



Hopolang Selebalo and Dennis Webster

MONITORING AND EVALUATING THE PROGRESSIVE REALISATION OF THE RIGHT TO WATER AND SANITATION IN SOUTH AFRICA

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An update of the resource allocation, expenditure and
enjoyment of the right to water and sanitation

Monitoring the Progressive Realisation of Socio-Economic Rights Project
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PREFACE

The **Studies in Poverty and Inequality Institute** (SPII) is an independent research think tank that focuses on generating new knowledge, information and analysis in the field of poverty and inequality studies.

The working paper has been undertaken as part of the 'Monitoring the progressive realisation of socio-economic rights' project conducted by SPII with the support of Foundation for Human Rights and the endorsement from the South African Human Rights Commission (SAHRC). The objective of this project through the combination of policy and budget analysis and statistical indicators is to provide a comprehensive framework and set of tools to monitor the progressive realisation of socio-economic rights. It is hoped that this project will be a useful tool for policy makers, for those that exercise oversight over the executive, including Parliament and Chapter Nine institutions (notably the SAHRC), and civil society.

This work is funded by the Foundation for Human Rights whose funding contribution to this research is gratefully acknowledged.

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ACRONYMS

CoGTA	Cooperative Governance and Traditional Affairs
DWAF	Department of Water Affairs and Forestry
DWS	Department of Water and Sanitation
GHS	General Household Survey
IES	Income and Expenditure Survey
LGES	Local Government Equitable Share
MIG	Municipal Infrastructure Grant
NDP	National Development Plan
PMG	Parliamentary Monitoring Group
RBIG	Regional Bulk Infrastructure Grant
SAHRC	South African Human Rights Commission
SERI	Socio-Economic Rights Institute of South Africa
StatsSA	Statistics South Africa
WHO	World Health Organisation
WSIG	Water Services Infrastructure Grant

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CHAPTER ONE:

THE STATUS OF THE RIGHT OF ACCESS TO WATER AND SANITATION IN SOUTH AFRICA

1. INTRODUCTION

The progressive realisation of the right to water and sanitation is provided for in South Africa's Constitution and the International Covenant of Economic, Social and Cultural Rights (ICESCR), which was ratified by the state in 2015. The right to sanitation is not explicitly mentioned in the Constitution- as opposed to the right to water, which is- but is provided in the Bill of Rights under the right to housing, as interpreted by the Constitutional Court in the *Government of the Republic of South Africa v. Grootboom*.¹ Despite great gains by government with regard to the provision of these basic services, many people in the country still do not enjoy these rights. Service delivery protests, emerging from lack of access, are rife; the Department of Water and Sanitation is in a financial crisis and some parts of the country have recently been confronted with the scarcity of water.

In 2016, Studies in Poverty and Inequality

Institute (SPII) published the first review of the state of water and sanitation in South Africa using a unique methodology that combines a human rights analyses of the content of the right and the development and implementation of government policies related to the right; funds allocated and spent by government to see those policies realised, and an assessment of their outcomes on the ground through the development and population of performance and impact indicators.² The report highlighted that, the Department of Water and Sanitation must align its programmes with the needs of the people on the ground, especially around upgrading and the maintenance of the current water and sanitation infrastructure. In dealing with upgrading informal settlements, it was recommended that the state provide adequate, and quality water and sanitation facilities that are culturally sensitive to the needs of women, children and people with disabilities.

FOOTNOTES:

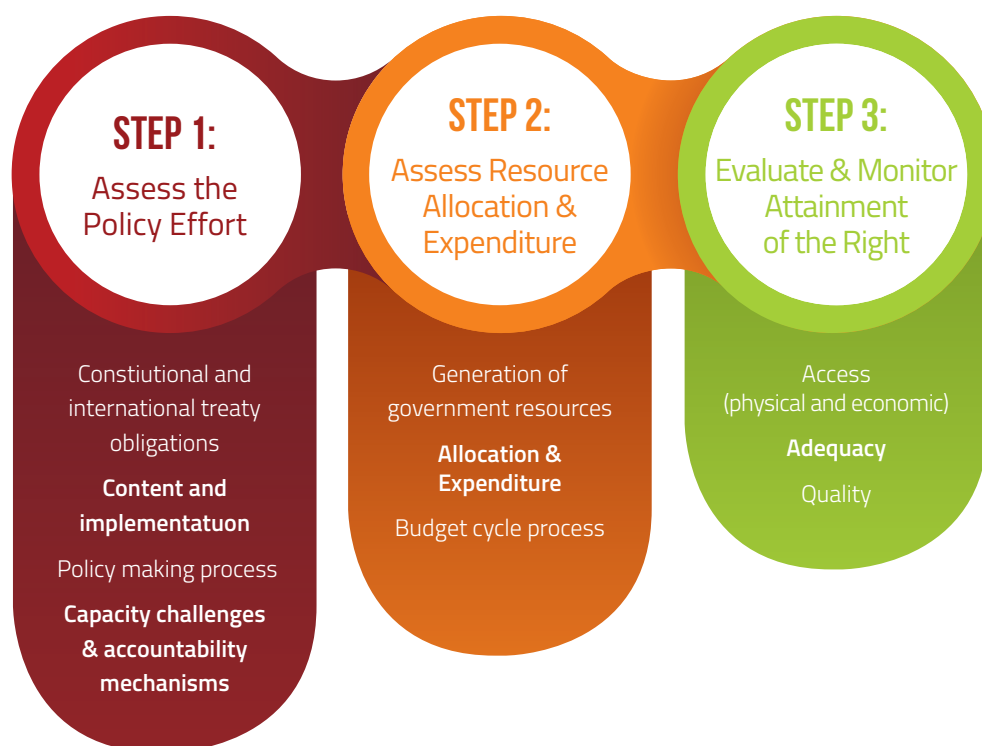
1. Motsoeneng, M (2016). Monitoring and Evaluating the progressive Realisation of the Right to Water and Sanitation. Working Paper 8. Studies in Poverty and Inequality Institute
2. ibid

1.1 The Socio-Economic Rights Monitoring Tool

SPII has developed a three step methodology to offer clarity on the progressive realisation of socio-economic rights and bolster advocacy efforts in this regard. These steps include an analysis of the policy effort (Step 1) and the

allocation and expenditure of resources for specific rights (Step 2). These two steps assist in monitoring and evaluating the attainment of rights (Step 3) on the ground through specific outcome indicators.

A summary of the three steps is provided below.



STEP 1: ANALYSE THE POLICY EFFORT

The first step of the analysis takes a closer look at the underlying policies and legislation guiding the realisation of SERs. This step firstly assesses whether the actual content of social and economic policies adequately reflects the **Constitution and international treaty obligations** and international standards that the state has ratified.

Secondly, this step evaluates both the **content and implementation** of existing legislation, policy frameworks and government programmes to assess what gaps (in principle and in practice) exist. This assessment is based upon a fundamental human rights framework that includes non-discrimination, gender sensitivity, dignity, participation, transparency and progressive realisation.

An important component of evaluating the policy effort is an assessment of the **policy making process** in terms of transparency and public participation in decision-making by the relevant civil society organisations and communities specifically affected by the policy under review. Another important dimension is to analyse the departmental responsibilities and institutional arrangements to assess the **capacity challenges and accountability mechanisms** currently in place.

STEP 2: ASSESS RESOURCE ALLOCATION & EXPENDITURE

The second step assesses the reasonableness of the budgetary priorities in light of the obligations on the state and human right principles and standards. This requires an analysis of *firstly*, the **generation of government revenue**.

Secondly, an analysis of the allocation and expenditure of such resources to reduce disparities, prioritise the most vulnerable and disadvantaged groups, and progressively realise SERs, must take place. This step uses various budget analysis techniques to monitor planned (i.e. budget allocations) and actual resource expenditures at both national and provincial levels and therefore assesses the delivery and implementation of government policy and programmes as they relate to the realisation of rights.

Thirdly, an analysis of the **budget cycle process** from the perspective of human rights principles of participation, non-discrimination, transparency and accountability. An assessment of resource availability cannot be separated from an analysis of institutional arrangements, human resources and local capacity which are necessary for the efficient and effective spending of budgets.

STEP 3: EVALUATE & MONITOR ATTAINMENT OF SERs

The third step measures the enjoyment of rights by rights holders and therefore monitors and evaluates the state's obligation to fulfil the realisation of SERs. This step evaluates the state's performance via the development of statistical indicators which provide a clearer and more specific illustration of SERs enjoyment on the ground over time. The outcome indicators make reference to the three dimensions of access (physical and economic), quality and adequacy over time. This requires that quantifiable and replicable indicators (proxies for the different dimensions of SERs) be developed along with agreed benchmarks and targets.

The indicators need to be aligned to data that is freely and easily available in annual surveys and data sets, and must be capable of being decomposed (disaggregated) by region, race, gender and age – wherever possible and useful. This allows disparities between e.g. different population groups or geographical region to be identified, and an assessment of the extent to which progress has been made over time.

The 3-step methodology provides a comprehensive framework from which to monitor and assess progress made to date.

The purpose of the tool, however, goes beyond constitutional compliance and aims to achieve specific objectives:

- Clarify and unpack the **content of the SERs** and the **obligations on the State** to ensure access to and enjoyment of SERs is continuously broadened.
- Determine the extent to which organs of the State have respected, protected, promoted and fulfilled their obligations. This involves identifying achievements, deprivations, disparities, and regression to illuminate both **causation and accountability** in terms of policies, resources spent, implementation and institutional capacity.
- Provide **evidence** for **advocacy initiatives** and **legal interventions**, and make **recommendations** that will ensure the protection, development and universal enjoyment of SERs.

In this report, SPII's 2016 review of the progressive realisation to water and sanitation in South Africa will be updated. Regular updates of this kind are crucial to monitoring the progressive realisation of the right, as well as to assisting advocacy efforts in this regard.

CHAPTER TWO:

OVERVIEW OF SOUTH AFRICA'S POLICY EFFORTS

The right to water and sanitation translates to access to safe, clean drinking water and safe and hygienic sanitation- which are essential for people's well-being. Lack of access to water and sanitation increases health risks that include diarrhoea, malnutrition and parasites. Children are excessively affected by health conditions resulting from no access to water and sanitation.³

The Department of Water and Sanitation was established in 2014, and merged the water and sanitation functions, which were distributed across the Departments of Water Affairs and Human Settlements. This decision, according to then Minister of the DWS, Minister Nomvula Mokonyane, was premised on the National Development Plan, which states that government, "...create alignment in institutions and in the structure of the state in order to respond efficiently to the needs of our country and its people."⁴ Therefore, the merging of these functions into one department was a welcome change by government, and should have resulted in coherence and synergy towards providing these essential services. However, the department has been riddled with challenges, from capacity constraints to financial mismanagement and policy uncertainty.

In 2018, it was revealed in Parliament that the Department of Water and Sanitation is in financial disarray. This follows a report published in 2017, which highlights how high staff turn-over, vacant posts and lack of leadership have led to the DWS's financial crisis.

The report highlighted a number of concerning factors. Firstly, the Auditor-General noted that the Department had had nine different accounting officers in the last eight years, leading to instability within the accounting department.⁵ The report also stressed that, *"the regular suspensions of senior management particularly DGs and DDGs alongside high vacancy and staff turn-over rates have severe implications for the functioning of the Department of Water and Sanitation and associated service delivery."*⁶ Additionally the department has had to deal with accruals, resulting in budget cuts towards the delivery of services, in order to pay debt owed to contractors. According to the report, *"in response to concerns around accruals a Member of Parliament in the Water and Sanitation Portfolio Committee pointed out that, 'Various construction projects engaged in by the DWS were all behind and the costs are escalating. People have been employed by the DWS for the purposes of those construction projects and are being paid monthly, but no work is currently being done.'"*⁷

Exacerbating this situation is lack of clarity and incoherence in the department in relation to policy and legislation. The South African Water Caucus report states that rather than ensuring the proper implementation of existing policies and legislation, such as National Water Act, the Minister has caused uncertainty, *"...through the proposed Water Master Plan, proposed Water and Sanitation Bill, the proposed National Water Resources and Services and Sanitation Strategy; and Free Basic Water review"*⁸.

FOOTNOTES:

3. Eshbaugh, M, Firnhaber, E, McLennan, P, Moyer, J and Torkelson, E (2011). Taps and Toilets: How greater access can radically improve Africa's Future. Institute for Security Studies. Available at: https://www.africaportal.org/documents/6823/No1_25Aug2011.pdf
4. Department of Water and Sanitation, Annual Report, 2014/15
5. www.infrastructurene.ws/2017/11/28/is-the-department-of-water-and-sanitation-in-crisis/ and service delivery. Is the Department of Water and Sanitation in Crisis? 28 November 2018. Accessed at: <http://www.infrastructurene.ws/2017/11/28/is-the-department-of-water-and-sanitation-in-crisis/>
6. South African Water Caucus (2017). Report on the State of the Department of Water and Sanitation. Accessed at: http://emg.org.za/images/downloads/water_cl_ch/SAWC_State-of-DWS-Report.pdf
7. ibid
8. ibid

The question then is, how these factors relate to delivery on the ground. According to PMG minutes, in January 2017, the Auditor General brief the Portfolio Committee on Water and Sanitation and articulated that, *“as a result of inefficiencies in planning and project management, public service delivery has been compromised as projects do not reach completion with regard to delivery of water.”*⁹

Additionally data from StatsSA, which was shared with the Committee highlighted that

inequalities across provinces still exist in relation to access to safe water and sanitation. This updated working paper examines the Department’s expenditure trends in relation to its allocated budget over a period of 5 years. There is some correlation between SPLI’s budget analysis and the findings of the South African Water Caucus. The paper also examines the whether South Africa has regressed or is progressing with regard to provision of water and sanitation, through the analysis of statistical indicators.

