



Building Capacity for Water Resources Management in Southern Africa



# MAPPING OF INTEGRITY AND ACCOUNTABILITY IN WATER ACTIVITIES AND RELEVANT CAPACITIES IN THE SADC-REGION

*By Anton Earle, Goodwell Lungu and Daniel Malzbender*

*Report commissioned by  
UNDP Water Governance Facility at SIWI, WaterNet and Cap-Net*



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# 1. Executive Summary

Improved integrity and accountability in water-sector institutions for public and private governance and economic transactions constitutes an important tool for countries and local governments to achieve poverty reduction and to improve sustainable management of water resources. The past years have shown some promising signs. Decision-makers, development practitioners and researchers are increasingly focusing attention to improve accountability and integrity mechanisms in water management through various types of anti-corruption measures. Importantly, improved integrity, accountability and the application of anti-corruption measures are fundamental elements in efforts to reduce poverty, and to allocate and distribute water resources and services in fair and efficient ways in line with the principles of Integrated Water resources management (IWRM). This study maps some of the processes, institutions, organisations, laws, policies and projects active in promoting transparency, accountability and integrity in the water sector of the Southern African Development Community (SADC) region. Specifically, it focuses on the six countries of Botswana, Malawi, Mozambique, Namibia, South Africa and Zambia.

A common element shared by these six countries, and indeed with much of the rest of the region, is that they are all in various stages of “reform” of their respective water sectors. Some countries, such as Namibia and South Africa have recently passed new water resources or water services legislation while others, such as Botswana and Malawi, are in the process of doing so. In accordance with the principles of IWRM, there has been a shift in decision-making powers to those who use the resource or depend on the service. Decentralisation has played out differently in the various countries; but has had the effect of providing something of a “window of opportunity” for the introduction of various accountability and transparency measures in an effort to improve water governance in those countries. However, this process of decentralisation also holds potential threats for accountability and integrity in the water sector. In situations where community or civil society “voice” is not well articulated; there is the risk of local water management structures being dominated by powerful local interests. This problem is particularly acute in countries with a history of highly centralised government control of resources management and services provision – where the shift of responsibilities from the national or central sphere to the local has created something of a power vacuum which can be exploited.

In the mapped countries, a number of water laws, policies, reforms, processes and organisations have been identified as having some direct or indirect potential of promoting integrity and transparency in the water sector. Most of these initiatives address the key accountability and integrity-promoting areas of procurement, human resource management, infrastructure development and maintenance, financial management and accountability, water supply, customer care and complaints management, water allocation, as well as good corporate governance generally. These are also the areas identified as having the greatest need for capacity building interventions. Each of the case study countries has enacted various forms of anti-corruption legislation – but the challenge lies in the implementation of these directives.

Frequently, the human resources are not available in the sector to attend to issues around the promotion of integrity and accountability in the water sector – other pressing needs such as service delivery and natural resource protection take precedence. Needed, is a political commitment at the upper levels of the water management organisational landscape in the region promoting anti-corruption measures. In the case of the SADC this level is represented in the SADC Water Division. This commitment then needs to cascade to the implementation level in each of the member states, with resources devoted to building the internal capacity to administer the provisions of existing legislation and identify gaps in the legislation. Additionally, there needs to be awareness-raising and capacity building at the level of communities, water users and local organisations involved in water management. These groups need to be aware of both their rights and responsibilities regarding the promotion of integrity in the water sector under the legislation.

The report concludes with a series of recommendations broadly centred on three themes:

1. Developing political support – at the SADC level as well as within member states and at the local level. Existing water management institutions in the region (SADC as well as Africa) such as the African Ministerial Council on Water (AMCOW) under the African Union (AU) and the African Network of Civil Society in Water (ANEW), need to own the process and make it responsive to their development and governance priorities;
2. Capacity building – of the staff of the various government entities responsible for water management at national as well as local level. These initiatives should also include staff and representatives of municipalities, river basin organisations, water utilities and NGOs. For this to be effective there has to be exchange of information and experiences – good practise and lessons learnt both within countries and within the SADC region as well as the development of some type of manual and other training materials;
3. Integration of water-sector initiatives (such as reforms under IWRM approaches and decentralisation) with broader non-water sector anti-corruption initiatives (such as industry codes of conduct, citizen pacts and consumer awareness campaigns) through an appropriate forum or platform.

The report concludes with a key recommendation of the development and adoption of SADC Water Integrity Principles (SWIP) for Promoting Transparency and Accountability in the water sector. This may be similar to the Business Principles for Countering Bribery developed by Transparency International (TI 2007), which should provide a framework for water and non-water sector actors to develop comprehensive anti-corruption programmes that promote transparency and accountability.

## 2 Introduction

The countries of the Southern African Development Community (SADC) have all adopted the principles of Integrated Water resources management (IWRM) as the overall guiding framework for their respective water sectors. This has been done either as a formal IWRM plan or implicitly through some form of water management strategy or planning document. These documents have in common the IWRM approach with its emphasis on the governance aspects of water resources and services planning and decision-making. This includes the desire to broaden the decision-making base – through the involvement of water users and other stakeholders in water management issues. For good governance to become a reality, there needs to be mechanisms in place to promote transparency and accountability – preventing the abuse of public power for private gain.

The SADC countries have committed themselves generally to integrity and accountability through good governance and the countering of corrupt practices. In several countries there have been specific laws, policies, reforms, processes or organisations formed to promote integrity and accountability in public and private decision-making and water resource and services management. At the regional level a number of SADC countries have either signed or ratified the SADC Protocol Against Corruption, the African Union Convention on Preventing and Combating Corruption and Related Offences and the United Nations Convention Against Corruption. Mechanisms that promote Governance under the New Partnership for Africa Development (NEPAD) and demonstrate the political support anti-corruption mechanisms are enjoying in the region have also been enacted. These conventions, as well as general laws, policies, reforms, processes and organisations, provide an enabling environment for countering corruption and promoting integrity and accountability in the water sector specifically. However, little has been done to analyse how these laws, policies, reforms, processes and organisations impact the governance of water in the context of the implementation of the principles of IWRM. Nor has there been a systematic overview of what the capacity needs of the regional water sector are for organisations and individuals to develop and implement integrity and accountability measures. The other challenge has been to promote sustainable development of water resources, including water supply and sanitation services, which are to support effective water governance. An important area for water governance strategy has been to promote and support water governance reforms and IWRM approaches at local, national and transboundary levels.

In view of this background, the overall objective of this report mapping integrity and accountability in water activities is two-fold. First, it will provide an overview of the various processes currently in place to promote integrity and accountability in the management of water in the region. Second, it will make recommendations on how these processes can be supported in the future. As such, it does not investigate the current levels of corruption in the water sectors of respective states, but rather looks at what is being done to promote integrity and accountability in the IWRM context.

In achieving the above objective the report has the following specific objectives:

- Map, identify and analyse existing processes/activities and relevant actors involved in promoting integrity and countering corruption – within the water sector specifically, as well as outside it;
- Perform an assessment of on-going water reform processes, in the context of the above anti-corruption initiatives and how they impact the implementation of IWRM policies;
- Recommend entry points (in ongoing and/or new potential processes and partners) on how to further strengthen work on integrity, accountability and anti-corruption in water in the region.
- The above specific objectives form the three main components of the report. The report assesses the regional (SADC) situation as well as six selected countries – Botswana, Malawi, Mozambique, Namibia, South Africa and Zambia. These countries represent a range of levels in terms of their economic development, Human Development Index (HDI) ranking, Transparency International's (TI) Corruption Perception Index, Water Reform Ranking (WRR)<sup>4</sup> as well as availability of water resources and provision of water services (see Table 7 in Appendix for a comparative overview). An overview of the main actors involved in the field of promoting integrity and accountability in the water sector of these countries is provided in Table 6 of the Appendix.

## 3 The Continental and Regional Situation

At continental level the most important legal instrument to combat and prevent corruption is the African Union Convention on Preventing and Combating Corruption and Related Offences. The convention was adopted in July 2003 at the African Union (AU) summit in Maputo. It entered into force on 5 August 2006 after receiving the required 15 ratifications (TI, 2006).

The objective of the convention is to promote and strengthen the development of mechanisms required to prevent, detect, punish and eradicate corruption and related offences in Africa and to ensure the effectiveness of these measures. The convention concentrates on four main approaches to combating corruption: prevention, punishment, cooperation and

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<sup>4</sup> The Water Reform Ranking has been drawn from data obtained in 20 Country Status Overviews in Africa conducted to ascertain sector progress towards the MDGs. The criteria for this ranking includes: (i) sector restructuring to create transparency, separation of policy, regulation and implementation; (ii) financial policies and ring-fencing for viability; (iii) openness to leveraging private sector and other local stakeholder involvement; (iv) policy towards servicing the poor; (v) sector coordination and sector financing instruments, water included in PRSP. WSP (forthcoming) Country Status Overviews of Africa's Progress Towards the WSS MDGs.

education (Muna, 2004). To this end the convention: strengthens the laws on corruption by listing offences that should be punishable by domestic legislation; outlines measures to be undertaken to enable the detection and investigation of corruption offences; indicates mechanisms for the confiscation and forfeiture of the proceeds of corruption and related offences; determines the jurisdiction of state parties; organises mutual assistance in relation to corruption and related offences; encourages the education and promotion of public awareness on corruption and establishes a framework for the monitoring and supervision of enforcement of the convention (Muna, 2004). The convention makes specific reference to the involvement of civil society and calls for the implementation of specific anti-corruption laws in both the public and private sector (Muna, 2004).

NEPAD does not have a programme specifically focusing on transparency, accountability and corruption prevention in the water sector. Instead NEPAD promotes transparency and integrity at the broader level through the African Peer Review Mechanism (APRM). The APRM process entails periodic reviews of the policies and practices of participating countries to ascertain progress being made towards achieving the mutually agreed goals and compliance in the four focus areas: democracy and political governance, economic governance and management, corporate governance, and socio-economic development.

The African Ministers' Council on Water (AMCOW) does currently not have a specific initiative on corruption prevention and combating in the water sector. As an African Ministerial Body, AMCOW subscribes to the principles of the AU Convention on Preventing and Combating Corruption and Related Offences.

### **3.1 The SADC Protocol against Corruption**

At regional level, issues of transparency and accountability are well articulated in the SADC Protocol against corruption. Such anti-corruption conventions or protocols are written international agreements signed by state parties, which establish international frameworks of agreed rules and standards for countering corruption (promoting transparency and integrity). In addition, they serve as an expression of high-level political commitment. These conventions are intended to produce better policies and practices in and among member states in the prevention, detection, investigation, and sanctioning of acts of corruption (Lungu, 2007). Such a protocol can also enhance SADC regional water resources management with enhanced transparency and accountability. In this section, it is noted integrity and transparency in the water sector can be achieved if the SADC Protocol Against corruption is also implemented in the water sector. This is because corrupt practices, big and small, in the water sector have been attributed as taking the form of:

- abuse of resources – theft and embezzlement from budgets and revenues,
- corruption in procurement, which results in overpayment and failure to enforce quality standards,
- administrative corruption in payment systems, and
- corruption at the point of service delivery (Plummer and Cross, 2006).

The SADC Protocol against Corruption was adopted by the SADC Heads of State and Government at their August 2001 summit held in Malawi making it the first regional anti-corruption treaty in Africa. The Protocol was signed by heads of state and government of all 14 SADC member states. It entered into force in July 2005, 30 days after its ratification by two thirds of the SADC membership.

With regard to the content of the protocol, the preamble notes the serious magnitude of corruption in the region and its destabilising effects to undermine good governance. The protocol provides both preventive and enforcement mechanisms and demonstrates a degree of political will in the region to combat corruption.

The purpose of the Protocol is three-fold:

- to promote the development of anti-corruption mechanisms at the national level,
- to promote cooperation in the fight against corruption by state parties, and
- to harmonise anti-corruption national legislation in the region.

The Protocol provides for the following categories of obligations:

- Preventive measures and mechanisms include:
- development of code of conduct for public officials
- transparency in public procurement of goods and services
- easy access to public information
- protection of whistle blowers
- establishment of anti-corruption agencies
- develop systems of accountability and controls
- participation of the media and civil society;
- use of public education and awareness as a way of introducing zero tolerance for corruption (TI, 2007).

### **3.2 Water Sector Entry-Point on the SADC Anti-Corruption Protocol**

The SADC secretariat and in particular the SADC Anti-Corruption Committee (SACC) is supposed to implement a regional anti-corruption programme in all member states that will bring about transparency and accountability. The water sector is a key potential partner at the regional level for SACC to implement programmes that promote transparency and integrity. However, by December 2007 the SACC has yet to be implemented, making it difficult to evaluate the implementation of the SADC Protocol against Corruption. It is important to note that the provision of water services in the SADC region is by both private and public institutions. These institutions need to adopt or strengthen their transparency and integrity in order to fulfil their mandate of providing their services free of corruption. In this case, the SADC Protocol against Corruption reaffirms that the adoption of effective preventive and deterrent measures and strict enforcement of legislation against all types of corruption and fostering public support for these initiatives needs to be undertaken to tackle corruption. These measures may also be applied to the management of water resources. The SADC Protocol against Corruption further states that for the purposes set forth in Article 2 of the Protocol, each State Party undertakes to adopt measures, which will create, maintain and strengthen standards of conduct for the correct, honourable and proper fulfilment of public functions as well as mechanisms to enforce those standards. Thus, the regional water sector is bound to have such standards of conduct that uphold transparency and accountability in the discharge of various functions.

Under the SADC Protocol Against Corruption, a regional anti-corruption programme 2005 to 2010 has been formulated which is expected to be implemented by the SACC (once formed) with the assistance of the SADC secretariat as an intergovernmental process (SADC, 2004).

The regional programme provides a good entry point for the water sector as it facilitates increased information sharing on corruption trends, prevention measures and good practices among member states. The water sector can tap into preventive measures as well as good practices in the water sector that promote transparency and accountability at regional as well as national levels.

The SADC Protocol on Shared Watercourses (2000) does not contain explicit reference to corruption prevention and combating activities or transparency and integrity measures, as it is a specific sectoral protocol dealing with the management of shared watercourses between SADC states. Instead, as far as anti-corruption is concerned, SADC states are bound by the above-mentioned SADC Protocol Against Corruption as the specific instrument dealing with the issue.

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

At the same time, the SADC Regional Water Policy and Regional Water Strategy provide for the establishment of monitoring and evaluation (of the SADC Secretariat as well as Member State activities) frameworks and the involvement of stakeholders at all levels. These measures are likely to contribute to increased levels of transparency and thus complement the activities to prevent corruption and promote transparency and integrity that SADC states undertake at national level.

## **4 Country Case Studies**

The following is an overview of initiatives, institutions, laws, policies and organisations promoting transparency and integrity in the water sector of six countries – Botswana, Malawi, Mozambique, Namibia, South Africa and Zambia. As mentioned, these six countries were chosen to represent a range of socio-economic and climatic conditions in the region and not specifically to be singled out as examples of “good” or “bad” practise. In the Appendix there is an overview table providing a comparative analysis of measures in the six countries (see Table 8).

### **4.1 Mapping Transparency and Integrity in the Botswana Water Sector**

The Water sector in Botswana has a number of mechanisms that may positively or negatively impact promoting transparency and integrity. The mechanisms, measures, processes, laws and reforms directly or indirectly have a level of influence on promoting transparency and integrity in the water sector. This section on Botswana is aimed at mapping, identifying and outlining the main laws, policies, reforms and components in the Botswana water sector in relation to transparency, integrity and anti-corruption. It also assesses issues of transparency and integrity in water reforms in relation to decentralisation, privatisation, water rights and licensing/permits. The positive and negative impacts on integrity and accountability on IWRM in Botswana are analysed.

Botswana's water sector is regulated by the Water Act of 1968 that provides for the establishment of the Water Apportionment Board (WAB). WAB is a quasi judicial body charged with the responsibility of administering conditional rights to abstract and



use both surface and ground water (Kgomotso, 2005). The planning, construction, operating, treating, maintaining and distribution of water resources in Botswana's urban centres and other areas mandated by the government is undertaken by the Water Utilities Corporation (WUC). The Botswana WUC is a parastatal organisation wholly owned by the Botswana Government that was established in 1970 by an act of Parliament (laws of Botswana Cap 74:02). It now has expanded its mandate to supply all the urban centres in the country. The WUC subscribes and is committed to the accepted practices of good governance as articulated in the South African code for corporate governance (King 11 Report on Corporate Governance). As an establishment created by statute, the Corporation is compelled to ensure that its processes and practices comply with the requirements of the Water Utilities Corporation Act (Cap 74:02) of the laws of Botswana (WUC Annual Report 2006/07).

Since the state controls the water resources on behalf of the public, it delegates power to issue water rights to the Department of Water Affairs (DWA) and the Water Apportionment Board (Swatuk and Rahm, 2004). The Ministry of Minerals, Energy and Water Affairs (MMEWA) has overall responsibility for water policy, assisted by the Department of Water Affairs (DWA), Department of Geological Surveys (DGS), WUC and the Ministry of Local Government (MLG) through District Councils (DCs) (Kgomotso, 2005). The water sector of the Botswana Government has two main aims:

- To meet the water requirements of the population through provision of a clean, reliable and affordable water supply, which is available to all; and
- To meet water requirements for industrial, mining, agricultural, wildlife, commercial and institutional users in order to achieve the major aims of rapid economic growth and sustained development (NDP, 2003).

In Botswana, a functional Country Water Partnership is leading the country's IWRM planning process and provides a structure in place for implementing IWRM. However, despite these institutional developments, Botswana still needs support to strengthen water governance capacity in many areas.

#### **4.1.1 Laws on Water Sector and those that Promote Transparency and Integrity**

##### **Laws within the Water Sector**

Botswana has two main water laws: the Water Act of 1968 and the Water Utilities Corporation Act (Cap 74:02) of the laws of Botswana. The Water Act of 1968 empowers the MMEWA to be responsible for formulating, coordinating and implementing national policies and programmes for water resources of Botswana.

The WUC Act requires that all corporation business be conducted along sound commercial lines and that a reasonable return is generated on the equity provided by the Government of Botswana. The Act further requires that the audited financial statements be presented to the Minister by 30th September of each year. The WUC expressed satisfaction in 2007 that the Corporation complied with this and other statutory requirements for the year ended 31st March 2007 (WUC Annual report 2006/07). This is a good measure of accountability and transparency as the WUC does publish its Financial Statements in their annual reports. In this way, since the annual reports are public information, they enhance their transparency in their operations.

In Botswana, a Water Bill (2005) recommends a Water Resources Council (WRC) made up of representatives of government, the private sector and members of the public be set up. The functions of the council will include the coordination and direction of the preparation of a National Water Resources Strategy. In this context, Botswana needs support to strengthen IWRM institutional capacity, to identify and develop water efficiency and conservation options to respond to problems of water scarcity, and to balance of water allocation and use (UNDP 2005).

In Botswana, water policy guidance is done through the National Water Master Plan (NWMP) of 1995 (which is now under review). However, there is a draft Policy on Water Conservation and Strategy which, when adopted, will guide efforts towards enhanced protection and preservation of the nation's water resources.

##### **Laws Outside the Water Sector**

The Directorate on Corruption and Economic Crime (DCEC) in Botswana is mandated by the 1994 Corruption and Economic Crime (CEC) Act to combat corruption and economic crime. The CEC Act provides for the establishment of the DCEC to prevent corruption which in turn influences the promotion of transparency and integrity (Mathare, 2006).

