6 000	
-	Travelling and Subsistence		
		3 x R10 000	
VAT 14%		<u>40 320</u>	
Total		<u>328 320</u>	
b) Period	4/02-3/03	: Provisional 75 % subsidised by	
		DWAF	R 850 000
c) Period	4/03-3/04	Provisional 50 % Subsidised by	
		DWAF	R500 000

Water Services Development Plans

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WESTERN CAPE

It is recommended that Kei District Council must agree on the Terms of Reference (TOR) on adjudication processes, on approach, confirmation of Integrated Development Plan (IDP) manager and IDP linkage and names of consultants to be requested to provide proposals. It is further recommended that Kei District Council must sign off "Implementation Plans" for new projects. The key deliverables shall be: a) status quo reports (b) a council approved WSDPS (c) Water Services Development Plans aligned to the council IDPs, and (d) Water Service Development Plans supporting the Integrated Rural Development Strategy.

Delivery Dates, Programme and Costs of Preparation of Water Services

Development Plans

The estimated cost for preparing Water Services Development Plans (WSDPs) is R300 000. It is recommended that work must commence by December 2001 and completed in March 2002. It is further recommended that, the Water Services Development Plans be implemented as follows: (a) a District Council consultant shall act as main consultant responsible for the preparation of the Kei District Council 's Water Services Development Plans, (b) the Kei District Council (KDC) consultant shall go into formal agreement with the Previous Disadvantage Individuals (PDI) sub- consultants as per Term of References to develop certain parts of the Water Services Development Plans, (c) the Kei District Council shall appoint sub- consultants to develop certain parts of the Water Services Development Plans which might require special input where it is deemed necessary. This shall be done in consultation with Kei District Council, (d) the Kei District Council shall appoint, for each (Category B) within its area of jurisdiction, a consultant to assist with the preparation of the District WSDP as requested by the WSDP representative from that particular local Government, (e) as part of its district responsibility, the Kei District Council consultant shall co-ordinate the work of the various local Government consultants and give them guidance in the respect of an appropriate planning framework as well as the scope and quality of deliverables, (f) the Kei District Council must directly investigate certain local issues which should be best addressed at a district level of planning , and (g) the KDC consultant must see to the documentation of the WSDP Process.

Budget

It is recommended that the total cost for the preparation of the Kei District Council 's Water Services Development Plan be as:

Technical assistance, sharing by LGs and consultants	: R 105 263
District consultant: ultimate responsibility to prepare district WSDP	: <u>R 157 895</u>
	R 263 158
14 %VAT	<u>R 36 842</u>
TOTAL	R 300 000

District Planning Forum Support

In chapter three of this research report it was clearly indicated that Department of Water Affairs and Forestry (DWAF) has established the Area Planning Forums with the main aim to co-ordinate and integrate the various planning and development actions and initiatives of all role players who are involved in the provision of water and sanitation services in the Eastern Cape. All aspects such as the identification of needs and requirements of the communities, the planning, design, construction, financing, operation and maintenance as well as the transfer of all water and sanitation systems to the relevant services providers need to be co-ordinated. The rationale is that such an approach and methodology will support a more effective and efficient water or sanitation system in terms of the level of service, capital outlay and operational cost, as well as the more economical use of water.

The establishment of the Municipalities in December 2000 and the status of Municipalities as Water Services Authority necessitates the capacitated of District Municipalities to take over the functions of the planning Forums and integrate them into the Integrated Planning (IDP) Forums. It is therefore, recommended that Department of Water Affairs and Forestry support Kei District Council by appointing a consultant to establish a District Planning Forum (IDP Forum) with Sector Forums to co-ordinate all development in the areas as identified by the IDP. The Sector Forums should be establish as follows:

- a) Water Sector Forum
- b) Transport /Roads Sector Forum
- c) Energy Sector Forum
- d) Waster Disposal and Cemetery Sector Forum



It is also recommended that representatives from each District Forum shall participate in the Provincial Forum where interaction and alignment with the other District Councils, Provincials line Departments and consultants, take place. Department of Water Affairs and Forestry (DWAF) will utilise this Forum in the Strategic planning, monitoring for the general water sector perspective. Each District Council would therefore pro rata contribute to the running cost of this Forum as part of the services subsidised by DWAF under this Provincial Business Plan.

Budget

The costs involved in this period would amount to:

Period September and November 2001

a) District Forums 4 x R28 750 R115 000

Period January and March 2002

b) Provincial Forums 4 x R35 000 x 25% R 35 000

Total R 150 000

It is recommended that all rates must be within Department of Water Affairs and Forestry, s agreed norms and standards.

Period April 2002 to March 2004

It is also recommended those Department of Water Affairs and Forestry appoints another consultant for the required Forum Services for period April 2002 to March 2004.

A new consultant is required for the above comprising cost of estimate of:

2002/03	R200 000
2003/04	<u>R200 000</u>
	<u>R400 000</u>

Business Plan Preparation and Terms of References (TORs)

The study has established that Kei District Council is one of the new council South in Africa. At this stage the Kei District Council is still battling with its organisational arrangements and human resource planning issues and have not started in earnest with the actual operations and service delivery. In terms of water service provision, the council is still familiarising it selves with the requirements of running a fully –fledged water services business. In the same breath, the council is still concretising its institution, it is expected by national and provincial line departments more so by DWAF to assume its authority role in terms of service provision. However, legislation does recognise establishment of problems faced by the district council and allows for authorisation of local councils with capacity to provide the services on the behalf of district. It is therefore recommended that DWAF, appoint a consultant to help Kei District Council to prepare Business Plan. The Business Plan will help Kei District Council to access financial and specialist support. It is also recommended that the methodology to develop the Business Plan to address the Water Services Authority function must ensure the participation of relevant councilors and officials so that they take ownership of the outputs. The methodology should also promote capacity building through the various processes required in the execution of the activities.

Budget

The work required under this activity comprises of two main elements:

- a) Preparation of Business Plan R 25 000

b) Follow up work required during implementation	<u>R50 000</u>
	<u>R 75 000</u>

Water Services Authority Standing Committee

It is recommended that the Kei District Council establish a distinct Water Services Authority function as required by Section 11 of the Water Services Act, and as council is empowered to do in terms of sections 32 and 79 of the Municipal Structures Act. The Directorate Services will be responsible for the performance of the executive functions, which will include: (a) Planning and implementation (Water Services Development Plans), (b) Water Services Operations and Maintenance and Sanitation (Contracting Water Services Providers), (c) Institutional and Social development including allocation of subsidies, (d) Finance, budgeting and procurement, (e) Legislative including bylaws and enforcement, (f) Catchment management, conservation and environment, (g) Monitoring, evaluation, reporting and mentoring.