FOOTNOTES:

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- ⁹ Parliamentary Monitoring Group, Water & Sanitation: Statistics SA analysis; Water & Sanitation Infrastructure: Auditor-General performance audit. January 2017. Accessed at: <https://pmg.org.za/committee-meeting/23868/>

CHAPTER THREE:

WATER AND SANITATION ALLOCATIONS AND EXPENDITURE:

*A human rights analysis
of water and sanitation
budgets in South Africa*

3.1 INTRODUCTION

The National Development Plan (NDP) recognises the importance of secure water supply in achieving equitable access to water for all households, supporting economic growth and eradicating poverty.¹⁰

There have been great improvements in people's access to water and sanitation in South Africa, but there also exist a number of challenges with regard to delivery of these services. According to *2018 National Water and Sanitation Masterplan*, "the failure of municipalities to provide reliable water and sanitation is largely due to lack of

*capacity, the misappropriation of funding and/or the lack of funding to operate, maintain, refurbish and manage water and waste water infrastructure assets properly. Further contributors towards the poor reliability of water and sanitation services is the limited budget allocated by municipalities for operations and maintenance relative to that allocated to new capital...poor revenue management, and the failure of municipalities to employ appropriately qualified technical staff. In addition, the national infrastructure grant funding mechanisms incentivise the building of new infrastructure, rather than the maintenance of existing infrastructure."*¹¹

3.2 OVERVIEW OF BUDGET ANALYSIS

This section of the updated working paper will examine allocation and expenditure figures for the provision of water and sanitation. The chapter will assess the national department responsible for executing the function of providing water and sanitation, namely, the Department of Water and Sanitation (DWS). Because the provision of water and sanitation is a concurrent function of the national, provincial and local governments, the section will also study the Municipal Infrastructure Grant (MIG) and Local Government Equitable Share (LGES), which fall under the ambit of the Department of Cooperative Governance and Traditional Affairs (CoGTA). It must be noted that only a portion of the MIG is allocated towards remedying water and sanitation backlogs, with a bias towards provinces with the least access to basic services.¹² The rest of the grant is utilised for the provision of other services such as roads, streetlights, recycle facilities, sports facilities and so on. The LGES on the other hand, is a share of nationally raised revenue, which is payable to the local government sphere. This

transfer supplements municipal revenue for the provision of free basic services to poor households- including free basic water and sanitation- and for the funding of institutional capacity and support to weaker municipalities.¹³ Municipalities can spend the LGES as they choose, but, the transfers can be accompanied by recommendations, such as that at least 57% of the grant should be used for the provision of water and sanitation.¹⁴

This section will also analyse two conditional grants; namely the *Regional Bulk Infrastructure Grant*, which provides for the development of new infrastructure and the refurbishment, upgrading and replacing of ageing infrastructure, and the *Water Services Infrastructure Grant*, which provides for the construction of new infrastructure and the rehabilitation of existing water and sanitation infrastructure, through the grant transfer of water services schemes to water services institutions.¹⁵

FOOTNOTES:

10. National Treasury (2017). Estimates of National Expenditure. Vote 36: Water and Sanitation. Accessed at: <http://www.treasury.gov.za/documents/national%20budget/2017/enebooklets/Vote%2036%20Water%20and%20Sanitation.pdf>
11. Department of Water and Sanitation (2018). National Water and Sanitation Master Plan. Volume 1: Call to Action. Accessed at: <http://www.dwa.gov.za/National%20Water%20and%20Sanitation%20Master%20Plan/Documents/NWSMP%20Call%20to%20Action%20v8.3%2018%20Jan%202018%20CORAL%20version.pdf>
12. Motsoeneng, M (2016). Monitoring and Evaluating the progressive Realisation of the Right to Water and Sanitation. Working Paper 12. Studies in Poverty and Inequality Institute
13. Department of Cooperative Governance and Traditional Affairs, Annual report, 2016/17 p. 71
14. Motsoeneng, M (2016). Monitoring and Evaluating the progressive Realisation of the Right to Water and Sanitation. Working Paper 8. Studies in Poverty and Inequality Institute
15. National Treasury (2017). Estimates of National Expenditure. Vote 36: Water and Sanitation. Accessed at: <http://www.treasury.gov.za/documents/national%20budget/2017/enebooklets/Vote%2036%20Water%20and%20Sanitation.pdf>

These two grants are sub-programmes under the DWS' Programme 3 (Water Infrastructure Development), which is allocated the largest share of the entire DWS budget. More information will be provided in the budget analysis below.

The budget analysis in this updated working paper, deviates slightly from the initial working paper. This is because in 2014/15, the sanitation functions initially located in the Department of Human Settlements, were transferred to a newly established Department of Water and Sanitation. Prior to this, the DWS was known as the Department of Water Affairs and Forestry. SPII's working on the Right to Water and Sanitation, published in 2016, tracked government spending on water and sanitation between 2009/10 and 2014/15, by examining all the departments responsible for these functions, including the Department of Water Affairs and Forestry, the Department of Human Settlements and the Department of Water and Sanitation. At the national level, this update of the working paper will look at the Department of Water and Sanitation, and track allocations and expenditure from 2013/14 to 2017/18. It must be noted that expenditure figures for the 2017/18 financial year are not available and thus not included in the budget analysis. The update will also track allocations and spending of two

conditional grants earmarked for water and sanitation services from 2014/15 to 2017/18 for the RBIG, and from 2015/16 To 2017/18 for WSIG. Allocations for the MIG and LGES will be analysed from 2010/11 to 2016/17.

In 2014/15 the DWS consisted of 5 programmes, namely: Administration, Water Sector Management, Regional Implementation and Support, Water Sector Regulation and International Water Cooperation. However, from 2017/18 the DWS went through reprogramming, whereby it has categorised its work into the following four programmes: **Administration, Water Planning and Information Management, Water Infrastructure Development, and Water Sector Regulation**. We will conduct our analysis using these four programmes. Although the department has reduced the number of programmes and renamed others, the budget and historical expenditure moved to other programmes within the department. For example, most of the expenditure that was in programme 4 (which initially contained the conditional grants) moved to programme 2 and 3 respectively. Therefore, on a consolidated basis nothing has changed except the number of programmes.¹⁶

3.3 NOMINAL VS. REAL FIGURES

Inflation is the term used to describe general increases in the prices of goods and services in the economy over time. Inflation erodes the value of money because rising prices mean that R1 today buys you slightly more than R1 tomorrow. Departmental Annual Reports and Treasury documents tend to only provide the **nominal** amounts allocated in the budget each year, unadjusted for the effect of inflation. This makes comparing spending patterns over time difficult as the value of the amounts allocated in previous years (i.e. what they can buy) has changed. Therefore, when conducting an analysis of government budgets over time, it is important to take the effects of inflation into

account. Converting nominal amounts to **real** amounts equalizes the value of money for each year under review, and therefore allows us to compare much more accurately the amounts allocated in the budget for different years.

In South Africa, the most widely used measurement of general inflation is the Consumer Price Index (CPI), which is tracked by Statistics South Africa (StatsSA). Adjusting the nominal amounts provided in the Estimates of National Expenditure, DWS and CoGTA annual reports to real amounts requires us to make a calculation using 'inflators' which are based on the annual CPI inflation rate provided by

FOOTNOTES:

¹⁶ Email correspondence with National Treasury official, Misaveni Ngobeni, who works on water and sanitation.

StatsSA. The CPI inflation rate and inflators used in this budget analysis to convert nominal amounts to real amounts are shown below.

2018 was used as the base year, hence all amounts in this chapter have been adjusted to 2018 prices.

Table 1: CPI inflation annualised percentage change, and inflators used to convert nominal amounts to real amounts, 2010/11– 2018/19

	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
CPI Inflation	4.2%	4.8%	5.6%	5.8%	5.6%	5.2%	6.4%	6.3%	5.3%
Inflator	0.65	0.68	0.71	0.75	0.80	0.84	0.88	0.94	1.00

Nominal figures for budget allocation and expenditure trends for the DWS are drawn from the Estimates of National Expenditure (ENE), while the LGES and MIG are drawn from the CoGTA annual reports. With regard

to the two conditional grants, these figures are drawn from the DWS' annual reports. All figures have been adjusted to inflation, with 2018/19 as the base year.

3.4 PROGRAMME DESCRIPTION

As highlighted above, the DWS has four core programmes which it finances from its budget. The strategic objectives of the programmes as highlighted in the 2017 ENE are provided below:¹⁷

Programme 1: Administration

Provide strategic leadership, management and support services to the department. Develop and promote international relations on water resources with neighbouring countries.

Programme 2: Water Planning and Information Management

Ensure that the country's water resources are protected, used, developed, conserved, managed and controlled in a sustainable manner for the benefit of all people and the environment, by developing a knowledge base and implementing effective policies, procedures and integrated planning strategies both for water resources and water services.

Programme 3: Water Infrastructure Development

Develop, rehabilitate and refurbish raw water resources and water services infrastructure to meet the socio-economic and environmental needs of South Africa. As well as to ensure adequate water availability through water resources infrastructure development and management, and enhance the provision of sustainable and reliable water supply and sanitation services through the **regional bulk infrastructure grant**, the **water services infrastructure grant** and the Accelerated Community Infrastructure sub-programme on a continuous basis.

Programme 4: Water Sector Regulation

Ensure the development, implementation, monitoring and review of regulations across the water supply chain in accordance with the provisions of the National Water Act (1998) and the Water Services Act (1997).

FOOTNOTES:

¹⁷ National Treasury, Estimates of National Expenditure (2017)

3.5 NATIONAL WATER AND SANITATION PROGRAMME ALLOCATIONS AND EXPENDITURE TRENDS

Figure 1: Total DWS budget: Real allocations, annual % change and expenditure, 2013/14– 2017/18¹⁸

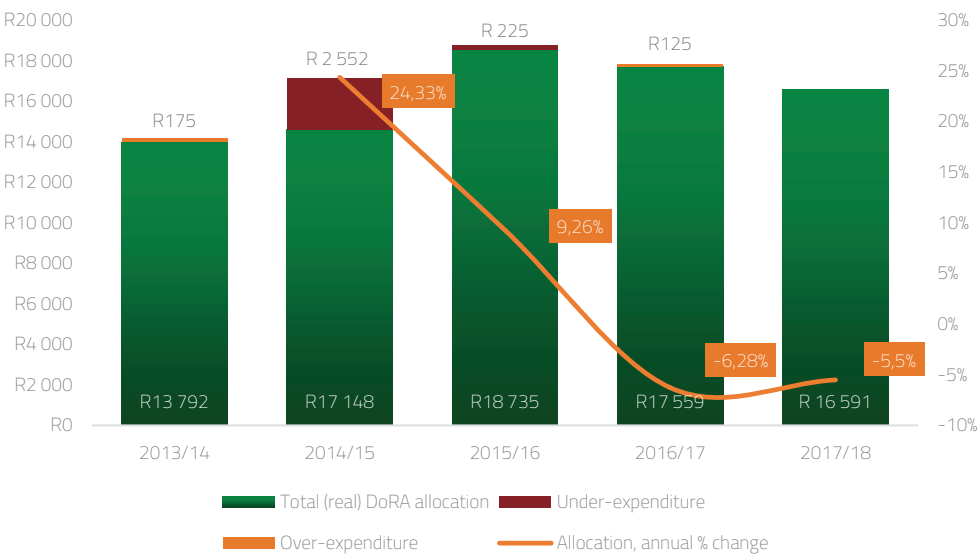


Figure 1 illustrates that between 2013/14 and 2015/16, there were real term increases to the water and sanitation budget, with the most significant taking place between 2013/14 and 2014/15. However the departmental budget saw minor decreases from 2016/17. Although the nominal figures reflect budget increases through the period of review, these have clearly

not kept pace with inflation. Reasons cited for under-expenditure, particularly in the 2014/15 financial year include the department having difficulty attracting the right skills to fill posts; and that the allocation of funding was sometimes done without assessing whether projects were ready to be implemented, and that this led to slow spending of the infrastructure grants.¹⁹

Figure 2: Real programme allocation as % of the total DWS budget- 2013/14– 2017/18

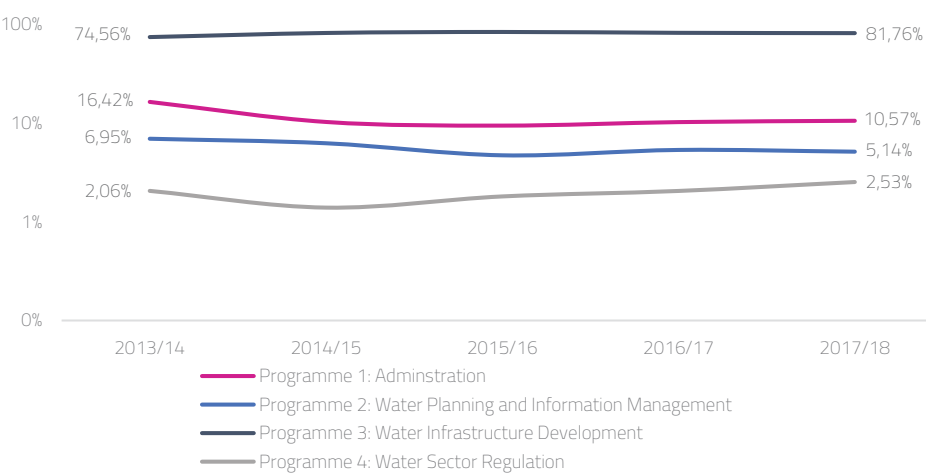


Figure 2 shows that programme 3 has consistently received the largest proportion of the DWS budget since 2013/14. This programme has seen increases over the period of review, which may be explained by the fact that infrastructure conditional grants fall within its sub-programmes.

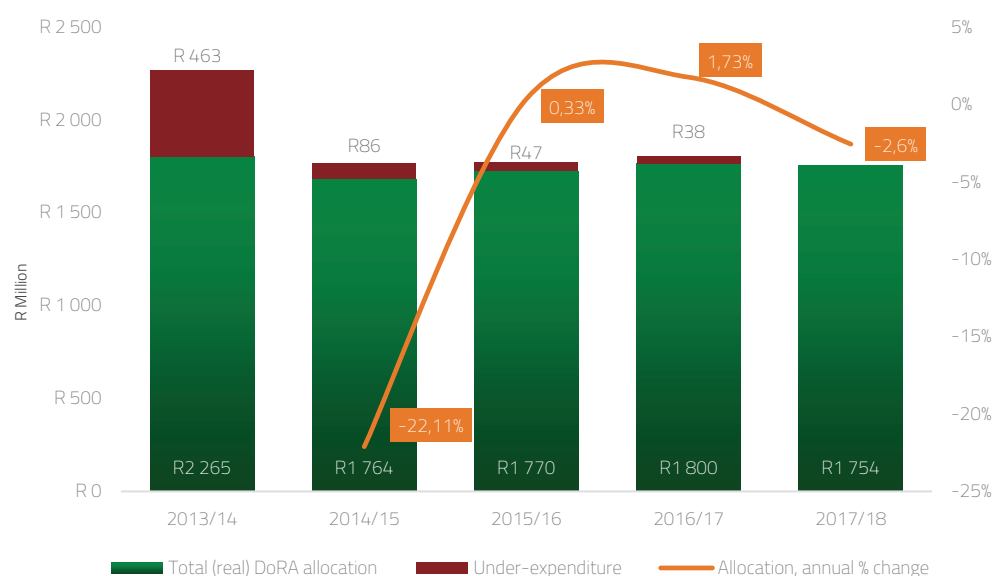
We will examine this programme in greater detail in the following sections. However, Programmes 1 and 2 experienced declines in the share of the DWS budget allocated to them; particularly programme 1, which saw a 6% decrease between 2013/14 and 2017/18.

