



DEPARTMENT OF WATER AFFAIRS AND FORESTRY

**MPHENI
COMMUNITY BASED WATER
COMMITTEE**

Case Study Overview

Prepared for the Department of Water Affairs and Forestry by

NETWORK COMMUNITY DEVELOPMENT SERVICES

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PREFACE

Network Community Development Services (NETWORK CDS) was contracted by the Department of Water Affairs and Forestry to examine Community-Based Water Services Provider institutional arrangements within a number of case studies. The purpose of the study is to:

- Document and analyse the institutional arrangements for water services provision between Water Services Authorities and selected Community-Based Water Services Providers
- Assess the performance of the different CBO WSP models
- Identify the strengths and weaknesses of the different case study examples
- Identify success factors
- Make recommendations concerning CBO WSP models
- Prepare guidelines for Water Services Authorities concerning CBO WSP models

This case study overview was researched and written up by Jean de la Harpe. The research component was facilitated by M. S. (Zephania) Nekhavhambe of the Department of Water Affairs and Forestry who introduced the researchers to the Mpheni Water Committee, the Mpheni Traditional Committee and the Elim/ Tshitale/ Hlanganani/ Levubu/ Vuwani Transitional Local Council.

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1 Introduction

This paper provides a brief overview of the Mpheni community-based institutional arrangements, which is an example where conflicts between traditional structures and the new local government have resulted in undermining the sustainability of water services to the community as well as paralysing the effective functioning of the Mpheni Water Committee.

This case study is significant since it is an example where political conflicts have directly impacted on water services to the extent that the water services authority was of the view that a representative community structure could no longer fulfil the role of water services provider.

This overview focuses on the institutional arrangements and political conflicts. Details of the case study are contained in the Mpheni Community Based Water Services Case Study prepared by Dr Thomas Mogale.

2 Key features of Mpheni community based institutional arrangements

2.1 The Mpheni Village

- The Mpheni community consists of approximately 3 000 households who receive water from five boreholes and a network of standpipes that was built in 1995/ 96 at RDP level of service. Four of the pumps are run by electricity and one is diesel operated. In addition, approximately 1 000 households have yard connections, however these connections do not have meters. Certain parts of the village who were not covered by the project do not have access to standpipes and have to walk approximately one kilometre to the nearest standpipe for water.
- At the time of the study, the four electrical pumps were not operational as Eskom had disconnected due to unpaid electricity bills.
- Mpheni Village falls under the under Elim/ Tshitale/ Hlanganani/ Levubu/ Vuwani Transitional Local Council (TLC).
- Since members of the community indicated that they were willing to pay for a higher level of service than the RDP level of service, it was agreed by the TLC that yard connections could be installed. The fee for new yard connections is R200.00 per connection including a meter. This fee was established by the Elim/ Tshitale/ Hlanganani/ Levubu/ Vuwani Transitional Local Council in consultation with DWAF Northern Province Regional Office.

2.2 Establishment of the Mpheni Water Committee

- The Mpheni Water Committee was established as a community based committee during project implementation in 1995 / 96. The project donor was DWAF. Members of the Mpheni Water Committee were elected by the entire community and were representative of different geographical sections of the community. The water committee was established as a sub-committee of the Mpheni Civic Association. The committee was trained to fulfil the role of community based water services provider (CBO WSP) by ConsultBuro who was the technical and social consultant on the project.
- The committee consisted of 10 members with various portfolios including Chairperson, Vice Chairperson, Treasurer, Secretary and additional members. The committee has a constitution.

2.3 Roles and responsibilities within the Mpheni Water Committee

- The Mpheni Water Committee is responsible for operations, installing yard connections, customer relations, revenue collection and the overall financial management for the water services.
- The operators are trained to operate the pump, undertake minor repairs to the pipe network and to install yard connections.
- The committee has an office where revenue is collected, receipts are issued and the financial records are maintained. The receipts are issued in the name of the Elim/ Tshitale/ Hlanganani/ Levubu/ Vuwani Transitional Local Council. The office also services as a mechanism for customer relations and communication. Two people are employed in the office to manage the affairs of the water committee.
- DWAF is responsible for major maintenance.

2.4 Tariff and financial matters

- The tariff was established by the Elim/ Tshitale/ Hlanganani/ Levubu/ Vuwani Transitional Local Council and the Mpheni Water Committee as R12.00 per household per month for use of water from standpipes. Once meters are installed, households with yard connections would be billed according to water used. The tariff for household connections had not yet been established at the time of the study.
- The Mpheni Water Committee established a mechanism whereby every household who wished to receive a yard connection signed an application form which establishes rules that apply to yard connections. These rules indicate that

households would be disconnected from the system if they did not pay their bills after receiving four written warnings.

