

The Shinyanga Experience

**Water User Group concept
as a sustainable management
system for hand pump wells**

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The United Republic of Tanzania
Ministry of Water and Livestock Development



Royal Netherlands Embassy
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WHAT SECURITY WATER USERS LOOK FOR

- *That they are legitimate owners of the improved water facilities including land and physical assets.*
- *That their ideas and decisions are respected by authorities and their financiers.*
- *That they are provided with adequate management skills to run their affairs.*
- *That the technology is within their technical and financial capability to operate and maintain.*
- *That they will get reliable "after implementation" support services including access to spare parts and capacity building support.*
- *That they are free from biased political interference in their affairs.*

SHINYANGA REGION OVERVIEW

- **Area:** 50,781 Sq. km
- **Physical features:** Semi-arid land with tropical climate and average annual rainfall of between 600mm and 900mm.
- **Population per District (2001 Projections):**

□ <i>Bariadi</i>	528,288
□ <i>Bukombe</i>	370,407
□ <i>Kahama</i>	633,943
□ <i>Maswa</i>	302,826
□ <i>Meatu</i>	204,941
□ <i>Shinyanga Rural</i>	466,299
□ <i>Shinyanga Urban</i>	163,094
Total:	2,669,798
- **Regional Per Capita Income:** US \$ 60
- **Main Economic Occupations:** Subsistence Farming, livestock-keeping and informal sector.
- **Main crops:** Cotton, tobacco, paddy, maize, beans, cassava, sweet potatoes and beans.
- **Main Ethnic Groups:** Wasukuma, Wanyamwezi, Wanyiramba, Wataturu and Wahadzabe
- **Major ESAs and bilateral countries involved in Water and Sanitation:** UNICEF, UNDP, WVT, OXFAM, AICT, JICA, GON.



SITUATION OF SHINYANGA REGION IN TANZANIA
SCALE 1:20,000,000

Foreword

On behalf of the Ministry of Water and Livestock Development I would very much like to extend sincere appreciation to the Royal Netherlands Embassy in Dar es Salaam, the Shinyanga Region government authorities specifically the Regional Secretariat and all District Councils for having facilitated the documentation of this booklet. Needless to say, the booklet contains valuable and timely lessons, which we all have to learn in our endeavours of ensuring that the rural population acquires legal recognition to own and manage their water supply facilities.

This publication, therefore, comes at a very right time in Tanzania, when the focus of rural water supply management is on transition from the highly centralised to community-based models such as the WUG model.

The Ministry sees this publication as another important reference for all sector stakeholders who aspire to strengthen the institutional framework of rural water supply systems. It will surely give them the opportunity to learn new ideas on how to revitalise the process of institutionalisation of sustainable community-based water supply management systems.

We again highly commend the efforts being made by the Dutch government to support such innovative approaches of strengthening the capacity of the rural water sector in Tanzania.



Bakari A. Mahiza

Permanent Secretary,
Ministry of Water and Livestock Development,
Dar es Salaam,
August 2001

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Abbreviations and Acronyms

AICT	African Inland Church Tanzania
CAP	Community Action Plan
CBO	Community Based Organization
CBRC	Community Based Resource Centre
DRA	Demand Responsive Approach
DRDP	District Rural Development Programme
DWE	District Water Engineer
DWSP	Domestic Water Supply Programme
ESA's	External Support Agencies
GOT	Government of Tanzania
GON	Government of the Netherlands
HRD	Human Resources Development
IGA	Income Generating Activities
JICA	Japanese International Cooperation Agency
MRALG	Ministry of Regional Administration and Local Government
MWLD	Ministry of Water and Livestock Development
NGO	Non-Governmental Organization
NWP	National Water Policy
O & M	Operation and Maintenance
OXFAM	Oxford Famine
RNE	Royal Netherlands Embassy
RTDC	Regional Training and Development Centre
RWSE	Rural Water Supply Engineers
SHSP	School Hygiene and Sanitation Package
ULOM	User-Level Operation and Maintenance
UNDP	United Nations Development Programme
UNICEF	United Nations Children's Funds
VEO	Village Executive Officer
VG	Village Government
VLOM	Village Level Operation and Maintenance
VWSC	Village and Sanitation Committee
WATSAN	Water and Sanitation
WEDECO	Water and Environmental Development Company
WEO	Ward Executive Officer
WUG	Water User Group
WVT	World Vision Tanzania

Preface

For over three decades the Government of Tanzania (GOT) with or without external support has made significant investments in the rural water supply sector in order to ensure that the rural population get access to reliable potable water on a sustainable basis. Varying policy frameworks and approaches have always guided these efforts.

Despite these efforts the level of improved water services in the rural areas of Tanzania has not been satisfactory relative to the investments made. It is estimated that water coverage in rural areas of Tanzania is currently at 50% and about 30% of the constructed water schemes are inoperative at any given time. Many reasons for this low sector achievement have been advanced including technical bias as well as the fragmented manner in which the investments were being made. However, one of the major reasons is that, for a long time the government as well as the donor agencies applied the supply driven approach, which by nature is non participative and above all did not build the community capacity to own and manage their water facilities.

Due to this dismal performance most of the donor-supported programmes have of late placed community management as a central prerequisite to any rural water development interventions. Thus, since the early 1990s many management models for rural water facilities have emerged in Tanzania aiming at empowering the water users to develop a sense of ownership for their improved facilities. The recently revised National Water Policy through its emphasis on demand responsive approach (DRA) has further set a conducive climate for the way forward in strengthening community management of water facilities.

This booklet primarily aims at putting on record some experiences gained by the rural water supply actors in Shinyanga Region over the past six years, on how they have attempted to tackle the issue of community management of point water sources and more specifically the wells, equipped with hand pumps. It highlights key issues and actors who have influenced the development of the concept of the Water User Group (WUG) as an appropriate model for sustainable community management of water facilities in the rural setting. At the same time it offers an opportunity to other sector actors elsewhere in the country to learn from the Shinyanga experience, which though rather complex is the only viable option for any worthwhile future investments in rural water supply.

Put in another way, this is one of the few case studies in Tanzania in which a community-based legal ownership of small-scale water utilities has been successfully introduced. However, the WUG concept requires to be further nurtured, strengthened and supported in order to be firmly institutionalized in the communities. The annexes are intended to assist readers to capture a realistic picture of how the process of establishing WUGs has been undertaken.

Acknowledgments

There is no doubt that many individuals and institutions have played an important role in making this booklet a reality. Its genesis and development are in many ways a result of their tireless involvement in the rural water sector in order to ensure the rural population is served with abundant, clean and safe water in a sustainably managed way. The Shinyanga model of a WUG is one of the dividends for such efforts based on their wide and valuable experiences.

It is not practically possible to mention all those who in one way or another contributed their visionary ideas towards the successful documentation of this work. Nevertheless, the authors feel obliged to begin with the Commissioner for Local Government in the MRALG who made the first breakthrough in 1997 to solving legal issues for WUGs by instructing all district councils in Shinyanga Region to enact by laws to safeguard the improved water facilities and provide a legal identity to WUGs.

Secondly, we thank the directorate of rural water in the MWLD, which together with RNE in Dar es Salaam collaborated closely to ensure that the clarity and challenges on certain issues related to WUG concept were adequately elaborated and implemented.

Thirdly, we also thank our colleagues in the Regional Secretariat and District Councils in Shinyanga Region who have all the time been practically supportive in polishing the WUG legal framework and facilitating its implementation

Fourthly, it would be unfair not to acknowledge the contribution by the field facilitators who, through their regular feedbacks from the users, have been instrumental in shaping the practice of the WUG concept as it is narrated in this booklet. The water users themselves deserve unquestionable gratitude for their patience and preparedness to take new responsibilities of ownership and management of their wells.

Last but not least many thanks go to Melvin Woodhouse - International Water Law Research Institute - University of Dundee - whose helpful comments and final editing of the booklet has given it a more readable shape.

Since the WUG concept development is a continuing process we should not hesitate to acknowledge in advance all those readers who may wish to contribute their ideas for the purpose of improving the process. It is our hope that the contents in this booklet will, in a modest way, relevantly contribute towards current efforts by MWLD to encourage rural communities to own and manage their improved water facilities.

Tom van Miert, DHV Water BV, Amersfoort, The Netherlands

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Shinyanga, July 2001

1.

Introduction

1.1 *Learning from the Past*

Since the early 1970s successive water projects have constructed a substantial percentage of the water supply systems especially shallow wells in the rural areas of Shinyanga Region. Apart from the Netherlands-supported projects there have been other External Support Agencies (ESAs) such as UNDP, UNICEF, World Vision Tanzania and Oxfam that had invested significantly in the sector.

These interventions had a common goal of assisting the rural population to improve their living conditions by providing them access to reliable and safe drinking water close to their vicinity in a sustainable way. This objective was in line with the national target, which aimed at providing adequate, clean and safe water to all Tanzanians at a distance not exceeding of 400m by the year 2002.

Until recently this national ambition was thought to be achievable. However, the reality is that, just like in many other parts of Tanzania, past water development investments in Shinyanga Region have had limited impact on alleviating the rural people's water supply problems.

Despite the good intentions of the government and other support agencies, most of the constructed schemes especially in the 1970s and 1980s failed

to pass the sustainability test due to a number of reasons, originating from the predominantly accepted and practised supply-driven implementation approach. The major structural limitations of this approach included:

- Weak community involvement especially the women in planning of water projects;
- Lack of community ownership of the improved facilities;
- Unclear roles and responsibilities of communities and other stakeholders such as district councils, village government and village water and sanitation committees (VWSCs);
- Lack of community capacity to manage the operation and maintenance of the improved facilities;
- Generic training programmes rather than job-related ones;
- Lack of 'after implementation' services including spares parts availability;
- Too much emphasis on physical achievements;
- Lack of regulatory provisions to address operational problems such as cash contributions for facility maintenance, accountability and transparency at the village level;
- Poor integration of water and sanitation interventions;
- Total dependency of communities on government and ESAs for the provision of water supply services;

Main Features of Supply-Driven Approach

- Government as sole initiator, planner and provider of water service interventions.
- Free water for all.
- Highly centralized decision-making on water service allocations; hence demand level for water externally determined.
- Project-oriented approach with emphasis on large-scale and rapid construction of water facilities.
- Communities as passive recipients of government support for water services; called upon only in areas of voluntary labour.
- All waterworks belong to GOT.
- Government responsible for O&M management of all village water schemes.

- Lack of provision for communities to contribute to O&M costs;
- Non-involvement of local entrepreneurs and other partners in water development.

As a result of these limitations aggravated by budgetary constraints, which the GOT faced since 1974 onwards, a large number of the rural water facilities fell into disrepair and at the same time communities became more disillusioned and powerless to do anything.

The situation analysis above does not in any way imply that there were no O&M management approaches introduced by the successive water projects in Shinyanga Region. On the contrary, a number of O&M management tier systems such as Village Level Operation and Maintenance (VLOM) were tried over time. They ranged from a strong government role to a shared responsibility between user communities and the government at both national and district council levels. But the degree of their success rested entirely on the prevailing policy framework, which did not allow full user autonomy in managing the water facilities.

Having realised the deficits of the supply driven approach of the 1970s and 1980s, the GOT through the 1991 National Water Policy (NWP) indicated clearly a dramatic departure from the era of free water for all. The main concepts introduced by the policy were active community participation in all stages of the water projects and cost sharing.

The 1991 policy changes established a conducive environment for donor supported projects in the region to initiate and support (though independent of each other), innovative approaches to community-based management of water supply systems.

In order to streamline the approach to rural water supply and sanitation development the Ministry of Water and Livestock Development has recently through the Revised National Water Policy (Draft)¹, redirected its emphasis on the need for the user communities to own and manage their improved water facilities. This is basically in support of the initiatives, which have been undertaken over the last six years by one of the largest water projects in the region –the Domestic Water Supply Programme (DWSP).

Highlights of 1991 National Water Policy

- Government/donor maintained role of provider through a project approach.
- Active participation of communities in water project cycle.
- Community cost sharing (cash/in kind including labour) a precondition for support.
- Management of water facilities through VWSC's under village governments.
- Community responsible for O&M financing.
- District Water Department to undertake rehabilitation and new construction in consultation with communities.
- Integration of water and sanitation services.
- Protection of water sources and the environment.

¹ The latest draft was published in August 2001

1.2 *Tanzanian-Netherlands Cooperation in WATSAN in Shinyanga Region*

DWSP, which started its operation in 1993, is one of several long-term successive Dutch-supported programmes in Shinyanga Region since 1971 as indicated in the table below.

