

Reflecting on strategies and tactics
~ national workshop for civil society organisations
active in water services

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1 November 2007

Chartfield Guest House, Kalk Bay, Cape Town

Prepared by Environmental Monitoring Group



Annex 1 – Workshop Programme

Reflecting on Strategies and Tactics – a national workshop for civil society organisations active in Water Services

Thursday, 1 November 2007

agenda

8.45 – 9	Registration and informal introductions
9 – 10	Welcome Context Purpose of the day Listening skills
10 – 10.20	Selection of case study
10.20 – 11.20	Parallel discussion on Case Studies: <ul style="list-style-type: none">• The Water Dialogues, <i>Jessica Wilson</i>• Masibambane 1 and 2, <i>Mpho Mathabathe</i>
11.20 – 11.45	TEA, COFFEE and MUFFINS
11.45 – 12.05	Selection of case study
12.05 – 1.05	Parallel discussion on Case Studies: <ul style="list-style-type: none">• Pre-paid water metres and the court case, <i>Jennifer Mokoatsane, Jabulile Mogane</i>• Citizen's Voice, <i>Laila Smith, Faldela de Vriess</i>
1.05 – 2.15	LUNCH
2.15 – 3.30	Reflection and discussion on all the Case Studies
3.30 – 4	TEA, COFFEE
4 – 5	Plenary reportback and discussion Evaluation of the day
7 →	BRAAI

Annex 2

The Water Dialogues

By Jessica Wilson, November 2007

International beginnings

“Phantsi Privatisation!” reverberates from streets across the world. Inside closed rooms promises are made to allow private companies to provide water, in exchange for financial loans to national governments. The people in the street and the people in the rooms do not talk – never mind *listen* – to each other. And service delivery suffers. This was presented as the problem when I first got involved in The Water Dialogues. It was February 2004, here at Chartfield Guest House, and an international scoping study had just been completed by Penny Urquhart and Deborah Moore.

Activists, bureaucrats, policy makers, service providers, workers, and others involved in water supply and sanitation in many different countries agreed that a *multi-stakeholder Review of the Private Sector’s participation in water and sanitation services* would be beneficial. The underlying assumption was that water services would improve if the controversy was lessened. A big meeting, with all views represented, was held in Berlin in June 2004 to confirm this and decide on a way forward.

Some of us in civil society were sceptical. Wasn’t controversy a good thing? It is, after all, one of civil society’s tactics to ask difficult questions and to get people to see that there is more than one side to a story. Would sitting round the table with profiteers really help realise each person’s right to water? We decided to caucus the day before the Berlin meeting. This in itself was controversial. If we were involved in a *multi-stakeholder* process, how could we meet separately? And – the age old question – *who* constituted civil society. A brief attempt was made to exclude trade unions, but in the end we all gathered and thrashed out our concerns. We agreed it was critical for us to be involved. There were many reasons why. Not least of which was to make our voices heard.

At the Berlin multi-stakeholder meeting it was decided that the Review would go ahead through national processes that feed into an international process. Two concerns of particular interest to civil society were incorporated – the human right to water, and the need to look also at *public* sector reforms (not just the private sector). As civil society participants, we issued a statement in support of participation. It also said that:

it was crucial to have a review that will not serve as a mechanism to legitimize the role of the major global water companies in providing water services. It was crucial to ensure that the human right to water was recognized as a key point and in order to undertake a purposeful review we expected commitments by participants from all private, public sector and development policy to give full access to information, data, calculations, contracts etc. We attended, keeping in mind that the problem of access to water is only part of the over all crisis in the sector, which involves serious ecological threats and lack of sustainable water policies.

The framework for the international process was defined. Civil society was in support. It was time to see if South Africa wanted to be involved.

South Africa establishes a national process

The South African Water Caucus held its BGM at Salt Rock, KwaZulu Natal, in November 2004. Liane Greeff (EMG) introduced The Water Dialogues (at the time called the PSP Review) to the SAWC and at a public meeting at the Centre for Civil Society, University of KZN. After a healthy discussion, the SAWC decided to participate. One member (George Dor) arrived late and said he did not support our decision. Unfortunately time prohibited us from re-opening the debate and so his minority view was noted in the minutes. Hamed Deedat was elected as the SAWC representative. We were not yet sure to what process.

During this time, Penny Urquhart (International Coordinator) and I talked to other key players to see whether they would participate in a South African process. Most had been interviewed for the scoping study and a handful had attended the Berlin meeting. This helped people feel it was *their* process from the very start, and most were keen to get involved. If... (the 'ifs' differed from person to person).

In February 2005, at the national Regulation Conference, I cornered Mike Muller, then Director General of DWAF. Does DWAF support South Africa being one of the case study countries, I asked; and if yes, would they host a meeting of all stakeholders. Yes and yes, he said, then introduced me to a DWAF person who would arrange all. (She did not look that impressed!) With this political support, we were able to organise what was to become our first National Working Group meeting. It was held on 10 March 2005. And the diversity of views represented was fantastic¹.

