

Federal Republic of Nigeria

**WATER SUPPLY AND
SANITATION SECTOR REFORM
PROGRAMME**



European Union

(WSSSRP)

Draft Final Report

**ASSESSMENT OF THE INSTITUTIONAL
FRAMEWORK FOR WATER SUPPLY AND SANITATION
PROVISION IN CROSS RIVER STATE**

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ACRONYMS

ADB	African Development Bank
CBO	Community-Based Organization
CR-SEEDS	Cross River State Economic Empowerment and Development Strategy
CRSWBL	Cross River State Water Board Limited
CSO	Civil Society Organisation
DDA	Demand Responsive Approach
EU	European Union
FMAWR	Federal Ministry of Agriculture and Water Resources
GRADO	Grassroots Development Organization
HR	Human Resources
IR	Inception report
LEEDS	Local Economic Empowerment and Development Strategy
LGA	Local Government Area
LGC	Local Government Council
M&E	Monitoring and Evaluation
MDGs	Millennium Development Goals
NEEDS	National Economic Empowerment and Development Strategy
NEWSAN	Network for Water and Sanitation
NGO	Non Governmental Organisation
PMU	Programme Management Unit
PPP	Public Private Partnership
RBDA	River Basin Development Authority
RUWATSSA	Rural Water Supply and Sanitation Agency
RWSS	Rural Water Supply and Sanitation
SPC	State Planning Commission
SRIP	Support to Reforming Institutions Programme
SSIP	Small Scale Independent Provider
STU	State Technical Unit
UNDP	United nations Development Programme
UNICEF	United Nations Children’s Fund
UWS	Urban water Supply
VIP	Ventilated Improved Pit (Latrine)
WASH	Water, Sanitation and Hygiene
WASHCOMM	Water, Sanitation and Hygiene Committee
WATSAN	Water and Sanitation
WES	Water and Environmental Sanitation
WIMAG	Water Investment Mobilization Application Guidelines
WSS	Water and Sanitation
WSSSRP	Water Supply and Sanitation Sector Reform Programme
WUA	Water Users Association

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EXECUTIVE SUMMARY

Background

The European Commission and the Federal Government of Nigeria agreed in December 2004 to support the implementation of the Water Supply and Sanitation Sector Reform Programme (WSSSRP) in Nigeria. The overall objectives of the WSSSRP is to contribute to poverty eradication sustainable development, and to achieve the MDGs. The specific objective of the WSSSRP is to increase access to safe, adequate and sustainable Water and Sanitation Services in six focal States amongst which is Anambra, Cross River, Jigawa, Kano, Osun and Yobe. One of the results to be achieved under the WSSSRP is improved water governance at State, Local Governments and Community levels. In order to achieve the above, consultancy services were contracted to assess the institutional framework for water supply and sanitation (WSS) delivery in Cross River State.

The main objectives as set out in the terms of reference for the assignment are:

- a) Analyse and define the actual roles, functions, and prerogatives of each institution dealing with water and sanitation in Cross Rive State
- b) Identify any duplication of mandates and overlapping responsibilities
- c) Assess the functions of each institution and organizational structure as well as the existing capacity in terms of human resources and equipment, and
- d) Prepare the institutional framework for the implementation of Federal Water Law Legislation.

Conduct of the assignment

This study commenced with a review of relevant literature in WSS Sector. This included:

1. The National Water Supply and Sanitation Policy, Federal Ministry of Water Resources, January 2000.
2. Draft National Water Sanitation Policy, 2004
3. Draft Small Towns Water Supply & Sanitation Programme, 1998
4. Draft Rural Water Supply and Sanitation Programme. A strategic framework 2004
5. Draft National Water Policy, July 2004
6. NEEDS and Cross River SEEDS Documents
7. Cross River State Water board Limited Memorandum and Articles of Association.
8. Brief to the Governor on CRSWBL
9. Cross River State Rural Water Supply Agency Edict No. 6 of 1991
10. CRSWBL and RUWATSSA Draft Water Policies

Other key activities included:

- Analysing the existing laws, acts and policies detailing the responsibilities of State and Local institutions
- Carrying out a comprehensive assessment of WSS institutions and any others found dealing with water in the State

- Taking note of ongoing donor activities in the State or elsewhere with institutional aspects which could be relevant to the assignment
- Assessing the potential involvement of the private sector of the State (Construction Companies, NGOs, CBOs, and individual Companies) and the users. CSOs having links with poor communities affected by deficiencies in service delivery were also consulted with other stakeholders
- Discussing irrelevant or duplicated functions with the institutions
- Making proposals for restructuring the institutional framework, together with other recommendations

In carrying out this assignment, key functionaries in Government including principal staff of the institutions in the WSS Sector were interviewed.

Identified sector issues and gaps

A number of sector problems were identified, including:

- There was no specific Ministry assuming the responsibility for Water Supply and Sanitation. The Ministry of Public Utilities that had previously been handling Water Supply matters through its Department of Water Resources was not functional. This was as a result of the incoming State Government proposing to establish an Agency responsible for Rural Development which includes Rural Water Supply facilities.
- The edicts establishing the WSS institutions gave very wide functions, conflicting roles and duplicated mandates to CRSWBL and RUWATSSA.
- There is dearth of human capacity in the WSS Sector because of inadequate training.
- There is lack of maintenance culture as equipment and vehicles are allowed to rot.
- Lack of technical skills, poor management of resources, epileptic power supply amongst others.

Recommendations

A. Identification of institutional leader i.e. Oversight Ministry:

OPTION 1

Establish a **Ministry of Water Resources, Rural Infrastructure and Community Development**. This will take care of other rural infrastructure such as envisaged in the Bill to establish a Rural Infrastructure Development Agency (RIDA) – rural water supply, rural health, education and feeder roads. The Department of Water Resources, currently under the Ministry of Works, will be moved to this ministry. Similarly, the proposed RIDA will have this as its oversight ministry.

OPTION 2

Align the Department of Water Resources with another ministry, such as Environment. In CRS, the Ministry of Environment (MoE) is responsible for sanitation, both water-related sanitation (urban areas) and solid waste management. The advantage of bringing water resources and environment together will be the twinning of water supply and sanitation together in one ministry. The MoE is also responsible for flood control and water quality issues and again this will bring substantial synergy in water resources management.

B. Preparation of a State Water Policy

This should be given urgent attention as it will address current gaps and provide a clear direction of State policy for the sector.

C. Role and Mandate of RUWATSSA

It is recommended that the role of RUWATSSA be limited to the following broad areas:

- a. facilitation (including capacity-building for LGAs and other actors in the RWSS sector),
- b. regulation (including setting guidelines, standards and supporting research in technologies for the delivery of RWSS); and
- c. monitoring and evaluating the impact of rural WSS programmes

D. Role and Mandate of CRS Water Board

The recommendations in this area mainly relate to the following:

- a. Defining clear areas of responsibility for the Board and limiting it to the provision of water supply to urban areas and small towns;
- b. Review of the edict establishing the Board to ensure that duties of a regulatory nature are removed and passed on to the proposed CRS Regulatory Commission.