Thus, lessons of the past are clear in that they demand a more institutionalised community management system rather than physical implementation. The following chapters therefore, illustrate how Shinyanga Region has tackled the issue of community management of point water sources within the context of the new Rural Water Policy. Successes, challenges and unfinished work are all highlighted to indicate how complex the process is.



Lack of a sense of communal ownership left many of the installed water systems in poor state as shown in this picture of an abandoned well with a broken hand pump in one of the villages in Shinyanga District.

<i>Years</i>	<i>Programme</i>	<i>Main Output</i>
1971-1973	Water Supply Survey	Water Master Plan
1974-1978	Shallow Wells Project	Construction of 700 shallow wells
1980-1982	Wells Rehabilitation Project	Rehabilitation of wells
1985-1987	Rural Water Supply Programme	Construction of wells
1988-1993	Rural Water and Sanitation Programme	Community participation in construction and rehabilitation of wells through a Step-by-Step Approach
1993-2001	Domestic Water Supply Programme	Establishment of a Water User Group Concept as a management system for 2,000 newly constructed wells.



2. ***The emergence of a water user group concept***

2.1 *The Background*

The DWSP plan of operation placed among other things, greater emphasis on the establishment of an adequate management system for operation and maintenance of the installed water and sanitation facilities as well as the integration of community development and hygiene and sanitation education in the water activities. In previous projects the management of water supply facilities at the community level was the responsibility of the village government through the VWSCs. This was in line with the 1991 National Water Policy.

But the weaknesses of this structure necessitated a change of the approach. In the first place the roles of the VWSC as well as the community were unclear and unbinding. Likewise the Village Government (VG) leadership was often preoccupied with many local issues other than management of water supply systems. Moreover, the hygiene and sanitation component was not paid any deserving attention by the VG. As a matter of fact most of the VWSCs were either practically dormant or defunct.

DWSP's physical performance was very low in the first two years of its operation. Much of the time was used to set up modalities of how water users would be empowered to own and manage the improved wells as well as organising a series of direct consultations with the communities to establish the level of services required and to clarify the conditions for support. During this period government actors were also trained in the new approach and how effectively they could facilitate its implementation.

Though these activities consumed much of the time especially at the beginning of the programme, they were deemed to be of prime importance if communities were expected to become real owners and managers of the improved facilities. Eventually, these efforts paid off with the emergence of the Water User Group (WUG) concept.

2.2 *What it Means*

As a viable alternative to VWSC a more radical community water management structure was established at the village level under which users were required to organise themselves into a group of between 25 and 50 families or households to form what was to be known later as a Water User Group (WUG). Socio-economic youth and or women groups as well as public institutions such as schools, religious institutions, dispensaries and health centres could also form a WUG. Each of these WUGs normally focused on a single water source, which in Shinyanga refers mainly to a shallow or medium deep well, fitted with a hand pump.

A Water User Group is a group of individuals usually households who voluntarily join together to participate in improving and maintaining their water point source and/or sanitary facility on a sustainable basis.

2.3 *Basic Attributes of a WUG*

To ensure long-term sustainability, Water User Groups must ensure that they become an autonomous entity. The following basic attributes were purposely set to achieve this goal:

- Membership should be voluntary.
- A WUG must have its own identity/name different from that of a sub-village or village.
- Membership should be open to either a cluster of between 25 and 50 households, a public institution or a community based organisation such as women/youth economic groups.
- Members must have a common felt need of having an improved water supply or sanitary facility.

- Members should be living within the same vicinity preferably within a walking distance of not more than 400m from the improved water point.
- Members should demonstrate their willingness and capability of undertaking joint decisions and actions regarding the improvement and upkeep of their water supply/sanitary facility.
- Members should have a democratically and gender-balanced elected leadership.
- Members should register themselves with their respective District Council as a legal entity under a specific by law on WUG's establishment.
- Members should run their affairs on principles commonly agreed upon in a Memorandum of Understanding, clearly stating their rights and obligations.
- Members should have a clear and supportive basis for legal ownership of a water point and right of occupancy.
- A WUG must obtain a water right for point sources yielding more than 22,700 litres of water a day.

2.4 *Why Establish Water User Groups*

The rationale for establishing a Water User Group management system for small-scale communal water point sources was based on several factors, which were underscored in the 1991 - National Water Policy and are still valid under the rural conditions in Shinyanga Region. The policy stated among other things that:

- Rural communities must have adequate, clean and safe water at least within 400m from their homesteads;
- Given the limited yield one water point source should serve a maximum of 250 people;
- Users must take their own initiative to improve, operate and maintain their water sources.

The above factors justify the establishment of WUGs under the sector policy reforms. Firstly, in order to have access to reliable water services a water point must be within easy reach of the majority of the users. Secondly, given the fact that in the past most of the villages in Shinyanga Region had one or two wells fitted with hand pumps, water supply was inadequate since each village had a population of not less than 2000 people.

In most of these villages the number of people served by one water point was far too high and as such water consumption per capita was below the national standard of 25 litres per capita per day. In addition most of the hand-dug wells were either experiencing limited yield or their hand pumps were wearing out fast due to over use. Based on experience, the approximation of full coverage in a village in Shinyanga is one water point for 25 to 50 families (about 200 to 250 people).

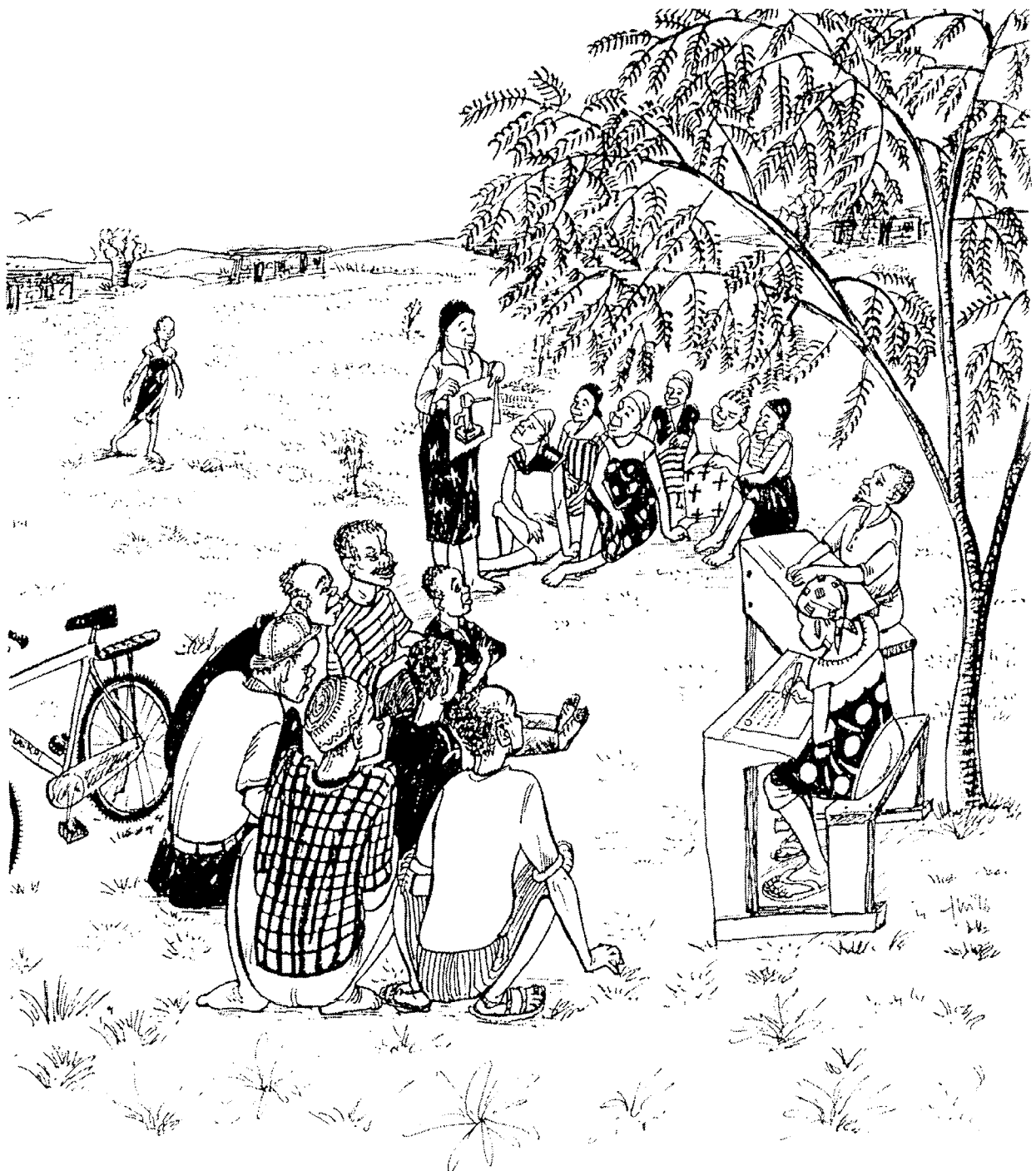
Thirdly, since many pumps had in the past either been stolen or had broken down because of lack of a proper operation and maintenance system, a strong establishment of a management system at the community level has been a prerequisite for rural water supply support. Such a system would require users to be directly responsible for the care of their improved water facilities.

Given the realities of rural life where people's social cohesion and identity are usually determined by their proximity, a cluster of between 25 and 50 families who have lived within the same village for a long period of time was seen as an appropriate option to form a more responsible local organisation to own and manage the improved water point sources. Moreover, such a small unit is much easier to organise and manage since it consists of fewer families than the whole village.

Advantages of a Water User Group

- Users are assured of easy access to adequate and safe water supply.
- A WUG is a manageable unit in which every member personally participates in fulfilling his/her responsibilities.
- It creates a sense of ownership and control of water facilities, which motivates members to become more responsible towards their property.
- Binds WUG members legally to own and manage the improved water facilities.
- Social cohesion among members ensures its long-term sustainability.

Additionally, if a group of families come forward and contribute money, materials and labour towards a water or any other project, from which they are sure of getting benefits, in most cases members would become good stewards of that project. In other words, the sense of ownership becomes real. Also, the subsidy invested in that group is likely to carry a low risk of failure.



3.

The empowering process

3.1 *A Step-by-Step Process*

The process of establishing the WUG system as a sustainable community-based management structure has been an intensive and time-consuming exercise, which required patience and devotion on the part of the actors in the local authorities as well as the communities. The former required time to formalise the process while the latter needed to internalise it.

The WUG Concept was introduced to redress past institutional gaps in the rural water supply sector and that is why emphasis has been on user involvement and empowerment to own and run their schemes.

Since the process had no ready-made formula there were a lot of activities, which had to be accomplished in order to establish a conducive environment for its implementation. Three important things had to be done at the initial stage. First an acceptable WUG organisation framework had to be developed and formalized, which involved a revision of roles and responsibilities of each stakeholder. Secondly, an institutional and legal framework to allow the identified stakeholders to operate effectively and at the same time enable WUG members to become legal owners and managers of the water supply facilities had to be put in place.

Thirdly and most crucial was to design practical human resources development approaches to ensure adequate management and technical capacity of WUGs, public sector, private sector and NGOs to operate effectively within the established organisational and legal frameworks. All these efforts involved intensive awareness creation, negotiations and consultations, education and training at all levels.

In order to facilitate and speed up the community empowering process in a systematic manner, a process-oriented tool known as 'The Step-by-Step' approach has been adopted. The approach has six steps, all of which are meant to ensure full community participation in the process of improving their water and sanitation services. These steps are interlinked to ensure spontaneity but most importantly, to initiate community action, implement it and manage it successfully.

The main steps of the process are as follows:

Step 1: Community Awareness which focuses on information sharing with the village community about the water supply programme goals, approach to support with particular reference to the WUG concept, the National Water Policy and its implications to the community. Such information helps the villagers whether individually or collectively to make up their mind on what should be done to solve their water supply problems.

Step 2: Community Situation Analysis in which the community is facilitated by district staff to explore in depth their socio-economic situation particularly the water supply and sanitation aspects. It is at this stage when the community through community action plans (CAP) expresses its level of demand for water (willingness and ability to pay), something that has significant influence on the design, and implementation of the projects.