The next year and a half can perhaps best be described as a trust building exercise. The National Working Group met every two to three months. There was enormous commitment, despite the slowness and lack of substance in our discussions. No one took the lead and this ensured that all participants felt equal, and that they were not being used to promote someone else's agenda. Instead – across different stakeholder groups, including the trade unions, NGOs, private sector, national and local government, water utilities and research institutions – we collectively shaped the process. We developed a code of conduct to guide our participation, a problem statement to focus our research, a set of questions that we would like the research to answer, and a project proposal. All of these took some negotiation. The process helped us to understand each other's concerns better. Disagreements were not always between traditional 'enemies'; agreements not always between traditional 'allies'.

By October 2006, we had funds from Irish Aid and a full time paid co-ordinator (Mary Galvin). We breathed a collective sigh of relief. The project could begin in earnest. It would be a combination of *dialogue* and *research*. *Dialogue* we were beginning to understand – albeit on process not substantive issues; *research* was yet to begin. Mary led the way. She took our agreed problem statement and questions and

¹ Participants were from Anti-Privatisation Forum, City of Johannesburg, DWAF, EMG, Johannesburg Water Management, Mvula Trust, SA Water Caucus, SAMWU, and Water and Sanitation Services – South Africa (WSSA). Since then, APF and City of Johannesburg have decided not to participate in the Working Group. Additional members are: Bloem Water, eThekweni Municipality, SALGA, Water Research Commission, and Water Information Network.

put together a research framework. The research would be based on case studies. This was debated in the working group and at a broader multi-stakeholder forum. We met as civil society the day before the forum to discuss how The Water Dialogues could be most useful to us, and what we could offer. Again, as civil society, we concluded it was a process worth participating in.

Going local – and back to global

By August this year, data had been collected in three pilot case study areas – Ilembe (aka Dolphin Coast), Ugu and Bushbuck-Ridge. The Working Group met and had its first dialogue based on substantive issues. It became clear there was lots to talk about. It also became clear that things could be improved at a local level. The Water Dialogues has enough credibility through its membership and process to be taken seriously. This means it is possible for problems that have been deadlocked for some time to be addressed. We have yet to see if the possibilities become realities.

Around about the time of the local case studies, I started worrying. (I mean I'd been worrying all along, but I had a *new* worry). How was the work we were doing in South Africa going to influence (or be influenced by) the 'international consensus'. I use the word 'consensus' to describe the mind-frame within which most influential people make decisions about water services delivery. In 2001, when the need for The Water Dialogues was first articulated, the 'Washington Consensus' dominated. The Washington Consensus is not much liked by activists the world over because it tries to rationalise decisions through a narrow economic mind-set that ignores human beings and the environment in favour of financial efficiency. It creates a comfortable world for business. By 2007, the 'consensus' was shifting. Not only that, but the nature and operations of multi-national water companies was changing.

I raised my worry with our National Working Group and took it to a meeting of the International Working Group in August this year. We are fortunate to have the support of an excellent academic panel. They updated us on international trends and we had some useful discussions. But the question remains a difficult one to answer – how does what we are learning from Ilembe and Ugu and Bushbuck Ridge, and other places where we will do research, influence macro decisions on participation, financing, trade and technology? How does a person's experience of poor service delivery influence the way a trade negotiator thinks?

Without doubt, The Water Dialogues has taught me that if I want someone to understand my point of view, I have to understand theirs. If I want someone to know why I think pre-paid water metres are unacceptable; I have to understand why they think they are a good idea. And through this conversation, subtle shifts take place that make me believe environmental justice, ecological integrity, sustainable development and participatory democracy are possible when providing each of us with the water that we need.

Annex 3

Pre-paid water metres: the case of Phiri

By Jennifer Mokoatsane, November 2007

Phiri, a township in greater Soweto suburb, is my home town. It all started in August 2003 when J.W. construction workers were digging trenches in Mabalane street and tampered with the street's main box that supplies us with electricity. We endured two days without electricity and the matter was not attended to. As residents it came to our attention to approach the councillor who called Eskom to attend to the problem. He explained that the construction work is for the installation of the pre-paid water meters with the 6kl free water per household per month that the government has promised. We asked him to stop the constructors until people are consulted and educated on these meters. He never considered our concerns so we retaliated by closing trenches and cutting the installed pipes. He said the constructors are digging outside our yards and that is the government's property. We continued resisting and were served with a court interdict to stay 50 meters away from construction work. Just imagine having to be 50 meters but the construction happening outside your yard. We barricaded Matilili street disallowing entry. The SAPS together with the 'Red Ants' intervened by arresting comrades. Later that afternoon as the 'Red Ants' were knocking off, angered residents attacked them.

