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Making friends with local government

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Making friends with local government

Mahlubonke Makunga, Joannette Bos and Andrew Macdonell, South Africa

FIVE YEARS AFTER the start of democratic government in South Africa, local government structures in the Eastern Cape are beginning to take over responsibility for the delivery of basic water services from central government, non-governmental organisations (NGOs) and village water committees (VWCs). This shift in responsibility has forced NGOs, like the Mvula Trust, to examine their *modus operandi* and the appropriateness of their existing partnerships with community structures.

This paper documents the experience of the Mvula Trust in the Eastern Cape on several programs in which partnerships with new local government bodies are developing. Particular reference is made to the Eastern Cape Premier's Office programme, the Irish Aid Model Project programme and the DANIDA Contract facilitation programme. The challenges, benefits and problems of working with local government are assessed, and recommendations made as to how more effective partnerships can be developed in the future.

Background

"Old" South Africa

Established in 1993, the Mvula Trust is an NGO, which channels funding through community bank accounts to enable communities to manage the implementation of their own rural water supply and sanitation projects. In the years prior to the emergence of local democracy, the Mvula Trust only supported communities that organised themselves and applied for funding through a village water committee. This approach was mainly in support of the Dublin Declaration of 1992 that rural water supply is best managed at the lowest possible level; but also a recognition that no other democratic structures existed.

"New" South Africa

With the emergence of democratic rural local government, it is no longer legal to deal direct with village committees without first working through their democratically elected representatives. In the Eastern Cape, this democratic repre-

