



3RD AFRICA WATER SUPPLY AND SANITATION REGULATORS CONFERENCE

Theme: Adaptive Regulation– Addressing Emergent Issues

24th – 26th September, 2024

Sunbird Mount Soche, Blantyre, Malawi



CONFERENCE REPORT

Prepared by: ESAWAS Secretariat

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Table of contents

1. BACKGROUND	1
2. SUMMARY OF PREVIOUS CONFERENCES	1
3. THE 2024 CONFERENCE THEME: ADAPTIVE REGULATION- ADDRESSING EMERGENT ISSUES	2
4.1. OPENING CEREMONY: 24th September 2024	3
4.2. TECHNICAL PRESENTATIONS	5
4.2.1. Sector financing and commercial (business) orientation.....	5
4.2.2. Regulatory frameworks and service delivery models for rural WSS	5
4.2.3. Off-grid/ Non-networked WSS solutions.....	6
4.2.4. Sector monitoring and data systems strengthening.....	7
4.3. ESAWAS OUTPUTS	7
4.4. COOPERATING PARTNERS INITIATIVES	8
4.4.1. Strengthening WSS regulation and service provision within countries and institutions.....	8
4.4.2. Driving Utility Performance through regulation	8
4.4.3. Improving WSS governance framework and reform processes	8
4.5. CLOSING SESSION	8
4.6. KEY TAKEAWAYS AND ACTIONS	9

1. BACKGROUND

The Eastern and Southern Africa Water and Sanitation (ESAWAS) Regulators Association has been holding an annual Africa WSS Regulators Conference since 2022 – which evolved from an annual regional gathering since 2007- for water supply and sanitation (WSS) regulatory institutions to share knowledge and experience on regulatory practices but also to deliberate on critical sector challenges that need to be addressed in order to advance improved WSS services.

The Africa WSS Regulators Conference endorsed by ESAWAS Members, non-members and partners has become a standing platform for knowledge and experience exchange towards strengthening and promoting effective WSS regulation among regulatory institutions, within Africa and across the globe.

The 2024 Africa WSS Regulators Conference was held from 24th to 26th September in Blantyre, Malawi under the auspices of the Ministry of Water and Sanitation, as well as the Water Services Association of Malawi (WASAMA). The conference, held under the theme ‘*Adaptive Regulation: Addressing Emergent Issues*’ was attended by more than 170 participants from 30 African countries and beyond. These included representatives of institutions with regulatory mandate, ministries, utilities and different partners such as AfDB, AFUR, AfWASA, Dev-Afrique, NIYEL, World Bank, WIN, WSUP, WaterAid, USAID, UNICEF, Water for People, among others.

2. SUMMARY OF PREVIOUS CONFERENCES

The first Africa WSS Regulators Conference, held from 15th to 17th November 2022 was hosted by the Zanzibar Utilities Regulatory Authority (ZURA) and officially opened by the second Vice President of Zanzibar. Under the theme “**Changing the narrative for WSS Regulation Across Africa: Strengthened Sector Accountability**”, the discussions centered on how to strengthen accountability in WSS services through regulation. This first edition recommended among other key priorities: policy guidance and support for WSS regulation, data systems strengthening for informed regulatory decisions, continuous regulatory capacity development through a dedicated WSS Regulation Training Centre and establishment of African WSS Regulators Association as a single voice to advocate for effective WSS regulation in Africa.



The 2nd Africa WSS Regulators Conference was held in Uganda from 3rd to 5th October 2023 and officially opened by the Minister of Water and Environment in Uganda. Under the theme of “**Initiatives for regulatory impact**”, the conference was an opportunity to showcase various initiatives instituted by regulators, policy-makers and stakeholders to address sector challenges and create positive lasting impacts in the WSS sector through effective regulation. The key outcomes of the conference included the endorsement of the feasibility strategy to establish a dedicated Africa-based WSS Regulation Training Centre and the expansion of the ESAWAS Regulators Association to continental level. The conference also emphasized the need to develop regulatory frameworks for rural and

off grid WSS as well as the integration of service resilience and emergency preparedness for sustainable WSS service provision.

