

The Commodification of Water in South Africa: A Case Study of Westcliff, Durban

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“We believe that to deprive us of the right to water is an act of violence...”

**THE COMMODIFICATION OF WATER IN
SOUTH AFRICA:
A CASE STUDY OF WESTCLIFF, DURBAN**

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1. Introduction:

1.1-Struggling to Survive: Water Cut-offs in Chatsworth

“In this community, people expected life to get better when the new government took over, but it didn’t,” remarks Orlean Naidoo, chairperson of the Westcliff Flat Residents Association or the WFRA. The WFRA was started in 1995 by residents of Westcliff (located in Unit 3 of Chatsworth), because they observed that the poverty in their community was worsening since the fall of apartheid in 1994. That year, Westcliff residents were hit hard financially: Child support grants were slashed by 1/3 and in the same month rent increased by 10 % (Naidoo 11/28/04). The clothing industry had been a traditional source of work for thousands of people in Chatsworth. However, after 1995, the industry was rapidly declining as a result of South Africa’s neo-liberal economic policies, which lowered tariffs on imports, opening the clothing market to outside competition. Most of the women in Westcliff worked in the clothing industry, which was steadily laying off workers after 1995 (Desai 2000). In fact, many Westcliff residents could no longer afford to pay their rent, water and electricity bills. At that stage, the municipality had begun cutting off people’s electricity and sending notices threatening to disconnect water services. “That’s when we opened our eyes,” said Orlean, and shortly after Westcliff residents began mobilizing as a community to enter into dialogues with the municipality about their economic hardships. Their hopes were that the municipality would ease off on the cut-offs if they understood that unemployment in the community was increasing and financial circumstances were declining. Orlean continued, “the last thing we expected was water disconnections; that’s what you heard about happening

during the apartheid days. You never think that someone is actually going to take away your source of life” (Naidoo 11/28/04).

The first time Westcliff residents began to experience disconnections of water was between 1998 and 1999. These disconnections were being administered by ANC-led eThekweni municipality who claimed that their actions were in accordance with their water policy statements; if customers didn’t pay for the additional water they used, they forfeited their right to the free basic 6Kl and were liable for disconnection (Macleod 12/1/04). It was during that time that Professor Fatima Meer came to Chatsworth with the Concerned Citizens Group to garner ANC votes for the upcoming election. Instead of receiving the warm welcome she expected (representing the liberation government and all), she found that Westcliff residents resented the ANC for their credit control policies, which resulted in disconnecting them from basic services and even evicting them from their homes. Upon hearing the stories from impoverished families about their living situation and furthermore their cut-offs from basic services, the Concerned Citizens Group set aside their initial mission and decided to advocate for this community at the municipality level to end cut-offs. Unfortunately, the ANC-led municipality was not interested in hearing the concerns of Meer’s group (their own constituency) and continued administering their harsh credit-control policies (Desai 2002). At this breaking point, the Westcliff community and Concerned Citizens Group joined forces and mobilized to protest the municipality’s policies, on the basis that it was unconstitutional to deny people access to a basic amount of clean water. They held protest marches to city hall, where they issued memorandums to the deputy mayor and other officials, listing their grievances. There was also some serious resistance, when water authorities

actually came to disconnect the water; “we refused to let the authorities cut-off residents’ water supply” (Naidoo 11/28/04). In the cases where authorities succeeded in disconnecting people’s water supply, the community illegally re-connected the supply. In some cases, the mobilization effort went as far as physically chasing councilors out of Chatsworth and protesting in front of councilors’ homes. Ultimately, in June 2000, the community took one woman’s water disconnection to court arguing that the municipality did not take her socio-economic status into considering before cutting her off (as per their policy); but the courts didn’t prove to be the medium of change and hope for the residents of Westcliff. Despite the fact that they lost the court case, the fact that one woman challenged her circumstances and told her story to the press did have a significant impact (Desai 11/30/04). Ashwin Desai, an activist involved in the struggle remarked, “people finally starting thinking that’s not right, a woman that has nothing is getting water from a dirty river with shit in it.” The Westcliff struggle and similar struggles in other parts of Durban had created an enormous nuisance for the municipality, so they had no choice but to recognize that something needed to change. A dialogue opened between communities and the municipality, where both sides expressed their perspectives. Within the next few years, Durban Metro Water Services (eThekweni Dept of Water and Sanitation) responded with a policy whereby residents whose water was cut-off for non-payment had the option of receiving a flow-limiting device that would only allow the basic minimum of 6kl of free water (Durban Metro Water Policy Summary 2003). “We thought this was the solution to our problems, but there were so many strings attached to this so-called ‘free water,’” remarked Orlean (Naidoo 11/28/04). She continued, “today, people in this community are still getting cut-off from water and the majority of them don’t receive any

free water after they've been disconnected.” Even those who do receive the free basic water supply via the flow-limiting device aren't satisfied, because the amount just isn't enough, (Case 2, 11/28/04). As a result, residents in Westcliff are still coming together and illegally re-connecting water connections so that the community can survive. However, illegal reconnections are not the solution in anyone's eyes (Orlean 11/28/04). The question still remains: when will residents in Westcliff receive their constitutionally granted human right to a truly sufficient water of supply?

1.2-Objectives: Assessment of eThekweni Municipality's Water Policies

The overarching objective of this research project is to answer the question posed above: Why aren't some residents in Westcliff receiving the free basic water that the municipality is mandated to provide to them? In trying to address this question, it was necessary to study: a) the municipality's water policies and their justifications. Using Westcliff for the case studies, the project fulfilled the following objectives: 1) an examination was done on the way Durban Metro Water policies were being implemented 2) the socio-economic realities on the ground were examined and compared to the assumptions made by Durban Metro Water Services 3) an assessment of success or failure of Durban Metro Water policies was made in their attempt to provide a sufficient amount of clean water to residents 4) The response of community to water cut-offs and the subsequent resistance movement in Chatsworth was analyzed 5) Lastly, the subsequent formulation of policy recommendations were made.

1.3-Methodology:

1.3.1- Department of Water and Sanitation: Policies and Justifications

Policy documents released by the National Government's Department of Water Affairs and Forestry were examined in order to understand the guidelines and responsibilities of the municipalities in providing water services. Water Policy documents released by eThekweni Municipality Water and Sanitation (or Durban Metro Water Services) were examined in order to establish the framework that would later be tested for implementation of service-delivery in Westcliff. In addition, the Executive Director of Durban Metro Water Services was interviewed extensively in order to provide rationale for the policies, especially those that were found to be contentious or unjust according to Westcliff residents. Furthermore, the interview served to provide an outlook into water policy recommendations and future plans for the improvement of service-delivery to the poor.

1.3.2- Case Studies in Westcliff, Unit 3 of Chatsworth

Six households in Westcliff were interviewed in order to test the implementation and effectiveness of the municipality's water service policies. Questions were asked regarding household's socio-economic situation, and answers were compared to assumptions held by Durban Metro Water Services. Households were specifically questioned about the history of their access to water or lack thereof (including flow rate) up to the present, supply needed, and the affordability of water. Furthermore, each of the households provided their water bills, which were subsequently examined and compared against the claims made by Durban Metro Water Services.

1.3.3- Voice of the Community Leader: Chairperson of Westcliff Flat Residents Association

An extensive interview was conducted with Orlean Naidoo, Chairperson of the Westcliff Flat Residents Association in order to place the six case studies in Westcliff into the context of the greater community and its socio-economic problems. She was also the prime facilitator between the case study households in Westcliff and me. She was interviewed about the history of economic struggles in Westcliff leading up to the struggle for sufficient water. She was also questioned about actions taken by the community in their water struggle and the response they have received from the municipality. Lastly, she was questioned about policy recommendations she would make to the municipality to ensure more equitable service-delivery of water to all the residents in Westcliff.

1.3.4- Civil Society Perspective: Role of Activists, Academics, NGO's, Researchers

Ashwin Desai was interviewed in order to understand the role of activists and academics in community struggles for the provision of sufficient water. Brian Ashe of the Durban branch of Earth Life Africa and facilitator of the South African Water Caucus was interviewed regarding the role of NGO's in water policy formation on the national and municipal level. David McDonald, co-director of the Municipal Services Project was interviewed about role of research in water policy formation and subsequently questioned about policy recommendations. Additional voices from members of civil society organizations, including David Hemson, from the Human Sciences and Research Council of South Africa (HSRC) were referenced with regard to Durban's water crisis at the Anti-

Privatization Water Forum held at the University of Kwa-Zulu Natal in Durban South Africa.