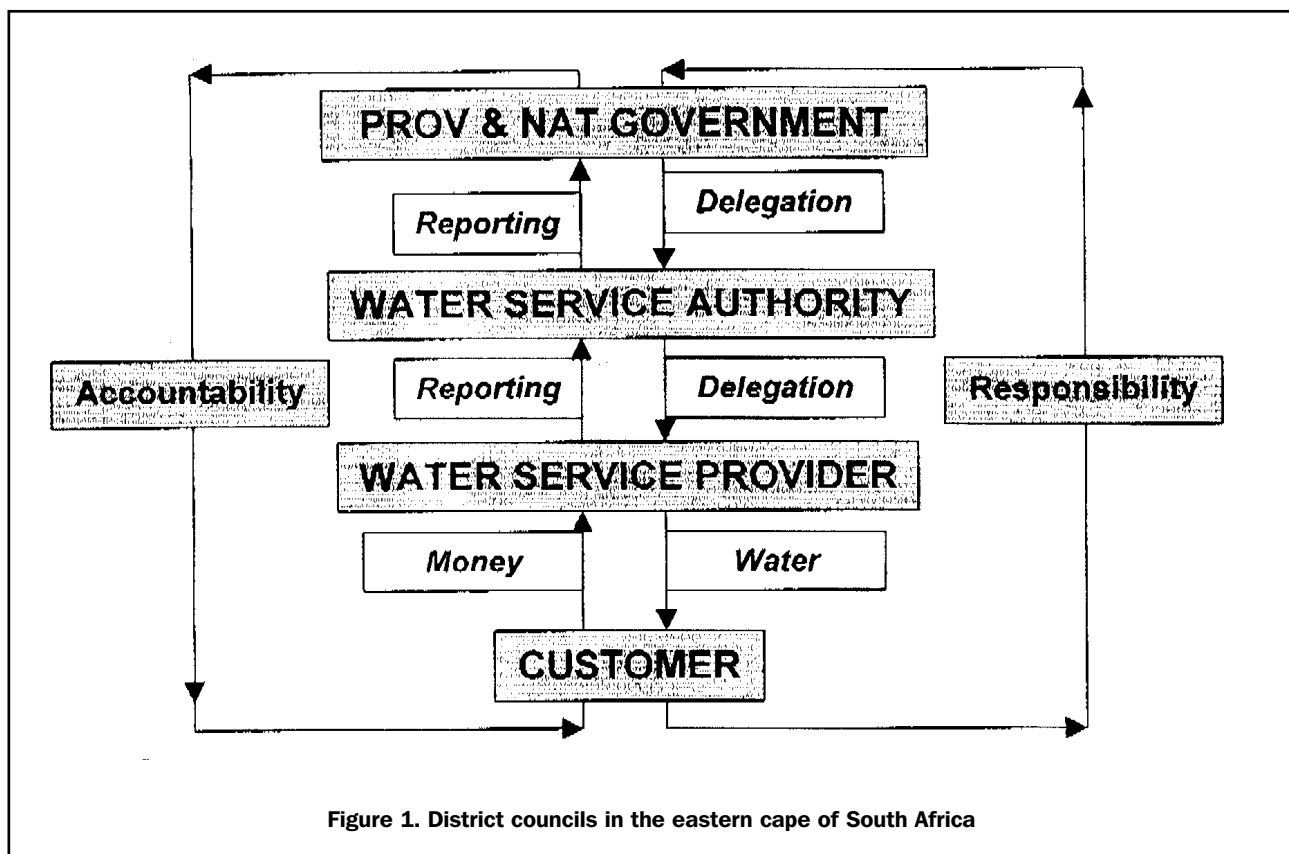


Figure 1. District councils in the eastern cape of South Africa

sensation currently comes in two levels. At the lowest level, there are rural Transitional Representative Councils (TRC) or municipal Transitional Local Councils (TLC). TRC councilors are elected by proportional representation, with the number of councilors being dependent on the population in the area. Depending on the TRC size, one or two TRC reps then sit on the higher tier of local government, the District Council (DC). There are six DCs in the Province of the Eastern Cape; Amatola, Drakensberg, Kei, Stormberg, Western Region and Wild Coast, based respectively around the main towns of East London, Barkley East, Umtata, Queenstown, Port Elizabeth and Mount Ayliff.

The requirement that local government structures assume overall responsibility for water service delivery was formally passed into law with the Water Services Act (1). This Act (See Fig 2) gives a Water Services Authority (WSA) overall responsibility for rural water supplies and allows them the power to delegate the practical logistics of water delivery to a Water Service Provider (WSP). The WSA in the Eastern Cape is usually a tier of local government; while bodies that can act as WSPs include Water Boards, Private Companies or, for typical small stand-alone Mvula Trust projects, Village Water Committees (VWC).

This new legislation has been introduced at a time when the local government structures are themselves evolving. Boundaries are being redrawn and responsibilities

reallocated. No firm decisions on the future shape of local government have been made, but it is likely that merging some of the current TRCs and TLCs will form permanent representative councils with greater capacity.

Against this background of transitional local democratic structures, the Mvula Trust in the Eastern Cape has been implementing a number of programs in conjunction with local government.

Eastern cape premiers office programme

Anticipating the increased role for local government in the implementation of projects, the Eastern Cape Premier's Office allocated funds in 1997 for the Mvula Trust to implement a number of projects in partnership with local government. The idea of this funding was to fully involve local government in all the stages of the project cycle and to build the capacity of local government to fulfill its future role as a WSA.

Each district council in the Eastern Cape was allocated sufficient funds to implement one small stand-alone rural water project.

Projects have now started in five districts (DC and TRC name in brackets):

- Lumanyano (Amatola DC, Tsomo TRC)
- Lower Seplan (Drakensberg, Xalanga TRC)
- Sikhobeni (Kei DC, Libode TRC)