Step 3: Community Mobilisation a step that confirms people's preparedness and commitment to improve their water supply and sanitation situation by forming water user groups as well as identifying and mobilising resources. Issues concerning registration of WUG as a legal entity, and land rights are dealt with at this stage to ensure possible disputes of ownership are avoided.

Step 4: Surveying and Designing in which WUG members work together with the survey team to

identify sites which are appealing to their preferences, agree on the technology and costs involved and to contribute labour during the surveying.

Step 5: Physical Implementation involving the WUG members in the production of felt and tangible needs such as rehabilitation or construction of water supply and or sanitation facilities.

Step 6: Consolidating User Level Operation and Maintenance Management by building capacity at all levels and with particular focus on WUGs.

Significant inputs in terms of organisational strengthening, training in community leadership, financial administration, repairs of hand pumps and record keeping must be made at this stage. At district and regional levels emphasis is placed on the establishment of agencies as well as strategies for continued support to WUGs.

Experience has shown that through this participatory process communities have gradually begun to realise their responsibility as owners and managers of the improved water points.



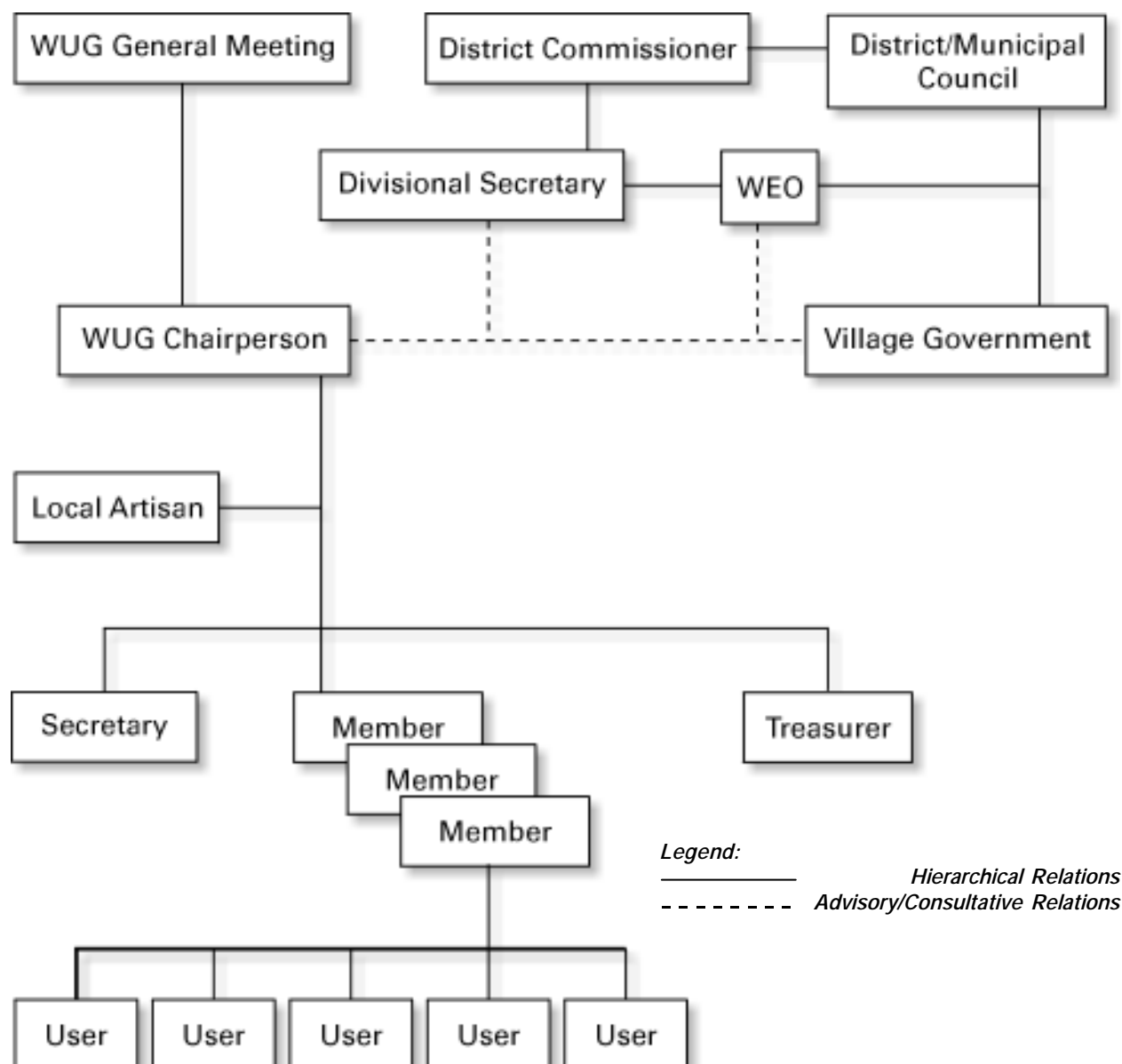
3.2 Organisational Framework

The main actors in this process of user empowerment are the water users themselves. The local government authorities and the private sector are called upon to facilitate the smooth implementation of the process. Thus, the district teams and the field level facilitators simply support the initiatives of the water user groups to organise themselves, plan and implement their projects.

However, as said earlier, the implementation process involved the setting up of a WUG manage-

ment structure to streamline the powers, roles and responsibilities of the concerned parties. The management structure of a WUG committee that was adopted looked more or less similar to that of the former VWSC, which had been developed over a number of years. The only major difference was that the new structure showed the WUG as an autonomous organisation with the village government mainly having a supportive role. Because of its familiar features both district level actors and the community readily accepted for use.

Water User Group organisation structure



3.2.1 Roles and Responsibilities

WUG Members: In practice members of a water user group are owners and controllers of their water point facility. They shoulder the responsibility for planning, setting goals and other decisions regarding the running of their improved facilities. Their functions include:

- To initiate the formation and identity of their group;
- To elect their WUG committee;
- To participate in assessing their needs related to water supply and sanitation;
- To approve application for support for improving their water supply and sanitation situation;
- To participate actively in all WUG general meetings;
- To approve the Memorandum of Understanding between members and comply to its provisions;
- To participate in joint activities such as siting, construction, and fencing of the water point;
- To choose appropriate technology based on the findings of the surveys, designs and costs;
- To approve work plans and regulations governing WUG operations;
- To comply to all regulatory provisions including timely payment of any dues;
- To determine the extent of financial contributions for construction and O&M;
- To keep clean and tidy the well surroundings as well as their homestead environments.

WUG Committee: A WUG Committee consists of a chairperson, a secretary, a treasurer and three other members who are elected democratically by the WUG general meeting. The election mode is usually determined by the general meeting, which could be by secret ballots or show of hands, depending on the convenience of the majority of the members at the meeting.

The gender representation in the committee is in line with the National Water Policy, which stipulates a 50-to 50-male/female representation. In Shinyanga Region it is strongly advised that a woman hold one of the top positions in the committee such as chairperson, secretary or treasurer. The term of office for this six-person committee must also be determined by the general meeting and thus, should be part of the Memorandum of Understanding.

3.2.2 General Functions of a WUG Committee

- To register all eligible members.
- To apply for external support to improve their water point;
- To ensure that the interests of the users are reflected in the request for improvement of a water point and or sanitary facilities.
- To process the registration of the WUG, land rights and water rights as required by the WUG by-laws.
- To follow up on the outcome of the WUG request for external support.
- To collaborate with surveyors in siting water sources.
- To make sure that the agreement to be signed between the WUG's local artisan/contractor and the District Council has the full consent of the members.
- To carry out day-to-day management of the rehabilitation or construction of the water and sanitary facilities and their proper operation and maintenance thereafter.
- To meet regularly as a committee and report to the members, village government, Village Executive Officer (VEO) and Ward Executive Officer (WEO).
- To cooperate with ward level facilitators, NGOs, CBOs existing in the village on all matters related to improved water points and sanitary facilities.

Basic Qualities of WUG Committee Members

- They must be literate. The treasurer must have sufficient numeric aptitude.
- They must be credible and respected individuals within the community.
- They must be committed individuals, prepared to work for the development of the entire community.
- They must be individuals likely to stay in the village for the whole period of term of service.

- To open and maintain the Water User Group bank account.
- To collect and administer contributions from members, whether financial, in kind or through labour, and report to the user group assembly.
- To mobilise members for self-help work.
- To supervise the construction or rehabilitation work.
- To take action when rules are not followed.
- To plan and supervise operation and maintenance activities.
- To ensure that the assigned water point caretakers are sufficiently fulfilling their duties.
- To prepare annual action plan.
- To report periodically to the WUG assembly on all project development including physical and financial status.



3.2.3 Role of Village Government

According to the GOT statutes Village Government is the basic structure of the government with overall responsibility of any development initiative within the village. It is empowered to enact by laws, mobilise resources, coordinate and support people's initiatives to social and economic development. As a Village Government, it takes the role of the overall regulator of water services at village level. In this respect of water development the Village Government is specifically expected to play a supportive and coordinating role to ensure that the WUGs in the village are running their business in a harmonious manner.

Through its social services sub-committee the Village Government is expected to undertake the following functions:

- To promote and facilitate the improvement of water supply and sanitation facilities in the village.
- To mobilise the village community to form water user groups and encourage them to participate effectively in their growth.
- To keep an updated inventory of the WUGs in the village.
- To approve the Memorandum of Understanding of WUGs and recommend to District Council for their registration as legal entities.
- To advocate opening and growth of WUG's bank accounts for O&M.
- To ensure that village security arrangements take care of the water sources.
- To facilitate the process of WUGs to acquire land rights for the areas where their water points are located.
- To act as a custodian of the water right accredited to all WUGs in the village.
- To liaise with local judiciary organs such as lower court magistrates in case WUGs are in need of their assistance.

3.2.4 Role of District Authorities

District authorities (the local government and District Commissioner's office) have regulatory, policy coordination and capacity building functions, which specifically include:

- Promotion and coordination of National Water Policy.
- Provision of adequate legal framework for safeguarding ownership of water and sanitation facilities.
- Facilitate smooth implementation of WUG by laws.
- Mobilise communities for implementation of water and sanitation activities.
- Support to capacity building of WUGs during and after construction of water facilities.
- Promote private sector participation for the implementation of rural water schemes.
- Develop sector and maintenance policies for the delivery of water services.
- Monitor and evaluate water and sanitation activities including quality control.

3.3 WUG Legal Framework

The revised NWP singles out 'legal ownership' as one of the key elements of community participation and eventual assurance of sustainability of the improved rural water supplies. It states categorically that the communities must be legal owners of the water supply schemes. The Shinyanga case study of facilitating water users to form an organisation with legal registration within the existing Local Government Act of 1982 is in practical terms a step forward in implementing the emerging water policy. It is in other words an attempt in the right direction to establish the appropriate legal basis for the ownership of rural water supply facilities.

All seven local government authorities in Shinyanga and Morogoro Region have enacted a by law known as "*The Establishment and Maintenance of Water Sources and Environmental Sanitation By-Laws of 1999.*" The major precondition for a WUG to be protected under these by laws is that it must be registered as a legal entity with the local government authorities.

However, WUG members must in the first place organise themselves to make a memorandum of understanding or resolution on how to operate, maintain, protect, and keep clean their water source. Additionally, the by laws require WUG members to indicate in their memorandum how they would assist the poorer strata of people in their own areas.

Benefits of WUG Legal Status

Legal status enables the WUGs:

- To own physical assets unlike in the past when there were no such arrangements, and as a consequence most of the schemes were not taken care of. Legal ownership of assets makes users more responsible for the upkeep of the facilities.
- To control the utilization of the assets including operation and maintenance.
- To understand that their rights and responsibilities are backed up by regulatory provisions to penalize offenders/intruders.
- To have official support from political leadership (legal protection) at district, ward and village levels.
- To easily collect money and open bank accounts for running their affairs.
- To be aware of the consequences of failure to manage their facilities properly.
- To make true commitment towards management of the facilities.

3.3.1 Implementation of WUG Legal Framework

A systematic procedure has been developed to ensure that WUGs acquire the legal right to own the improved water supply facilities. The legal framework implementation procedure implies that the following aspects be considered:

I. Legal Recognition of a WUG:

Under the by law a water user group which fulfills certain minimum conditions can be registered as **legal entity** capable of becoming a legal owner of the physical assets (including hand pumps) of the improved water source. In addition to the possession of the basic attributes as described in [section 2.3](#), a WUG can be registered if:

- It has a bank account with a deposit of not less than US \$ 70 equivalent at any given time.
- It has drawn up a Memorandum of Understanding binding on the group members on rights and obligations.
- It has an elected six-member committee with a gender balance.