E. Establishment and Mandate of Regulatory Commission

CRS Government should enact appropriate legislation to establish a **Cross River State Regulatory Commission** in line with the National Water Policy and the WIMAG. A template for this law, the WSSRL produced by the FAWWR, is available for adoption. It is further proposed that the establishment of the Commission be phased for the following reasons:

F. Areas for training support

The study has identified the areas of training support to improve the capacity of management (including members of governing boards) and staff to play their roles. They include medium (academic) and short-term courses, seminars/workshops, study tours and attachments.

G. Other recommendations include:

- Encouragement of private sector participation in the sector
- Deliberately involve more women in the decision-making and management of WSS sector from the State level down to community level
- Shift from a supply-driven approach to a demand-driven approach

A successful implementation of the recommendations will require a change-management process, as institutions shift emphasis from old ways of doing things and see themselves as facilitators and regulators.

ASSESSMENT OF THE INSTITUTIONAL FRAMEWORK FOR WATER SUPPLY AND SANITATION PROVISION IN CROSS RIVER STATE

1 INTRODUCTION

1.1 The Water Supply and Sanitation Sector Reform Programme (WSSSRP)

The European Commission and the Federal Government of Nigeria agreed in December 2004 to support the implementation of the Water Supply and Sanitation Sector Reform Programme (WSSSRP) in Nigeria. The main objective is to increase access to safe, adequate and sustainable water and sanitation services in six focal states, one of which is Cross River State. The other States are Anambra, Osun, Jigawa, Kano and Yobe. The overall objective of the WSSSRP is to contribute to poverty eradication, sustainable development, and to achieve the MDG's. Water sector governance – policies, institutional arrangements for delivery of water and sanitation, regulation and service provision - is a major aspect of the programme.

One of the five components of the programme implementation framework is the State Technical Unit (STU) which is responsible for implementing the programme's activities at state levels with specific focus on small towns and urban areas. UNICEF implements the rural water supply and sanitation component through a contribution agreement with the Federal, State, Local Governments and the benefiting communities. The STUs are responsible for leading the process in the various states and the Cross River State STU commissioned this study to look at the institutional framework for WSS delivery in the state. The study is being undertaken simultaneously in the other states.

1.2 Description of the Assignment

This assignment, as reflected in the terms of reference (TOR), is to support the STU by assessing the institutional framework for water supply and sanitation (WSS) in the state. The **global objective** is to assess the effectiveness of the existing institutional structure for water supply and sanitation provision and make recommendations for improvement with a view to preparing a State Institutional Restructuring Plan consistent with the Federal Government Water Policy and the Federal Ministry of Agriculture and Water Resources Institutional Restructuring Plan.

The **key activities** in the assignment include, among others:

- a) Analyze and define the actual roles, functions and prerogatives of each institution, dealing with water and sanitation in Cross River State;
- b) Assess the functions of each institution and the organizational structure as well as the existing capacity in terms of human resources and equipment;
- c) Analyze the existing laws, acts and policies detailing the responsibilities, the State and Local Institutions.
- d) Carry out a comprehensive assessment of WSS institutions and any others found dealing with water in any area of the State
- e) Assess the potential involvement of the private sector of the State (Construction Companies, NGO's, CBO's, and Industrial Companies) and the users. CSO's having links with poor communities affected by deficiencies in service delivery will also be consulted with other stakeholders
- f) Make proposals for restructuring the institutional framework, together with other recommendations for the implementation of Federal Water Law Legislation

The **expected outputs** include:

- a) Analysis, review and assessment of the WSS institutions at State and Local Government levels
- b) Identification and assessment of HR capacity and equipment
- c) Proposals and recommendations for restructuring the institutional framework
- d) Recommendations on required policy changes and amendments to enable implementation of the restructuring plan
- e) Proposals for improved HR and equipment capacity to enable the new set up to function

1.3 Methodology

The study involved a review of relevant literature, policy statements and strategies, enabling laws in the WSS Sector. Interviews were held with key functionaries in government including principal staff of the institutions in the WSS Sector. Private sector participants and NGOs were met and meetings held. Collation and analysis of data were carried out before writing of the report. A State workshop was organised in Calabar on 25th October 2007 to discuss and obtain input into the preparation of the final report.

Review meetings were held with the STU Co-ordinator for Cross River State, who is also coordinating the assignment. During the meetings discussions centred on the TOR and the expected outputs. A workplan was developed and delivery dates were agreed upon. The various institutional stakeholders were identified and meetings were duly scheduled.

Visits were paid to, and discussions held with, officers listed in the Annex 3. A checklist of issues to be discussed and documents to be supplied was given earlier to facilitate discussions (see Annex 2).

1.4 Workshops and Consultations

Meetings and workshops were held with stakeholders in the WSS Sector. These included key functionaries in Government Institutions and Agencies in the WSS Sector, private sector participants and coalition of NGOs. A presentation was made to the State Water Sector Reform Task Force, during which relevant issues emanating from meetings with State officials and in the conduct of the assignment were raised. Attendance at the State Review Workshop and the interactions were very encouraging and provided strong signals of State ownership of the final report.

1.5 Background Materials Used and Desk Study

Background materials collected and studied during this assignment, include:

- a) National Water Supply and Sanitation Policy, Jan.2000
- b) Draft National Water Supply and Sanitation Policy, July, 2004
- c) Draft National Rural Water Supply and Sanitation Programme, March, 2004
- d) Water Investment and Mobilization and Appreciation Guidelines March 2006
- e) NEEDs, CR – SEEDs and LEEDs Documents
- f) Edicts establishing CRSWBL and RUWATSSA
- g) Article of Association/Memorandum establishing CRSWBL
- h) Decree establishing CR Basin Authority

2 BACKGROUND TO CROSS RIVER STATE

2.1 Demographic/Economic/Governance issues

2.1.1 Demographic/economic

The present Cross River State came into being on 23rd of September, 1987, when the then military administration restructured the country from its nineteen states structure to twenty-one, Akwa Ibom State was carved out from Cross River State. The State capital is Calabar, a city with a population of 472,702, and best known for its environmental cleanliness

Total area	30,000 km ²
Population	3.0 million
Rural population	61.8%
Urban population	38.2%
Population growth rate	3.1%
Rural growth rate	2%
Urban growth rate.....	1.1%
Rural water coverage	38%
Urban water coverage	40%
MDG target:	
• Water	100%
• Sanitation.....	100%

Cross River State is located within the tropical rain forest belt of Nigeria. It shares common boundaries with the Republic of Cameroon in the East, Benue State in the North, Ebonyi and Abia States in West, Akwa Ibom State in the Southwest and the Atlantic Ocean in the south. It has a total landmass of about 23,000 sq.km. The state records heavy rainfall during the wet season (April – November). The favourable climate of tropical humid, dry and wet seasons give rise to rich agricultural lands, thus encouraging both perennial and annual crop cultivation.

