TRAINING MANUAL ON WATER INTEGRITY

MODULE 4: CASE STUDY MAPPING OF INTEGRITY AND ACCOUNTABILITY IN WATER ACTIVITIES AND RELEVANT CAPACITIES IN THE SADC REGION.
The countries of the Southern African Development Community (SADC) have all adopted the principles of Integrated Water Resources Management (IWRM) as the overall guiding framework for their respective water sectors. This has been done either as a formal IWRM plan or implicitly through some form of water management strategy or planning document.

The SADC countries have committed themselves generally to integrity and accountability through good governance and the countering of corrupt practices. In several countries there have been specific laws, policies, reforms, processes or organisations formed to promote integrity and accountability in public and private decision-making and water resource and services management at the regional level.

The mapping study aimed at providing an overview of processes currently in place to promote integrity and accountability in the management of water. It also aimed at making recommendations on how these processes could be supported in future. It did not investigate the levels of corruption but looked at what is being done to promote integrity and accountability in the IWRM context.
Specific objectives of the mapping study were

• Map, identify and analyse existing processes and relevant actors involved in promoting integrity and countering corruption

• Perform an assessment of on-going water reform processes, in the context of the above anti-corruption initiatives and how they impact the implementation of IWRM policies;

• Recommend entry points (in ongoing and/or new potential processes and partners) on how to further strengthen work on integrity, accountability and anti-corruption in water in the region.
Selected SADC country case studies

• The mapping study examined some examples of initiatives, institutions, laws, policies and organisations promoting transparency and integrity in the water sector.

• The report assesses the regional (SADC) situation as well as six selected countries – Botswana, Malawi, Mozambique, Namibia, South Africa and Zambia. It also cites a few examples from Lesotho and Zimbabwe.

• These countries represent a range of levels in terms of their economic development, Human Development Index (HDI) ranking, Transparency International’s (TI) Corruption Perception Index, Water Reform Ranking (WRR) as well as availability of water resources and provision of water services.

• This presentation only includes selected examples from Botswana, Malawi, South Africa and Zambia.
SADC regional perspective

- At regional level, issues of transparency and accountability are well articulated in the Southern African Development Community (SADC) Protocol against Corruption.

- Integrity and transparency in the water sector can be achieved if the SADC Protocol Against corruption is also implemented in the water sector as a measure of preventing corruption.

- The Protocol provides both preventive and enforcement mechanisms and demonstrates a degree of political will in the region to combat corruption. The purpose of the Protocol is threefold, namely
  a) to promote the development of anti-corruption mechanisms at the national level
  b) to promote cooperation in the fight against corruption by state parties
  c) to harmonise anti-corruption national legislation in the region.

- Under the SADC Protocol Against Corruption, a regional anti-corruption programme 2005 to 2010 has been formulated which is expected to be implemented by the SADC Anti-Corruption Committee (SACC) with the assistance of the SADC secretariat as an intergovernmental process (SADC, 2004).
The regional programme provides a good entry point for the water sector as it among others provides facilitation of increased information sharing on corruption trends, prevention measures and best practices among member states. The water sector can tap into preventive measures as well as best practices in the water sector that promote transparency and accountability at regional as well as national levels.

The SADC Protocol on Shared Watercourses, as well as the SADC Regional Water Policy and Regional Water Strategy, do however contain elements that indirectly promote transparency and integrity. The SADC Protocol on Shared Watercourses provides for the establishment of a regional water management framework and establishes a duty for states to cooperate, exchange data and information. Increased exchange of data and information is an important factor in increasing transparency.

At the same time, the SADC Regional Water Policy and Regional Water Strategy provide for the establishment of monitoring and evaluation and the involvement of stakeholders at all levels. These measures are likely to contribute to increased levels of transparency and thus complement the activities to prevent corruption and promote transparency and integrity.
Botswana – laws on water

- The Water Utilities Act (Cap 74:02) requires that all corporation business be conducted along sound commercial lines to enhance transparency and accountability.
- The Water Bill (2005) recommends the setting up of a Water Resources Council to coordinate and direct the National Water Resources Strategy.
- The Water Act of 1968 provides for the establishment of the Water Apportionment Board which is a quasi judicial body charged with the responsibility of administering conditional rights to abstract and use both surface and ground water.
- The 1994 Corruption and Economic Crime (CEC) Act mandates the Directorate on Corruption and Economic Crime (DCEC) to combat corruption and economic Crime. The CEC Act provides for the establishment of the DCEC to prevent corruption in public and private institutions including the water sector.
The Malawi water sector has two direct anti-corruption policies adopted by water boards and other general mechanisms that can influence the promotion of transparency and integrity.