2.0- Current Water Crisis in South Africa:

2.1- Department of Water Affairs and Forestry: National government's Water Policies and Progress Assessment

The South African constitution, considered to be one of the most progressive in the world guarantees clean water to all its citizens. The bill of rights in the constitution (1996) describes access to clean water as a basic right for all (Section 27, Chapter 2). Furthermore, The Reconstruction and Development Program identified the lack of adequate water supply and sanitation services as an important priority for the new democratic government, (Karsils 2003). As a result, the Water Services Act 108 of 1997 gives substance to the constitutional right to access a basic water supply by defining basic water as well as setting down the rights and duties of those responsible for providing water services. It requires that Water Service Authorities are responsible for following these guidelines. The Water Services Act outlines basic water supply as such:

Excerpt from Water Services Act, 1997 Act No. 108 of 1997) Sections 9(1) and 73 (1)(j):

3. The minimum standard for basic water supply services is-

a) the provision and appropriate education in respect of effective water use; and

b) a minimum quantity of potable water of 25 liters per person per day or 6 kl per household per month

(i) at a minimum flow rate of not less than 10 litres per minute

(ii) within 200 meters of a household; and

(iii) with an effectiveness such that no consumer is without a supply for more than seven full days in any year.

However, the Water Services Act did not go far enough in outlining the implementation process of the basic water supply by the municipality, so poor South African's still could not afford to pay for water (Smith 2003). Unable to pay, many people turned to polluted streams and rivers for their water needs. Unfortunately, the rivers were infected with cholera, and as a result (although this is disputed by some government officials), 120,000 South Africans were infected with cholera by December 2002 (Hemson 10/27/04). Partly in response to the cholera outbreak and the heightening realization that the poor could not afford to pay for water the national government passed its most recent legislation on the provision of water: free basic water. In 2001, the national government announced mandate to municipalities (local authorities) to provide a basic lifeline of 6Kl of water free to all of their constituencies. The Minister of Water Affairs and Forestry stated that, "Our pro-poor policy of Free Basic Water has been a realization by Government that there are many South African's that cannot afford to pay for services so essential for health and basic needs. Thus the policy ensures that when implemented by Local Government, households are entitled the first 6 000 liters of clean water every month at no cost" (Kasrils 2003).

Water is a very scarce resource in South Africa; droughts are prevalent in the region. Rivers and other water basins often dry up, so we're finding that even water treatment facilities often end up having to borrow water from other catchments (Ashe 11/28/04). Mike Mueller, Director-General of the Department of Water Affairs and Forestry claims that in 1994, between fifteen and twenty million South Africans did not have access to safe drinking water (Cashdan 2002). In a speech given by the Ronnie Kasrils, former minister of Water Affairs and Forestry, he exclaimed that, "ten years

later, we are reaching the milestone of ten million people with access to clean water who had none in 1994. At the present rate of delivery, we will eradicate the backlog of infrastructure for water by 2008” (Kasrils 2003). However, this ideal picture does not tell the full story of access to water in South Africa. While it is commendable that the government has technically “connected” approximately ten million people to a supply of clean water via infrastructure, this does not necessarily mean people are receiving it at all, particularly if they cannot *afford* the cost of water. According to a study done in the year 2000 on basic services in South Africa by David McDonald; he states that eighteen percent of the people who are reported to have been given access to water since 1994 are unable to pay their water bills; thus 1.26 million of these new recipients are unable to afford water altogether, and approximately 1.2 million South Africans have to choose between paying for water and buying other essentials like food (McDonald 2000). It wasn’t until 2001 that municipalities were mandated by the national government to provide the first 6kl of water free to each household, so before then, there were many households who could not afford to pay water service providers, and were subsequently disconnected from their water supply. Even after 2001, we still see that many water service providers are operating under harsh cost-recovery policies: forcing the poor to pay for extra water they use (over basic minimum) and cutting them off for non-payment (Bond 10/27/04). Furthermore, water service providers have placed various stipulations on receiving the “free basic water” (that will be discussed later in the paper) that stand as an impediment for thousands.

2.2- Current State of Neo-liberal economic policies: Commodification of Water

What is the reason for the municipality's strict cost-recovery policies and harsh credit-control tactics? Many academics attribute these policies to South Africa's current embrace of neo-liberal, free-market oriented policies. Since 1994, the World Bank has played a significant role in influencing South Africa's economic policies. When the country faced enormous expenses of bringing water and sanitation to millions, the World Bank encouraged greater private sector involvement (Bond 25). Some local governments have privatized public utilities by awarding water concession to foreign companies. Others have transformed their utilities into profit-driven, publicly owned enterprises. According to David McDonald, Director of the Municipal Services Project, water has become just like any other commodity, to be sold for profit on the open market (McDonald 12/1/04). While ninety-seven percent of the country's water utilities are still publicly operated, their operation is based on business principles such as "full cost-recovery" which is the case with the eThekweni Municipality, customers have to pay tariffs on water in order to recover the real cost of providing the service (McDonald 12/1/04).

3. eThekweni Municipality Water Policy:

3.1- Role of Department of Water and Sanitation

According to the Head of the Department of Water and Sanitation, Neil Macleod, they operate as a sphere of government. They are responsible for providing water to all of eThekweni municipality, which includes approximately 3,100,000 people, including the residents in Westcliff. It is the responsibility of the national government's Department of

Water Affairs and Forestry to establish policy and provide regulations, while Durban Metro Water Services (used interchangeably with Department of Water and Sanitation) is responsible for implementation and service delivery. According to Macleod, “they [Department of Water Affairs and Forestry] make broad policy statements, but we make the municipality’s water policies that follow their guidelines,” (Macleod 12/1/04). He continued, “as a result, a lot of national water policies originated from our department have influenced national policies as well.”

3.2- Expansion of the municipality: the effect on service-delivery of water

The expansion of the eThekweni city limits contributed largely to the current water situation. In 1992, during apartheid, Durban was a city of approximately one million people, (Macleod 12/1/04). During this time, the limits of the municipality did not include many poor areas; therefore, they were mostly providing water to people who could afford it and the majority of the municipality was thus receiving a sufficient supply. However, beyond the city limits, eThekweni was surrounded by a sea of people with no water, (Macleod 12/1/04). Although apartheid ended in 1994, elections in Durban took place in 1996, after which the size of the municipality grew significantly. According to Macleod, in 1996, there were a million people with access to water who were paying, a million people with access to full services, but not paying (because the apartheid government had subsidized it previously), and then a million with no access to clean water. Macleod remarked that in 1996, “we had the haves, the haves not paying, and the have-nots. Today we still have the haves, most of haves but not paying are starting to get bills and we’ve provided for 800,000 of the million have-nots. There are still 200,000 people in eThekweni who do not currently have access to clean, potable water, which we

will provide within the next 2 years. However, couched in between this neat picture of the department's progress in providing people with so-called "sufficient" water is the struggle in Westcliff and similar places that Macleod would refer to as the "haves not paying areas, who are starting to get billed," where people cannot afford to pay for bill, resulting in water disconnections.

3.3- eThekweni's relationship with Umgeni Water

Umgeni Water is a catchment-based water utility supplying bulk water to municipalities in Southern Africa, including eThekweni. It functions as a government parastatal: a corporation whose shareholders are the South African government (Umgeni 2004). Until 1983, the municipal government provided water to everybody in the area we now know as Durban; local government directly provided the water. However, in 1983, the apartheid government created Kwa-Zulu and Natal where Kwa-Zulu was an independent state that the municipality was no longer permitted to provide water to its residents (Macleod 12/1/04). This city protested that limitation, but their efforts were unsuccessful. The National government created a water board, and Durban Metro Water Services were no longer directly providing water to the people in Kwa-Zulu. At that point, what used to happen is that water would leave the Umgeni treatment works through Durban Metro Water systems to the same meters that they had always traveled through, and the municipality would send the bills to people, but the Umgeni Water board set prices and collected money. There was a lot of unhappiness at the time, because the price water rose dramatically on the bulk amount; the prices were inflated by 30%, which was directly passed onto the customer (Macleod 12/1/04). The result was that people

living in Durban's townships often did not have access to water or lost their access due to the inflated price.

