



water & sanitation

Department:
Water and Sanitation
REPUBLIC OF SOUTH AFRICA

Access to sanitation: a basic human right

Presenter: Mr Siboniso Ndlovu

Acting Director: Water Services Policy & Strategy

**WRC Research Development and Innovation
Symposium and Water-Tech Summit 2015**

Date: 16 September 2015

Content

- Constitutional provisions
- **Policy frameworks:**
 - White Paper on Water Supply & Sanitation, 1994
 - White Paper on Basic Household Sanitation, 2001
 - Strategic Framework for Water Services, 2003
- **Legislative frameworks:**
 - Water Services Act, (Act No. 108 of 1997)
 - National Water Act, (Act No. 36 of 1998)
- National Water Resource Strategy, Second Edition 2013
- Current sanitation policy reviews

Constitutional provisions

- Sect 9 (2): Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievements of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.
- Section 24(a): *“everyone has a right to an environment that is not harmful to their health or well-being”* and (b)(i) to have the environment protected, for the benefit of present and future generations
- Section 27(1)(b): *“everyone has the right to have access to: sufficient food and water”*
- Subsection 2: the state must take reasonable legislative and other measures, within its available resources, to achieve progressive realisation of each of these rights.
- Schedule 4 Part B: local government is responsible for the provision of water & sanitation services limited to potable water supply systems & domestic waste-water & sewage disposal systems.

Policy frameworks

- The primary principle of the **White Paper on Water Supply and Sanitation, 1994** is that water services development should be “demand driven”. It outlines the institutional framework for water and sanitation provision, which was subsequently legislated in the Water Services Act in 1997.
- Provision of sanitation should be self-financing at the local level, exception would be made where poor communities are not able to afford basic services.

White Paper on Basic Household Sanitation, 2001

1. The right to access to basic sanitation service
2. Prioritising of hygiene and end-user education in sanitation service provision
3. Prioritising basic sanitation services to vulnerable people and un-served households
4. People-centred and demand-drive sanitation service provision
5. Polluter pays principle
6. User pays principle
7. Sanitation has economic value.
8. Integrated development
9. Equitable regional allocation of development resources
10. Recognising the value of sanitation by-products
11. Prioritising operation and maintenance
12. Integrated waste management

Strategic Framework for Water Services (SFWS)

- The SFWS defines sanitation services as:
 - The collection, removal, disposal or treatment of human excreta and domestic wastewater, and the collection, treatment and disposal of industrial wastewater. This includes all the organisational arrangements necessary to ensure the provision of sanitation services including, amongst others, appropriate health, hygiene and sanitation related awareness, the measurement of the quality and quantity of discharges where appropriate, and the associated billing, collection of revenue and consumer care
 - Further refers to the “universal service obligation” of all WSAs to ensure provision of at least a basic level of water and sanitation service to all residents within their jurisdiction, including residents living on privately-owned land

Water Services Act

- Section 3 (1): “*Everyone has a right of access to basic water supply and basic sanitation*”.
- Section 4: sets conditions for the provision of water services
- Section 11(1): Every water services authority has a duty to all consumers or potential consumers in its area of jurisdiction to progressively ensure efficient, affordable, economical and sustainable access to water services.

National Water Act

- National Water Act, 1998 gives provision that water resources of sufficient quantity and quality to meet the requirements of basic human needs is the first priority.
- The requirements of the basic human needs are set aside when setting the Reserve before any further allocations are made in terms of water allocation

National Water Resources Strategy (NWRS) 2, 2013

- Coherent and consistent policy must support effective decision-making in water use and management.
- Research and innovation is focused and aligned to achieve an overall vision
- Knowledge derived from water research must inform policy development and strategic decision-making at all levels of government and across the water value chain

Current sanitation policy reviews

- The Department is currently undertaking the following policy and legislative reviews as follows:
 - Assessment of Strategic Framework for Water Services by November 2015.
 - Norms and Standards on all level of water supply and sanitation services by March 2016
 - Water and Sanitation Bill by April 2016
 - Assessment of the implementation on National Water Policy (1994 to 2013)

End

It's not about flushing

Contact details: Marie Brisley

brisleym@dwa.gov.za 012 336 8768