#### **4.1.2 Botswana Water Sector Reforms**

The NWMP governs the development of water resources in Botswana. It places emphasis on integrating additional aspects of natural resource management such as biodiversity, conservation and institutional strengthening. The review was expected to produce "a revised institutional framework for the water sector in Botswana, which could respond and adequately deliver Vision 2016 goals and aspirations on water." Government commitment to both policy and legislative review to provide for greater community participation in water resources management creates an enabling environment for IWRM. This revision of the NWMP lays a strong foundation for the introduction of integrated approaches to water resources management. Traditional

sectoral approaches will be replaced by these new approaches, including the participation of a broader spectrum of stakeholders. The proposed establishment of a Water Resources Council will improve the involvement of community groups and civil society in water resources management decision-making processes.

#### **4.1.3 Mapping of Key Components: the Roles and Responsibilities of Key Players in the Botswana Water Sector**

##### **4.1.3.1 Water Sector Actors**

Water resources institutions in Botswana also work closely with each other and the Global Water Partnership (GWP). The country has established a CWP under the auspices of GWP-SA, through which the concept of IWRM is being promoted.

Botswana has a two-tier government system. The central government is responsible for developing and overseeing implementation of national level policy and legislation. Local (or district) government is responsible for local-level policy administration and service provision in the 10 districts under the Ministry of Local Government. In addition, line ministries maintain district or regional offices. The District Council is an elected body with assigned responsibilities for the provision of social services such as water, health and education. There is also at district level a tribal administration responsible for administration of customary law that functions through the kgotla, a forum for village level discussion and participation.

The MMEWR has overall responsibility for policy formulation, planning, development and management of the country's water resources. The DWA of the Ministry has traditionally led the process of planning for surface water development and management in the country, while the Department of Geological Survey (DGS) has been responsible for exploring and assessing groundwater resources and for monitoring major groundwater development programmes. DWA has been responsible for the implementation of water development infrastructure including dams and boreholes. The Water Apportionment Board of the DWA reviews and approves applications for water abstraction; while the Hydrology and Water Resources division is responsible for the coordination of national water resources planning, as well as investigations, studies and development of surface water including dams; and the Water Conservation and Quality division is responsible for conservation, protection and water quality testing of water resources in the country. Between 1989 and 1992, DWA led the process of developing the NWMP covering the period 1990-2020, which considered future water supply schemes, water conservation, legislation and institutional arrangements for sustainable management of the water resources.

While the DWA is responsible for water development, it is also involved in water supply and delivery functions together with other institutions. These include the WUC; the DGS; the Water Development Division under the Ministry of Agriculture; the Ministry of Local Government through the District Councils; and the Ministry of Environment, Wildlife and Tourism. The mining and livestock sectors secure their own water supplies subject to approval of Land Boards for access to land in the Tribal Lands, and the Water Apportionment Board which grants water rights.

The Department of Sanitation is also an important stakeholder in IWRM planning in Botswana. Plans for water reuse are being advocated through the National Sanitation Master Plan where the reclamation of water will have a direct implication on water use.

As a consequence of this multiplicity of institutions active in water resources management in Botswana, planning for water development and management has traditionally been done on a sectoral basis, and coordination between sectors has been poor (UNDP 2005). Although some programmes have had a positive bearing on these concepts, the water sector also has had no clearly defined mechanisms on how to prevent corruption and enhance transparency and integrity (UNDP 2005). The mining sector is an important user of water in Botswana. Most mines develop their own water sources with permission from the Water Apportionment Board. DEBSWANA supplies water to Orapa, Lethakane and Damtshaa Mines (Kalaote, 2006).

A key premise of the **Botswana Water Partnership's** programmes is to address identified gaps in IWRM in their countries. Botswana therefore focuses on drought planning and IWRM awareness in national interventions.

##### **4.1.3.2 Non-Water Actors**

Other institutions that indirectly promote transparency and integrity in the water sector in Botswana include the Directorate on Corruption and Economic Crime (DCEC). The DCEC is mandated by the 1994 CEC Act to undertake prevention exercises in public institutions (including in the water sector) to prevent corruption and promote transparency. Some of the exercises include community education and corruption prevention through Managerial Accountability workshops (MAWA). The DCEC conducted a MAWA workshop with the Botswana WUC to improve transparency in human resource functions. The recommendations from the workshop are awaiting implementation as of December 2007. When implemented, these are expected to improve transparency and accountability in the WUC.

##### **Private Sector Actors**

The vanguard and main voice of the private sector in Botswana is the Botswana Chamber of Commerce, Industry and Manpower (BOCCIM). BOCCIM acts as the main information centre, provides market research, investment opportunities

and feasibility studies. It conducts training skills programmes and seminars for its members and participates in policy and advocacy initiatives with the government. BOCCIM is a membership organisation in which membership is voluntary and open to registered companies, associations or organisations in both the private and parastatal sectors of the economy. It works with the private sector and the government and through the formation of the High Level Consultative Council (HLCC). The HLCC is one of the structures that have enhanced the advocacy channels of communication between BOCCIM and the government. BOCCIM has been successful in building a unique regime of mutual trust, respect between government and the private sector (Mmegi Weekly Business 2006). Through such programmes BOCCIM promotes accountability by ensuring that its advocacy work is based on principles that are good business practices. This in turn can have an effect on the water sector in Botswana, as most organisations that directly provide such services also rely on the private sector for provision of goods and services. It's at this point of interaction that any corrupt practices can affect the fulfilment of water service provision.

#### **Organised Civil Society, Media and Individual Citizens**

In Botswana, there are few strong Civil Society Organisations (CSO) in the governance and anti-corruption field. As a result, the DCEC invited Transparency International Zambia (TIZ), one of the strongest governance CSO's in Zambia, to share its experiences at a one day workshop held on 30th August 2007 in Gaborone with the theme "DCEC in partnership with CSOs in the fight against corruption." The workshop came about after the 2nd Pan African Meeting of National Anti-Corruption Bodies and the Africa Forum on Fighting Corruption held in Johannesburg, South Africa in February 2007 where it emerged that Botswana CSOs were not playing as active a role in combating corruption as in other countries. Furthermore, Article 12 (Civil Society and the Media) of the African Union Convention on Preventing and Combating Corruption calls for member states to actively involve CSOs in fighting corruption (DCEC 2007). The workshop was attended mostly by 30 members of the Botswana Council of Non-Governmental Organisations (BOCONGO), the national umbrella body for non-governmental organisations in Botswana resolved to increase efforts in the fight against corruption. One of BOCONGO's objectives is to facilitate capacity building for local NGOs and CBOs and to ensure their full and effective participation in the development process at both national and international levels. Some of the key governance CSO's included Transparency International Botswana (TIBOT) that has an exclusive focus on fighting corruption in Botswana and the Kalahari Conservation Society (KCS) that focuses on the water sector. TIBOT also plans to undertake advocacy work to make service provisions free of corruption. The KCS is an environmental CSO that hosts the Country Water Partnership. KCS promotes environmental education (formal and non-formal) and conservation ethics throughout the country. KCS facilitates or contributes to wise decision-making concerning bio-diversity protection and the sustainable utilisation of natural resources through professional advice, participation in policy formulation, research, advocacy and public environmental education KCS (2007). It is in such programmes that it also promotes integrity in its area of operation that also includes the water sector.

#### **4.1.4 Capacity Building Needs for Botswana**

- Most water providers do not have formal mechanisms of engaging their clients to provide a direct feedback on their performance. There is a need to conduct a community and other stakeholders' participatory appraisal that can generate feedback on the performance of water service providers.
- Train water providers in issues of transparency and good corporate governance for sustainability and improved water supply. For example, Esther Duflo analysed how variability in water flows, poor design and construction and poor maintenance were distortions that resulted from corruption in a canal system in South India (Duflo, 2003). In the case of Botswana, this is necessary because there is no formal mechanism like in the case of Zambia where deliberate steps are in place to have good corporate governance in water utility companies.
- There is a need to increase and mix the number of actors in the water sector to include those that focus on promoting transparency and integrity. This is because there is an absence of a clear focus on CSOs and the private sector focussing on improvement of service delivery in the water sector.
- The water sector needs to combine advocacy and awareness raising with a special focus on capacity building of water practitioners.
- There is an immediate need to develop, adapt, test and advocate for consistent use of new and known tools, such as: participatory site selection, complaints systems, triangulation in monitoring water programmes (monitoring information collected from a variety of different sources). Tools to ensure the simple transparent accountability of resources are also needed. New tools for the water sector might include citizen scorecards; diagnostics based on survey reports from public officials, public service users, and firms; and tools to track public expenditures in detail (Shrdr, Stravato and Dietvorst 2006). This is necessary to engage the clients of the water sector in Botswana like is done by Water Watch Groups in Zambia and Water Committees in Malawi that participate in the water sector and are provided with information, which they in turn use to collect necessary information on the way water utilities are performing.

#### **Lessons learnt and challenges**

- Botswana has no institution that provides a regulating mechanism for the water sector. This poses a challenge on how to help external (oversight role) institutions performance and compliance to existing laws.
- CSOs in the governance sector are not very active in providing and advocating for improved and transparency water service delivery.

#### 4.1.5 Text Box 1: Lesotho Highlands Water Project Trials – Summary

The Lesotho Highlands Water Project (LHWP) is the largest international water transfer in the world. Its aim is to provide extra water to the city of Johannesburg, South Africa, by transferring water from the Orange to the Vaal river. Lesotho receives royalties for the water – amounting to USD 31 million in 2004 or roughly about 5 percent of its GDP. Phase 1 of the project has been completed and created 4 dams and 110km of tunnels and cost about USD 2 billion and transfers 750 million m<sup>3</sup> a year to South Africa. In 2001, the first Chief Executive of the Lesotho Highlands Development Authority (LHDA) in charge of overseeing the LHWP, Mr. Masupha Ephraim Sole, was on trial in the Lesotho High Court, on charges of bribery and fraud. He was convicted on 11 charges of bribery and 2 of fraud and then sentenced to 18 years imprisonment (reduced to 15 years on appeal) for the way in which he awarded construction contracts on the project. He was paid these bribes by foreign construction companies working on the project. The prosecution of Mr. Sole was a victory in the fight against corruption – showing what can be done by a government which decides to take the issue seriously. In recognition that bribery has both a demand as well as a supply side the next step the Government of Lesotho took was to start prosecutions against the multinational companies who bribed Mr. Sole. Thus far three of the firms have been successfully convicted of bribery by the High Court of Lesotho, including Acres of Canada, Lahmeyer of Germany and Spie Batignolles of France. All three have paid their fines and Acres was also debarred by the World Bank from bidding on projects.

Several points of importance for future bribery prosecutions were set as precedents by these trials, including:

**Bribery** – What has to be proved by the prosecution? It was ruled that crime is committed when the agreement is made – no action on the part of the public official needs to be proved, making the prosecution of the crime easier.

**Jurisdiction** – Where did the crime take place? Not possible to say where the agreement to bribe was made – but the impacts of the crime were felt in Lesotho – thus jurisdiction was ruled to be in that country.

**Financial Transparency** – A major breakthrough in the trials was when the prosecution team gained access to the Swiss banking records of the accused – allowing them to construct a web of transactions from the multi-national companies via intermediaries to Mr. Sole.

The Lesotho Highlands trials are a clear example of what can be done when the highest levels of political support are given to combating both sides of the bribery equation.

#### 4.2 Mapping Integrity and Transparency in the Malawi Water Sector

The Malawi Water sector has two direct anti-corruption policies adopted by water boards and other general mechanisms that can influence the promotion of transparency and integrity. The mechanisms, measures, processes, laws and reforms directly, or in some cases indirectly, target promoting transparency and integrity in the water sector. This section on Malawi maps, identifies and outlines the main laws, policies, reforms and components in the Malawi water sector management in relation to transparency, integrity and anti-corruption.

Malawi's first two water sector Anti-Corruption Prevention policies aimed at promoting transparency, integrity and preventing corruption were formulated and adopted by two separate regional Water Boards namely the Northern Region and Southern Region Water Boards, with the cooperation of the Anti-Corruption Bureau. In these policies, there are various measures to educate and facilitate all staff and stakeholders to detect, report, prevent and deal with corruption. The implementation of the two policies has not yet been fully undertaken although this is underway. In Malawi, there are five Water Boards namely the Southern, Northern, Lilongwe, Blantyre and Central Water Boards all created under the Water Works Act of 1995.

The water sector in Malawi is governed by the 1969 Water Resources Act, which establishes the Water Resources Board (WRB) whose mandate is to carry out the requirements of the Act that include mainly granting water rights. The five Water Boards apply for permits or licenses from the WRB for water rights to divert, dam, store, abstract or use public water as may be defined (Water Resources Act 1969). The Ministry responsible for this Act under which the WRB falls is the Ministry of Irrigation and Water Development.

Due to the Water Resources Act of 1969 becoming out of date and less effective, the Malawi Government has come up with the Water Resources Draft Bill of 2007 that among others seeks to establish a National Water Resources Authority (NWRA) to regulate the water sector. It will do this through monitoring the national water resources and developing principles, guidelines and procedures for water allocation. In order to enhance compliance, the proposed NWRA will also be mandated to prosecute offences arising under the Act (Draft Water Resources Bill 2007). This is a definite mechanism that if properly enforced can help raise compliance and promote transparency and prevent corrupt practices or pave way for dealing with corruption in the water sector.

The level of corruption, transparency and integrity in the water sector in Malawi, was measured in the 2006 Governance and Corruption Baseline Survey commissioned by the Malawi Government through the Anti-Corruption Bureau (ACB). The report revealed that public institutions that are characterized by low levels of requests for gratification (bribes) include the postal service, the bureau of standards, public health services, and water boards (Governance Baseline Survey 2006). About 54 percent of Malawi's population of about ten-million people have access to water-supply facilities. However, only 32 percent have access to potable water,

at all times. All urban and some semi-urban areas are served by piped water, while gravity-piped water supply, shallow wells and boreholes primarily serve the rural areas (Engineering News 2003). This scenario of high water demand creates more pressure on water suppliers/providers to increase their workload and capacity to cater for the rising demand. In certain cases, such demands, if not handled properly, may lead to compromises on transparency and accountability of those providing such a service.

#### **4.2.1 Laws within the Water Sector**

The Water sector in Malawi is governed by a number of water laws. There are two main water laws, namely the Water Resources Act of 1969 that provides for the provision, control and conservation, apportionment and use of water resources. The Act vests the ownership of water in Malawi in the President and the control of all public water vested in the Minister of Irrigation and Water Development, who is granted such authority under this Act. The Act also provides for the establishment of the WRB (Water Resources Act of 1969) whose functions does not deal much with ensuring total compliance of erring institutions or individuals that are granted water rights.

Another water law that provides for the establishments of Water Boards and Water Areas is the Water Works Act of 1995. The Water Works Act mandates Water Boards to have control and administration of all water works and the management of the supply and distribution of such water. It further requires under section 7 to keep proper records of its proceedings and kindred matters. Under section 44 and 45 the Water Boards are required to keep true accounts of all its financial transactions during each year and have these audited by an appointed auditor (Water Works Act of 1995). Information obtained from interviews indicated that some water boards have had problems in complying with such requirements that have a direct bearing on reflecting the levels of transparency and accountability in their management of water resources. This problem is coupled with lack of an effective regulatory organisation that can effectively enforce the compliance to such laws that are meant to promote transparency and accountability.

The Water Boards formulate their own by-laws. In the case of the Lilongwe Water Board, it has created the Lilongwe Water Works by-laws of 1991. Under these by-laws, it provides for offences and penalties for anyone who commits an offence to be fined (Lilongwe Water Works by laws of 1991). This is a mechanism that can directly enhance transparency and accountability through compliance if in this case Lilongwe Water Board enforces such by-laws with a view to improving their efficiency.

#### **4.2.2 Laws outside the Water Sector**

The main law in Malawi that promotes transparency and integrity and prevents corruption is the Corrupt Practices Act of 1996 (Cap 7:04) of the laws of Malawi. This act provides for the establishment of the Anti-Corruption Bureau which has the mandate to prevent corruption. Among the functions of the Bureau under section 10 (a) of the Act is to; take necessary measures for the prevention of corruption in public bodies and private bodies including, in particular measures for “devising private and public bodies on ways and means of preventing corrupt practices, and on changes on methods of work or procedures on such bodies with the effective performance of their duties, which the Bureau considers necessary to reduce the likelihood of occurrence of corrupt practices” (Corrupt Practices Act of 1996 (Cap 7:04).

With the above mandate, the Anti-Corruption Bureau was able to convene workshops for the Northern and Southern Water Boards at which a number of measures were recommended to improve transparency and accountability in their operations resulting in the two water boards developing corruption prevention policies.

#### **4.2.3 Water Sector Policies in Malawi**

The Ministry of Irrigation and Water Development has come up with policies and guidelines for proper implementation of various activities in the water and sanitation sector. The National Water Policy of 2005 outlines strategies on how to tackle water sector challenges in an integrated manner using the IWRM principles, improving the institutional and legal framework, ensuring sustainable delivery of water supply and sanitation and Community Based Management (CBM). The policy among others also seeks to strengthen and build capacity in the water sector. The vision of the policy is “water and sanitation for all, always” (Malawi National Water Policy of 2005).

On promoting transparency and integrity, one of the overall policy objectives emphasises the participation in the enactment and implementation of local, regional and international obligations and agreements to exploitation and management of water resources taking due regard to national integrity, security and sovereignty. The Policy also provides for the establishment of a National Water Resources Authority to issue water abstraction and discharge licences and also enhance compliance of all water stakeholders (Malawi National Water Policy of 2005).

The Northern Region Water Board approved and adopted a Corruption Prevention Policy on 29th July 2006 which was formulated in collaboration with the Malawi Anti-Corruption Bureau under the support of the Royal Norwegian Embassy (The Nation Newspaper 2007). The policy outlines how all staff and stakeholders can detect, report, prevent and deal with corruption all aimed at promoting transparency and accountability. It recognises that corruption impedes the Water Boards ability to perform as it wastes scarce financial and material resources and damages the reputation of the organisation and staff. This is a recognition that the Water Board needs to uphold and maintain its integrity. It further identifies risk areas as being in recruitment of staff, procurement of goods, water connections and disconnections, billing and attending to faults that may

attract bribery. A committee was established to enforce the policy and among the key programmes being undertaken include awareness to both the staff and consumers (community) (Northern Region Water Board 2006).

The Southern Region Water Board also adopted a Corruption Prevention Policy on 19th June 2007 which was formulated in collaboration with the Malawi Anti-Corruption Bureau and launched on 9th December 2007 by the Deputy Minister of Irrigation and Water Development under the support of the Royal Norwegian Embassy (The Nation Newspapers 2007). This policy seeks to enhance discipline and prevent workplace crimes. In this case therefore, the policy promotes integrity and earmarks to prevent crimes such as corruption in the Water Boards operations (Southern Region Water Board 2007).

#### **4.2.4 Malawi Water Reforms**

Malawi's Local Government Policy and Law and the Poverty Reduction Strategy Paper form the broad context in which land, water, and irrigation reform are taking place. Most administrative and political functions once concentrated in ministries at the national level are being decentralised (transferred) to the district and municipal levels under the control of District Commissioners and the District Assemblies. The District Development Committee and Plan are the principal means by which integrated sectoral planning is to be achieved. Transfer of government-run irrigation schemes to farmers' associations, often referred to as irrigation management transfer (IMT), has been widely promoted as a means to decentralise functions of the state, to reduce public expenditure, and to instil a sense of local ownership and responsibility in farmers (Ferguson and Mulwafu, 2004).