Currently, Umgeni continues to operate as a "non-profit" bulk water supplier for the expanded eThekweni Municipality (see previous section on city expansion in 1996). The cost of bulk water to eThekweni is regulated by the National Department of Water Affairs and Forestry, and the minister of DWAF appoints the Umgeni water board. It is this water board that determines tariff prices to the municipality, and they claim to base their bulk water prices strictly on the basis of recovering their costs (Umgeni 2004). Neil Macleod, the head of Water and Sanitation for eThekweni; however, is very skeptical of Umgeni's "non-profit" status. Macleod claims that if the water board determines its own costs, it is like trusting someone to determine their own expenditures. Macleod remarked, "the water board can easily take extraneous, personal costs into account, and write anything off as costs, which the water board does, because they aren't being monitored." He continued, "They can do whatever they like...you can see their so-called costs in the way they live. They've all got rugby boxes, crickets boxes, millions of Rand worth of promotional expenditures, having game reserves, we found out, all a very happy arrangement for the water board," (Macleod 12/1/04). Community activist and journalist, Ashwin Desai agrees; "Umgeni water board is something you can't hide, if you look at their salaries of over a million Rand, and they're up on all these corruption charges for overseas trips," (Desai 11/30/04). EThekweni has consistently challenged the prices, but the water board just told them to deal with it, until the council refused to pay the high prices. At that point, the board was willing to negotiate the bulk water price with eThekweni (Macleod 12/1/04). The major problem that the municipality has is that the

water board itself is not regulated and monitored, and although it's the national government's job to do so, it hasn't been happening for the last 20 years, since the establishment of the water board. As a result, bulk prices have continued to increase over the last few years, and the municipality has had no choice but to pass these tariffs onto their customers (Macleod 12/1/04).

3.3.1- Cost-recovery

Some municipalities receive an Equitable Share grant (a national transfer of money to local authorities earned for service delivery) from the national government, which they use to subsidize service-delivery of water, (Smith 2003). According to Macleod, eThekweni does not use any subsidies from the national government for service-delivery of water. They are not allocated money to subsidize water, so as a result, they operate on the basis of recovering costs of bulk water and delivery, so that Durban Metro Water services can pay Umgeni without going bankrupt. Macleod continues to explain that the municipality's cost recovery policy as such; "We run exactly like a business except that we're not operating as a profit maker or a loss maker; we have pass on tariffs to recover our costs," (Macleod 12/1/04).

3.4- Cross Subsidization: Block Tariffs, Free Basic Water

"We'd been doing it since '97, it became national policy in 2000, but we had said even before, you don't have to pay for first 6K," explained Macleod (Macleod 12/104). In fact, he continued to remark that the national policy in 2001 was influenced and modeled after Durban's policies. Durban Metro Water Services also implements a block tariff policy, which basically means that the more water you use the more it costs per liter (Ashe 11/28/04). This progressive block tariff is used to cross subsidize free basic water;

so high consumption users pay more per liter in order to recover costs for the 6kl free basic water that all domestic consumers receive (Macleod 12/1/04). In addition, the progressive block tariff also encourages high consumption users to cut down on their water usage. Macleod explained that they want high end users to reduce water consumption, while at the same time not reducing consumption to the point of not having enough revenue to cross subsidize for the free water.

In the most recent Water Policy Summary (revised last on September 2003), the water tariffs are outlined as such:

Water Tariffs: (Image107 570 Water Policy Summary as at September 2003)

“Different tariffs are charged for domestic customers based on the type of connection they have and also the amount of water they use in a 30 day period. Customers with a full pressure water connection also pay a fixed charge per kl if monthly consumption is greater than 6. (In cases where ratable value of the property is below R30,000 no fixed charge is payable). Each domestic unit is allocated the first 6kl of basic water free for each 30 day period.”

The following chart (Figure A) contains Durban Metro Water Tariffs as of July 2004: (prices for ground tank or roof tank are not included because the majority of Westcliff residents are on domestic full pressure)

Figure A

Type of Water Supply→	Domestic Full Pressure Price per kl	Industrial/Commercial Price per kl
Monthly Consumption		
0 kl-6kl	R0 (nil)	R5,42
6kl-30kl	R5,42	R5,42
More than 30 kl	R10,84	R5,42
Fixed Charge Per month if property over R30,000		
0kl-6kl	R0 (nil)	Varies with connection size
6-30kl	R29,58	Varies with connection size
More than 30kl	R42,32	Varies with connection size

There is a lot of debate over whether 6kl is sufficient amount of water for an average household; while some researchers debate that 7kl is sufficient, others claim that the figure is closer to 12kl (Ashe 11/28/04). Neil Macleod disputes the latter claim saying that “the basic reality is that this is not a socialist state, we’re not into free gifts, this is no free lunch, in reality, a person in all the research I’ve done needs 50L per day to live a healthy life. The average population size of family in South Africa is 4.2 and in Durban 3.9, so an average family needs 7K a month, not 6K, and I’m actually talking to the council now about increasing it from 6-7 but that’s all” (Macleod 12/1/04). As we will see further in the paper, the case studies in Westcliff contest Neil’s claims about family size and the amount of water that is sufficient per person. Each household

claimed they needed more than 6kl per month, and according to the block tariff chart in Figure A, as soon a consumer is over the 6kl mark, they are charged R5,42 for every liter over (up till 30kl). This is where the story of non-payment begins; the amount of free basic water isn't sufficient for the sustenance of the families in Westcliff and they cannot afford to pay the additional tariffs they incur when they use over 6kl, so they have no choice but to forgo payment. The result of continuous non-payment is consumer debt known as "arrears." The municipality implements credit control policies in order to address the issue of arrears.

3.5 Credit-Control Policies: Arrears, Flow Restrictors, and Flow Limiters

In the Strategic Framework, an addendum to the Water Services Act, the national government has set guidelines that the municipality must follow when implementing credit-control policies: Policies and procedures should seek to avoid accumulation of bad debt. Claiming that these guidelines are being followed, the Water Policy Summary set out by the municipality outlines the following credit control policy:

EThekweni Municipality Water Policy Summary (last revised September 2003):

Arrears Policy:

When a water account is not paid in full by the due date, it falls into arrears and additional interest and administration charges are raised on the outstanding amount. A notice is printed on their bill for accounts in arrears which reads as follows:

"Our records reflect an unpaid amount on your account. Payment of this amount is due by dd/mm/yyyy to avoid disconnection of your water supply on or after dd/mm/yyyy."

For domestic customers a letter is then also posted to the account address if payment is not received which says the following:

"Please note that according to our records you failed to pay an amount in terms of water supply by-laws and your account is in arrears. The message appearing in your bill advises the date by which payment

should received. Failure to pay the amount due will result in disconnection of your water supply on or after the stated date. You are entitled to a maximum of 200 liters of free water each day, in terms of the eThekweni Municipality's policy, and arrangements can be made for the amount you owe us to be paid off or else fixed at its present level until you can afford to pay the Council. IF YOU DO NOT VISIT US AND ATTEND THIS MATTER BEFORE THE DATE SHOWN ON YOUR BILL WE WILL UNFORTUNATELY BE FORCED TO DISCONNECT YOUR WATER SUPPLY.”

In the case of domestic households, if there is no response from the customer, the water supply is then restricted to a flow of one liter per minute through the use of a specially designed washer. If the customer makes contact with us to settle his debt, he must first sign an acknowledgement of debt (AOD). The outstanding debt is “frozen” and does not attract any further interest. Furthermore, the AOD will include a commitment to pay a minimum monthly amount (with respect to income) towards the debt. If this process is followed, a flow restrictor will be installed at the customer's water connection that limits the supply of water to 200L per day at a normal flow rate (ensures the basic minimum of 6kl per household per month). The customer is required to attend a short training meeting in order to understand how to manage with the 200 liters of water. The flow-limiting device will only be removed when the outstanding debt is paid in full.

In order to understand the full extent of the municipality's flow-limiter policy, a flow-limiter training meeting was attended, which established the following guidelines: the water would come out of the tap every morning at 5AM. The customer must manage how to use the water, but after 200 Liters are finished, the water will stop running until 5AM the next morning. If a customer does not use the 200 liters during the course of the day, it is advisable that he empty out the supply into buckets (before the next morning) to use at a later time, because if he does not, the unused amount does not carry over to the next day (Lenox 12/6/04).