The population of Cross River State is about 3.0 million for 2004, 50.03% males and 49.97% females. Cross River State is mainly an agricultural State. About 75% of its people engage in subsistence farming. The people’s income level is exceedingly low and poverty is endemic with over 70% of the population living below the international poverty line of US\$ 1 a day. To give boost to the economy, and raise the standard of living of the people, tourism development has become a central focus of Cross River State Government. This found expression in the establishment of TINAPA Project and the upgrading of Obudu Cattle Ranch Resort to world class tourism centres. The dream of TINAPA Project is yet to be fully realized.

2.1.2 Governance

The State has an Executive Council that comprises the Governor, (as Chairman) the Deputy Governor, the Secretary to the State Government, the Commissioners who are in charge of ministries, Special Advisers, the Head of Service, Chief of Staff, with Permanent Secretaries occasionally in attendance when Exco is enlarged or when their Commissioners are out of town. There are eighteen Local Government Councils in the State, each headed by an elected Chairman. The Local Government Councils are: Abi, Akamkpa, Akpabuyo, Bakassi, Biase, Boki, Calabar Municipality, Calabar South, Etung, Ikom, Obanliku, Obubra, Odukpani, Ogoja, Yakurr, and Yala.

2.1.3 Cross River State Economic Empowerment Development Strategy (SEEDS)

In line with the the State Economic Empowerment Development Strategy (SEEDS) which followed the NEEDS, aims at achieving the is aimed at: Millennium Development Goals (MDG's). The areas of focus in the CR-SEEDS are:

- Tourism including TINAPA Project
- Agriculture and forest resources
- Education
- Sanitation and water resources
- Infrastructure, roads and electricity
- Small and medium scale industries
- Rural electrification, and
- Mainstreaming of HIV/AIDS Environment and Gender (HEG)

2.2 Current Status of the Water and Sanitation Sector

Different Agencies are involved in the provision of Water Supply and Sanitation in Cross River State. They are mainly Cross River State Water Board Ltd (CRSWBL) and Rural Water Supply and Sanitation Agency (RUWATSSA), for drinking water supply, and the Minsitry of Environment for sanitation delivery. There is as yet no agency specifically tasked with urban water-related sanitation (sewerage).

2.2.1 Urban water supply

Urban water supply (UWS) is currently the responsibility of CRSWBL . This body was incorporated in August 1998 following the reconstitution of the Water Division of the then Ministry of Works and Housing by Edict No.13 of 1975. In addition to Calabar, the Water Board provides water in almost all the Local Government Headquarters in the State. The schemes combined provide piped water to about 45% of Cross Riverians.

About 80% of the urban towns in the state are supplied water by the CRS Water Board. The present expansion in the water project by CRS Water Board was made possible through ADB loan. There is currently a public private partnership (PPP) arrangement for the management of some of the urban water systems. The tripartite contract was signed in December 2003 between Messrs Ortech Nig. Ltd as the contractor, CRS Water Board Limited as client and CRS government as guarantor. The involvement of the private sector in WSS business was aimed at ensuring sustainability, more efficient operation and the realization of the Company's commercialization objectives. There are at present 9,000 service connections in three locations of the state. So far, the provision of water in the urban towns has been reliable and affordable.¹

¹ The word 'affordable' is used advisedly as no 'willingness and ability-to-pay' studies are available to the consultant to support this position. It is a fact though that the CRWSB is unable to meet cost recovery.

However, apart from the CRS Water Board, there are individual and private water supply channels through which many people access water. There are also water vendors, some using their private boreholes while others rent kiosks from the Water Board to sell water. It is estimated that private water developers account for almost 1% of the water demand in Calabar metropolis [source?]. This latter figure excludes self-supply, where many individual households have constructed their own wells and boreholes to cater for their water requirements. The urban water position is that access to water in urban towns in Cross River is not a difficult task.

2.2.2 Rural water supply

Rural water supply and sanitation in Cross River has come under increasing focus for over two decades. There had been different interactions like the National Borehole Programme, Federal Government/UNICEF Water and Environmental Sanitation (WES) Programme, UNDP-World Bank Project etc. Despite these initiatives, access to safe drinking water and sanitary means of excreta disposal is still very low in the rural areas of Cross River State, estimated at 38% for water and 35% for sanitation. Currently UNICEF (in collaboration with the European Union) and UNDP are providing hand pump water schemes in urban and semi-urban towns, together with sanitation and hygiene promotion in the rural communities. At the end of this project it is expected that rural water and sanitation coverage will increase from 35% to 45% respectively.

The concept of demand-driven approach (DDA) is increasingly being promoted to replace the situation in which facilities were provided by State Government to communities without their participation. RUWATSSA has virtually covered the entire State with hand pumps for potable drinking water. However, according to the Agency only 25% of the hand pump boreholes are functional, prompting the use of new approaches to delivery.

The Government of Cross River State has shown tremendous political will and commitment to the implementation of a comprehensive Water Supply and Sanitation Sector Reform Programme (WSSSRP). This is supported by the fact that the State Assembly has passed appropriate legislation for the release of the State's counterpart funding (totalling N165,471,782) towards the programme, in spite of the State's heavy debt burden.

2.2.3 Urban sanitation (water-related)

In Cross River State not much attention has been paid to urban sanitation (water-related). The attention of Government is concentrated in the management of solid waste. The sanitary disposal of water-related waste is the problem of individual households. Many of such wastes are disposed through septic tanks dug underground.

2.2.4 Rural sanitation and hygiene (water-related)

The rural sanitation (water related) in Cross River has not recorded much. RUWATSSA in conjunction with the Local Government Councils are into what is called ventilated improved pit (VIP) toilets. There are still a lot of people who go into the bush and water streams to ease

themselves. The standard low cost sanplat latrines are also in use. In the rural areas the use of the above toilets is a problem because of the non-acceptance of change to embrace improved toilet habits. Only 35% of the rural areas are covered with the VIP toilets, according to RUWATSSA. These are mostly located in public places like Schools, community centres, Town Halls, Village Squares and market places for safe excreta disposal. RUWATSSA carries out environmental sanitation education and hygiene promotion in schools and rural Communities in order to stem the outbreak of water-borne diseases such as cholera, diarrhea, dysentery, typhoid etc. This is however not regular to impact positively on the populace, the reason being lack of funds and vehicles to move to the rural areas.