The level of corruption, transparency and integrity in the water sector in Malawi, was measured in the 2006 Governance and Corruption Baseline Survey commissioned by the Malawi Government through the Anti-Corruption Bureau (ACB). The report revealed that public institutions that are characterised by low levels of requests for gratification (bribes) include the postal service, the bureau of standards, public health services, and water boards (Governance Baseline Survey 2006). About 54 percent of Malawi’s population of about ten-million people have access to water-supply facilities.

However, only 32 percent have access to potable water at all times. All urban and some semi-urban areas are served by piped water, while gravity-piped water supply, shallow wells and boreholes primarily serve the rural areas (Engineering News 2003).
Malawi – water anti-corruption policies

• Both the Northern and Southern Region Water Boards approved and adopted a Corruption Prevention Policy which was formulated in collaboration with the Malawi Anti-Corruption Bureau under the support of the Royal Norwegian Embassy (The Nation Newspaper 2007). The policy outlines how all staff and stakeholders can detect, report, prevent and deal with corruption and promote transparency and accountability.

• This is a recognition that the Water Board needs to uphold and maintain its integrity. These policies seek to enhance discipline and prevent workplace crimes. In this case, the policy promotes integrity in the Water Boards operations.
South African case - laws that support transparency

- The Water Services Act No. 108 of 1997 provides the regulatory framework for the provision of water services by local authorities.
- The National Water Act (NWA) No. 36 of 1998 in combination with the National Water Resources Strategy (NWRS) establishes the framework for water resources management and the protection of water resources in the country. The NWA oblige water management institutions to involve stakeholders in water resource management activities. Section 80 (e) of the NWA requires catchment management agencies provides “to promote community participation in the protection, use, development, conservation, management and control of the water resources in its water management area”. Section 81 (1) of the NWA notes that the governing board of a catchment management area must be appointed “with the objective of achieving a balance among the interests of water users, potential water users, local and provincial government and environmental interest groups”. This is likely to ensure high levels of transparency in decision-making, thus reducing the potential for corruption.
- The Department of Water Affairs and Forestry (DWAF) runs an Anti-corruption hotline where stakeholders (from within and outside the Department) can report unethical behaviour and wrongdoings anonymously and confidentially and steps are taken to investigate allegations and pursue necessary actions.
Zambia – corporate governance of water utility companies

• Commercial utilities (private companies), are required to exercise corporate governance principles to enhance transparency which in turn enhances economic efficiency, enabling the operations of the company to be open to the Board and shareholders and the community at large.

• In practice however, NWASCO notes that the compliance with some CU’s on such law requirements has not been too good as reflected in the 2006/2007 Urban and Peri-urban Water Supply and Sanitation report.
The Anti-Corruption Commission in Zambia conducted a number of Managerial Accountability workshops where they identified loopholes and made recommendations to improve transparency for Lusaka Water and Sewerage Company (ACC 2007).
A comparative overview of transparency, accountability and integrity measures in the SADC region in the water sector in six countries mapped (Botswana, Malawi, Mozambique, Namibia, South Africa and Zambia) reveals a wide range of different approaches.

Only 3 countries (Zambia, Malawi and South Africa) have activities that are directly aimed at promoting transparency and accountability and preventing corruption in the water sector. In these countries, this common trend is manifested in the Water Watch Groups approach and Corporate Governance in Zambia, the Water Boards Anti-Corruption Policies in Malawi and the telephone hotline in South Africa.
Comparative overview of SADC transparency and Integrity

- In the other three countries mapped (Botswana, Namibia and Mozambique) such direct measures are not present. Another common feature in these countries is that they rely on old pieces of water-legislation that are now being revised. Most of these do not provide for direct measures on promoting transparency and accountability.

- In most of the countries mapped, they have water policies that guide the development and administration of water resources that have some IWRM principles. In these policies, a common feature aims at promoting joint institutional approaches in water management. In a number of these policies, the role that water service recipients or stakeholders should play is emphasised and outlined. In practice, however, most of them are not yet fully engaged.
Comparative overview of SADC transparency and integrity

• In terms of laws, the mapped countries show that there is a number of old and new laws that guide the operations of the sector. It is worth noting that most of the old laws are now being revised in order to strengthen them.