For many poor customers like those in Westcliff as we will see, they are very wary at first of making contact with the municipality, because they have no money to pay

off their arrears and they fear that contacting the municipality will leave them even more susceptible to disconnection, because they would have to admit that they haven't been paying their bills (Naidoo 11/28/04).

4. Culture of non-payment: Fact or Myth?

4.1- Municipality's claims about socio-economic conditions in Westcliff:

There is a lot of contention surrounding the question of why some Westcliff residents aren't paying their bills or contacting the office to arrange payment plans. The following claims and assumptions have been made by Neil Macleod regarding the socio-economic conditions and water consumption habits of Westcliff's non-paying customers (12/1/04):

- a) The municipality claims that there is a "culture of non-payment," implying that Westcliff residents can in fact afford to pay their water, but choose not to because they are accustomed to not paying for services. Macleod claims that "the majority of Westcliff's non-paying customers are not poor; they are gangsters of the world hiding behind the poor, with all these theories about why they can't pay. It's a joke, in fact we've been to their house and we've seen what is in their house in terms of DVD, T.V., cell phones, expensive shirts they wear, the car they drive; this is their 'poor' lifestyle" (Macleod 12/1/04).
- b) Westcliff non-paying customers consume much more water than those who pay. The implication here is that when customers are not paying for their water consumption, they simply waste water. Macleod claims that, "If I gave you a print out of Chatsworth, non-payers are using about 150 and they tell me I'm

poor, and I tell them that's much more water than they need. The average consumption of the non-payers in Chatsworth is way more than those who pay, people who pay are being socially responsible and they're using what they can afford." In the same breath, Macleod claimed that, "If I became poor, I would have to adjust my lifestyle in order to pay my bills. I'm not a millionaire and I don't live like a millionaire, but thankfully I'm not a poor person, but if a poor person lives like a middle income person, that's a problem...if you are poor, you must live like you are poor" (Macleod 12/1/04).

- c) The municipality makes the claim that 6kl is a sufficient allocation for households per month, so if an average household is not managing with that amount water, they are wasting water somewhere.
- d) Macleod makes the claim that the average family size in Durban and in Westcliff alike is 3.9 people. He continues to claim that if extended family members are living under one household, they are usually paying rent to the primary dwellers. Thus, they cannot be included in the number of people in the household. In reference to extended families living under one roof, Macleod claims that "half of them are rental paying and that's an income for the primary residents. They're paying them between 60-200R a month; they're running a business and if that's the case, they can surely afford to pay their water bill (Macleod 12/1/04).
- e) Macleod claims that usually one person in the household of a non-paying Westcliff resident is employed formally or informally.

- f) Westcliff residents are being charged 5% of their income for their water consumption, which by many standards is a reasonable proportion to be paying for water (Macleod 12/1/04).
- g) Macleod claims that Westcliff residents have the ability to pay for the water they use separately from rent and electricity (Macleod 12/1/04).
- h) The Water Policy Summary (last revised September 2003) released by the municipality states that no fixed cost for water will be incurred if property value is less than R30,000.

4.2 – The Reality on the Ground: Case studies in Westcliff

4.2.1- Brief Socio-economic history of Chatsworth

After the passing of the Group Areas Act in 1950, thousands of Indians from all over Durban were relocated into Chatsworth's ten-square-kilometer precincts south of Durban. Stripped of their old lives and removed from their previous homes, these Indians were forced onto a sloped piece of land twenty-five kilometers from the city center (Desai 2000). At the time, the township consisted of nine self-contained units of tightly packed flats that resembled horse stables; the homes consisted of two tiny rooms with whitewashed walls and asbestos roofs minus any ceilings. Westcliff is Unit 3 of Chatsworth and the picture of the area today closely resembles the impersonal, un-livable conditions that existed when the township was first established. Instead of tiny houses, today you will see "rows and rows of two-story flats...atop each flat is a dark grey asbestos roof," (Desai 15). These flats have not been maintained or renovated at all in the last 42 years, and it is only now that the municipality is looking at upgrading (Orlean 11/28/04). According to Orlean Naidoo, 76% of Westcliff residents currently live below

the poverty-line, and there is approximately 70% unemployment in the community. She remarks, “Of course people want to pay their bills, and they would if they could, but they’ve got no money, sometimes they don’t even have enough money for bread,” (Naidoo 11/28/04).

4.2.2- Socio-economic conditions/water crisis for Westcliff residents: Cases 1-6

(See Figure B)

Case 1- The socio-economic condition of in this household is one of the poorest in Westcliff. There are three members in the household; 1 woman and her 2 teenage daughters, living in a 2 tiny-room flat (bedroom/all-purpose room, kitchen and bathroom). Her husband was the only member of the family getting income and he left his job in 1986 when he developed a serious illness. Ever since then, the family has not been able to pay their bills, because there was no income coming into the household and any money that was collected was being used for hospital bills. Her husband has passed away recently, and the family was left with nothing. Both children are over eleven and are no longer eligible for child-care grants, and the family is not eligible for any other grants. Any money they receive now is from the little they can borrow from friends and family. In the interview, the mother remarks, “sometimes we don’t have money for food, but we pay on account sometimes.” The two daughters were taken out of school a few years ago, because they could not pay for school fees, and the school was threatening to expel them. Earlier this year, the household was approximately 25000 in arrears with Durban Metro for non-payment of their bill (rent, water and electricity) and after many warnings they were disconnected from their water supply (Case 1, 11/24/04).

Water Crisis: “The first time they come to disconnect my water, they just put in the washer and the last time they came, they took out our pipes,” remarked the mother. In the beginning of the year, the household was disconnected from their water supply via a restrictor washer. “My daughter was crying when they came and cut it off. No water came out at all...my neighbors were helping me, but for a few days we didn’t bath all day,” said the mother shamefully. After the situation became unbearable, she turned to the community and they helped her remove the restrictor washer and regain her water flow. She defended actions; “We want to be legal, but we’d have to pay the full amount of the arrears and we have no money. They want the full amount.” The second time the water authorities came to disconnect her water, they removed the meter and pipes. Shortly after this, with the help of the community, the family put in a new pipe connection. As of yet, the municipality only bills the family for rent, electricity and arrears, but not water, because they removed the water meter (See Figure A, Case 1). However, the family still fears that it’s only a matter of time before the water authorities find their connection and cut them off again, (Case 1, 11/24/04).

Case 2- “We didn’t even have money to give our kids firecrackers on Diwali, no money, no Diwali,” remarked the mother of this four-person household. She lives in a two-room flat with two sons and a nephew who she is responsible for. One of her sons has respiratory problems, and so the family receives a R740 disability grant every month. She herself has got heart problems, wheezing, thyroid gland problems, and arthritis. She continued, “With the little we get, we have to feed our kids, and get medication. She has lived in this flat for 26 years. “We had been paying our bills for 20 years!” she

exclaimed. However, seven years ago her husband fell very ill, and left his job. The income the family was receiving from their child's disabilities grant now had to pay for the husband's medications. That is when they began to accumulate arrears (Case 2, 11/24/04).

Water Crisis: Last year, Durban Metro was threatening to cut off her water supply if she didn't pay off her arrears; "I could give them R50 and I told them that I'd borrow R60 and give it to them by Saturday," but they couldn't wait for that money. They disconnected her water supply using a restrictor washer. When asked about the water flow coming out of the restrictor water, she explained, "No water came out at all; you see I live on the 2nd floor of this flat so by the time the trickling water travels up through my leaky pipes, nothing comes out when I turn the tap on." She continued, "We took out the washer, because we had no choice; we had to live." Earlier this year, her husband died of heart problems, and on the day of the funeral, the water authorities happen to come by with intentions to disconnect her water supply for a second time (after she had illegally reconnected it). However, her neighbors explained that there was a funeral taking place in the home and they refused to let the water authorities disconnect the water (Case 2, 11/24/04).

