WaterAid Zambia

Questionnaire (non-State actors)

1. WaterAid Zambia is an international Non-Governmental Organization dedicated exclusively to the provision of safe domestic water, sanitation and hygiene education to the world’s poorest. WaterAid Zambia currently operates in **six (06) districts; Lusaka, Monze, Kazungula, Mwense, Samfya, and Gwembe districts.** WaterAid Zambia has been playing a pivotal role in influencing the WASH Sector in Zambia thorough complementing the government service delivery and improving people’s access to Water, Sanitation and Hygiene (WASH) services. WAZ is also a pioneer of equity and inclusions in WASH, and has been highly involved in capacity building of Partners, Local Authorities in the areas of Sustainability of WASH services, rights to WASH, financing, monitoring and reporting on WASH.

WAZ is also involved in high level advocacy and some of the activities are budget tracking (allocations vs disbursements), policy formulation, constitution advocacy to include WASH rights (referendum), menstrual Hygiene Management (MHM), empowering citizens to demand for their rights to WASH, empowering duty bearers to meet their obligations and supporting collaboration of Sector stakeholders.

WAZ has also piloted initiatives such as self-supply and manual drilling aimed at reaching the most marginalized groups and hard to reach areas.

1. A regulatory framework can help to contribute to the realization of human rights to water and sanitation through
2. Verifying if the duty bearers are meeting their expected performance targets set in the Service Level Agreements (SLAs) and Service Level Guarantees (SLGs).
3. Monitor if coverage is improving or not which is an indicator that there is progress on the realization of rights to water and sanitation or not.
4. They help assess the performance of various service providers like in Zambia where there are 11 Commercial Utilities. Each CU is weighed on 9 indicators that include water coverage, sanitation coverage, collection efficiency, Non -Revenue Water, Staff per 1000 connections, O & M Cost Coverage by Collections, water quality Compliance, metering ratio and hours of supply. In Zambia the Urban Water and Sanitation Sector is regulated by the National Water Supply and Sanitation Council (NWASCO). The government has in 2017 started formulating a regulatory framework for rural water and sanitation and Urban onsite sanitation.
5. The assessment of performance can also be used for benchmarking among players to improve their performance hence resulting in improvements to access to WASH.
6. In Zambia the human rights to water and sanitation are included in the bill of rights but they are currently not justiciable. This would have change if the failed referendum of 2016 had been successful. At that stage it would have been easier to advocate their inclusion in the regulatory frameworks. Otherwise the current regulatory system only assesses access levels. The Zambia water sector does not provide for basic water like it is in South Africa were the first 6 cubic meters are free, though it has a block rising tariff that allow for cross subsidies where high consumers pay more and subsidize low consumers who are mostly the urban poor. In rural areas, the communities pay for O & M cost up to a certain level. If the cost of repairs of maintenance is above US$40, the government through the Local Authorities takes up the responsibility of repairs.
7. In Zambia rural population access to water and sanitation stands at **51% and 36% respectively (2015 Joint Monitoring Programmes (JMP)).** In Zambia there is no regulatory framework for rural water and sanitation meaning there are no indicators to use to check the performance of Local Authorities. The Urban Sector has been regulated since 2000 and the access levels are slightly higher at **Urban water 86% and urban sanitation 56%.**
8. Some of the challenges faced to incorporating human rights to water and sanitation in regulatory frameworks are:
9. None justiciable bill of rights
10. Conditionality like rights will be met depending on the capability of government to provide which means the right holders must prove beyond any reasonable doubt that there is a violation other than capacity of duty bearers to provide the services. The most vulnerable have no capacity to take the government to court.
11. Most of the documents are crafted by technocrats with the exclusion of the most marginalized groups hence not incorporating these rights in the regulatory tools.
12. South Africa is providing basic water requirements to its citizens equivalent to 6 cubic meters/ month. Water and sanitation should consider poverty assessment in deciding which groups pay for services and provision of basic services.
13. Non-state actors can exercise human right due diligence in their operations through following government programmes that stipulate how they conduct their programmes. In Zambia, there is the National Rural Water Supply and Sanitation Programme (NRWSSP) 2006-2015 (revising 2016-2030) and the National Urban Water Supply and Sanitation Programme (NUWSSP) 2011-2030. They can also follow the regulatory requirements in their operations. In Zambia if a non-state actor invests in a water scheme that has more than 50 customers, they are required to register the scheme for regulation by NWASCO or have a MOU with an existing CU to operate.
14. An autonomous regulatory system will be better for facilitating stronger compliance to human rights standards by providers because it will face less interference from government. However, it may also be exploitative in the pricing of services which is different with the semi-autonomous regulators who are checked by their governments which protect the interests of the citizens.
15. The Communities need to
16. be empowered to know their human rights to water and sanitation, this requires a lot of education.
17. start demanding for the rights from the duty bearers

The duty bearers need to

1. Use of participatory approached in developing of programmes and projects
2. Use of appropriate technology and indigenous knowledge in water and sanitation services.
3. Decentralization of service provision will increase the voice of the vulnerable through participation in local development committees.

Through participatory approach, vulnerable communities are trained to care for their water facilities and through naming and shaming approach under Community Total Lead Sanitation (CLTS), rural communities are building their own toilets.

1. The following could be envisage in a regulatory framework to promote transparency and tackle corruption in the water and sanitation sector:
2. The regulator must be independent and autonomous.
3. The Board of Directors must not be appointed by the Minister or government.
4. The regulatory framework must have punitive measures for violation of human right to water and sanitation, and other indicators.
5. Human rights to water and sanitation must be justiciable.
6. The complaints system must be transparent to allow small voices to be heard.