FOOTNOTES:

¹⁸ Data is sourced from the 2017 and 2018 Estimates of National Expenditure. The adjusted appropriations represent allocations and the revised estimates are proxy for expenditure. Own calculations

¹⁹ Parliamentary Monitoring Group (2015). Minister and Department of Water and Sanitation on its 2014/15 Annual Report; Audit outcomes by the Auditor-General. Accessed at: <https://pmg.org.za/committee-meeting/21602/>

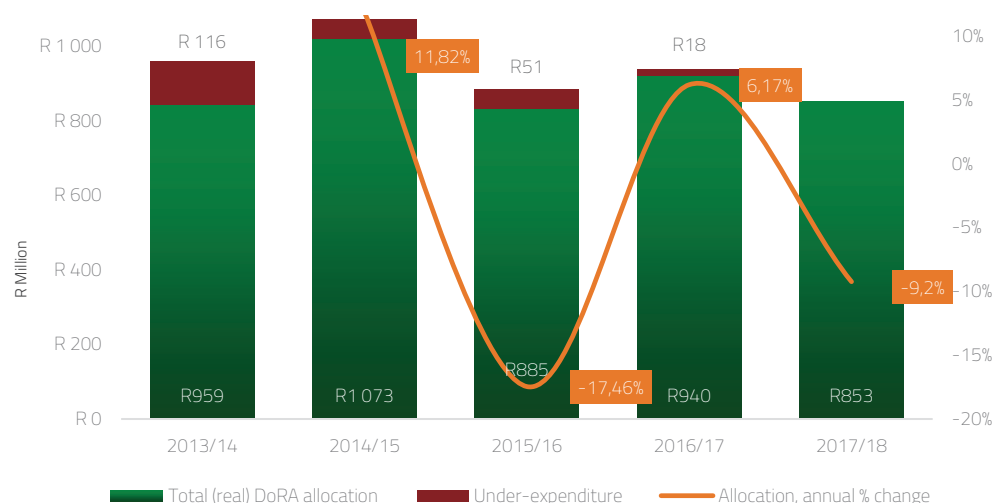
Figure 3: Programme 1:
Administration- real
allocations, annual % change
and expenditure,
2012/13- 2017/18



As highlighted in figure 3, this programme has seen some decreases in its real term allocations over the period of review, the most significant being the 22% real term decrease between 2013/14 and 2014/15. R463 million of its R2,2 billion allocation was underspent in the 2013/14

financial year, which may have resulted in the significant decreased budget allocation thereafter. The DWS has cited reasons for under-spending as being due to capacity constraints and high vacancy rates, which increased from 15% to 17.44% in the 2014/15 financial year.²⁰

Figure 4: Programme 2:
Water Planning & Information
Management- real allocations,
annual % change and
expenditure,
2012/13- 2017/18



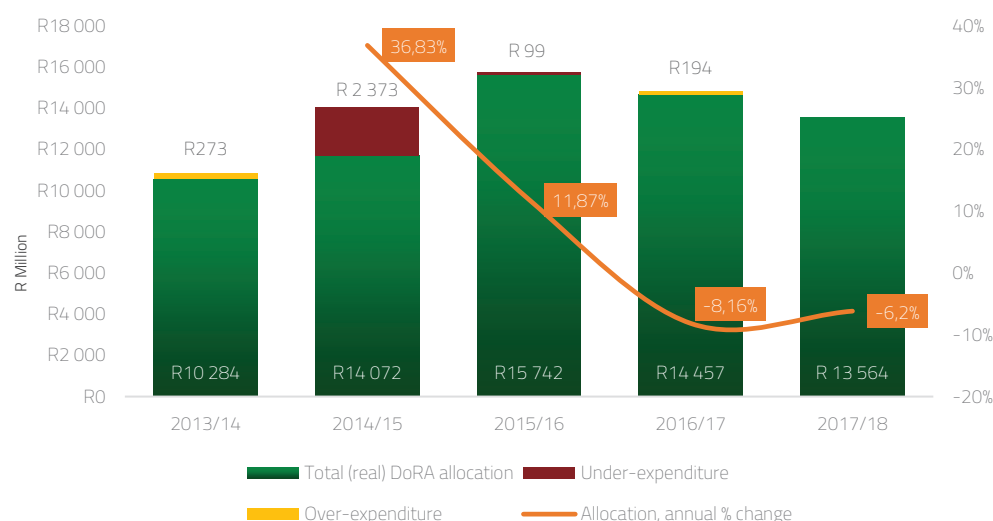
Budget allocation trends for programme 2 seem to be quite erratic, with over R1 billion being allocated to the programme for the first time in 2014/15. The department has cited reasons for underspending as being, "...mainly due to unfilled vacant post[s] and the related goods and services,

delays in appointing contractors in the integrated planning and water information management activities of the department"²¹ The same reasons for underspending were also cited the following financial year.

FOOTNOTES:

20. Parliamentary Monitoring Group (2015). Minister and Department of Water and Sanitation on its 2014/15 Annual Report; Audit outcomes by the Auditor-General. Accessed at: <https://pmg.org.za/committee-meeting/21602/>
21. DWS Annual Report 2015/16

Figure 5: Programme 3: Water Infrastructure Development-
real allocations, annual %
change and expenditure,
2012/13- 2017/18



Programme 3 is a core programme within the DWS, as infrastructure conditional grants are located within it. It also receives the lion's share of the DWS total budget, which has been increasing over time (see figure 6 below). The DWS' role, with regard to this programme, is the provision of water storage infrastructure and regional bulk infrastructure to assist municipalities with connection to this resource. In the 2015/16 financial year, the DWS assisted some districts within the North West and the Eastern Cape, which played a role in stabilising the water supply and sanitation services in these districts.²²

Figure 5 above, illustrates an increase in real term allocations towards the programme between the 2013/14 and 2015/16 financial years, and

declines thereafter. About 17% of the 2014/15 budget was underspent, but the general trend (in cases of both under and over expenditure) is a deviation of about 2%, which is considered acceptable by normal accounting standards.²³

Worryingly in the 2016/17 financial year, there was R12 billion (nominal figure), which inexplicably went missing from this programme. According to the Parliamentary Monitoring Group (PMG), the Portfolio Committee on Water and Sanitation, "... *was very upset about the R12.1 billion, almost 80% of the budget allocated to Programme 3, which the Department was unable to explain.*"²⁴ The committee proposed that the Auditor-General be called in to assist as the DWS was unable to provide a clear explanation about the utilisation of funds.

Figure 6: Water Infrastructure Development as % of total real DWS budget, 2013/14- 2017/18

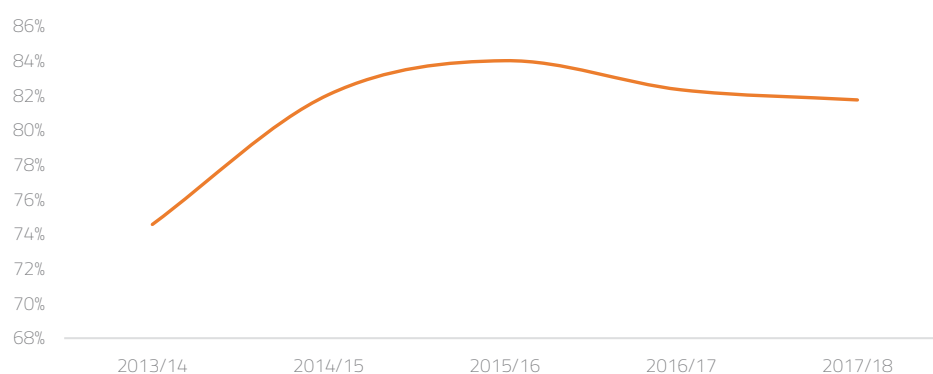


Figure 6 illustrates that Water Infrastructure Development currently receives about 82% of the total DWS budget. The performance of this

programme, and its sub-programmes, is thus critical to the progressive realisation of the right to water and sanitation in South Africa

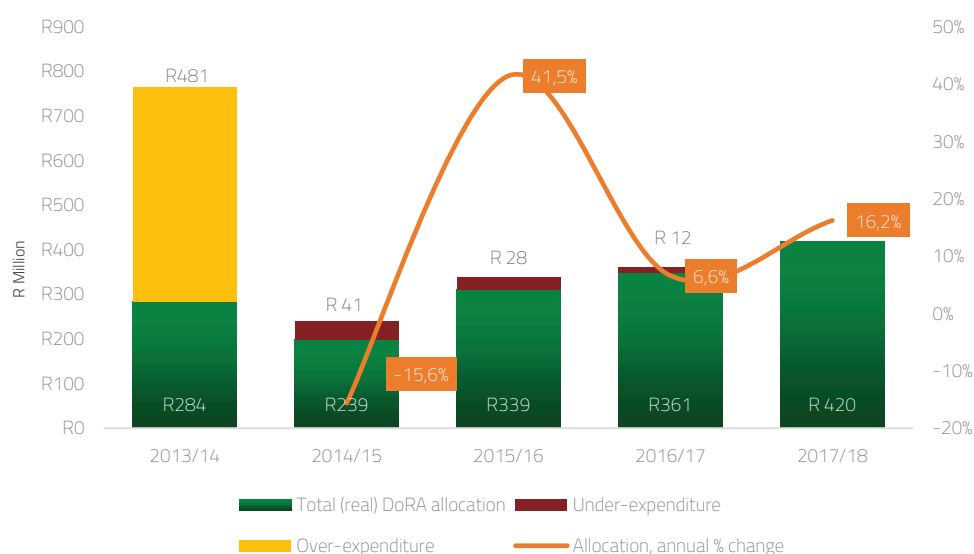
FOOTNOTES:

²² DWS Annual Report 2015/16

²³ Selebalo, H and Webster, D. Monitoring the Right to Access of Adequate Housing in South Africa: An update of the policy effort, resource allocation and enjoyment of the right. Working Paper 16. Studies in Poverty and Inequality Institute (2018). Accessed at: http://www.sprii.org.za/wp-content/uploads/2018/02/Right-to-Housing_2017.pdf

²⁴ Parliamentary Monitoring Group (2017). Water Infrastructure Development, internal audit, debt collection, War on Leaks And Drop-a-Block: Department briefing with Deputy Minister. Accessed at: <https://pmg.org.za/committee-meeting/25282/>

Figure 7: Programme 4:
Water Sector Regulation- real
allocations, annual % change
and expenditure,
2012/13- 2017/18



In 2013/14, this programme was allocated R284 million, but worryingly overspent its budget by R481 million. There was a slight

allocation decrease in the following year, but we see real term allocation increases thereafter.

3.6 SPENDING AND ALLOCATION PATTERNS OF GRANTS TRANSFERRED TO MUNICIPALITIES

Municipalities have the constitutional obligation to provide basic services to communities, including water and sanitation. For this they receive a share of nationally-raised revenues—such as the MIG and LGES— as well as conditional grants:

- Conditional grants administered through the DWS include the **Water Services**

Infrastructure Grant (which is comprised of Municipal Water Infrastructure Grant, Water Service Operating Subsidy Grant, and Rural Household Infrastructure Grant, which were collapsed into a single grant in 2016/17) and the **Regional Bulk Infrastructure Grant**.

3.7 MUNICIPAL INFRASTRUCTURE GRANT²⁵

The Municipal Infrastructure Grant (MIG) is the largest conditional grant to municipalities, and amounts close to half of total conditional grants to municipalities. The MIG supports the government's aim to expand service delivery and alleviate poverty. It funds the provision of infrastructure for basic services, roads and social infrastructure for poor households in all non-metropolitan municipalities. The MIG funds may also be used to upgrade and build new infrastructure and rehabilitate existing infrastructure to a basic level services.²⁶ The MIG is administered through the Department of

Cooperative Governance and Traditional Affairs.

MIG is allocated through a formula with a vertical and horizontal division. The vertical division allocates resources between sectors and the horizontal division takes account of poverty, backlogs, and municipal powers and functions in allocating funds to municipalities.

The MIG allocations are biased towards provinces with the least access to basic services and is linked to backlogs in water and sanitation.²⁷

FOOTNOTES:

- ²⁵ Motsoeneng, M (2016). Monitoring and Evaluating the progressive Realisation of the Right to Water and Sanitation. Working Paper 8. Studies in Poverty and Inequality Institute
- ²⁶ Basic water supply facility has been defined as the infrastructure necessary to supply 25 litres of potable water per person per day supplied within 200 metres of a household and with a minimum flow of 10 litres per minute (in the case of communal water points) or 6 000 litres of potable water supplied per formal connection per month (in the case of yard or house connections).
- ²⁷ Report of the selected Committee on Appropriations to the Portfolio Committee on Water and Sanitation, 2016, p. 3-6

Figure 8: Municipal Infrastructure Grant - real allocations, annual % change, and expenditure²⁸

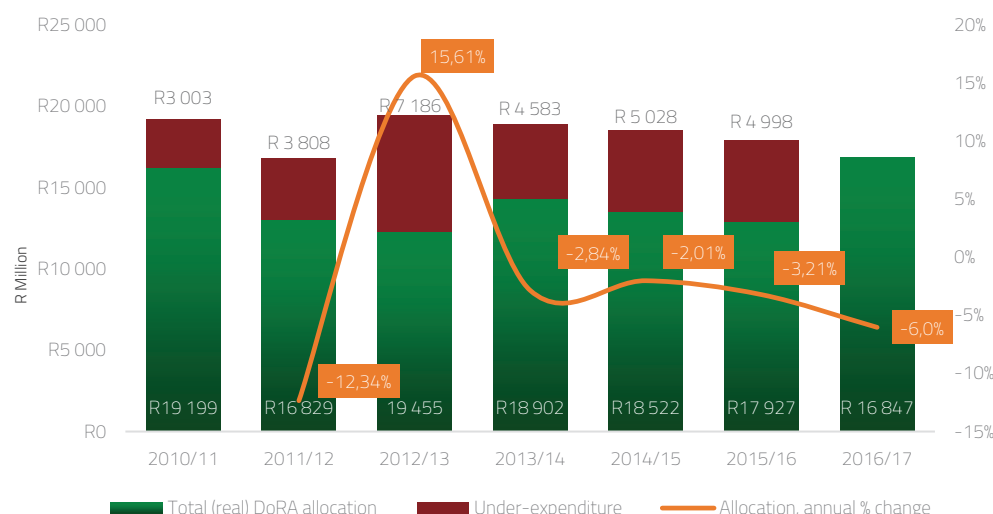


Figure 8 illustrates that the MIG budget allocations have fluctuated between approximately R16 and R19 billion during the period of review, with the highest percent of under-expenditure (37%) taking place in 2012/13. CoGTA's annual reports cite underperformance by some municipalities as the reason for underspending

It must be noted that the only a portion of the MIG is allocated towards water and sanitation services. For example in the 2016/17 financial year, approximately 49% of the MIG transferred to municipalities was intended for water and sanitation. This means that, of the R16,8 billion allocation highlighted in figure 8, about R8,2 billion allocated was intended for these services.²⁹

FOOTNOTES:

²⁸ Data is sourced from Cogta Annual Reports, 2010/11, 2011/12, 2012/13, 2013/14, 2014/14, 2015/16 and 2016/17. Own calculations

²⁹ National Treasury, Explanatory Memorandum to the Division of Revenue 2016, p. 42. Accessed at: <http://www.treasury.gov.za/documents/national%20budget/2016/review/Annexure%20W1.pdf>

Table 2: Municipal Infrastructure Grant - real allocations, annual % change and under-expenditure, 2010/11 to 2016/17

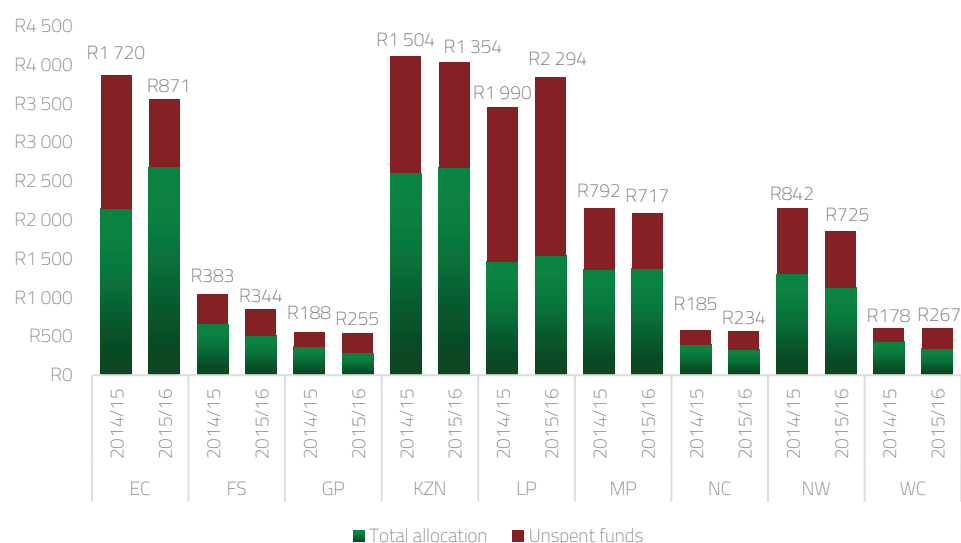
Municipal Infrastructure Grant	Nominal and real allocations and expenditure, under-expenditure as % of total budget	Allocations and Expenditures R millions						
		2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Eastern Cape (EC)	Nominal allocation (DoRA)	2,375	2,405	2,918	2,952	3,079	2,985	2,947
	Nominal expenditure	1,510	1,516	1,746	1,915	1,710	2,253	
	Real allocation	3,641	3,538	4,096	3,924	3,869	3,552	3,333
	Annual % change	n/a	-2.8%	15.8%	-4.2%	-1.4%	-8.2%	-6.2%
	Real expenditure	2,315	2,230	2,451	2,546	2,149	2,681	
	Real under-expenditure	1,326	1,308	1,645	1,379	1,720	871	
	Under-expenditure as % of total budget	36.4%	37.0%	40.2%	35.1%	44.5%	24.5%	
Free State (FS)	Nominal allocation (DoRA)	869	841	1,020	968	829	717	727
	Nominal expenditure	560	516	600	637	524	428	
	Real allocation	1,332	1,237	1,432	1,287	1,042	853	822
	Annual % change	n/a	-7.1%	15.7%	-10.1%	-19.1%	-18.1%	-3.6%
	Real expenditure	858	759	842	847	658	509	
	Real under-expenditure	474	478	590	440	383	344	
	Under-expenditure as % of total budget	35.6%	38.6%	41.2%	34.2%	36.8%	40.3%	
Gauteng (GP)	Nominal allocation (DoRA)	1,821	399	484	456	445	454	448
	Nominal expenditure	617	214	210	271	295	240	
	Real allocation	2,792	587	679	606	559	540	507
	Annual % change	n/a	-79.0%	15.7%	-10.8%	-7.8%	-3.4%	-6.2%
	Real expenditure	946	315	295	360	371	286	
	Real under-expenditure	1,846	272	385	246	188	255	
	Under-expenditure as % of total budget	66.1%	46.4%	56.6%	40.6%	33.7%	47.1%	
KwaZulu-Natal (KZN)	Nominal allocation (DoRA)	2,756	2,598	3,152	3,193	3,270	3,388	3,295
	Nominal expenditure	1,663	1,178	1,628	2,028	2,073	2,250	
	Real allocation	4,225	3,822	4,425	4,245	4,109	4,031	3,727
	Annual % change	n/a	-9.5%	15.8%	-4.1%	-3.2%	-1.9%	-7.6%
	Real expenditure	2,549	1,733	2,285	2,696	2,605	2,677	
	Real under-expenditure	1,676	2,089	2,139	1,549	1,504	1,354	
	Under-expenditure as % of total budget	39.7%	54.7%	48.4%	36.5%	36.6%	33.6%	
Limpopo (LP)	Nominal allocation (DoRA)	1,688	2,030	2,460	2,650	2,748	3,223	2,954
	Nominal expenditure	1,047	923	507	1,084	1,164	1,295	
	Real allocation	2,588	2,986	3,453	3,523	3,453	3,835	3,341
	Annual % change	n/a	15.4%	15.6%	2.0%	-2.0%	11.1%	-12.9%
	Real expenditure	1,605	1,358	712	1,441	1,463	1,541	
	Real under-expenditure	983	1,629	2,742	2,082	1,990	2,294	
	Under-expenditure as % of total budget	38.0%	54.5%	79.4%	59.1%	57.6%	59.8%	