Once these conditions have been fulfilled the WUG will be issued with a registration certificate by the WUG registrar appointed by the respective district council. This accreditation qualifies the WUG to process acquisition of right of occupancy on land where the water supply facility is located.

II. Acquisition of Right of Occupancy:

The by law enables the WUG to acquire **right of occupancy** of a piece of land on which the water supply facility is located and of adequate surrounding land to allow access for all users. The logic is to provide the WUG with long-term security for their assets. This process is carried out mainly by the District Lands Development Department in collaboration with the community leadership. For the Lands Development Officer to issue a temporary letter of offer a WUG should have the following documents:

- A certificate of registration.
- A letter by the original land occupant declaring the transfer to the WUG the piece of land on which the water point is or to be located.
- A letter by the Village Government approving the transfer and therein requesting the Lands Development Officer to process right of occupancy.

"The issue of water is sensitive. The issue of land is equally sensitive."

Former Shinyanga Regional Commissioner
General Tumainieli Kiwelu

The WUG is required to pay an annual fee; not fixed but not more than US \$ 2 equivalent for a temporary letter of offer.

III. Acquisition of a Water Right:

In order to ensure their water source is protected against any pollution and that members have a

right to access without any undue interference, WUGs must by law acquire **a water right**. Due to lack of clarity on the legal provisions regarding water rights for small users owning water sources abstracting the yield not exceeding 22,700 litres per day, the Water Officer has in the meantime, made arrangements to issue one water right per village instead of each WUG. WUGs in each village have to contribute a sum of US \$ 40 equivalent as water right application fee after which the Water Officer issues a certificate to the Village Government on behalf of all the WUGs. According to existing legal provisions WUGs owning shallow wells are not required to pay annual water right fee.

Nevertheless, the milestone in the legal aspect is that any one WUG with a well from which it abstracts more than 22,700 litres per day, should acquire its own water right. Hence, the issue of having one water right for the whole village for all WUGs will need to be rectified in the legal framework revisions.

IV. Transfer of Ownership of Assets:

After the water user group is registered as a legal entity, owns the land on which the water point is located and has obtained water right for the water source, the final step is for the district council authorities to formalise the transfer of the water point including the physical assets to the water user group. It is the responsibility of the council to certify that the water point is operating and yields water according to set national standards and that the WUG members are committed to take up O&M management responsibilities. Among the basic indicators, which have often been used to measure this commitment are:

- WUG members and their committee should have undergone ULOM training programme.
- A WUG should have a clear plan of action on how to raise funds for O&M.
- A WUG should have in its possession recommended basic tools for the hand pump.
- A WUG should have basic books of accounts such as a receipt book, a payment voucher, a cashbook as well as a members' register. The treasurer should be using these books in his/her day-to-day operations.

Though the process of implementing the WUG legal framework looks lengthy and demanding, both the community and government sector actors have found it necessary since it aims at solidifying the legal basis of WUG ownership of the water supply facilities. Users need to have guaranteed ownership of both the physical assets and the land around their wells. It is that strong sense of ownership among the water user group members that will ensure sustainability of the improved facilities and nothing short of this strategy.

Community empowerment means more than telling water users that wells are theirs or simply training them in skills to manage them. Clear institutional and legal frameworks, which provide them with legal ownership of the wells, are crucial prerequisites.

3.4 Human Resources Development

Apart from designing suitable institutional and legal frameworks successful community management requires more investment in capacity building of the stakeholders at all levels. The underlying reason is that roles and responsibilities of stakeholders have changed under the new sector reforms. First, communities badly need basic skills in community mobilisation, organisation and management leadership, bookkeeping, record keeping and reporting. The local artisans have to be trained in preventive maintenance and simple repairs of the hand pumps.

Secondly, government actors at all levels must first be oriented to their changing roles in order to effect them to the communities. Hence, beside their technical knowledge they need training in social skills, which entail the use of participatory techniques in order to facilitate community planning, monitoring and evaluation, conflict resolution and community organisation.

District level staff whose supportive services to communities, field level facilitators and private sector are crucial in consolidating community management need not only be trained in the concept and practice of community management but also in management and supervisory skills of

implementing contracts signed with private sector service providers.

The private sector in Shinyanga as it is the case elsewhere in Tanzania is still in its infancy in the water sector since the government has, until only recently, abandoned its role as the sole provider and implementer of water supply to the rural population. Therefore, to enable it to deliver to quality services it requires 'on-the-job' coaching.

3.4.1 Capacity Building Strategies

In Shinyanga the following specific strategies to strengthen the capacity of local human resources and their institutions have been adopted to consolidate the existing achievements. The ultimate aim of these strategies is to ensure that long-term sustainability of the improved water supply facilities in the rural areas is achieved. Hence, they cut across various aspects of HRD including institutional capacity building.

i. Emphasis on User Level Operation and Maintenance Training

In the period between 1995 and 2000 the training approach has been revised extensively, with an emphasis on training at the user-level and at site combined with very close follow up and back-up support. Training needs have been based on the results of an internal training impact assessment, which revealed a number of shortfalls specifically the low facilitation capacity of the trainers, and the concentration on generic/theoretical rather than practical and on-the-job training. A series of training modules on community management, financial



Skill development for water users especially in preventive maintenance of their wells is given due attention before well commissioning to enable them solve their day to day O&M management issues timely and with less external dependency

administration, hygiene and sanitation education and hand pump repairs have been developed and are extensively being used during ULOM training sessions.

ii. Strengthening of Public Sector Capacity

Under the new policy the role of the public sector at all levels remains that of a facilitator, coordinator and regulator. Support is therefore required from the local government authorities to coordinate sector development such as donor support, participatory monitoring and evaluation, carrying out initial com-

Contents of a ULOM Training Programme

- A one-day training for all WUG members on the day of installing the hand pump. It's aimed at orienting all members on salient implications of O&M specifically their roles and responsibilities; and spare parts availability and prices.
- A three-day course in community management skills for all committee members aiming at enhancing/strengthening group leadership capacity.
- A three-day training for WUG treasurers in basic money management skills.
- A 3-day on site training of local artisans in basic preventive maintenance of a hand pump and general upkeep of a well.

munity intervention in establishing WUGs, and provision of back up support.

Also the public sector is supposed to facilitate the legal processes of ownership and water sources protection including educating the rural communities on different development issues, and managing, on behalf of the communities, construction work contracted to private sector.

Needless to say the role of the district councils is central to the success of enhancing a sustainable community management of water supply facilities. They must continuously nurture and strengthen the established innovations regarding the WUG management system. Thus, their general job description as stipulated in the new policy demands a high degree of competence of the public sector staff as well as sufficient resources. Experience in Shinyanga however, is that the present capacity at the district level leaves much to be desired in terms of numbers, quality and sector coordination.

Therefore, capacity building initiatives to the public sector have focused on revision of job descriptions to suit the new sector reforms, establishment of procedures to monitor and implement the WUG legal framework, training district staff in contract management, and conducting advocacy meetings for councilors and other community-based government staff such as VEOs, WEOs and primary court magistrates.

iii. Promotion of Private Sector and NGO Participation

In view of the capacity problem at the district level as well as the changing roles of the government, DWSP has facilitated the establishment of two local organisations, a company and an NGO in order to provide complementary services to community capacity building initiatives. Each organisation within its constitutional framework is expected to be an effective player in providing services to areas beyond the capacity of the public sector and in accordance with the NWP.

(a) The Water and Environmental Development Company (WEDECO) Ltd

This company was formed in 1999 in line with the sector policy changes, which emphasise the involvement of the private sector to provide a

wide range of services in construction, training and management of water supply and environmental sanitation facilities. The company's founding members were the former district based Rural Water Supply Engineers (RWSE) who had been recruited by DWSP on short-term basis to assist DWEs in day-to-day project activities.

In order to ensure that the valuable field experiences gained by these engineers during their term of employment remained in the region, DWSP gave them sufficient preliminary support to take off smoothly within a framework of an independent company consisting of water sector professionals.

Since its establishment WEDECO has managed to secure various contracts within and outside Shinyanga Region ranging from construction of different types of water facilities to management of public-owned water schemes, surveying, and other assignments related to water and environmental sanitation activities.

(b) The Community Based Resource Centre (CBRC)

The CBRC has emerged through the ever-increasing demand by WUGs for post implementation support services such as spare parts distribution, monitoring, capacity building and training in ULOM and corrective maintenance. These and many other services require continued support from locally based specialised agencies. CBRC is an independent non-governmental organisation formed by local Tanzanian experts in water supply and environmental sanitation. It is intended to be an umbrella organisation for all registered WUGs in Shinyanga Region aiming at offering them specialised capacity building services after the construction of the wells. This is in view of the fact that neither the private sector nor the public sector is able to offer such services.

CBRC's overall objective is to assist rural communities in achieving sustainable development of their improved water and sanitation facilities by providing "after implementation" services.

The organisation will be directly accountable to all registered WUGs and as such provide them with necessary after implementation support services.

It is envisaged that CBRC will offer the following post implementation support services to registered WUGs:

- Follow-up ULOM training for WUG committees and members.
- Provide advice on corrective maintenance of installed hand pumps.
- Assist WUGs to plan for expansion or any other development of their water supply systems.
- Avail WUGs with information on the availability of genuine spare parts and prices.
- Link WUGs with other stakeholders such as ESAs and private sector partners for further networking and or support.
- Promote micro-credits and income generating activities (IGAs) among WUG members.
- Through inspection and certification ensure WUGs get quality services from service providers such as contractors and spare parts dealers.
- Conduct jointly with the local government authorities the monitoring of WUGs' performance and impact.
- Carry out regular consultations with WUGs on O&M of their water supply and environmental sanitation.

(c) The Regional Training and Development Centre

The primary objective of establishing the Regional Training and Development Centre (RTDC) in Shinyanga town was to provide communities, public and private sector partners with practical and quality technical and community facilitation skills as well as facilities to effectively undertake activities related to water and environmental sanitation development. The centre offers the following services:

- Making available an adequate supply of spare parts and installation tools, which WUGs can purchase through district-based agents.
- Leasing out tools and equipment for construction of water supply and environmental sanitation facilities.



The Regional Training and Development Centre in Shinyanga Municipality offers practical information to communities on various rural water technologies and O&M requirements.



Hand Pumps of different types are on display at RTDC to ensure that potential users make right technological choices.



President Benjamin William Mkapa being shown different types of hand pump spare parts available at the Regional Training and Development Centre (RTDC) when he visited the Centre in September 1997.

- Providing practical information on and demonstration of various rural water supply and environmental sanitation technologies.
- Capacity building and training in technical and community facilitation skills related to water and sanitation development.
- Conduct applied research on appropriate locally developed technologies in rural water supply and environmental sanitation.
- Support district agents in establishing a reliable spare parts distribution network.
- Advise communities on design and quality of constructed water and environmental sanitation facilities.
- Maintain a documentation centre for reference on issues related to water supply and environmental sanitation development.

RTDC was established in 1995 and initially operating under the direct management of DWSP. Since 2000 the newly established CBRC has taken over the centre's day-to-day operations.

RTDC aims at promoting high standards and quality of water supply and environmental sanitation systems through professional training and applied research on new ideas and innovations related to suitable and appropriate/affordable water supply and sanitation technologies.

4. *Lessons learnt*

4.1 *Implementation Experience*

The implementation of the WUG concept as a community management option for small-scale water schemes in Shinyanga Region has met with both significant successes and challenges. On one hand, the successes indicate a better future for the sustainability of the improved water point sources. On the other hand, real difficulties arise from the fact that legal ownership of community facilities is a new concept in Tanzania. It requires further investigations and support so that rural communities fully understand and accept it.

This chapter focuses on the lessons learnt from the Shinyanga case study and explores how the process of institutionalisation of community management could be further improved in order to contribute towards the operationalising of the revised Rural Water Policy. A number of key lessons learnt are highlighted below in terms of successes and challenges.

4.1.1 *Achieved Results*

- The formation of WUGs has stimulated users to participate more actively in the process of improving their water supply facilities due to an increased sense of ownership. This in itself has a long-term impact on the sustainability of these facilities.
- Communities have gradually begun to recognise their 'commonness' in solving their water and sanitation problems. Because of the principle of replication many families now organise themselves into potential water user groups and start digging their own wells even on a 'trial and error' basis before they approach the local government authorities for external support. Thus, through the WUG concept communities are able to determine the type and level of services they require, which is the central feature of the demand-responsive approach.