Each conference was attended by more than 150 participants from 44 countries including delegates from regulatory institutions, ministries and utilities as well as representatives of cooperating partners supporting WSS regulation.

3. THE 2024 CONFERENCE THEME: ADAPTIVE REGULATION- ADDRESSING EMERGENT ISSUES

While the world is progressing to achieve Sustainable Development Goal (SDG) 6 targets on universal access to water supply and sanitation, Africa is lagging behind. Significant inequalities persist between and within countries, including between urban and rural, and between sub-national regions. JMP estimates that achieving universal coverage (>99%) by 2030 will require a 23x increase in rates of progress for safely managed sanitation and a 12-fold increase in current rates of progress on safely managed drinking water.

The progress to meeting SDG targets and sustaining improvements post-SDGs is affected by emergent issues that apply pressure on the WASH sector. These include:

- **climate change** effects that are impacting water and sanitation access, causing service disruptions and raising the need for efficiency in water use. The security of the food-water-energy nexus is also at risk.
- Increase in the frequency and severity of health **pandemics** that has raised demand for the availability and reliability of water and sanitation services.
- Rapid rural to urban **population migration and growth** against limited and inadequate existing infrastructure, in addition to evolving upgrades of rural areas, calls for increased capital investments and efficient management of systems.
- Proliferation of **deconcentrated informal service providers** that are trying to fill the gap where Utility/Municipal services are still absent, require professionalization in service delivery.
- Slow uptake of **digitalization and technology** advancements that have the potential to improve service operations and close data gaps.
- Economic downturns and **fiscal stress** experienced by many countries is waning even the current insufficient investments towards WASH.



More than halfway to the SDG targets, the time for accelerated action is crucially urgent. **Water supply and sanitation (WSS) regulators are faced with a challenging task** to drive improvements in WSS services in the realm of these emergent issues, among others. It has long been said that regulation must be dynamic – this means having an **adaptive approach** to regulation that adjusts and adapts as the environment changes. Appropriate regulation is critical for achieving effective operational efficiency and management in WSS service provision.

The 2024 theme, **'Adaptive Regulation: Addressing Emergent Issues'** is thus intended to highlight **how regulators are adapting regulation in the face of emergent issues for resilient, sustainable, affordable and professional WSS services**. This includes learning, modifying or changing regulatory approaches in response to (and to be suitable for) new situations. Adapting regulation requires putting in place mechanisms that can mitigate negative effects, while taking opportunity of positive influencers to drive improvements in WSS services.

4. CONFERENCE PROCEEDINGS

4.1. OPENING CEREMONY: 24th September 2024

The conference began with an opening ceremony featuring welcoming remarks, conference official opening speech delivered by the Minister of Water and Sanitation in Malawi, keynote presentation and keynote remarks.

The conference was graced by high government officials from the Ministry of Water and Sanitation, comprising the Minister- Honourable Abida Sidik Mia, MP; the Deputy Minister - Honourable Liana Kakhobwe Chapota, MP; and the Principal Secretary- Mr. Elias Chimulambe. Other dignitaries at the high table included the ESAWAS Chairperson - Mr. Gabriel Hakizimana, the Ag. Director of AHWS/AWF at the African Development Bank - Mr Mtchera Chirwa, the Executive Director of African Water and Sanitation Association - Mr. Olivier Gosso, the CEO of Blantyre Water Board on behalf of the WASAMA President - Dr. Robert Hanjahanja and ESAWAS Executive Secretary - Ms Yvonne Magawa.

Welcoming remarks: Mr. Gabriel Hakizimana, the Chairperson of ESAWAS, acknowledged the holding of the 3rd Africa WSS Regulators Conference as a testament of countries' commitment to strengthen sector governance and accountability through regulation, which is a key driver for achieving the SDG6 targets of universal access to safe water supply and sanitation. He reminded delegates that there is increasing recognition that the performance of the WSS sector depends largely on sound and effective regulation. This is backed by a multi-partner coalition in a Global Call to Action for Strengthening WSS Regulatory Systems, led by WHO-RegNet and IWA. ESAWAS has joined this Call to Action to increase political recognition of regulation and uptake of good regulatory practices that allows effective and autonomous decision-making.