Municipal Infrastructure Grant	Nominal and real allocations and expenditure, under-expenditure as % of total budget	Allocations and Expenditures R millions						
		2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Mpumalanga (MP)	Nominal allocation (DoRA)	978	1,177	1,427	1,565	1,717	1,755	1,797
	Nominal expenditure	474	618	529	864	1,087	1,152	
	Real allocation	1,499	1,732	2,003	2,080	2,157	2,088	2,032
	Annual % change	n/a	15.5%	15.7%	3.9%	3.7%	-3.2%	-2.7%
	Real expenditure	727	909	743	1,149	1,366	1,371	
	Real under-expenditure	773	822	1,261	932	792	717	
	Under-expenditure as % of total budget	51.5%	47.5%	62.9%	44.8%	36.7%	34.4%	
Northern Cape (NC)	Nominal allocation (DoRA)	353	424	515	499	462	479	507
	Nominal expenditure	210	169	247	250	315	282	
	Real allocation	541	624	723	663	580	570	573
	Annual % change	n/a	15.3%	15.9%	-8.2%	-12.5%	-1.8%	0.6%
	Real expenditure	322	249	347	332	396	336	
	Real under-expenditure	219	375	376	331	185	234	
	Under-expenditure as % of total budget	40.5%	60.1%	52.0%	49.9%	31.8%	41.1%	
North West (NW)	Nominal allocation (DoRA)	989	1,190	1,428	1,481	1,707	1,556	1,719
	Nominal expenditure	503	656	507	817	1,037	947	
	Real allocation	1,516	1,751	2,005	1,969	2,145	1,851	1,944
	Annual % change	n/a	15.5%	14.5%	-1.8%	8.9%	-13.7%	5.0%
	Real expenditure	771	965	712	1,086	1,303	1,127	
	Real under-expenditure	745	786	1,293	883	842	725	
	Under-expenditure as % of total budget	49.1%	44.9%	64.5%	44.8%	39.3%	39.1%	
Western Cape (WC)	Nominal allocation (DoRA)	695	375	455	455	484	510	501
	Nominal expenditure	308	226	252	237	342	286	
	Real allocation	1,065	552	639	605	608	607	567
	Annual % change	n/a	-48.2%	15.8%	-5.3%	0.5%	-0.2%	-6.6%
	Real expenditure	472	332	354	315	430	340	0
	Real under-expenditure	472	219	285	290	178	267	
	Under-expenditure as % of total budget	44.3%	39.7%	44.6%	47.9%	29.3%	43.9%	
TOTAL	Nominal allocation (DoRA)	12,524	11,439	13,859	14,219	14,741	15,067	14,895
	Nominal expenditure	10,565	8,851	8,740	10,772	10,739	10,867	0
	Real allocation	19,199	16,829	19,455	18,902	18,522	17,927	16,847
	Annual % change		-12.3%	15.6%	-2.8%	-2.0%	-3.2%	-6.0%
	Real expenditure	16,196	13,021	12,269	14,319	13,493	12,930	0
	Real under-expenditure	3,003	3,808	7,186	4,583	5,028	4,998	
	Under-expenditure as % of total budget	15.6%	22.6%	36.9%	24.2%	27.1%	27.9%	0.0%
		4.2%	4.8%	5.6%	5.8%	5.6%	5.2%	6.4%
		0.65	0.68	0.71	0.75	0.80	0.84	0.88

Table 2 examines allocation and expenditure trends of the MIG by 9 provinces. It shows that Kwa-Zulu Natal, Eastern Cape and Limpopo receive the highest MIG allocations, while Gauteng,

the Northern Cape and Western Cape receive the lowest. Surprisingly, Gauteng had a 79% decrease in its budget allocation between 2010/11 and 2011/12, from R2,7 billion to R587 million.

Figure 9: Municipal Infrastructure Grant- real allocations, annual % change and under-expenditure by province 2014/15-2015/16



In 2014/15 Limpopo and the Eastern Cape struggled to spend their allocated MIG, with each province under-spending 44% and 58% of its budget, respectively. Underspending in Limpopo was particularly severe in the 2015/16 financial year, with the province spending only R1,5 billion of its R3.8 billion budget.

At a parliamentary briefing, CoGTA

reported that in the 2014/15 financial year, “underspending of the MIG was a municipal challenge.” A question was posed on what about the reasons behind this, and why projects were not being implemented. The department reported that, “municipalities were not always incapacitated or in need of guidance. [Therefore] the focus should be to bulk up capacity at the district level.”³⁰

3.8 LOCAL GOVERNMENT EQUITABLE SHARE

The Local Government Equitable Share (LGES) is provided to municipalities to provide free basic services, including a free basic water policy and sanitation, to poor households and to cover basic municipal administration costs. Municipalities can spend LGES as they choose, however, the transfers from National Treasury can be accompanied by recommendations. A portion of this money is allocated to the provision of basic services including free basic water, energy, sanitation and refuse. The equitable share also provides funds for administration and community services in municipalities that are unable to fund these from their own revenues.³¹

The provision of one of these services is premised on the Constitutional right to sufficient water, which, “...enjoins the state to take reasonable legislative and other measures to progressively realise this right within its available resources. Towards this end, the Department of Water Affairs and Forestry (DWAf) introduced the Free Basic Water Policy in 2001 (approved by Cabinet) based on the right to water in section 27

of the Constitution and the Water Services Act 108 of 1997. DWAf’s Free Basic Water Implementation Strategy (2002) set the minimum standard for free basic water supply at 25 litres per person per day or 6 kilolitres (kl) per household per month.”³²

Additionally, municipalities compelled by the Municipal Systems Act (2000) must develop, “...indigent policies to provide free basic services to poor households.” These policies, “...are guided by the Department of Cooperative Governance and Traditional Affairs’ (CoGTA) National Indigent Policy Framework and Guidelines (National Framework) which aims to improve access to basic services and goods and consequently reduce levels of poverty.”³³

The figures below will examine allocations to the LGES. Unfortunately, CoGTA does not provide expenditure figures for this grant, which is highly problematic. It then becomes difficult to ascertain whether municipalities (and more broadly, provinces) are spending their allocated funding well.

FOOTNOTES:

³⁰ Parliamentary Monitoring Group (2015). CoGTA, SALGA and Municipal Infrastructure Support Agent (MISA) on their 2014/15 Annual Reports, with Minister present. Accessed at: <https://pmg.org.za/committee-meeting/21594/>

³¹ Motsoeneng, M (2016). Monitoring and Evaluating the progressive Realisation of the Right to Water and Sanitation. Working Paper 8. Studies in Poverty and Inequality Institute

³² Khunou, K and Potter, A. Turning off the Tap: Discontinuing Universal Access to Free Basic Water in the City of Johannesburg. Working Paper 3 (2018). Accessed at: http://www.seri-sa.org/images/SERI_Turning_Off_the_Tap.pdf

³³ ibid

**Figure 10: Local Government
Equitable Share - real
allocations and annual %
change, 2010/11- 2016/17³⁴**

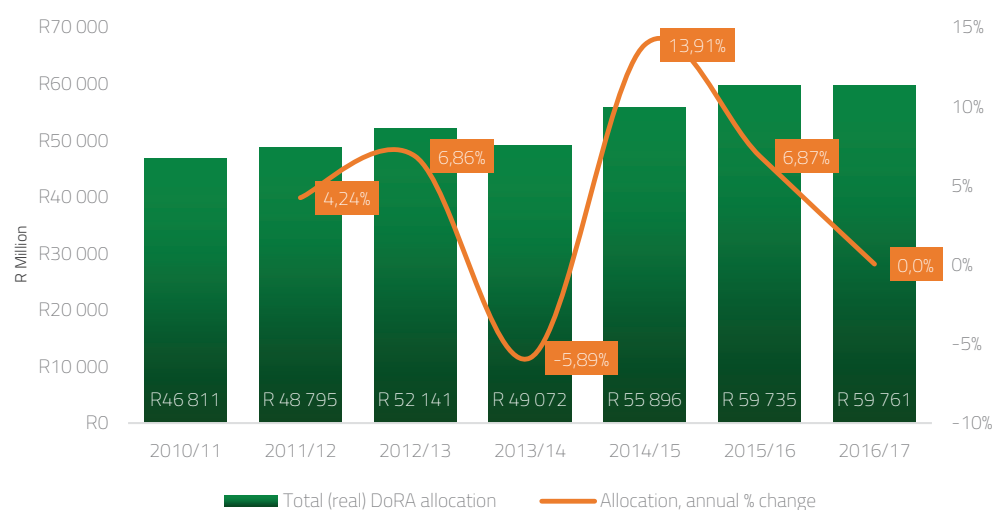


Figure 10 shows that, generally there has been an increase in allocations towards the LGES, except in the 2013/14 financial year, where about 5% of the budget was cut. This may be due to the drastic cut to the amount of funding

received by the Mpumalanga province in the same financial year. However, it should be noted that not all of the LGES budget is allocated and subsequently spent on water and sanitation.

FOOTNOTES:

³⁴ Data is sourced from Cogta Annual Reports, 2010/11, 2011/12, 2012/13, 2013/14, 2014/14 and 2015/16. Own calculations

Table 3: Local Government Equitable Share - nominal and real allocations by province, annual % change as share of total budget, 2010/11- 2016/17

Local Government Equitable Share	Nominal and real allocations and expenditure, under-expenditure as % of total budget	Allocations and Expenditures R millions						
		2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17
Eastern Cape (EC)	Nominal allocation (DoRA)	4,453	5,176	5,742	6,192	6,858	7,737	7,911
	Real allocation	6,826	7,615	8,061	8,231	8,617	9,206	8,948
	Annual % change	n/a	11.6%	5.9%	2.1%	4.7%	6.8%	-2.8%
Free State (FS)	Nominal allocation (DoRA)	2,831	2,815	3,174	3,151	3,324	3,384	3,318
	Real allocation	4,340	4,141	4,456	4,189	4,177	4,026	3,753
	Annual % change	n/a	-4.6%	7.6%	-6.0%	-0.3%	-3.6%	-6.8%
Gauteng (GP)	Nominal allocation (DoRA)	5,426	5,744	6,664	6,657	7,734	8,526	9,350
	Real allocation	8,318	8,450	9,355	8,850	9,718	10,145	10,575
	Annual % change	n/a	1.6%	10.7%	-5.4%	9.8%	4.4%	4.2%
KwaZulu-Natal (KZN)	Nominal allocation (DoRA)	5,713	6,347	7,035	7,578	8,653	9,905	10,439
	Real allocation	8,758	9,338	9,876	10,074	10,872	11,785	11,807
	Annual % change	n/a	6.6%	5.8%	2.0%	7.9%	8.4%	0.2%
Limpopo (LP)	Nominal allocation (DoRA)	3,678	4,135	4,655	4,820	5,843	6,953	7,298
	Real allocation	5,638	6,083	6,535	6,407	7,342	8,273	8,254
	Annual % change	n/a	7.9%	7.4%	-1.9%	14.6%	12.7%	-0.2%
Mpumalanga (MP)	Nominal allocation (DoRA)	2,909	3,019	3,431	1,490	3,995	4,484	4,706
	Real allocation	4,459	4,441	4,816	1,981	5,020	5,335	5,323
	Annual % change	n/a	-0.4%	8.4%	-58.9%	153.4%	6.3%	-0.2%
Northern Cape (NC)	Nominal allocation (DoRA)	929	966	1,084	1,130	1,266	1,368	1,398
	Real allocation	1,424	1,421	1,522	1,502	1,591	1,628	1,581
	Annual % change	n/a	-0.2%	7.1%	-1.3%	5.9%	2.3%	-2.9%
North West (NW)	Nominal allocation (DoRA)	2,599	2,836	2,971	3,238	3,751	4,313	4,535
	Real allocation	3,984	4,172	4,171	4,304	4,713	5,132	5,129
	Annual % change	n/a	4.7%	0.0%	3.2%	9.5%	8.9%	-0.1%
Western Cape (WC)	Nominal allocation (DoRA)	1,998	2,129	2,387	2,658	3,062	3,534	3,883
	Real allocation	3,063	3,132	3,351	3,533	3,847	4,205	4,392
	Annual % change	n/a	2.3%	7.0%	5.4%	8.9%	9.3%	4.4%
TOTAL	Nominal allocation (DoRA)	30,536	33,167	37,143	36,914	44,486	50,204	52,838
	Real allocation	46,811	48,795	52,141	49,072	55,896	59,735	59,761
	Annual % change		4.2%	6.9%	-5.9%	13.9%	6.9%	0.0%

4.2%	4.8%	5.6%	5.8%	5.6%	5.2%	6.4%
0.65	0.68	0.71	0.75	0.80	0.84	0.88

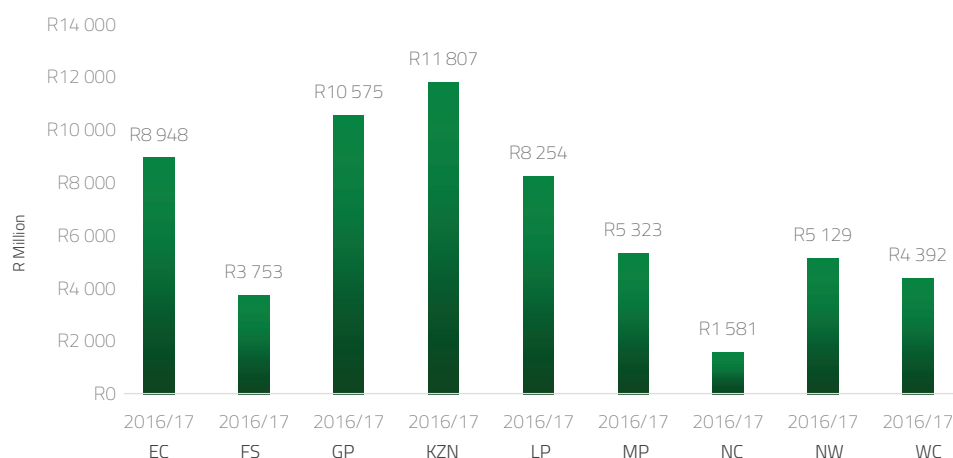
The Table above shows that Gauteng and Kwa-Zulu Natal receive a largest share of the LGES through the period of review, with allocations steadily increasing over the years. The table also highlights a 59% decrease in budget allocation in