- At the time of the case study research, the Mpheni Water Committee had approximately R42 000.00 in their bank account, however a large portion of these funds are funds received for the installation of yard connections. In addition the Mpheni Water Committee was owing R32 000 to Eskom for accumulated electricity bills.

2.5 Relationship with the water services authority

- A working relationship was established between the Mpheni Water Committee and the Water Councillor of the Elim/ Tshitale/ Hlanganani/ Levubu/ Vuwani Transitional Local Council (TLC) who was fulfilling the role of water services authority.
- The TLC recognised the Mpheni Water Committee as the legitimate water services provider for the Mpheni community, however the TLC did not establish a formal contract with the Mpheni Water Committee since at the time there was still a lack of clarity concerning legislative requirements with respect to institutional arrangements for water services provision. The Mpheni Water Committee was established prior to the enactment of the Water Services Act (No. 108 of 1997).

2.6 Cost recovery

- Cost recovery has been a problem in the Mpheni community for the following reasons:
 - different levels of service where all households are required to pay a flat rate tariff of R12 per month has caused conflicts within the community
 - the Traditional Chief announced to the community in January 1999 over a loud hailer system that “water is for free” and the new government structures must pay the costs to provide water to the Mpheni community
 - mistrust within the community concerning use of revenue collected, particularly mistrust amongst those sections of the community who are loyal to the traditional structures
 - as a result of insufficient revenue collection, the electricity was cut off and thus only one pump was serving the entire community whereby the majority of the standpipes no longer supplied water
 - an alternate water committee was established by the Traditional Chief and thus the community did not know to which water committee to pay their tariff

Details of the political conflicts that have undermined cost recovery and the sustainability of the Mpheni scheme are outlined below.

3 Political conflicts that impacted upon the Mpheni Water Committee

- Political conflicts between the traditional structures under the Traditional Chief and the Mpheni Water Committee have had a major impact on the effective functioning of the Mpheni Water Committee.

3.1 Traditional Chief did not support the Mpheni Water Committee

- In April 1999 the local Traditional Chief evicted the Mpheni Water Committee from the tribal office and confiscated all the committee's records as well as their materials (tools, meters, and pipes for yard connections) which were handed to the police. The Chief requested an audit of all the financial records of the Mpheni Water Committee. In the Secretary and Treasurer of the Mpheni Water Committee, who were loyal to the Chief, broke away from the committee. These members broke the locks on the pump and replaced them with new locks so that the committee could no longer operate the pump.

3.2 Intervention by the Premier's Office

- The Secretary and the Treasurer (the Treasurer being a signatory to the Mpheni Water Committee's account) also visited the Premier of the Northern Province and requested that the Mpheni Water Committee's account be frozen, based on the allegation that the funds were being misused by the Mpheni Water Committee. At that time there was R42 000 in the account which included funds that had been collected for household connections at R200 per connection. The Premier instructed First National Bank to freeze the account pending a resolution to the conflict. The account was subsequently unfrozen by the Premier's Office following an investigation by the Premier's Office, which ruled that the allegations were unfounded.

3.3 Involvement of the courts

- The Traditional Chief laid a charge against the Mpheni Water Committee based on allegations of corruption. The TLC also lodged a case with the local court against the two members who had broken the pump locks and removed all the records and materials of the Mpheni Water Committee. On 21 April 1999, it was agreed that the case be settled out of court whereby:
 - a) An audit be undertaken by the TLC of the accounting records
 - b) A new water committee be elected.

- The TLC attempted to bring the two groups together rather than establish a completely new committee, particularly since the existing water committee had been trained. These attempts were unsuccessful.

3.4 Establishment of a second water committee in Mpheni Village

- On the 15 August 1999, the Secretary and Treasurer who had broken away from the Mpheni Water Committee, established a second water committee under the auspices of the local Chief. This water committee also called itself the Mpheni Water Committee. For the purposes of this case study this water committee is referred to as the 'Mpheni Traditional Committee'.
- The two water committees both regarded themselves as the official Mpheni Water Committee where both committees claimed to take responsibility for the operation of the scheme. Both committees were collecting tariffs from the community. Some community members paid their tariff to the original Mpheni Water Committee whilst others paid the Mpheni Traditional Committee. Some members did not pay at all, claiming that they had paid the 'other' committee.