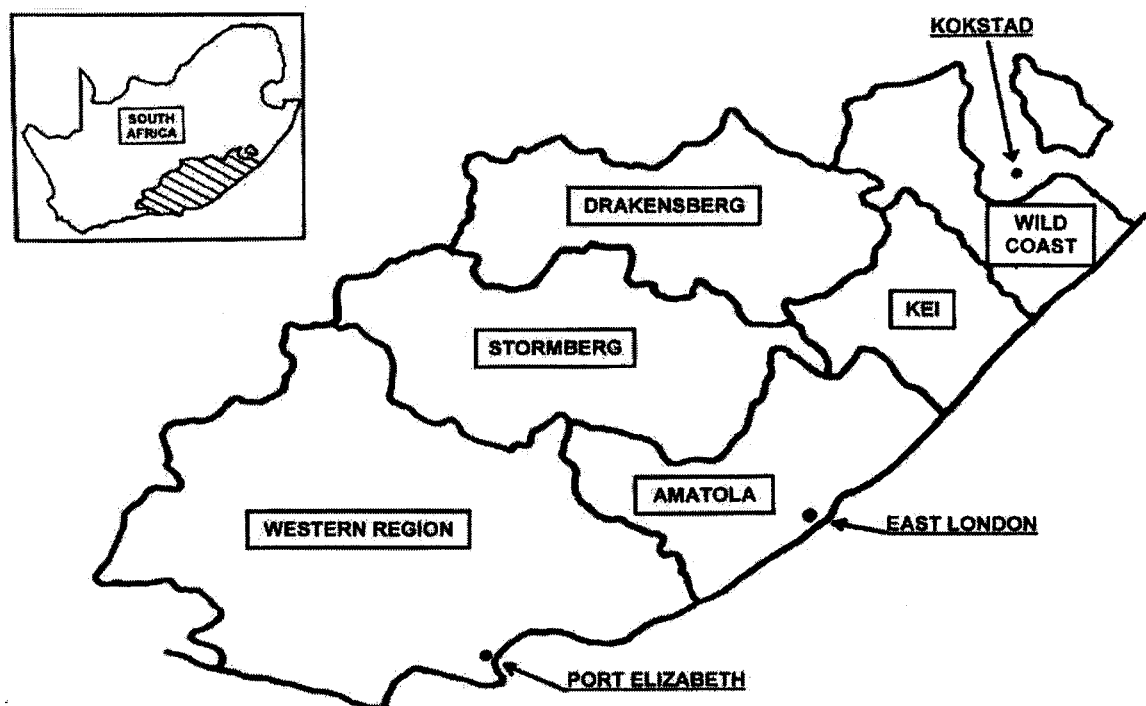


Figure 2. Responsibilities under Water Services Act

- Qaqeni (Stormberg DC, Glen Grey TRC)
- Gugwini (Wild Coast, Mount Ayliff TRC)

Western Region DC is largely private or municipal land, and so returned the funding. The process of project identification took longer than envisaged, as wide consultation was required before the district councils could select suitable TRCs. The selected TRC then identified a community that met criteria set out by the Mvula Trust. Implementation of the projects has continued using the current Mvula Trust procedures, except that extra effort has gone into involving local government representatives in the project management process.

Successes:

Increased understanding by local government of the implications of the Water Services Act.

One aim of the Premiers Office programme was to explain the Water Services Act to local government. To achieve this, the first of a series of training workshops was held in the town of Cala in March 1999 with participants from the Drakensberg District Council, Xalanga TRC and VWCs from the area. The workshop was effective primarily because the approach was highly participatory. Participants were encouraged to discuss and draw up lists of roles, responsibilities and desirable characteristics for each of the stakeholders outlined in the Water Services Act. Through open discussion, TRC representatives came to the conclusion that the most effective Water Service Provider for small stand-alone schemes is the VWC. This acceptance of the important role that VWCs should play was significant because, in the past, many local politicians have been suspicious, and even jealous of the power and financial responsibility that committees exercise. A second achievement of the workshop was to get the participants to draw up their expectations of the other stakeholders. Hence the TRC reps were able to spell out the reporting that they required from the committee as WSP, while the committee reps were able to outline the back-up support required from the WSA. The TRC reps also came to accept the necessity of payment for services.

One of the problems in the rural water supply sector in South Africa is that mixed messages regarding payment for services are reaching people at the grassroots level. Local politicians, who promise a continuation of government subsidies towards running costs, often contradict the official government policy that communities must pay the operation and maintenance costs. The workshop was able to clarify the distinction that while consumers can be passive recipients of a service, customers are recipients who pay the cost for the service.

Improved communication with local government structures

In Lady Frere, one of the most depressed areas of the former Transkei, the water steering committee of the Glen Grey TRC holds regular public meetings to discuss rural water

issues and to disseminate information. This forum is an effective vehicle for good communication between local communities, TRCs, VWCs and external role players, such as the Mvula Trust. As a result of the Premier's Office programme, Mvula Trust representatives have become regular participants at this forum. Positive benefits of this improved relationship with local government have now started to filter through to all the other projects in the district. The local government is more aware of the Trust's activities and the old perception that the Trust was a "maverick" organisation operating outside their control is no longer in evidence. In return, local government representatives who often have excellent social facilitation skills, have become useful allies in the resolution of community problems. For example, TRC representatives from Glen Grey have been heavily involved in resolving a power struggle (described later) over the selection of the Qaqeni Community.