Mpumalanga, between 2012/13 and 2013/14. Although R3.5 billion was allocated to the province in the latter financial year, only R1.4 billion was actually transferred.³⁵

FOOTNOTES:

³⁵ CoGTA, Annual Report 2013/14

Figure 11: Local Government Equitable Share - real allocations by province 2016/17



Looking at Table 3, there does not seem to be a correlation between budget allocations to the LGES, and the decline in the percentage of households accessing free basic water (see indicator section below). However without

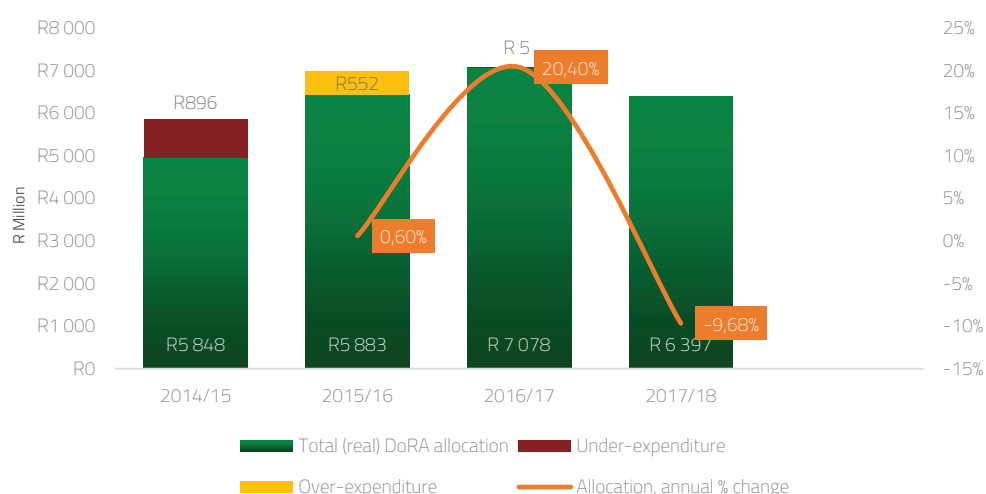
disaggregated budget figures for the basic services portion of the LGES, as well as the absence of expenditure figures, it becomes difficult to compare the indicators and the budget.

3.9 REGIONAL BULK INFRASTRUCTURE GRANT

The analysis below will examine allocation and expenditure patterns of the RBIG from the 2014/15 financial year- at the inception of the DWS- to the 2017/18 financial year. Prior to this, the grant was located in the Department of Water Affairs and Forestry (DWA). According to the DWS 2014/15 annual report, the purpose of the grant is to, "...develop new and refurbish,

*upgrade and replace ageing infrastructure that connects water resources to infrastructure serving extensive areas across municipal boundaries or large regional bulk infrastructure serving numerous communities over a large area within a municipality. [as well as to] develop new and refurbish, upgrade and replace ageing waste water infrastructure of regional significance."*³⁶

Figure 12: Regional Bulk Infrastructure Grant - real allocations, annual % change and expenditure, 2014/15- 2017/18³⁷



The figure above shows that there has been an increase of the RBIG in real terms- meaning allocations have kept up with inflation. However, there was an approximate decrease of R80 million between the 2016/17 and 2017/18 financial years. The R896 million

under-expenditure in the first year of review is attributed to the late appointment of contractors by implementing agents, and political instability within some municipalities which led to delays in appointing service providers.³⁸

FOOTNOTES:

- ³⁶ DWS Annual Report, 2014/15
³⁷ Data sourced from 2015, 2016, 2017 and 2018 Estimates of National Expenditure. Own calculations
³⁸ DWS, Annual Report 2014/15

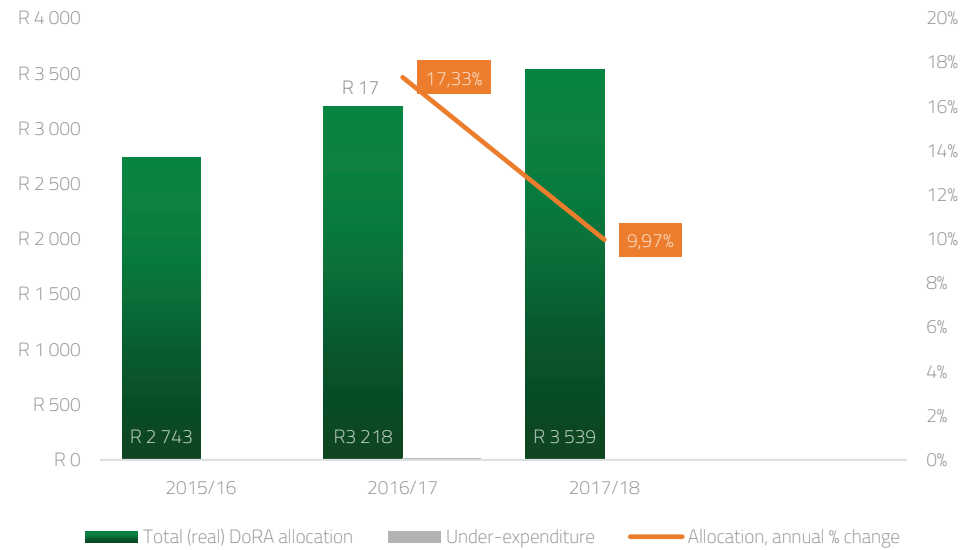
3.10 WATER SERVICES
INFRASTRUCTURE GRANT

The Municipal Water Infrastructure Grant, Water Service Operating Subsidy Grant and Rural Household Infrastructure Grant were collapsed into a single grant - known as the WSIG- in 2016/17.

The WSIG has number of objectives, including; Facilitating the planning and implementation of various water and sanitation projects to

accelerate backlog reduction and improve the sustainability of services in prioritised district municipalities, especially in rural municipalities; to provide interim, intermediate water and sanitation supply that ensure provision of services to identified and prioritised communities; and to support the existing bucket eradication programme intervention in formal residential areas.³⁹

Figure 13: Water Services Infrastructure Grant - real allocations, annual % change and expenditure, 2014/15- 2017/18⁴⁰



This grant has seen increased allocations over the 3 year period of review. Only 17 million of the R3,2 billion budget of 2016/17 was unspent. One of the main reasons provided by the department for this include the misalignment

between national and municipal financial year- particularly for a newly established grant. This means, that by the time the Department closes its books, municipalities still have three months to spend their allocations.

3.11 CONCLUSION

The merging of sanitation and water functions into one department- the DWS- was a welcome change by government, and should have resulted in coherence and synergy towards providing these essential services. However, various changes over the period of review, 2013/14 to 2017/18, within the department may have comprised what could have been a positive step. The various iterations of the programmes and the collapsing of conditional grants have made the process of tracking budget allocations and expenditure and analyses of these, difficult. Perhaps, the current financial state of the DWS is telling. And may even explain the erratic budget allocations and expenditure trends evidenced across departmental programmes.

After it was revealed that the DWS may be bankrupt earlier this year, it seems its financial woes were not only as a result of mismanagement of funds, but could also be attributed to leadership. According to an article by News24, "one of the primary reasons for the department's financial mess was the high turnover rate of directors-general, with four different people holding this position in the last four years."⁴¹ Not only was it highlighted in the 2016/17, that R12 billion was unaccounted for, figures above have shown instances of over-expenditure of budgets, without accountability from the Department.

FOOTNOTES:

^{39.} ibid
^{40.} Data sourced from 2016, 2017 and 2018 Estimates of National Expenditure. Own calculations
^{41.} News24, Gosling, M. Water and Sanitation Dept's financial management in disarray, portfolio committee hears. 27 March 2018

4.1 WHAT THE INDICATORS TELL US

The Studies in Poverty and Inequality Institute’s monitoring of socio-economic rights combines analysis of the content and implementation of government policies and budgets with an assessment of their outcomes on the ground. This involves the development of performance and impact indicators relevant to the right to water and sanitation that can be tracked and monitored over time.

Reflecting the multi-dimensionality of progressive realisation of socio-economic rights, the indicators chosen represent aspects of the three key dimensions of the right to water and sanitation: access, adequacy and quality, reflecting SPII’s methodology. The indicators also use data that is **freely available** from a **reliable source** which is **available at least annually** and **possible to decompose** by geographic area, income group, race and gender (wherever possible and useful); be of **interest** and **easy to understand** by the general public; and meet internationally recognised **SMART** criteria: Specific, Measurable, Attainable, Relevant and Time-Bound.

ACCESS	ADEQUACY	QUALITY
Monitoring the right to water and sanitation requires looking at both physical access and economic access to the right. The right to access water and sanitation through physical access includes looking at the general water supply to households, general physical availability of sanitation facilities as well as the proximity to water and sanitation facilities and sources. The second part of access requires looking at economic access, which essentially considers the extent to which the lack of economic power disables access to water and sanitation in South Africa. This is done by way of looking at who pays for access to water and sanitation as well as looking at the proportion of household income that is spent on accessing water.	Over and above physical access, the right to water and sanitation entails looking at the extent to which water and sanitation that is accessed is adequate. Adequacy indicators look at availability, which includes the level of distribution to households and the extent to which there is a reliable, continued supply of water and sanitation. This is to take into account any disruptions in the supply of water or the number of times a shared sanitation facility is serviced and waste removed regularly.	Another dimension of the indicators looks at quality. Quality indicators help to measure the level of standard or type of quality given to households. Quality indicators are inherently linked to both access and adequacy indicators as they highlight the gaps and the impact of the type of service given to households. Quality indicators look at acceptability by looking at household perceptions on the water they consume or the level of satisfaction they have with the sanitation service they have. Another set of quality indicators look at maintenance and upkeep of both water sources and sanitation facilities. For example, the number of days it takes for the municipality to respond to a blocked toilet provides a picture of the impact on people’s access to hygienic sanitation facilities.

4.2 PRESENTATION AND ANALYSIS OF INDICATORS

Table 4: Indicators for the right of access to water and sanitation

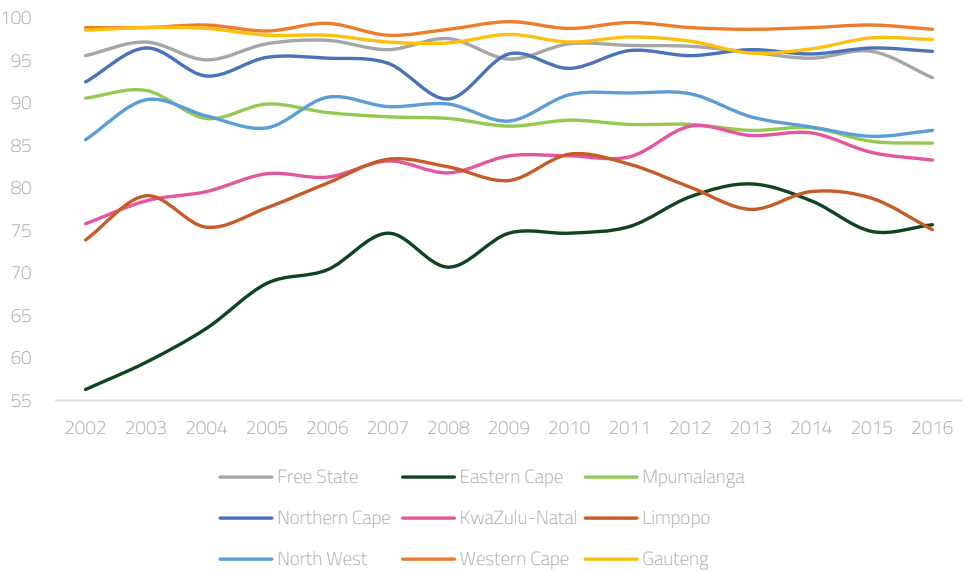
ACCESS INDICATORS -	ADEQUACY INDICATORS -
ECONOMIC ACCESS (AFFORDABILITY)	AVAILABILITY
Percentage of households that pay for water and those that do not pay water	Number of water supply interruptions experienced by households per province
Water source and sanitation facility access by income deciles	HYGIENE
Proportion of households accessing free basic water by province	Percentage of households using shared sanitation facilities who reported hygiene related issues
Proportion of households benefiting from free basic sanitation	QUALITY INDICATORS -
Number of households accessing free basic water and free basic sanitation	MAINTENANCE
PHYSICAL ACCESS (WATER SUPPLY)	Percentage of households who reported poor maintenance of their shared sanitation facilities
Percentage of households with access to RDP standard piped water	ACCEPTABILITY
Percentage of households accessing drinking water through other sources	Percentage of households who report that they think their water is not safe to drink, not clear, not free from bad smells or not good in taste
Percentage of households with access to RDP standard sanitation facilities	Percentage of children (0-17 years) with access to piped water in dwelling or yard
Household access to other sanitation facilities by population group of the household head	Percentage of children (0-17 years) with access to flush toilets with on or off site disposal
The use of sanitation facilities in formal and informal households	
Percentage of households with no access to improved sanitation, or who use bucket toilets	
Distance to water source for households without access to water in their homes	

4.3 ACCESS INDICATORS - PHYSICAL ACCESS

INDICATOR 1a: Percentage of households living in different dwelling types, 2002 – 2016.

DATA SOURCE: General Household Survey (StatsSA) 2002-2016.

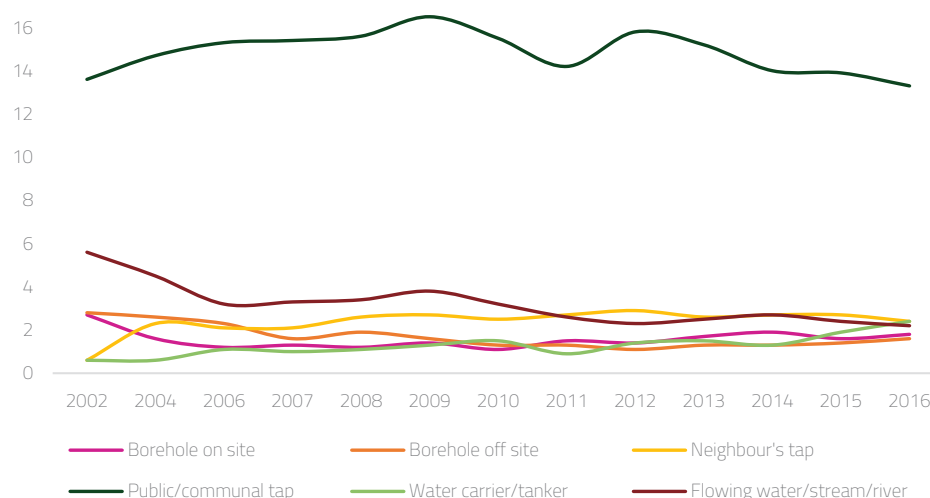
DESCRIPTION: This indicator shows the percentage of households that have access to piped water, as per the prescribed RDP standard. RDP standard or higher refers to piped water in dwelling or in yard.



INDICATOR 1b: Percentage of households accessing drinking water through other sources.

DATA SOURCE: General Household Survey (StatsSA) 2002–2016.

DESCRIPTION: This indicator shows the proportion of households whose main source of drinking water is through sources other than standard piped water.