3.5 Insufficient funds for electricity bills and operating costs

- As a result of the confusion over who was the official water committee, neither committee was able to raise sufficient funds to pay the electricity bill that had amounted to over R32 000 during the conflicts and thus the electricity supply was cut off rendering 4 of the pumps useless.
- At the time of the study, the original Mpheni Water Committee had just received access to the bank account, which was unfrozen following the investigation by the Premier's Office. The Mpheni Water Committee indicated that the funds were insufficient to pay off the electricity account and to cover the costs for those yard connections for which they had already received payment. Thus the Mpheni Water Committee could only pay part of the electricity bill to ensure reconnection, and would commence installing meters and yard connections. The Mpheni Water Committee was hoping that through cost recovery from those households with meters and yard connections, they would be able to pay off the remainder of the electricity bill and attempt to ensure greater access to water services within the Mpheni community. However, the Mpheni Tradition Committee was continuing to collect R30.00 per household for yard connections which was causing confusion within the community who questioned the different rates being charged for a yard connection. It was clear from discussions with the Chairperson of the original Mpheni Water Committee that R30.00 is not sufficient to install a yard connection and thus the Mpheni Traditional Committee would not be able to fulfil this function.

- The Mpheni Traditional Committee was experiencing a continued depletion of their funds which, at the time of the study, would only last for another couple of months after paying their operators.
- It was unclear which committee was covering which costs and which committee was taking responsibility for the operations. Both committees claimed that they were operating the scheme and covering the costs of the diesel pump – being the only pump operating at the time.

3.6 Political rivalries translate into corruption allegations

- The Mpheni Traditional Committee expressed the view that revenue collected from the community by the original Mpheni Water Committee was not being used for water services but was being deposited into the ANC Ward Councillor's private account. This view was not substantiated and was found to be false. The allegation relates to political conflicts which date back to the first democratic local government elections.
- The ANC Ward Councillor who is also the Chairperson of the original Mpheni Water Committee and a signatory to the account indicated that the tribal Chief does not recognise new local government and therefore does not recognise the Ward Councillor as a legitimate leader within the community. During the 1994 elections, community members loyal to the traditional leadership had objected to the Ward Councillor standing for election and as a result of their campaigns against the Councillor he had been forced to stand as an independent rather than as an ANC member. Following the elections, where he was elected as Ward Councillor, he was reintegrated into the ANC as the legitimate representative of the community.

3.7 Intervention by the Provincial MEC for Local Government and Housing

- Given that the ongoing conflict between the two water committees was continuing to undermine water services for the Mpheni community, the Provincial MEC for Local Government and Housing also intervened in the conflict. A letter was sent to the Mpheni Traditional Committee instructing it to “dissolve” itself “due to numerous complaints from the community of Mpheni villlage about the activities of the water committee”. The Mpheni Traditional Committee indicated that they had no intention of dissolving since they viewed themselves as the committee that was taking responsibility for the scheme and ensuring that the community has access to water services. It was their intention to take the matter further.

3.8 Water services authority viewpoint on the conflict

- According to the TLC, the Water Councillor was still attempting to resolve the conflict between the two committees, however the TLC recognised the original Mpheni Water Committee as the legitimate water committee. The Mpheni Water Committee issued receipts for payments received from the community, which bore the stamp of the TLC.
- The Water Councillor and Town Manager within the TLC indicated that since they are unable to resolve the conflicts they are intending to come up with another institutional model to run the scheme. In this regard they indicated that they would still like to utilise members of the community, however they did not want a representative committee as this would result in the committee being “too politicised” where the committee could be used to lobby particular political positions. They indicated that they would most likely attempt to identify local entrepreneurs who could take responsibility for the operation of the scheme and work hand in hand with the council to ensure affordable, reliable and sustainable water services for the Mpheni community. An alternative option is for the TLC to fulfil the role of WSP whereby the TLC employs individuals to fulfil particular WSP functions on their behalf. The TLC indicated that it is still dependent upon DWAF for maintenance of the scheme.

3.9 Current status: 9 months later

- A follow-up to this case study was made in March 2001 to enquire whether the conflict between the two water committees had been resolved. To date the conflicts remain unresolved with the scheme having further deteriorated whereby the community is no longer receiving RDP level of water services. The community is no longer making any payments to either committee. The Chairperson of the original Mpheni Water Committee indicated that it is hoped that the new municipality will be able to resolve the matter.