The Government of Malawi, through the Ministry of Water and Irrigation Development, in close collaboration with other key stakeholders is undertaking water sector restructuring with the aim of ensuring equitable access to and use of water resources amongst the various users and players. This also aims to ensure that reforms in the water supply and sanitation services provide equitable access for all Malawians and establish a water utility regulator to ensure fair play in the water supply sub sector.

The Privatisation Commission is actively involved in the reforms, placing major focus on the urban water supply. Currently there are a number of studies that are taking place to inform Government on how to achieve the set objectives (The Privatisation Commission of Malawi 2007).

#### **4.2.5 Decentralisation and Privatisation of the Water Sector in Malawi**

In March 2003, the Government of Malawi received a study report, funded by the World Bank, on the possibilities of privatising all the Water Boards. The report projected the privatisation of the water boards to improve the financial position of the utilities, which did not have the financial muscle hence depend on loan guarantees from the Malawian government to operate (Engineering News 2003). The privatisation of these Water Boards has not yet taken place as more reports had to be done to look at such possibilities. Interviews with the Lilongwe Water Board revealed that there is now more focus on having private and public partnerships in running the water boards.

The Ministry is coordinating the process of possible Private Sector Participation for Lilongwe and Blantyre Water Boards. This follows the implementation of the recommendations of Private Sector Participation Options Study as approved by the Government in liaison with the Privatization Commission and Ministry of Finance (Ferguson and Mulwafu, 2004).

#### **4.2.6 Mapping of Key Components: The Roles of Key Players in the Water Sector**

##### **Water Sector Actors**

The main water Sector actors in Malawi are the Ministry of Irrigation and Water Development that deals mainly with policy formulation and deals with major infrastructure developments. The Water Resources Board main component is to grant Water Rights while the five Water Boards in Malawi deal with water supply and sanitation. Their main components include procurement, recruitment, attending to consumer welfare as well as accounting for revenue from their water operations.

##### **Non-Water Sector Actors**

###### ***Private Sector Participation in Malawi***

In Malawi, the private sector is represented by the Malawi Confederation of Chambers of Commerce and Industry (MCCCI) which is a partnership of enterprises and associations representing all sectors of the economy of Malawi. The MCCCI has a total of 306 members as of August 2007. It is committed to the achievement of Malawi's socio-economic development through joint action and enlightened dialogue among private sector members and constituencies. Its vision is to be a model of excellence in lobbying and advocacy, and delivery of business facilitation to monitoring of the activities of members to ensure compliance with the terms and conditions of their registration, including by-laws of the Confederation (MCCI Constitution). This in essence is meant to promote transparency and accountability.

###### ***Civil Society, Media and Individual Citizens/Groups***

In Malawi, there are a number of key Civil Society, cooperating partners as well as community groups that play key roles in the

water sector. Africare, working in the sector in rural districts has helped to form community water committees which are trained to sustain community projects such as boreholes. These committees are training in basic bookkeeping to help them account for local resources as well as maintain community water. WaterAid, which is the UK's only major charity dedicated exclusively to the provision of safe domestic water, sanitation and hygiene education to the world's poorest people, has done a lot of capacity building to empower communities and CSOs with skills in advocating for positive changes to be implemented in the Water Sector. Cooperating partners that include the Royal Danish embassy, the World Bank, the Royal Norwegian embassy as well as the Malawi Water Partnership continue playing significant roles in enhancing the capacity of the water sector in Malawi. There is also a strong presence of governance-related CSOs in Malawi that focus on the promotion of good governance. The country is also making preparations to revive a Transparency International Malawi Chapter. Some of the governance organisations include the Centre for Human Rights and Rehabilitation (CHRR), which is one of the leading human rights non-governmental organisations in Malawi. CHRR's mission is to contribute towards the protection, promotion and consolidation of good governance by empowering rural and urban communities in Malawi to increase awareness of and exercise their rights through research, education, advocacy and networking in order to realize human development (One World). The organisation supports and promotes a vibrant Malawian culture which embraces values of democracy and human rights. CHRR seeks to contribute towards the realization of this mission through a number of programmes carried out through two core programmes namely: Community Mobilization and Empowerment and Human Rights Monitoring and Training. This organisation contributes towards the promotion of transparency through empowering citizens on their rights to demand for accountability.

The media in Malawi is quite vibrant in writing about anti-corruption and promotion of transparency.

#### 4.2.7 Capacity Building Needs

The following are the key capacity building needs for the water sector in Malawi.

- There is a need to develop water integrity pacts with consumers that will enable them to play an oversight and monitoring role on the technical operations of the water boards in, for example, tracking their operations. This will also be a tool to hold the water service providers accountable for the performance of their work to required standards.
- Empower water-sector actors to form and train community or consumer groups who can easily provide feedback on their performance.
- There is a need to scale up efforts of implement the Water Board policies and to introduce other Water Boards. There is also a need to evaluate how the best practice in the implementation of these water Board policies has been shared at regional level.
- Train staff from the Water Resources Board on governance issues to help them provide an effective oversight role and track compliance of water service providers.

The lessons learnt and challenges from Malawi

- The Water Resources Board is not very strong to undertake its functions. It is too centralised and has limited staff.
- The consumers are not much involved, although some water boards have awareness programmes to help them report faults.
- There is an absence of a regulatory board that sets good corporate governance standards for Water Boards.
- Experiences from the Northern and Southern Regional Water Boards provided good entry points to promote transparency and integrity in the water sector with well defined formal plans/policies.

### 4.3 Mapping Transparency and Integrity in the Mozambican Water Sector

#### 4.3.1 Policies, Laws, Reforms and Processes

##### Within the water sector

Although the water sector is not one of the five sectors for which "action plans" have been developed under the Anti-Corruption Strategy of 2005 there have nonetheless been various other initiatives aimed at improving transparency and accountability within the sector. It is expected that an action plan for the water and housing sector will be developed in the future.

The statutory legal framework for water and sanitation comprises policy instruments and water legislation (Ibraimo, 1999). Policy instruments include the National Water Policy and the Tariff Water Policy. The National Water Policy (NWP) was adopted in 1995 under Resolution 7/95 (Ibraimo, 1999), but is in the process of being revised (DNA, 2007). It is through this policy that the five basin area committees (ARA's) were established – the aim being to decentralise the management of water resources and provision of services. The long term aim is to have citizens making decisions on these ARA's, but at the moment their input is limited to an advisory nature (DNA, 2007). The Tariff Water Policy (TWP) was adopted in 1998 under Resolution 60/98. Under this policy the principles of decentralisation and participative management in the provision of water services is established.

The principal piece of water legislation is the Water Law of 1991, followed by various decrees. The Water Law establishes the foundation for the decentralisation of water management and water services. Under Decree 72/98 the Framework for Delegated

Management was established in 1998. Under this decree the supply of water services will be delegated to municipal councils, with public consultation through these councils.

A National Water Strategy is in the final stages of development, with the National Directorate for Water (DNA) claiming that there had been a high degree of stakeholder participation in its development. While the number of workshops and other participative events seems to have been high, doubts were expressed by some civil-society organisations that the views of stakeholders were not fully incorporated (JA, 2007 and CWP, 2007).

At present there are plans for the establishment of a National Water Forum (NWF) – a multi-stakeholder platform for discussion, information dissemination and public participation around water management issues. An issue of contention in the establishment of the NWF is whether it should be hosted by government, or rather by a non-governmental entity, such as the Mozambican Country Water Partnership (CWP) of the GWP.

The Mozambican World Commission on Dams (WCD) national consultation process is also starting. This is driven by government, but includes stakeholders from various other sectors. It is hoped that this will allow the public and non-governmental groups to raise concerns which they may have around the construction of large dams, such as Mpanda Ncua on the Zambezi River (JA, 2007).

In the Pungwe River basin (shared with Zimbabwe) water managers from the Commission attended training on enhancing procedures for accountability and transparency in the organisation in 2006. The Mozambican and the Zimbabwean components were held separately – largely due to the need to make the contents applicable to the local situation. Topics covered in the two-day training included ethics and morals, codes of conduct, integrity pacts, corporate social responsibility and general corporate governance principles. In Zimbabwe, the training was offered under Speciss Training Services, while in Mozambique by Consultec. The initiative fell under the SIDA-funded Pungwe Project. Participants noted that it was the first time that they had been exposed to such training and believed that colleagues as well as staff at local level would benefit from further initiatives.

#### **Outside the water sector**

Several laws and policies outside of the water sector do have an impact on water governance. The cornerstone of these is the Constitution, adopted in 1990 and amended in 2004. This establishes various rights for citizens, such as to a “clean and healthy environment” as well as access to information (JA, 2007 and CIP, 2007). Under the latter the public is able to access a variety of reports and studies related to water management and infrastructure development – such feasibility studies, EIAs and scoping reports (DNA, 2007). Individuals can access this information in the library of the DNA offices in Maputo, as well as in some of the larger cities in the provinces (DNA, 2007). The more recent studies are also available electronically on CD format, allowing copies to be made.

Access to information is a vital first step towards promoting accountability in decision-making, thus needs to be encouraged and strengthened. NGO groups expressed difficulty in accessing some studies citing a range of institutional blockages – such as short or inconvenient opening hours of the library, the lack of a photo-copier to be able to take copies of lengthy reports away and the long time taken to be supplied with certain studies (JA, 2007).

In 2004 the Anti-Corruption Law of Mozambique was adopted. Some of the key features are that all contracts to which state or municipal bodies are party must incorporate an anti-corruption clause and that whistle blowers are protected. Public officials now have to present a list of their assets every year and present a final list on leaving office.

In an effort to implement the provisions of the Anti-Corruption Law (ACL) the Anti-Corruption Strategy (ACS) for 2006 to 2010 was adopted in 2006 and forms an integral part of the Public Sector Reform Strategy (PSRS) (RoM, 2006). The ACS concentrates on measures that seek to combat red tape and corruption in public institutions which render non-viable any attempt to improve the quality of services provided to citizens. The general objective of the ACS is “the public sector provide good quality services in a decentralised manner, that it act in a participatory and transparent way, and that it be effective in preventing and fighting corruption, to the point where, first, it does not undermine what is being built in the country, and, second, that the citizens see corruption as a destructive threat and guard against it” (RoM, 2006). Accordingly, the ACS “aware of the complexity, cross-cutting nature and plurality of the dimensions of corruption, since it offends against human dignity, affects social relations, distorts the economy, debilitates the state, and creates a counter-culture, the ACS covers three fundamental moments: prevention, administrative action, and sanctions” (RoM, 2006).

In achieving the above general objective the ACS has the following specific objectives:

- Objective 1: Simplify and rationalise administrative procedures so as to impose effectiveness in the provision of services to citizens
- Objective 2: Establish/develop a culture of public transparency, impartiality, integrity and responsibility.
- Objective 3: Improve the efficiency and quality of the services provided by the justice system.
- Objective 4: Strengthen the State financial system so as to impose transparency, efficiency and effectiveness in the state’s financial, budgetary and asset management.



- Objective 5: Improve the level of awareness and of participation by civil society and the private sector in the fight against corruption.
- Objective 6: Improve the mechanisms for involving local communities in governance and monitoring so as to promote transparency and accountability.
- Objective 7: Ensure the effective implementation of the Anti-Corruption Strategy through the establishment and functioning of institutional mechanisms.

Most of the above specific objectives impact on the water management and water services sectors – either through procurement regulations or through public consultation in basin management and infrastructure development. However, as the ACS is relatively new several role-players spoken with in the country felt that most of the provisions were yet to be implemented.

As part of the ACS, new procurement procedures have been developed for the public sector – governing the procedures to be followed when entering into contracts for goods and services with the private sector. At present, the DNA is in the process of adopting the new regulations, which will eventually see the creation of a dedicated procurement unit within the directorate.

#### 4.3.1 Organisations

##### Actors within the water sector

The structure set up by the Framework for Delegated Management is as follows:

- The Ministers of Public Works and Housing, of Planning and Finance, and of State Administration;
- The National Directorate of Water (DNA);
- The Coordinating Forum of Delegated Management;
- The Investment and Assets Fund for Water Supply (FIPAG);
- The Regulatory Council for Water Supply (CRA);
- City councils, and
- Operator (Ibraimo, 1999).

The above structure is responsible for the provision of water services. Public participation is mainly through the city councils and through the lodging of complaints with the CRA.

Resource management is conducted under the leadership of the ministry and the DNA through the five ARA's. As mentioned above, public participation in the ARA's is mainly at the level of "consultation" at present, with some NGOs claiming that their views and concerns are frequently not taken on board during discussion sessions (JA, 2007). The DNA, however, would like to see stakeholders taking on more responsibility within the ARAs (DNA, 2007).

Environmental groups, such as Justiça Ambiental, are starting to gain more power in the country. They have typically been at the forefront of representing the concerns of communities and the public at large around some of the large-scale infrastructure development projects in the country. The CWP in Mozambique has adopted a position of working alongside government and forming bridges with various other sectors and role-players within the water sector.

##### Actors outside the water sector

The Central Office for Combating Corruption (GCCC) has been established within the Attorney General's Office (EoN, 2007). The unit is charged with investigating and prosecuting corruption-related offenses within the public sector. The unit receives an increasing number of reports on corruption but the number of investigations and prosecutions is still low, partly due to under-staffing and lack of funds.

The Administrative Tribunal (AT) performs the role of auditing public accounts to promote financial discipline and transparency. From accounts it would seem that the AT has been quite successful in its work and is well respected locally (CIP, 2007).

There is also an Anti-Corruption Forum, initiated under the ACS, which promotes inter-sectoral cooperation to combat corruption. The forum will be constituted by representatives of the public sector, civil society and the private sector (RoM, 2006). The Forum is a consultative body which allows the various social groups to participate with the government in the search for solutions to the fundamental issues of providing services to citizens and fighting against corrupt practices. It thus contributes to the well-being of society and to the sustainable development of the country. Various local and regional equivalent forums are also being set up.

Civil society has not been very active in the field of anti-corruption. Mozambique does not have a local chapter of Transparency International and the only NGOs which currently deal with anti-corruption Ètica Mozambique and the Centre for Public

Integrity (CIP). The CIP conducts empirical research on corruption issues in the country as well being involved in advocacy and public awareness campaigns.

### 4.3.3 Capacity Building Needs

In Mozambique, the issue of a lack of capacity to implement and administer anti-corruption provisions was frequently mentioned. Some of the key groups and issues identified for capacity building include (but are not limited to):

- Staff of the DNA (and potentially other public-sector organisations) on skills for procurement of good and services – taking account of the new procedures;
- Communities – rural and urban – making them aware of their rights (such as access to information); as well as in technical issues around water management – generally improving their ability to interact on issues;
- Civil society groups working in the water sector (especially those working outside of Maputo) – on legislation, rights, roles and responsibilities;
- Mid to high level professional government staff (central and provincial) – on general anti-corruption measures.

## 4.4 Mapping Transparency and Integrity in the Namibian Water Sector

### 4.4.1 Policies, Laws Reforms and Processes

Legislation related to corruption prevention and anti-corruption activities is primarily contained in five acts, which are:

Table 1: Namibian Anti-Corruption Legislation

| Act  | Scope of Act   |
|--|--|
| State Finance Act (No. 31 of 1991)                 | Defines powers and functions of the Treasury and the Auditor-General; regulates the receipt, custody and banking of, the accounting for, and the control and disposal of state money |
| Tender Board of Namibia Act (No. 16 of 1996)       | Establishes the Tender Board of Namibia and defines its functions; regulates the procurement of goods and services for or on behalf of the Government                                |
| Anti-Corruption Act (No. 8 of 2003)                | Establishes Anti-Corruption Commission and defines its powers and functions; Defines corrupt practices and penalties.  |
| Prevention of Organised Crime Act (No. 29 of 2004) | Introduces measures to combat organised crime, including provisions on money laundering and asset forfeiture.  |
| Financial Intelligence Act (No.3 of 2007)          | Provides for the combating of money laundering, including powers to assess and analyse financial intelligence data.  |

### 4.4.2 Organisations

#### Government

At government level corruption prevention and anti-corruption activities occur in two different ways. For one, it is the responsibility of all government departments to comply with procurement and tender legislation. Second, designated entities have the specific mandate to undertake activities towards corruption prevention (awareness raising and public outreach campaigns) and combating corruption.

#### Procurement Legislation/ Tender Requirements

All government departments are bound by national procurement and tender legislation. The most relevant act in this regard is the Tender Board of Namibia Act (Act 16 of 1996), which stipulates in detail the requirements for tender procedures.

#### Anti-Corruption Authorities

##### The Ombudsman

The Ombudsman is an office established by the Namibian Constitution, with the mandate to investigate complaints of the public related to Human rights, the Environment, Maladministration and Corruption. The office reacts to complaints only and does not investigate on their own accord. The powers of the Ombudsman are limited compared to the ones of the Anti-Corruption Commission (ACC) (e.g. Ombudsman has no power of arrest), but the Ombudsman works closely with the ACC and refers cases to the ACC for further investigation (Ombudsman, 2007; ACC, 2007).

##### The Anti-Corruption Commission

The ACC was formed by an Act of Parliament and is now the primary body dealing with anti-corruption activities in Namibia. It has

far-reaching powers of investigation and works closely with the Namibian police and prosecution authorities on corruption cases.

In addition to its role in combating corruption the mandate of the ACC is also to run awareness raising and education campaigns on corruption and its prevention. Whereas until now the focus of the ACC has been on combating corruption the aim, is to strengthen the awareness raising and education activities considerably in the near future (ACC, 2007).

#### **Private Sector**

Self-regulation by the private sector plays an important role in the prevention of corruption. In Namibia a number of professional societies (e.g. engineering society, geohydrologist society) have rosters of experts and fixed salary rates for members, based on qualification and years of experience. These salary guidelines are used by the Department of Water Affairs and Forestry (DWAFF) when appointing consultants in these fields, thus preventing the payment of arbitrary rates to consultants. At the same time the societies ensure that consultants from the rosters are used on a rotating basis, thus preventing favouritism (MAWF, 2007).

The Anti-Corruption Commission has embarked on a joint initiative with the Namibian Chamber of Commerce to develop ethics guidelines for business and promote self-regulation of business as far as integrity and transparency is concerned (ACC, 2007).

#### **Organised Civil Society, Media and Individual Citizens**

The landscape of CSOs engaged in activities related to corruption prevention and combating of corruption is relatively small. The only organisation directly involved in corruption prevention campaigns is the Namibian Institute for Democracy (NID). The NID runs a “Zero Tolerance for Corruption” campaign and has previously cooperated with the Office of the Ombudsman in running public awareness and outreach campaigns (NID, 2007; Ombudsman, 2007).

A small number of other NGOs are engaged in service delivery and human rights monitoring, which at times touches on the closely linked issues of maladministration and corruption. Examples of these NGOs are the Legal Assistance Centre and the Namibian Society for Human Rights.

The media is playing an increasing role in the exposure of corruption and raising awareness of corruption related issues. Examples of media publications in this regard are the Informante magazine and the Insight magazine’s “corruption tracker” (Ombudsman, 2007).

As far as the water sector is concerned, there are at times cases where individual citizens (usually farmers) report directly to the DWAFF suspected illegal earth dams or boreholes (MAWF, 2007). Whereas illegal earth dams and boreholes are usually not a result of corruption, reports like that could potentially also expose incidences of corruption if e.g. borehole licenses were obtained through corrupt practices.

