



REPORT ON
1ST AFRICA WATER SUPPLY AND SANITATION REGULATORS
CONFERENCE

**Theme: “Changing the narrative for WSS Regulation Across Africa:
Strengthened Sector Accountability”**



Hosted by Zanzibar Utilities Regulatory Authority (ZURA)

Madinat Al Bahr Hotel, Zanzibar

15th – 18th November, 2022

Report prepared by: ESAWAS Secretariat

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1. INTRODUCTION

The ESAWAS 1st Africa Water Supply and Sanitation Conference held in Zanzibar from 15th to 17th November 2022 at Madinat Al Bahr Hotel was hosted by the Zanzibar Utilities Regulatory Authority (ZURA) under the theme “**Changing the narrative for WSS Regulation Across Africa: Strengthened Sector Accountability**”.

This conference was special as it marked the very first Africa WSS Regulators conference. It was convened in line with the ESAWAS Strategic Objective ‘to expand the Association’s services’ beyond the region based on findings of the regulatory landscape study across Africa. The landscape study provides the foundation for strengthening WSS regulation across Africa through advocacy, technical assistance, collaborations and synergies.

The conference was officially opened by the Second Vice President of Zanzibar, Honourable Hemed Suleiman Abdulla and drew more than 150 participants from 41 African countries and beyond. Participants included delegates from regulatory institutions, ministries and utilities as well as representatives of cooperating partners (AfDB, BMGF, AfWA, WIN, WSUP) and stakeholders. This monumental gathering was an opportunity to share knowledge, experiences, best practices and challenges but also to deliberate on actions to be taken for the improvement of WSS regulation across Africa.

The three-day conference was followed by an ESAWAS Annual General Meeting (AGM) on 18th November to discuss the internal operations of the Association.

2. PROGRAMME OUTLINE

The conference programme was structured around the theme “Changing the narrative for WSS Regulation Across Africa: *Strengthened Sector Accountability*”.

A blend of presentations and panel discussions was used to dig deep into what is required to strengthen water supply and sanitation sector accountability. Presenters and panelists were selected from different countries and regions based on the findings of Africa WSS Regulatory landscape study, and in such a way as to maximize information sharing on good practices but also challenges in WSS regulation. Below, were the main topics:

Day one looked at the conducive environment required for effective WSS Regulation.

- Improving the enabling environment for WSS Regulation
- Regulatory models and sector impact
- Defining autonomous regulation
- Regulating by design/provider

Day two discussed regulatory mechanisms that enable regulators to effectively deliver their mandate.

- Strengthening tools and instruments for regulation
- Strengthening sector monitoring and data
- ESAWAS Support for Regulatory Institutions

Day three was reserved for cooperating partners and private sector to present their interventions and expectations for effective WSS Regulation and service provision as follows:

- Approaches for strengthening regulation within institutions
- Improving Citywide Inclusive Sanitation (CWIS) Regulation
- The role of private sector in WSS
- Integrity, accountability and transparency
- Actions towards improving regulation across Africa

3. CONFERENCE PROCEEDINGS

3.1. Official opening

The Chairperson of the ESAWAS Regulators Association, Mr Balthazar Nganikiye delivered a welcoming remark. He started his speech by giving a brief background on the creation of ESAWAS, its vision, objectives and current members. He further highlighted major achievements which include peer reviews and benchmarking reports as well as guidance on inclusive sanitation to assist members to implement mechanisms for inclusive, equitable, sustainable and safely managed sanitation services that incorporate onsite sanitation. He pointed out that one of the objectives of ESAWAS Strategic Plan is to stretch its services and offerings to continental level. In this line, ESAWAS conducted a regulatory landscape study to understand the status of WSS regulation across Africa in order to design appropriate interventions for effective WSS regulation. Referring to the conference theme, the ESAWAS Chairperson stressed the importance of regulation in sector accountability. Regulation is one of



the mechanisms to hold stakeholders – policy-makers, service providers and sector partners – answerable for their mandate in the sector. Therefore, regulators need to have the capacity and tools to strengthen that accountability.

The opening of the conference was officiated by the Second Vice President of Zanzibar, Honourable Hemed Suleiman Abdulla. In his remarks, he applauded its organization but mostly, the theme that emphasizes the importance of accountability in WSS Regulation – water is life, so the basis of development of all sectors. He said that the slogan “accountability” comes at the right time when all countries are working hard to achieve SDG6 targets. Regulators play a paramount role in ensuring effective WSS services delivery. He encouraged the participants to seize the opportunity, and share experiences and learn from each other. On a special note, the Second Vice President expressed the continued support of their Government to strengthen WSS regulatory mechanisms through building the capacity of ZURA and promoting its partnerships with other regulatory institutions.