In September the Phiri Concerned Residents Forum (PCRf) was formed through the APF and Soweto Electricity Crisis Committee (SECC). In mid September a meeting ensued between PCRf, J.W. management, municipal officials and SAPS at Ndaba hall in Protea Magistrate's court. It led to a dispute whereby the 3 parties said they would continue with the project and arrest those who resisted; whereas we would resist by closing trenches and cutting pipes. The Coalition Against Water Privatization (CAWP) a baby sister to the APF was formed. J.W. and the councillor strategised on dividing Phiri into 4 blocks. They left block A because of resistance and jumped to block B promising people contractual slavery jobs and salaries. About 52 holds in block B resisted the meters and they were completely cut off. J.W. claims that people have a choice but when you do not sign for a meter you are completely cut off – liars! We had warriors who endured the difficult months without water and they carried heavy buckets to neighbouring areas to ferry water. The Coalition and the APF assisted financially to hire a truck every second day, which was difficult because water is used daily. Under duress some residents gave in and signed for the pre-paid whilst others opted for stand pipes that cut off sanitation. But according to DWAF strategic framework 2003 'Water' is Life and Sanitation is 'dignity'. The stand pipes turn going to a loo a luxury, whereas it's a right.

Pre-paid water meters are an insult to us. There is the frustration of having to choose between buying a loaf of bread or water units. Families fight over water usage, people steal water from neighbours, home owners fight tenants for water responsibilities, and meters are locked so siblings can't access. Practicing of rituals becomes impossible. The 'spirit of Ubuntu' is violated. Because the free 6kl did not last for a month residents opted to by pass the meters. Some were even done by J.W. workers and others who did not want either of the two options reconnected from the gate. Comrade Dale, Simon from Freedom of Expression Institute (FXI) and PCRf representatives

went to J.W. offices at Southdale depot to meet with management. At the meeting I questioned about water units. R5.00 = 1000 water units but when I refill the machine it reflects only 485 litres. The project director Lesego proudly responded: Yes, because 515 litres goes to an expensive sanitation. What a nerve? I am not learned but I'm intellectual – meaning of the free basic 6kl, 2.85kl goes to water for drinking and cooking and 3.15kl goes to expensive unmetered sanitation. Who is fooling whom? Did you know that water is taxed and breaking or losing a token will cost you a penalty of R80.00 for a new one? Bloody money suckers! In October the J.W. spokesperson took residents to Orange-farm and Mogale city- Kagiso for a tour to see how people live with pre-paid water meters. Reporting back people were angered by the situation they found and he bribed bogogo not to tell of their experiences. As the struggle continued police raided comrades at night to arrest them so that the project could run smoothly. The fines ranged From R5000 to R25 000 with charges of malicious damage to property, 5 year suspensions, 3 year imprisonment and bogogo's threatened with freezing their pension grants. But no matter what, the struggle continued. The research findings conducted by the CAWP and the APF were launched in July 2004 at the community hall. That morning the CID's were there to interrogate me about the event that we were going to damage the property. During the launch uogogo M.P.Ntabeni residing at 472a related her story of being cut off for a month and charged with meter tampering, with a R840 fine to pay in order to be reconnected. She earned a mere R700 pension grant. Later she was reconnected on condition that if she repeats by passing the meter her suspended rental debt must be repaid in full. The spokesperson went further to harass uogogo at a community radio station by making an example of how they deal with people who tamper with meters. Because of the ordeal uogogo went through she died a sad woman a year later. What was amazing me was that a community radio is serving the fat cats interests instead of the people. When they allowed us to say our side of the story the DJ attacked us in the interview together with SABC and Sunday tribune newspaper dated 03/04/05 – titled 'Pre-paid water meters on the cards'.

The people in block C suffered a lot because their houses have in-house toilets. Those who resisted went to Chiawelo reservoir for access. J.W. locked it to make their lives miserable. In October 2004 J.W. served residents in block B with notices of forceful installations or cut-offs. Papa went to sign for the installation of the meter without our consent. I did not talk to him for months and blamed him for what he did because he is going to die and leave us suffering because of the killer meter. Little did I know he would die a year later. I regretted what I'd said to him. On the very month we ran out on the 15th and we demanded water from him because he asked for it. Late in January 2005 he suffered a mild stroke and developed a dry gangrene on the foot. At the hospital doctors wanted to amputate on him but he refused and was send back home. Those were the worst weeks ever because of the dressings and blankets that needed thorough washing and rinsing. We went to the 2 tariff and his life deteriorated. He passed away on the 14th February. In my culture when the head of the house dies a cow is slaughtered, relatives come to mourn, umqombothi is brewed, which reminds me how I yelled at my cousin for rinsing his hands. A shack burned causing the death of two infants aged 6 and 10. According to people who live there the shack caught fire at night so they connected a hose to extinguish it but they ran out so they used grounded water from the rain but it still didn't help. Even the vendor was closed to buy water units with the fire emergency coming the following morning. There is a tendency to fill 25 litre buckets with water for when we experience unnotified cut

offs. Street leakages are attended to when the media shows crisis claiming to make sure water is conserved, down! with 'Operation Gwinyamanzi'. The government is running away from its responsibility if maintaining their low level infrastructure that is implemented in our yards any how. Women are the most affected especially for hygiene, caring for the sick especially those infected with HIV/AIDS, looking after children and the aged, cooking, washing. These women suffer broken necks and pelvis, which reminds me of DWAF 'water week' – washing of hands after using a loo, Viva! David Sanders research report titled 'Down with hands wash' According to J.W. brochure on how to use 6kl per month: (picture to be provided)