When questioned about whether she would pay the Durban Metro Bill if she had the money to, she remarked, "We get one bill; we have to pay together for rent, electricity and water, so if I could afford to, I would want to pay for water alone, but they don't give us that choice." As for paying the consolidated bill, which includes rent, she exclaimed, "How can I pay for a house like this? They've never plastered it...inside my house, the water drips off the wall and the roof and that's why me and my five-year old got

wheezing.” She explained that because of poor insulation, in winter, the house was like a “cooler-box” and in summer it was like a “hotbox.” Completely ashamed, she pointed to her bathroom; “No toilet door. Can you imagine” she said. “I got three boys in my house and they can see me bathing...why should I pay rent for this garbage place?” She had been paying rent for 20 years and believes that by now this “rotten” house should at least be theirs or get renovated. At the end of the interview, she re-iterated the point that she would, however be willing to pay separately for water services, but she is not given that option, because rent, electricity and water are consolidated in the Durban Metro Bill (Case 2- 11/24/04).

Case 3- One would be hard-pressed to see this household without seeing their impoverished condition. This family is made up of 9 people who live in a two-room flat: one bedroom, one kitchen, and a bathroom. The flat houses the primary dweller, her 4 children, 3 grandchildren and sister. The woman that was interviewed was the sister of the primary dweller. In 1996, she lost her job as a nurse because her health conditions were making it hard to function. In that same year, her mother died and she got divorced. With no job and after being kicked out of her house by her husband, she turned to her sister, who kindly took her in. Three years ago, her sister (the primary dweller) lost her job at the factory, because they claimed she was getting too old. Her sister was the only one employed in the household, so since then the nine-person family has been living on one disabilities grant and three child-care grants which amounts to approximately R1250. Her (the interviewee’s) health conditions include: rheumatism, hip failure, heart problems, and asthma, for which she receives a disabilities grant. It was around the time

when her sister lost the factory job three years ago that the household stopped paying bills to Durban Metro; “it was just too expensive,” she said, “we had to buy food for eight people and a small baby and my medication.” That is how this household began to accumulate arrears (Case 3- 11/28/04).

Water Crisis: After being warned that non-payment of arrears would lead to disconnection, the household was cut-off from their water supply. The most recent instance when this household’s water was disconnected using a restrictor washer was two months ago. The interviewee explained, “I went to open the tap and nothing came out.” She continued, “I had some water saved in the fridge and we used that...I couldn’t borrow water from my neighbors, because it was around the same time that they had also been disconnected.” Like in the other cases, her health condition made it even harder to go without water; “I was suffering, because I need water for swallowing medicine, and to soak my leg and for asthma, when u take pump, u feel like drinking.” She waited 2 days to see if water would maybe come out of the tap. Desperate after no water did come out, she removed the washer and re-connected her water supply. Since then, the water authorities have not come back to disconnect her again, but she fears they will come soon again, and that maybe next time they will remove her pipes (Case 3, 11/28/04).

Case 4- While this household was financially struggling, they were the only case where someone in the house was employed. This household contained one mother and her daughter, living in a 3-roomed flat. Both members of the family were working at a clothing factory, but the mother left work last year because of an injury. At that time, the only income flowing into the home was from the one daughter, (who could only receive

part-time work) and it was approximately R500 a month. As a result, the family could no longer afford to pay bills, because they were using the income for food and hospital bills. It was only recently that the mother received a monthly disabilities grant of R740, making the total income flow into the house R1240; however, the months when the family was only living on one income and not paying their bills resulted in their accumulation of arrears (Case 3, 11/28/04).

Water Crisis: After being warned that non-payment of arrears would lead to disconnection of water supply she went to the council to apply for a flow limiter. She went to town alone, without consulting her children and went through the process of acknowledging her debt and getting a flow limiter that would only allow 200 liters of water a day, and a total of 6kl a month. She explained the situation; “I didn’t understand most of it...I never ask my children before I go...I sat through the meeting and they said I must sign paper to get the free water, and then they put on stopper [flow limiter].” The water opens at 5AM, but if the family uses it the 200 liters, they have to “worry the neighbors whole day” for water and the next morning at 5AM they get the water back. The daughter commented, “when we want to wash clothes, it’s a very big problem.” The days they wash clothes, it’s almost guaranteed that they won’t have water left for the rest of the day. Even though the 6kl is being allocated between the two of them it’s still very difficult for them to manage. The situation is even harder because the mother is sick and has bladder problems; therefore, she always needs to go to toilet and using water. After being on the flow-limiter for months, it was no longer bearable and the family removed the flow-limiting device and restored their full connection (Case 4, 11/28/04).

Case 5: After learning about this household, it was clear that of all the households interviewed, the more severe case of poverty existed here. In this 2-room flat, one mother lives with seven children. Four of them are her own, including one who suffers from server bouts of asthma. In addition to looking after her own children, she takes responsibility for three other children. One of them is her sister’s child, who was being threatened by the father, so she took the child in. Another one is her brother’s child, who used to live in a rural area where he developed “kwashiorkor,” a disease caused by malnourishment. The last child that she takes care of is the son of her cousin. She herself had her spleen removed, because she had abdominal complications. Despite all of this, she has been unsuccessful in receiving any child-care grants or disabilities grants. “I’m still waiting for those grants to come in.” She herself is unemployed, although even if there was a job opportunity, it’s questionable how she would manage to take it with seven children to look after. Therefore, there is zero steady income coming into the home; any money, food, or other supplies that they ever receive have been given to them by friends. She explains, “sometimes I don’t even have bread for the children...Orlean sometimes organizes food for us when she can.” She continued, “its hard, can’t manage...I didn’t send my children to school for a few days, because I cant send them to school without eating anything.” She hasn’t paid bills for years, but said she would object to paying rent, even if she did have income. “My house is so small that it’s hard to breathe at night with so many people.” When asked what she would want from the municipality, she said “I want them to give us bigger house an scratch out the arrears...” She proceeded to explain that if she had income, she would want to pay for water and lights, but not for her house, because it’s rotting. However, the consolidated bill that

Durban Metro sends would not give her that option anyway. Currently, she receives all the water needs, but is not being charged for it, because the government has removed the meter from her property. Her supply has not been disconnected at all in the last 4 years, since she took her situation to court when the water authorities disconnected her water in 2000 (Case 5, 12/2/04).

Water Crisis: Since she had not been paying bills for years, by 2000, she accumulated over R25000 in arrears. She was one of the first families in Westcliff to ever get disconnected. In early 2000, the water authorities came to her house and disconnected her supply using a restrictor washer. She explained, “We went 2 days or 3 days without water, so I asked my neighbor for some, because I have a small child who needed water for milk, and one day she gave us water and other day she didn’t. Then I went to the river, carrying a bucket, and brought it back for my family, but that water was very dirty. One day, “I was feeling so sad, because I realized that I was going to die if I don’t open the water.” She figured out how to open the pipe, and took the washer out. When the community found out about her situation, they helped her case take the municipality to court for denying her constitutional right to clean water. Although she was unsuccessful, due to the political heat that the municipality received from her case, they have never disconnected her water supply since. In fact, her case has had an affect in shaping the municipality’s attempts to provide the basic minimum of 6kl per months to households in Durban (Case 5, 12/2/04).

Case 6- This household is made up of 4 consistent people; a mother, her three children, and a father who is in and out as a result of social problems. The interview was

conducted with the mother of the household. Currently no one in the household is employed, and they receive money for food from their married daughters who are employed, but do not reside in the house. As a result, they have been in arrears since their daughters got married a few years back and left the house.

Water Crisis: Last year, the water authorities disconnected their water supply with a restrictor washer, and she says that they “had little bit of water coming trickling, which we had to use, but it was very hard. Shortly after, she went to apply for a flow limiter, which is when she claims the “problems began.” She went on to explain these problems: “The water comes at a certain time in morning, 3-4, 2:30-4AM...if you don’t open the tap and collect water at that time, you wont have water for the whole day.” She reiterates, “you have to take all the water out in the morning or you wont have it.” The family thought they had signed up for 6kl of free water, but they surely weren’t receiving that much and it was a huge hassle to have to collect it that early in the morning and find buckets for it. The mother continued, “people used to give us water, next door, downstairs...we suffered for 2 weeks.” After those 2 weeks of torture, the family went to the community who helped them remove the flow limiter and illegally restore their normal connection. The family fears that the authorities will come once again disconnect them from their water supply.

For Cases 7 and 8, extensive interviews were not able to be conducted, but information about household income and family size were collected in addition to recent copies of their Durban Metro Bill. The following chart depicts the socio-economic condition of households 1-8 as well as their water consumption and the amount they owe the municipality (per month and in arrears).

