Inclusive Urban Sanitation Stories

Mapping the sanitation regulation framework across Africa

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Summary

Africa has made progress in expanding water supply and sanitation (WSS) services but this has not occurred at the pace required to meet Sustainable Development Goal (SDG) 6, and considerable further improvements are needed. A key driver to achieving safe and equitable WSS service provision is the implementation of effective regulation to formalize the sector and provide clear guidelines for those working within it. In Africa, water sector reforms resulted in a significant rethink of the policy, legal and institutional landscape in many countries, with a number of countries instituting regulation/monitoring oversight for WSS.

There is no single 'best-practice', or one-size-fits-all approach/design or model for WSS regulation. Effective regulation demands alignment with country specific reforms, governance systems and political economy and development objectives. However, there has been limited reference material on the setup of these frameworks across Africa that can serve as replication

points for countries intending to institute effective regulation. The Eastern and Southern Africa Water and Sanitation (ESAWAS) Regulators Association, as a regional body, initiated a study to establish the regulatory frameworks for WSS service provision in urban and rural areas in 54 countries to set a base for drawing lessons and interventions towards strengthening regulation.

Overview

Geographical information

Country: All African countries
City population: 1,405,619,891

Problem

- Limited reference material on the setup of sanitation regulation frameworks across Africa to inform interventions for regulatory strengthening to improve service delivery.

Solution

- Mapping the sanitation regulation framework landscape across all the countries in Africa.

Problem

Across Africa, the average coverage rate for at least 'basic' sanitation[1] has increased from 32% in 2000 to 44% in 2020 (Joint Monitoring Programme, 2020). However, progress has not occurred at the rate required to meet the SDG 6 targets, with very few African countries on track to achieve universal basic sanitation services by 2030 (United Nations, 2018). Sewered sanitation serves just about 13% of Africa's population, compared to the 47% of Africans that use On-Site Sanitation (OSS) facilities of varying levels of quality. Altogether, 779 million (58%) people in Africa remain without access to basic sanitation, including 208 million (16%) who still practice open defecation (UNICEF; WHO, 2022).

Evidence suggests that a well-functioning regulatory system and the application of a robust set of regulatory mechanisms can play a crucial role in delivering and managing safe and reliable water supply and sanitation (WSS) services. The premise of regulation is to ensure that government policy is implemented, and service providers are accountable and supported in delivering efficient, affordable, reliable and quality services. However, there has been limited

1 Basic sanitation refers to use of improved sanitation facilities that are shared with other households, and where excreta is not safely managed. https://washdata.org/monitoring/sanitation

reference material on the setup of these frameworks across Africa that can serve as replication points for countries intending to institute effective regulation. This lack of information limits the understanding of common challenges and trends as well as the determination of good practices to serve as references in countries looking to improve WSS regulation or institute necessary reforms. This is especially crucial considering the importance of learning from what has (and has not) worked in comparable contexts rather than simply transporting frameworks and interventions from country settings that have evolved to address different sector requirements.

Solution

Mapping the sanitation regulation framework across Africa

The ESAWAS, supported by a joint working group of key sector stakeholders, undertook a comprehensive study to map existing regulatory frameworks for WSS service provision in urban and rural areas in 54 countries. The study covered the policy and legal backing for WSS regulation, different spheres of regulation (regulated service providers, regulated service delivery types), regulatory mechanisms and the regulatory environment. Three-tiered reports (country, regional and continental) present key findings and overviews from which to draw learnings and good practices across Africa to inform effective WSS regulation and accelerate improvements in service delivery.

Key findings on sanitation regulation framework

Policy and legal backing: National policy documents exist for sanitation in 44 countries (81%). However, these are not standalone policies but tend to be bundled together with water supply. In terms of the legal framework, only 15 countries have a strong legal backing for regulating sanitation services (28%) as shown in Figure 3. In many countries, existing legal instruments mainly focus on regulatory mandates and functions for sewered sanitation services, neglecting to address OSS and related service providers.

Regulatory models: Most countries have a mixed regulatory arrangement, comprising multiple regulatory models and applying different regulatory models for different WSS sub-sectors, service providers or service delivery types. The predominant regulatory models are regulation by agency (37% of countries), ministerial regulation (33% of countries) and regulation by contract (28%). In most countries, greater emphasis is given to regulating water supply services than

Figure 3 – Legal Instruments for Regulating Sanitation Services

to sanitation, sometimes resulting in different regulatory models being applied. In many African countries, multiple actors hold key regulatory functions, sometimes constraining effective WSS regulation. Ten countries (19%) have a single actor responsible for WSS regulation in urban and rural areas, while, in the remaining countries, these responsibilities are split among two or more actors. It is worth noting that in several of the countries that have made the greatest progress in developing and applying a relatively extensive set of regulatory instruments (i.e., Cape Verde, Cote d'Ivoire, Kenya, Senegal, Tanzania, Kenya, Rwanda, Egypt), key functions are held by one or two dedicated regulatory actors. Regulation by agency is the predominant model in 80% of the countries where OSS services are regulated at scale, for all or part of the service chain.