Strengthened local government through active participation in delivery

Delivering services and keeping the promises made by the government is a high item on the Local Government (LG) agenda. The close association between the Mvula Trust and LG that has emerged from the Premiers programme has benefited both parties. In the eyes of its constituency, LG is seen participating in "delivery", while the Mvula Trust gains legitimacy for its policies through the endorsement of locally elected representatives. Recently at the community of Lower Seplan, the active endorsement of the community contribution policy, which requires that communities save funds into an "emergency" fund, by local TRC representatives was especially useful. The aim of this policy is to establish a habit of payment for services, assess the ability of the community to pay and develop the capacity of the committee to operate a tariff collection system. In certain LG quarters, this policy is not fully accepted as it runs against the idea that poor rural communities should be subsidised with free, or cheap, water. There is also an unresolved issue in that a secondary aim of the emergency fund is to pay for the replacement costs of major breakdowns. Further work is required to refine this policy as this secondary aim is apparently in conflict with a central principle of the Water Services Act (1) that as infrastructure is owned by LG, it is responsible for capital replacement.

Dramatic improvement in understanding

Over 30 Mvula Trust projects throughout the Eastern Cape have enjoyed performances of a drama developed by a local theatre company called "Shoestring Productions" to promote the concept of community contributions towards operation and maintenance costs. The two-man play "Masizakhe and Zwaii" features a number of familiar rural characters, and uses humour to transfer a powerful message. A positive side effect of the play has been the increased understanding that it has generated amongst local government representatives regarding the importance of community contributions. The Trust is now looking into the possibility of using a similar play to communicate the implications of the Water Services Act.

Pre-project facilitation promoting a demand responsive approach (DRA)

One of the weaknesses of the Mvula Trust project cycle, identified by successive evaluations, has been the lack of adequate pre-project facilitation to develop and design projects that are truly responsive to the demands of a particular community. At Lumanyano, the community selected by the Tsomo TRC, the Trust organised an intensive period of pre-project facilitation to address this shortcoming. The aim was to enable the community to tailor the project structure and design to the particular needs, skills and capacity of both the community and the technical and social agents. As LG will have to assume overall responsibility for the completed scheme, they have been an integral part of this demand responsive process. It is too early to assess the effectiveness of this approach but there are indications that the community of Lumanyano are more aware of their project than has been the case elsewhere.

Problems**Decisions taken by TRC driven by a different agenda**

In identifying communities to receive funding for water projects through the Premier's fund, the Trust suggested project criteria, but ultimately accepted the decision of the TRC if the basic criteria were met. Problems emerged because TRCs tended to select communities on political, geographical or personal grounds rather than on the basis of need, community demand, technical viability, cost effectiveness or sustainability. In some cases, projects were selected that are, by coincidence, home to prominent local politicians. Elsewhere selections made in good faith on the basis that a particular area has been neglected for development, have ignored the fact that the communities have not been consulted nor exhibited any demand for a project.

Power struggles between competing political structures

A young democracy will inevitably undergo struggles as rival political structures compete for responsibility and influence in the decision-making process. The selection of Qaqeni Village in Umhlanga by the Glen Grey TRC illustrates the importance of wide and transparent consultation. Qaqeni was selected by the TRC but, due to poor communication, word reached Umhlanga that the whole area was to be supplied with water. When it was explained that the funding was just for the village of Qaqeni, the local ANC branch used the issue to fuel a long standing dispute with the Glen Grey TRC, which is located some distance away in Lady Frere. Eventually after a long dispute, including roadblock demonstrations and much "toy-toy-ing" the issue was resolved. All parties finally signed a written agreement following mediation by TRC representatives with excellent facilitation skills. The episode highlights the importance of consulting all the relevant parties and ensuring that all the parties confirm any decisions in writing.

Lack of capacity in local government.

One of the major hurdles facing implementation of water services is a severe lack of capacity and skills at local government level. Years of maladministration and a lack of resources have drained the capacity of structures like the Kei DC in Umtata to effectively fulfill their constitutional role.

This lack of capacity in the Kei DC required intensive effort on the part of the Trust to facilitate their choice of a suitable project location. However once Kei DC had selected Libode TRC, the process quickened. Libode TRC immediately showed interest in the programme and soon selected Sikhobeni village for the water scheme. This experience that District Councils are more difficult to mobilise than TRCs has been repeated elsewhere. Amatola DC has more capacity than Kei DC, but still took a long time to choose a suitable project location because of a lack of decision-making leadership.

Irish aid model project at Shiloh Bede

Most of the projects implemented by the Mvula Trust in the Eastern Cape fall into the category of small, standalone rural water supplies. Very few Trust schemes are supplied from bulk supplies, but an exception is the Shiloh Bede Water Project in the small town of Whittlesea.