(Figure 2)- Compilation of data collected about each household

Case	Income per Month	Family Size	Total Rental Cost	Household Water Consumption	Water Consumption per person/ Per day	Water Account (month)	Fixed Water Charge	Interest Charges	Monthly Water/ Total, (-) electricity	Total/ Arrears
1	>R100	3	162	(govt. believes that she has been totally disconnected)	Not known/not receiving bill for the reason stated to left	Not known	Not known	167.26	0/343	25118
2	R740	4	221	10kl	83kl	20.60	30.57	20.05	81/305	2550.95
3	R1250	9	224	24kl	88L	97.56	42.32	122.91	287/516	18044.06
4	R1240	2	-----	-----	-----	-----	-----	-----	-----	Not able to obtain bill
5	>R100	8	195	govt. believes that she has been totally disconnected	Not known/not receiving bill for the reason stated to left	Not known	Not known	181.02	0/376	30000
6	>R100	4	-----	-----	-----	-----	-----	-----	-----	Not able to obtain bill
7	R740	4	170	12kl	100L	32.52	29.58	135.34	200/438	18510.91
8	R740	6	172	24kl	133L	97.56	42.32	92.56	231/473	13635.58

5. Westcliff Cases: Analysis of Data

5.1 Addressing the assumptions made by the municipality:

a) 0 out of the 3 cases who were housing extended family were receiving rent money from them, contesting the municipality's claim that extended family members often pay rent to the primary dwellers of the family.

b) 4 out of 4 cases (where water consumption was obtained) used less water than municipality's claim that Westcliff non-payers are wasteful and use 150kl per person per day. In fact, the average amount of water consumed was close to 100 liters per person

per day. Research done on the amount of basic water a person needs show that the generally accepted amount of 50 liters per person per day (which eThekweni municipality makes provision for) often does not include water for cooking or washing clothes. New research is starting to show that closer to 100 liters per day is necessary to provide some minimum acceptable quality of life (Gleich 2002). This would equal approximately 15kl per month for a family of 5. This amount is reinforced by research conducted through the South African Water Caucus, which is showing that between 12-20kl per month is needed for an average household to live a healthy life (Ashe 11/30/04). If these amounts were used as a benchmark for basic water requirements, it would imply that Westcliff non-paying customers are not simply wasting water (as per the claim), and in fact are using what they truly need.

c) Unlike the claim Macleod makes that the non-payers in Westcliff are often spending money on luxury items, 0 of the 8 households visited had cars or DVDs.

d) Only 1 of 8 households contained a person who was employed, contesting the claim that many Westcliff non-payers have at least one employed family member (Macleod 12/1/04).

e) In 5 out of the 6 cases, the point at which the household stopped paying bills coincided with a significant income-draining event: sudden unemployment related to an injury or illness. Thus, the forgoing of paying bills was not an arbitrary decision taken by the household. This implication lends to the point that households were paying when they could afford to, contesting the notion of “culture of non-payment.”

5.2 Assessing the effectiveness of municipality in provision of sufficient water

a) Despite the claim that the average family size in Durban is 3.9 people, 6 out of the 8 cases contained family sizes bigger than 4. The free basic water policy takes 4 people per family into consideration for the 6kl, and therefore, should be adjusted for larger families.

b) Only 2 out of 8 cases applied for a flow limiter. These were cases 4 and 6 who contained households with 2 and 4 people respectively. These household population numbers are on the lower end of the spectrum, implying that they believed that their small families may be able to manage with 6kl, while the larger households may not have applied for a flow limiter, because it would not have been able to manageable for their families.

c) 2 out of the 2 homes with flow limiter (allowing 6kl per month) were in situations where households were borrowing water. The municipality policy states that 6kl is the basic amount needed per household and therefore, assumes that families who are not coping with that amount must be wasting water. Orlean Naidoo states that “In order to borrow water, you really have to let go of your pride and dignity; you would only borrow such a common basic thing if you were truly desperate, so I highly doubt that people were wasting their water. In fact, they would try hard not to waste their water, simply so they wouldn’t have to be ashamed of borrowing water from people,” (Orlean 11/28/04).

d) 5 out of the 6 cases (which were extensively interviewed) reported leaky pipes, which implies that the water consumption amount on the meter is inaccurate, because families aren’t actually consuming that much, because some water leaks out of the pipes, but is still read by the meter. The point here is that in all cases (illegally reconnected

households and those on flow limiters), the municipality believes that the consumer is getting more (and thus charging them more) than they are actually receiving.

e) 5 out of the 6 cases showed that at least one person in the household had serious health problems that required additional money and water, which implies that in many cases, income flow is being used for medication and less is available for payment of the Durban Metro bill. The implications of this are two-fold: 1. Medication is not a luxury, further contesting the claim that Westcliff non-payers are spending income on luxury items. 2. Water that is needed for medication and illness purposes (often a concern for the poor) is not taken into consideration by the municipality when formulating the basic water supply amount.

f) Despite the fact that the municipality water policy states that a restrictor washer will allow 500 liters of water a day at a flow rate of one liter per minute, 5 out of the 6 cases reported that extremely little to no water came out when a restrictor washer was applied.

g) Neil Macleod stated that Westcliff non-payers are being asked to pay 5% of their income towards water, which is a reasonable percentage by international standards and yet they still aren't willing to pay (Macleod 12/1/04). 4 out of 4 cases (which provided the necessary information) would have to spend more than 5% of their income on water. Including the tariff on arrears, households would be paying between 11-31 percent of their income for water. Excluding the tariff (which is an accurate measure of monthly water bill if the customer wasn't in arrears), households are still being expected to pay between 7-18% of their income (See Figure 3). The implication here is that if the amount of free basic water is not going to increase past 6kl, then the tariff on each additional liter

(up to consumption of 24 kl for this sample) must be lowered, so that customers aren't expected to pay more than 5% of their income on water.

(Figure 3)-Analysis of water bill as percentage of income

Case	Income	Water Bill (excluding interest) as % of Income	Water Bill (including interest) as % of Income	Total Monthly Bill as % of Income
1	>R100	N/A	N/A	343%
2	R740	7%	11%	41%
3	R1280	11%	23%	40%
4	R1240	-----	-----	-----
5	>100	N/A	N/A	376%
6	>100	-----	-----	-----
7	R740	8%	27%	59%
8	R740	18%	31%	63%

h) If you look at a consolidated bill, people are being asked to pay anything from 40-60 percent of their monthly income (See figure 3). Orlean Naidoo comments, “this is totally unreasonable; people have to pay for food, medicine, school supplies; the municipality can't take away half their income when they're already below the poverty line!” (Naidoo 11/28/04). Macleod admitted that the consolidated bill is partly a credit-control mechanism, so that if you don't pay the bill (which includes rent, electricity, and water), the municipality is able to cut you off from any one of those, so they have more credit-control options (Macleod 12/1/04). However, as a result of the consolidated bill, the municipality isn't seeing very much in terms of money. As figure 3 shows, the bill is sometimes asking for over 63% of people's incomes, so if the customer can't afford that, they pay nothing, and they accumulate arrears. Ashwin Desai comments, “the

consolidated bill is a cost-recovery mechanism that really targets the poor,” (Desai 11/31/04). The case studies show that people want to be given the right to pay for services that they can afford and are receiving like water. Orlean explains, “If your house is falling apart you shouldn’t pay for it, but if your getting water out of a tap, you should pay for it, and people aren’t given the rights to pay for that.” A similar sentiment was expressed by many of the households interviewed.

i) When Macleod was asked if he really thinks the flats in Westcliff are worth R30,000 (which is why they incur a fixed water charge for every liter over 6kl), he responded that they must be and if people want to contest their property value, they need to go to housing and do so. Orlean Naidoo claims that this is “rubbish.” She continued, “These flats are over thirty years old and the shelf life of a property is 20 years before it has to be renovated, and these flats haven’t even been touched. We shouldn’t be getting charged a fixed cost, because these flats are worth nothing, zero Rand.”

j) Of the 2 households that were on flow limiters at some point, only the flow-limiting device in case 4 functioned according to the municipality’s policy. However, the flow-limiting device in case 6 did not function according to policy at all. As opposed to receiving water at 5AM every morning, the family only received it from about 2-4AM. However, according to the policy, a consumer has 24 hours to use the 200 liters allocated for the day. In case 6; however, the water would only come out of the tap during that 2 hour block in the early morning. It is highly questionable whether the family was receiving the 6kl in total each day. The implication of this case is that the functioning of the flow-limiter is not universal, and this is a problem that the municipality needs to address.

k) The Strategic Framework, which is national legislation outlines that municipalities must implement policies that avoid accumulation of bad debt; however, Durban Metro Water policies do not abide by these guidelines. The Water Policy itself allows the municipality to charge interest on debt, and if we look at figure 1, we can see that interest is one of the highest amounts on the bill. Furthermore, the debts or arrears are in the tens of thousands for consumers, clearly showing that the municipality not avoided “accumulation of bad debt,” but rather has encouraged it with the high interest rate. Another significant point regarding debt is that the community is always contested the legitimacy of the debt, because housing prices were inflated during apartheid and the ANC government recognized that in 1994; however, debts that can be attributed to apartheid inflation weren’t erased (Naidoo 11/28/04).