Indicator 1a shows that the proportion of people with access to piped water in five of South Africa's nine provinces increased between 2002 and 2016. The increases were mostly marginal however, and access rose significantly only in the Eastern Cape and KwaZulu-Natal (by 19.4% and 7.5% respectively). A lower proportion of people had access to piped water in 2016 than in 2002 in Free State, Mpumalanga, Western Cape and Gauteng. Mpumalanga's decrease of 5.3% is particularly worrying.

There is an inequality in access between provinces along the urban rural divide. Provinces which are more urbanised and economically

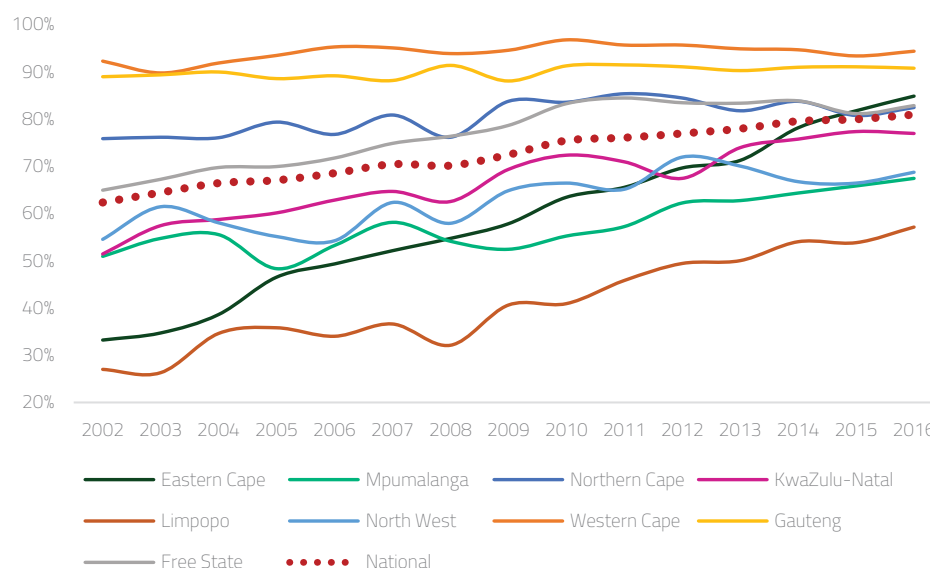
developed show a higher proportion of access of piped water compared to more rural provinces. While almost 100% of people in Gauteng and the Western Cape enjoy access to piped water, only around 75% of people in Limpopo and Eastern Cape enjoy this access.

Indicator 1b gives further content to the experiences of people who do not access their drinking water from a piped tap. Most people who do not get their water from a piped tap are using communal taps. An encouraging trend in this indicator is the steady decrease – by 3.4% since 2002 – in the proportion of people forced to access water from rivers.

INDICATOR 2: Percentage of households with access to RDP standard sanitation facilities.

DATA SOURCE: General Household Survey (StatsSA) 2002–2016.

DESCRIPTION: This indicator shows the percentage of households who have access to RDP standard sanitation facilities. An RDP standard sanitation facility refers to a flush toilet that is connected to a public sewage system or a septic tank, and a pit toilet with a ventilation pipe.



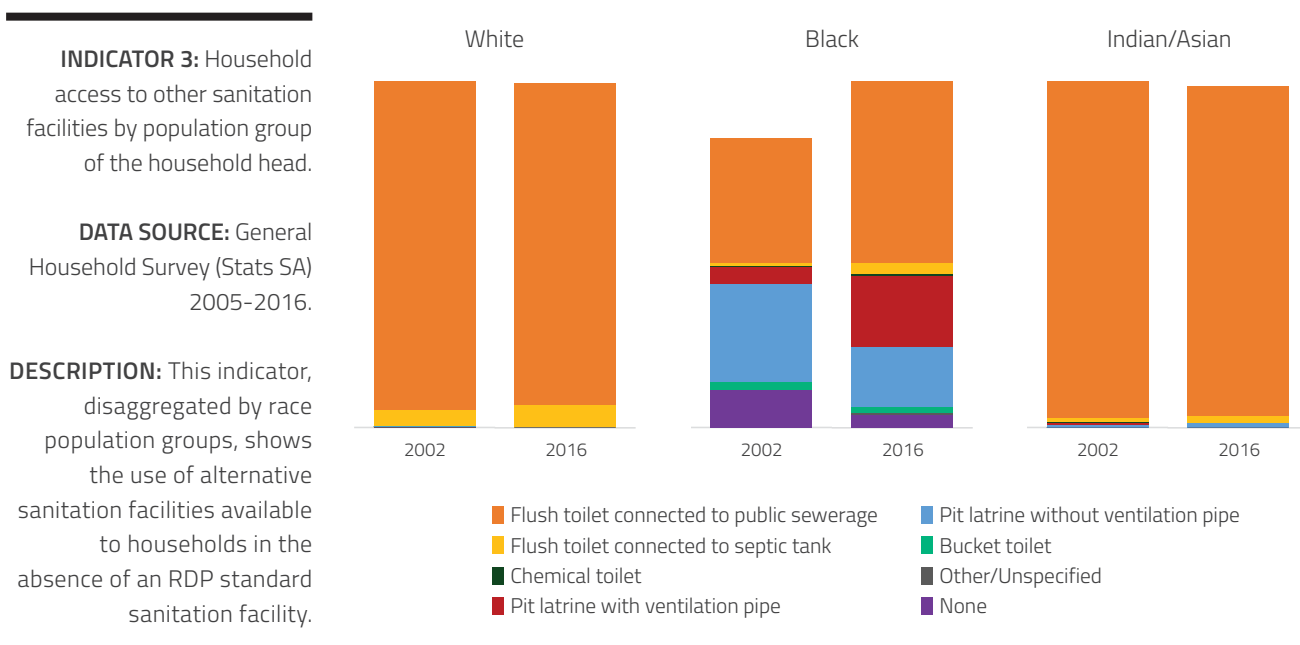
Sanitation is inextricably linked to dignity, hygiene and ultimately, health. The above indicator shows household access to sanitation has increased markedly across provinces since 2002. The country met its MDG target to halve the proportion of people without sustainable access to sanitation, with the national figure reaching 80.9% in 2016 –

an increase of 18.6% since 2002. The greatest increases in access to sanitation were recorded in Eastern Cape (51.6%), KwaZulu-Natal (25.5%) and Limpopo (30.1%).

The Western Cape has the highest access to improved sanitation (94.3%), followed by Gauteng (90.7%). Positive trends in access to

sanitation must be tempered by some of the horrific experiences of people on the ground, however. In 2014, Michael Komape, a five-year-old school child, drowned in a pit latrine at his school in Limpopo, where, despite positive trends, only 57.1% of people enjoy access to improved sanitation. Lumko Mkhethwa, a five-year-old Eastern Cape learner, suffered the same fate in 2018.

It is also important to note that the number of people who are sharing facilities is under-captured in annual surveys such as the General Household Survey or the Non-financial Census of Municipalities, making it difficult to assess the exact level of access of households. The following indicator looks more closely at the kinds of sanitation used by the 19.1% of households who do not have access to improved sanitation.



This indicator shows that there has been an upward trend in the proportion of black South African households using pit latrines for sanitation. A significant proportion (17.4%) proportion of black households still use pit latrines with no ventilation, however, posing a serious threat to their health.

More importantly, however, this indicator demonstrates apartheid’s continued legacy of extreme racial inequality. More than two decades after democracy, black people are still significantly worse off compared to other racial groups in the country in terms of access to basic sanitation. Almost 40% of black households still use pit latrines, while only negligible proportions of other households

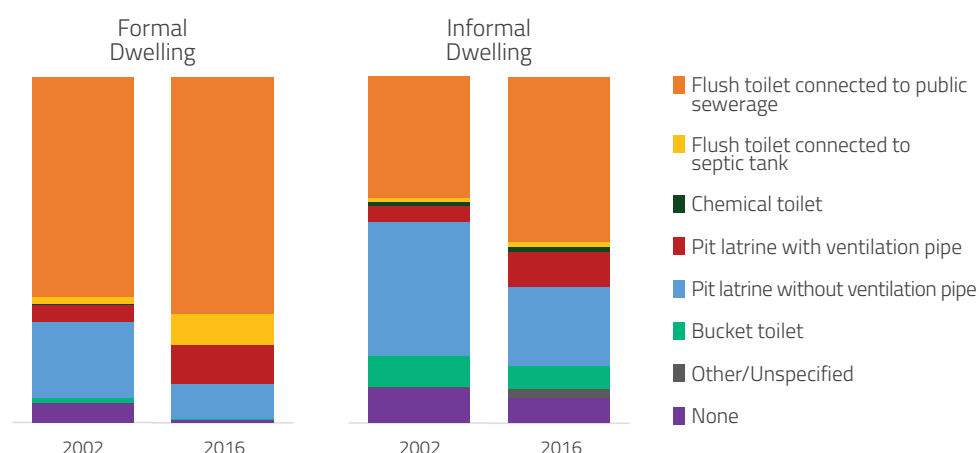
use pit latrines. While almost all households of other race groups used flush toilets, barely one in every two black households enjoyed the same access. When taken together with indicator 2, this is an indictment on the democratic government’s failure to invest adequate resources into undoing the rural deficit it inherited from apartheid. While most urban homes have access to flush toilets, rural homes, which are overwhelmingly black, have not received the necessary infrastructural investment.

The following indicator shows people’s access to sanitation by the type dwelling that they live in.

INDICATOR 4: The use of sanitation facilities in formal and informal households.

DATA SOURCE: General Household Survey (Stats SA) 2002–2016.

DESCRIPTION: This indicator shows how the type of dwelling may determine the type of sanitation that households have access to.



This indicator shows the correlation between the types of dwelling and access to different types of sanitation facilities. Some encouraging trends can be observed. In 2016, for instance, informal households were more likely to use flush toilets than pit latrines – a reversal of a historical trend. However, the inequality between the levels of sanitation enjoyed by people living in formal and informal dwellings is still gross. Fewer than one in two people living in informal dwellings uses a flush toilet, while more than two in

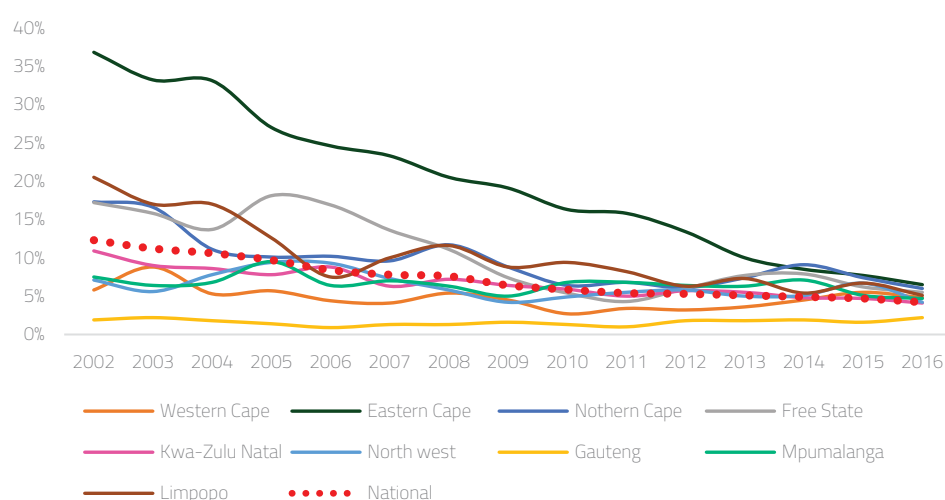
three people living in formal households uses a flush toilet. This number would be even higher were backyard quarters not included among the number of formal dwellings in this indicator.

South Africa's high rates of urbanisation are driven by economic opportunities. Many people moving to cities make their homes in well-located informal settlements, which often lack basic services such as water and sanitation.

INDICATOR 5: Percentage of households with no access to improved sanitation, or who use bucket toilets.

DATA SOURCE: General Household Survey (Stats SA) 2002–2016.

DESCRIPTION: A bucket toilet is a basic form of a dry toilet which is portable. The bucket is located inside a dwelling, or in a nearby small structure or on a camping or other place that lacks waste disposal plumbing. The waste is usually collected through a municipal waste collection system or there is a private waste



collector designated to collect waste from bucket toilets in communities. Bucket toilets in formal areas were implemented before 1994 by the apartheid government, and since then government has enacted different policies to

eradicate this legacy of bad and unhygienic sanitation in formal areas. Other forms of bucket toilets can be found in informal areas not provided by the government.

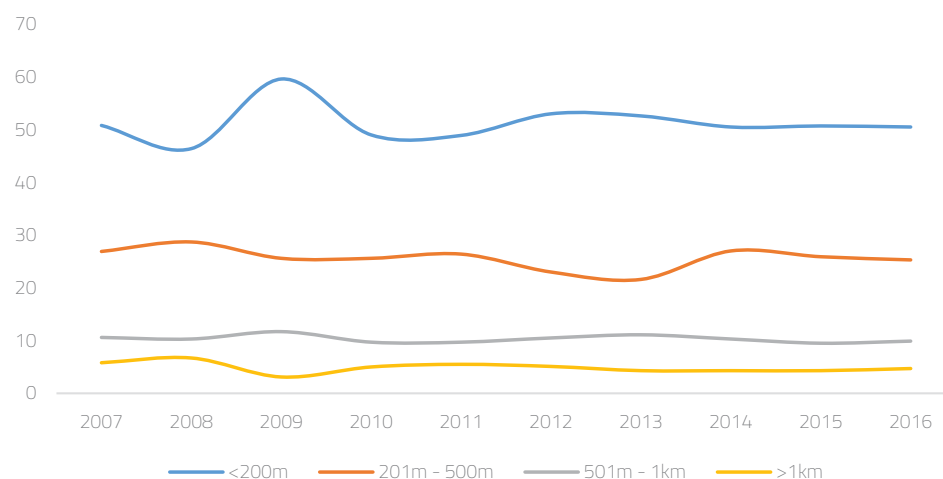
4.2% of South Africans still use bucket toilets. This is 8.10% lower than in 2002. Decreases in the proportion of people using bucket toilets are observable in all provinces, except in Gauteng, where 0.3% more people were using bucket toilets in 2016 than in 2002. In

spite of reductions, Eastern Cape, Northern Cape and Free State have the most worrying figures in this measurement. 6.5%, 6% and 5.5% of people still use bucket toilets in these provinces respectively.

INDICATOR 6: Distance to water source for households without access to water in their homes.

DATA SOURCE: General Household Survey (Stats SA) 2007-2016.

DESCRIPTION: This indicator captures the average distances that households who do not have access to water in their homes travel to access a water source.



It deserves initial mention that virtually all households who do not have access to water in their homes are black households. Black households constitute over 98% of all households in all four distance categories in this indicator.