User groups are sufficiently small entities that the degree of their cohesiveness is much higher than that of the whole village.

Members know each other by name. Therefore, they have a reasonable potential of being sustainable.

- There is increased information sharing between water user groups through regular contacts, which in certain districts have led to the formation of informal networking or federation among them. Such networking helps WUGs within the same area to solve some technical or administrative problems, which one WUG cannot solve alone. For instance, security measures of hand pumps are arranged commonly.
- A sense of accountability is growing between both WUG members and their committees due to the real benefits accrued from the improved water services. WUG members especially those who have undergone the ULOM training programme tend to have more confidence and capacity to own and manage their improved water sources. This is usually expressed through their preparedness to contribute for O&M financing and demands for more transparency and accountability from their committees. On their part WUG committees are learning to report regularly to members on financial and other facility maintenance issues provided they get regular back up support from ward level facilitators and the local administration in the villages.
- Nearly all WUGs have bank accounts for O&M. However, very often these accounts are not used since WUGs keep them as a security for any future eventuality. Regular or day-to-day expenses for small repairs or purchase of installation tools and basic spares are usually funded through impromptu contributions. Insistence on the opening of bank accounts has all along been

**Case Study 1: *Empowerment means responsibility:
Mwangubu WUG replaces stolen pump at full cost***

Until early June 1996 the people of Mwagalankuru hamlet in Bugoro village in Shinyanga District had for a very long time no reliable water supply. Women and children used to walk over two kilometres to collect water from a seasonal river. During the wet season they drew water from ponds, which they normally shared with livestock.

Recalls Mzee Amos Bundala who is now the WUG treasurer: " Because of the long distance to the only water source and other constraints associated with poor water supply such as waterborne diseases, we met in early 1996 and decided to present our request for support from the district council. We were told to organize ourselves in a Water User Group and submit our application for support under the DWSP arrangements. This we did hurriedly. We named our group Mwangubu Water User Group and mobilized ourselves for cash, materials and labour contributions. Our membership consists of 62 households with a population of about 300 people."

With the WUG contribution and technical and financial assistance from the district council Mwangubu WUG managed in June 1996 to complete the construction of a shallow well close to their homesteads.

For over two and half years the inhabitants of Mwagalankuru hamlet continued to enjoy clean and safe water close to their homes until one night in March 1999 when their pump was stolen. Efforts to catch the culprit proved futile. " We were ashamed to go back to the district council to request for another support. We knew we had not taken effective precautions against theft of our pump. Thus, we had no option other than replacing the pump at full cost," narrated the WUG Secretary Henry Gwesamwenda. Then the WUG officials approached the council experts to advise them where they could purchase another pump at an affordable price.

He continued: " We again mobilized our members to contribute about US \$ 5 per household. Mobilization was not that easy since our incomes are seasonal depending on crop harvesting. But in the end we managed to purchase a NIRA AF 25 hand pump from the local agent in Shinyanga town for about US \$ 265.

Immediately after the installation of the new pump the WUG members employed a night watchman whom they agreed to pay in kind in terms of 6 bags of maize for a period of one year. Since May 2001 they have reinforced security measures by deploying the local defense force to keep watch on the pump especially during the night.

justified on several grounds. First, given the obvious risks of handling public money a bank is the safest place to keep members' money. Secondly, it has been regarded as an indicator of members' commitment and preparedness for sustainable operation and maintenance. Thirdly, money saved in a bank can be used for emergency purposes especially when members are hard up financially during a poor harvest.

- Security of the improved facilities is maintained by most of the WUGs as they have agreed schedules for drawing water after which the hand pumps are locked. Each group has its own security arrangements as well as maintenance of the environment around the well.
- Over 50% of the established WUGs have stable management through their elected committees and have their own local artisans assigned as well caretakers.
- Spare parts distribution through CBRC, district based agents and ULOM facilitators has enabled many WUGs to purchase hand pump installation tools and basic spare parts during the training and operations.
- The joint monitoring and back up support by district teams and DWSP advisers has proven to be a proper way of strengthening the community capacity. However, this can only work during the project lifetime since advisers are hired by the projects. Moreover, the districts have insufficient capacity to carry out this function. Therefore, there is a need to have a more locally based agency like CBRC to assist the districts and most importantly, the WUGs which are under its umbrella.

4.1.2 Structural Challenges

- **Donor-driven innovations:** Shinyanga water sector actors have all along recognised that if any sustainable community management was to be adequately established, there should be an end to the traditionally project-oriented interventions, which apart from being donor-influenced they were handicapped with time frames. The risk is that any significant innovations introduced by these projects were most likely to exist only during the life time of the projects since they
- **Free water attitude still exists:** The GOT has for a long time convinced the rural people that it was a government responsibility to provide water and it would do so free of charge. Naturally, this historical fact has been deeply entrenched in the minds of the rural people despite the government's failure to maintain the rural water schemes. The concept of WUG which essentially demands users to pay for full O&M costs has, to some extent met with some resistance.



Commissioning of wells is usually done after completion of WUG legal framework formalities as seen here when former Shinyanga Regional Commissioner General Tumainieli Kiwelu presented an ownership certificate to Tutasema WUG chairperson in Kolandoto village, Shinyanga Municipality.

were not streamlined within a sustainable structure due to the current poor donor coordination.

The initiatives therefore, started by DWSP to build community capacity in managing their improved water and sanitation facilities through a WUG concept were initially thought as purely the programme conditions and not meant for future sustainability of these facilities. These innovative approaches need to be sustained within the government machinery as well as other local organisations such as WEDECO and CBRC.

Worse still, in some cases people have been receiving mixed messages from local politicians telling them not to pay for water. In other instances some Village Governments were reluctant to hand over old schemes to newly formed water user groups claiming that people had a right to be served with free water from wells constructed in the 1970s and 1980s.

These attitudes notwithstanding, the fact that there are successful WUGs that continue to get reliable, clean and safe water supply more rural people are increasingly becoming aware of the rationale for paying for water though they are faced with seasonal cash flow problems.

- ***The learning process of handling new powers at community level is slow:*** There is no doubt that the DWSP innovative approaches of empowering the communities are very new to most rural people particularly when they have, for a very long time been subjected to being passive recipients of development projects. Thus, the new powers of the WUGs stipulated in the by laws challenge the status quo not only of the local leadership but also the water users themselves. It is no wonder therefore, that the process is being adopted cautiously and slowly. Says one local politician:

“ Water in Shinyanga is so sensitive that any attempt to restructure the control over it raises more questions than answers even if the reforms are for the better as in this WUG concept. Water is power.”

Moreover, most of the WUG committees still face the problem of insufficient management skills especially in planning and financial administration. The practices of record keeping of things like minutes financial transactions, proper work planning and reporting are still new to most people in the rural areas. But real community power in this respect depends on how skilful the WUG committees are in organising and controlling resources and making clear management decisions. This however, cannot be achieved just within a project time frame. WUGs require continuous support in order to acquire such organisational and management skills.

- ***Seasonal cash flow constraints:*** The WUG concept implies that users must contribute cash, labour and local materials during and after the

construction of their well. Many rural communities in Shinyanga Region depend on subsistence farming for their incomes, which in turn heavily relies on the rains and the availability of the market for their crops. Experience has shown that their ability to pay cash is considerably reduced when harvests are poor due to droughts or lack of market for the crops. Hence, lack of cash at WUG level to meet immediate financial obligations in time such as contribution towards purchase of a hand pump or spare parts is likely to lead to delay in supporting them.

- ***Preference of rapid physical outputs still haunts the minds of some decision makers:***

Success is usually seen, at least in the short run, in terms of the number of physical structures installed or constructed because they can easily justify the investments. Recalls a member of the Shinyanga District Council team responsible for water and sanitation development:

“Old habits never die quickly. In the second year of the DWSP programme we were warned that if we continued to provide fewer wells to communities the programme would be stopped immediately. This placed us at the cross-roads as we were in the first place required by the Plan of Operations to facilitate an enabling environment for the establishment of an adequate community management system to sustain the wells and now that we were being compelled to produce more wells. Of course, the former condition required a lot of patience as we could not rush the communities into making lifetime decisions.”

- ***Poor governance:*** Historically, communities have developed a certain degree of mistrust of their leaders at all levels especially because of lack of an effective communication mechanism coupled with an undeveloped accountability system. These attitudes have had an impact on the implementation of the WUG concept. For example, in some cases WUGs preferred to elect illiterate but honest treasurers rather than having a skillful member whom they did not trust. In other instances WUG members were reluctant to contribute their money if they sensed that the village government or any government official such as VEO or WEO was involved. The implementation of the WUG legal framework has been slow not only due to its long procedures but

mainly because of the general low esteem of the local leadership to animate communities about development initiatives.

- ***Inexperienced private sector:*** As an agent for change DWSP has been striving not only to attract the involvement of private sector in implementing water and sanitation activities but also coaching it to provide quality work at a reasonable price. The facilitation of the establishment of WEDECO LTD, the involvement of other local spare parts dealers and manufacturers, hiring of private community facilitators and other small construction contractors has been part of the initiatives to create an enabling environment through which private sector can sufficiently substitute the public sector as per the new RWP.

Ironically, Tanzanians had at one time ideologically been made to believe that the private sector entrepreneurs were not trustworthy due to their profit-making attitude. In addition the capacity of the communities to negotiate with private sector in areas of water development is very limited. Hence, the gap of mistrust between them has been naturally wide and under the new water policy it has to be cautiously and tactfully promoted.

On the other hand, the present capacity of the existing private sector is generally limited particularly in the areas of construction of water supply and sanitation systems, major corrective maintenance of the systems and spare parts distribution. These have been the domains of the government for a very long time and as such private sector lacks skills and experience to deliver satisfactory services in these areas. The situation is exacerbated by the fact that districts also lack adequate capacity to supervise the private sector on behalf of the communities.

In addition to insufficient knowledge and skills in handling water supply business, the private sector is far less interested in dealing in spare parts distribution since it is not attractive due to very limited effective demand. In other words, spare parts are slow moving items as there is a limited number of hand pumps.

Furthermore, at the community level, with the exception of the local artisans, the private

sector to assist WUGs is very scarce. There is hardly for instance any fixed stockist of hand pump spares in the villages. All these shortfalls have significantly affected the smooth implementation of WUG concept.

- ***The water right issue not exhaustively solved:*** The implementation of WUG legal framework includes the issuance by the Water Officer of a water right to WUGs, which in principle legally allows them to abstract water from the improved water sources.

The existing legislation empowers MWLD to monitor and regulate all water use in the country. The object of this legal provision is to protect users from water pollution and against any other intruders who might wish to construct waterworks within a specified distance from original water source with the intention of abstracting water for any use. An application fee with subsequent annual fee must be paid to acquire and maintain a water right. Rates vary with the type of waterworks, uses and the amount of water to be abstracted per day.

According to the present legislation most if not all wells in Shinyanga Region have a yield capacity of below 22.7m³ per day, which exempts the WUGs from paying annual water right fees. However, WUGs are required to pay a one-time application fee approximating to US \$ 40 before the water right is granted to them. For the past three years this legal requirement has attracted discussions between the regional authorities and MWLD as to whether it was practically justified to charge these small water users such a big amount.

For legal convenience it has, in the meantime, been agreed that a cluster of WUGs in one village can submit a single application for the water right through their Village Government. This implies that WUGs have to jointly contribute money for the application fee.

The Regional Water Officer in Shinyanga has on a trial basis started to facilitate the process of educating communities on this legal requirement and a few Village Governments at least in two districts have been issued with water rights on behalf of the WUGs.

***Case Study 2: Tug of War between WUG's and Village Governments on Ownership of 'Old' Wells:
A Case of Bugayambebele Village***

Bugayambebele village in Shinyanga Municipality consists of four hamlets with a population of about 3,500 people. Over the past six years its inhabitants have formed nine WUG's of which eight continue to get improved water supply from the newly constructed shallow wells. Unlike other WUG's the Mbuyuni Water User Group was formed to own and manage the old tube well which had been constructed in the mid-1970s under the supply-driven approach.

Originally, this was the only improved water source in the entire village. In principle, the village government was solely responsible for its management. However, due to lack of proper O&M arrangements the well was for quite a long time inoperative until the new concept of the WUG was introduced in the village in 1996.

In 1997 a group of about 52 families living near the well organized themselves to form the Mbuyuni WUG. With some support from the village government and the Municipal Council the well was rehabilitated. Meanwhile, the Mbuyuni committee members were trained in community management.