#### **4.4.3 Water Sector Reform in Relation to Integrity and Anti-Corruption Activities**

The relevant water resources management legislation in Namibia is currently largely confined in the Water Act No 54 of 1956. Namibia promulgated the Water resources management Act 24 of 2004, in December 2004 (hereinafter the Water Act), which is based on the principles set out in the 2000 National Water Policy Paper. The Act is yet to commence. The Water Act subscribes to the principle of IWRM and reforms the institutional framework for water management in the country – importantly in this context it places strong emphasis on the involvement of stakeholders in water resources management, e.g. by providing for the establishment of basin management committees and water point user associations.

Other policy and legislation of relevance to water resources management are the:

- Water Supply and Sanitation Policy (1993),
- The National Water Policy for Namibia (2000), and
- Namibia Water Corporation Act (No. 12 of 1997).

Namibia is starting the process of developing an IWRM plan for the country towards the end of 2007. One of the objectives of the IWRM plan will be, in line with the National Water Policy and the new Water resources management Act, to integrate the various sectoral and cross-sectoral policies into a harmonised planning framework (Amakali et. al., forthcoming).

#### **4.4.4 Institutional Arrangements**

Water resources management falls under the responsibility of the Ministry of Agriculture, Water and Forestry (MAWF).

Within the Ministry water resource management falls under the Directorate of Resource Management. The principal water resource divisions in the Directorate are the Hydrology, Geohydrology and Water Environment Divisions, of which the latter

deals with water quality, pollution control, ecological and technical research (MAWRD, 2000). The Law Administration Division is responsible for administering the regulatory regime concerning abstraction permits, prospecting, licensing of boreholes where appropriate and other matters related to abstraction and allocation of the resource. The Planning Division performs, strategic planning and is responsible for issues of international waters (MAWRD, 2000; MWAF, 2007a).

The procedures required for the allocation of water permits and borehole licences provide an extremely low potential for corruption, as licence allocations have to be reviewed by several Divisions in the Directorate before a final decision is made and a licence is awarded (MWAF, 2007).

Considered to be more problematic with regard to possible corruption is water allocation by the rural water point associations. Reportedly there have been cases where water allocation decisions by water point committee members have been influenced by corrupt practices (MWAF, 2007). Despite associations following the IWRM principle of local management (to the lowest appropriate level), it would seem that at times this has been exploited by local powerful individuals.

#### 4.4.5 Capacity Building Needs

Namibia has implemented most elements that the country has committed to at regional level under the SADC Protocol Against Corruption, such as the establishment of a designated anti-corruption agency and defining corruption as a criminal offence in domestic legislation. The country does, however, not have a specific act granting easy public access to information.

As far as the water sector is concerned, the need for capacity building related to corruption prevention appears to be at local level, i.e. at water point committee level. Whereas the devolution of water management responsibilities to the lowest possible level in line with the IWRM principle has the potential to increase transparency, it can at the same time be a weakness. Power relations at community level prevent effective monitoring and increase the potential for corruption. It appears that in Namibia the primary need is to strengthen transparent and accountable water allocation between users at water point level.

### 4.5 Mapping Transparency and Integrity in the South African Water Sector

#### 4.5.1 Policies, Laws reforms and processes

Legislation related to corruption prevention and anti-corruption activities is primarily contained in the following Acts:

Table 2: South African Anti-Corruption Legislation

| Act   | Scope of Act  |
|---|---|
| Public Service Act – Proclamation 103 of 1994                       | Provides for the organisation and administration of the public service of the Republic, the regulation of the conditions of employment, terms of office, discipline, retirement and discharge of members of the public service and matters connected therewith.   |
| Public Finance Management Act (No. 1 of 1999)                       | Regulates financial management in the national government; to ensure that all revenue, expenditure, assets and liabilities of that government are managed efficiently and effectively; to provide for the responsibilities of persons entrusted with financial management in that government.   |
| Promotion of Access to Information Act (No. 2 of 2000)              | Gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; and to provide for matters connected therewith.   |
| Promotion of Administrative Justice Act (No. 3 of 2000)             | Gives effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action.  |
| Protected Disclosures Act (No. 26 of 2000)                          | Procedures in terms of which employees in both the private and the public sector may disclose information regarding unlawful or irregular conduct by their employers or other employees and the protection of employees making such disclosures.  |
| Local Government: Municipal Finance Management Act (No. 56 of 2003) | To secure sound and sustainable management of the financial affairs of municipalities, to establish treasury norms and standards for the local sphere of government.  |
| Prevention and Combating of Corrupt Activities Act (No.12 of 2004)  | Provides for the strengthening of measures to prevent and combat corruption, defines the offence of corruption; provides for investigative measures in respect of corruption and provides for the establishment and endorsement of a register in order to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and contracts; places duty on certain persons holding a position of authority to report certain corrupt transactions; provides for extraterritorial jurisdiction in respect of the offence of corruption. |

At policy level the main instruments are the Public Service Anti-Corruption Strategy for the National and Provincial Public service, and the Local Government Anti-Corruption Strategy for the local government sphere.

## 4.5.2 Organisations

### The Role of Water Sector and Non-Water Sector Actors in Integrity Promotion and Corruption Prevention

The landscape of anti-corruption agencies in South Africa at present is fragmented. There is no central anti-corruption agency, instead there are numerous agencies involved with different aspects of preventing and combating corruption.

A strong role in anti-corruption activities is played by the Public Service Commission, which is an independent and impartial body created by the Constitution with the mandate to, among other things, foster transparency in the public service and to promote a professional and ethical environment that is accountable, equitable, efficient, effective, corrupt-free and responsive to needs of the people of South Africa (PSC, 2007).

Other public entities with the mandate (at times overlapping) to combat corruption are:

- The Auditor General
- The Public Protector
- South African Police Service (SAPS) – Anti-Corruption Unit
- Special Investigating Unit (SIU)
- Asset Forfeiture Unit (AFU)
- Directorate of Special Operations in the National Directorate of Public Prosecutions (NDPP)

Likewise there is a diverse landscape of CSO involved in corruption prevention and combating activities. One prominent example is the Open Democracy Advice Centre (ODAC), which gives free confidential legal advice to whistleblowers; and actively campaigns for added legal protection for whistleblowers. ODAC also assists the private and public sectors to comply with the provisions of the law and provide training, assistance with the introduction of the Public Access to Information Act manuals as well as the development of whistle blowing policies (ODAC, 2007).

Organised business, through representative organisations such as Business Unity South Africa (BUSA), Chambers of Commerce, etc., is engaged in anti-corruption activities through the Business Against Crime (BAC) Initiative, the Industry Alignment Forum and the National Anti-Corruption Forum (NACF).

The NACF is an important cross-cutting initiative, comprised of business, civil society and government. Each sector is represented by ten members nominated by their respective constituencies (NACF, 2007) – see Table 3 for an overview of members.

Table 3: National Anti-corruption Forum – South Africa

| Sector        | Representatives  |
|---------------|--|
| Business      | 10 delegates from the Business Unity South Africa (BUSA)   |
| Civil Society | The Congress of SA Trade Unions (COSATU)<br>The Civil Society Network Against Corruption (CSNAC)<br>The Economic and Social Council (ECCOSOC)<br>The Federation of Unions of SA (FEDUSA)<br>The Moral Regeneration Movement (MR.M)<br>The National Council of Trade Unions NACTU<br>The South African National Editors' Forum (SANEF)<br>The National Religious Leaders Forum (NRLF)<br>The South African National NGO Coalition (SANGOCO)<br>Transparency SA (T-SA) |
| Government    | The Department of Arts and Culture<br>The Department of Finance<br>The Department of Home Affairs<br>The Department of Intelligence Services<br>The Department of Justice and Constitutional Development<br>The Department of Provincial and Local Government<br>The Department of Public Enterprises<br>The Department of Public Service and Administration<br>The Department of Safety and Security<br>The Public Service Commission                               |

The NACF launched the National Anti-Corruption Programme (NAP), which includes activities such as ethics training and coordination and cooperation activities between sectors in order to combat corruption (PSC, 2007a).

In the water sector, the Department of Water Affairs and Forestry (DWAF) runs an Anti-corruption hotline where stakeholders

(from within and outside the department) can report unethical behaviour and wrongdoings anonymously and confidentially. Steps are then taken to investigate allegations and pursue necessary actions.

The framework of legislation and organisations related to corruption prevention and corruption combating activities meet the requirements for national implementation set forth in the SADC Protocol Against Corruption. This includes defining corruption as a criminal offence and establishing anti-corruption agencies (though fragmented and at times with overlapping responsibilities). Particularly noteworthy are the Promotion of Administrative Justice Act and the Promotion of Access to Information Act, which potentially allow for greatly increased transparency in decision-making and monitoring by citizens of administrative decision-making.

#### 4.5.3 Water Sector Reform in South Africa

South Africa's water policy is enshrined in the White Paper on a National Water Policy for South Africa. Its principles have been translated into law and are now contained in the country's two main water related Acts.

The Water Services Act (No. 108 of 1997) provides the regulatory framework for the provision of water services by local authorities. A process to establish a regulatory body for water service delivery is currently underway. The National Water Act (No. 36 of 1998) in combination with the National Water Resources Strategy (NWRS) establishes the framework for water resources management and the protection of water resources in the country.

In terms of Section 3 of the NWA the National Government is the trustee of the nation's water resources and must ensure that water is protected, used, developed, conserved, managed and controlled in a sustainable and equitable manner, for the benefit of all persons and in accordance with its constitutional mandate.

The NWA makes provision for only one right to water, the Reserve (DWAF, 2005). The Reserve is the water required for basic human needs (i.e. water for drinking, cooking and personal hygiene) and the water required to maintain ecosystem functioning. The Reserve gets the priority allocation and therefore determines the amount of water available for other uses (DWAF, 2005). All other water uses must be authorised. Depending on the type and scope of use, different types of authorisations exist, which are listed in Section 4 of the NWA.

The NWA obliges water management institutions to involve stakeholders in water resource management activities. Section 80 (e) of the NWA requires catchment management agencies "to promote community participation in the protection, use, development, conservation, management and control of the water resources in its water management area." Section 81 (1) of the NWA notes that the governing board of a catchment management area must be appointed "with the objective of achieving a balance among the interests of water users, potential water users, local and provincial government and environmental interest groups." This is likely to promote high levels of transparency in decision-making, thus reducing the potential for corruption.

#### **Institutional Framework**

At national level, the DWAF manages the country's water resources. As required by Chapter 7 of the NWA and the NWRS, the DWAF is in the process of establishing 19 catchment management agencies (CMAs), which will gradually take over catchment management functions from the DWAF and manage water resources at a regional level in their respective water management areas (WMAs). The CMAs will be responsible, among other things, for ensuring that there is consonance between their water-related plans and programmes and the plans and programmes of all other role-players in the catchment they manage (DWAF, 2004).

In this context Section 8 of the NWA requires the development of a Catchment Management Strategy (CMS) for each WMA. The CMSs need to be aligned with the NWRS and other development strategies at national or regional level. At the national level they need to be aligned with the national policies of other sectors (e.g. agriculture, environment etc.). The CMSs also need to be aligned with or become an integrated component of Provincial Development Strategies. At the local level Section 9 (f) of the NWA is relevant for the integration of Water Services Development Plans into the Integrated Development Plans (IDPs) that municipalities must prepare in terms of the Municipal Systems Act (No 32 of 2000).

As a direct result of the Lesotho Highlands Water Project trials, the Trans-Caledon Tunnel Authority (TCTA), a South African parastatal with the DWAF as a client on infrastructure construction projects, has included a section on prior involvement of companies in bribery in the pre-qualification to tender process (Earle et al, 2005). The tendering companies need to declare whether they or their agents have been accused of bribery, anywhere in the world, during the previous ten years (not only convicted). If they have been, it does not lead to automatic disqualification, but would result in some "in-depth and uncomfortable questions being asked of the companies" (Croucamp, pers comm. 2005). As part of the final tender and contract conditions on award of a contract the company has to declare that it has not committed or been convicted of bribery, corruption or fraud in the preceding ten years, nor have they committed bribery and nor will they commit bribery on the current contract. If it is found,

during the project, that the company did not disclose information or is convicted on charges of bribery then it forfeits any profit which it may derive from the contract – deemed as five percent of the total contract price (Croucamp, pers comm. 2005). This is a good example of how experiences dealing with corruption are being incorporated into management instruments.

#### 4.5.4 Capacity Building Needs

A major capacity gap with relevance to corruption prevention is found at local government level. Service delivery, particularly in poor rural municipalities, often located in former so-called “homelands,” is hampered by both inappropriate financial management systems as well as a lack of human resources.

As far as financial management systems are concerned it is for example found that at municipal level procurement is done by the municipalities finance department and not by a separate department as is international practice. Frequently there are no (or very weak) monitoring and evaluation systems in place to oversee financial management and procurement practices.

The requirements of procurement policies are often not met in these municipalities, at times due to wilful non-compliance but more often due to a lack of capacity to be compliant (UNDP, 2007).

The combination of inappropriate management systems and lack of human resource capacity has in many cases led to poor levels of service delivery and relatively high levels of corruption. As financial management systems are applicable across the board to the financial affairs of municipalities, all municipal service areas are affected, including the delivery of water and sanitation services.

UNDP (2007), which runs programmes to assist rural municipalities in South Africa in building financial management capacity, pointed out that capacity building efforts at municipal level need to be part of a holistic approach and cannot easily be separated to target the water service delivery sector only.

An area highlighted is the disjuncture between municipalities and communities in the area of service delivery monitoring. Only a few municipalities have community participation strategies that involve communities directly in monitoring and evaluation of service delivery. The focus of the PSC in 2008 will be to promote community involvement in monitoring and evaluation to build stronger partnerships for service delivery monitoring, which in turn is expected to positively affect corruption prevention and combating (PSC, 2007a).

#### 4.5.5 Text Box 2: Water sector reform in Zimbabwe

In the case of Zimbabwe it has been involved in a complex water sector reform program aimed at decentralizing responsibility for water management from central government to new institutions made up of water users: catchment councils, sub-catchment councils and water user boards/associations. The objectives included: among others to promote stakeholder participation and involvement in the decision-making process for the water sector; to promote an integrated approach to water resources development planning and management; and to remove inefficiencies in water use and make the sector self-sustaining. These reforms included putting more emphasis on cost recovery of investments in the water sector and treating water as an economic good. The user-pays principle was adopted to reinforce this new focus.

New institutions (including user-based associations/boards) have now been established to run the water sector. In 1998, a new Water Act was passed to govern and guide the new management regime. Water use remains strongly influenced by informal systems and customary laws. These customary laws and systems appear resilient, not only in the area of water management, but in the governance of other natural resources as well including forests, wild life and fisheries. A key issue is the extent to which these customary systems can and should be incorporated in the new management regimes. The dilemma faced by those engaged in water management at local levels has been how to reconcile the new institutions with existing formal and informal institutions at the district, provincial, and central government levels. They have to reconcile the roles of statutory local

#### 4.6 Mapping Transparency and Integrity in the Zambian Water Sector

In Zambia, there are various mechanisms that have been devised in the water sector that have an influence on promoting transparency and integrity. Although these mechanisms, measures, processes, laws and reforms may not directly target promoting transparency and integrity, some of their components have elements that have a bearing on transparency, integrity and anti-corruption. This section on Zambia therefore maps, identifies and outlines the main laws, policies, reforms and components in the Zambian water sector management in relation to transparency, integrity and anti-corruption. It also assesses issues of transparency and integrity in water reforms in relation to decentralisation, privatisation, water rights and licensing/permits. The positive and negative impacts on integrity and accountability on the introduction of IWRM in Zambia is also analysed.

The ownership of all water in Zambia is vested in State. This means that there is no right of private property in water. The use, diversion, and impoundment of surface water must be made in terms of the Water Act Cap 198 of the Laws of Zambia (1948).

This act sets out the provisions to regulate the use of water in Zambia by issuing entitlements (referred to as water rights) to use water for different purposes. Ground water resources are not at present regulated. The national law on the water sector in Zambia is now under review.

The management of the water sector in Zambia's urban areas is anchored on the Water Supply and Sanitation Act No. 28 of 1997. This law provides for the establishment and operations of the regulatory body called the National Water Supply and Sanitation Council (NWASCO). Its main role is to ensure that service providers of water supply and sanitation comply with the Water Supply and Sanitation Act (Water Supply and Sanitation Act No. 28 of 1997). NWASCO has developed regulatory tools to ensure compliance of commercial water utility companies in promoting transparency and accountability through financial and good corporate governance compliance.

The Zambia Water Partnership was launched with the mandate to promote the implementation of integrated and sustainable water resources management in Zambia. The Partnership has led to key water initiatives in the country, such as the national Water Demand Management Study (through the regional IUCN initiative) and the dialogue for water among others. The Partnership is engaged in IWRM information gathering and sharing; the co-ordination of stakeholders in the water sector and others to design educational programmes to promote public awareness in IWRM and in identifying the training and capacity building needs of the water sector (GWP, 2007).

The formation and operation of Water Watch Groups involves communities and consumers in monitoring water supply and sanitation services. An assessment of the quality and reliability of water services in Zambia revealed that the provision of these services was not rated very highly by household respondents. 50 percent indicated that the supply was very reliable or reliable, 26.5 indicated that it was somewhat reliable while 14.1 percent said it was unreliable and 6.6 percent rated it as very unreliable (Zambia National Governance Baseline Survey, 2004).

#### **4.6.1 Laws on the Water Sector and Those That Promote Transparency and integrity**

##### **Within the Water Sector**

Some of the key water sector laws in Zambia are the Water Supply and Sanitation Act No. 28 of 1997 and the 1948 Water Act. Under the 1948 Act, the ownership of all water in Zambia is vested in the President. The use, diversion and apportionment of all waters are made according to the terms of the Water Act. Under this Act the Water Development Board (WDB) is mandated to control the use of all surface water resources in the country by allocating water rights to different users (Water Act 1948).

Part III of the Water Supply and Sanitation Act No.28 of 1997 under section 9 (1) provides among others that a local authority may resolve to establish a water supply and sanitation utility as a company under the Companies Act provided that the majority shares shall be held by the local authority. As a matter of practice, most Local Authorities opted to establishing Commercial Utilities (CU) on their own or in partnership with other Local Authorities (LA) as private companies under the Zambian laws. Therefore, all water supply and sanitation functions are transferred to such a CU. The establishment of CUs intend to commercialise the provision of services in realisation of the fact that local authorities did not perform satisfactorily. All provinces have established CUs apart from Luapula Province. There are currently (2007) 10 commercial utility companies. To enhance transparency and accountability in such set ups the Water Supply and Sanitation Act No.28 of 1997 provides under part IV for the licensing of utilities and service providers. Under Section 13, of the Water and Supply and Sanitation Act Schedule (Section 3) there is a requirement for commercial utilities to submit to the council (NWASCO) annual financial reports not later than three months after the expiration of its financial year in conformity to the companies Act, Cap 338 of the Laws of Zambia. This helps to hold commercial water utility companies to account for their actions and to become transparent in their operations by submitting reports that are evaluated. For transparency purposes, financial reports can help to determine whether business practices are transparent i.e. whether controls are in place to avoid corruption. The reports can also help to determine whether management of water providers is efficient, meets its obligations towards other players and that no unnecessary costs are incurred in the provision of service.

Since Commercial Utilities are companies (Private), they are required to exercise corporate governance principles to enhance transparency which in turn enhances economic efficiency, enabling the operations of the company to be open to the Board and shareholders and the community at large. In practice however, NWASCO notes that the compliance with some CU's on such law requirements has not been too good as reflected in the 2006/2007 Urban and Peri-urban Water Supply and Sanitation report.