Spheres of regulation: In the vast majority of African countries, regulatory activities focus on larger, more formalized service providers, with smaller, deconcentrated service providers typically receiving limited attention. However, in a number of countries, the mandates of large, formalized service providers are being expanded in terms of services (i.e. OSS services) and service areas (to include rural growth centres and small towns). Nevertheless, in most countries, smaller, decentralized and often less formalized service providers, such as private vacuum tanker operators and manual pit-emptiers, will continue to play a crucial role in sanitation service delivery. Crucially, in a small set of countries with relatively high-performing regulatory agencies that have developed comprehensive systems for overseeing larger providers, steps are now being taken to regulate smaller, decentralized service providers. The strategy involves the regulatory authority creating 'layers' of regulatory oversight, in which entities that the regulator already effectively regulates are assigned responsibilities for monitoring smaller providers they engage with and ensuring their compliance with regulations.

Figure 4 highlights relative progress across Africa and each region in developing and applying regulations at scale for sewered and OSS. Regulations/ standards/guidelines have been developed for key aspects of the OSS service chain in just 39% of the countries and are being applied at scale in only 11%.

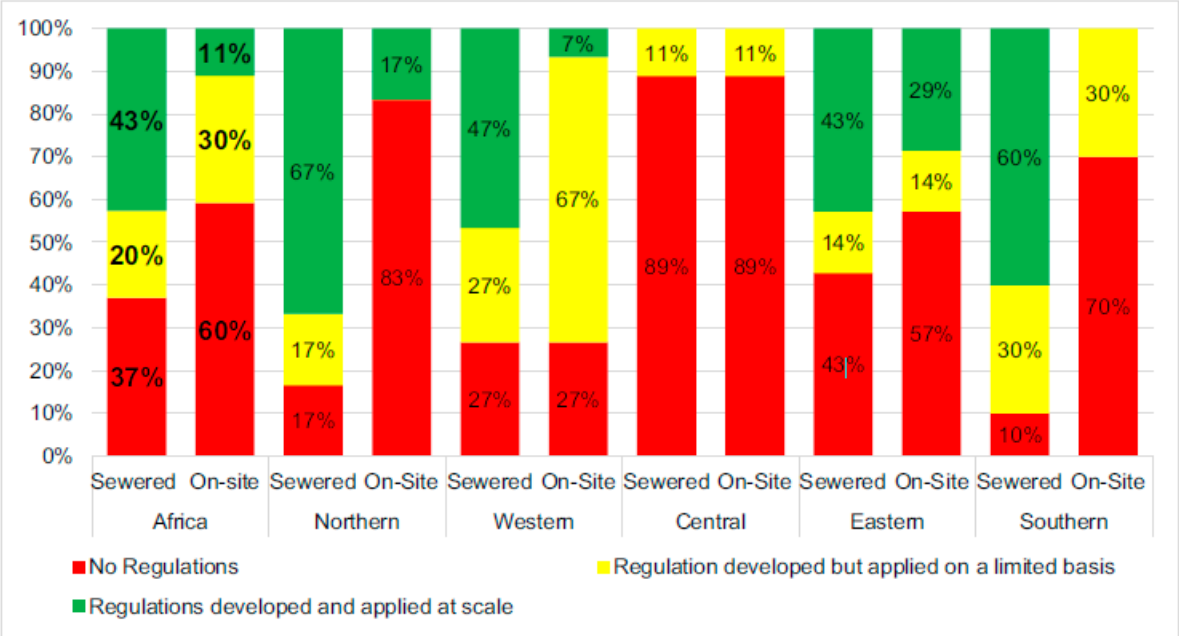

Figure 4 – Percentage of countries regulating sewered and onsite sanitation by region

Utilizing the findings

Implementing effective regulation requires advocacy and strengthening to be responsive to evolving sector dynamics. The mapping study outlined a number of good practices that could serve as reference points for evidence and learning. Notable cases are: Zambia – the benefits of strategic frameworks for regulating OSS and rural water supply and sanitation services; Cape Verde – regulation by technical and economic agencies; Senegal – a hybrid system of regulation by contract and by agency; Uganda – challenges of regulating smaller service providers; Mozambique – multi-tiered approach to regulating service providers; and Rwanda's inclusive regulatory arrangements for different sanitation solutions.

Based on the study findings, ESAWAS, in collaboration with stakeholders, has begun the process of mapping interventions and initiatives for strengthening regulation for sanitation based on thematic areas (country, region and continent-level) that include policy and legal advocacy; capacity development in identified areas, development of key guidance to support implementation of mandates, gathering and dissemination of evidence on key learning and practices, and promotion of the ESAWAS Inclusive Sanitation Regulatory Framework and Strategy with relevant regulatory tools.