The Shiloh Bede Water Project has been operational for over two years. With funding from Irish Aid to turn completed projects into 'model' sustainable projects, the Trust is now returning to Shiloh to oversee the upgrading of the service to include yard connections and to ensure an efficient tariff collection system is operational. In addition, contractual relationships need to be established between the Water Committee as the WSP and the Stormberg District Council as the WSA.

The complication at Shiloh Bede, in comparison with stand-alone schemes, is that the contractual relationships are more intricate. The WSP function is split in two. The bulk WSP is the Amatola Water Board (AW), while the local WSP is now the Shiloh Bede Water Committee. As the local Whittlesea TLC was to have been the WSP for the neighboring Sada township, it was hoped that they could act as the formal WSP for Shiloh Bede, but delegate the day to day WSP functions to the Shiloh Bede Water Committee. The Whittlesea TLC declined this offer, which is unfortunate given that it could have been a valuable learning experience for the TLC in the logistics of running a viable cost recovery scheme. This situation illustrates another problem in dealing with local government: many local authorities are so used to being subsidised by higher authorities that they are reluctant to make the effort to stand "on their own feet" and accept their constitutional responsibilities.

Danida contract facilitation project

In the past, the delivery of rural water services was usually the responsibility of a single body such as a VWC, NGO or homeland government. However the new legislative

framework makes provision for the involvement of at least two different bodies (WSP and WSA).

To act effectively these bodies require a formal contract to legitimize their relationship. With funding from DANIDA, the Mvula Trust has been involved at the village of Upper Hukuwa piloting a contract between Stormberg DC (WSA) and the Upper Hukuwa Water Committee (WSP).

Contracts prepared by legal experts were explained and workshopped with the role-players in both English and the local language. Problems encountered included the complexity of the legal documents and misunderstandings over the detailed responsibilities of each party. Confusion has been increased by the difficulties of accurately translating the complete meaning of legal documents into a local language. However, there was basic agreement over the legitimacy of each party - something that is not always the case in other parts of the country. Nonetheless, preparing contracts that both satisfy and are understood by communities, local politicians, traditional authorities and lawyers has proved a considerable challenge and further work is required.

Conclusion

Recent South African legislation has made it clear that local government will increasingly become the central coordinating authority in the delivery of rural water services. This fact offers many challenges and opportunities to current operators in the sector. NGOs like the Mvula Trust, must fully bring local government on board its programs and ensure that local government is viewed as a trusted friend and partner in development.

Recommendations

- It must be accepted that the initial work of developing relationships with local government is both time consuming and expensive. Extra resources must be allocated at both a project and programme level.
- Time must be spent with LG to produce a common understanding on roles and responsibilities. Widespread ignorance on implications of the new legislation must be dispelled before local politicians can operate effectively.
- Lines of communication must be clarified at the outset in order to avoid duplication of reporting. One of the prime functions of local government must be to act as a coordinating structure for development. Organisations working with LG must ensure that reporting requirements are clear and explicit.

- Existing communication structures, such as council, community or traditional meetings, must be used wherever possible. It is inefficient and a waste of resources to set up new communication structures, when appropriate forums already exist. Similarly, the social facilitation skills of local politicians and civil servants should be harnessed in implementing projects.
- While local politicians are the democratic representatives of a constituency, it must always be remembered that in many areas, traditional bodies hold considerable influence. They must be fully consulted at all stages.
- Clear written communication with local government must be encouraged. Minutes of meetings and written action plans must be used wherever possible, to reduce misunderstanding and improve recording of decisions.
- Written contracts drawn up between local government and community structures must be as user-friendly as possible. Complicated legal documents often serve to confuse and result in disempowerment of role-players.

References

- Water Services Act (No 108 of 1997), Government of the Republic of South Africa.
White Paper on Local Government (March 1998), Government of the Republic of South Africa.

Abbreviations

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| AW | - | Amatola Water Board |
| DC | - | District Council |
| DRA | - | Demand Responsive Approach |
| DWAF | - | Department of Water Affairs and Forestry |
| LG | - | Local Government |
| MT | - | Mvula Trust |
| TLC | - | Transitional Local Council |
| TRC | - | Transitional Representative Council |
| VWC | - | Village Water Committee |
| WSA | - | Water Service Authority |
| WSP | - | Water Service Provider |

MAHLUBONKE MAKUNGA, Project Develop Facilitator, Mvula Trust, Eastern Cape.

JOANNETTTE BOS, Regional Engineer, Mvula Trust, Eastern Cape.

ANDREW MACDONELL, Regional Engineer, Mvula Trust, Eastern Cape.