The Water Act has a number of gaps and is being revised. A new water resources management bill has been prepared by the Water Resources Action Programme (WRAP), which was supported by the Danish International Development Agency (Danida). The bill has not yet been presented to parliament to be enacted into law (Peter Sievers 2006). Other cooperating partners who are supporting the water sector in Zambia include, NORAD, GTZ, the World Bank and Irish Aid.

##### **Outside the Water Sector**

There are a number of other non-water sector laws and institutions in Zambia that aim at promoting transparency and integrity



with the mandate to prevent, detect (both administratively and criminally) or educate against corrupt practices. These laws include the Anti-Corruption Commission (ACC) Act No. 42 of 1996 that aim to among others to take necessary and effective measures for the prevention of corruption in public and private bodies (Anti-Corruption Commission Act No. 42 of 1996). Commercial water utility companies are also expected to be covered under this ACC Act. In the 1990's, the ACC in Zambia did conduct a Managerial Accountability workshop with a view to identifying loopholes and coming up with remedial recommendations to improve transparency. The workshop recommendations that focused on promoting transparency were made and the Lusaka Water and Sewerage Company was provided with the same report with recommendations (ACC 2007).

#### **4.6.2 Mapping of Key Components: The Roles and Responsibilities of Key Players in the Zambian Water Sector**

The Zambian water sector has key components that facilitate the development of infrastructure, provision and quality control of water and ensure good corporate governance of the sector. There are four types of key players in the water sector, these include government ministries that have the responsibility of providing an oversight and regulatory role as well as funding for major water sector projects and monitoring and contributing towards compliance on water providers. The second category includes Commercial Water utility companies that have mostly been commercialised from Local authorities. The third category comprises local and international donors or cooperating partners whose role is to build the capacity of key players in the sector. The last category has consumer groups that also include CSOs that play various roles that range from consumer civic awareness to advocacy work on the need to improve the provision of water and sanitation services. Table 6 in the Appendix provides the key components with key players as well as their roles and elements of transparency and integrity that exist or may be absent in that category.

Under the existing policy framework, the Ministry of Energy and Water Development through the Department of Water Affairs is responsible for Water resources management. In line with the Zambian Government's Public Service Reform Program (PSRP), the Ministry underwent restructuring in December 2002. The Ministry is implementing the WRAP.

The Zambian Government has, especially since 2000, facilitated the establishment of Commercial Utilities (CUs) to provide water and sanitation services to the urban areas. The Water Board considers all water rights applications for a period of five years as well as temporary ones using its discretionary powers under section 24(7) of the Water Act. It is noted, however, that for mechanisms to meet an appropriate institutional framework where all stakeholders are consulted is a necessary precondition for success of integrated water resources management (Mondoka 2000).

**The Zambia Water Partnership (ZWP)** has the mandate to "promote the implementation of integrated and sustainable water resources management in Zambia." ZWP has members ranging from government, private sector water companies, learning institutions and CSOs. The Partnership is engaged in IWRM information gathering and sharing; the co-ordination of stakeholders both in and outside the water sector to design educational programmes to promote public awareness in IWRM and in identifying the training and capacity building needs of the water sector. Since 2004, the Partnership has, jointly with national government, been facilitating the national IWRM and water efficiency planning process, building on the major water reforms developed through the WRAP. The national IWRM plan was expected to be completed by December 2007 and linked to the National Development Plans (GWP 2007).

#### **Private Sector Participation in Anti-Corruption in Zambia**

The private sector in Zambia has one umbrella body called the Zambia Business Forum (ZBF). The ZBF aims to enable the private sector to work with Government and other development partners in achieving a private sector led economy capable of delivering agreed economic goals which include job creation, balanced economic growth and poverty eradication (ZBF 2007).

Many of Zambia's largest business associations are members of ZBF: the Zambia Chamber of Commerce and Industry, the Zambia National Farmers Union, the Zambia Association of Manufacturers, the Tourism Council of Zambia, the Chamber of Mines of Zambia, the Zambia Chamber of Small and Medium Business Associations, the Bankers Association of Zambia, the Zambia Federation of Employers, and the Zambia Indigenous Business Association. In keeping with its charter, the ZBF has become a voice for major business interests. The ZBF has been identified as a key player in representing private sector perspectives on priority economic policy and initiating anti-corruption reforms as part of the implementation of the Zambia Threshold Project under the Millennium Challenge Account activities (MCA, 2006). It is now implementing an anti-corruption campaign that includes training with all its member associations to raise awareness among its members and their key stakeholders and spur economic reform and mitigate the corrosive effects of administrative corruption (MCA, 2006). The water sector actors in Zambia interact through the procurement of goods and services with the private sector in Zambia among others and it is expected that such private sector programmes will have an effect on their performance in terms of adhering to transparency and integrity.

#### **Organised Civil Society, Media and Individual Citizens/Groups**

There is a strong presence of CSOs in Zambia but few are engaged in the prevention of corruption and promotion of transparency and accountability in the water sector. In the water sector, the ZWP has civil society members such as the Water and Sanitation

Association of Zambia (WASAZA) and the Advocacy for Environment Restoration. The Water and Sanitation Association of Zambia's main objectives are to provide a forum for the water sector in government, private sector and non governmental organisations to come together and discuss issues affecting the sector and promote best practices. Although WASAZA has not in the past done activities on promoting transparency and accountability, it has carried out activities to enhance the capacities and synergies in the water sector through collaboration and networking. It for instance held a Chief Officers forum for CUs in Zambia where they shared experiences and dealt with issues affecting the service delivery (WASAZA Leaflet). WASAZA has individual and corporate members and provides a good avenue for exchanging good practices that are key in promoting transparency and accountability. Another CSO in the water sector, the Advocacy for Environment Restoration (AER), which has the overall objective of contributing to a sustainable framework of river basin management that meets the needs of water, food and environment in Zambia. Among its objectives are to identify the different stakeholders and their interests at national, basin and community levels and contribute to the review of policy, legislation and institutional set-ups. It is also aimed at promoting information sharing and contributes to the creation of a public domain database (Chilumbu 2007). AER believes that by sharing information and contributing towards policy and legislative reviews it can have an impact on promoting transparency and accountability. The Zambian media is vibrant and has consistently exposed cases of corruption. The media contributes to the fight against corruption and acts as a vehicle to encourage members of the public to expose cases of corruption in the various institutions where they are working, so that investigative organs like the Anti-corruption Commission (ACC) can follow-up such cases. Media reports of corruption bring into the public domain issues of accountability, which is good for the nation because it helps to provide checks and balances in order to deter over zealotry by public officers (TIZ, SCR 2005).

Other actors in this sector have been CSOs such as Transparency International Zambia (TIZ) that focuses on promoting transparency and integrity in the public and private sectors. TIZ is one of the strong and leading anti-corruption organisations that have produced various tools to advocate for positive changes in the delivery of public services with transparency and accountability in Zambia. One of the specific tools it has developed and disseminated is called the "How to avoid corruption when acquiring public services campaign." This is a tool that is used in advocating for transparency and accountability in the provision of public services free of corruption. TIZ has packaged one booklet in conjunction with government departments, which it is disseminating to the public on how to avoid corruption when acquiring services such as passports, national registration cards, police services, and revenue services (The How 2, 2006). This advocacy campaign can easily be replicated in the water sector in Zambia as it is aimed at improving public service delivery.

#### **Role of Water Watch Groups and Citizen Associations**

Citizen monitoring of service provision is a key tool in improving transparency in the water sector. It is only when consumers are satisfied with the manner in which a service is generated and provision with integrity that they can appreciate its value and their value for money in accessing it. In line with this, the National Water and Sanitation Council in Zambia (NWASCO) has established Water Watch Groups (WWG's) comprising customers from service areas in order to represent it on the ground for first hand information and addressing consumer complaints. In this way, citizens participate in contributing towards holding accountable water utility companies or water providers that are regulated by NWASCO. Citizens in this case do provide the required checks and balances to water providers and press them to even become more transparent and responsive to their clients needs for efficient and quality services.

The main objective of WWG is to represent consumer interests in the water and sanitation sector. Their objective is met by ensuring that there is among others improved communication between consumers and providers and creation of awareness among consumers of their rights and responsibilities as well as the role and functions of NWASCO. These also give sufficient feedback on public opinion to NWASCO. This information should be adequate to enable NWASCO to adjust regulation according to the requirements of the sector. Such anticipated improved quality of service particularly speeding up the resolution of consumer complaints has a bearing on the integrity of affected water utility companies.

The WWGs main functions performed include among others to represent the interests of consumers in the Water and Sanitation Sector and follow-up unresolved consumer complaints. They also arbitrate in conflicts between consumers and service providers and collect information on performance of providers. They inform NWASCO on the effectiveness of the regulations and propose possible adjustments. These groups also create Public awareness of WWGs existence through public meetings, seminars, workshops exhibitions.

The main successes so far have been that WWGs received and handled more than 50,000 complaints between 2004 and 2005 as a result of increased public awareness. Providers have started resolving customer complaints expeditiously and there is a clear change of attitude by the CUs towards customers. Consumer knowledge on WSS has improved-empowerment on rights and obligations. There has also been notable behavioural change by consumers-(e.g. willingness to pay, reduction of vandalism) (NWASCO report). There are currently (2007) seven Consumer Water Groups-Lusaka, Mongu, Mufulira, Chingola, Ndola, Luanshya and Kitwe. In 2006 to 2007, most of the complaints related to poor water quality, erratic water supply, sewer blockages, delayed connections and erroneous billings.

The Water Board has a decision-making process that involves stakeholders by way of advertisement of water rights and the

holding of Public Inquiries where users or any person from the public can lodge an objection or make comments relating to any application for water rights before the Water Board. In addition the Water Board is required to inform any person who may be affected by the granting of water rights. Water Users Associations (WUA) have been formed in a few areas: Mazabuka and Lusaka East. These comprise stakeholders in a particular area and assist the Water Board in determining applications for water rights. They, however, only function on an administrative basis. They have been relatively successful in imparting knowledge regarding water use, improved communication and created an atmosphere for interaction between the Water Board and water users especially the farming community.

In a bid to promote greater stakeholder involvement and to promote comprehensive sustainable use of water resources, the government through the WRAP has developed a new legal and institutional framework. This new framework will implement IWRM in Zambia. The WRAP has developed an institutional framework that uses the river catchments as the management unit. Hydrologically, Zambia has been designated into six catchment areas that form the two river systems of Zambia: the Congo and the Zambezi Basin. These six catchment areas will be administered by Catchment Councils constituted by the relevant stakeholders. These will be further sub-divided into smaller manageable units called sub-catchments. At the lowest level, Water Users Association will be formed. It is envisaged that the decision-making process will begin more transparent, open and relevant when the actual users of water beginning at the lowest level are fully involved. All applications for water rights (permits) will begin at this level. To give effect to this new institutional framework the 1949 Water Act has been comprehensively amended (Mondoka 2007).

#### **4.6.3 Water Sector Policies in Zambia**

The Government of Zambia in 1994 formulated the National Water Policy which led to significant changes in the water sector. However, in view of the new challenges and modern approaches that have evolved, the Ministry of Energy and Water Development in consultation with other relevant stakeholders undertook a revision of the National Water Policy 1994 in order to provide a comprehensive framework for sustainable development, management and utilisation of Zambia's water resources. Water is a crucial element for the preservation of the environment thus, it has to be managed in such a way that future generations will benefit from the resource.

The revised National Water Policy embraces modern principles of water resources management and endeavours to deal with the daunting challenges of poverty reduction. The 1995 Water Policy is currently under review with the 2005 draft that is essentially aimed at promoting sustainable water resources development with a view to facilitate an equitable provision of adequate quality and quantity for all competing groups of users at acceptable costs and ensuring security of supply under varying conditions. The first water policy was adopted in 1994 that was aimed at restructuring the sector.

As a result of emerging challenges, the government of the Republic of Zambia has embarked on a process of strengthening and coming up with a new water policy hence the draft 2005 National Water Policy. Some of the challenges include re-aligning the water policy to be in line with such policies as the Decentralisation policy which has a big bearing on the water sector to be taken into account.

The intended 2005 draft policy objectives are to develop an appropriate institutional and legal framework for effective management of the water resources by enacting appropriate legislation to deal with water resources management at National Level as well as those dealing with internationally shared water resources (Draft National Water Policy 2005). Strengthening institutional and legal frameworks which have strong integrity measures helps promote transparency and prevent corrupt practices.

#### **4.6.4 Water Sector Reforms in Zambia**

Since 1974, Zambia's water sector has undergone many reforms and challenges. The main changes occurred in 1991 when Zambia elected a new government with the introduction of the public service reform programmes (Water Sector Reforms in Zambia 2004). There have been numerous reforms taking place in the water sector since the National Water Policy came in place in 1994.

The main reforms and challenges have been:

- There is a separation of water resources management from supply and sanitation, which before was not clearly defined leading to duplication of efforts, overlaps and significant inefficiencies.
- In Urban water supply and sanitation, there is now separation of policy making from regulation and service provision.
- Decentralisation and commercialisation of service provisions has taken place as part of the reforms leading to the formation of 10 commercial utilities in water supply and sanitation provisions across the nation. As such more than 90 percent of the urban population in Zambia live in the service area of these commercial utilities.
- An autonomous water regulator, the National Water regulator, the National Water Supply and Sanitation Council (NWASCO) was established in 2000.
- An initiative for elaboration of strategies for water resources management, called Water Resources Action Plan (WRAP), was established in 2001. It aims to establish a comprehensive legal and institutional framework with decentralisation of decision-making and separation of policy, regulation and implementation to promote effective development and manage-

ment of the country's water resources in an equitable and sustainable manner.

- A Rural Water Supply and Sanitation Strategy was issued in November 2004. The strategy outlines a decentralised district based planning process, which shall provide an accelerated delivery of WSS to the rural areas.
- Since 2004, the Zambia Water Partnership has, jointly with national government, been facilitating the national IWRM and water efficiency planning process, building on the major water reforms developed through the WRAP . The national IWRM plan which was expected to be completed in 2006 will be linked to the National Development Plan of Zambia.

From the above reforms, NWASCO's main role among others includes encouraging transparency and accountability making institutions it regulates comply. Specialists in Zambia's water sector are reviewing the final draft of Zambia's IWRM and Water Efficiency Implementation Plan for water related sectors, which is strongly linked to the country's Fifth National Development Plan (FNDP) and the long-term 2030 vision.

#### 4.6.5 Capacity Building Needs

In view of the numerous challenges that this section identifies, the following capacity building measures are being recommended:

- Water Sector institutions in Zambia need to encourage external transparency, participatory approaches, and improve monitoring, feedback and accountability mechanisms (Kauffman, 1999). Most if not all water utility companies do not empower the communities that they serve with information on their services especially their technical operations such as in procurement and construction. These are vulnerable areas in the water sector prone to corruption. The concept being utilised by the National Water and Sanitation Council of having Water Watch Groups therefore needs to be developed and strengthened for each district where water service providers are operating from. Best Practices from these Groups need to be documented and shared. Such groups need more training and increased focus on transparency and integrity monitoring.
- The capacity of the personnel in these institutions through training and knowledge sharing seminars need to be built to start appreciating issues of good corporate standards.
- There is also need to have a specific code of conduct to regulate water providers. There is an immediate need to develop, adapt, test and advocate for consistent use of new and known tools such as participatory site selection, complaints systems, triangulation in monitoring water programmes (monitoring information collected from a variety of different sources) and in ensuring the simple transparent accountability of resources. New tools for the water sector might include citizen scorecards, diagnostics based on survey reports from public officials, public service users, and firms and tools to track public expenditures in detail (Shordt, Stravato and Dietvorst, 2006).
- Governance CSOs in can and should promote action oriented research in the water sector and can spread production of tools to enhance transparency and accountability.
- The Board composition of water companies should include people from the civil society or church bodies as the procurements begins with them.
- The red tape in procurement for water companies should be shortened. The Ministry of Local Government and Housing or any other Ministry should not procure on behalf of the water companies as this compromises the supervision quality and accountability.
- The Water companies should establish Tender Committees with representation from the civil society or church bodies in the areas.

#### Lessons Leant and Challenges

The Zambia water resources sub-sector faces major challenges that affect development and management of water resources effectively and in a sustainable manner. According to the analysis conducted so far, major issues and lessons leant that have been identified include:

- Poor and inadequate infrastructure and systems for management of water resources.
- Lack of funds and funding mechanisms generally to sustain the activities of water resources management.
- Inadequate capacity for water resources management at all levels (institutional and human resources).
- Lack of an integrated approach to water resources management.
- Inadequate institutional and legal frameworks.
- Lack of decentralised and sustainable structures that are accessible and provide for the participation of stakeholders/communities.
- Lack of appropriate, reliable and accessible water resources information and dissemination systems.
- Lack of effective awareness programmes for all levels of water users/stakeholders including policy makers and legislators.

These challenges also need to form part of capacity building needs for the water sector in Zambia. The Government of the Republic of Zambia (GRZ) has recognised the above issues as serious drawbacks and challenges and launched a process, which consists of institutional, legal and regulatory reform of the water resources management sub-sector. WRAP, under the auspices of the Ministry of Energy and Water Development, has been spearheading this process (Peter Sievers, 2006).

## 4.7 Comparative Overview of SADC Transparency and Integrity

A comparative overview of transparency, accountability and integrity measures in the SADC region in the water sector in six countries mapped (Botswana, Malawi, Mozambique, Namibia, South Africa and Zambia) reveals a wide range of different approaches. There are as well some similarities and differences in this sector.

Only 3 countries (Zambia, Malawi and South Africa) have activities that are directly or indirectly aimed at promoting transparency and accountability and preventing corruption in the water sector. In these countries, this common trend is manifested in the Water Watch Groups approach in Zambia, the Water Boards Anti-Corruption Policies in Malawi and the telephone hotline in South Africa. These common programmes aim to assist and improve the efficiency of the water sector by preventing malpractices or attending to water clients problems. In the other three countries mapped (Botswana, Namibia and Mozambique) such direct measures are not present. Another common feature in these countries is that, they rely on old pieces of water-legislation that are now being revised. Most of these do not provide for direct measures on promoting transparency and accountability.

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

In terms of laws, the mapped countries show that there are a number of old and new laws that guide the operations of the sector. It is worth noting that most of the old laws are now being revised in order to strengthen them. In Malawi, the Water Resources Act of 1969 is being revised under the Water Resources Draft Bill of 2007. The other law is the Water Works Act of 1995. In Mozambique, there is the Water Law of 1991 while in Namibia they have the Water Act No. 54 of 1956 and the Namibia Water Corporation No. 12 of 1997. In Zambia, there is the 1948 Water Act and the Water Supply and Sanitation Act No. 28 of 1997. In South Africa, they use the Water Services Act No. 108 of 1997 while in Botswana they have the Water Utilities Act (Cap 74:02) and a draft Water Bill (2005) earmarked to improve the Water Act of 1968. This means that all the countries have legal frameworks that guide them in the management of water resources.

The other common feature of the mapped countries is that they all have water policies that take into consideration IWRM principles in water management. In Malawi, they have the National Water Policy of 2005. In Mozambique, they have the National Water Policy of 1995. In Namibia, they use the 2000 National Water Policy paper. In South Africa, the water policy is enshrined within the white paper, A National Water Policy for South Africa. In Zambia, a Water Policy was adopted in 1994 and a new 2005 draft was made to improve the old one. In Botswana, they use the National Water Master Plan of 1995, currently under revision.