Three-phased Water Services Delivery

It is recommended that the Kei District Council supported by Department of Water Affairs and Forestry give serious consideration to a phased water services supply programme for some of the rural villages.

Phase 1: Basic level water supply (Borehole and handpump, community managed)

Phase 2: Intermediate level water supply (RDP – level with tap stand reticulation. The handpump to serve as back – up).

Phase 3: Higher level of service (bulk supply and yard connections).

Many of the pre – 1995 schemes that are presently in disrepair can benefit from such a strategy relatively quickly.

Water Services Transfer

It is recommended that Kei District Council must pass a resolution providing formal status to the Department of Water Affairs and Forestry – Kei District Council Water Services Co – ordinating Committee, to facilitate the transfer process.

It is also recommended that Kei District Council and Department of Water Affairs and Forestry jointly approach the Department of Provincial and Local Government, with a view to obtain Municipal Infrastructure Investment Programme (MIIU) support for an in depth assessment of the Water Service Provider choices available to the Kei District Council for all the regional and sub – regional schemes.

Personnel Transfer

It is recommended that Department of Water Affairs and Forestry – Kei District Council Water Services Co – ordinating Committee give priority attention to this matter:

(a) In as much as the Department of Water Affairs and Forestry staff rationalisation process is independent of Water Services transfer to local government, this process may

have to be expanded to include the appropriate placement of DWAF personnel, dependent on Kei District Council 's choice of Water Service Provider , (b) the Department of Water Affairs and Forestry – Kei District Council Water Services Co-ordinating Committee begin to negotiate the principles of staff transfer with the relevant labour unions and /or staff representative bodies, soonest. These negotiations are to be based on chapter 7, parts 4, 5, 6, &7 of the Municipal systems Bill, as well as the relevant provisions of the Labour Relations Act. Also to be considered is an exit procedure for those workers who choose not to be transferred from DWAF to KDC. Expert input in labour relations and organisational development will be required for this process,

(c) Secondment or the permanent transfer of appropriately qualified and experienced DWAF personnel to occupy position (s) in Kei District Council 's Directorate of Water Services to expedite the capacity enhancement of the Water Services Authority Standing Committee as proposed in this study, and (d) where the KDC decides on an internal WSP role for itself based on the proposals contained in this study, secondment or the permanent transfer of appropriately qualified and experienced DWAF personnel.

CONCLUSION

Many millions of citizens in the Kei District Council have high expectations of an improved standard of living, which includes at least the most basic of services. The research report has noted that, the Department of Water Affairs and Forestry share this concern and in intent on playing its part of support of the local government. However the problem of providing water to all people living in Kei District Council is large. The

resources available are limited and there is an urgent need to find effective long-term solutions towards overcoming the service backlog is to mobilise the beneficiaries of the service to take responsibility for their services. In the Kei District Council, however, it must be viewed in the context of lack of capacity and resources in the district and communities levels.

Kei District Council has a population of 191 624 million, of which more than 90% are in need of basic water and sanitation services. The key water services challenges facing the Kei District Council are therefore addressing the backlogs, taking transfer of existing and new water services infrastructure, promoting job creation and poverty alleviation whilst at the same time remaining a financially sustainable District Council.

The important conclusion of this investigation is that, it is considered to be successfully facilitating the transfer of water services from Department of Water Affairs and Forestry to Kei District Council. The rate of transfer is to a larger extent determined by outside factors over which Department of Water Affairs have limited influence. Department of Water Affairs and Forestry 's efforts alone will not ensure successful transfer, and intervention is therefore needed from the highest level. The necessary legislation, policies and agreements, as well as a programme for building capacity of Kei District Council, must be put in place before an effective transfer programme can be implemented at Provincial level. Although bound to do so by legislation, Kei District Council lacks capacity and resources to operate and maintain all water supply works in their area of jurisdiction. It furthermore do not have the budget nor an incentive to take over the

management of these schemes, thus effectively it have unfounded mandate. Much emphasis is placed on the transfer of bulk infrastructure, while the greatest problem lies with the vast rural infrastructure where revenue collection is negligible at present, and also confined to bulk infrastructure. The extent of rural infrastructure to be operated and maintained by the relevant Water Services Authority will make it virtually impossible for Kei District Council to manage without assistance. Before transfer can take place, management support models will need to be formulated and set up to assist the Kei District Council.



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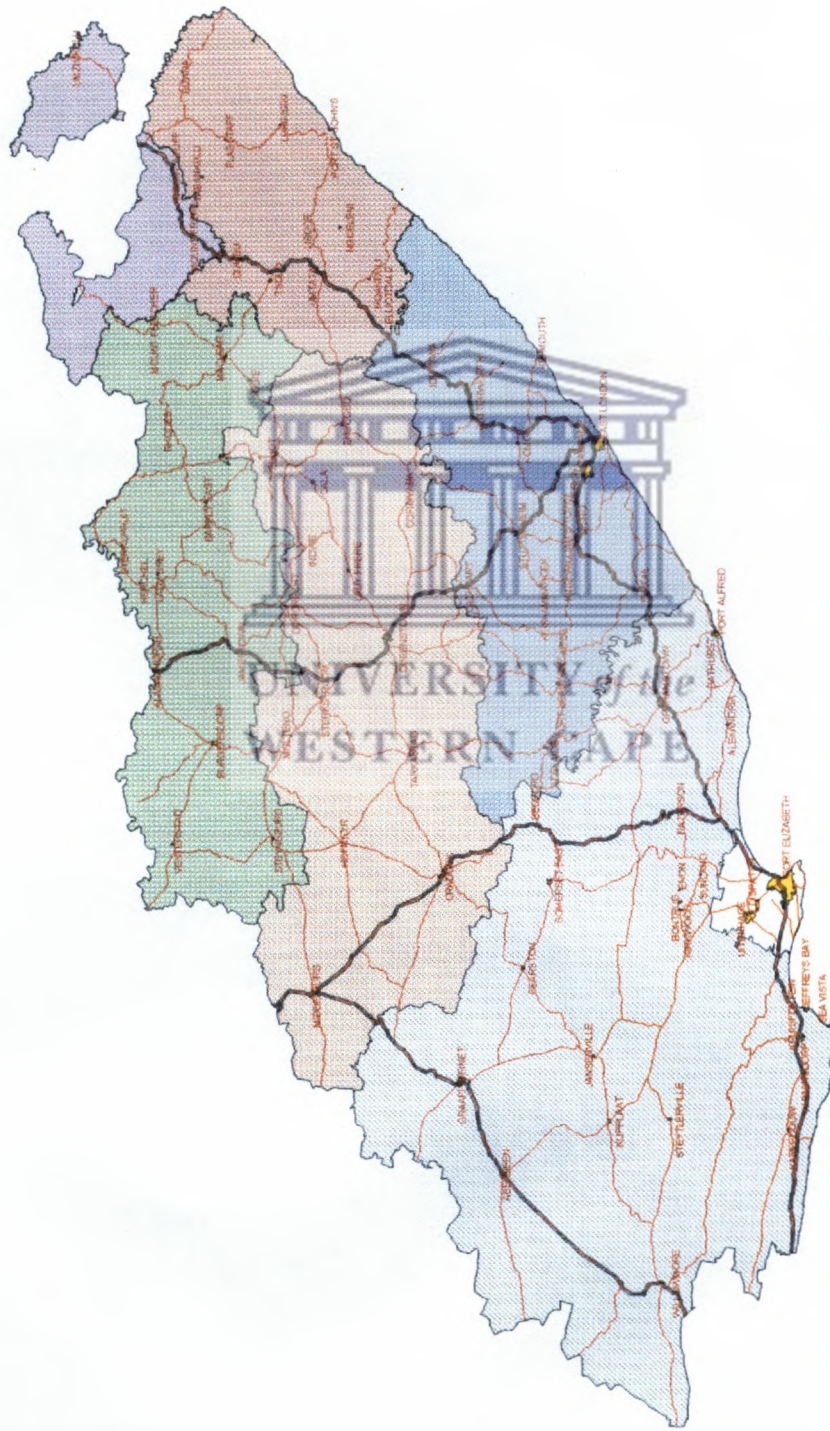
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A. EASTERN CAPE DISTRICT COUNCILS