Dr Hanjahanja and Mr Chimulambe both touched on the progress being made in Malawi to strengthen the regulation of the sector, the importance of addressing emergent issues and driving sector progress towards universal access to services.

Official opening of the conference by the Minister of Water and Sanitation in Malawi: Hon. Abida Sidik Mia, MP, lauded the huge turnout of delegates which underscores the significance of the conference. She highlighted that the water and sanitation sector is a cornerstone for socio-

economic development, a key contributor towards achieving the Africa 2063 Development Agenda as well as the national vision of transforming Malawi into a middle-income country by 2063. Using the example of cyclone Freddy which caused extensive damage to WASH infrastructure in Malawi, the Minister said that the impacts of emergent issues on the sector are evident, thus calling for joint efforts from all stakeholders to address the challenges while also devising appropriate frameworks to extend access to safe water and adequate sanitation to rural communities. She highlighted the reforms that Malawi is undertaking to advance the WSS sector; these include the establishment of a standalone Ministry of Water and Sanitation, the review of policy and regulatory frameworks and the progress towards establishing an autonomous WSS Regulator. In this regard, she acknowledged the support accorded to the Ministry officials to conduct learning visits to Kenya, Tanzania and Zambia in regulatory aspects. The acquired knowledge will aid in the ongoing reforms.

Keynote presentation by the ESAWAS Executive Secretary: Ms Yvonne Magawa highlighted the role of regulation in formalising the sector and the emergent issues that the WSS sector faces that need consideration in regulatory design. She introduced the key aspects to be discussed that demonstrate how regulators are adapting regulation to the changing environment.

Keynote remarks by AfWASA Executive Director: Mr Olivier Gosso outlined that adaptive regulation, a novel and evolving concept, has proven to be a strategic response to unforeseen challenges in the water and sanitation sector. This approach fosters active collaboration between regulators and operators to ensure resilient and efficient service management, including in asset management and control. By anticipating changes and responding with agility, regulation becomes a key pillar of sustainability.

Keynote remarks by AfDB Ag. Director AHWS/AWF: Mr Mtchera Chirwa emphasised that achieving a water secure Africa will require consistent investment in water infrastructure, operations and maintenance, efficient management of water resources, and strengthened policy and regulatory frameworks. Given that current rates of progress need to increase 5-6-fold to achieve safely managed drinking-water and sanitation services for all, it is clear that regulators have a pivotal role to play in meeting and sustaining SDG targets. Now more than ever before, this is the time to move from talk to action should we want to reverse the trend of inadequate water security and sanitation. Mr Chirwa further called for more concerted efforts towards building a continental organization by expanding ESAWAS to the rest of the continent, that will allow a wider knowledge base, a stronger political power and will contribute to raising the profile of the Association.



4.2. TECHNICAL PRESENTATIONS

The way in which regulators are adapting to emerging issues were covered in various technical presentations as follows:

4.2.1. Sector financing and commercial (business) orientation

Session description: *The water supply and sanitation sector continues to face underinvestment with a shortfall of over 40-50 billion USD annually. With sub-Saharan Africa lagging behind in SDG6 targets, there is even more urgency to increase investments to the sector. A well-regulated sector has the potential to attract more financing into the sector, as well as unlock innovative funding opportunities such as use of PPPs and green bonds.*

To further support an enabling environment, there is critical need for commercial orientation and improved capacity for developing bankable projects by publicly-owned service providers. The session discussed the role of the regulator in sector financing framework and practical considerations for financing the sector, as well as supporting/promoting commercial/business orientation in management of WSS services as a business enterprise

Session Structure:

- **The role of the regulator in attracting / unlocking investments for WASH including private sector-** discussed the regulatory mechanisms to make the WSS service providers attractive for public and private financing with practical cases from EWURA, Tanzania;
- **Supporting commercial orientation in WSS services** - presented the FSM Business Model adopted by Lusaka Water Supply and Sanitation Company, Zambia to promote FSM services as a business enterprise;
- **Panel and Plenary discussion**– *practical approaches for the sector to attract sector financing and enhance business acumen*