Despite there being eight other new wells in the village the Village Government leadership allowed every member of village to draw water free of charge from the 'old' well, which was supposed to be managed by the Mbuyuni WUG. The reason was that this well belonged to the entire village and that the Village Government had supported Mbuyuni WUG in its rehabilitation. Officially it was known as the 'mother well'.

When it came to legal registration the VG endorsed the Memoranda of Understanding for the eight WUG's but not for the Mbuyuni WUG on the same grounds that this was the 'mother well' which belonged to the entire village.

In October 1999 the Mbuyuni WUG hand pump was mysterious vandalized and many of its components stolen. In spite of the efforts by the Mbuyuni WUG members to make a follow up on the issue nobody was arrested for this illegal act. They complained that the Village Government did not give them adequate support since their location had no representative in the local leadership.

Meanwhile, the Mbuyuni WUG members have ever since been struggling to raise about US \$ 450 to purchase an SWN 80 hand pump for replacement. By June 2001 they had contributed about US \$ 115.

One of the Mbuyuni WUG committee members John Ngumiji laments over the whole issue: " We have been isolated by the VG because of our being close to the 'mother well'. Other WUG's in our village have all the support of the VG. Look, we have to either dig our own individual wells or buy water from these WUG's at an exorbitant price of 5 dollar cents per a 20-litre bucket. Officially, the Village Government does not recognize us as a legitimate WUG. The Municipal Council needs to make clear guidelines on the issue of ownership of the so-called 'old' or 'mother wells. "

- **Weak link between water supply and hygiene and sanitation education:** While the WUG concept has satisfactorily attempted to address issues related to community management of rural water supply systems, the community level promotional strategies for hygiene and sanitation such as the School Hygiene and Sanitation Package (SHSP) have not lived up to anyone's expectations. The SHSP approach was intended to use primary school children as promoters of hygiene and sanitation best practices to the communities.

An internal assessment carried out after two years of SHSP revealed many institutional weaknesses, which had led to its limited impact. For instance, the approach involved many actors without any proper coordination resulting in inconsistency and irregular support to the communities. Also, the community-based functionaries such as the Village Health Workers (VHWs) were not involved to make the necessary follow ups. Current efforts have focused more on the WUGs especially in educating the members on water handling, storage, and cleanliness around their homesteads, solid waste disposal and general hygiene practices. Results of this approach are yet to be assessed.

- **Specific problems associated with implementation of WUG by laws:** In the course of implementing the WUG by laws a number of lessons have been learnt, which need to be addressed adequately if at all the exercise is to bear tangible results. Major lessons learned include:

- The concept of communal ownership is still strange to most people in the rural areas since they have been used to the government owning all public facilities. Hence, mobilising them to acquire legal ownership of water supply or sanitation systems is a slow process.
- The limited manpower and other resources at the district level coupled with some apathy among the district staff have greatly slackened the pace in implementing the WUG legal framework.
- Some landowners who had allocated pieces of land to WUGs on verbal understanding were reluctant to officially surrender them without being compensated.

- Delays by WUGs in raising conditional money for WUG registration such as, O&M funds, registration fees, or fees for letter of offer have slowed down the process. However, willingness and ability to pay vary from one district to another with some excelling in boosting O&M accounts.
- Communities cannot easily identify opportunities around them for O&M fund raising other than periodic household contributions, which often do not work due to seasonal incomes.
- WUGs in remote areas find it too costly to operate bank accounts at district or regional headquarters. At present some WUGs have substituted official banking to a local revolving fund system locally called 'Ifogong'ho' under which they lend money to people and get premium and interest after a mutually agreed period. Others use O&M funds to purchase crops like maize and paddy at harvest time and sell at a profit in times of food shortage.

"It's very costly to travel to the nearest bank, which is about 90 kms away. We have to spend not less than US \$ 10 per trip to make a single bank transaction. Taking into account our poor economic situation this is indeed a substantial amount of money. We find it extravagant to operate a bank account."

Sekei Makonge a member of Katoto A WUG, Songambebe Village

- Generally there has been limited support and commitment by the village governments especially in areas where thoughts of free water still exist. These attitudes continue to frustrate the efforts being made by WUGs in those areas.

Case Study 3: *The Importance of Land Rights to Water User Groups*

Watasema Water User Group in Kolandoto village in Shinyanga Municipality is one of the first WUG's in Shinyanga Region, which were formed between 1995 and 1996. The group consists of 25 households. Their well, fitted with a NIRA hand pump has had no major troubles and members have continuously enjoyed clean and safe water since it was inaugurated in December 1996.

When the Municipal Council passed the WUG by law in early 1999, again Watasema WUG was one of the first WUG's to apply for legal registration. The group was able to go through step one of the WUG legal framework implementation without any difficulties. However, the snag came during step two, which required the WUG members to have a land right of the area where the well was located.

Kolandoto village – like much of rural Tanzania - is not surveyed. Transfer of right of occupancy usually depends on customary practices. In the same way Watasema WUG members were offered the area for their well without any formal or legal backing.

According to the former chairperson of Mwamala hamlet Bundala Kishila who also participated in the allocation of plots for the construction of shallow wells in the village, all WUGs in Kolandoto village (about 33 of them) were allocated well sites without any formal procedures. He says: " What we did at the time was to site a suitable location (where water yield was found sufficient) and simply allow organized WUG's to start construction. We did not consider the land issue to be a problem. We were only concerned with getting enough water for the people."

He continues: " But fulfilling step two required our WUG to formalize the transfer of land rights from the original occupants. Incidentally, the area where we had constructed our well belonged to two people. At first we thought that it would have been a matter of asking them to surrender their land. But things were not so simple. The matter was complicated because one of the original occupants was not a member of our WUG and at the same time he happened to be a medical doctor in charge of the neighbouring hospital who, in normal circumstances, commands high respect from all of us."

Bundala sighs confidently: " Nevertheless, we eventually managed to convince both of them and they surrendered their right of occupancy to us. We are now sure that nobody can have any legal claim on that piece of land and our water point since we already have a letter of offer from the lands department."

5. *The way forward*

5.1 *Is WUG Concept Unique to Tanzania?*

The WUG model introduced in Shinyanga Region and described in this booklet is unique in Tanzania. Of course the term 'Water User Group' is not unique to Tanzania since it is widely used elsewhere. However, its particular uniqueness to Tanzania and specifically in Shinyanga Region lies in its form. The fact that the government has recognised such small community-based water organisations and accorded them the right to own legally water supplies including the assets is an important strategic achievement, which is not common in many East African countries.

Realistically speaking, the WUG concept in Shinyanga Region has evolved in response to the past less effective O&M strategies by the government and donors. While the National Water Policy has often addressed management and legal issues of water supplies in general terms, the Shinyanga experiment has offered practical strategies of empowering water users of small-scale water point sources to own and manage their utilities with less biased external interference. The government and ESAs come in to support the already organised entities.



A regularly maintained water source is a life long assurance to users of getting clean and safe water and better health.

The government at whatever level remains with the supportive, regulatory and coordination functions while water users are placed on the driver's seat to ensure their long-term benefits from the improved wells are maintained. In principle, the concept emphasises a participatory approach, which is user-group focused and is built upon the two key principles of ownership and sustainability.

Therefore, the successes and challenges encountered during the implementation of the WUG approach in Shinyanga Region clearly indicate a breakthrough in the interpretation of the conceptual framework of the sector policy reforms into practice and can provide the lessons for further articulation of the National Water Policy.

"At many well points there is already a discernible improvement over the past situation when the users were totally uninvolved, untrained, felt no responsibility and were unwilling to repair government property."

Comment by External Consultant on Revised NWP and DWSP Innovative Approaches to Community Management of Water Supply Systems (1999).

Despite the introduction of this innovative approach DWSP has certain important sustainability limitations. First, as a programme it has a limited time frame that is too short to ensure that the WUG concept is well understood and sufficiently implemented. Secondly, such approaches that are initiated by time bound projects are usually implemented by parallel structures, which are not sustainable.

Therefore, in order to ensure that the process continues, a more dynamic and sustainable mechanism has to be adopted within the government machinery as well as in other local partner organisations such as NGOs and private sector. For example, the issues raised in this booklet are not static but will vary with time, usually responding to new situations. In other words the WUG concept should be seen as a dynamic system liable to adopting changes whenever they occur. Therefore, communities need to be guided sufficiently through this process. This in itself demands an intensive capacity building strategy at all levels.

5.2 The Emerging Issues

On the basis of the lessons learned it could be concluded that there are a number of key themes that have emerged and if addressed effectively could greatly contribute to enhancing the process of community management of small-scale water point sources not only in Shinyanga Region but also elsewhere where similar circumstances prevail. The most common themes are:

- Further dissemination of information of the existing WUG legal framework in order to make it widely known and understood particularly to senior administrators and politicians at national, regional, district and village levels so as to win their support in its implementation. Such dissemination should go hand in hand with the education on new sector reforms and their implications to all stakeholders.
- Further streamlining of the procedures of implementing the WUG legal framework in order to make the process less cumbersome.
- Smooth integration of water and hygiene and sanitation education within the WUG conceptual framework.
- Strengthening the capacity of various sector stakeholders in relation to their new roles and responsibilities as prescribed in the revised rural water policy.
- Designing practical strategies to assist WUGs in regularly reviewing their management capabilities to ensure that leaders are elected in a democratic way, women participation is safeguarded, care taking of wells is done properly, record keeping of minutes and finances is well maintained and members are constantly informed accordingly. In this respect constant on the job coaching is essential.
- Though for the time being the WUG structure looks to be sufficient in addressing the internal sustainability needs, but as time passes there is a need to facilitate WUG members to start thinking about how they will continue from here. For instance, they should explore external opportunities of sustaining their group in terms of new tasks such as constructing a new well in case

membership expands or the well dries up or replacement of future leadership.

- The capacity of the private sector and the emerging NGOs or community based organisations involved in the water sector represent one of the biggest challenges for any future development of rural water supply in the region. Strategies should be formulated to make these new partner organisations in the water sector grow to full confidence so as to provide quality services to their ultimate clients who are the water users in the villages. Good quality work and appropriate pricing will surely build mutual trust between the WUGs and the private sector.
- Alongside with building the capacity of the private sector the public sector's capacity will as well need to be strengthened in their new roles of regulating, policy coordination, monitoring and supervision of quality work on behalf of the water users.
- Since there are differences in regional and district conditions there is a need for each regional and or district authorities to translate the NWP to suit their prevailing circumstances. This will ensure that all sector partners abide by consistent approaches towards those they aim at supporting – the rural communities. With a comprehensive and clear policy translation on ownership and O&M management of improved water supply facilities, regions or districts will undoubtedly prevent the seemingly competitive attitudes among the ESAs operating in the same area.

Water users need to have freedom to choose what type and level of water supply services they are capable of managing without any undue external pressure. This is indeed a structural transformation, which the NWP intends to achieve.

The WUG concept in Shinyanga Region has taken off gradually and there are promising signs of breaking through the long-standing deadlock to sustainable community management system of small-scale water supplies in rural Tanzania. But without official recognition and commitment at all levels and continued support this concept will remain a DWSP short-term intervention and chances are that community management of the 2000 plus improved shallow wells in Shinyanga will be limited.

5.3 Conclusion

Many lessons have been learned in the process of developing and implementing the WUG concept. One important conclusion is that the process is complex but necessary if the Tanzanian National Water Policy is to be correctly and practically interpreted. Improved water facilities which are meant for communal use however small they might be, require a suitable and workable management system to ensure long-term benefits to users.

Nevertheless, traditional barriers to local people's initiatives such as paternalistic tendencies of both the government and ESAs must be abandoned.

Annex 1

Model of WUG by Laws

GOVERNMENT NOTICE NO. published on

THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT.

(No. 8 of 1982)

BY-LAWS

Made under section 80

THECOUNCIL
(ESTABLISHMENT AND MAINTENANCE OF WATER SOURCES AND ENVIRONMENT SANITATION)
BY-LAWS

Citation and Title	1. These By-Laws may be cited as The..... Council (Establishment and Maintenance of Water Sources and Environment Sanitation) By-Laws.
Commencement	2. These By-Laws shall be deemed to have come into effect after the approval of the Minister.
Interpretation	3. In these By-Laws: "Council" means The.....Council. "Mtaa" means a part or a division of a ward and includes a part or division of a township situated within an area under the individuals of an urban authority. "Source of Water" means an improved well. "Special Register" means a book containing records of registered water user group which are protected under these By-Laws. "Village" means in relation to Village, the Village Council of that Village where water facilities are allocated. "Village Council" means the Village Council of the Village where water facilities are allocated. "Water Facility" means an improved well fitted with a water pump. "Water User Group (WUG)" means a group of individuals or households at the Village or Mtaa level whose membership is open and are voluntarily united to establish and develop the source and maintain environmental sanitation and it shall be mandatory under these By-Laws for every source of water established within the jurisdiction of the Council to be registered in the register of the Council.