Department of Water Affairs and Forestry

- National Roads
- Roads
- Towns
- District Councils
- Western
- Chris Hani
- Ukhahlamba
- OR Tambo
- Alfred Nzo
- Nelson Mandela



400 Kilometers



200

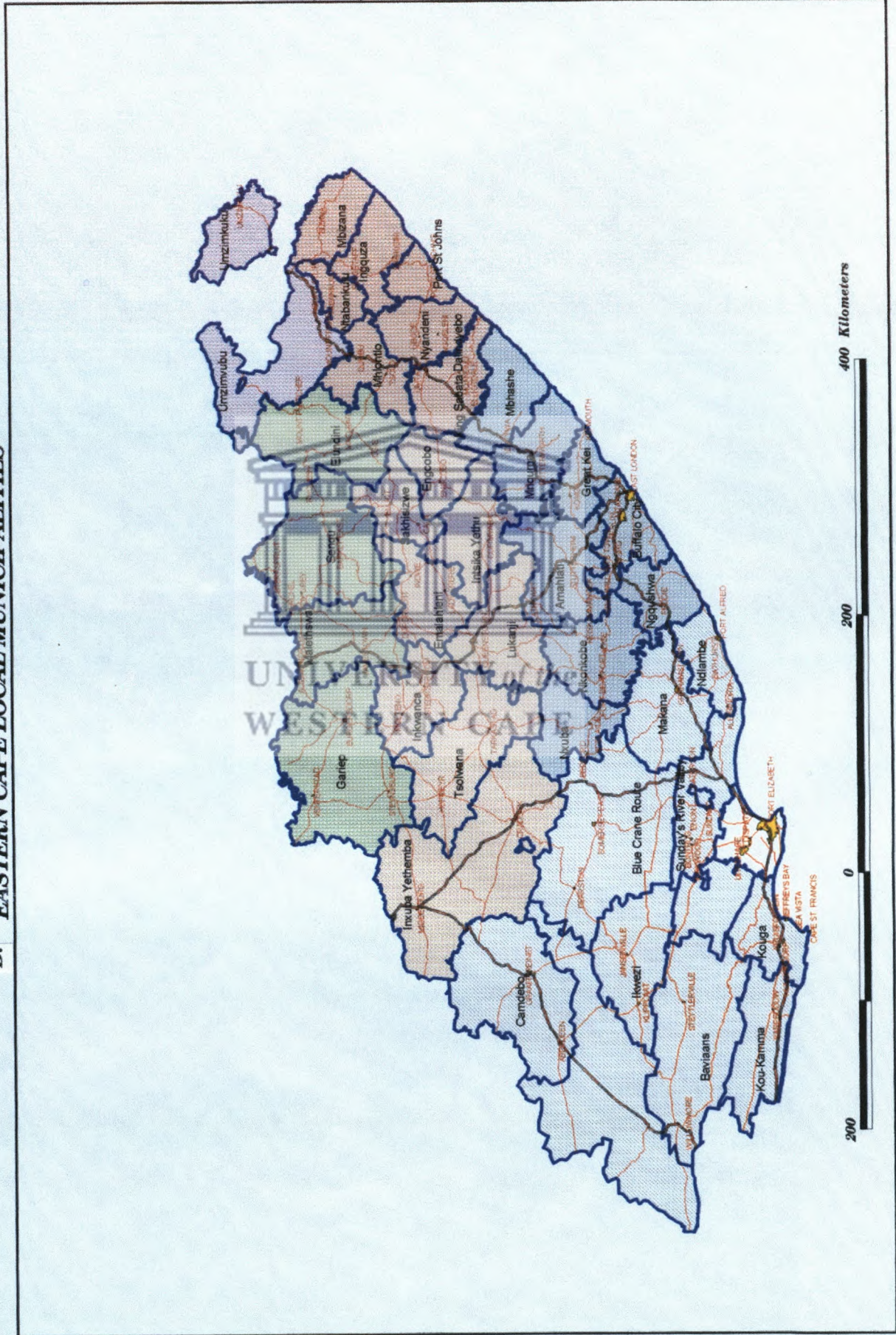
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200

