

INTERVIEW

WATER AND THE POLITICS OF RURAL SERVICE PROVISION

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Timothy Gibbs: What is the Mncwasa Water Scheme and how does it relate to your work?

I guess the story starts in 2011 when the local NGO, the Bulungula Incubator, organised a water survey. I can't remember the exact statistics, but it was something like one in three women had lost a child to illnesses like diarrhoea, and there were high instances of infant mortality.

And then you have the trend of South African municipalities building big rural water schemes, financed by [centrally allocated] municipal infrastructure grants or conditional grants. The Amatole District Municipality started building the Mncwasa Water Scheme in our locality in 2010, which finished in 2015. There are different figures in media; but it costs around R 125 million and supplies water to around 30,000 people.

It's a technically complex scheme because of the terrain of the region, which is very hilly, so it is difficult to get water to the tops of hills. Moreover, the households in this district are all scattered in classic amaBomvane style. The water scheme changed livelihoods quite dramatically. The standard of living was also increased.

I moved to Bulungula around 2016 to work in a local school. At that point the communal taps were working relatively regularly; but by 2020 there was no water for long periods. And then the COVID pandemic illustrated the importance of water: "How can government tell us to wash our hands when our taps aren't working?"

At that point we decided to do a comprehensive survey, because we had been engaging the municipal officials and they didn't have the technical skills to diagnose why the scheme wasn't operating. We told the municipality about the survey before we embarked on it – this doesn't always happen with the social audits performed by NGOs – and we explained that we were bringing pro-bono professional engineers to come and do a technical assessment. So from the beginning we were trying to build a constructive relationship with the municipality.

We also interviewed just under 300 people and surveyed people from all 33 reservoirs across the whole area. So the survey was also a mechanism for us to know ourselves as community members who live in that area and as organisations that are based in that area.

There were a number of things that were apparent at that point. We discovered an unexpected flaw: that the eastern side [of the water scheme] needs to be full for there to be enough pressure for the western side to get water. It was also clear that for the scheme to operate two (of the three) pumping station pumps must be operating constantly to keep the main reservoir full at all times; but this just doesn't happen.

And now sitting on this data, we were thinking: "what can we do with it?" So as an organisation, we started looking into the systemic challenges faced by our struggling municipality.

Timothy Gibbs: Maybe this is the point when you might explain how you came to found the Equality Collective in Bulungula?

So just a little bit about my personal journey, I guess? As a student studying law, I was fascinated by the idea of constitutionalism – the promise that the constitution could bring transformative change through socio-economic rights. I was involved in student activism and then worked for the Legal Resources Centre for a brief period after completing my articles, and then went to the Constitutional Court to work as a clerk.

I was really drawn to interesting work coming out of the US around community lawyering. This is certainly not meant as a critique of progressive lawyers in South African, who play a very, very important role in driving changing in society; but they're not organised as community lawyers. Also, I felt that law is very much an applied political strategy. And if you don't fully understand the sectors in which you're working in, then you can't actually use the law strategically. And so I was much more personally drawn to community lawyering as an approach.

So after doing a Master's degree at Harvard, I wanted to get some proper experience in the sectors that I

wanted to lawyer in, which at that point was education and health, not water. I contacted the Bulungula Incubator NGO, which was an organisation I always admired and had previously visited twice before, and came to Bulungula to work in a school and on education projects. It was very interesting to work in under-performing school and realise how difficult it is to turn a school around.

[And so] eventually I picked up the courage to start an organisation [the Equality Collective]. It's a law-centered organisation in that we use the language of law and rights in our advocacy quite strongly. But we're not a registered law clinic, and we don't litigate. We're primarily an advocacy organisation.

Timothy Gibbs: Maybe this takes us onto this question: if litigation doesn't come first, how have you been engaging with the municipality? What is your strategy? How are you hoping to use the language of rights in a very practical engagement with Amatole District Municipality?

Perhaps a first point to make is that living in Bulungula, we are experiencing the water source shortages both personally and professionally, alongside others in the community. And I think that's important because a lot of lawyers are so disconnected from the actual experiences of their clients. I think there is something unique about our model.

Moreover, when we started to dive into some of the systemic reasons for these [water supply] problems, it wasn't clear that that litigation would help, given the municipality's functionality. I know that Jason Brickhill's PhD research measures the impact of [socio-economic rights] litigation and finds a net-positive impact; and I'm sure this is true, overall. But I wonder whether in places like the Eastern Cape, one doesn't necessarily always see gains – at least, very few that are sustained over a long period of time.