Now the J.W. is back in Phiri with new meters so that they can give people the extra 4kl as indigent. Threats are still continuing by J.W. community facilitators to call police if we do not want new meters. People's tokens are taken with unfulfilled promises of bringing them back since the final court dates that my comrade Jabulile will deliberate on. Their newly developed advertisement: (picture to be provided)

The one thing that made me strong was when journalists, lawyers, students and ambassadors come to my place to ask about pre-paid water meters. Mind you, you have to give detailed answers and sometimes I would feel like breaking down. I had to organize meetings and applicants to sign papers at the police station. J.W. contract in Phiri was supposed to take 8 months but we dragged it to 18 months making them overspend on the budget. Joburg city parks erased wall murals that we painted. We also did graffiti to J.W. adverts (especially where they talk of Phiri) that are on the billboards in old Potchefstroom road. We marched, protested, and demanded our rights. All that fell on deaf ears. We held mass meetings, pamphleteered through road shows, participated in workshops, conferences, seminars and forums, conducted research, data capture and south Sotho translations, and hosted ambassadors. The problem is resources and you know comrade Jess the difficulty I go through in order to reach you, sometimes I don't even have a taxi fare to town still you find computers occupied or not working. The one thing I hate is seeing a J.W. sign, I feel like mmm...!

Leila Khaled quotation: 'They can cut all the roses, but they can not stop spring from coming' and I hear of the word 'transformation' so I am transforming the quote to suit me: 'they can privatize water but they can never deprive poor people from drinking'.

THE COURT CASE: JABULILE MOGANE

A letter of demand was sent to J.W. on August 2004, which included the details of the 52 residents that were cut-off. They played a delaying tactic by not setting an exact date for a meeting. This led to a dispute, and to CALS, FXI and the Phiri Concerned Forum filing papers in court. Still J.W. did not respond up until the extended due dates. Eventually they filed their answering affidavits late in October 2005. The file was so big that they gave lawyers a hard time to go through every page and re-researching.

Finally comrade Jennifer signed the responding affidavit of 450 pages in July 2007. Three months after the final court dates as follows: 03 to 05 December 2007. Even if the case is not won the struggle will continue through an appeal at the Constitutional court. This struggle is also international so your support will be highly appreciated.

THANK YOU

Annex 4

MASIBAMBANE I & II CIVIL SOCIETY SUPPORT PROGRAMME (MCSSP)

“Masibambane” means “Let’s work together” in isiZulu, and is the name given to the Water Services Sector Support Programme (WS-SSP). The Programme aims to “improve the quality of life of poor communities by improving their access to adequate, safe, appropriate and affordable basic water supply and sanitation services provided by effective, efficient and sustainable institutions that are accountable and responsive to those whom they serve” (MCSSP, 2004: 4). The Programme takes a multi-faceted approach and contributes to the overall objective mentioned above in the areas of sector collaboration, institutional support, transfers and cross cutting issues.

The component on CSO participation started in 2001 focusing on three provinces Limpopo, Kwazulu Natal and the Eastern Cape. It was followed by Masibambane II which was implemented since 2004 to 2007. For the three-year period of MSB I, very little impact was made as efforts were targeted mainly at putting systems and procedures in place.

KEY ACHIEVEMENTS

- 2001-2004 phase 1 of programme piloted to develop frameworks for further development in provinces
- Functional National Steering Committee: NGO, Provincial & Multi-Sector Representation
- Functional Provincial Steering Committees
- Capacitating of CSOs in specialised skills
- Strategy to market CSOs
- M&E indicators for CSOs involvement
- Informational manual for CSOs
- Accreditation of CSOs as training providers
- Initial Database of CSOs in Water Sector

CRITICAL ISSUES

- Striving for “Meaningful involvement’: not only increasing numerical representation
- Increasing CSO involvement must also take into account local context and dynamics
- Full accreditation of CSOs as training providers
- Identify skills areas that are compatible with LG requirements
- Comprehensive database of CSOs and their expertise

- Expanding focus of Masibambane programme to approach municipal services provision more holistically

“Changing perceptions about NGOs = Giving CSOs contracts”

UNRESOLVED ISSUES

- Provincial programmes: Stop – Start
- Building strong relationships: CSO / LG
- Programme roll-out = to ensure more CSOs involved = (how) to deal with LG procurement challenges
- Financial survival of CSOs
- Firmly and strategically positioning CSOs in key govt processes such as the MIG

STRATEGIC ACTIVITIES

- Mechanisms to increase CSO involvement at both national/provincial levels to include non-water sector CSOs – incorporating cross-cutting issues
- Organising CSOs to get involved with the key government strategic processes such as MIG
- Training accreditation roll-out in all provinces
- Database of CSOs and their expertise and skills
- Lobbying to address CSOs in preferential procurement regulations
- Continued lobbying for Local Government buy-in.