400 Kilometers

Compiler	Malebo
Projection	Geographic
Source	DWAF

B. EASTERN CAPE LOCAL MUNICIPALITIES



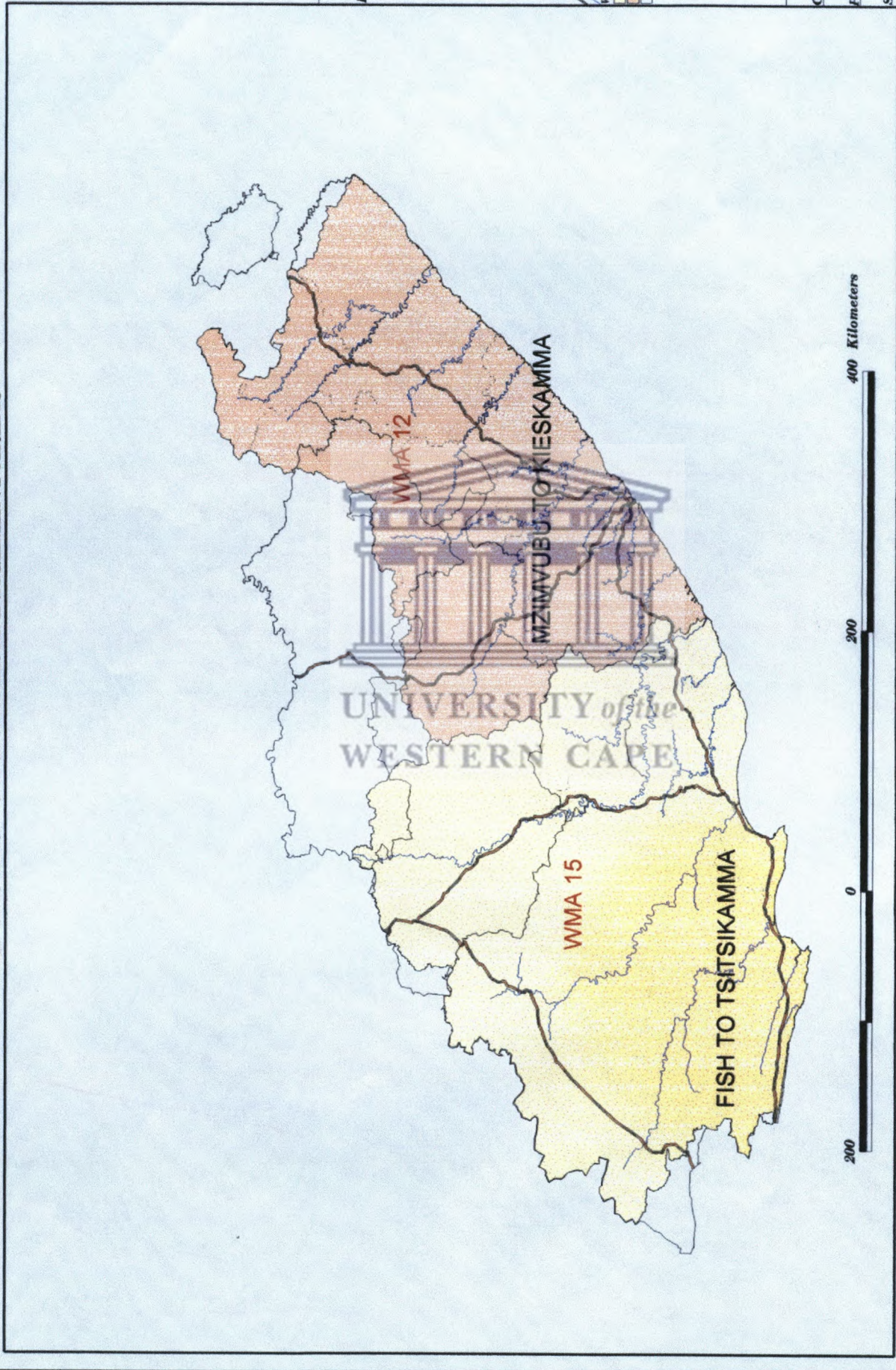
Department of Water Affairs and Forestry

- National Roads
- Roads
- Towns
- Local Municipalities
- District Councils
- Western
- Amatole
- Chris Hani
- Ukhahlamba
- OR Tambo
- Alfred Nzo
- Nelson Mandela



Compiler	Malebo
Projection	Geographic
Source	DWAF

C. EASTERN CAPE WATER MANAGEMENT AREAS



Department of Water A
and Forestry

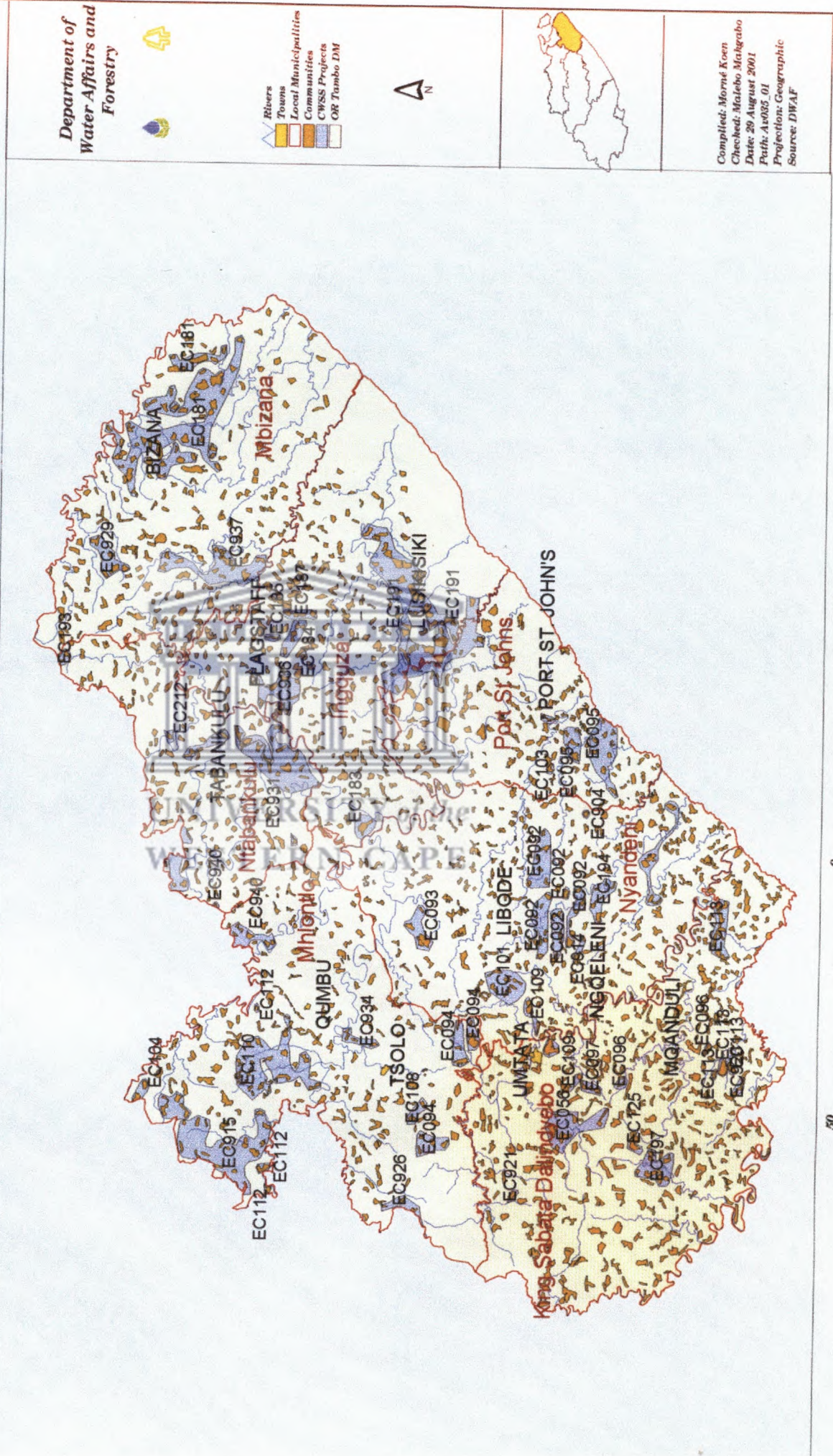
- National Roads
- Major Rivers
- Water Management Areas
- FISH TO TSITSIKAMMA
- MZIMVUBU TO KIESK
- District Councils