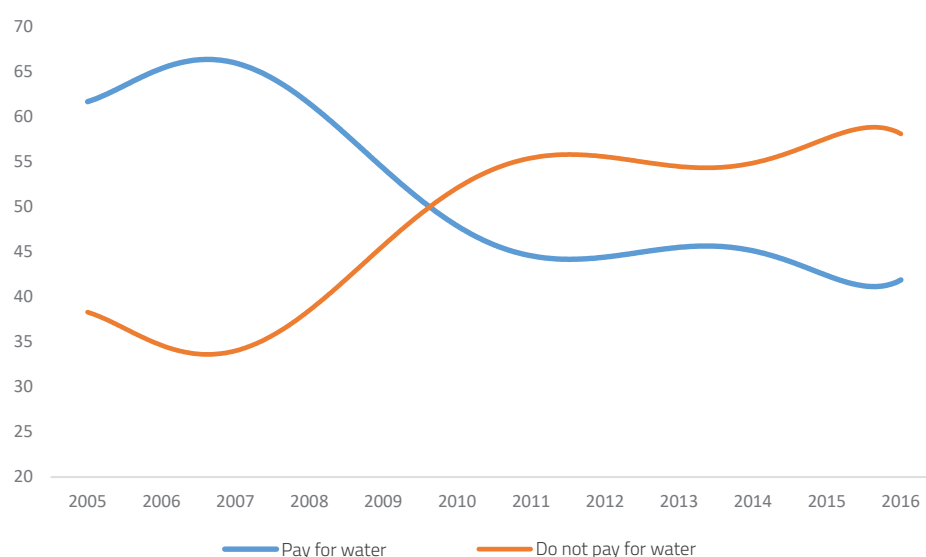
This indicator reveals a stagnation in the proportion of households travelling different distances to get their water. Virtually the same proportion of households walked the same distances to access water in 2016 as

in 2007. This indicates that not enough has been done to ensure greater levels of access to water for households who do not have access to water in their homes. Ideally, we would like to see dramatic increases in the proportion of people walking less than 200m and dramatic decreases in the proportion of people walking more than 1km. This is not the case however. While 5.8% of households walked more than 1km to access water in 2007, 4.7% of households still walked further than 1km in 2016, a meagre decrease of 1.1%.

INDICATOR 7a: Percentage of households that pay for water and those that do not pay water.

DATA SOURCE: General Household Survey (Stats SA) 2005-2016.

DESCRIPTION: This indicator shows the percentage of households who pay to get access to municipal water against those who do not pay for access.



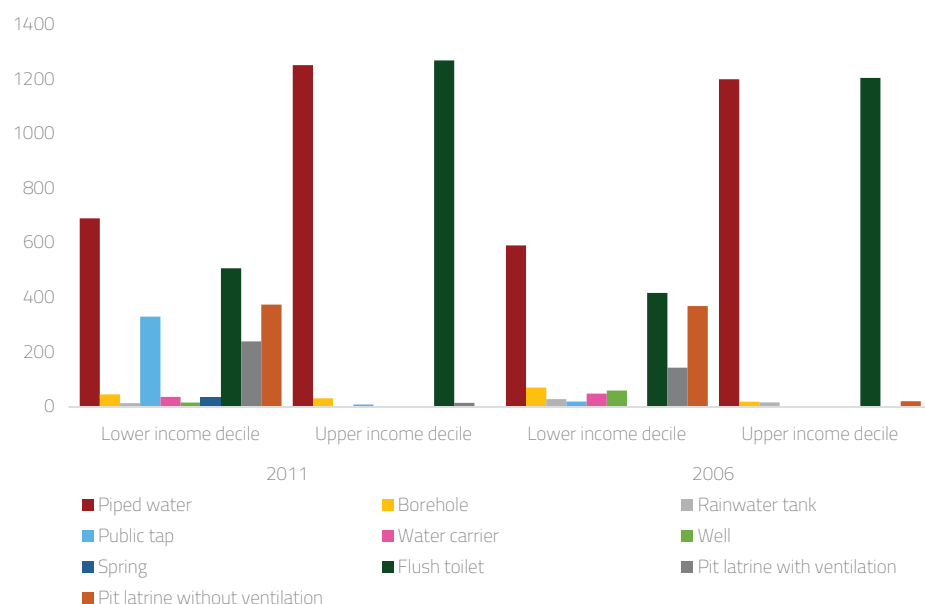
This indicator shows a decrease in the percentage of households that pay for municipal water. Reasons for this vary, from bad municipal billing, to lack of proper follow-up and debt recovery by the municipality as

well as the implementation of the Free Basic Services Policy and the municipal indigent system which recognises the inability of some households to pay for water and sanitation amongst other basic services.

INDICATOR 7b: Water source and sanitation facility access by income deciles.

DATA SOURCE: Income and Expenditure Survey, 2006–2011.

DESCRIPTION: This indicator demonstrates the relationship between household income levels and the type of water and sanitation source households have access to.



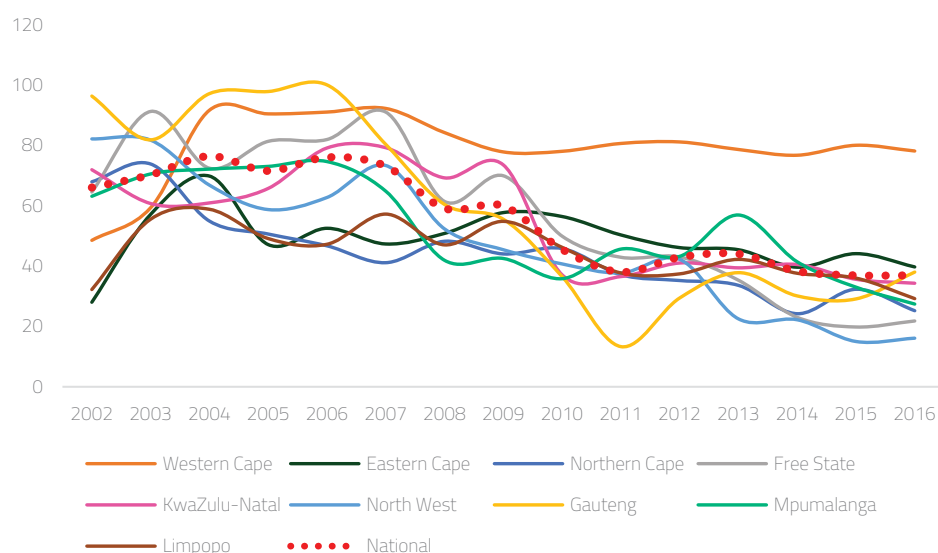
Indicator 7b shows that high income inequality has a negative impact on the realisation of socio-economic rights such as housing, water and sanitation. This graph shows that households in the lowest income decile lack access to improved sanitation facilities and have a high number of their households accessing water through other sources such as wells and boreholes. This indicator also shows that households in the lowest income decile were more likely to use shared facilities such as public taps compared to households in the upper income decile.

Access to improved water and sanitation is linked to the type of housing that people occupy. This indicator shows that those who have high income deciles are more likely to have improved sanitation as well as flush toilets as they are more likely to be living in formal housing structures compared to those with very low income deciles. **Indicator 4** demonstrated how households who lived in informal dwellings were more prone to using unimproved sanitation facilities such as pit latrines with no ventilation compared to those that lived in formal dwellings.

INDICATOR 8: Proportion of households accessing free basic water by province.

DATA SOURCE: Non-financial Census of Municipalities, 2002–2016.

DESCRIPTION: This indicator shows the proportion of households that receive free basic water from the municipality. Free basic water is accessed under the Free Basic Services Policy. Free basic water policy is based on the standards set in the national Water Act and it grants every household access to 6000 litres of water per month for free, and only water used in addition to this is payable.



The Free Basic Services policy guarantees indigent households the right to access a basic level of water and sanitation. This policy is administered by local government through municipalities. Indicator 8 shows the proportion of households who are supplied

with free basic water and sanitation per province from 2002 to 2016.

Nationally, the percentage of households that accessed free basic water has declined dramatically. 66% of households accessing

municipal water in 2002 accessed free basic water, rising to 76.4%. This plummeted to 36.9% in 2016. Alarming decreases are observable at the provincial level. 66% fewer people had access to free basic water in 2016 than 2002 in the North West, where barely 16% of households now have access to free basic water. 58.3% fewer people in Gauteng accessed free basic water in 2016 than in 2002, and 42.7% fewer in Northern Cape and Free State.

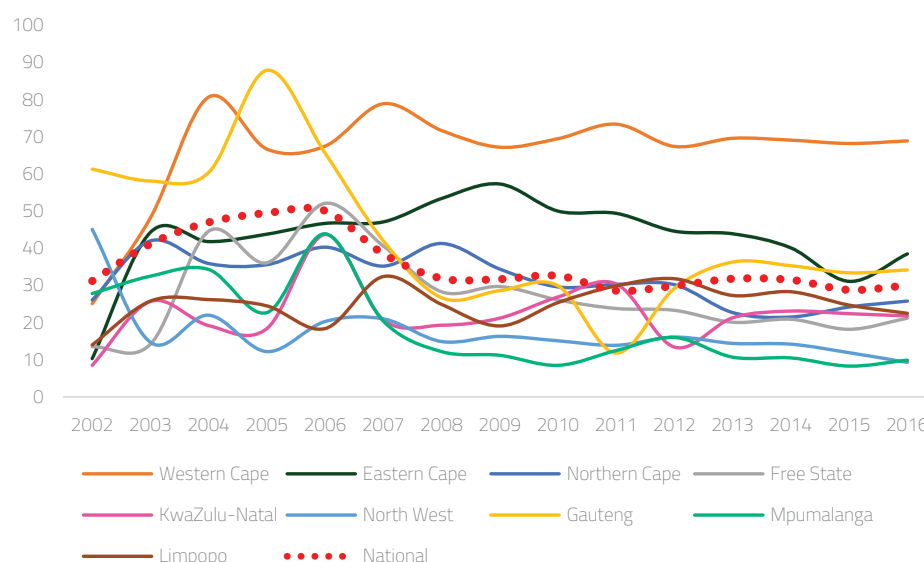
This mirrors municipalities' move away from the provision of free basic services on

a universal basis and towards measuring which households should qualify for the services according to indigent registers. Poor households are required to prove their poverty to be included on these registers, the administration of which is notoriously opaque and inefficient. Municipalities' drive to recover water costs from the first litre of household use, rather than providing a universally free basic amount of water mean that where once three in every four households received free basic water, barely one in every three households now receive free water.

INDICATOR 9: Proportion of households benefiting from free basic sanitation.

DATA SOURCE: Non-financial Census of Municipalities, 2002-2016.

DESCRIPTION: Basic sanitation is regarded as safe, clean, hygienic and reliable toilet facility such as a ventilated improved pit-latrline (VIP) or water borne sanitation. Free basic sanitation refers to the provision of a basic sanitation facility, including the safe removal of human waste and waste water from the premises where this is appropriate and necessary and the communication of good sanitation, hygiene and related practices.



The Department of Water and Sanitation in 2008, through the Free Basic Sanitation Implementation Strategy set a target to have all people have access to a functioning basic sanitation facility by 2014. This target has still not been met. In 2016, only 30% of South African households had access to free basic sanitation, 1.2% fewer than in 2002.

North West is the province with the lowest percentage of households accessing free basic sanitation (as shown in the previous indicator,

this is also true of free basic water) – 9.3%. Fewer than 10% of Mpumalanga households – 9.9% – receive free basic sanitation.

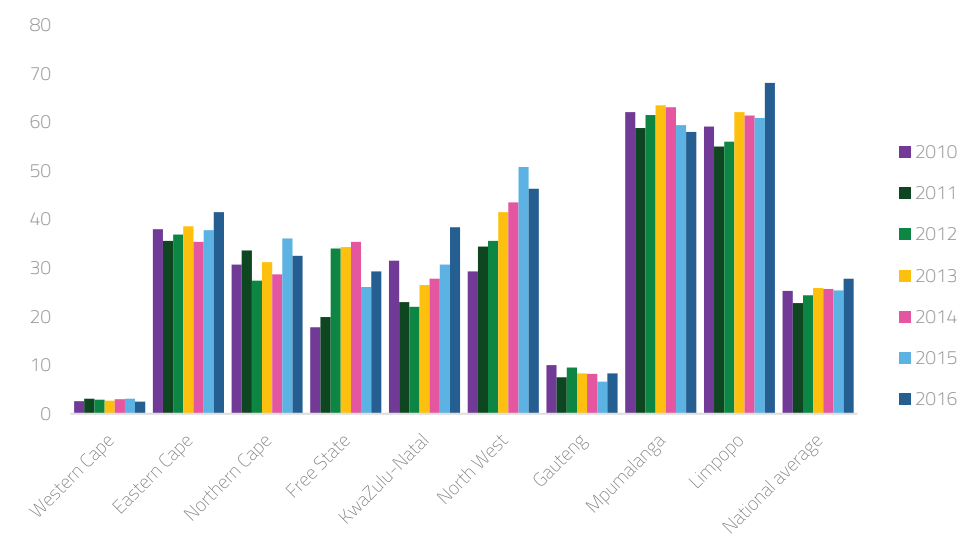
As is the case with free basic water, only the Western Cape and Eastern Cape managed to increase access to free basic services during this period. This indicates that municipalities in these two provinces have adopted a different approach to the provision of free basic services.

4.4 ADEQUACY INDICATORS - AVAILABILITY

INDICATOR 10: Number of water supply interruptions experienced by households per province.

DATA SOURCE: General Household Survey (Stats SA) 2010–2016.

DESCRIPTION: This indicator shows the percentage of households who reported water supply interruptions that lasted longer than two days.



This indicator shows the level of water supply interruptions experienced by households between 2010 and 2016. The proportion of households that experienced water supply interruptions has increased by 2.5% during this period to 27.8% of all households. There is a drastic provincial inequality in the experience of water supply interruptions. In 2016, the highest proportions of households experiencing interruptions were in Limpopo (68.1%) and the lowest were in the Western Cape (2.5%).

Municipalities do not record the number of water supply interruptions that occur, making

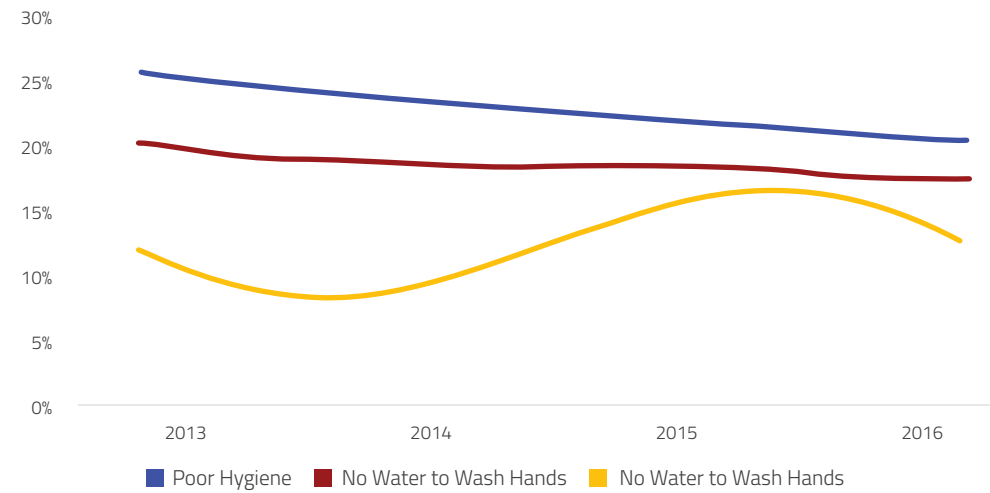
it hard to understand the number of times these interruptions take place and what impact this has on the people’s access to water. It is also not clear whether people are given enough time to find alternative water for consumption on the days that interruptions take place as municipalities also do not provide records of this information. In order to monitor and evaluate and ultimately decrease the number and duration of interruptions, municipalities should immediately begin keeping records of the number of supply interruptions, their length and the reason behind them.

4.4 ADEQUACY INDICATORS - HYGIENE

INDICATOR 11: Percentage of households using shared sanitation facilities who reported hygiene related issues.

DATA SOURCE: General Household Survey (Stats SA) 2013–2016.

DESCRIPTION: The World Health Organization (WHO) defines a shared sanitation facility as “*sanitation of an otherwise acceptable type shared between two or more households.*”



Water borne sanitation (flush toilet) is dependent on a reliable supply of clean water to ensure hygiene and good practices. It is

vital that shared facilities are hygienic in order to minimise people’s chances of contracting disease and being exposed to unsafe and

unhygienic facilities. The number of people per sanitation facility is equally imperative for reliability to ensure adequate access for users.