2.2.5 Missing ingredients and challenges

There are a number of missing ingredients in the WSS sector in Cross River. Indeed CRS has similar challenges as those identified in the National Water Policy. These are mentioned below, whilst some more specific issues are elaborated. They are:

- a) Lack of clear and coherent regulation
- b) Insufficient and unclear definitions of functions and relationship between sector institutions
- c) Weak co-ordination
- d) Weak decentralisation to engender efficiency, performance & sustainability
- e) Seeming lack of autonomy of water supply agencies
- f) Lack of accountability

The more specific issues include:

Lack of a State Water and Sanitation Policy

Cross River State is yet to produce a State Water and Sanitation Policy informed by the National Water and Sanitation Policy. The consultant cited a document prepared by RUWATSSA that attempts to discuss a State Water Policy. CRSWBL had attempted similar efforts. This means that there are no clear and definite policy statements on a number of issues, including key sector objectives and targets, institutional arrangements, financing (including role of state and local governments, communities and service providers, cost-recovery tariffs and subsidies), management etc.

Interface between rural and urban water supply

There is as yet little or no collaboration in the operations of CRSWBL and those of RUWATSSA, thus presenting a situation where their operations overlap in the same supply areas. In some towns it is possible to see both Water Board and RUWATSSA operating in the same area.

Lack of regulation

There is no organisation charged with the regulation of both the urban and rural water sector. Urban water tariffs are set by the utility and submitted to Exco for approval. No one sets standards for the service providers to comply with.

Weak monitoring and evaluation

In the absence of a strong institutional leader, there is no central source where information on the sector in the State can very readily be obtained. Indeed the interviews at agency level also indicated that while attempts are made to obtain data from facilities level, there is a lack of personnel and logistical support to collate, analyse and disseminate the information.

2.3 Need for institutional restructuring

This assignment, as reflected in the terms of reference, is to support the STU by assessing the Institutional Framework for water supply and sanitation (WSS) in the state. The global objective of the assignment is to assess the effectiveness of the existing institutional structure for water supply and sanitation provision and make recommendations for improvement with a view to preparing a State Institutional Restructuring Plan consistent with the Federal Government Water Policy and the Federal Ministry of Agriculture and Water Resources Institutional Restructuring Plan.

There are a number of reasons for undertaking a reappraisal and possible restructuring of the of the CRS WSS sector at this juncture. These include:

Cross River State considers water and sanitation as one of the important pillars for poverty reduction. However there are structural and capacity constraints for achieving universal coverage by 2010, a date consistent with the national targets. There are clearly issues relating to re-defining the mandates of the sector organisations to ensure more effective collaboration, clear lines of responsibility, and financial sustainability, especially for urban water supply. In large part, the absence of a State Water and Sanitation policy may be responsible for this.

Many of the edicts and laws governing the establishment of various water institutions are old and not in consonance with good practice. In some cases bodies are playing the role of policymakers, facilitators, regulators and service providers. There is a need to separate these functions to ensure greater accountability and efficient service delivery.

The restructuring of the sector will be consistent with the undertakings made by the CRS to the Federal Government and the EU under the WSSSRP. The restructuring will also allow the State to access federal funds for the sector, in line with the requirements of the Water Investments Mobilisation and Application Guidelines (WIMAG).

3 LEGAL AND POLICY FRAMEWORK

3.1 National and State WSS Objectives

The policy objective of Nigeria's water supply and sanitation is the provision of sufficient potable water and adequate sanitation to all Nigerians in an affordable and sustainable way through participatory investment by the three tiers of government, the private sector and beneficiaries. In Cross River State, the Cross River State Water Board Ltd, as it is today called following its incorporation in August 1998 as a liability company was established by edict No.13 of 1975. The edict gave the Water Board the mandate to provide potable water to the State Capital, Urban towns and all Local Government headquarters at an affordable cost.

In keeping with the NEEDS, the SEEDS document developed by Cross River State Government emphasized the need to provide safe drinking water all over the State by 2010, and to bring environmental and water pollution in communities under control, and to foster private sector participation in environmental management.

The major policy objectives are: i) improved water quality and quantity; ii) water supply reliability; iii) aggressive revenue drive; and iv) continuous expansion of water supply to meet increasing demands. In order to achieve the policy thrust of Government to provide access to safe drinking water for all and to eradicate the scourge of water borne diseases, CRS government has identified the following strategies:

- Invest in water supply and rehabilitate existing dams for domestic and industrial use through partnership with private sector and other donor agencies of water supply scheme.
- Maintenance of existing water supply schemes/systems.
- Capacity building for the rural Community to enable them maintain and sustain the schemes, monitor progress and prepare reports.

3.2 Summary of Relevant Laws and Policy Statements

Table 1 below summarises the purpose of the various Federal and State Laws and Policy documents with a bearing on water and sanitation delivery. It is useful to point out that for the current assignment the key documents are:

- The National Water Policy
- The National Water Sanitation Policy
- NEEDS, SEEDS
- WIMAG
- Edicts establishing various bodies

Table 1: Relevant Laws and Policy Statements

Title of Legislation/Policy Document	Purpose and key Elements
Federal level	
Constitution of Federal Republic of Nigeria	This is the supreme law of the country and provides for the devolution of power between the Federal, State and Local Governments.
National Economic Empowerment and Development Strategy (NEEDS)	Provides the blueprint for the development and growth of the national economy. The water and sanitation sector is identified as a priority area for poverty reduction.
Water resources Decree 101, 1993	Currently the main legislation covering the water resources sector
Draft National Water Resources Bill (April 2007)	Draft updated water resources legislation incorporating principles of IWRM and public trusteeship of water subject to regulation
National Water Supply and Sanitation Policy (2000)	The first national policy document on water supply and sanitation. Generally acknowledged to be weak on sanitation policy.
Draft National Water Policy (2004)	A more comprehensive policy document dealing not only with water supply but with water resources in general.
Draft National Water sanitation Policy (2004)	The first policy document dealing with sanitation related to water. Deals with deficiencies of the 2000 policy document
State level	
State Economic Empowerment and Development Strategy (SEEDS)	Provides a blueprint for the development and growth of the State's economy and the reduction of poverty
Memorandum and Articles of Association Cross River State Water Board Limited	Establishes CRSWBL as a limited liability company wholly owned by the Cross River State Government.
Cross River State Government Rural Water Supply and sanitation Agency Edict, 1991	Establishes RUWATSSA with responsibility for WS&S provision in rural areas.
Local Government level	
local Economic Empowerment and Development Strategy (LEEDS)	Provides a blueprint for the development and growth of the LGAs economy and the reduction of poverty. Each LGA is supposed to have developed one.

4 SECTOR INSTITUTIONAL FRAMEWORK

4.1 Sector institutional picture

The water sector in CRS can be divided into the urban and small towns sub sector, and the rural water supply and sanitation sub-sector. The urban/small towns sub-sector is based on utility management while the rural sub-sector is shifting to focus to community management. To realise the full impact of water supply interventions, rural water supply is integrated with sanitation and hygiene promotion. The underlying principles of community management and the integration of water and sanitation impose requirements for decentralised delivery of services, and the rural sub-sector therefore relies on the active participation of Local Government Councils (LGCs).