Compiler	Malebo
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Source	DWAF

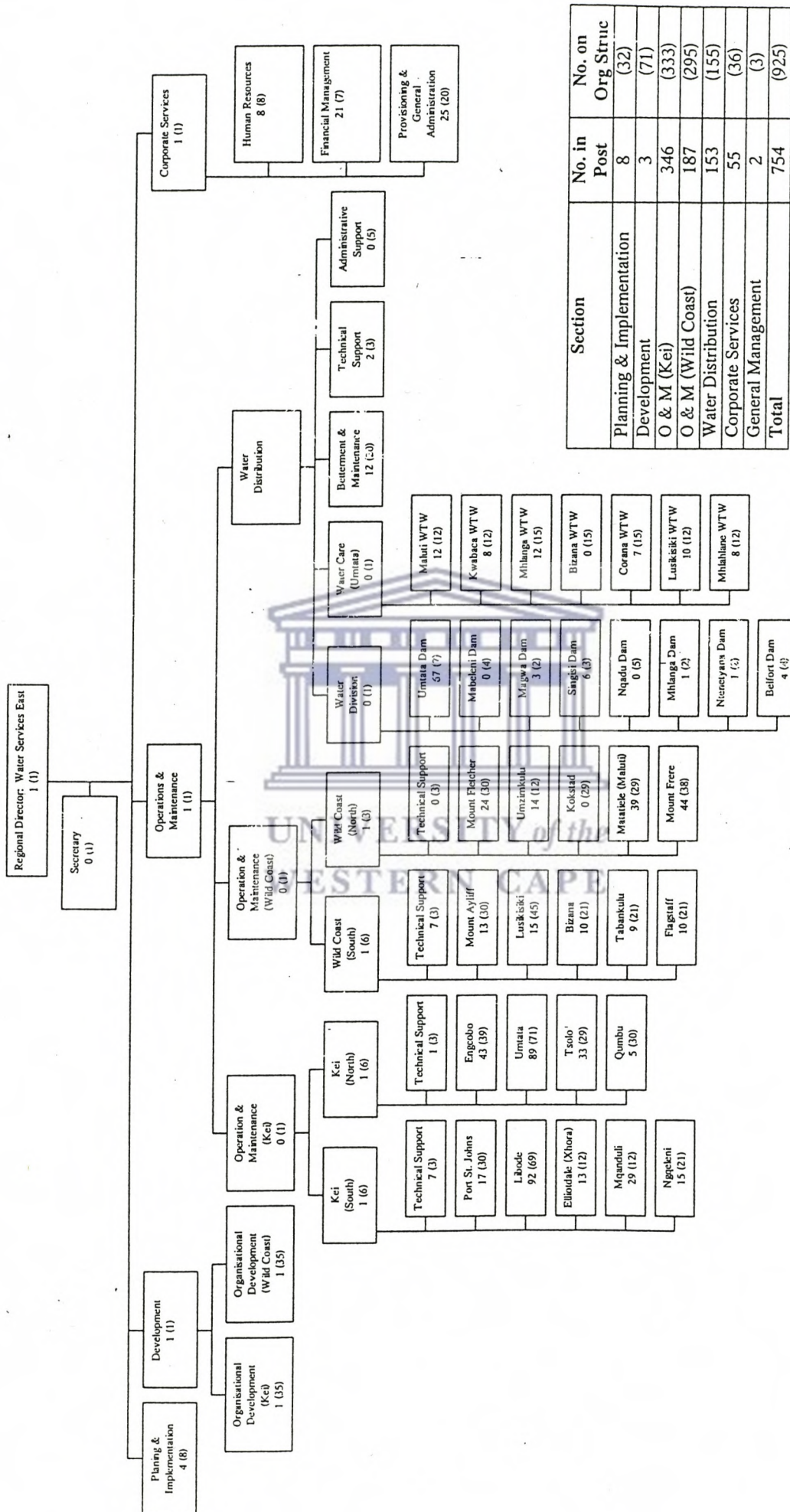


D. CWSS PROJECTS IN OR TAMBO DISTRICT MUNICIPALITY



E. DWAF WATER SERVICES EAST

DEPARTMENT OF WATER AFFAIRS AND FORESTRY WATER SERVICES EAST



F. DIVISION : WATER DISTRIBUTION

<p>003174</p> <p>DIVISION: WATER DISTRIBUTION AIM: To distribute water equitably. FUNCTIONS: 1. The operation of water treatment works. 2. The distribution of raw water 3. The betterment and maintenance of water treatment works and bulk water supply schemes 4. The rendering of Technical support services. 5. The rendering of Administrative support services.</p> <p>ESTABLISHMENT 0 (1) CONTROL INDUSTRIAL TECHNICIAN - 36157 0 (1) ENGINEER - 35311</p>	<p>003175</p> <p>SUB-DIVISION: WATER CARE (UMFATA) AIM: To operate water treatment works at Mlilo, Corana, Kwabaca, Lusikisiki, Mtshinga, Mshahane and Bizana. ESTABLISHMENT 0 (1) PRINCIPAL WATER PLANT SUPERINTENDENT - 37341</p>	<p>003176</p> <p>SECTION: MALLUFI W.T.W. ESTABLISHMENT 2 (1) WATER PLANT SUPT. - 37339 1 (3) WATER PLANT OPERATOR I - 37336 0 (1) GWI - LABOURER (BUILD / MAINT) - 36834 0 (1) CLEANER II - 36592 0 (1) OPERATOR - 37157</p>	<p>003177</p> <p>SECTION: KWABACA W.T.W. ESTABLISHMENT 3 (1) WATER PLANT SUPT. - 37339 1 (3) WATER PLANT OPERATOR I - 37336 2 (5) GWI - LABOURER (BUILD / MAINT) - 36834 0 (1) CLEANER II - 36592 0 (1) OPERATOR - 37157</p>	<p>003178</p> <p>SECTION: MHLANGA W.T.W. ESTABLISHMENT 0 (2) WATER PLANT SUPT. - 37339 0 (3) WATER PLANT OPERATOR I - 37336 1 (7) GWI - LABOURER (BUILD / MAINT) - 36834 0 (1) CLEANER II - 36592 4 (1) OPERATOR - 37157</p>	<p>003179</p> <p>SECTION: BIZANA W.T.W. ESTABLISHMENT 0 (2) WATER PLANT SUPT. - 37339 0 (3) WATER PLANT OPERATOR I - 37336 0 (7) GWI - LABOURER (BUILD / MAINT) - 36834 0 (1) CLEANER II - 36592 0 (1) OPERATOR - 37157</p>	<p>003180</p> <p>SECTION: NQADU DAM ESTABLISHMENT 0 (1) WATER CONTROL OFFICER - 36637 0 (4) GWI - LABOURER (BUILD / MAINT) - 36822</p>	<p>003181</p> <p>SECTION: MBELENI DAM ESTABLISHMENT 1 (1) GW II - WCA - 36840 1 (1) GWI - LABOURER (BUILD / MAINT) - 36822</p>	<p>003182</p> <p>SECTION: MTLANGA W.T.W. ESTABLISHMENT 1 (2) WATER PLANT SUPT. - 37339 0 (3) GWII - LABOURER (BUILD / MAINT) - 36834 0 (1) CLEANER II - 36592 3 (1) OPERATOR - 37157</p>
<p>003184</p> <p>SUB-DIVISION: WATER DIVISION AIM: To distribute bulk raw water from de Umias, Ngqo, Mabeleni, Magwa Singisi, Mtshinga, Ntenetyana and Belfast dams. ESTABLISHMENT 0 (1) CHIEF WATER CONTROL OFFICER - 36642</p>	<p>003185</p> <p>SECTION: UMFATA DAM ESTABLISHMENT 0 (1) PRINCIPAL WATER CONTROL OFFICER - 36641 0 (1) ARTISAN - B - 36388 3 (1) GWI - LABOURER (BUILD / MAINT) - 36840 3 (4) GWI - LABOURER (BUILD / MAINT) - 36822 0 (1) ADMINISTRATION CLERK GD I - 36238 0 (1) OPERATOR - 37157 0 (1) CLEANER 0 (1) MESSENGER</p>	<p>003186</p> <p>SECTION: MBELENI DAM ESTABLISHMENT 0 (1) GW II - WCA - 36840 0 (1) GWI - LABOURER (BUILD / MAINT) - 36822</p>	<p>003187</p> <p>SECTION: MAGWA DAM ESTABLISHMENT 1 (1) GW II - WCA - 36840 0 (1) GWI - LABOURER (BUILD / MAINT) - 36822</p>	<p>003188</p> <p>SECTION: SINGISI DAM ESTABLISHMENT 2 (1) GW II - WCA - 36840 4 (2) GWI - LABOURER (BUILD / MAINT) - 36822</p>	<p>003189</p> <p>SECTION: BELFORT DAM ESTABLISHMENT 1 (1) WATER CONTROL OFFICER - 36637 1 (1) GW II - WCA - 36840 2 (2) GWI - LABOURER (BUILD / MAINT) - 36822</p>	<p>003190</p> <p>SECTION: NENETYANA DAM ESTABLISHMENT 0 (1) GW II - WCA - 36840 1 (1) GWI - LABOURER (BUILD / MAINT) - 36822</p>	<p>003191</p> <p>SECTION: MHLANGA W.T.W. ESTABLISHMENT 1 (3) WATER PLANT SUPT. - 37339 2 (1) GWII - LABOURER (BUILD / MAINT) - 36834 2 (5) GWI - LABOURER (BUILD / MAINT) - 36822 0 (1) CLEANER II - 36592 0 (1) OPERATOR - 37157</p>	<p>003192</p> <p>SECTION: NENETYANA DAM ESTABLISHMENT 0 (1) GW II - WCA - 36840 1 (1) GWI - LABOURER (BUILD / MAINT) - 36822</p>