Specifically, my concern was that if we litigated, we [at Bulungula] might have been moved to the top of a priority list of the municipality and got our water system fixed; but this wouldn't systemically improve matters across the municipality. And so the question: is there something that could have a stronger systemic impact strengthening the municipality?

We had also seen litigation happening [in the nearby district] at Centani. I don't know the details; but it seems to have dragged out and not yet fixed the water supply problems, as far as I am aware.

So in this kind of context, we were thinking about a two-pronged approach. Firstly, can we focus on the Mncwasa water scheme? Second, how can we find a strategy that strengthens civil society, and accountability and responsiveness across Amatole District Municipality?

Timothy Gibbs: So taking the Mncwasa water scheme first: explain how you have been looking to strengthen the responsiveness of the municipality to the problems in the scheme?

Our philosophy in the Equality Collective is to build a collective in the work we do. We don't work alone; we see ourselves as a small NGO that works in partnership, building collective power and then building awareness and creating more active stakeholders around socioeconomic rights campaigns. We don't ever act alone; and so we engaged councillors, traditional leaders and other NGO's in the area and created the Mncwasa Advisory Committee.

In our first advisory committee meeting, we decided that as a community we could try to improve the functionality of the [Amatole District Municipality] administration, while also knowing that there was only so much within our control. Certainly, there were whole range of things that were not in our control, like whether the municipality pays its electricity bill, or replaces its pumps, and so on. But certainly there were things that we could take responsibility for, one of those things being monitoring the Mncwasa water scheme: reporting issues, incidents, leaks, and where the water was not available. Here was something we could take responsibility for as a community.

So we got the support within the community [for this plan of action]. Again, one of our methodologies is to work with existing structures and strengthen existing structures rather than creating parallel organisations. So we got support from everyone; we started going to the headman and structures of the community; and then we went to community meetings, village by village, to explain what the project was, and to ask for volunteers and people who wanted to try and see whether this new water project would work. We found volunteers very easily and now we have a cohort of 32 volunteers.

I think it was in May [2022] when we started monitoring the Mncwasa Water Scheme. Initially, we covered just 7 regions; and then from July, we had all the regions being monitored. For the last six months, we've had 32 volunteers messaging [by WhatsApp] every single day, providing details about water availability across the whole of the scheme. It's been wonderful to see how committed the volunteers are. They really want to see the scheme operational again and want to do their part in trying to get the scheme to work. Of course, there are still areas that need to be strengthened and so there's some more training that needs to happen. But on the whole, I think from our side as a community, we pulled off a successful pilot project here. We are sending information every day; and we're turning that information into daily, weekly and monthly reports.

Timothy Gibbs: And so how do you turn this data into daily, weekly, and monthly reports? And how are you sharing this information with Amatole District Municipality? And what is the long-term goal of this information sharing?

We're an activist advocacy organisation, not rigorous service provider. So when we set up the system, we wanted it to be as simple as possible. We're not handing out tablets and getting people to download apps. We have volunteers using WhatsApp and using their own phones to send in reports and photos. And then in our office we put that data into very simple database, using a free app system from Google Sheets. And then we turn the data into reports. To share the daily reports, we have a WhatsApp group that includes the local Amatole District Municipality staff. The weekly and monthly reports are also passed onto more senior level officials, too.

Our key goal next year is to try and improve the responsiveness of Amatole District Municipality. I'll just give you one recent example of the awful position it faces. We haven't had water for 45 consecutive days because, as I understand it, the municipality hadn't paid its electricity account, so ESKOM cut off Amatole District Municipality and there is no power to pump the water through the system. Likewise, the water pumps aren't getting fixed because the municipality haven't paid the bill they owe to the pump contractors. I know this is not unique; it's happening across many rural water schemes.

[I ask myself:] is there more we could have/should have done in the context of our community being without water for so long? Possibly, we could have litigated against ESKOM to reinstate the electricity supply and to stop them cutting off the municipality. [These are lifeline services and] ESKOM needs to put in place a debt management plan with the municipality, rather than cutting off basic services.