Lessons learned

Regulatory mandates and functions are often more clearly defined for water supply than for sanitation. The lack of clear regulatory mandates means there is often an insufficient legal backing to enable or promote effective regulation.

Ministerial regulation is often a 'default' regulatory model utilized for WSS service providers when other regulatory models have not been developed (i.e. in the absence of a dedicated regulatory body or application of regulation by contract) and is applied in 89% of the countries for one service type or another. However, regulation by agency generally performs better than other regulatory models with notably more countries where this is the predominant regulatory model having strong legal backing for both water supply and sanitation regulation, good progress in regulating smaller, decentralized service providers and service delivery types, such as OSS, and a strong regulatory environment (autonomy, accountability and transparency). This indicates that several benefits exist to adopting regulatory arrangements based on regulation by agency. These include reduced opportunities for political interference, increased consistency in applying regulatory tools, heightened prioritization of regulation and the specialized capacity of regulatory actors.

The growing momentum around regulating OSS in several countries is a promising and crucial development. Despite the fact that most African countries rely on OSS facilities, greater progress has been made in developing and applying regulations for sewered sanitation. However, Tanzania, Mauritius, Seychelles, Rwanda, Senegal, Zambia and Egypt have developed regulatory mechanisms for OSS across most aspects in the sanitation service chain and are applying these at scale. Rwanda provides a particularly interesting case-study as it is one of the few countries with a long-standing track record of prioritizing the regulation of on-site sanitation.

The ESAWAS Inclusive Sanitation Regulatory Framework and Strategy together with the African Ministers' Council on Water (AMCOW) Africa Sanitation Policy Guidelines will play a pivotal in advocating for the implementation and strengthening of sanitation regulation across Africa by clarifying responsibilities of actors at policy level and instituting strong sector accountability mechanisms (regulation) towards improving service delivery for all.

Useful links

https://esawas.org/index.php/list-all-categories/download/2-general/61-esawas-report2022

https://esawas.org/index.php/publications/general/download/2-general/70-the-water-supply-and-sanitation-landscape-across-africa-northern-africa-regional-report

https://esawas.org/index.php/publications/general/download/2-general/69-the-water-supply-and-sanitation-landscape-across-africa-western-africa-regional-report

https://esawas.org/index.php/list-all-categories/download/2-general/68-the-water-supply-and-sanitation-landscape-across-africa-central-africa-regional-report

https://esawas.org/index.php/list-all-categories/download/2-general/67-the-water-supply-and-sanitation-landscape-across-africa-eastern-africa-regional-report

https://esawas.org/index.php/list-all-categories/download/2-general/66-the-water-supply-and-sanitation-landscape-across-africa-southern-africa-regional-report

Further reading and references

- ESAWAS Regulators Association (2022) The Water Supply and Sanitation Regulatory Landscape Across Africa

About the author

Yvonne Magawa has over 18 years of experience in water supply and sanitation regulation. She is Project Manager at the Eastern and Southern Africa Water and Sanitation Regulators Association, overseeing the support to African water supply and sanitation regulators to improve urban sanitation services through integration of non-sewered sanitation in regulation.

About the institution / organisation

The **Eastern and Southern Africa Water and Sanitation Regulators Association** is a network of regional water supply and sanitation (WSS) regulators with the objectives of: fostering and enhancing regional cooperation and coordination on regulatory issues in order to improve the effectiveness of WSS regulation in the region and enhancing the capacity of members in WSS regulation by facilitating information sharing and skills training.

ESAWAS REGULATORS ASSOCIATION
Cooperating to promote effective development of water and Sanitation regulation

www.esawas.org

About the IWA Inclusive Urban Sanitation Initiative

IWA's Inclusive Urban Sanitation initiative responds to a huge and growing public need - safe sanitation in combination with access to safe drinking water and hygiene underpins good health. The aim of this initiative is reshaping the global urban sanitation agenda by focusing on inclusive sanitation service goals--and the service systems required to achieve them - rather than the traditional singular focus on expanding sewer networks and treatment works. This forms part of IWA's larger agenda to promote inclusive, resilient, water-wise, and sanitation-secure cities.

About the Inclusive Urban Sanitation Stories

The Inclusive Urban Sanitation stories are documenting some of the policies, practices, and approaches that demonstrate how stakeholders especially those in urban areas (e.g., public sector, operators, academics, regulators, and other key actors) are taking part or contributing to Sustainable Development Goal 6 which require water and sanitation concepts and norms to look beyond technology and the usual focus on building infrastructure. Increased focus is on safety, inclusion, environment, public health, and multiple technology solutions tailored to different geographies and socio-economic contexts for building climate-resilient cities. The stories aim to inspire urban stakeholders to discuss ways for advancing inclusive urban sanitation, especially in low- and middle-income countries.