<p>003194</p> <p>SUB-DIVISION: BETTERMENT & MAINTENANCE AIM: To improve and maintain water treatment works and bulk raw water schemes. FUNCTIONS: 1. The rendering of civil engineering maintenance services. 2. The rendering of mechanical engineering maintenance services. ESTABLISHMENT 0 (1) ARTISAN FOREMAN - 36393</p>	<p>003195</p> <p>SECTION: CIVIL WORKS AIM: To render civil engineering maintenance services. ESTABLISHMENT 1 (1) ARTISAN - B - 36388 0 (2) DRIVER / OPERATOR - 37139 0 (1) TRACTOR DRIVER - 37137 0 (2) TRADESMAN AID II - 36801 0 (2) TRADESMAN AID I - 36800 9 (4) GWI - LABOURER (BUILD / MAINT) - 36822</p>	<p>003196</p> <p>SECTION: MECHANICAL MAINTENANCE AIM: To render mechanical engineering maintenance services. ESTABLISHMENT 1 (1) ARTISAN - A - 36891 0 (2) TRADESMAN AID II - 36801 0 (1) SEN. GEN. FOREMAN - 36849 1 (1) DRIVER</p>	<p>003197</p> <p>SUB-DIVISION: TECHNICAL SUPPORT AIM: To render technical support services. ESTABLISHMENT 0 (1) CHIEF INDUSTRIAL TECHNICIAN - 36151 2 (2) INDUSTRIAL TECHNICIAN - 36149</p>	<p>003198</p> <p>SECTION: ADMINISTRATIVE SUPPORT AIM: To render administrative support services. ESTABLISHMENT 0 (1) ADMINISTRATIVE OFFICER - 35106 0 (2) ADMINISTRATION CLERK GD I - 36238 0 (1) MESSENGER - 36492 0 (1) CLEANER II - 36592</p>				

G. SUB-DIVISION : CORPORATE SERVICES

003199

<p>SUB-DIVISION: CORPORATE SERVICES</p> <p>AIM: To provide Corporate services.</p> <p>FUNCTIONS: 1. The rendering of Human Resource Management services. 2. The rendering of Financial Management services. 3. The rendering of Provisioning and General Administration services.</p> <p>ESTABLISHMENT</p> <p>2 (1) ASSISTANT DIRECTOR: ADMINISTRATION - 35108</p>
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<p>003201</p> <p>SECTION: HUMAN RESOURCES MANAGEMENT</p> <p>AIM: To render Human Resource Management services.</p> <p>ESTABLISHMENT</p> <p>0 (1) CONTROL PERSONNEL OFFICER - 36331 0 (1) CHIEF PERSONNEL OFFICER - 36329 2 (2) PRINCIPAL PERSONNEL OFFICER - 36326 1 (3) PERSONNEL OFFICER GD I - 36307 0 (1) REGISTRY CLERK GD I - 36333 1 (0) ADMINISTRATION OFFICER 1 (0) MESSENGER 3 (0) PERSONNEL PRACTITIONER</p>
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<p>003202</p> <p>SECTION: FINANCIAL MANAGEMENT</p> <p>AIM: To render financial Management services.</p> <p>ESTABLISHMENT</p> <p>3 (1) STATE ACCOUNTANT - 35807 1 (1) CHIEF ACCOUNTING CLERK - 36357 9 (4) ACCOUNTING CLERK GD I - 36352 3 (1) DATA TYPIST - 362043 2 (0) REGISTRY CLERK GD II 3 (0) ADMIN CLERK I</p>
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<p>003203</p> <p>SECTION: PROVISIONING AND GENERAL ADMINISTRATION</p> <p>AIM: To render Provisioning and General Office Administration services.</p> <p>ESTABLISHMENT</p> <p>0 (1) SENIOR PROVISIONING ADMIN OFFICER - 35796 3 (1) PROVISIONING ADMIN. OFFICER - 35793 0 (2) CHIEF PROVISIONING ADMIN. CLERK - 36363 19 (6) PROVISIONING ADMIN. CLERK GD I - 36358 0 (1) CHIEF REGISTRY CLERK - 36350 0 (2) REGISTRY CLERK GD I - 36333 0 (2) TYPIST - 36214 0 (1) TELECOM OPERATOR - 37330 1 (1) DRIVER - 37132 1 (1) MESSENGER - 36602 0 (1) CLEANER II - 36592 0 (1) CLEANER I - 36591</p>
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NO. IN POST: 55 NO. IN ORG STRUCTURE: (36)