4 Factors that undermined the sustainability of the Mpheni Water Committee

A whole range of factors undermined the sustainability of both the Mpheni Water Committee and the water services in Mpheni village. These include:

4.1 Community not cohesive

- The community is not a politically cohesive community. Certain sections of the community remain loyal to the Traditional Chief and related structures whilst other sections (the majority) recognise the new system of local government and the Mpheni Water Committee that was established in 1995/ 96.

4.2 Lack of trust

- As a result of political conflicts and interventions made by the Traditional Chief, there was a lack of trust by certain sections of the community in the Mpheni Water Committee. This lack of trust was fuelled by false allegations against the Mpheni Water Committee.

4.3 Two community based water committees

- Sustainability and cost recovery was completely undermined by the existence of two community based water committees.
- Conflict between the two committees also hampered the operations of the scheme where:
 - one committee disrupted the services provide by the other committee through ‘confiscating’ their records and materials
 - both communities were fulfilling certain operations functions and making ad hoc payments for diesel but neither committee was able to establish itself as the legitimate committee to whom the tariff payment should be made.
- The existence of two committees resulted in community members being able to play one committee off the other in terms of avoiding tariff payments.

4.4 No WSA-WSP Contract

- The lack of a formal contract between the TLC and the Mpheni Water Committee meant that the Mpheni Water Committee was unable to establish its authority and legitimacy within the entire community.

4.5 Political conflicts related to traditional versus new local government leadership

- Since the conflicts are rooted in broader political conflicts related to traditional governance structures versus new democratic progressive structures, the TLC was not accepted by the traditional structures as being a legitimate structure to facilitate dispute resolution. (The Mpheni Traditional Committee indicated to the researchers that they do not agree that local government has the authority to appoint a water services provider.)

4.6 Different levels of service and no metering system

- Different levels of service with the same tariff were a source of conflict and undermined cost recovery.

- Since some parts of the village did not have access to RDP levels of service where they had to walk long distances to access standpipes, they did not pay for the water they received. This also undermined cost recovery in those parts of the village that received RDP level of service or higher levels of service.
- The lack of meters for yard connections also undermined cost recovery as community members who used standpipes did not want to pay the same tariff as those households who have yard connections.

4.7 Intervention by the Province

- Intervention by the Province was inconsistent and this also served to further undermine the TLC and the Mpheni Water Committee. Although the Premier's Office reversed the decision to freeze the Mpheni Water Committee's account, the consequences of freezing the account in the first place resulted in:
 - undermining the authority of the TLC as the water services authority
 - raising community suspicion concerning the Mpheni Water Committee's financial affairs and giving legitimacy to the allegations made by the Mpheni Traditional Committee
 - further entrenching lack of trust concerning financial affairs related to water services within the Mpheni community

4.8 Lack of culture of payment for services

- A culture of payment for services was not adequately established within the Mpheni community. There are no clear mechanisms in place to deal with defaulters and the cost recovery system was not effective.
- Whilst the Mpheni Water Committee established a set of rules regarding payment for services, these rules were not enforced.
- The Traditional Chief's message to the community that water is 'for free' also entrenched a culture of non-payment within certain sections of the community.

5 Conclusion

The question may be asked: "If there had been no political conflicts within Mpheni community, would the Mpheni Water Committee have been able to deliver an affordable, reliable and sustainable water service to the Mpheni community?" Given that nearly all the factors that undermined sustainability could be traced back to the political conflicts, it may be argued that in the absence of these conflicts, the Mpheni Water Committee was well equipped and adequately skilled to provide sustainable water services.

However, the Mpheni Water Committee would still be faced with challenges related to cost recovery, in particular the following:

- the need to ensure regular payments for operational costs
- build a culture of payment for services
- address the different levels of service and ensure that those households receiving higher levels of service are adequately billed for the services they receive
- establish a formal contract with the water services authority
- develop effective, accountable and transparent mechanisms for reporting to the community, particularly in terms of the finances within the Mpheni Water Committee
- engender a greater sense of community ownership and responsibility for the water services

The critical challenge for the new water services authority is how to integrate traditional structures and leadership into the delivery of services whereby the traditional leadership enhances and accelerates development processes.

The traditional leadership and followers thereof are a reality that has to be addressed. Development projects and initiatives that do not gain the endorsement and support of the local chiefs run the risk of not being sustainable – as is illustrated in this case study.