The six countries have a number of non-water actors but few of these directly promote issues of integrity and transparency in the water sector. They, however, mostly have components in their mandate that have a bearing on contributing to the management of the water sector. These range from civil society to private sector institutions. However, in these countries, there are institutions from civil society and the private sector that have programmes that promote transparency and accountability in service delivery but have not yet developed such programmes for the water sector but they possess such potential. The full comparative details are contained in Table 8 Table TTT of the Appendix. This table identifies the main water and non-water actors, the laws in each country on the water sector, measures that promote transparency and accountability. It also identifies capacity gaps.

The purpose of putting this data in table form is to have an easy cross comparative analysis of key measures that promote transparency and accountability.

## 5 IWRM and Integrity Promotion

The adoption of an IWRM approach to water management in a country can, potentially, lead to the promotion integrity and good governance. The fact that decision-making power and responsibility is not vested in only one individual or organisation means that it becomes more difficult to hide possible graft. The following SWOT analysis provides an overview of a few of the links between IWRM and integrity promotion – generally for the SADC region.

Table 4: SWOT Analysis of IWRM and Integrity Promotion

| Strengths   | Weaknesses  |
|---|---|
| <ul style="list-style-type: none"> <li>Decentralised decision-making and subsidiary management allows more stakeholders to be involved and to check that actions are correct.</li> <li>Oversight role played by the national department of water – reducing the chance of favouritism in local areas.</li> <li>Environmental (ecosystem) factors need to be considered – increasing the range of inputs which need to be given for a decision – less centralised control.</li> <li>Specific direct and indirect anti-corruption measures being implemented in the water sector. E.g. Water Watch Groups in Zambia, Water Northern and Southern Water Board Policies in Malawi and the telephone hotline in South Africa.</li> </ul> | <ul style="list-style-type: none"> <li>Decentralised nature of decision-making can mean that there are more opportunities for local powerful stakeholders to dominate – especially if general accountability and monitoring capacity is lacking.</li> <li>The viewing of water as a good with economic value opens up opportunities for graft – if not well controlled.</li> <li>Private sector involvement may also open opportunities for graft.</li> <li>Absence of regulatory institutions in the water sector that promotes programmes on transparency and accountability. E.g. in Botswana and Malawi</li> <li>Legal frameworks that do not have sections on promoting transparency and accountability in most countries mapped.</li> </ul> |
| Opportunities   | Threats   |
| <ul style="list-style-type: none"> <li>Getting local communities involved in planning, decision-making and monitoring of water resources and services can promote their participation in other non-water democratic processes.</li> <li>The inter-sectoral management approach of IWRM means that when different government departments cooperate on a project there is a good chance that the “best practise” in terms of procurement and accountability mechanisms will be used – highest common denominator. Such approaches exist in Zambia, Botswana and Malawi through the Water Partnerships</li> </ul>  | <ul style="list-style-type: none"> <li>There is a chance that due to the larger number of controls (e.g. of water use permits) that more opportunities for corrupt practices will emerge and spill over to other sectors.</li> <li>Inter-sectoral approaches to management mean that there are potentially more vested interests involved in water management decisions – e.g. electricity operators, transport sector, commercial farmers etc. If there are large differences between the capacity of these interests and those stakeholders responsible for water management then a “client/agent” relationship could develop.</li> </ul>   |

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

For instance, in the case of Namibia it was mentioned that there is possible corruption in water allocation by the rural water point associations. Reportedly there have been cases where water allocation decisions by water point committee members have been influenced by corrupt practices (MWAf, 2007). The reduction of centralised control can become a weakness in itself – especially in case where there is not a strong and active civil society in place – able to participate meaningfully in management processes. This particularly becomes a problem where awareness of transparency and integrity issues among the wider community is low and monitoring structures at local level (including reporting lines to regional or national government structures) are insufficient, usually due to a lack of human resources capacity.

It is critical to realise that many of the strengths, weaknesses, opportunities and threats that define transparency, integrity and the levels of corruption in the water sector lie outside the sector itself. The examples below all relate to the broader governance framework and not water management structures per se. Nevertheless they all illustrate aspects that impact on transparency and integrity promotion and combating corruption in the water sector as well.

In Namibia the establishment of a specific national anti-corruption agency is considered to have contributed meaningfully to increasing the fight against corruption through the bundling of resources and increased efficiency in monitoring and anti-corruption activities. In South Africa on the other hand, the landscape of anti-corruption agencies is fragmented with at times overlapping responsibilities, leading to inefficiencies.

With corruption being committed by and affecting numerous role-players, an important strength in anti-corruption efforts are joint initiatives involving role-players from all sectors. Positive examples in this regard are the National Anti-Corruption Forum (NACF) in South Africa, a forum that brings actors from government, civil society and business together in the fight against corruption. Likewise, in Namibia partnerships are being formed between government and civil society to run joint awareness-raising campaigns. Furthermore there is a strong drive by government to promote self-regulation by the private sector. In South Africa the NACF contributes to this, while in Namibia efforts by government and the national chamber of commerce to develop a business ethics code are but one example. Increased self-regulation by industry, through professional societies (e.g. engineering society in Namibia) and industry associations, if done in a meaningful and effective way, provides a

good opportunity to increase transparency and integrity and curb corruption. This is particularly true in the southern African context, where the lack of human and financial resources often means that the levels of monitoring and control by government cannot be as high as perhaps necessary.

The above point is possibly the single most important weakness (and threat in the long run) for effective integrity promotion and the fight against corruption. Capacity constraints often hamper effective implementation of anti-corruption measures, even where legislation is strong and organisational structures to fight corruption are available and functioning. In South Africa legislation is very strong (including specific Acts on Access to Information and Administrative Justice), but a lack of human and financial resources means that implementation is not always efficient and effective. Likewise, in Namibia, the Anti-Corruption Commission is very active and functioning well – however, limited financial resources mean that the scope and frequency of awareness-raising campaign has to be limited.

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

## 6 Potential Areas of Intervention

Each of the countries visited for this study have differing socio-political contexts in which the management of water takes place. In essence – history plays a role in the relative strengths and weaknesses in terms of water management today. In some there exists more of a need to raise awareness amongst community members about their roles, rights and responsibilities in promoting good governance, while in others capacity at central or local government in fields such as financial management and procurement guidelines is needed. Table 5 provides an overview of some of the prime areas for capacity building. It is by no means exhaustive – due to the nature of this study it is intended to be exploratory, rather than definitive. It does however serve to provide a starting point in identifying where some of the main gaps are in terms of capacity in this field in the six countries visited.

The capacity building interventions proposed below should be accompanied by awareness raising and policy dialogue with regional and continental bodies. AMCOW, NEPAD and the SADC Water Division are important continental/ regional political bodies with a strong guiding role for continental/ regional initiatives in the water sector. Transparency and integrity need to be promoted as a cross-cutting topic with these bodies and fed into the ongoing policy dialogue that takes place within these forums. This at the same time creates opportunities for cooperation between regional bodies and civil society through existing mechanisms (e.g. AMCOW-ANEP partnership) through which the issue of transparency and integrity promotion and anti-corruption measures can be promoted.

Table 5: Intervention Areas for Capacity Building

| Activity or Organisation          | Type of Support Needed <sup>5</sup> | Level of Intervention <sup>6</sup> | Topics for Training   | Delivery Mechanism <sup>7</sup> |
|-----------------------------------|-------------------------------------|------------------------------------|---|---------------------------------|
| Botswana                          |                                     |                                    |   |                                 |
| Communities and other water users | Individual                          | Technical - users                  | Performance appraisal of water service providers  |                                 |
| Water service providers           | Organisation                        | Professional and technical         | Transparency and good governance (e.g. participatory site selection and monitoring, triangulation)  |                                 |
| Malawi                            |                                     |                                    |   |                                 |
| Water consumers                   | Individual                          | User                               | Development of water integrity pacts to play an oversight monitoring role on the technical operations of the water boards   |                                 |
| NGO and CSO groupings             | Individual                          | Technical                          | Training of trainers – so that staff from NGOs and CSOs operating in the field can train community members and other consumers in transparency and accountability mechanisms. |                                 |
| Mozambique                        |                                     |                                    |   |                                 |
| DNA staff                         | Individual                          | Professional                       | Skills for procurement of goods and services – taking account of the new procedures   |                                 |

<sup>5</sup> Organisational capacity building or individual capacity development

<sup>6</sup> Intervention levels include executive, professional, technical, administrative staff as well as other stakeholders (eg water users)

<sup>7</sup> Short seminars/workshops/dialogues or longer (1 to 2 week) training courses

|  |                               |                                       |  |  |
|--|-------------------------------|---------------------------------------|--|--|
| Communities                              | Individual                    | User                                  | Increasing awareness of their rights (such as access to information); as well as in technical issues around water management – generally improving their ability to interact on issues |  |
| CSOs and NGOs                            | Individual                    | Technical                             | Increase knowledge on legislation, rights, roles and responsibilities under environmental management.  |  |
| Government department staff Namibia      | Individual and organisational | Executive and professional            | Generally increase awareness of anti-corruption measures and issues.   |  |
| Water point committees                   | Individual and organisational | User                                  | Strengthen transparent and accountable water allocation between users at water point level, by making users aware of their rights and responsibilities under IWRM                      |  |
| South Africa                             |                               |                                       |  |  |
| Local government - municipality          | Individual                    | Technical and professional            | Financial management, asset management and procurement procedures.   |  |
| Communities                              | Individual                    | User                                  | General awareness raising on rights, roles and responsibilities for water services provision as well as water resource management.   |  |
| Zambia                                   |                               |                                       |  |  |
| Government water management institutions | Individual                    | Executive, Professional and technical | Knowledge of good corporate governance needs to be developed – covering financial management and monitoring, procurement, and due diligence standards.                                 |  |
| CSOs                                     | Individual and organisation   | Professional and technical            | Promote action oriented research in the water sector which can inform the production of tools to enhance transparency and accountability.  |  |

## 7 Recommendations and Conclusion

### 7.1 Recommendations

In view of the situation in the SADC region, especially the six countries mapped in this exercise, the following recommendations are made to enhance the ongoing processes and new potential partners to promote transparency and integrity in the water sector:

1. As a first step the **SADC Water Division** (SADC WD – located in the SADC Secretariat’s Directorate of Infrastructure and Services) needs to be officially briefed of this initiative. As the organ responsible for the coordination of the water sector in the region, the SADC WD will provide the necessary political support for future accountability and integrity processes in the water sector. These would be designed to fit in with existing SADC programmes on water management as well as on anti-corruption issues. Regional representatives of continental initiatives, such as AMCOW and ANEW (African Network of Civil Society in Water), should also be consulted.
2. A SADC region **capacity building and training manual** on promoting transparency, integrity and corruption prevention in the water sector needs to be developed and disseminated among water and non-water actors. There is a need to produce a SADC standard manual for promoting transparency and integrity and preventing corruption in the water sector based on the capacity needs identified in this report. The manual can be used as an advocacy tool and training manual for both water sector and non-water sector actors who want to promote transparency and integrity and prevent corruption in the water sector.
3. **A platform or forum should be created or an existing one added to.** This would serve to share best practices on promoting transparency, integrity and corruption prevention and produce an anti-corruption tool called the SADC Water Integrity Principles (SWIP) for Promoting Transparency and Accountability in the Water Sector. These best practices should include lessons learnt from some of the existing water anti-corruption programmes in the SADC region which include among others how the Water Boards in Malawi are implementing their Water Anti-Corruption policies and lessons drawn from Zambia’s National Water and Sanitation Council’s regulatory tools that they use to promote good corporate governance among water utility companies through compliance. The lessons should also include how the Department of Water and Forestry in South Africa is implementing the telephone hotline which is meant to provide a free reporting facility to all people who wish to report



water related malpractices. Other practices include the clauses included in the TCTA pre-tendering and contracting documents calling on companies to acknowledge whether they have been accused of corruption in the previous decade. Experiences from other regions can also be shared using such a forum like the Global Water Partnership of Southern Africa (GWP-SA) or other water networks such as Capnet and Waternet. Other good practices should include how non-water sector organisations are promoting the improvement of water service delivery that have a bearing on promoting transparency, integrity and corruption prevention such as the work done by the Anti-Corruption Commission in (ACC) Zambia and Directorate on Corruption and Economic Crime (DCEC) with water Organisations such Zambia, Botswana respectively all aimed directly at corruption prevention in the water sector. The forum is recommended to be led by the Water Integrity Network since it already has a knowledge sharing forum. Other key partners that can play major roles in this forum should include Waternet, Capnet, SADC and other key stakeholders in this sector. The forum participants should include both water and non-water actors. Non-water actors that have developed or implemented programmes aimed at promoting transparency and accountability in public service delivery (including the direct water initiatives) that may be replicated in the water sector. The forum should not be a one off event but create a level of continuity or sustainability and culminate in the production of a SWIP for Promoting Transparency and Accountability in the Water Sector. This may be similar to the Business Principles for Countering Bribery developed by Transparency International (TI 2007), which should provide a framework for water sector and non-water actors to develop comprehensive anti-corruption programmes that promote transparency and accountability. The SWIP will encourage organisations to consider using them as a starting point for developing their own anti-corruption programmes or to benchmark existing ones. Once the SWIP has been drafted, it can be circulated to all actors before finalisation into a reference and guide in promoting transparency and integrity in the water sector.

4. There is a need to raise awareness amongst decision-makers that the **SADC Protocol Against Corruption** applies to the water sector and needs to be interpreted along with the provisions of the SADC Protocol on Shared Watercourses with a view to making promoting transparency, integrity and prevention of corruption a cross cutting issue in the SADC water sector. To make this practical, this report and especially the envisaged tools to be developed should be presented to most water and non-water actors in the SADC region at both regional and country level. For instance, at national level, this can be disseminated by the Country Water Partnerships of the GWP that are present in most mapped countries. Entry points should be identified, such as Ministers Forums on water on anti-corruption, to form the discussion agenda and circulate the work. Other national and regional fora for key decision makers can also be utilised in the same approach. Secondly, during the development of the SADC region capacity building and training manual on promoting transparency, integrity and corruption prevention in the water sector as well as in the SWIP, the SADC secretariat through the Anti-Corruption Committee (SACC), which is supposed to implement a regional anti-corruption programme in all member states as one of the working products developed in line with the SADC Protocol Against Corruption needs to be invited to be involved in the formulation process. Thirdly, this report also needs to be formally presented to the SADC Secretariat to make this intention known. This should be led by the Water Integrity Network with major roles being played by the UNDP Water Governance Facility at SIWI, WaterNet and Cap-Net.
5. There is a need to engage **and strengthen local communities, forums and other civil society** structures involved in water management in water integrity work. For instance, in the case of Zambia Community Water Watch Groups, in Malawi, Water Communities, in Mozambique the ARAs and South Africa the CMAs. The GWP CWP's could provide good entry points for this type of work, as they bring together water-related stakeholders from a variety of sectors. Training workshops and seminars could be hosted jointly by national TI chapters and local CWP's.
6. There is a need for water sector actors to **develop and implement joint programmes with non-water sector partners**. Potential partners in this area are CSOs and private sector actors that already have or are implementing programmes that are centred on promoting transparency and integrity through improved service delivery. Many of the challenges around integrity and accountability in the water sector will only be solved by engaging with stakeholders outside of the water sector. It is necessary to establish dialogue with these stakeholders.
7. The water sector actors, especially water service providers, need to engage their clients and empower them with necessary capacities in order for them to monitor, track and evaluate their performance. This should be in line with IWRM principles that call for the enhancement of the water sector through more active participation of civil society – understanding their rights as well as responsibilities. Clients monitoring and provision of feedback has proved to be a key tool in other governance programmes in holding service providers accountable.

## 7.2 Conclusion

This mapping of integrity and accountability in water activities and relevant capacities in the SADC region has revealed that the region has existing measures that promote transparency. These remain limited and need to be improved, well-coordinated and enhanced. The report highlighted the great potential and opportunities to introduce and harness programmes that promote integrity and accountability in the six mapped countries. A common characteristic in the region is that the water sector

actors are undergoing a lot of reforms to enhance their capacity and mandate to provide water services efficiently and manage water resources sustainably. This presents something of an opportunity to introduce further measures to promote transparency and accountability. In the mapped countries, a number of water laws, policies, reforms, processes and organisations have been identified as having some direct or indirect potential of promoting integrity and transparency. The areas where most of these processes have been oriented in terms of identifying vulnerable areas of accountability in this exercise have been in procurement, human resource management, infrastructure development and maintenance, financial management and accountability, water supply, customer care and complaints management, water allocation, as well as good corporate governance.

In terms of actors, the mapping exercise concludes that both water and non-water sector actors do not seem to be implementing joint programmes that promote transparency, integrity and corruption prevention. These have been demonstrated in very few countries. However, the exercise has revealed that they are keeping their great strength of promoting transparency and integrity apart. For instance governance and anti-corruption CSOs in the region have not yet developed advocacy programmes in the water sector. Thus a coordinated regional approach should be developed through regional water management actors such as the SADC WD – responding directly to regional development priorities and governance initiatives.