3.2. Keynotes

The official opening was accompanied by four keynote addresses delivered by Eng. Robert Gakubia (former CEO of Water Services Regulatory Board - WASREB) on impact of strengthened sector accountability on service provision; Mr Thomas Banda of African Ministers' Council on Water (AMCOW) on the enabling policy for regulation; Mr Sylvain Usher of African Water Association (AfWA) on improving utility performance across Africa and Ms Jeanne-Astrid Fouegue of African Development Bank (AfDB) on strengthening regulation across institutions.

3.3. Presentations and panel discussions

3.3.1. Improving the enabling environment for WSS Regulation

Under this topic, EWURA (Tanzania) and LEWA (Lesotho) representatives discussed the legal and policy frameworks highlighting changes undertaken to strengthen WSS regulation in their respective countries. Panelists from EWRA (Egypt), ARSE (Togo) and AREEN (Burundi) continued the discussions on how WSS regulation works in practice, the successes and challenges. It was made clear that sound policy and legal frameworks are a prerequisite for efficient WSS Regulation as they clearly define the mandate, responsibilities and powers of the regulators.

3.3.2. Regulatory models and sector impact

The topic covered different regulatory models in use, the institutional setup for the sector and how utilities and service providers are regulated. Experience from Zambia (Regulation by agency – NWASCO), Ivory Coast (Regulation by contract between the state and utility under contract management by autonomous regulatory bodies for water (ONEP) and sanitation (ONAD) separately), Guinea Bissau (Ministerial Regulation – MEIRN) and Nigeria, Lagos State (Ministerial regulation at federal level and regulation by agency at state level). The discussions agreed with the fact that there is no “one size fits all” model, WSS Regulation should be designed based on the specific context of the country.

3.3.3. Defining autonomous regulation

With experience from ZURA of Zanzibar, DWS of South Africa, ARSEau in Niger, SONEDE of Tunisia and the Ministry of Urban and Rural Hydraulics in Chad, the panel discussions led to an agreement that regulatory actors, regardless of regulatory model in use, should not act independently from other stakeholders. However, effective WSS regulation requires a certain level of autonomy in decision-making, financing activities and compliance enforcement while observing accountability and transparency principles.

3.3.4. Regulating by design/provider

The topic looked at how regulation can be fashioned depending on services or types service providers to be regulated. Regulators can design different approaches for different regulated entities, different settings (urban vs rural), services (e.g. splitting water and sanitation), different institutions for different mandates/service providers, etc. Delegates from Senegal, DRC and Djibouti shared their experience on how WSS regulation is structured in their respective countries.

3.3.5. Strengthening tools and instruments for regulation

Presentations under this topic focused on regulatory instruments that influence WSS sector performance. These include standards and guidelines, sanctions and incentives. Cases from Rwanda, Mali, Botswana and Congo were presented and it was observed that development and implementation of regulatory instruments varies from country to country. Some regulators have and apply a number of instruments, others have the instruments in place which are not enforced while in other countries these instruments are weak or inexistant. Nevertheless, it was pointed out that effective regulatory instruments influence the performance of service providers and the sector.

3.3.6. Strengthening sector monitoring and data

The aim of this topic was to deliberate on how to close the data gaps for sector monitoring and reporting. Representatives from WASREB, Kenya and WASAMA in Malawi presented how their respective institutions are improving the data systems. Embracing digitalization and moving towards data driven regulation helped utilities and regulator in Kenya to have accurate and reliable data for planning and monitoring the sector performance. In Malawi, technology helps in having data on consumers complaints, pipe leakages and on spot water quality testing as well as service provision from network operators. The National Water Distribution Utility-SONEDE in Tunisia also presented its project of using GIS for improvement of its services.

3.3.7. ESAWAS Support for Regulatory Institutions

The purpose of this session was for ESAWAS to present the kind of support the Association can provide in order to strengthen WSS Regulation across Africa. Building on regional cooperation success, ESAWAS will support other Africans regulators in terms of:

- Benchmarking - whereby performances of utilities of the same size within and between countries will be compared based on the set Key Performance Indicators;
- Capacity development - for regulation through dedicated and tailored training offering and
- Regulatory cooperation - for accelerated uptake of effective regulation – modalities will be put in place for a dedicated Africa WSS Regulators Association.