• In Malawi, the Water Resources Act of 1969 is being revised under the Water Resources Draft Bill of 2007. The other law is the Water Works Act of 1995. In Mozambique, there is the Water Law of 1991 while in Namibia they have the Water Act No. 54 of 1956 and the Namibia Water Corporation No. 12 of 1997.

• In Zambia, there is the 1948 Water Act and the Water Supply and Sanitation Act No. 28 of 1997. In South Africa, they use the Water Services Act No. 108 of 1997 while in Botswana they have the Water Utilities Act (Cap 74:02) and a draft Water Bill (2005) earmarked to improve the Water Act of 1968. This means that all the countries have legal frameworks that guide them in the management of water resources.
Comparative overview of SADC, transparency and integrity

• All countries’ water policies take into consideration IWRM principles in water management.

• A number of non-water actors exist but few of these directly promote issues of integrity and transparency in the water sector. These range from civil society to private sector institutions.
IWRM and integrity promotion

• The adoption of an IWRM approach to water management in a country can, potentially, lead to the promotion of integrity and good governance. The fact that decision-making power and responsibility is not vested in only one individual or organisation means that it becomes more difficult to hide possible graft.

• Decentralised decision-making structures and the involvement of a greater number of stakeholders in water management decisions can play a critical role in promoting good governance through greater accountability and transparency in decision-making. Thus, the implementation of the IWRM framework in the region can be considered a strength or an opportunity in terms of the promotion of accountability and integrity in the water sector. However, there may be weaknesses or threats also to consider. The fact that decision-making control is devolved to a lower level opens up the possibility for local powerful vested interest to appropriate the process.

• It is critical to realise that many of the strengths, weaknesses, opportunities and threats that define transparency, integrity and the levels of corruption in the water sector lie outside the sector itself.
With corruption being committed by and affecting numerous role-players, an important strength in anti-corruption efforts are joint initiatives involving role-players from all sectors. Furthermore there is a strong drive by government to promote self-regulation by the private sector. In South Africa the NACF contributes to this. This is particularly true in the Southern African context, where the lack of human and financial resources often means that the levels of monitoring and control by government cannot be as high as perhaps necessary.

At the same time these capacity constraints can be an incentive (opportunity) to further increase partnerships between different role-players. Important partnerships are also formed between government and civil society as well as civil society and media to jointly raise awareness on corruption and promote transparency and integrity.
Potential areas of intervention

• The capacity building interventions proposed should be accompanied by awareness raising and policy dialogue with regional and continental bodies. African Ministerial Council on Water (AMCOW), NEPAD and the SADC Water Division are important continental/regional political bodies with a strong guiding role for continental/regional initiatives in the water sector.

• Transparency and integrity need to be promoted as a cross-cutting topic with these bodies and fed into the ongoing policy dialogue that takes place within these forums. This at the same time creates opportunities for cooperation between regional bodies and civil society through existing mechanisms (e.g. AMCOW- African Network of Civil Society in Water (ANEW) partnership) through which the issue of transparency and integrity promotion and anti-corruption measures can be promoted.
Key recommendations

• A SADC region capacity building and training manual on promoting transparency, integrity and corruption prevention in the water sector needs to be developed and disseminated among water and non-water actors. The standard manual should be based on the capacity needs identified in this report.

• A platform or forum should be created or an existing one added to, to share best practices on promoting transparency, integrity and corruption prevention.

• There is a need to engage and strengthen local communities, forums and other civil society structures involved in water management.

• There is a need for water sector actors to develop and implement joint programmes with non-water sector partners.

• The water sector actors, especially water service providers, need to engage their clients and empower them with necessary capacities in order for them to monitor, track and evaluate their performance.
Conclusion

• This mapping of integrity and accountability in water activities and relevant capacities in the SADC region has revealed that the region has existing measures that promote transparency although these are limited and need to be improved, well coordinated and enhanced.

• The report has highlighted that in the six countries of the region, there is great potential and opportunities to introduce and harness programmes that promote integrity and accountability.

• The study identified vulnerable areas of accountability being in procurement, human resource management, infrastructure development and maintenance, financial management and accountability, water supply, customer care and complaints management, water allocation, as well as good corporate governance.