Recognised Public Institution or Social Economic Developments Groups with legal registration can as well establish and develop sources of water and shall be registered by the Council as water user groups in order to attain legal protection under these By-Laws.

Right to own and keep the water facility clean

4. Every water user group with a Certificate of Ownership, the sample of which is appended to this By-Laws, over that shallow well and which is registered in a special Register of the Council shall be the legal owner of the water facility with a radius of between 6 to 10 metres and shall protect and keep their water facility clean and free from refuse and shall take all reasonable steps to guard it and prevent occupancy of any nuisance.

Provided that every user group shall make memorandum or resolutions to own, operate, maintain, protect, keep clean their sources of water and shall consider in their memorandum how to favour poorer strata of people in their vicinity.

Responsibility and Obligation of the members

5. Members of the water user groups shall have responsibility and obligations:
 - (i) To protect their assets and water facility from theft or damage.
 - (ii) The pump or pump equipment are stolen or damaged, the members of the water user group concerned shall have full responsibility and obligation to replace the stolen or damaged pump within six months after theft or damage.
 - (iii) Where members of the water user group whose pump or pump equipment are stolen or damaged, fails to replace within the prescribed period, it shall be lawful for the Director upon a resolution of the Council in that behalf to issue a warrant in the form set out in schedule 'B', to the court Broker requiring him to distrain upon the personal goods and chattels of such member of the water user group to the value of such sum in order to replace a stolen or damaged pump or pump equipment.
 - (iv) Provided that such warrant shall not be issued unless the period of six months referred to in subsection (ii) have expired.

Duties and obligation of the Village Council

6. The Village Council or Mtaa Committee shall advise, mobilise, support, protect and supervise the water user groups established in the village. It shall also be the duty of the Village Council or Mtaa committee to receive and approve the memorandum of water user groups and ascertain whether they are smoothly implemented.

Provided that in case of disapproval, the Village Council or Mtaa committee shall put in writing reasons for objections and forward them to the..... Council for final decision.

Right to dispose of the assets and to claim title over a source of water

7. (i) No person has the right to dispose of the assets of the group.
 - (ii) No person shall claim title over any source of water except the members of the water source.

Creation of nuisance or chaos

8. Any person who shall create nuisance or chaos at the source of water by disturbing members of water user group or any person who is entitled to collect water commits an offence.

Construction of a pit latrine or refuse facility or sources of water

9. (i) Any person who shall construct a pit latrine or hole for the reception of night foul, urine, dirty water or rubbish of any description within thirty metres from the sources of water shall be guilty of an offence and shall be liable on conviction to a fine of ten thousand shillings and shall be compelled to destroy or bury the hole or pit latrine constructed.

- (ii) Any Water User Groups or Public Institution or Social Economic Groups or Individual person who shall construct a source of water within thirty metres from a constructed pit latrine or a hole used for reception of night foul, urine, dirty water or rubbish of any description, commits an offence under these By-Laws and shall be compelled forthwith to destroy and/or bury the well so constructed.

Depositing of noxious matter, wash of clothes, body etc.	10. Any person who shall wash clothes or any kind of grain or urinate or allow animals to drink in a domestic water supply Source or Sources of water commits and offence.
Depositing of foul matters or dirty water	11. Any person who shall throw foul matter or thing or deposit or cause to be deposited any noxious matter or throw dirty water or allow any foul or thing or dirty water to flow into or upon any water supply sources or source of water commits an offence.
Power to enter and inspect	12. Ward Executive Officer, Divisional Secretary or any officer authorised in writing by the Council may at any reasonable time enter upon any source of water established within that particular Ward for the purpose of inspection and ensuring compliance with the provision of this By-laws and for ascertaining whether water user groups are operating in accordance with the law and order of the country and shall have powers under these By-laws to take legal action including taking to court anybody or members of the water user group who shall contravene any provision of these by-laws.
Theft, destruction and penalty	13. Any person who shall destroy or steal or temper with a pump or any part or instrument from the source of water is guilty of an offence and upon conviction shall be liable to a fine not exceeding Tshs. 10,000/= or an imprisonment for a term of not exceeding five months or to both such fine and imprisonment and the court shall order him or her to pay back forthwith the destroyed or stolen or vandalised pump or part or instrument at the current price.
Offence and Penalty	14. Any person who contravenes, fails, neglects to comply with any provision other than section 13 of these By-laws shall be guilty of an offence and shall be liable to the fine not exceeding Tshs. 10,000/= or imprisonment for a term not exceeding six (6) months or to both such fine and imprisonment.

The Common Seal of the Council was affixed to these By-Laws in pursuance of a meeting of the Council duly convened and held, and was affixed in the presence of:

.....
Director

.....
Chairman

I APPROVE

.....
Minister for Regional Administration and Local Government

SCHEDULE "B"
..... COUNCIL
FORM OF SUMMARY WARRANTY OF ATTCHMENT AND SALE
Made under section 5 (iii)

To the Court Broker.....
.....

These are to command you to attach and hold the personal goods or chattel of:

Mr./ Mrs./ Miss / Ms..... of Village as set forth in
the schedule hereto, unless the said..... shall pay the sum of Tshs..... being the
contribution to replace a stolen or damaged pump or pump equipment which belongs to..... water
user group, and affix the same to this court house and after making due proclamation, to sell by auction
the same or so much thereof as shall be the cost of attachment.

You are further commanded to return this warrant on or before the.....day of with
an endorsement certifying the manner it has been executed or the reason why it has not executed.

Given under my hand and the Seal of the Court this..... day of.....

.....
Magistrate

Annex 2

Four steps for implementing Water User Group legal framework

STEP	OBJECTIVE	CRITERIA/CONDITIONS	ACTIVITIES	RESPONSIBLE	VERIFIABLE INDICATORS
Registration of Water User Group	<ul style="list-style-type: none"> To enable a Water User Group (WUG) become a legal entity, which can own and manage its own improved water facility. 	<ul style="list-style-type: none"> A functioning water facility. An active WUG committee. 	1. Village Meeting to clarify on the by-law.	Village leaders, WUG committee, Land owners	Minutes of Meeting
	<ul style="list-style-type: none"> To enable a WUG to process the certification for right of occupancy (land/rights). 	<ul style="list-style-type: none"> A membership commitment to manage the water facility reflected in a Memorandum of Agreement. 	2. Fill all vacant positions in WUG committee.	WUG members	A list of six committee members with a gender-balance representation
	<ul style="list-style-type: none"> To enable a WUG to operate effectively in managing its water facility e.g. collect money, open bank account etc. 	<ul style="list-style-type: none"> A minimum contribution of Tshs. 60,000/= for operation and maintenance. A paid-up fee of 1,000/= for the registration certificate. 	3. Establish a Memorandum of Agreement and endorsement by village government and local Magistrate.	WUG members	<ul style="list-style-type: none"> A signed/stamped copy of Memorandum of Agreement in reference to the WUG. Members register book.
			4. Contribute/Raise a minimum of Tshs. 60,000/= for Operation and Maintenance.	WUG committee/members	Documented evidence of O+M deposit either at bank or ifogong'ho; e.g. copy passbook or bank statement.
			5. Raise Tshs. 1,000/= for registration certificate.	WUG treasurer	Receipt for 1,000/= by District Council.
			6. Issue registration certificate.	Registrar	Registration Certificate
Certification for Right of Occupancy (Land Rights)	<ul style="list-style-type: none"> To enable a WUG to become a legal owner of a piece of land (acquire certificate of occupancy) where the improved water facility is located. 	<ul style="list-style-type: none"> A certificate of WUG registration. A letter by original land occupier declaring/transferring part of his/her land to a WUG. Approval by Village Council of such declaration/transfer. 	1. Prepare declaration document as per format.	Land occupier	Signed declaration form
			2. Formalise declaration via Village Council as per format.	Village Government (VG)	Minutes of Village Government indicating approval of transfer.
			3. Apply for certificate of right of occupancy.	WUG committee	Official letter (stamped) by WUG to Lands Officer.
	<ul style="list-style-type: none"> To enable a WUG to apply for a water right. 	<ul style="list-style-type: none"> Application letter by WUG to lands Department for right of occupancy. Annual fee (not fixed) for short-term letter of offer. <p>Note: This procedure is not applicable for primary schools and institutions where land issues have been arranged.</p>	4. Prepare Deed Plan and formal demarcation.	Cartographer/Surveyor	A documented Deed Plan.
			5. Prepare Letter of Offer.	Lands Officer	<ul style="list-style-type: none"> Short-term letter of offer Exchequer Receipt Voucher for fee paid.
			6. Prepare certificate for short-term right of occupancy.	Lands Officer	Short-term right of occupancy certificate.
			7. Payment of annual fee.	WUG treasurer	Exchequer Receipt Voucher for fee paid.

STEP	OBJECTIVE	CRITERIA/CONDITIONS	ACTIVITIES	RESPONSIBLE	VERIFIABLE INDICATORS
Acquisition of Water Rights	<ul style="list-style-type: none"> To enable WUG members to abstract and use domestic water supply from the improved source as per legally allowable quantity (not exceeding 22,700 litres in any day). To protect their water source from any pollution. 	<ul style="list-style-type: none"> WUGs must be registered. WUGs must have land rights. Application for Water Right incl. Fee of 35,000/= Water Quality Analysis Report. 	1. Finalise registration and land rights procedures.	WUG committees	<ul style="list-style-type: none"> Registration Certificate Letter of Offer Certificate Right of Occupancy
			2. Apply for Water Right.	Village Govt. and WUG committees	A filled application form submitted to Water Officer + Exchequer Receipt Voucher for paid fee.
			3. Certify Water Analysis Report.	Water Officer and DWE	Well Technical Specifications Certificate indicating Water Analysis data.
			4. Issue Water Right Certificate.	Water Officer	Water Right Certificate; original for the Village Government and copies for each WUG.
Transfer of ownership of physical assets	<ul style="list-style-type: none"> To officially empower a WUG to own and have control over the physical assets e.g. well and hand pump, initially subsidised by GoN/GoT. 	<ul style="list-style-type: none"> Well must be in a generally good working condition in terms of technical workmanship and clean environment. WUG must have clear plans to raise funds for O+M indicated in Step 1 and cost-recovery (minimum of 40,000/= per year). WUG must be holding regular meetings. Active participation of members, committee and office bearers in ULOM training. Acquisition of recommended tools for hand pump and books of accounts. 	1. Certify workmanship e.g. anchor bolts, installed handpump, concrete cover, lining, depth etc.	WUG committee and fundi	A written approval certifying contractors good workmanship.
			2. Certify a completed well.	DWE	A signed technical specification certificate.
			3. Workout plans to raise revenues for O+M and cost recovery.	WUG treasurer	Training report including attendance list.
			4. Workout planning schedule for WUG committee/general meetings.	WUG secretary	Minutes of WUG meetings referring to revenue collection plan plus records in available books of account.
			5. Conduct ULOM training to members, committees, treasurer and fundis.	ULOM facilitators	Planning schedule for meetings.
			6. Process acquisition of recommended tools and books of accounts.	WUG treasurer and fundi	Availability of tools as per type of the hand-pump installed and use of books of accounts.
			7. Prepare handing over certificates.	DPM/DWE	Certificates
			8. Official Transfer of Ownership.	DED/DC	Certificates

Annex 3

WUG Memorandum of Understanding

**MEMORANDUM OF UNDERSTANDING for operation of a shallow well is being done this day
of.....**

BETWEEN

all members of..... Water User Group.

IT HAS BEEN JOINTLY AGREED THAT:

1. Members of a Water User Group known as..... have agreed to operate a shallow well which they will construct/have constructed through their own contribution as well as Council/Donor support.
2. On the basis of this understanding the Water User Group members have constructed a shallow well whose number is..... fitted with a hand pump of type.....
Number.....and a yield of litres per day at a Sub-village/Street/Village
of..... in..... District
of.....Region and with Certificate of Ownership Number
.....of.....200...