4.2.2. Regulatory frameworks and service delivery models for rural WSS

Session description: *The population in most sub-Saharan African countries remains predominantly rural. However, Rural areas appear to be underserved both in terms of access to WSS and the level of services provided.*

Rural water services are seeing a shift from mere hardware provision, towards a greater level of professionalization, yet few African countries have initiated regulation of small water supplies to some extent. Recognising the significant contribution of small water supplies in achieving universal access to safely managed drinking water and public health in general, this session explored appropriate accountability mechanisms to ensure that services meet acceptable and enforceable performance standards

Session Structure:

- **Challenges in rural water service delivery** – presented the peculiarities of rural water supply and sanitation service provision particularly on the sector governance including regulation, skills and technology, cost recovery. Cases of existing regulatory frameworks for rural WSS were presented;
- Ideation exercise on the **challenges and priority focus areas for small water supply service delivery** based on WHO Guidelines for Drinking Water Quality;
- **From Community to Professional: Improving Rural Water Supply and Sanitation Service Delivery-** discussed different initiatives and regulatory approaches that are being undertaken regionally to professionalise the rural WSS management;

- **Establishing a framework for regulation of rural water supply-** Area service provider model – a professional model employed in Uganda for the management and maintenance of rural WSS facilities;
- **Rural WSS Regulation: A case study of Ekiti State, Nigeria** – presented the initiative of delegating rural water supply and sanitation to WASH Committees and how the regulatory guidance and strategy enhanced the implementation of the model.
- **Plenary discussion - workable approaches for regulating Rural WSS and small water supplies**

4.2.3. Off-grid/ Non-networked WSS solutions

Session description: The sector is seeing a high number of deconcentrated service providers occupying a gap caused by limitations in networked services. In most cases, the service providers operate informally without any accountability oversight.

This session reviewed approaches that have been instituted to reorganize what was once informal service provision under formalized arrangements for offgrid or non-networked water supply and sanitation services.

Session Structure:

- **Enhancing service delivery through sector reorganisation and Unified ERP system** – presented the regulatory and service provision reforms undertaken by the National Water Supply and Sanitation Council, Zambia to advance CWIS and extend the services to low-income communities and the integrated systems for improved service delivery;
- **Regulation of alternative sanitation options in low-income urban settlements** – discussed regulatory changes underway to improve sanitation service delivery in Zimbabwe, including the development of Minimum Service Delivery Standards and operationalisation of Water and Wastewater Regulator;
- **A novel approach to grouped emptying services for onsite sanitation in informal settlements - Nairobi, Kenya** – a new emptying approach that aims to optimise faecal sludge transport efficiency by grouping requests of emptying and utilising smaller emptying demand;
- **A roadmap for advancing sanitation regulation** – looked at the stepwise recommendations for inclusive sanitation regulation. The roadmap was developed by WHO based on practical experiences from countries with advanced progress in implementing sanitation regulation.
- **Plenary discussion - what countries are doing to regulate Off-grid/Non-networked WSS.**



4.2.4. Sector monitoring and data systems strengthening

Session description: *The water supply and sanitation (WSS) sector encounters significant challenges in data collection, management, and oversight, spanning from local to national levels that impact global monitoring systems. Data is collected in silos, mostly for projectized use with an absence of national-level integrated systems and coordination platforms. Effective regulation and service delivery depend on accurate, comprehensive data that can inform decision-making and enhance sector performance.*

This session looked at strengthening data systems to support effective decision-making to accelerate and sustain progress in quality service delivery.