The Civil Society Strategy (MCSSP, 2004) has defined “meaningful involvement” more specifically. The MCSSP is the vehicle through which DWAF is promoting greater involvement of civil society in Masibambane. “Meaningful involvement” according to the Civil Society Strategy (MCSSP,

“Meaningful involvement” means –

- Strong awareness of and participation in water and sanitation planning and delivery processes by communities and CBOs;
- Increased numbers of NGOs, CBOs and community members actively engaged in local level planning processes for water and sanitation delivery;
- Increased numbers of NGOs and CBOs contracted for water and sanitation delivery services by municipalities;
- Greater proportions of water and sanitation programme financing flowing through and being managed by NGOs and CBOs;
- Increased numbers of NGOs and CBOs constructively involved in policy review and reformulation processes at provincial and national level; and
- High quality of services provided by NGOs and CBOs in service delivery contractual arrangements.

The Civil Society Strategy of the Masibambane Water Services Sector Support Programme is aimed at promoting the *meaningful involvement* of civil society in the water services sector. The need for our involvement derives both from legislation, emanating from the Constitution, and policy, notably the Strategic Framework for Water Services, approved by Cabinet and published in September 2003.

It is also included in the financing agreements signed by the government and the European Commission for both the first and the second phases of the Masibambane (Water Services Sector Support) Programme. The strategy focuses on CBOs that aim to represent and organise communities to engage and/or work with municipalities in water and sanitation related projects, activities and issues, from planning to operating and maintain facilities. A key condition set in the financing agreement for Masibambane I & II between the EU and the South African Government is that at least 25% of the budget should be channelled through civil society organisations.

The basis of CSO participation in the Masibambane I & II Programme appears to be focused around two main issues: (i) A keen interest in contributing to service delivery (social) in the Water Services Sector, driven by the need to generate revenue streams for CSOs battling to survive due to changed funding environments. This service delivery role involves community development work, including community participation, and community needs identification (research). (ii) An interest in policy advocacy, in order to influence policy formulation and policy delivery in Water Services Sector. This policy role includes service delivery monitoring (watchdog role), and other policy advocacy initiatives to influence Government service delivery.

NATIONAL AND PROVINCIAL STEERING COMMITTEES

The process of entry into the Programme by CSO PSC members varies across the nine provinces, but it nevertheless reveals broadly similar patterns. In the most cases, DWAF invited CSOs to attend a wider consultative meeting, out of which the PSC emerged through a process of voting or self-nomination. A National Steering Committee has been set up to guide the National Masibambane Civil Society Support Programme, to provide strategic input and to provide a platform for civil society to lead, influence and own the programme. Similarly, Provincial Steering Committees have been formed to all nine provinces to champion the programme in the provinces. These PSCs specifically focus on provincial issues and the provincial Masibambane programme.

OUTCOMES OF THE MASIBAMBANE CSSP

The Masibambane CSSP identified 6 target areas or projects to increase the “meaningful participation” of civil society within the water and sanitation sector.

Communication programme

- Communication Strategy Implementation Plan and Identification of external funding for CSOs (Eco-Care Trust)

- CSO representation on national forums

- Participation of Dplg and Salga, municipalities in the National Summits and Best Practice Conferences 2005 and 2006

Community Involvement

- Submission on civil society participation in MIG programme to MIT3
- Input into the SALGA CSO Policy document
- Case studies of provincial meaningful involvement of civil society in the water and sanitation sector (RDSN)
- Conducted research and documented good practice
- Citizens Voice and Water Demand Management Projects

NGO Capacity Building

The MCSSP - Capacity Enhancement Programme aims to identify areas which NGOs can offer unique and value-adding services and partnerships to WSAs. Furthermore the CEP Programme has already identified distinct roles for NGOs as compared to CBOs. Whereas NGOs are best placed to provide services that add value to water services delivery. CBOs are well placed in terms of the Water Services Act to decentralise management to local community level, thus ensuring that consumer and supply problems are rapidly addressed. The CEP programme is a three part initiative that will provide NGOs & CBOs with: Training (both participatory and formal), Research into best practices, Marketing and marketing support. Training modules include: Finance and Administration, Water and Sanitation Policy and Legislation, Project Management, Sanitation / Health & Hygiene, Institutional and Social Development (ISD), Gender Mainstreaming, HIV/AIDS – links to water and sanitation. This CEP - training has been conducted / done at Eastern and Northern Cape.