H. SUB-DIRECTORATE : PLANNING & IMPLEMENTATION (EAST)

003124

<p>SUB-DIRECTORATE : PLANNING & IMPLEMENTATION AIM: To plan and implement water supply and sanitation services. FUNCTIONS: 1. The planning of water supply and sanitation projects. 2. The implementation / administration of water supply and sanitation projects. 3. The monitoring of sanitation projects. 4. The rendering of Technical support services 5. The rendering of a geographical information service.</p>
<p>ESTABLISHMENT 1 (1) DEPUTY REGIONAL DIRECTOR: WATER AFFAIRS - 35990</p>

003125

<p>DIVISION : PROJECT PLANNING AIM: To plan water supply and sanitation projects.</p>
<p>ESTABLISHMENT 0 (2) ENGINEER - 35311 0 (1) CHIEF INDUSTRIAL TECHNICIAN - 361551 0 (4) INDUSTRIAL TECHNICIAN - 36149</p>

003126

<p>DIVISION : PROJECT IMPLEMENTATION / ADMINISTRATION AIM: To implement / administrate water supply and sanitation projects.</p>
<p>ESTABLISHMENT 1 (3) ENGINEER - 35311 0 (1) CHIEF INDUSTRIAL TECHNICIAN - 361551 2 (4) INDUSTRIAL TECHNICIAN - 36149 0 (1) ADMINISTRATION CLERK GD I - 36238</p>

003127

<p>DIVISION : SANITATION AIM: To monitor sanitation projects</p>
<p>ESTABLISHMENT 0 (1) ASSISTANT DIRECTOR : WATER POLLUTION CONTROL - 35621 0 (1) CHIEF INDUSTRIAL TECHNICIAN - 361551 0 (2) INDUSTRIAL TECHNICIAN - 36149</p>

003128

<p>DIVISION : TECHNICAL SUPPORT AIM: To render Technical support services</p>
<p>ESTABLISHMENT 0 (1) CONTROL INDUSTRIAL TECHNICIAN - 36157 0 (2) CHIEF INDUSTRIAL TECHNICIAN - 361551 0 (4) INDUSTRIAL TECHNICIAN - 36149</p>

003129

<p>DIVISION : GEOGRAPHICAL INFORMATION SERVICES AIM: To render geographical information services.</p>
<p>ESTABLISHMENT 0 (1) CHIEF INDUSTRIAL TECHNICIAN - 361551 0 (2) INDUSTRIAL TECHNICIAN - 36149 0 (1) AUXILIARY SERVICES OFFICER - 37239</p>

NO. IN POST: 4 NO. IN ORG STRUCTURE: (8)

I. SUB-DIRECTORATE DEVELOPMENT (EAST)

003131

SUB-DIRECTORATE : DEVELOPMENT
 AIM: To develop capacity within communities
 FUNCTIONS: 1. The development of capacity within the communities in the Kei and Wild Coast areas.
 ESTABLISHMENT
 I (1) DEPUTY REGIONAL DIRECTOR: WATER AFFAIRS - 35990

003132

DIVISION : ORGANISATIONAL DEVELOPMENT (KEI)
 AIM: To develop capacity within the communities in the Kei area.
 FUNCTIONS: 1. The development of capacity within the communities in the Umtata, Ngqeleni and Tsolo areas.
 ESTABLISHMENT
 I (1) ASST. DIRECTOR : COMM. DEVELOPMENT ADMINISTRATION - 35073

003133

SUB-DIVISION : UMTATA (WATER SERVICES)
 AIM: To develop capacity within communities in the Umtata area
 ESTABLISHMENT
 0 (1) PRINCIPAL COMM. DEVELOPMENT OFFICER - 35072
 0 (14) COMMUNITY DEVELOPMENT OFFICER - 35070
 0 (1) ADMINISTRATION CLERK GD I - 36238

003134

SUB-DIVISION : NGQELENI (WATER SERVICES)
 AIM: To develop capacity within communities in the Ngqeleni area.
 ESTABLISHMENT
 0 (1) PRINCIPAL COMM. DEVELOPMENT OFFICER - 35072
 0 (6) COMMUNITY DEVELOPMENT OFFICER - 35070
 0 (1) ADMINISTRATION CLERK GD I - 36238

003135

SUB-DIVISION : TSOLO (WATER SERVICES)
 AIM: To develop capacity within communities in the Tsolo area.
 ESTABLISHMENT
 0 (1) PRINCIPAL COMM. DEVELOPMENT OFFICER - 35072
 0 (8) COMMUNITY DEVELOPMENT OFFICER - 35070
 0 (1) ADMINISTRATION CLERK GD I - 36238

003136

DIVISION : ORGANISATIONAL DEVELOPMENT (WILD COAST)
 AIM: To develop capacity within communities in the Wild Coast area.
 FUNCTIONS: 1. The development of capacity within communities in the Lusikisiki, Niabankulu and Mount Fletcher areas.
 ESTABLISHMENT
 I (1) ASST. DIRECTOR : COMM. DEVELOPMENT ADMINISTRATION - 35073

003137

SUB-DIVISION : LUSIKISIKI (WATER SERVICES)
 AIM: To develop capacity within communities in the Lusikisiki area.
 ESTABLISHMENT
 0 (1) PRINCIPAL COMM. DEVELOPMENT OFFICER - 35072
 0 (16) COMMUNITY DEVELOPMENT OFFICER - 35070
 0 (1) ADMINISTRATION CLERK GD I - 36238