Session Structure:

- **Improving WSS regulatory framework through GIS** – highlighted the role of integrating GIS mapping in regulatory practices to enhance governance, accountability and better WSS services outcomes – practical case from Burundi;
- **Using data analytics and visualization to inform better WSS service decision making** – Data visualisation dashboard developed by Athena Infonomics to address the issues related to data fragmentation and discrepancy using the practical case from Kampala Capital City Authority;
- **WSS Systems and Tools Dashboard** – Single reference repository of water and sanitation (WSS) data and operations management systems used for decision-making, service delivery, and performance management among utilities, regulators, and governments across sub-Saharan Africa and South Asia.
- **Plenary discussion** – country efforts underway for data systems strengthening

4.3. ESAWAS OUTPUTS

In this session, ESAWAS presented the progress made on works arising from some of the key actions from the previous conferences



- **Data Systems Maturity Assessment Framework** – developed in line with the ESAWAS Data Systems Strengthening Strategy. The tool will assess the level of data systems maturity of WSS institutions to guide targeted investments in data systems and management;
- **Service Resilience and Emergency Preparedness Assessment Tool** – under development, the tool will guide improvements in service resilience amongst WSS utilities and the actions to be taken against various sector shocks and stresses;
- **Integrity in WSS** – the work undertaken in collaboration with Water Integrity Network on integrating integrity in urban sanitation regulation and service provision;
- **Service Provider + Regulator Engagement Platform** – established to enhance dialogue between Service Providers and Regulators for advancing WSS services delivery and overall sector performance. Key actions from the 1st engagement platform were discussed.

4.4. COOPERATING PARTNERS INITIATIVES

This session led by cooperating partners placed focus on the efforts and opportunities to strengthen regulation and service provider performance

4.4.1. Strengthening WSS regulation and service provision within countries and institutions



The African Development Bank (AfDB) presented the Bank's initiatives as follows:

- **Optimising financing for the water and sanitation sector** - financing products for policy based, results based, investment program finance, technical assistance - Climate Action Window, AWF, etc
- **Awareness and understanding of the AUSII** - the new sanitation financing instrument to support urban sanitation in Africa
- **Sector reforms for financing of climate resilient WSS services** – Utility Reforms for improved service delivery

4.4.2. Driving Utility Performance through regulation

The World Bank presented the key focus areas for regulators to support Utility turnaround including strengthening operational efficiency of the utility, improving the governing environment, improving access to funding for WSS utilities and data sharing.

4.4.3. Improving WSS governance framework and reform processes

The Water Sector Counsellor at the Royal Danish Embassy in Kenya outlined an initiative to setup a platform to enhance experience exchange and knowledge sharing between Denmark and African partners in an aim to support better governance frameworks and reform processes. The key reforms that led to Danish Water Utilities performance include the separation of the water companies from municipalities and financial and performance regulation. Low income spend on water and wastewater (1.41%), low NRW of 7.22%, improved water supply security and wastewater quality are among the key outcomes of the reforms.

4.5. CLOSING SESSION

The closing session featured updates on the status of WSS regulation in different countries, led by a presentation overview from Malawi on PIR+ for efficiency in WSS Services. Notably, Ethiopia is in process to establish an autonomous regulator, Zimbabwe has adopted ministerial regulation, South Africa is utilising an advisory board to guide the process to autonomous regulation, Ghana and Egypt are strengthening the regulatory regime and scope. Sierra Leone, Burkina Faso and Cameroun are reviewing key sector provisions to enhance regulation. The conference also heard from the regulators from Tanzania, Zambia and Kenya that had been consistently used as reference points on key works underway.

The closing note delivered by Dr. Robert Hanjahanja, the Water Services Association of Malawi (WASAMA) representative and CEO for Blantyre Water Board, commended the level of organisation, presentations and overwhelming active participation of delegates. He closed the three-day conference with emphasis on the application of the learnings gained and continued collaboration for strengthened regulation that addresses the sector challenges in all settings and for all.