- CSO database drawn up for each province (Rural Support Services)
- MCSSP National Organisation Development & Capacity Building Process (Survey of status of Provincial Masibambane Civil Society Committees and Provincial Forums and CSOs (Sonke)
- ESETA accreditation of CSOs (Tsogang)
- CSO funding guide (Eco Care-Trust)
- CSO marketing tools (Eco Care-Trust)

Contracting of NGOs

It is recognised that municipalities are confronted by a host of laws and regulations related to contracting and procurement when considering the outsourcing of service delivery. MCSSP Capacity Enhancement Programme (CEP) will encourage and advise municipalities on how to adopt a positive and innovative approach to this legal framework. It must be recognised that

these laws exist to protect municipalities from internal corruption or nepotism – they are NOT meant to block creative and cost effective partnerships with civil society.

Non-service delivery role of civil society

- Desktop study to identify funding for NGOs to carry out non-service delivery functions
- Study of CSOs involved with monitoring, advocacy and awareness

Civil society co-ordination

- Hosted 9 Civil Society Summits with varying degrees of success and levels of attendance by civil society, local Government and Salga.

Challenges

The MCSSP has been unable to increase the meaningful participation of civil society organisations in the delivery of water and sanitation services. Part of this is a result of the fact that the CSO sector and the municipalities have different interpretations of who constitutes civil society and thus what can be recorded as civil society participation. This is further complicated – and will become more so over time – by the apparently imminent Dplg legislative requirement to regard ward committees as the voice of organised civil society and use them as vehicles for community participation.

One of the challenges identified after the first and second phase of the MCSSP was the diminishing role of CBOs in water and sanitation delivery programmes, due to municipal emphasis on fast track, top-down delivery of infrastructure, at the expense of sustainability and community buy-in.

In conclusion, we need to understand that the NGOs represented in this Masibambane programme are a diverse group. Each individual NGO has:

- Its own strengths, competencies and areas of expertise
- Its own track record of experience and performance
- Its own network of relationships and contacts
- Its own values, vision and mission

Some have been working in the sector for years; some have worked in other sectors and bring valuable inter-sectoral perspectives; and there are some which are new and inexperienced. Some have highly marketable skills; others have skills which need to be repackaged to make them marketable.

The challenge is to identify how best to present such a brand grouping in ways that will appeal to municipalities – without misrepresenting or compromising individual NGOs.

Annex 5a

Raising Citizens Voice in the Regulation of Water Services By Laila Smith

November 2007

I was approached by the Water Services Regulation Unit within DWAF to lead a pilot on how to involve citizens in regulation. The intention of the project was to democratize regulation at the local level. I was fortunate to be able to pilot this initiative in Cape Town as it is a City that I had lived in and done my doctoral studies and as such, was quite familiar with the local government landscape.

I initially approached EMG as a partner as I wanted to operate the pilot through a strong NGO. EMG was not forthcoming perhaps due to being overcommitted to other projects. I then presented it to the Western Cape Water Caucus and was again met with scepticism as to the viability of the initiative. Not wanting to waste time, I then approached the municipality and was met with greater enthusiasm, perhaps because the initiative was seen as coming from DWAF, as opposed to from an independent consultant.

The basic structure of the project was to develop a curriculum around a holistic approach to water resources, services and how to access the state at various levels. This curriculum would be used to train communities by ten community-based trainers. After the implementation of the training, the pilot designed the concept of having user platforms as a follow up mechanism to allow households that had been trained to have an ongoing vehicle through which to express their water service delivery concerns to the city council.

I had originally hoped to work with civil society representatives in providing the training but our budget was limited in being able to hire people full time for a year in order to really ensure continuity in the training programme. As such, I was given ten community development workers from the Western Cape Province. In hindsight, this was a formidable gift and illustration of intergovernmental cooperation as it allowed for the ongoing training and development of CDWs so that they could make a contribution to the communities they came from by virtue of the quality of training they provided.

There was quite a bit of resistance from CSOs, in my use of CDWs because they felt that these were agents of the state and did not necessarily speak to the politics of water underlying the service delivery difficulties in many township communities. This tension between CDWs and CSOs has been an ongoing one and is something that warrants a wider discussion within the CSO community.

A train the trainer programme was developed and Faldiela De Vries, an activist from Mannenberg and former councillor who was the Chair of the Housing Portfolio Committee. Faldiela became a valuable training resource throughout the rest of the pilot.

Once the CDWs were sufficiently confident with the excellent curriculum prepared by Karen Goldberg (via EMG), the roll-out of the training began in the four township communities of Mannenberg, Langa, Lentegeur (Mitchells Plain) and Crossroads.