In parallel to setting up the community monitoring system, last year we also supported them [Amatole District Municipality] to apply for a water services infrastructure grant attached to the Mncwasa Water scheme for infrastructural improvements that will fix the malfunctioning western side of the scheme. And I think the scheme will include some refurbishment. But then this R8 million ring-fenced grant was not written into the municipality's Integrated Development Plan, so we had to make a submission to fix that otherwise it could not be planned and accounted for. But then the municipality still forgot to amend the budget to include the R8 million grant, which means we must wait for the amended budget in February before they can finally spend the money. And so it's these kinds of mistakes that happen along the way...

Of course, these delays are very frustrating for us. But these problems are indicative of bigger and more structural challenges at the municipality level that need to be sorted out.

Timothy Gibbs: As well as problems inside municipal bureaucracies, I guess there are also structural problems with the funding model, which mean many municipalities do not spend enough on operations and maintenance budgets.

One of the fundamental problems seems to be is that small, poor, rural municipalities, that generate very little in terms of rates/services revenues, have a growing capital base because of the conditional grants and the municipal infrastructure grants and the service infrastructure grants, which have been spent on new capital projects [such as the Mncwasa Water Scheme]. So now district municipalities must maintain an ever-growing capital base, but they lack the operations and maintenance budgets to do this because the equitable share grant, which allows for maintenance and the provision of basic services, is shrinking in real terms.

Of course, there are some policymakers who say there's no point in just increasing the amount of money that you give to municipalities [through intergovernmental transfers such as Equitable Share] because it will just be used to increase salaries rather than spent on important things like Operations & Maintenance. So it is very difficult to ask the Treasury to allocate more funds to dysfunctional municipalities where there is corruption, mismanagement of funds, and sometimes some really inexperienced officials taking senior positions

And so, because there's a trust deficit, some policymakers think it would be best to ring fence grants and prescribe what they can be used for. [Indeed, the number of ring-fenced grants has proliferated in the last decade]. In one sense, I can see that there are strong arguments for ring-fencing grants, so revenues are not wasted and can be directed towards big capital-intensive municipal infrastructure projects that expand access to basic services. Yet I was at a debate organised by the Treasury on this issue a few months ago, where some of the speakers were noting that these conditional grants are quite problematic. For example, these conditional grants can cripple the capacities of municipalities because it takes so much time to put together your applications, and attention is diverted from other important activities. These conditional grants are also problematic in that they arguably don't build the capacities of the municipalities.

So here we are, as the Equality Collective, feeling our way into these issues. It's not simple and there isn't consensus about what the solution should look like.

Timothy Gibbs: I guess maybe a last question would be about the second prong of your strategy: where does the Equality Collective fit into the broader civil society space?

Are there other NGOs working on similar issues?

So what we're trying to do is to better support civil society across the region to participate in Amatole District Municipality processes. We came across this issue when we attended an engagement meeting, and discovered we were one of only two civil society organisations in the room. This made us realise there's a need to strengthen civil society participation in the municipality.

So we are trying to build a broad based alliance, which at the moment is very, very loose and still quite weak. Nonetheless, we are building relationships. For instance, we had the Auditor General coming to speak to civil society organisations in Amatole, and they encouraged organisations to report service delivery failures and make submissions.

Likewise, when the Amatole District Municipality's Integrated Development Plan engagement processes come up we will guide the sector on how to make submissions. We also ran a campaign around resisting the reappointment of the disastrous, unqualified municipal manager. It was successful in that he hasn't been reappointed; but I think the South African Municipal Workers Union (SAMWU) played a much stronger role in getting the decision to reappoint the municipal manager overturned. Nonetheless, we're trying to get civil society to engage more on these kinds of issues.

Over the longer term, what does it mean to strengthen civil society in the area? Fortunately, there are quite significant changes coming in the new year. [With the unqualified municipal manager gone], it looks like the senior leadership of Amatole District Municipality will stabilise.

The senior bureaucrats [who seem to be making headway] in the municipality really think that this [the Equality Collective's work on water] project is very cool. These officials know that they don't have the capacity to monitor rural water schemes. So our pilot project illustrates a model... that is supportive of how they can potentially run operations and maintenance of big rural water schemes. You know, the staff are not on site; they monitor more than one scheme; they're based three hours away; they just don't have the capacity to do this kind of monitoring. And it's essential to get these rural water schemes operational. So our Equality Collective model is quite exciting: a different way and potentially expandable way to do community monitoring schemes.

Timothy Gibbs: That's very good news after a tumultuous year in Amatole District Municipality