6. A Necessary Shift in the Policies of Water Delivery in Durban

6.1-Summary of Policy Recommendations for eThekweni Municipality:

The first leg of this project was to understand the Durban Metro Water policies and their justifications. The second leg of this project was to assess the effectiveness of these policies in service-delivery of water using case studies in Westcliff. After having fulfilled those objectives, the following policy recommendations would benefit the households in Westcliff as well as poor communities all over Durban:

- a) More Lenient Credit-Control Policies: Stop using restrictor devices that completely stop the flow of water, and stop complete disconnections via removal of piping. This would ensure that there is absolutely no point in time where a household does not have access to the basic minimum.

- b) Eliminate Arrears: The reality is that poor families will never be able to realistically pay of the arrears in a reasonable amount of time, so that they can be taken of the flow-limiter, so it is only fair to eliminate the arrears completely at a certain stage, perhaps after the customer develops habit of making steady payments.
- c) Re-assessment of the Free Basic Water amount: The municipality needs to look at the current research being done in South Africa about the amount of basic water an individual requires, not to barely survive, but to live a quality life. This reassessment must take larger family sizes and extended families (living in one household) into consideration.
- d) Adjusting Block Tariff Structure: The tariff on the consumption block that begins just over 6kl needs to be re-examined, because the reality is that the poor currently have no choice but to use more than the free 6kl water. The price of water per liter between 6kl and approximately 20kl should cater to the poor, while more progressive tariff blocks should be created among high consumption users to cross-subsidize the decreased tariffs for the poor. In addition, industry is currently receiving a flat rate of R5,42 per liter, and while charging industry more has serious implications (they may choose to re-locate where prices are cheaper), the municipality much engage in negotiations with industries in order to charge them more for water. They are some of the highest water consumers in the municipality, and their increased revenue could cross-subsidize an increased amount of free basic water.

- e) Means-Testing: While indigent policies can have the effect of dividing the poor from the poorer, it is possible (and other municipalities have done this) to create different income brackets within the current tariff structure, so as to charge the domestic rich customers even higher tariffs, as another way to cross-subsidize for more beneficial policies towards the poor.
- f) Change the consolidation of the bill: This can benefit the municipality and the poor. If the council un-consolidated bills, it would no longer be able to use credit-control mechanisms across the board; however, there is a chance that they would gain additional revenue, because poor people may be able to afford and pay for the individual services.
- g) Improve infrastructure of housing: Housing issues are directly related to water issues, especially because corroded, leaky pipes are the predicament of the poor. Therefore, the municipality should make an attempt to improve water-related infrastructure, so as to ensure accuracy of meters and encourage payment of services. However, if the consolidated bill remains as such, the condition of the actual flats must be improved and rent/rates need to be re-evaluating taking in consideration the amount of time residents have paid for the flats. Perhaps, the municipality can negotiate with communities (as they've done in Westcliff recently) to upgrade flats if people agree to pay for services.

7. The Growth of a Community Movement: “We will re-connect the water!”

7.1-Westcliff Residents Rise Up and Resist Water Disconnections

While some of the policy recommendations outlined above are currently the desired outcomes for many people in Westcliff, it has been a long, arduous, and often

violent process fighting for any of those changes or convincing the Municipality to make these shifts in its water delivery policy. In many cases, the fight has not even had the chance to extensively reform the current policies, but has simply been about resisting the total disconnection of water itself (at the very least) by the authorities of the Municipality. However, the struggle to prevent the disconnections and achieve some of these changes has bore a community resistance movement in Westcliff that has been growing for the last six years. Desai makes the point that these resistance movements “are not merely a natural result of poverty or marginality but a direct response to state policy” (Desai 2003). The state policy he’s referring to is the one that we’ve been discussing in this paper—that of corporatization or cost-recovery of basic public services like water and electricity. Furthermore, he argues that the state’s inability to be a provider of public services and the guarantor of water to the poor has been the spark for the community movement we have seen in Westcliff and all over Durban. There is one particular incident that community leader Orlean Naidoo described as the real ignition for the movement, which began in 2000 and was in many ways a spring board for the people’s resistance to water cut-offs in Westcliff; the case of Christina Manqele.

Christina had been living in the Westcliff area of Chatsworth since 1985. From the time she moved to Chatsworth up until 1995, she worked as a domestic laborer, earning barely enough to support herself, her four children, and the three children of her impoverished siblings (Desai 2002). The amount of people living in Christina’s one bedroom flat is further evidence that the Municipality’s calculated water estimation (based on 4 household members) is more often than shortsighted. According to Orlean, during the ten years that Christina was working, she had no problems paying her rent,

water and electricity bills. She was low in arrears (debt), and proved to be a responsible customer to the Municipality (Naidoo 11/31/04). This also disputes Neil Macleod's notion that the poor people in Chatsworth wouldn't pay their bills even if they had the money, because so long as Christina was working, she was paying. However, in 1995 when Christina's health started to deteriorate as a result of her high blood pressure, her spleen was removed and she could not afford the cost of a full recovery and was rendered unable to work. According to Orlean, this is precisely when Christina started to fall behind on her rent, water and electricity payments. As a result of the continued non-payments and accumulation of arrears, in August 1999, her electricity was cut off, and then in early 2000, the unthinkable happened. Her water was completely disconnected; there was no flow limiter involved—instead the pipe connected the water supply to Christina's flat was physically removed. After attempting to survive by relying on rainwater and a nearby stream (containing E-coli infected water) Christina approached Orlean and the Westcliff Flat Residents Association about her problem and the community mobilized to take her case to the High Court to challenge the unconstitutionality of water disconnections (Naidoo 11/31/04). While the case was pending, the court ordered Christina's water supply to be re-connected, a small victory for the community, who succeeded it seemed in getting the courts to hear their voices. However, this joy was short-lived as the High Durban Court ultimately made an example of Christina to all indigent people who cannot afford water; they ultimately justified and maintained that the disconnection was the proper "credit control" mechanism. The revolt in Chatsworth only grew from here.

Westcliff residents were angry that such an injustice could be carried out to a fellow resident. Orlean said that groups of men and women in the community who knew how to reconnect water began to form and ‘illegally’ reconnected Christina’s water for her. From that point forward, the Westcliff Flat Residents Association would commit itself to getting community members to help any family that was completely disconnected from water; furthermore, the WFRA was dedicated to resisting any further cut-offs by taking direct action (Naidoo 11/31/04). The daily lives of individuals in Westcliff changed to reflecting the growing attitude of resistance. Hindu religious ceremonies were politicized; decoded and given very contemporary moral force. The festival of lights, “Diwali” was celebrated in Westcliff as the festival of “no lights” in protest of electricity cut-offs (Desai 2002). Likewise, individuals started using all kinds of social spaces as platforms for advocating for people’s basic rights. Young people started to get involved by creating rap songs about the injustices committed to Westcliff residents by the community, as the intensity of the resistance continued to mount. As Orlean explained, it is critical to realize that the struggles for decent housing, affordable rent, electricity and water are all issues that are inextricably linked, particularly in Westcliff, where the residents are charged for all three of those on the same bill sent to them monthly by the municipality. Thus, we see the way in which the high costs of rent and debt repayment competes with payment of the electricity and water bill. Since all three bills are consolidated currently, non-payment of one can lead to disconnection of the other or even eviction. Behind this backdrop in 2001, when the authorities came to evict residents in Westcliff or Bayview (a community in Chatsworth bordering Westcliff) for non-payment of services, the communities created a human chain—they stood strong,