3.3.8. Approaches for strengthening regulation within institutions

Under this topic, the African Development Bank presented its experiences on how policy, institutional and regulatory instruments can be strengthened to ensure improved access and sustenance of water services as well as financing instruments for doing so. Building on WSS Regulation landscape study, the Bank Consultant “CRISIL Limited” directed a plenary discussion on the Bank water regulation initiative to dig deeper into various dimensions of regulation in order to further inform the Bank and partner states on how regulation could be potentially enhanced and financed at national and regional level.

3.3.9. Improving Citywide Inclusive Sanitation (CWIS) Regulation

The presentation by BMGF discussed Citywide Inclusive Sanitation as a public service approach to reaching everyone in a city with equitable sanitation services, using a

range of technologies and business models. The foundation is working with regulators (through ESAWAS) and utilities through AfWA to strengthen their capacity in implementation of CWIS.

WSUP also presented the results of its survey in 7 countries about accountability in CWIS. The survey indicated that some countries have made progress towards improving accountability in non-sewered sanitation however, there is a need to advance accountability for low-income urban dwellers to receive sanitation services with strong attention to containment.

3.3.10. The role of private sector in WSS

The Pan African Association of Sanitation Actors (PASA) presented what they do as private sector to scale up synergies between regulators, private sector and utilities in attaining SDG 6 ensuring no one is left behind. He mentioned that PASA sets standards & operational guidelines for Private Sector while using technology & research to gather deeper insights & data on Private Actors. The representative of Ministry of Energy and Water in Cameroon also stressed the importance of synergy between different WSS actors at both legal and institutional level in order to achieve universal access to WSS services.

3.3.11. Integrity, accountability and transparency

The presentation was given by Water Integrity Network (WIN) and focused on mechanisms and tools that can assist regulators to strengthen integrity, accountability and transparency for both water supply and sanitation, including sector governance. Incentives for compliance, governance performance, reporting requirements and monitoring, transparent and accountable decision making and dialogue and information sharing were discussed as entry points for regulators to foster integrity in WSS sector. Integrity Management Toolbox (IMT) which regulators can use to identify and control integrity risks was also introduced to the participants.

3.4. Closing Session

3.4.1. Actions towards improving regulation across Africa

The 3-day conference concluded by deliberations on the following key actions to be undertaken in order to strengthen WSS regulation in Africa:

- **Policy** - increase advocacy especially engagement with government and to provide holistic guidance for enabling policy for WSS Regulation;
- **Legal framework** – there is a need of guidance and good practice documentations for strong provisions that enable regulators to discharge their mandate and have a certain level autonomy in decision-making, financing activities and compliance enforcement;
- **Regulatory models** – Each country should apply a regulatory model specific to its context. However, there is a need of learning exchange on common principles of WSS regulation;
- **Documentation of good practices**– ESAWAS will create a learning space on its site where good practices on various aspects of WSS Regulation from different countries can be accessed for learning purpose;

- **Monitoring and data** - Need for tools for data collection. Data are required for planning, investment and financing as well as sector performance reporting;
- **Capacity development** – Need for dedicated training and country specific training driven by demand from countries. Trainings will be designed for both regulators, utilities, policy-makers and other key stakeholders;
- **Africa WSS Regulators Association** – need of single voice for stronger advocacy and funding support.

3.4.2. Closing remarks

The conference was officially closed by the Deputy Minister of Water, Energy and Mineral in Zanzibar who commended the conference deliberations towards an effective WSS Regulation in Africa. In his closing remarks, he reminded that the conference should be considered as a turning point, the opportune time to re-examine the accountability towards WSS Sector. It is a reminder of the great tasks and responsibilities of regulators but also an opportunity to learn and transfer knowledge from each other. To conclude, the Deputy Minister highlighted that sector accountability for both service provision and regulation should be taken seriously for effective and sustainable WSS service provision.

4. CONCLUSION

The 1st Africa WSS Regulators Conference was lauded a success by participants, the very first of its kind to bring together water supply and sanitation regulators from across Africa. It was valuable time spent for regulators and stakeholders to acquire knowledge, share experiences, learn from each other's practices and deliberate on actions to take the WSS sector forward. Conference participants agreed to having a single but stronger voice as an Africa WSS Regulators Association to strengthen advocacy and uptake of effective WSS Regulation across Africa.

To access the conference materials, [Click here](#)