The service delivery chain for rural areas and small towns includes essentially public bodies (CRSWBL and RUWATSSA), private suppliers, bilateral and multilateral and NGO actors, as well as the beneficiary communities themselves. The functional relationships in the areas of ministerial and policy oversight, regulation, facilitation and service delivery for community water and sanitation delivery are presented in Figure 1 below:

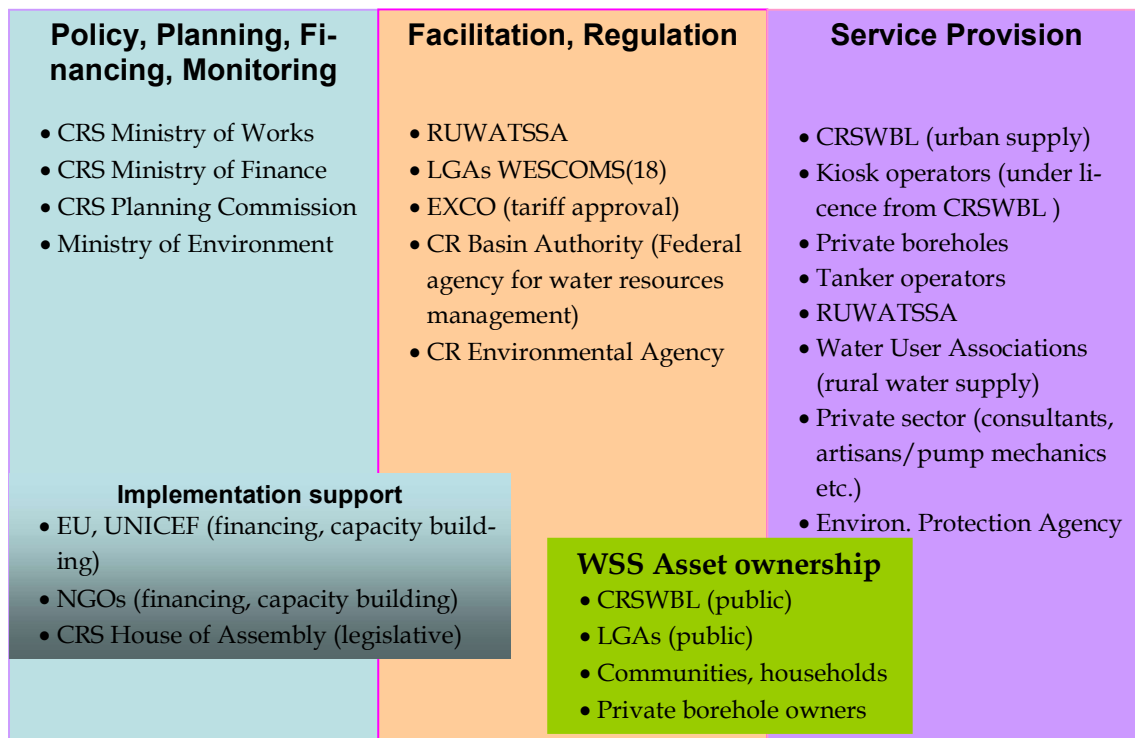


Figure 1 Cross River State WSS Institutional Arrangements (by mandates)

Below is the WSS institutional structure showing the relationship between the sector and sector-related agencies, as well as a discussion of their roles.

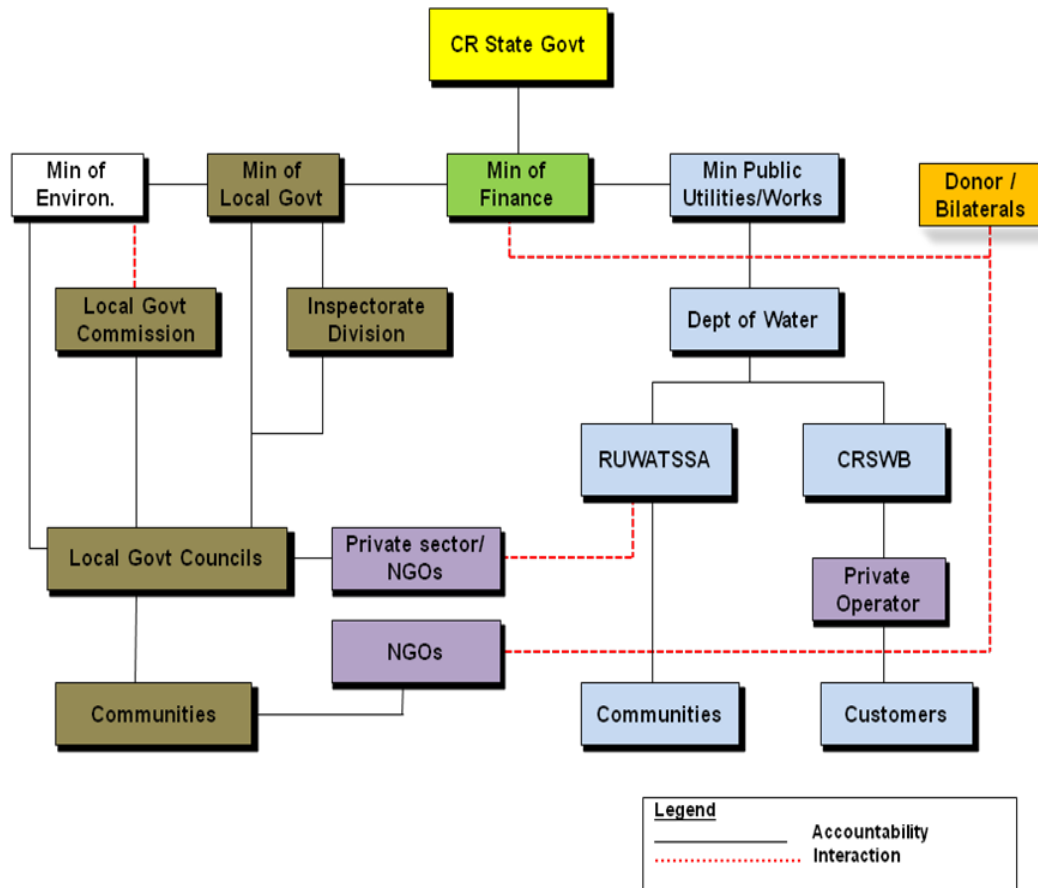


Figure 2 Cross River State Institutional Structure for Water Supply, Sanitation and Hygiene Promotion

4.2 Policy, planning, financing and monitoring oversight

4.2.1 Ministry of Public Utilities/Ministry of Works

Up until 29th May 2007, the Ministry of Public Utilities was the oversight body for the WSS sector. The ministry also had responsibility for rural electrification and rural electrification. There is a move to put the urban water sector under the Ministry of Works. Rural water and sanitation is to come under a soon-to-be established Agency responsible for rural infrastructure, including rural water supply. It is still unclear at the time of this report which ministry will have oversight responsibility for the sub-sector or for that matter the Rural Infrastructure Agency. What is clear is that the Ministry of Wroks now has oversight responsibility for CRSWBL .