SO THIS MEMORANDUM IS A TESTIMONY OF THE FOLLOWING, THAT:

3. The Water User Group shall bear the name of.....
4. The real cost of establishing that shallow well is Tshs.....
5. The contribution of each Water User Group member in the construction of the shallow well is as follows:

<i>No.</i>	<i>Name</i>	<i>Contribution in Tshs.</i>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		

6. The area where the shallow well has been dug, with a radius of..... metres shall remain the property of the..... Water User Group.

RIGHTS OF THE MEMBER

7. Each life member plus his family have the right to use the well any time they wish and can draw any amount of water according to set regulations of the Water User Group but only for domestic use.
8. In case the head of a household dies, one of his relatives around that area of a well shall be allowed to be a member of the Water User Group in his place and shall have equal rights like with all other Water User Group members.
9. In case a member ceases his/her membership or shifts to another place, that member shall not get back his/her contributions he/she made to the group.

LEADERSHIP

10. The leadership of the group shall be under six (6) people, three men and three women. If the Chairperson is a woman, then the Secretary must be a man.
11. The leadership term in office shall be five years, after which new elections will be held. The incumbent leaders can contend and be re-elected.
12. If a leader violates the laid down regulations, causing some loss to the Water User Group, shall have his leadership terminated by the group through secret voting in an open meeting.

FINANCE OF THE GROUP

13. The group shall have a recognisable Bank Account for financing the operation and maintenance of the shallow well.
14. The signatories of the Account shall be..... That is:
 - i.
 - ii.
 - iii.

SOURCES OF INCOME OF THE GROUP

15. The sources of funds for the..... Water User Group shall be accrued from:
 - i.
 - ii.
 - iii.
 - iv.
 - v.

WATER USER GROUP MEMBER'S RESPONSIBILITIES

16. The Water User Group member shall have the following responsibilities:
 - a. To participate in the development and management of the group.
 - b. To participate fully, both men and women in any meetings/ sessions of the group for the purpose of ensuring success.
 - c. To participate in approving plans for implementation of legal framework for the Water User Groups.
 - d. To participate in decision making on issues of development of the well.
 - e. To participate in decision making on types and level of contribution for water supply and environmental sanitation.
 - f. To provide contributions, material, labour in kind, in the construction activities of a shallow well or environmental sanitation services.
 - g. To participate in deciding the type of water technology, based in investigating/survey results, designs and costs of the well.
 - h. To participate in preparing a suitable arrangement for ensuring protection of the well as well as provision of environmental sanitation services on day to day basis.

- i. To participate in safeguarding and protecting the well plus the hand pump and other facilities at the well.
17. That, in case a group member fails on purpose and without a sound reason to implement one of the items in No. 16 above will get a warning two times, and if he continues to do the same mistakes then he will be required to pay a penalty of Tshs..... and if he refuses to pay then he will be ordered by the Water User Group to pay for water services like for non-members.
18. That, in case a member does some actions which can cause/result into chaos in the group will be warned by the group three times, and if he continues the same things the group members will rasticate him.
19. That, conflicts which will occur among group members will be forwarded to a members general meeting for decision making.

MEETINGS OF THE GROUP

20. There shall be a general meeting of the group which will be held once per month. The meeting shall be called by the Secretary.
21. The six people Committee of the group will meet regularly for the purpose of implementing the group's daily activities.
22. The group can hold an adhoc meeting any time that will be called upon by the Chairperson of the Group.

OTHER CONDITIONS OF THE GROUP

23. That, in case a hand pump or equipment (any tool of the well) will be stolen, the case will be reported to the Police and the Chairperson or Secretary of the group will represent the group in the case.
24. In case a youth who has been living with one of the members (household) of the group becomes independent, he will be straight forward a member of the group without any contributions, only that he will be paying the monthly fees of Tshs..... just like all other members.
25. Time for opening the well will be as follows:

In the morning at..... O'clock
And closure at..... Afternoon.

The well will be open for the second time at.....O'clock and closure at in the evening.
26. For a person/family not a member will pay for water Tshs..... per bucket, the money will be preserved in the bank. This amount will change depending on the evaluation or devaluation of the shilling.
27. It is forbidden to enter the well premises with shoes/sandals.
28. It is forbidden for any person to wash utensils, bucket, cereals of any type, to take bath, to wash clothes or allow cattle/livestock drink water from the well site.
29. It is forbidden for a child of below..... years without the company of an adult to be in the premises of the well or to come and draw water from the well.
30. It is forbidden for any person to defecate or urinate in the premises or near the well site within.....metres from well.
31. It is forbidden for any person to enter the well premises by jumping over the fence of the well.

32. It is not allowed for people to make arguments or unofficial meetings at the well.

33. A household is allowed to draw water of maximum coverage of only..... buckets per day.

34. It is forbidden to eat any type of fruit or food around the well premises.

35. It is forbidden for livestock to graze around the well premises within a radius of..... Metres.

36.

37.

38.

Any person who violates any of the above items will be penalised some Tshs.....

Payable to the..... Water User Group.

For evidence, we Water User Group members listed below agree as per the notes above and we endorse these this....day of200....Signed by:

<i>No.</i>	<i>Name</i>	<i>Signature</i>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		

Guarantor: Name.....

Signature.....

Village Chairman/Village Executive Officer/Ward Executive Officer

Date:.....

Signed before:

Name.....

Signature.....

Magistrate / Advocate

Date.....

.....

Annex 5

Transfer of Ownership Certificate



THE UNITED REPUBLIC OF TANZANIA

District / Town / Municipal Council of:.....

CERTIFICATE NO:

CERTIFICATE OF OWNERSHIP OF A SHALLOW WELL

I officially confirm by this Certificate that today

Water User Group members of

living in the Sub-village of

or in the Village/Street of

in the Ward in District

in..... Region

have been handed over the authority to own their shallow well Number

with a type of pump called.....with Number

This shallow well has been dug / rehabilitated under the supervision of

and verified by District / Town / Municipal Water Engineer.

This shallow well is being handed over in an immaculate condition.

.....
User Group Chairperson

.....
Signature of Village Executive Officer/ Ward
Executive Officer

This Certificate is issued by me

(Name in full).....

.....(Signature)

DISTRICT EXECUTIVE DIRECTOR/TOWN DIRECTOR/MUNICIPAL DIRECTOR

Annex 6

Format of Water Right Application and Grant

Form C

THE UNITED REPUBLIC OF TANZANIA

MINISTRY OF WATER AND LIVESTOCK DEVELOPMENT

Act No. 42 of 1974

Section 15

Application for a Water Right

(To be completed in Quintuplicate)

To: THE WATER OFFICER
P.O. Box 9204
DAR ES SALAAM

1. Name of Applicant.....
2. Postal Address.....
3. Particulars of Land in respect of which Application is made:
 - a. District.....Region.....
 - b. Locality..... c. Name of Property.....
 - d. Land Office or Farm No..... e. Acreage.....
 - f. Title of Applicant, * Freehold, Leasehold, Right of Occupancy for..... years.
 - g. Name and Address of Owner of reversion, other than the President (if none, state none)..
.....
 - h. Details of other sources of water used on the Land and authority for such use:
.....
.....

4. Particulars of the Water Right for which application is made:

- a. To *Dam/Divert/Store/Abstract from the body of water † known as.....for the following purposes‡:-

	<i>Type of Use</i>	<i>Details</i>	<i>Amount of Water to be</i>	
			<i>Abstracted</i>	<i>Returned</i>
A	Domestic	No. of Persons .....	.....	.....
B	Stock	No. of Stock and Type .....	.....	.....
C	Irrigation	No. of acres for each crop and type of irrigation to be used .....	.....	.....
	
	
	
D	Fish Farming	Acreage of Ponds .....	.....	.....
E	Industrial	.....	.....	.....
F	Mechanical	Fall available in ft. Height water to be lifted in ft. ...	.....	.....
G	Power	Fall available in ft. H.P. to be delivered .....	.....	.....
		Type of power plant proposed ...	.....	.....
H	Mining	Type of Ore to be treated .....	.....	.....
		Plant in Use .....	.....	.....
I	Public Supply	Approximate number of consumers .....	.....	.....
		Total Quantities of Water .....	.....	.....

b. Point of abstraction.....

c. Point of return

5. a. Particulars of possible pollution.....

b. Measures to be taken to avoid pollution.....
.....

6. Particulars of Works:

a. Constructed.....
.....

b. To be constructed.....
.....

7. a. Is application made for the grant to be made appurtenant to the Land specified in Para 3.

b. If the applicant is not the owner of the land, has the owner been informed that application has been made for such declaration
.....

- c. If the applicant does not own the whole interest in the land, attach to this application the consent of the owner to the application that the grant be made appurtenant to the land.

8. Names and addresses of persons who may be affected by the grant of the Water Right for which Application is made:

.....
.....
.....

Date

Signature

Attach the fee of Tshs. 50/= for a normal application or Tshs. 100/= if the Water Right is to be appurtenant to the Land.

Cheques should be crossed and made payable to the Water Officer.

MINISTRY OF WATER

PROVISIONAL / FINAL GRANT OF WATER RIGHT

The Water Utilisation (Control and Regulation)

Act. No. 42 of 1974 (Section 15)

No:

Zone:

Region:

District:

1. Name of Holder: VILLAGE WATER USER GROUPS

2. Address:

3. Particulars of water Right: TO ABSTRACT M³/DAY FROM..... SHALLOW WELLS
FOR DOMESTIC PURPOSES.

4. This right is not appurtenant to: PERSONAL TO THE GRANTEE AND MAY NOT BE TRANSFERRED
WITHOUT THE CONSENT OF THE WATER OFFICER.

5. Works: HAND PUMPS INSTALLED IN RING WELLS

6. Whether grant subject to construction of works specified in paragraph 5 and date by which works to be
completed: NO

7. This water right is granted subject to the provision of the Water Utilisation (Control and Regulation) Act.
No. 42 of 1974 and the special terms and conditions specified overleaf.

Date:

Signature:

WATER OFFICER

SPECIAL TERMS / CONDITIONS

- The water used by WUGs shall not be polluted with any matter to be likely to cause injury either directly or indirectly to public health, livestock, gardens or to any product in the processing of which such water is used.
- The WUGs / Village Government shall make periodical returns in writing to the Water Officer stating out the nature of any works – abstractions and pollution activities to water sources in the area.
- Precaution shall be taken by WUGs / Village Government to the satisfaction of the Water Officer to prevent effluents from any commercial, industrial or other trade wastes into the water sources.
- The WUGs / Village Government shall recommend to the Water Officer legislation (Traditional) measures necessary for effective control of water pollution and illegal abstractions of water.
- Nothing in the water right shall be deemed to imply any guarantee that the quantity of water thereon referred to is or will be available.

THE WATER USER GROUP (GRANTEE) IN VILLAGE

<i>No.</i>	<i>WUG Name</i>	<i>Source</i>	<i>Registration No.</i>
1			
2			
3			
4			
5			
6			
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9			
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11			
12			
13			
14			
15			
16			
17			

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- Woodhouse M.,
Lyatuu G. (2000), *Report on Shinyanga Region Water Conference and Roundtable Discussion on Sector Investment*, Dar es Salaam.

Copies of DWSP books can be obtained from the documentation centre at the following address:

Community Based Resource Centre (CBRC)
Ushirika Area
P.O. Box 1200
Shinyanga, Tanzania
Telephone/Fax: +255 28 2763279
E-Mail: cbrc@africaonline.co.tz

ABOUT THIS BOOKLET

Over the years the Government of Tanzania with or without external support has been making substantial investments in constructing water supply systems in the rural areas in order to alleviate poverty of the rural people through access to improved water services. However, given that the government policy advocated a "free water" delivery approach, rural communities were not obliged to do anything even when the installed water facilities were broken down. Thus, most of the constructed facilities eventually collapsed rendering people to going back to the old insanitary water sources.

With the ongoing water sector reforms, which began in the 1990's, focus has now been directed to reversing this approach by emphasizing on community ownership and management of the improved water facilities. These reforms essentially call for water user commitment, rights and obligations to own and manage the installed facilities. In Shinyanga Region, the policy has been interpreted into a unique **Water User Group Concept**, which in practice provides the legal protection of ownership and management of hand pump wells to an organized and registered group of individual families. This booklet therefore gives a brief account of the Shinyanga experiences in attempting to implement the Water User Group (WUG) Concept and the practical lessons learnt in that process.

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