Overall, the City was quite cooperative in a number of ways. First, by providing staff resources to mentor the CDWs during site visits as part of their training. Second, they provided a roster of officials to attend each of the workshops to respond to technical questions from the participants. Third, the department assigned to one person all of the logistical responsibilities in implementing the pilot, such as bookings of community halls in each township, preparing certificates for the participants. Eventually two staff devoted a significant amount of their time to the project in trying to ensure bottlenecks were rapidly dealt with as they arose.

The glue that held the project together was our bi-monthly Tuesday meetings where all of the CDWs would meet along with the key officials involved in the project. These meetings allowed me, as the coordinator to provide guidance as to where the project was going and to monitor the performance of the team. It also allowed the CDWs to report back on logistical difficulties arising from the training sessions that the officials would immediately respond to as well as the some of the key content issues emerging from the workshops. These service delivery issues were also taken up by the officials to try to resolve, such as a household who had high monthly bills that were based on estimates because the person did not even have a proper meter, households were told to pay more than they could afford for their water services even though they had made an arrangement with council. When the officials felt that some of the debt control issues that arose in the meetings moved into areas that were beyond their authority, we brought in the person responsible for Credit Control in the City to hear our stories and demand responses.

In hindsight, this kind of cooperation between water services and other parts of the city in trying to respond swiftly to complaints raised by the public would never have occurred had I been operating through a civil society organization. I actually got enormous cooperation both within the water department and from other departments such as the Ombudsman's office and the credit control department because the initiative was perceived as being driven within the municipality.

This raises the question as to whether this project can be credited as a civil society initiative. One of the significant drawbacks of the pilot is that we were not able to engage sufficiently with CSOs throughout the process. I wish that we would have been able to have CSOs do the training or be part of the audience as it would have, I believe, strengthened their own understanding of water services issues. CSOs alone are not at fault here. Numerous attempts were made on my part to create a bridge between the City and CSOs as I felt very strongly that citizens alone would not be able to take up some of the more politically fraught issues with council, whereas CSOs were in a stronger position to do so. The Water Department, during the year of 2006 when I was running the pilot, was not open to this suggestion.

This refusal to engage with CSOs indicated to me that the leadership of the water department at the time was too insecure to be confronted by CSOs, even if it was meant to be in a constructive manner. The department was remarkably progressive in trying to empower residents around their rights, but this was a non-threatening

activity because the effort culminated into residents providing good information to the department on where services were going wrong, in order to assist them in trying to resolve these problems more swiftly.

The Citizens Voice project was a success in giving the municipality a greater oversight of service delivery issues in low-income areas by virtue of creating vehicles for ongoing engagement with a largely disenfranchised public. It is still very early to assess the degree to which this initiative has or can strengthen citizens into an organized voice so that they can challenge the state on the structural flaws of existing policy. Citizens Voice has not yet been capable of opening a dialogue with organized civil society and the water department to address the gaps in the system.

Nevertheless, I do believe that as the year of 2006 reached its conclusion, the City began to formalize more regular meetings with CSOs. I look forward to seeing how this opening dialogue evolves in addressing the big issues such as insufficient opportunity for CSOs to genuinely engage the council on the policies that determine how services are delivered.

To conclude, I learnt an enormous amount in this pilot and feel exceptionally privileged that I was given the opportunity to drive it. I think it has been very successful because the City has taken ownership over the initiative to the point where it has turned the pilot into an ongoing programme. The City has appointed Faldiela De Vries full-time to expand this programme and has hired 22 CDWs to go out to communities and play a monitoring role around where services are inadequate. This is to me, a significant step forward in the Water department realizing that poor people in the city have just as much right to quality services as the affluent. I do not think that this pilot helped any civil society organizations but I do think it gave a solid foundation to the Water Department in how to drive the decentralization of monitoring to the public. The municipality still has a long way to go in terms of formalizing this public monitoring into its own regulatory processes, but at least for the time being, the service delivery issues raised by the public are more swiftly resolved by the operations department.

I think the Citizens Voice is having ripple effects in the water sector. DWAF has now appointed Mvula Trust to take this initiative to Gauteng and Kwa Zulu Natal. Durban Metro has already appointed Mvula to assist them in dealing with the triangulation between the officials, councillors and CSOs by providing this training to councillors and CSOs. This request certainly opens up opportunities for CSOs to play a more sophisticated bridge-building role between council, politicians and other CSOs. This leaves me with an optimistic outlook that there is yet hope for civil society organizations to play a useful role in relation to the Citizens Voice, but it will only happen in an organic manner rather than a predetermined one.

Annex 5b

Raising Citizens Voice in the Regulation of Water Services By Faldela de Vries

November 2007

In our project we had set out from the start that we would prefer to procure catering services from the local community that we work in. The problem we encountered was that in some instances there were no vendors that were registered with the council. We were then told that the council has a special application form called "Panel of Labour Intensive Service Providers for Community Based Projects". We went to great lengths to assist unregistered service providers to come on the system through this process. This process turned out to be no different to the normal requirement in the sense that the individuals still had to provide a tax clearance certificate before they could register but did not have to be registered with Trade World. After doing all of this we were then told that all service providers of the City of Cape Town must be registered with Trade World.