The main mission of the ministry, carried out through the Department of Water Resources, are as outlined below is “to facilitate access to adequate and affordable clean water supply to all the Citizens of Cross River State in a sustainable manner”. The Department is involved in

the co-ordination, monitoring, harnessing and exploitation of the water resources potential in Cross River State for individual, domestic and agricultural purposes.

The Roles and functions of the Department are:

- a. Planning & Formulation of urban and Rural Water Supply policies and programmes of the State in line with those of the Federal Government.
- b. Supervision and co-ordination of activities and performance of Cross River State Water Board (CRSWBL) and Rural Water Supply & Sanitation Agency (RUWATSSA)
- c. Mobilization and advocacy on water supply & sanitation facilities
- d. Collation, preparation and production of State Water Supply Data Bank
- e. Liaise with the Federal Ministry of Water Resources (or its equivalent) on matters relating to water resources development in the State
- f. Inter-governmental cooperation (to liaise with other Federal Agencies like Cross River Basin Authority etc.) on matters relating to water supply and irrigation
- g. Liaise with international organizations and agencies for assistance to the State in the area of water development/supply and other infrastructures
- h. Monitoring and evaluation of the activities of private borehole operators in order to set and maintain standards
- i. Any other assignment as may be given by the Commissioner or Governor.

The entire functions are aimed at improving access to safe potable water for domestic, industrial and agricultural purposes for urban and rural dwellers in the State. It may be argued that function (h.) should belong to an appropriate agency working under the ministry.

4.3 Facilitation and regulation

4.3.1 Local Government WES Department

Apart from the five focal Local Government Areas, all the Local Government Councils in the State have WES Departments. The WES Departments ensure that the Water & Sanitation facilities provided at Community levels are in good shape for use. They also carry out hygiene sensitization and training of the Communities.

4.4 Implementation and service delivery

4.4.1 CRS Water Board Ltd

The Cross State Water Board Ltd was incorporated in 1998. However, as Water Board, it was established by edict No. 13 of 1975. The Board was constituted mainly:

- to establish, control, manage and develop new water works and to extend and develop existing ones for the purpose of providing water to meet the individual and domestic needs of the State.
- to ensure that adequate and potable water is supplied to the consumers at economic charges, and
- to conduct such researches as are necessary for the fulfilment of the above functions.

The above objectives are further translated into the Company's vision and mission statements. A more detailed discussion of the structure of the CRSWBL is made in Section 5.4.2.

4.4.2 Cross River State Rural Water Supply & Sanitation Agency

CRS RUWATSSA was established by Edict No. 6 of 1991. The Edict then gave the Agency, a Part time Board with a chairman. However in 1997 the Agency merged with the UNICEF-assisted Water and Sanitation Project (WATSAN) and was brought under the Office of the Governor.

RUWATSSA provides water at the rural areas by constructing mini-water schemes, boreholes fitted with hand pumps, protected dug wells, rain water harvesters and impoundment of surface water like streams and springs. It also carries out repairs and rehabilitation and maintenance of broken-down water facilities, water quality analysis, community mobilization for ownership and sustainability. RUWATSSA also constructs ventilated improved pit (VIP) toilets and low cost sanplat latrines and carries out community mobilization, health education and promotion of safe hygiene practices at the Local Government level.

RUWATSSA's structure and governance issues are discussed in more detail in Section 5.3.2.

4.4.3 UNICEF, EU

Cross River State enjoys support from UNICEF and the European Union (EU). UNICEF has severally intervened in the provision of WSS, particularly in rural areas, through the provision of hand pumps, provision of toilets and training of various communities and schools in hygiene education. It has also intervened in guinea worm-endemic areas to ensure the eradication of this water-borne disease. Both the EU and UNICEF have recognised the need for good sector governance, and capacity-building and have therefore incorporated these in their support programmes.

It is particularly worthy of note that UNICEF is in the forefront of the promotion of the demand-responsive approach in the provision of RWSS and hygiene delivery. Under their programmes, beneficiary communities must make a contribution to the capital cost of the project. It is also to be noted that this is the recommended approach from the federal perspective, and even though the State has not formally adopted this as a sector policy, state institutions are beginning to follow the same approach.

4.4.4 INGOs/NGOs

INGOs/NGOs like Organization for Rural and Community Development (RUCODEV), formerly called the Crassroots Development Organization (GRADO), Tulsi Chanrai Foundation, and Concern Universal have all intervened in the provision of water to the rural communities. In the absence of a State Water and Sanitation Policy, NGOs do not have any guidelines to inform their work. Therefore their operations are based more on national and international best practice. It was clear during the interaction with the network for Water and sanitation (NEWSAN) that defining a set of State guidelines and having a policy in place will ensure harmonisation of approaches, effective monitoring and the tracking of sector progress. This was collaborated during discussions with the Head of RUWATSSA, when he indicated that there have often been overlaps between the activities of the agency and some NGOs. This has resulted in the skewed distribution of facilities.

4.4.5 Private Sector Operators

There are not many private sector providers in the WSS Sector in the State. The few private firms that provide water in tankers for construction companies and industrial sites are ready to partner with Government to improve their services. Some of the people interviewed indicated their willingness to render services but complained of high cost of running the business. They complained of the epileptic power supply from the national grid which affects their pumps, in addition to the high cost of diesel generation. With all the high cost of operating the business, the consumer pays much for the water.

Some private sector respondents noted that if Government can come to their assistance by providing short-term loans or pumps and generators, they could impact more on the people than the direct involvement of Government in the provision of water. Private firms/individuals providing water supply and sanitation services as independent operators are few. It should be appreciated though that there is a significant number of producers of what is known as 'pure water'.

Below is a table summarising the areas in which the private sector is currently active in the State:

Area of activity	Level of Activity	
	RWSS	UWSS
1. Supply of goods and services	Low	
2. Community development	Low	Nil
3. Management, operations, maintenance, billing and collection	Nil	High
4. Technical support – design, civil, electro/mechanical installation and repairs	Low	Low
5. Drilling & borehole development	Low	
6. Water quality monitoring	Nil	Nil
7. Water supply (through tankers)	Nil	Low
8. Water supply (through boreholes)	Nil	Low
9. Water supply (through kiosks owned by CRSWBL)	N/A	High

4.5 Other related institutions

4.5.1 Ministry of Finance

The Ministry of Finance is in charge of fiscal matters. It handles agreements and MOUs with the Ministry of Justice on behalf of the State Government. The Ministry is headed by a Commissioner and assisted by Permanent Secretary. The Commissioner together with the Accountant General of the State attend the monthly statutory federal allocation meetings where funds are allocated to the States and the 18 (eighteen) Local Government Councils of the State. The Ministry of Finance works closely with the Budget Department towards the Annual Budget. The Ministry manages State funds and oversees the functions of the Internal Revenue Service. The urban development tax which is collected by the Board of Internal Revenue passes through the Ministry of Finance to the treasury. Fund allocations for all capital projects pass through the Ministry of Finance. Projects/Programmes for Water Supply and Sanitation that need funding also pass through this Ministry.

