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To whom it may concern

### **Comments on Proposed Compulsory National Water and Sanitation Services Norms and Standards (12 January 2024)**

Thank you for the opportunity to comment on the draft Water and Sanitation Norms and Standards as published in the government gazette of 12 January 2024<sup>1</sup>. Afesis (previously known as Afesis-coplan) is a developmental non-governmental organisation promoting access to basic services and good local governance. We are especially interested in ensuring that people's human rights are protected as they relate to housing, water and a healthy environment.

We start by making three broad comments:

- One, we support the establishment of a hierarchy of water and sanitation services from the lowest to highest, that includes:
  - Emergency services;
  - Interim services; and
  - Basic services
- Two, we support the distinction between low density, medium density and high density settlement areas and the differentiation that this brings in terms of water and sanitation options.
- Three, we support the effort made to accommodate vulnerable settlement types like informal settlements and villages and homesteads in communal land areas. With regards to informal settlements, we recommend that they are defined in a similar way as they are defined by the National Department of Human Settlements, according to their need to be relocated and how quickly interim/ emergency services can be provided<sup>2</sup>.
  - A: Informal settlement can be upgraded 'in-situ' to formal settlement in the very short term.
  - B1: Informal settlement can stay where it is for now; and be upgraded to formal settlement in future.
  - B2: Informal settlement can stay where it is for now; but must be moved to a new area that is developed in future.
  - C: Informal settlement must be moved to a new area that is developed in the very short term.

<sup>1</sup> See [https://www.gov.za/sites/default/files/gcis\\_document/202401/49979gon4246.pdf](https://www.gov.za/sites/default/files/gcis_document/202401/49979gon4246.pdf)

<sup>2</sup> For more information on these informal settlement types see [http://thehda.co.za/pdf/uploads/multimedia/HDA\\_Rapid\\_assessment\\_and\\_categorisation.pdf](http://thehda.co.za/pdf/uploads/multimedia/HDA_Rapid_assessment_and_categorisation.pdf)

The following section provides more specific comments relating to specific sections identified in the document.

#### Definitions

- Need to also define high density informal settlement.
- Need to differentiate between categories of informal settlements as explained in broad comment three above (i.e. category A, B1, B2 and C).
- Definitions need to be provided for 'water services authority's' and 'water services institutions' to make it clear for readers not familiar with the sector to understand the meaning of these terms.

#### Section 2.1

- A definition needs to be provided for what 'reasonable' means.

#### Section 2.3

- The concept of a permanent (as well as temporary or interim) informal settlement needs to be defined. The concepts of settlement types A, B1, B2, C could help in this definition, with 'A' and 'B1' being more aligned to a permanent informal settlement and 'B2' being more aligned to temporary informal settlement.

#### Section 2.4 (b)

- A water connection within 200 meters is too far for an informal settlement. It is suggested that the norms and standards differentiate between low density and high density informal settlements and for high density (and medium density) informal settlements the distance used for communal toilets (of 50 meters) also be used for interim water, while 200 meters can remain for low density settlements (that includes more rural areas).

#### Section 3.2 (b)

- The concept of a 'property' needs to be defined. A property means different things in a formal area that has erven compared to an informal settlement that may have 'plots' and a communal land area that may have 'yards'.

#### Section 3.3

- The concept of 'owner' also needs to be defined in the various contexts like informal settlement, communal land area and in other contexts.

#### Section 4.1

- The concept of emergency needs to be defined and clarified.
- Clarity also needs to be provided as to the process involved in declaring an emergency situation and who exactly is responsible for making this declaration.

#### Section 4.3 (III) (h)

- It is suggested that the norms and standards indicate that guidelines will be developed to guide decision makers as to what mid to longer term alternative supply options could be provided (besides tankering) such as borehole, roof water harvesting, etc.

#### Section 5.9

- Clarity needs to be provided as to who issues water quality advisory notices to whom, and using which communication channels (notice boards, letters, public/private or social media, etc).

#### Section 6.5(a)

- It is proposed that a differentiation is made between larger communal toilets versus smaller communal toilets. For example, one could have a cluster of 10 toilet seats serving 100 households (larger), versus a cluster of two toilet seats serving 20 households (smaller). The need for urinals and hand washing facilities is likely to be different in each situation.

- The standard of 1 hand washing basin per 10 toilet seats implies that there is 1 hand basin per 100 households (given that there is 1 toilet seat per 10 households). This section should read 1 basin per 10 households.
- The concept of a shared toilet needs to be defined as it is not clear what this is, and how it is different to a communal toilet. It is also not clear what a unit of a shared toilet is (is it one toilet seat?).

#### Section 6.7

- The restriction of not having interim sanitation services for a period of more than 12 months is unrealistic. Many informal settlements are likely to remain as interim informal settlements for many years until they are in a position to be upgraded to a more formal settlement and be able to gain access to basic sanitation services. It is suggested that this timeframe be for as long as there is no recognised boundary, erf, plot or yard, etc. to bring basic sanitation services to.

#### Section 6.9

- The water service authority should not only be responsible for promoting environmentally safe approaches to sanitation but should also be responsible for investigating and testing possible different environmentally safe approaches.

#### Section 6.10

- It needs to be made clear what is meant by 'recognising' that a new informal settlement has been established.
- The 30 day period within which interim sanitation services need to be provided is very unrealistic as, for example, there is a lot involved in providing communal toilets. It is proposed that emergency sanitation needs to be provided within a shorter timeframe (possibly 1 week?), and that interim sanitation must then be provided within a reasonable period after this (possibly 4 months?)

#### Section 7.4

- The hygiene and user education needs to specify that this is in the language used by the local users, and at a level that local users are able to understand.

#### Section 7.6

- The appropriate sanitation technologies must also apply to informal settlements and not just to formal settlements (at different densities).

#### Section 8

- Provision needs to be made for emergency sanitation in contexts where sanitation services do not rely on water. For example, pit latrines are washed away in a flood or pit latrines overflow.

#### Section 8.1

- It is not clear why sanitation can be interrupted for up to 72 hours due to lack of water while lack of water generally is up to 48 hours (section 4.1). It is suggested this difference is explained.
- Guidelines and examples need to be provided as to what alternative sanitation facilities can be provided in those areas that have waterborne sanitation (but whose water supply has been disrupted).

#### Section 8.2

- It is unclear why the emergency housing programme is mentioned here as any emergency housing programme in future must adhere to these norms and standards for emergency water and sanitation and not the other way round.

Section 9.1

- Public places should also have access to water services.
- The definition of a public place (in definition section) focuses on a place owned or vested in ownership of a municipality. What happens with water and sanitation services in public places 'owned' by other state/ government institutions?

Section 14.2

- Timeframes need to be provided as when exactly storm water drains need to be cleared and maintained blockages lead to flooding of streets and damage to property.

Once again we thank you for the opportunity to make comments.

Please keep us updated on what the next steps will be for finalising and formalising these norms and standards.

Yours faithfully



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