Constraints

First time local service providers may not have start up capital. The red tape in the Council is not very sensitive to their needs. There is no procedural manual which informs providers as to what details must be on the invoice and what the procedure is of ensuring contracts from council. The result being that payments are detailed and the service provider is hard pressed for cash. Most of the caterers that we have used are unemployed women who have not worked for many years. The acquisition of the tax clearance certificate then gets seen as a stumbling block. On the other hand assuming they do get the tax clearance certificate and only land one contract they then have the burden of having to submit a tax form on an annual basis because they are now registered

Our suggestion for the tool box

We think that there must be a different set of criteria for entry level service providers. For those community structures without the necessary infrastructure a compliant NGO/CBO could be identified as a host to manage the finances. Provision must be made to pay the host organisation an administrative fee. The council could enter into a legal contractual agreement with NGOs/CBOs on a contractual agreement with clear deliverables. At present council is allocating Grants-in-Aid to NGOs/CBOs, Arts and Culture, Sports etc without the need for tax clearance certificates. These criteria should also apply in the water sector All the team members have gone beyond their brief to ensure that the project meets its objectives and to ensure service delivery to the targeted communities

Project Objective

The project objective is to facilitate ten weekly workshops per area in order to empower the targeted community with information and skills so that they could have

meaningful engagement with council and other spheres of government. The various topics covered are noted on the flyer. These training workshops will ensure that the communities understand their rights with regards to the water sector but also become a responsible partner of the council in ensuring meaningful service delivery.

The Rationale

The Raising Citizens Voice initiative is a path breaking effort by the City Of Cape Town, DWAF and the Province to put existing policy and regulation into practice. The Framework for Water Services (2003) and the Water Regulation Strategy both speak to the need for creating mechanisms for greater engagement between the public and the water services provider/authority. Our concept is to demystify Acts of Parliament, the Constitution and council policies and By-Laws. This means on the one hand empowering Citizens to hold local government to account for delivering good quality services and on the other hand encouraging local government to be more responsive to citizens needs.

The Team

The team consists of fifteen council employed staff and ten community development workers employed by the provincial government.

The Methodology

The community stakeholders and councillors are informed in the targeted community about the proposed workshops and its benefits. The flyers are knock and dropped. The community is encouraged to attend the workshops. The training is done by the facilitators using break-out sessions. This ensures that the participants discuss amongst themselves the issue in the manual, which was especially designed for the programme. All the weekly workshops have a City official at hand who will capture the important issues raised in the breakout sessions. In this way council can gather valuable information from the community. Council policies from other departments, such as the council's credit control policy and indigent policy, forms part of our training. At the end of each training phase a user platform, driven by the community participants, will be setup. The community will elect its own chairperson and secretary from amongst themselves. The council will give logistical support to the forum.

Achievements to date for the council

This project is a first in the country. Many other provinces are showing keen interest. The Durban Municipality is in the process of exploring this project in order to replicate it in their municipality. During 2006 the piloted project funded by DWAF national office was done in four areas namely Manenburg, Langa, Lentegeur and Cross Roads. To date in 2007 workshops were completed in Tafelsig, Eastridge, Site C, Makhaza, Netreg Atlantis, Leiden Delft and, Mfuleni. At present workshops are being held in Harare, Beacon Valley, Du Noon and Philippi. These end in mid-November. In total we trained/skilled 720 members from the community. Representatives from the Raising Citizens' Voices project serve on The Multi-Disciplinary Debt Management Task Team. At this meeting representatives from various service delivery departments share information and take inputs from other departments. The representatives from our project take community concerns to this meeting and communicate directly with decision makers.

Feedback from the Community

In Langa, the Kosovo informal settlement has insisted that toilets be installed. This is because they realised their rights through the workshops the community. There is a greater awareness amongst those who attended the workshops that water is a scarce resource. Because they have learnt how to save water, their water accounts have been reduced. By the end of the training period participants claimed that they have become more conscious. In Delft the community raised concerns on how the City monitors private contractors who take water from the fire hydrant. An explanation was given the next week on how the community could monitor this. The community responded enthusiastically after the training on the roles and functions of the three spheres of government, and how to read and use legislation. Many participants said that after the training the Constitution had more meaning to them.

The Facilitators/Project members

In many instances project members have gone the extra mile to assist the community with their water accounts and leaks. They have demonstrated how to read a meter and to fix leaks. They have done house visits to investigate high water bills and checked leaks that were reported to the City. The Facilitators also used the workshops to explain the new water management device and in so doing defused possible tension in the community where it was perceived as a pre-paid meter. Additional training was given to the community leaders in Delft around lobbying and advocacy.

SA WATER CAUCUS MEETING ON WATER SERVICES 31ST OCTOBER 2007 – 2ND NOVEMBER 2007

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