The role of the Ministry of Finance is crucial if the State is to meet its WSS targets. For example if CRS wishes to participate in the WIMAG protocol, the Ministry of Finance has to make funds available for the State to meet its share of the cost of projects approved for funding under WIMAG.

4.5.2 Ministry of Local Government Affairs

The Ministry of Local Government Affairs (MLGA) is responsible for policies that affect the local government administration in the State. All policy issues as they relate to local government or the Executive Council pass through this Ministry. The Ministry holds monthly allocation meetings where statutory allocation from the Federation Account is shared. It is during such meetings that the money meant for RUWATSSA is allocated for water supply and related activities. The same is for the training vote and pension funds.

The Ministry regulates the operations of activities in the LGCs since they control finances of the Local Government Areas. The Ministry has an Inspectorate Division which monitors and evaluates projects to ensure standards are met, and projects and programmes for which resources have been allocated are executed according to specification.

The Ministry of Local Government plays a central role in ensuring that returns are made to show that projects/programmes are carried out. The Ministry holds interactive sessions occasionally with stakeholders and all issues related to WSS Sector normally feature. During the consultants' interviews, the Commissioner for Local Government indicated his ministry's fullest support for the WSSSRP, since it is through water and sanitation by which poverty could be reduced in the rural communities.

4.5.3 Local Government Service Commission

The Local Government Service Commission (LGSC) is responsible for the recruitment, promotion and discipline of staff for the LGCs in the State. In Cross River State LGSC handles training of all staff of Councils. A monthly allocation is made available to it for training in all areas of need by Councils. The Commission therefore defends its training need

annually with the House of Assembly. The Commission is headed by a Chairman with other five members as Commissioners. It has a Secretary who is equivalent of a Director. The Commission like the Ministries, has its Departments with which it carries out its functions.

The work of the Commission is important as it through their activities that capacity of local level staff can be built. The Commission liaises with the Ministry of Local Government to ensure better service conditions for staff. It also works closely with the Ministry of Health to ensure the Community Health Clinics are adequately staffed with health workers. For easy administrative convenience the State is divided into Zones to enable the Commission function effectively. The establishment of LGA Water and Sanitation and Hygiene (WASH) Units needs the fullest support of the Commission.

4.5.4 State Planning Commission

The State Planning Commission (SPC) is responsible for meeting the planning needs of the State. All planning officers in the State Civil Service are pooled by the Commission from where they are posted to different Ministries. In Cross River State, the SPC is headed by a Special Adviser, who is a member of the Executive Council. The Special Adviser is assisted by a Secretary who is equivalent to a Director in the Civil Service.

The SPC is the host of the State's statistics, through its Department of Planning, Research and Statistics. It also coordinates all Donor Agencies and the Special Adviser is the State Authorizing Officer in Cross River State in respect of the WSSSRP. The State Planning Commission in collaboration with other Government Agencies anchored the production of CR-SEEDs documents in keeping with NEEDs and drawn from the Millennium Development Goals (MDGs). It also assisted the Local Government Councils to produce their LEEDs documents. The Commission works closely with the Budget Department and Due Process Office which also has a Special Adviser as the Head.

In discussions with the Special Adviser the consultants proposed to the Commission to work in collaboration with RUWATSSA to develop templates for the preparation of Water and Sanitation Development Plans for Local Government Areas. This was noted by the Commissioner to be an excellent idea.

4.5.5 Ministry of Health

The Ministry of Health is charged with health matters. All policy issues that have to do with health are initiated by this Ministry. The Ministry is headed by a Commissioner and assisted by a Permanent Secretary. There are Directors in charge of the various Departments. The Ministry works closely with WSS Sector. In the fight against water-borne diseases. The Ministry collaborates with relevant water Agencies. The mechanism for collaboration is through training and sanitation. In the fight against guinea worm which was handled by Global 2000, the Ministry worked with RUWATSSA to ensure all the guinea infested areas are provided with boreholes. The Ministry also works closely with UNICEF in some areas to ensure water is provided to reduce diseases like cholera, dysentery, diarrhea etc.

The Ministry of Health is also involved in the training of staff who work in the sanitation agencies. Providing the human capacity building is an important aspect of this initiative.

4.5.6 Ministry of Education

The Ministry of Education is an important agency in the water sector. The Ministry is in charge of public schools. The Public Schools are beneficiaries of boreholes, hand pumps, VIP toilets provided by UNICEF, RUWATSSA and NGOs. The Ministry is also charged with training. It provides funds through scholarships and bursary to students who read various courses considered to be areas of need by the State Government. Since the area of jurisdiction of the Ministry is large, it has established Zonal offices headed by Directors who report directly to the Commissioner. The Ministry is involved in many programmes sponsored by Donor Agencies.

4.5.7 Ministry of Environment

The Ministry of Environment plays an important role in the water sector. In Cross River State the Ministry is in charge of the solid waste generated in the State Capital. It also works with the urban development authorities in Calabar, Ugep, Ikom and Ogoja. The Ministry is in charge of erosion control and the planting of trees, grasses and flowers for the beautification of the State and for erosion control. Although the Ministry is supposed to be involved in the control of water quality, not much has been done in this aspect of its functions. The Ministry has recently made a move to register all private borehole owners with a view to monitoring the quality of water.² **It should be noted that this is one of the functions of the Department of Water Resources.**

A summary of activities of the key sector agencies is provided in Annex 1.

² It is doubtful whether the Edict was referring to water quality at the point of the consumer. The latter is enshrined in the functions of CRSWBL and RUWATSSA. It is conceivable that the raw water quality is what was meant. It is however essential to note that licensing of boreholes (and the monitoring of the abstraction of ground water) are important aspects of water resources management. Drinking water quality/safety is an issue which can be taken up by the water services regulator once it has been established

5 ORGANISATIONAL ASSESSMENT OF KEY WSS INSTITUTIONS

5.1 Introduction

This section assesses the key sector institutions and how they are currently structured to perform their roles. They are:

- a. Ministry of Public Utilities/Ministry of Works;
- b. Rural Water and Sanitation Agency; and
- c. Cross River State Water Board.