The proportion of households who use shared facilities who reported that they did not have water to wash their hands after using the sanitation facility was 17.3% in 2016, while 20.9% of users reported that their shared sanitation

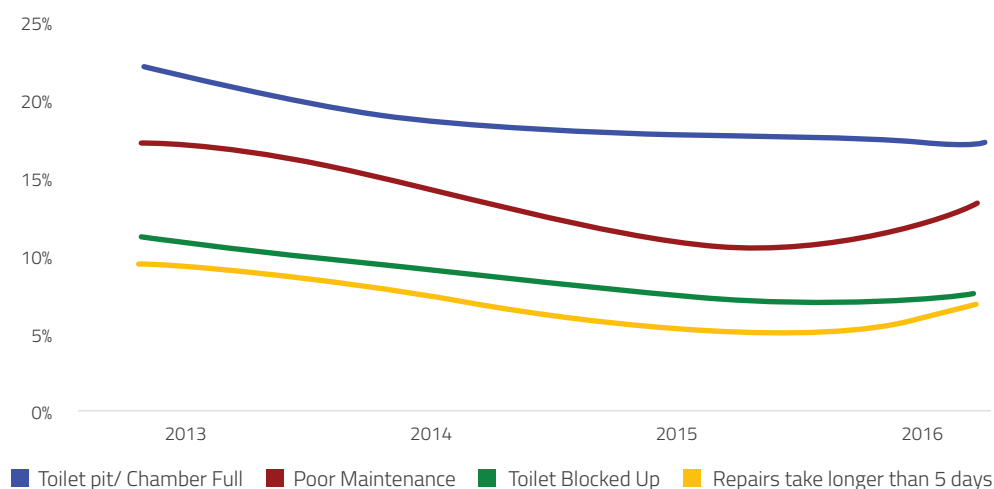
facilities were unhygienic. The percentage of households who reported to have no water to flush a shared toilet after using it increased from 11.1% in 2013 to 14% in 2016. The lack of water to wash hands after using toilet facilities pose a serious threat to good hygiene practices as well as the risk of contracting diseases caused by bad hygiene practices.

4.5 QUALITY INDICATORS - MAINTENANCE

INDICATOR 12: Percentage of households who reported poor maintenance of their shared sanitation facilities.

DATA SOURCE: General Household Survey (Stats SA) 2013-2016.

DESCRIPTION: This indicator provides insights into how well shared facilities are maintained by the government.



Households that use shared water and sanitation facilities are faced with many challenges that ultimately restrict their right to access adequate and quality sanitation. This indicator shows that in 17.6% of people that use shared facilities found the toilet chamber full, inhibiting them from using the toilet. Chambers that are not emptied frequently make the toilet vulnerable to disease, as well as releasing bad smells which also affect the well-being and dignity of users.

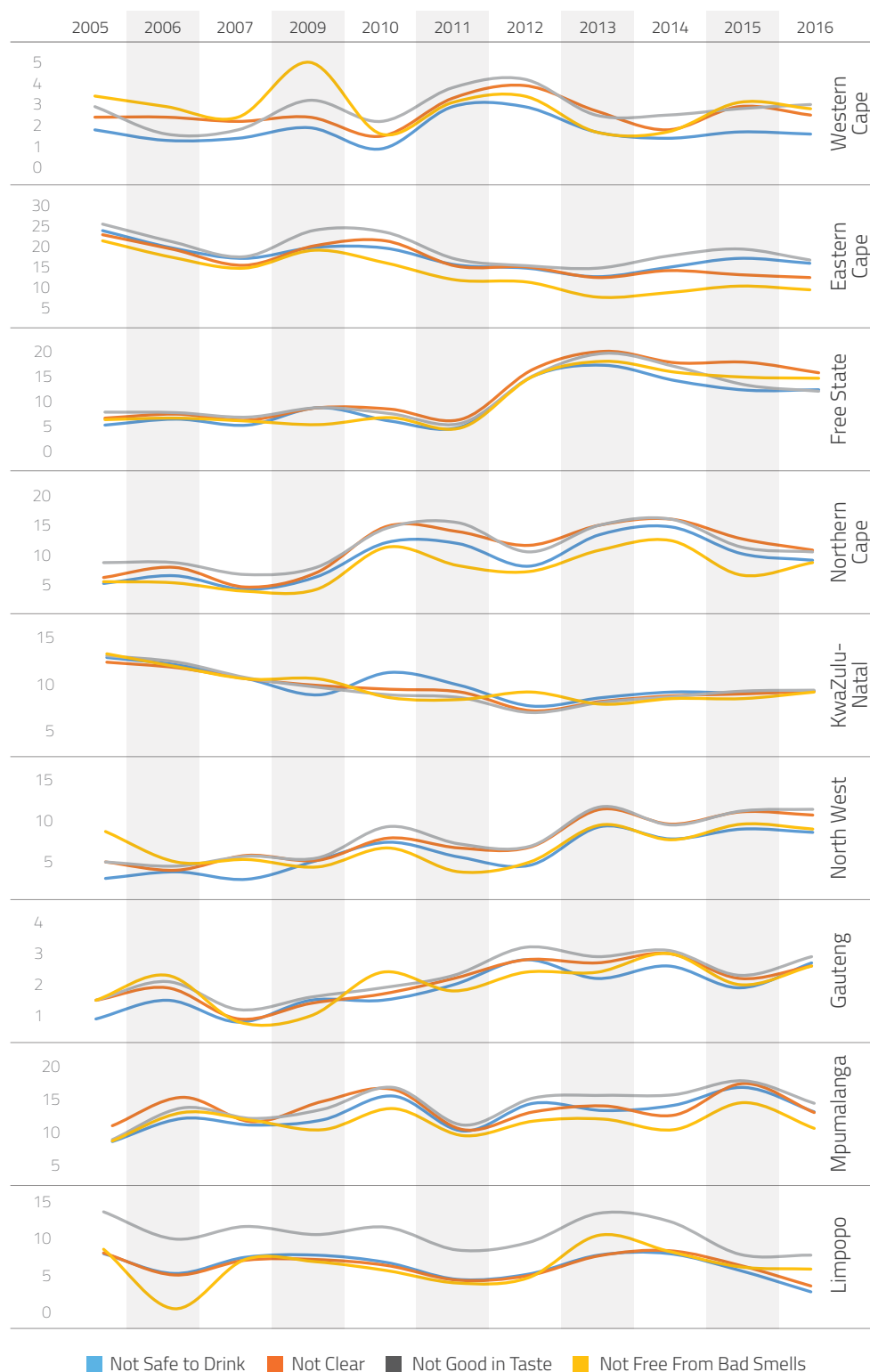
Other problems experienced by users include 12% of households stating that there is a general level of poor maintenance of shared sanitation services by government. Poor maintenance affects the overall state of the sanitation facility in terms of cleanliness and the removal of waste from sanitation facilities that are not water based. This includes the time period it takes for the municipality to fix the facilities when they are broken.

4.5 QUALITY INDICATORS - ACCEPTABILITY

INDICATOR 13: Percentage of households who report that they think their water is not safe to drink, not clear, not free from bad smells or not good in taste.

DATA SOURCE: General Household Survey (Stats SA) 2005-2016.

DESCRIPTION: This indicator shows people's perceptions and the level of acceptance of the quality of the water supply they receive for general consumption. It also reveals household perceptions on the appearance and taste of the water they drink in different provinces.



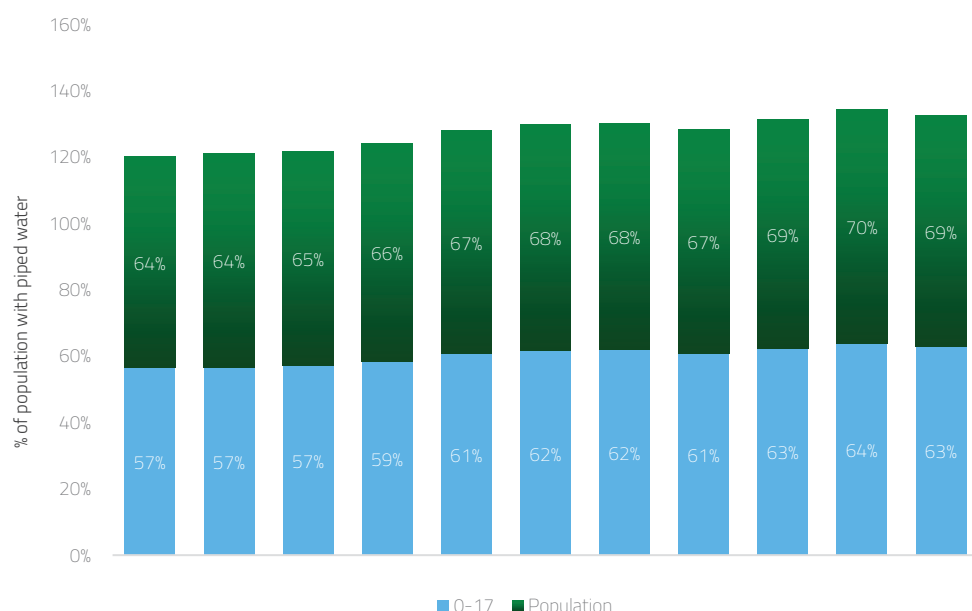
This indicator looks at those perceptions in relation to people's acceptability of the quality of the service they get in terms of water. 7% of people in South Africa felt that their water was not safe to drink in 2016. It reveals certain intra-provincial trends in water quality. The quality of water has, generally speaking, been improving in provinces like the Eastern Cape, KwaZulu-Natal and Limpopo, while it has been declining in provinces like the Northern Cape, Free State, Mpumalanga and Gauteng.

Of particular importance here, however, is the persistent provincial discrepancies in water quality. In 2016, 1.6% of people living in the Western Cape felt unsafe drinking their water, while 15.9% of people in the Eastern Cape declared their water unsafe to drink. Only 2.6% of people living in Gauteng in 2016 felt that their water was free from bad smells, 14.7% of people living in Free State felt their water smelt bad.

INDICATOR 14: Percentage of children (0-17 years) with access to piped water in dwelling or yard.

DATA SOURCE: Social Profile of vulnerable groups (StatsSA) 2002-2012.

DESCRIPTION: This indicator shows the percentages of children (0-17) who have access to piped water either through connection into the dwelling or inside the yard. This is indicated by referring to the percentage of children living in dwellings with piped water in house or yard. This percentage of children is then compared against the general population.



This indicator shows the level of access that children (0-17 years) have to piped water in South Africa since the year 2002 where the level of access for children was below that of the general population. This indicator essentially shows that children are more likely to not have access to piped water in dwelling or inside the yard than adults. For example, in 2002, the percentage of adults who had access to piped water in dwelling or in yard was 64% while children only stood at 57% until 2005/06. This indicator shows alarming percentages in terms of children's access to piped water in South Africa. This is further alarming considering that the percentage of children with access to piped water in 2012 only stood at 63% while the adult population was reaching 70% in 2011 and 69% in 2012. This essentially means that

the living conditions of children in South Africa still needs to be improved especially in terms of such vital goods such as safe and clean drinkable water. Children spend a lot of their time in schools and it is also important they get access to clean and safe drinkable water in schools too. In February 2016, the then Minister of Finance, Nhlanhla Nene recognised the need to improve infrastructure in schools for children to have improved access to basic services such as water and sanitation. The Minister then allocated R29.6 billion to the Educational Infrastructure Grant over a period of 3 years to ensure that minimum standards, while a further 7.4 billion was set aside to address the backlog of infrastructure through the Schools Infrastructure Delivery Initiative (ASIDI).⁴²

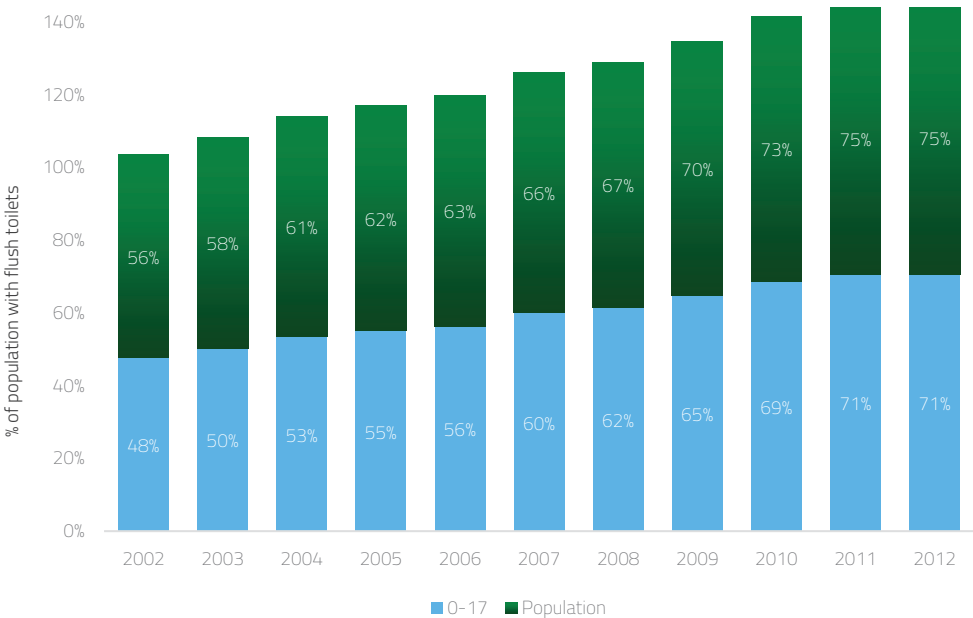
FOOTNOTES:

⁴² Water Research Commission, 2016, Striving for Sufficient School Sanitation, www.wrc.org.za

INDICATOR 15: Percentage of children (0-17 years) with access to flush toilets with on or off site disposal.

DATA SOURCE: Social Profile of vulnerable groups (StatsSA) 2002-2012.

DESCRIPTION: This indicator shows the percentages of children (0-17) who have access to flush toilets with on or off site disposal in dwellings they live in. This percentage of children is then compared against the general population.



This indicator shows the level of access that children in South Africa had from the periods of 2002-2012. Sanitation remains a massive challenge for South Africa as many vulnerable groups, such as children still have relatively low access to flush toilets when compared to adult population who had 75% access to flush toilet when children lagged slightly behind with 71%. The percentage of children's access to flush toilets shows a gradual increase over the years since 2002, where access stood at only 48%.

Vulnerable groups such as women, children and people with disabilities have their right of access to adequate quality sanitation violated as their needs are not taken into account. For example, there are no gender segregated toilets in informal settlements or communities where communities have to use shared sanitation facilities. The situation escalates in the case of minors and children, who require child friendly sanitation facilities to minimise the risk of unhygienic sanitation practices by children.

5. CONCLUSION

The South African population is mired in socio-economic challenges which the state is obliged to address. It is therefore worrying that the DWS finds itself at a juncture where it is financially compromised. SPII's budget analysis shows that internal dynamics of the DWS (changes to programmes and conditional grants) over the period of review, 2013/14 to 2017/18, may have comprised what could have been positive step. This being the housing of both sanitation and water functions within one department. The current financial state of the DWS is telling. And may even explain the erratic budget allocations and expenditure trends evidenced across departmental programmes.

Moreover, indicators relating to Free Basic Services- namely water and sanitation- illustrate regression with regard to access. The Free Basic Services policy guarantees indigent households the right to access a basic level of water and sanitation. The indicators that show the proportion of households who are supplied with free basic water and sanitation per province from

2002 to 2016 illustrate decreases to access.

Nationally, the percentage of households that accessed free basic water has declined dramatically. While 66% of households accessed municipal water in 2002, this figure plummeted to 36.9% in 2016. In 2016, only 30% of South African households had access to free basic sanitation, 1.2% fewer than in 2002.

This mirrors municipalities' move away from the provision of free basic services on a universal basis and towards measuring which households should qualify for the services according to indigent registers. Poor households are required to prove their poverty to be included on these registers, the administration of which is notoriously opaque and inefficient.

Water and sanitation are rights enshrined in the Constitution and ICESCR that the State cannot choose to ignore. People are making sure of this as seen in the widespread and daily protests that take place under the banner of service delivery.

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