resisting tear gas, vicious dogs, rubber bullets, baton beating for sometimes over two hours and succeeded in many instances of driving the officials sent by the Council out. As the resistance movement gained media attention and as the election year was coming up, the tainted-ANC government (under whom these injustices were occurring) conceded and placed a moratorium on evictions. Even though there were a few exceptions, this was a true victory for the residents of Westcliff and Bayview, both communities which saw a significantly lower number of evictions in the coming years. However, shortly after this moratorium on evictions was passed in 2001, the rounds of water and electricity cut-offs started to intensifying and the community movement was called once again to action. This time in 2002-2003, the tactics of the WFRA changed—they began to occupy the homes and offices of Council members, and they began to organize large marches to the City Hall and to the International Convention Center at the World Conference Against Racism. Not only did the Westcliff residents occupy the homes of their city councilors, they also continued to create human chains to chase out any councilmen or authorities who came to disconnect basic services. The agitation factor of this movement was getting to be costly for the city councilors, who were finally prepared to negotiate with the Westcliff residents after years of continued resistance pressure. However, in the last three years, negotiations have not always been the most successful way of accomplishing the goals of Westcliff residents. Orlean mentioned that often, councilmen make promises (often close to election time) that aren't kept—thus the continued threat of agitation and resistance needs to be maintained. This alone has largely decreased the number of water cut-offs in this community. Furthermore, in the instances when water is cut-off from individuals, the community 'illegally' re-connects

the water with less resistance from the authorities than there was three years ago (11/31/04). While Neil Macleod expressed serious anger towards the residents in Chatsworth who have been illegally connected to water for years now and have not paid a cent, the Municipality has finally started to pay attention to some of the largest socio-economic issues in Chatsworth that prevent the residents of Westcliff from being able to afford these basic services. In 2004, Orlean Naidoo and the Westcliff Flat Residents Association convinced the municipality to invest in a housing renovation project in Westcliff to clean up the rusty, dirty old flats while providing jobs to local residents simultaneously. This project is still continuing in Westcliff today, and as a result, the Municipality has not been as stringent on its non-payment policies in order to build trust with the community members (Naidoo 11/31/04). The hope is that development in the area will financially empower people, thus increasing the likelihood that they will be able to pay their bills. However, residents still often wake up to find that a flow limiter has been placed on their water supply as a result of non-payment. Desmond D'Sa of the South Durban Community Environmental Alliance stated recently that "Across the metro, low-income people and even whole blocks of flats are having trouble paying their rates, and quite a few have had their water cut off recently. I've negotiated for some reconnections, but the amounts outstanding are vast. People simply can't afford the rates. Council is even renegeing on a pre-election promise to write off arrears," (Bond 2006). In this statement, we see the power of organic intellectual leaders like Naidoo and D'Sa being able to negotiate with the Municipality on behalf of their community movements, which is a positive outgrowth of the struggles; however, the comprises, in this case the pre-election promise, are not always being heeded by the Council (Bond 2006). In these

cases, members of the community have no choice but to negotiate for reconnection or do it themselves, a trend that will continue, until a comprehensive change in policy of water delivery makes it more affordable for the poor.

In light of this discussion, we wonder why community movements, such as the one in Westcliff was particularly effective and what differentiates it from the activism of political parties, NGOs and trade unions? According to Ashwin Desai, “the rise of community movements has seen the emergence of the family as a fighting unit...they organize militantly around this issue, and the state is directly brought into the conflict” (Desai 2003). The tactic of direct action that the Westcliff residents employed in their struggle against cut-off is precisely the kind of agitation that warrants a direct response of some sort at least from the State without the kind of delay or stalling which other tactics utilized by other institutions may endure.

7.2- The Collective Struggle for Basic Services: Durban Today

The struggle in Chatsworth has helped to ignite rebellions in other areas, and to illuminate struggles already happening elsewhere in Durban and beyond. This year, (2006) we have seen the rise in activity of the “Abahlali BaseMjondolo” or the shack dweller’s movement in Durban of which many members of Westcliff Flat Residents Association have supported and used as a rallying point to further the need for freer access to basic needs (Pithouse 2006). The shack dweller’s movement is giving voice to millions of South Africans living in shacks or informal settlements who lack access to basic resources like water, electricity and safe housing, who have been forgotten by the post-apartheid government. Since the squatters from fourteen settlements formed their movement a year ago, there have been five marches drawing several thousand protesters,

a meeting with the mayor and a televised debate between the leader of the movement and the minister of the local government. When asked by reporters what do they want, the leaders of the Abahlali movement say, “the basics...water, electricity, sanitation, land and housing.” This movement, like the one in Westcliff is not demanding lavish gifts; rather it is fighting for the human rights guaranteed to South African citizens in its very own Constitution.

7.3- Shift Away from Commodification of Water:

On March 16, 2006 in Mexico City, thousands of grassroots water activists marched against an equivalent number of delegates from governments and corporations at the World Water Forum, opposing the commodification of water that so often is fatal to the poor (Bond 2006). From India to South Africa to Bolivia, the global trend towards the privatization of water is extremely strong today, with the rise of neo-liberal economic policies taking hold worldwide. While South Africa has somewhat fought off the pressure to privatize their entire water industry, there needs to be a larger discourse around the implications of commodification in the cost-recovery policies that are currently in place throughout South African municipalities. Governments must critically examine whether water is a human right or a commodity to be bought and sold on the free market. Within a water-scare country like South Africa, the current cost-recovery neo-liberal paradigm dictates that the rich can pay as much as they want to be environmentally unsustainable and consume unlimited amounts of water while the poor die as a result of inaffordability. Patrick Bond has articulated this particularly well: “Privatizers or even corporatising KwaZulu-Natal municipalities and water boards which

are moving to full cost-recovery systems-are simply taking no responsibility for the social and personal costs of cholera, diarrhea, dysentery (diseases caused by lack of access to clean water)...a company making profits out of water sales feels no guilt when women and children suffer most. It pays none of the local economic costs when electricity cut-offs prevent small businesses from operating, or when workers are less productive because they have lost access to even their water and sanitation. Thus, the key determinant is not only whether water is privately or publicly managed, but rather whether it is in the process of being commodified” (Bond 2006).

On a micro-level, we can work towards de-commodification of water by changing local policies, as described in the policy recommendations. Imposing higher tariffs on companies and high-income families, while increasing the minimum lifeline of free basic water afforded to the poor from 6kl to 14 kl are steps in the right direction. However, there needs to be a larger vision nationally and globally for how to maintain the sustainability and equitability of water in water-scarce countries like South Africa. In doing this research paper, there are few ideas I have for this overall vision. First, more environmental friendly options of accessing water must be explored by governments such as the implementation of rainwater purification systems for homes, particularly in rural areas, or even seawater purification given South Africa’s coastal position. Finding alternative sources of water that are environmentally sustainable is one major factor in combating the scarcity and high demand for limited supply of water. However, like any resource whose supply is ultimately limited, no matter how many alternative methods we find to extract it, we must not excessively use it (ie. misuse the resource), and water is no exception. Providing access to water for the poor does not mean that any South Africans,

rich or poor should be using an unlimited amount of water. I believe that the safety net for the amount of free water afforded to the poor must be increased, but not without an upper limit. Currently however, if you are rich and can pay to be unsustainable and waste water, you are allowed to do so and encouraged to do so within the commodification model. Thus, if the poor should be limited in the amount of free water they have access to, the rich must also be limited in the amount they can purchase regardless of the price they are willing to pay for it. Furthermore, institutions like the World Bank who often dictate development policies for poor countries need to critically look at the way in which their policy recommendations affect the entire population, (particularly the poor) instead of focusing on the benefits that a policy might provide for a few middle class or wealthy individuals. Ultimately though, “the people” themselves, like the Westcliff residents, who are negatively affected by policies regarding water must continue to fight and resist. The stories of resistance in Durban are incredibly powerful and speak to the value of grassroots people’s movements. Collectively, we must all sincerely believe that access to water is not a “privilege” afforded to the wealthy, but a social right for all people—this ideological shift in our thinking will allow us to fight for a more equitable and sustainable future.

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