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## 8 Appendices

### 8.1 Definitions and Acronyms

- **Accountability:** Holding individuals and organisations responsible for performance, measured as objectively as possible. Accountability stands on three key pillars: financial, political and administrative.
- **Compliance:** to comply with standards to which the organisation is voluntarily committed or must comply with for statutory reasons.
- **Corruption:** Misuse of office for private gain.
- **CSO:** Civil Society Organisation
- **Governance:** The exercise of authority through formal and informal traditions and institutions for the common good. Norms of Good (Urban) Governance are: sustainability, subsidiarity, equity, efficiency, transparency and accountability, civic engagement and citizenship, and security (UNHABITAT-led Global Campaign on Urban Governance).
- **GWP-SA:** Global Water Partnership – Southern Africa
  
- Integrity/honesty:
  - Firm adherence to a code of especially moral or ethical values. Incorruptibility.
  - Working in accordance with known and established best practices.
- **IWRM:** Integrated Water Resource Management
- **Responsiveness:** To respond to stakeholder concerns, which does not necessarily mean doing what stakeholders' want, but demonstrably, coherently and publicly responding to their demands.
- **RoB:** Republic of Botswana
- **RoMa:** Republic of Malawi
- **RoN:** Republic of Namibia
- **RoZ:** Republic of Zambia
- **RSA:** Republic of South Africa
- **SADC:** Southern African Development Community
- **Transparency:** (definitions include)
  - Sharing information and acting in a clear, open manner.
  - The conduct of public business in a manner that affords stakeholders wide accessibility to the decision-making process and the ability to effectively influence it. (UNDP 1997, UN-HABITAT,2000)
  - At the organisational level, the Institute of Social and Ethical Accountability (UK) sees transparency as being one of the three elements of accountability, the other two being responsiveness and compliance.
  - To account to an organisation's stakeholders, which includes formal reporting but also other aspects of governance and behaviour, that make more visible the organisation's decisions, actions, performance and related outcomes.
- **WaterNet:** Regional grouping of organisations in the SADC region involved in water management capacity building.
- **WRAP:** Water Resources Action Programme

8.2 Table 6: Organisations Active in Anti-Corruption Activities in the Water Sector in the Countries Visited

| Organisation   | Contact Person            | Location/s | E-mail                            | Phone            | Work focus  | Capacity Gaps   |
|--|---------------------------|------------|-----------------------------------|------------------|---|---|
| Botswana   |                           |            |                                   |                  |   |   |
| Water Utilities Corporation  | Tida                      | Gaborone   | 'mmpipi@wuc.bw' or 'metsi@wuc.bw' | 2673604400       | Water utility offering the operations, treatment, maintenance and distribution of water resources services.   | Has limited engagement with consumers.  |
| Botswana Water Partnership   | Mr. Monty Montshiwa       | Gaborone   | projectmanager@kcs.org.bw         | 2 673 974 557    | Addressing identified gaps in IWRM.   | Has very limited focus on developing the capacities of partners on transparency and integrity issues. Needs to extend partnerships to governance institutions.  |
| Transparency International Botswana  | Mosupi Garabatu           | Gaborone   | tibotswana@it.bw                  | +267-391 97 44   | Corruption education, advocacy and research.  | Has only one member of staff employed and has no immediate plans on focusing on water service delivery advocacy work.   |
| Ministry of Minerals, Energy and Water Affairs (MMEWA) Department of Water Affairs (DWA) | Robert Ketshepile Mmolawa | Gaborone   | 'rmmolawa@gov.bw'                 |                  | has overall responsibility for water policy.  | Has not institution that has the responsibility of regulating water sector practitioners compliance. Needs to develop a lot of tools on transparency and integrity for the water sector which is lacking largely. |
| Kalahari Conservation Society  | Felix Moggae              | Gaborone   |                                   | 2673974557       | Biodiversity conservation and sustainable utilisation of natural resources.   | Has no capacity in dealing with governance issues and rarely focuses on this area.  |
| Malawi   |                           |            |                                   |                  |   |   |
| Water Resources Board  | Misford Mukuwa            | Lilongwe   | misfordmukuwa@yahoo.com           | 2 658 864 010    | Granting of water rights and permits or licences for water rights to divert, dam, store, abstract or use public water.  | Has no regulatory functions to compel compliance and only present in the capital Lilongwe with very limited members of staff.   |
| Ministry of Irrigation and Water Development   | S. Mainala                | Lilongwe   | 'smainala@yahoo.com'              | 2651773737       | Oversees the water sector in Malawi.  | Does not have a special focus on good corporate governance in the water sector.   |
| Lilongwe Water Board   | Masauko Mngwaluko         | Lilongwe   | mngwaluko@lwb.mw                  | 2651750366       | Have control and administration of all water works and the management of the supply and distribution of such water.   | Does not fully engage consumers in the institutions governance so that consumers can easily track institutions operations with a view to providing feedback.  |
| Africare Malawi  | James                     | Lilongwe   | 'james@africaremw.org'            | 001 265 1 755155 | Formation and training of community water Committees.   | Capacity in making the water committees is lacking as is making them empowered through advocacy on issues of transparency and accountability.   |
| Water Aid Malawi   | Boyce B.C. Nyirenda       | Lilongwe   | bnyirenda@wateraidmalawi.org      | 2659950053       | Dedicated exclusively to the provision of safe domestic water, sanitation and hygiene education to the world's poorest people and has done a lot of capacity building interventions to empower communities and CSOs with skills in advocating for positive changes to be implemented in the Water Sector. | Does not have specific tools on transparency and accountability although it builds the communities capacities in areas of sustainability and bookkeeping.   |
| Malawi Water Partnership   | Prof. Victor Chipofya     | Blantyre   | vchipofya@poly.ac.mw              | 2651670411       | Facilitating national process with government and other stakeholders.   | Needs capacity in issues of transparency and integrity as well as extending their partnerships to governance institutions.  |
| Anti-Corruption Bureau   | Mary Phombeya             | Lilongwe   | mphombeya@yahoo.com               |                  | Corruption prevention, education, investigation and prosecution.  | Has developed good capacity in helping formulate water sector anti-corruption policies but lacks capacity in monitoring tools to evaluate compliance.   |

| Mozambique   |                             |                             |   |                                   |  |   |
|--|-----------------------------|-----------------------------|---|-----------------------------------|--|---|
| Mozambique Centre for Public Integrity (CIP)                             | Marcelo Mosse               | Maputo/<br>national         | marcelomosse@gmail.com<br>cip@cip.org.mz                    | +258 21 327661                    | The general objective of the CIP is to promote integrity, transparency, ethics and good governance in the public sphere, and to promote human rights in Mozambique.  | Number of staff needed to respond to pressing issues. Activities mainly focussed in Maputo  |
| Country Water Partnership of GWP   | Vanessa Cabanelas           | Maputo/<br>national         | vanessa.iucn-gwp@tvcabo.co.mz<br>vanessacabanelas@gmail.com | +258 21 490599<br>+258 82 8721390 | Providing a multi-stakeholder platform for the discussion of water management issues, raising of awareness and stakeholder participation in water management and water services planning and implementation. | Limited number of staff CWP members in the rural areas lack the basic knowledge to empower them to participate meaningfully in water management processes.    |
| National Directorate of Water (DINA)                                     | Delario Sengo               | National                    | dsengo@dnaguas.gov.mz<br>dsengo@yahoo.com                   | +258 21 322191                    | Overall coordination and planning of the water sector – commissioning studies and reports, EIAs and feasibility studies etc. Make key decisions about whether to proceed with infrastructure developments.   | A general lack in qualified personnel – especially in the provinces. Specific skills lacking around procurement methodologies (for services such as studies). |
| Regional Area Water Committees (ARAs) x 5                                | Various                     | Country divided into 5 ARAs | NA  | NA                                | Decentralisation of water management and provision of water services – with the aim of improving stakeholder participation.  | Lack financial and HR resources to run long-term or large-scale stakeholder participation processes.  |
| Regulatory Council for Water Supply (CRA)                                | Fernando Nhantumbo          | National                    | fnhantumbo@cra.org.mz                                       | +258 82 3121500                   | Three main areas of operation: the regulation of prices, the defence of the consumer and the mediation and conciliation of interests between the Assignor and the Operator.                                  | Training in the legislative tools for transparency and anti-corruption – at the local level.  |
| Justiça Ambiental Daniel Ribeiro   |                             | National                    | rdan@yahoo.co.uk  | 25 821 496 668                    | Environmental and social activism – intervening on behalf of communities and lobbying for a greater respect for the environment in development planning.   | Within the organisation they need more technical staff. Communities they work with would benefit from capacity building on rights issues.                     |
| Embassy of the Kingdom of the Netherlands in Mozambique                  | Kees Konstapel              | Maputo                      | kees.konstapel@minbuza.nl                                   | +258 21 484200                    | Budgetary support to the water sector in Mozambique.   |   |
| Embassy of Sweden in Mozambique  | Therése Sjömander Magnusson | Maputo                      | therese.sjomander-magnusson@foreign.ministry.se             | +258-21-480 306                   | Programmatic support to the water sector in Mozambique and other SADC countries.   |   |
| Justiça Ambiental  |                             |                             |   |                                   |  |   |
| Namibia  |                             |                             |   |                                   |  |   |
| Anti-Corruption Commission   | Fenwick Kamanga             | Windhoek                    | fkamanga@anti-corruptioncommission.com                      | +264 61 370 600                   | Receive, initiate and investigate allegations of corruption, give advice on preventing corruption, educate the public and examine the systems of organisations to ensure that corruption is prevented.       | No specific anti-corruption tools for the water sector.   |
| Office of the Ombudsman  | Elise Klein                 | Windhoek                    |   | +264 61 207 3111                  | Investigate cases of corruption and the misappropriation of public funds by public servants.   | No specific anti-corruption tools for the water sector.   |
| Department of Water Affairs/ Ministry of Agriculture, Water and Forestry | Dr. Stefan de Wet           | Windhoek                    | WetS@mawf.gov.na  | +264 61 208 7161                  | Management of the country's water resources.   | Limited human resource capacity to monitor water allocation by water point committees at local level.   |
| Namibia Institute for Democracy  | Graham Hoopwood             | Windhoek                    | graham@nid.org.na   | +264 61 229117/8                  | Education and Awareness Raising around anti-corruption issues, transparency and integrity.   | No specific anti-corruption tools for the water sector.   |

|  |                       |           |  |                 |   |   |
|--|-----------------------|-----------|--|-----------------|---|---|
| South Africa   |                       |           |  |                 |   |   |
| UNDP-CO SA / Local Government Project                      | Khepi Shole           | Pretoria  | Khepi.shole@undp.org                       | +27 12 354 8053 | Improvement of governance processes for local governments in the Eastern Cape Province.   | No specific anti-corruption tools for the water sector. Limited human and financial resources to assist local government beyond selected target municipalities.   |
| Public Service Commission / National Anti-Corruption Forum | Roderick Davids       | Pretoria  | Roderick@opsc.gov.za                       | +27 12 352 1123 | Promote transparency and accountability in and investigate, monitor and evaluate the organisation and administration of the public service. | No specific anti-corruption tools for the water sector.   |
| Open Democracy Advice Centre                               | Lorraine Martin       | Cape Town |  | +27 21 4613096  | Promotion of open and transparent governance.   | No specific anti-corruption tools for the water sector.   |
| South African Water Caucus                                 | Bryan Ashe            | Durban    | bryan@earthlife.org.za                     | +27 31 2616524  |   |   |
| Zambia   |                       |           |  |                 |   |   |
| National Water and Sanitation Council                      | Oswald Chanda         | Lusaka    | nwasco@zamnet.zm or omchanda@zamnet.zm     | 2602 11226904   | Regulating Water Supply and Sanitation Council for service providers.   | Needs to expand water watch groups concept and also needs to focus on empowering such groups attention on tracking abuses and advocacy to help facilitate positive changes.   |
| Water Board  | Andrew Mondoka        | Lusaka    | andymondoka@mail.com or jlungu@mewd.gov.zm | 260 211 243 543 | To control the use of all surface water resources in the country by allocating water rights to different users.                             | Has limited staff capacity and tools to ensure that there is high compliance. Has been document as having a tendency to favour large scale users at the expense of the small scale users.   |
| Southern Water and Sewerage Company                        |                       | Choma     |  |                 | One of the Commercial water Utility companies that provide water and sanitation services to consumers.                                      | Has not fully developed a corporate governance structure within its organisation that enables consumers to provide a feedback on its performance.   |
| Lusaka Water and Sewerage Company                          |                       | Lusaka    |  |                 | One of the Commercial water Utility companies that provide water and sanitation services to consumers.                                      | Has not fully developed a corporate governance structure within its organisation that enables consumers to provide a feedback on its performance. Has limited engagement with consumers in terms of awareness.                        |
| Anti-Corruption Commission                                 | Kayobo Ng'andu        | Lusaka    | Kng'andu@acc.gov.zm                        | 2602 11237916   | The main functions are Corruption prevention, education and prosecution.  | Has not fully developed specific tools to work with the water sector.   |
| Zambia Water Partnership                                   | Dr. Imasiku A. Nyambe | Lusaka    | inyambe@mines.unza.zm                      | 260 211 294 086 | Promote the implementation of integrated and sustainable water resources management in Zambia.  | Needs enough resources to bring on board more stakeholders especially institutions that deal with transparency and governance issues.   |
| Ministry of Energy and Water Development                   | Peter Mumba           | Lusaka    |  | 260 211 252 570 |   |   |
| Transparency International Zambia                          | Ngoza Yezi            | Lusaka    | nyezi@tizambia.org.zm                      | 2602 11290080   | Exclusive focus on fighting corruption through research and advocacy, capacity building and communication and coalition building.           | Has not yet developed any specific tools for water sector but has capacity to develop advocacy tools.   |
| The Ministry of Local Government and Housing –             |                       | Lusaka    |  |                 | Arranges for financing of infrastructure development  | The ministry does not and cannot claim seats on CU's Boards as these are private companies. It does not also direct them on infrastructure projects. This may be a mismatch if it provides funds which it is supposed to account for. |
| Water and Sanitation Association of Zambia                 | Mr. Jonathan Phiri    | Lusaka    | wasaza@zamnet.zm                           | 2602 11221072   | Providing a forum for water sector in government, private sector and non-governmental organisations.  | Training specifically on transparency and accountability issues and advocacy in this area.  |
| Advocacy for Environment Restoration                       | Mr. Delux Chilumbu    | Lusaka    | arezm@yahoo.co.uk                          | 260955816044    |   | Training specifically on transparency and accountability issues and advocacy in this area.  |



8.3 Table 7: Key Figures for SADC States

| 2003-2007                                   | Angola | Botswana | DRC    | Lesotho | Madagascar | Malawi | Mauritius | Mozambique | Namibia | South Africa | Swaziland | Tanzania | Zambia | Zimbabwe |
|---|--------|----------|--------|---------|------------|--------|-----------|------------|---------|--------------|-----------|----------|--------|----------|
| Total population (1000 inhab)               | 14 533 | 1 801    | 56 079 | 1 797   | 18 409     | 12 572 | 1 244     | 19 495     | 2 032   | 45 323       | 1 087     | 38 365   | 11 043 | 12 963   |
| Average precipitation (mm/yr)               | 1 010  | 416      | 1 543  | 788     | 1 513      | 1 181  | 2 041     | 1 032      | 285     | 495          | 788       | 1 071    | 1 020  | 657      |
| Water resources: (m <sup>3</sup> /inhab/yr) | 10 184 | 6 796    | 22 878 | 1 682   | 18 306     | 1 374  | 2 211     | 11 137     | 8 718   | 1 103        | 4 149     | 2 509    | 9 526  | 1 543    |
| GDP/capita/yr (PPP US\$)                    | 2,335  | 12,387   | 714    | 3,335   | 923        | 667    | 12,715    | 1,242      | 7,586   | 11,11        | 4,824     | 744      | 1,023  | 2,038    |
| HDI Rank                                    | 162    | 124      | 168    | 138     | 143        | 164    | 65        | 172        | 125     | 121          | 141       | 159      | 165    | 151      |
| TI Rank                                     | 147    | 38       | 168    | 84      | 94         | 118    | 53        | 111        | 57      | 43           | 84        | 94       | 123    | 150      |

Source: Water and population figures: AqwaStat, 2006. HDI and GDP figures: UNDP HD report 2007. TI Rank: TI

8.4 Table 8: Comparative Analysis of SADC Transparency and Integrity Measures in the Water Sector in Botswana, Malawi, Mozambique, Namibia, South Africa and Zambia

| Country  | Water Sector Institutions/Actors <sup>8</sup>   | Water Policies and Measures on Promoting Transparency and Integrity   | Water Laws /Measures/Functions that Promote Transparency and Integrity   | Capacity gaps in promoting and implementing transparency and integrity   |
|----------|---|---|--|--|
| Botswana | <ol style="list-style-type: none"> <li>1. Ministry of Minerals, Energy and Water Affairs (MIMEWA)</li> <li>2. Department of Water Affairs (DWA)</li> <li>3. Botswana Water Utility Corporation (WUC)</li> <li>4. Ministry of Local Government (MLG)</li> <li>5. Botswana Water Partnership</li> <li>6. Water Development Division, Ministry of Agriculture</li> <li>7. Water Apportionment Board (WAB)</li> </ol> | <ol style="list-style-type: none"> <li>1. National Water Master Plan of 1995 which is being revised. The revision proposes the establishment of a Water Resources Council to among others improve community and civil society involvement in the water sector resources management decision-making process.</li> <li>2. Draft Policy on Water Conservation and Strategy focussing on enhanced protection and preservation of water resources.</li> </ol>  | <ol style="list-style-type: none"> <li>1. The Water Utilities Act (Cap 74:02) requires that all corporation business be conducted along sound commercial lines to enhance transparency and accountability.</li> <li>2. The Water Bill (2005) recommends the setting up of a Water Resources Council to coordinate and direct the National Water Resources Strategy.</li> <li>3. The Water Act of 1968 provides for the establishment of the Water Apportionment Board which is a quasi-judicial body charged with the responsibility of administering conditional rights to abstract and use both surface and ground water.</li> </ol>   | <ol style="list-style-type: none"> <li>1. Botswana Water: Policies do not directly address the issue of promoting transparency and accountability. There is need to build skills in staff to tackle this area.</li> <li>2. There is no regulatory Body that has the responsibility of regulating the WUC although this corporation has some internal mechanism to promote transparency and accountability through annual financial reports.</li> <li>3. There is limited governance civil society involvement and community participation in holding water service providers accountable. CSO's in this area need to be trained in advocating for transparent water service provision.</li> <li>4. There are no direct or holistic water sector anti-corruption programmes. These need to be developed after staff in the water sector are exposed to regional or local training on sharing experiences on how other countries are implementing similar programmes.</li> </ol>   |
| Malawi   | <ol style="list-style-type: none"> <li>1. Ministry of Irrigation and Water Development (MIWD)</li> <li>2. Water Resources Board (WAB)</li> <li>3. Northern Region Water Board (NRWB)</li> <li>4. Southern Region Water Board (SRWB).</li> <li>5. Lilongwe Water Board</li> <li>6. Malawi Water Partnership</li> <li>7. Water Boards</li> </ol>  | <ol style="list-style-type: none"> <li>1. The National Water Policy of 2005 outlines strategies on how to tackle water sector challenges in an integrated manner using the integrated Water resources management (IWRM) principles, improving the institutional and legal framework, ensuring sustainable delivery of water supply and sanitation and Community Based Management (CBM). The policy among others also seeks to strengthen and build the capacity in the water sector. On promoting transparency and integrity, one of the overall policy objectives emphasises the participation in the enactment and implementation of local, regional and international obligations and agreements to exploitation and management of water resources taking due regard to national integrity, security and sovereignty. The Policy also provides for the establishment of a National Water Resources Authority to issue water abstraction and discharge licences and also enhance compliance of all water stakeholders.</li> <li>2. The Northern Region Water Board Anti-Corruption Policy outlines how all staff and stakeholders can detect, report, prevent and deal with corruption all aimed at promoting transparency and accountability. It recognises that corruption impedes the Water Boards ability to perform as it wastes scarce financial and material resources and damages the reputation of the organisation and staff.</li> <li>3. The Southern Region Water Board Anti-Corruption Policy seeks to enhance discipline and prevent workplace crimes. In this case therefore, the policy promotes integrity and earmarks to prevent crimes such as corruption in the Water Boards operations.</li> </ol> | <ol style="list-style-type: none"> <li>1. Water Resources Act of 1969 provides for the provision, control and conservation, apportionment and use of water resources. The Act also provides for the establishment of the WRB (Water Resources Act of 1969) whose functions does not deal much with ensuring total compliance of erring institutions or individuals that are granted water rights.</li> <li>2. The Water Works Act of 1995 provides for the establishment of Water Boards and Water Areas. The Act mandates Water Boards to have control and administration of all water works and the management of the supply and distribution of such water. It further requires under section 7 to keep proper records of its proceedings and kindred matters. Under section 44 and 45 the Water Boards are required to keep true accounts of all its financial transactions during each year and have these audited by an appointed auditor.</li> <li>3. The Water Boards formulate their own by-laws. In the case of the Lilongwe Water Board, it has created the Lilongwe Water Works by laws of 1991. Under these by-laws, it provides for offences and penalties for anyone who commits an offence to be fined (Lilongwe Water Works by laws of 1991). This is a mechanism that can directly enhance transparency and accountability through compliance if in this case Lilongwe Water Board enforces such by laws with a view to improving their efficiency.</li> </ol> | <ol style="list-style-type: none"> <li>1. The Water Board policies in Malawi are a good model of water sector anti-corruption programmes. There is need to train staff who will have or have the responsibility of taking the lead in their implementation and scale up efforts of implementing the policies and introduced in other remaining 3 water Boards. There is also need to evaluate how so far the best practices in the implementation of these water Board policies has been and shared at regional level.</li> <li>2. Malawi still lacks a strong regulatory institution to ensure compliance of water boards to the requirements of the Water Works Act of 1995 in accounting for financial resources. Capacity in financial management is needed.</li> <li>3. There is also a capacity gap in having programmes that involve the community and civil society in demanding for better transparent and accountable water services. Training in designing Community awareness and advocacy programmes is key in the water sector.</li> </ol> |