4.6. KEY TAKEAWAYS AND ACTIONS

The deliberations over 2.5 days highlighted the following key takeaways and actions:

- **Strengthen sector performance through reforms** not only for the provision of essential WSS services, but also for regulation, operationalization of the legal and institutional frameworks. The reforms in WSS Sector are necessary for improved performance, however the reforms should consider the specific context of individual countries;
- Emergent issues are evident and impact WSS service provision. **Stakeholder engagement and collaboration should be strengthened** to devise appropriate strategies to address these. Increase mechanisms for collaboration and ensure policies are geared towards creating harmonization in the sector and working with other relevant sectors e.g. water resource, energy etc;
- **Develop and implement regulatory frameworks that are adaptable to emerging challenges and changing conditions.** Strengthen legal and regulatory frameworks to support efficient WSS service provision and improve the operationalization of institutions responsible.
- **Enhancing service resilience of African WSS service providers** needs to take into consideration water resources, supply augmentation, demand management, asset management, strengthening services, monitoring and learning and risk assessment and planning;
- **The Governance Framework is a key determinant for sector financing.** This requires Government to develop commensurate policies and strategies for an enabling environment. The existence of effective and credible regulation is given critical consideration while designing and providing financial support to the sector. This is based on the ground that regulation provides the assurance of sector governance, service quality standards, fairness and accountability in WSS service provision;
- **Capacity strengthening for service providers needs to be prioritized to improve bankability, commercial orientation and attract investment to the sector.** This entails creating balance a balance between the tariffs and the cost-of-service provision to ensure the sustainability of WSS service provision. The development of good business plans by service providers is critical. This is achieved through financial literacy, short term and long-term planning, building the institutional capacity, customer care focus, innovation and close monitoring of the progress;
- **Improve project preparation to ensure well-designed and feasible projects.** Increase funding for project preparation & increase upstream policy support;
- **Tap more into climate financing.** Increase investments in resilience to climate change and investments toward mitigating climate change
- **Create a continent-level specialised group to address rural WSS service delivery** to inform the most effective frameworks for implementation
- The **informal service providers should be formalized** to be able to benefit from the available financing programmes. The regulators should support the process;
- Support the realisation of scalable climate-resilient and inclusive sanitation solutions across Africa. **Create an enabling environment in which sanitation solutions can thrive.**
- Consider **delegating the operation and management of faecal sludge treatment plants to private service providers** that empty and transport faecal sludge. This will enhance cost effectiveness/economies of scale along the entire sanitation service chain.
- **Increase focus on results.** The WSS sector regulators should explore learnings from the power sector and unbundling of service components to improve performance and investments. Use finance to incentivize institutional performance and accountability.
- Invest in real-time monitoring systems to collect and analyse data, demand, and infrastructure performance.. **Both regulators and service providers should be supported technically and financially to set up** and run adequate and sector **integrated data management systems** that can offer real-time data. Use data to inform policy decisions and identify emerging trends ;
- Knowledge about trends in water sector finance and performance is limited. **Regulators should improve monitoring and set-up platforms for sharing information about sector trends.** Undertake more collaborative and more regular “Sector reviews, peer to peer etc.”

Annex: Progress on ESAWAS key actions from previous conferences

Key action	Progress Update
Capacity development – Need for dedicated training and country specific training driven by demand from countries. Trainings will be designed for both regulators, utilities, policy-makers and other key stakeholders;	Africa-based dedicated ESAWAS WSS Regulation Training Centre established and launched in 2024 and two physical trainings held. https://www.esawas.org/training
Africa WSS Regulators Association – need of single voice for stronger advocacy and funding support	ESAWAS was endorsed for continental expansion in October 2023. Non-region members have joined as Affiliates: Ekiti-State Regulator and Sierra Leone national regulator
Strengthening regulatory tools for data collection and management;	ESAWAS is executing a +2.5mil data systems strengthening grant for members
Development of regulatory frameworks for rural and off grid WSS and service resilient services;	ESAWAS has mobilised funds to support the development of regulatory frameworks for rural WSS and small water supplies by June 2025. A service resilience and emergency preparedness tool is under development to inform interventions and actions required
Widening regulatory enhancement through strategic partnerships; and	ESAWAS has collaborative working agreements with AfWASA, AMCOW, PASA and AFUR to enhance synergies in continental approaches for WSS service delivery improvements
Increasing support to non-members through formalized partnerships.	ESAWAS has increased opportunities for non-members to benefit through deliberate consultations in key developments and outputs