003138

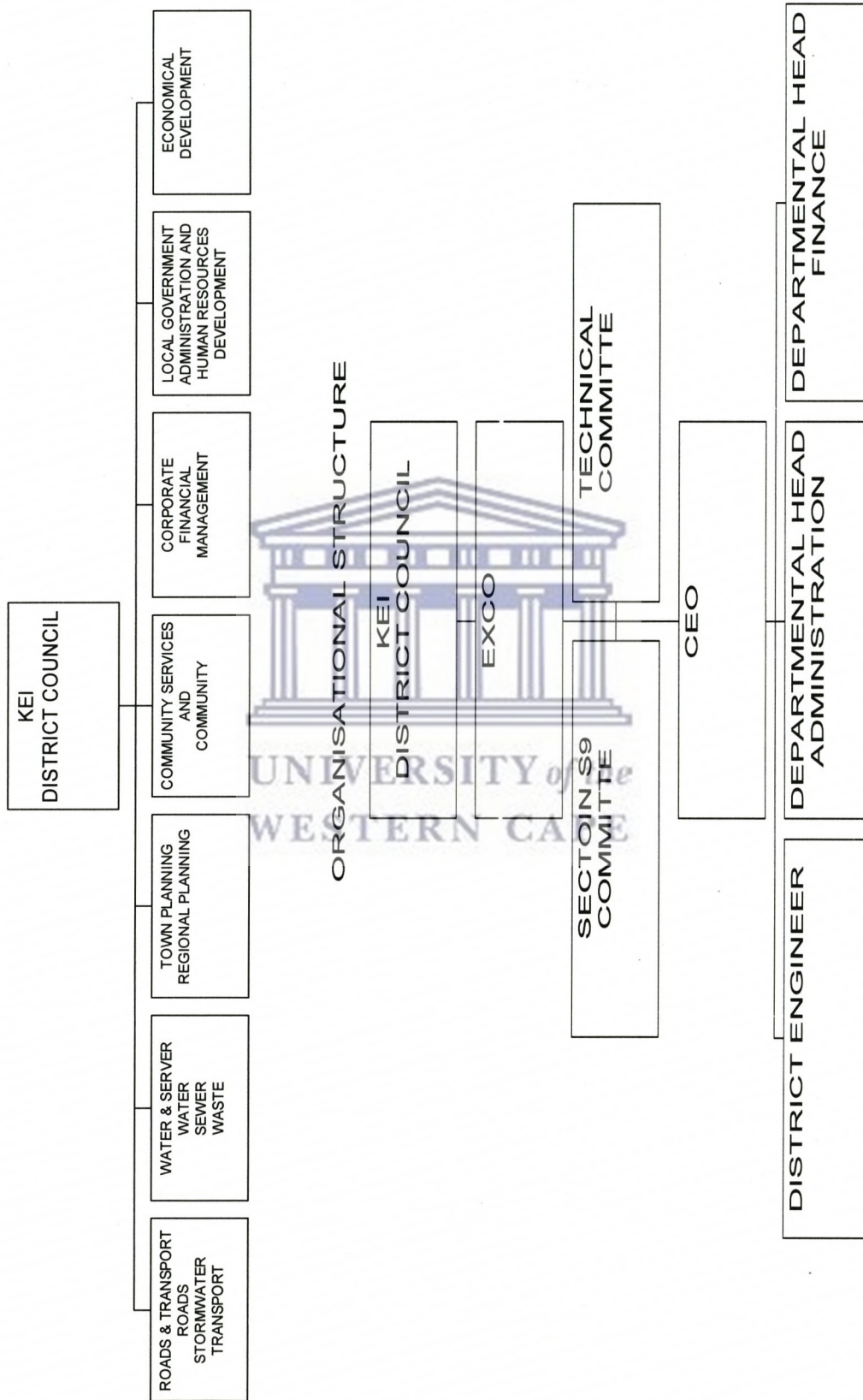
SUB-DIVISION : NTABANKULU (WATER SERVICES)
 AIM: To develop capacity within communities in the Niabankulu area.
 FUNCTIONS:
 ESTABLISHMENT
 0 (1) PRINCIPAL COMM. DEVELOPMENT OFFICER - 35072
 0 (6) COMMUNITY DEVELOPMENT OFFICER - 35070
 0 (1) ADMINISTRATION CLERK GD I - 36238

003139

SUB-DIVISION : MOUNT FLETCHER (WATER SERVICES)
 AIM: To develop capacity within communities in the Mount Fletcher area.
 FUNCTIONS:
 ESTABLISHMENT
 0 (1) PRINCIPAL COMM. DEVELOPMENT OFFICER - 35072
 0 (6) COMMUNITY DEVELOPMENT OFFICER - 35070
 0 (1) ADMINISTRATION CLERK GD I - 36238

NO. IN POST: 3 NO. IN ORG STRUCTURE: (71)

J. ORGANISATIONAL STRUCTURE FOR KEI DISTRICT



K. GENERIC SAMPLE CERTIFICATE OF COMPLETION

GENERIC SAMPLE

CERTIFICATION OF COMPLETION

UMZIMKULU VILLAGES: STAGE 1 : Project No.
WATER SUPPLY TO 11 VILLAGES

KLIPSPRUIT SCHEME

EMPLOYER:	DEP. OF WATER AFFAIRS AND FORESTRY
CONTRACT:	WF6179
CONTRACTOR:	HIDRO-TECH SALES AND PROJECTS (PTY) LTD
TECHNICAL CONSULTANT:	EKSTEEN, V.D. WALT & NISSEN
SOCIAL CONSULTANT:	MATTCOMM
DISTRICT COUNCIL:	WILD COAST DISTRICT COUNCIL

The Works listed here below have been completed for all practical purposes and have satisfactorily passed any final test that may be prescribed by the Contract. The Engineer (in accordance with Clause 54 of the General Conditions of Contract) signs this Certificate of Completion in respect of the said Works and the period of maintenance of the Works shall commence from the date of this Certificate provided that the outstanding works, as listed below and/or on accompanying form, shall be completed before the date indicated on this Certificate, provided further that this Certificate of Completion shall not certify completion of any ground or surface requiring reinstatement, unless this Certificate expressly so states.

WORKS PASSED FOR THIS CERTIFICATE

1. Source:
2. Bulk Supply Pipeline
3. Pumpstation
4. WTW
5. Reseroir
6. Reticulation
7. O/M plan approved

OUTSTANDING WORKS

LIST OF OUTSTANDING WORK:

WORKS COMPLETED BY: _____

The Training as listed below has been completed for all practical purposes as prescribed by the ISD appointment of the project. The social and technical consultant signs this Certificate of Completion in respect of training the community adequately to be able to undertake O&M of the scheme. The mentoring of the community shall commence from the date of this certificate.

TRAINING COMPLETED FOR THIS CERTIFICATE