<sup>8</sup> The Institutions referred to here include only those whose operations are reported in this report

|              |   |  |  |   |
|--------------|---|--|--|---|
| Mozambique   | <ol style="list-style-type: none"> <li>1. The Ministers of Public Works and Housing, of Planning and Finance, and of State Administration;</li> <li>2. The National Directorate of Water (DNA);</li> <li>3. The Coordinating Forum of Delegated Management;</li> <li>4. The Investment and Assets Fund for Water Supply (FIPAG);</li> <li>5. The Regulatory Council for Water Supply (CRA);</li> <li>6. City councils, and</li> <li>7. Operators</li> </ol> | <ol style="list-style-type: none"> <li>1. The National Water Policy (NWP) adopted in 1995 is being revised, it is through this policy that the five basin area committees (ARAs) were established – the aim being to decentralise the management of water resources and provision of services. The long term aim is to have citizens making decisions on an advisory nature.</li> <li>2. The Tariff Water Policy (TWP) was adopted in 1998 and has principles of decentralisation and participative management in the provision of water services.</li> </ol>  | <ol style="list-style-type: none"> <li>1. The Water Law of 1991 is the principal piece of water followed by various decrees. The Water Law establishes the foundation for the decentralisation of water management and water services. Under Decree 72/98 the Framework for Delegated Management was established in 1998. Under this decree the supply of water services will be delegated to municipal councils, with public consultation through these councils.</li> </ol>  | <ol style="list-style-type: none"> <li>1. CSOs are not very strong and lack capacity to implement and administer anti-corruption programmes.</li> <li>2. Staff of the DNA (and potentially other public-sector organisations) need to develop skills for procurement of good and services – taking account of the new procedures.</li> <li>3. There is need to engage Communities – rural and urban – to create awareness on their rights (such as access to information); as well as in technical issues around water management – generally improving their ability to interact on issues.</li> <li>4. There is also need for building capacity of mid to high level professional government staff (central and provincial) – on general anti-corruption measures.</li> </ol>   |
| Namibia      | <ol style="list-style-type: none"> <li>1. Ministry of Agriculture, Water and Forestry (MAWF)</li> </ol>   | <ol style="list-style-type: none"> <li>1. The 2000 National Water Policy Paper aims to integrate the various sectoral and cross-sectoral policies into a harmonised planning framework.</li> </ol>   | <ol style="list-style-type: none"> <li>1. The relevant water resources management legislation in Namibia is currently largely confined in the Water Act No 54 of 1956.</li> <li>2. Namibia promulgated the Water resources management Act 24 of 2004, in December 2004 (hereinafter the Water Act), which is based on the principles set out in the 2000 National Water Policy Paper. The Act is yet to commence. The Water Act subscribes to the principle of IWRM and reforms the institutional framework for water management in the country – importantly in this context it places strong emphasis on the involvement of stakeholders in water resources management, e.g. by providing for the establishment of basin management committees and water point user associations.</li> <li>3. Other legislation of relevance to water resources management is the Namibia Water Corporation Act (No. 12 of 1997).</li> </ol> | <ol style="list-style-type: none"> <li>1. Namibia does not have a specific Act granting easy public access to information that can enhance transparency and accountability in the water sector to ensure that water service clients have the necessary information to hold the sector accountable.</li> <li>2. As far as the water sector is concerned the need to capacity building related to corruption prevention appears to be at local level, i.e. at water point committee level. Whereas the devolution of water management responsibilities to the lowest possible level in line with the IWRM principle has the potential to increase transparency, it can at the same time be a weakness where power relations at community level prevent effective monitoring, thus increasing the potential for corruption. It appears that in Namibia the primary need is to strengthen transparent and accountable water allocation between users at water point level.</li> </ol> |
| South Africa | <ol style="list-style-type: none"> <li>1. Department of Water Affairs and Forestry (DWAF)</li> </ol>  | <ol style="list-style-type: none"> <li>1. The Water Services Act No. 108 of 1997 provides the regulatory framework for the provision of water services by local authorities. A process to establish a regulatory body for water service delivery is ongoing.</li> <li>2. The National Water Act (NWA) No. 36 of 1998 in combination with the National Water Resources Strategy (NWRS) establishes the framework for water resources management and the protection of water resources in the country. The NWA obliges water management institutions to involve stakeholders in water resource management activities. Section 80 (e) of the NWA requires catchment management agencies "to promote community participation in the protection, use, development, conservation, management and control of the water resources in its water management area." Section 81 (1) of the NWA notes that the governing board of a catchment management area must be appointed "with the objective of achieving a balance among the interests of water users, potential water users, local and provincial government and environmental interest groups." This is likely to ensure high levels of transparency in decision-making, thus reducing the potential for corruption.</li> </ol> | <ol style="list-style-type: none"> <li>1. South Africa's water policy is enshrined in the White Paper on a National Water Policy for South Africa." Its principles have been translated into law and are now contained in the country's two main water related Acts.</li> </ol>  | <ol style="list-style-type: none"> <li>1. A major capacity gap with relevance to corruption prevention is found at local government level. Service delivery, particularly in poor, rural municipalities, often located in former so-called "homelands", is hampered by both inappropriate financial management systems as well as a lack of human resources.</li> <li>2. There is a disjuncture between municipalities and communities in the area of service delivery monitoring. Only a few municipalities have community participation strategies that involve communities directly in monitoring and evaluation of service delivery. The focus of the PSC in 2008 will be to promote community involvement in monitoring and evaluation to build stronger partnerships for service delivery monitoring, which in turn is expected to positively affect corruption prevention and combating.</li> </ol>  |

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|----------|--|---|--|--|
|          |  | <p>3. The Department of Water Affairs and Forestry (DWAF) runs an Anti-corruption hotline where stakeholders (from within and outside the Department) can report unethical behaviour and wrongdoings anonymously and confidentially and steps are taken to investigate allegations and pursue necessary actions.</p>  |  |  |
| Zambia   | <ol style="list-style-type: none"> <li>1. Ministry of Energy and Water Development (MEWD)</li> <li>2. National Water and Sanitation Council (Nwasco)</li> <li>3. Water Development Board (WB)</li> <li>4. Commercial Utilities (CU) (water provider companies)</li> <li>5. Local Authorities</li> <li>6. Water Watch Groups (WWG)</li> <li>7. Water Resources Action Programme (WRAP)</li> </ol> | <ol style="list-style-type: none"> <li>1. The 1948 Water Act provides that the use, diversion and apportionment of all waters are made according to the terms of the Water Act. Under this Act the Water Development Board (WDB) is mandated to control the use of all surface water resources in the country by allocating water rights to different users.</li> <li>2. The Water Supply and Sanitation Act No. 28 of 1997. This law provides for the establishment and operations of the regulatory body called the National Water Supply and Sanitation Council (Nwasco). Its main role is to ensure that service providers of water supply and sanitation comply with the Water Supply and Sanitation. Nwasco has developed and is implementing regulatory tools that directly enhance compliance and promote transparency and integrity among Commercial Water Utility companies in Zambia.</li> </ol>   | <ol style="list-style-type: none"> <li>1. Zambia has a Water Policy that was first adopted in 1994 which is currently under review with the 2005 draft that is essentially aimed at promoting sustainable water resources development with a view to facilitate an equitable provision of adequate quality and quantity for all competing groups of users at acceptable costs and ensuring security of supply under varying conditions.</li> <li>2. The draft 2005 National Water Policy includes re-aligning the water policy to be in line with such policies as the Decentralisation policy which has a big bearing on the water sector to be taken into account. The 2005 draft policy objectives are to develop an appropriate institutional and legal framework for effective management of the water resources by enacting appropriate legislation to deal with water resources management at National Level as well as those dealing with internationally shared water resources.</li> </ol> | <ol style="list-style-type: none"> <li>1. There is need enhance external transparency and accountability mechanisms, with participatory approaches, providing for monitoring and feedback mechanisms for water sector in Zambia to expand what water watch groups. This is as a result of the fact that, most if not all water utility companies do not empower the communities with monitoring mechanisms. The concept being utilised by the National Water and Sanitation Council of having Water Watch Groups therefore needs to be developed and strengthened for each district where water service providers are operating from.</li> <li>2. There is need to enhance capacity of the personnel in Water Sector institutions in anti-corruption prevention</li> <li>3. Involvement of Governance CSOs in promoting action oriented research in the water sector which can inform the production of tools to enhance transparency and accountability.</li> <li>4. The Board composition of water companies should include people from the civil society or church bodies as the procurements begins with them;</li> <li>5. The red tape in procurement for water companies should be shortened. The Ministry of Local Government and Housing or indeed any other Ministry should not procure on behalf of the water companies as this compromises the supervision quality and accountability.</li> </ol> |
| Botswana | <ol style="list-style-type: none"> <li>1. Directorate on Corruption and Economic Crime (DCEC)</li> <li>2. Kalahari Conservation Society (KCS)</li> <li>3. Transparency International Botswana (TIBOT)</li> <li>4. Botswana Chamber of Commerce, Industry and Manpower (BOCCIM)</li> <li>5. Botswana Council of Non-Governmental Organisations (BOCONGO)</li> </ol>                               | <ol style="list-style-type: none"> <li>1. The Directorate on Corruption and Economic Crime (DCEC) is mandated by the 1994 Corruption and Economic Crime (CEC) Act to undertake prevention exercises even in water sector public institutions with a view to preventing corruption and promoting transparency. The DCEC has undertaken corruption prevention exercises known as Managerial Accountability workshops (MAWA). In line with this, the DCEC did conduct a MAWA workshop with the Botswana Water Utility Corporation (WUC) that was convened with a view to improving transparency in the way their human resource functions were being undertaken. In the workshop, a number of recommendations were made to improve accountability in the human resource area of the WUC.</li> <li>2. BOCCIM promotes accountability by ensuring that its advocacy work is based on business principles that have good business practices. This in turn can have an effect on the water sector in Botswana, as most organisations that directly provide such services also rely on the private sector for provision of goods and services.</li> </ol> | <ol style="list-style-type: none"> <li>1. The 1994 Corruption and Economic Crime (CEC) Act mandates the Directorate on Corruption and Economic Crime (DCEC) to combat corruption and economic crime. The CEC Act provides for the establishment of the DCEC to prevent corruption in public and private institutions.</li> </ol>   | <ol style="list-style-type: none"> <li>1. The civil society in Botswana is not very strong on governance and anti-corruption issues.</li> <li>2. Civil Society still needs to develop a good capacity to engage in advocacy work aimed at promoting transparency and accountability in service delivery.</li> </ol>  |

|            |  |   |  |  |
|------------|--|---|--|--|
| Malawi     | <ol style="list-style-type: none"> <li>1. Africare Malawi (AM)</li> <li>2. Water Aid Malawi (WAM)</li> <li>3. Anti-Corruption Bureau (ACB)</li> <li>4. Malawi Water Partnership</li> <li>5. Centre for Human Rights and Rehabilitation (CHRR)</li> </ol> | <ol style="list-style-type: none"> <li>1. Africare creates and supports Water Committees for citizens to sustain water projects in rural areas.</li> <li>2. The Centre for Human Rights and Rehabilitation (CHRR) contributes towards the protection, promotion and consolidation of good governance by empowering rural and urban communities in Malawi to increase awareness of and exercise their rights through research, education, advocacy and networking in order to realize human development. This organisation contributes towards promotion of transparency through empowering citizens on their rights to demand for accountability when they are aware of their rights.</li> <li>3. The Anti-Corruption Bureau supports the formulation of anti-corruption water policies after conducting corruption prevention workshops with water boards that has led to two water policies in Malawi.</li> </ol> | <ol style="list-style-type: none"> <li>1. The Corrupt Practices Act of 1996 (Cap 7:04) of the laws of Malawi provides for among the functions of the Anti-Corruption Bureau under section 10 (a) of the Act is to: take necessary measures for the prevention of corruption in public bodies and private bodies including, in particular measures for "devising private and public bodies on ways and means of preventing corrupt practices, and on changes on methods of work or procedures on such bodies with the effective performance of their duties, which the Bureau considers necessary to reduce the likelihood of occurrence of corrupt practices.</li> </ol>                                     | <ol style="list-style-type: none"> <li>1. There is a capacity gap on how far the implementation of the water policies has gone which gives rise to the need to have some officers in both the Anti-Corruption Bureau and Water Boards to be trained in proper implementation of the policies.</li> <li>2. There is need for building capacity in monitoring and evaluating the effectiveness of the water anti-corruption policies.</li> </ol> |
| Mozambique | <ol style="list-style-type: none"> <li>1) The Central Office for Combating Corruption (CCCC)</li> <li>2) The Administrative Tribunal (AT).</li> <li>3) Ética Mozambique</li> <li>4) Centre for Public Integrity (CIP).</li> </ol>                        | <ol style="list-style-type: none"> <li>1) The Administrative Tribunal (AT) performs the role of auditing public accounts to promote financial discipline and transparency.</li> <li>2) The CIP conducts empirical research on corruption issues in the country as well being involved in advocacy and public awareness campaigns.</li> </ol>  | <ol style="list-style-type: none"> <li>1. The Mozambique Constitution, adopted in 1990 and amended in 2004 establishes various rights for citizens, such as to a "clean and healthy environment" as well as access to information. Under this constitution the public is able to access a variety of reports and studies related to water management and infrastructure development.</li> <li>2. The provisions of the Anti-Corruption Law (ACL) and the Anti-Corruption Strategy (ACS) for 2006 to 2010 concentrates on measures that seek to combat red tape and corruption in public institutions which render non-viable any attempt to improve the quality of services provided to citizens.</li> </ol> | <ol style="list-style-type: none"> <li>1. Access to information is a vital first step towards promoting accountability in decision-making, thus needs to be encouraged, strengthened and operationalised. NGO groups however express difficulty in accessing some studies citing a range of institutional blockages.</li> </ol>  |
| Namibia    | <ol style="list-style-type: none"> <li>1. Anti-Corruption Commission (ACC)</li> <li>2. Namibian Institute for Democracy (NID).</li> <li>3. Legal Assistance Centre</li> <li>4. The Namibian Society for Human Rights.</li> </ol>                         | <ol style="list-style-type: none"> <li>1. The NID runs a "Zero Tolerance or Corruption" campaign and has previously cooperated with the Office of the Ombudsman in running public awareness and outreach campaigns</li> </ol>   | <ol style="list-style-type: none"> <li>1. The Anti-Corruption Act No. 8 of 2003 establishes the Anti-Corruption Commission and defines its powers and functions;</li> </ol>  | <ol style="list-style-type: none"> <li>1. The landscape of CSOs engaged in activities related to corruption prevention and combating of corruption is relatively small. This means communities must be empowered with necessary information to contribute towards transparency in the water sector.</li> </ol>   |

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|--------------|--|---|---|---|
| South Africa | <ol style="list-style-type: none"> <li>1. The Auditor General</li> <li>2. The Public Protector</li> <li>3. Public Service Commission</li> <li>4. South African Police Service (SAPS) – Anti-Corruption Unit</li> <li>5. Special Investigating Unit (SIU)</li> <li>6. Asset Forfeiture Unit (AFU)</li> <li>7. Directorate of Special Operations in the National Directorate of Public Prosecutions (NDPP)</li> <li>8. The Open Democracy Advice Centre (ODAC)</li> <li>9. Business Unity South Africa (BUSA)</li> <li>10. Chambers of Commerce</li> <li>11. Business Against Crime (BAC) Initiative,</li> <li>12. The Industry Alignment Forum</li> </ol> | <ol style="list-style-type: none"> <li>1. A strong role in anti-corruption activities is played by the Public Service Commission, which is an independent and impartial body created by the Constitution with the mandate to, among other things, foster transparency in the public service and to promote a professional and ethical environment that is accountable, equitable, efficient, effective, corruption-free and responsive to needs of the people of South Africa</li> </ol>  | <ol style="list-style-type: none"> <li>1. Promotion of Access to Information Act (No. 2 of 2000) gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; and to provide for matters connected therewith</li> <li>2. The Protected Disclosures Act (No. 26 of 2000) has procedures in terms of which employees in both the private and the public sector may disclose information regarding unlawful or irregular conduct by their employers or other employees and the protection of employees making such disclosures</li> </ol>   | <ol style="list-style-type: none"> <li>1. The combination of inappropriate management systems and lack of human resource capacity has in many cases led to poor levels of service delivery and relatively high levels of corruption. As financial management systems are applicable across the board to the financial affairs of municipalities, all municipal service areas are affected, including the delivery of water and sanitation services.</li> </ol>  |
| Zambia       | <ol style="list-style-type: none"> <li>1. Anti-Corruption Commission</li> <li>2. Transparency International Zambia</li> <li>3. WASAZA (WASAZA)</li> <li>4. Advocacy for Environment Restoration ARE</li> <li>5. ZBF (ZBF)</li> <li>6. Water Watch Groups (WWG)</li> </ol>  | <ol style="list-style-type: none"> <li>1. Transparency International Zambia (TIz) works on promoting transparency and integrity in the public and private sectors. TIz is one of the strong and leading anti-corruption organisation that has produced various tools to advocate for positive changes in the delivery of public services with transparency and accountability in Zambia.</li> <li>2. NWASCO has established Water Watch Groups (WWG's) comprising customers from service areas in order to represent it on the ground for first hand information and addressing consumer complaints. Their objective is met by ensuring that there is among others improved communication between consumers and providers and creation of awareness among consumers of their rights and responsibilities as well as the role and functions of NWASCO. This information should be adequate to enable NWASCO to adjust regulation according to the requirements of the sector.</li> </ol> | <ol style="list-style-type: none"> <li>1. The Anti-Corruption Commission (ACC) Act No. 42 of 1996 aims at among others to prevent and take necessary and effective measures for the prevention of corruption in public and private bodies. In essence therefore Commercial water Utility companies are also expected to be covered under this ACC Act. Secondly, it is therefore imperative that these CU's should be seen more adopting such preventive measures that can enhance their transparency. In the 1990's, the ACC in Zambia did conduct a Managerial Accountability workshop with a view to identifying loopholes and coming up with remedial recommendations to improve transparency. The workshop recommendation that focused on promoting transparency were made and the Lusaka Water and Sewerage Company was provided with the same report with recommendations.</li> <li>2. The Zambia Bureau of Standards (ZBS) under the Zambia Bureau of Standards Act of 1982 sets standards for drinking water as well as the Ministry of Health under the Public Health Act of 1978 enforces the water quality standards.</li> <li>3. The Environmental Council of Zambia (ECZ) through the Environment Protection and Pollution Control Act of 1990 administers control of pollution in national waterways and issuing licences for effluent discharges and setting standards for such.</li> </ol> | <ol style="list-style-type: none"> <li>1. Water Watch Groups need to be developed and strengthened for each district where water service providers are operating from. Best Practices from these Groups need to be documented and shared. There is need for such groups to have more training and focus on transparency and integrity monitoring.</li> <li>2. The need to strengthen involvement of governance CSOs in promoting action oriented research in the water sector which can inform the production of tools to enhance transparency and accountability.</li> </ol> |





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to sustainable use of the world's water resources and sustainable  
development of societies.