The assessments are based on information collected from the organisations, interviews made with some of the key management personnel and other sector players. The assessment and the recommendations which follow will address the following requirements of the TOR:

- An analysis and definition of the actual roles, functions and prerogatives of each institution dealing with water and sanitation in each State;
- Identification of any duplication of mandates and overlapping responsibilities;
- Assessment of the functions of each institution and the organizational structure, as well as the existing capacity in terms of human resources and equipment; and
- Preparation of the institutional framework for the implementation of Federal Water Law legislation

As of the time of this report, there is (theoretically) no Ministry in charge of rural WSS in the State. The former arrangement where Ministry of Public Utilities was charged with policy issues dealing with WSS and rural electrification no more exists. The Ministry of Works has assumed oversight responsibility of urban water supply. A Rural Infrastructure Development Agency is soon to be set up to cater for rural water supply, rural electrification, rural roads, rural health, and educational infrastructure. One is not sure however, which ministry (if any) will have oversight responsibility for rural water supply. The recommendations of this assignment in respect of the new Agency may therefore be timely and useful to the State Government.

5.2 Ministry of Works: Department of Water Resources

The Department Of Water resources has its mission statement as “to facilitate access to adequate and affordable clean water supply to all citizens in the State”. The Department under the Ministry, is involved in planning, formulation of Urban & Rural Water Supply policies.

- Supervision, Coordination, Monitoring and Evaluation

- Mobilization and Advocacy
- Collation, Preparation and Production of State Water Supply Data Bank
- Liaising with the Federal Ministry of Water Resources or its equivalent
- Liaise with international organizations
- To set standards for private borehole operators in the State

5.3 Rural Water Supply and Sanitation Agency (RUWATSSA)

5.3.1 Historical background

The above Agency was established by Edict No.6 of 1991 as Cross River State Rural Water Supply Agency (RUWASA). In order to expand the scope of operation, the Agency was merged with Catholic Relief Service (CRS)/ UNICEF assisted Water and Sanitation Project (WATSAN) in 1997. The merger was sequel to the collaboration and co-operation between the Federal Government of Nigeria and UNICEF to attain the universal goals for child survival, development and protection with respect to water and sanitation. Following the merger, RUWATSSA's mandate expanded. The initial primary objective of providing potable water for all rural communities of the State for their consumption, agricultural and industrial needs was extended to include additional responsibility of providing sanitation services to all rural communities.

RUWATSSA: Mission

The **Mission** of the Agency still remained the same: “to reduce poverty and diseases (particularly guinea worm) in the rural communities of the State through the provision of potable water and sanitation facilities”.

The Agency at its inception operated using a professional General Manager who, in the absence of a Board in most instances, assumed and arrogated excessive powers to himself with the resultant tendencies towards corrupt practices in the operations of the Agency. This did not help matters. Indeed at some point in time the assets of the Agency were attached and sold off to meet debts owed to creditors. In the process substantial information gathered by the Agency was lost.³

5.3.2 Functions and structure of the Agency

The main functions of the Agency under the above-mentioned Edict are:

- a) To develop the water resources of the State
- b) To provide potable water for all rural communities of the State
- c) To provide water to meet the requirements of agriculture, trade and industry in the rural areas
- d) To establish and maintain water works in the rural areas; and

³ This came up during discussions with the current Permanent Secretary of RUWATSSA

- e) To prevent and control pollution of rural water resources and water supplies
- f) To conduct research into any aspect of the development and maintenance of water resources and provide facilities for staff training and research
- g) To enter upon any land or premises for the purpose of examining and repairing any mains, installations and other works belonging to the Agency
- h) To abstract from such lake, river and other natural sources such water supply as the Agency may require for its purposes
- i) To supply, construct, maintain and operate water works and other stations as the Agency may require for the performance of its functions
- j) To do such other things and acts as the Agency may consider supplementary, ancillary or incidental to its functions
- k) To construct new mini-water schemes, hand pumps, boreholes, protected Hand Dug wells, rain water harvesters and spring development
- l) To repair, rehabilitate and maintain broken down water facilities
- m) To conduct water quality analysis
- n) To carry out community mobilization for ownership and sustainability of water facilities
- o) To construct Ventilated Improved Pit (VIP) toilets and low cost sanplat latrines
- p) To carry out health education and promotion of safe hygiene practices

It is clear from the above that the Agency was set up as a service delivery organisation, deeply rooted in implementation. In practice therefore, their approach to RWSS was essentially supply-driven. In order to accommodate the sanitation and hygiene education components and the lapses in the General Manager system, RUWATSSA was restructured to enable it meet the set goals contained in its enabling law, the Memorandum of Understanding (MOU) and the Programme Implementation Agreement reached with UNICEF.

In March 2004, the Cross River State Executive Council granted approval for the restructuring of RUWATSSA as follows:

- (a) Implement an organizational structure with a Special Adviser as Chief Executive of the Agency, a Permanent Secretary as the Administrative Head, and 5 Operational Departments.
- (b) Establish Zonal offices of RUWATSSA to cater for the activities of the Agency in the Southern, Central and Northern senatorial districts of the State respectively, while the Headquarters in Calabar co-ordinates and directs the activities of the Zonal offices. Some zonal offices were put under the Department of Water Supply.

RUWATSSA's 5 main Departments are: (1) Administration and Finance, (2) Water Supply and Quality Control, (3) Planning, Monitoring and Evaluation, (4) Health Engineering and Sanitation, and (5) Civil Works and Maintenance. Other Units are Audit, Servicom and Due

process that are attached to the Office of the Special Adviser and are intended to ensure good governance and reduce the incidence of corruption.

It is important to note that even the present organizational structure of the Agency had not been without problems. The Executive political leadership, which was to energize the Agency and enhance productivity, had proven to be detrimental. Although the law allowed RUWATSSA to have a Board with a part-time Chairman, six other members, and three Ex-officio members, drawn from the Ministries of Water Resources & Finance, this was never done. The result had been that RUWATSSA has, in the past, had serious governance problems.

5.3.3 Service delivery

The major programmes of RUWATSSA since its establishment have been:

- (a) **Water Supply:** Construction of new mini-water schemes, handpump boreholes, protected hand-dug wells, rainwater harvester and spring development, repairs, rehabilitation and maintenance of broken-down water facilities, conduct of water quality analysis, community mobilization for ownership and sustainability of water facilities.
- (b) **Sanitation:** Construction of ventilated improved pit (VIP) toilets and low cost sanplat latrines, rehabilitation and maintenance of broken down facilities, community mobilization, health education and promotion of safe hygiene practices.

Table 2 below gives the sector achievements over the years:

Table 2 RWSS Sectoral Achievements

	ACHIEVEMENT	PERIOD		TOTAL	REMARKS
		1986- 98 13 yrs	1998-2007 8 yrs		
1	No. of water points	1,176	998	2280	RUWATSSA did not operate for 3 years 2001- 2003
2	No. of mini water schemes	24	82	106	
3	No. of Boreholes re-habilitated	Nil	158	158	
4	No. of Local Artisans trained	Nil	462	462	
5	No. of WESCOMS formation	Nil	85	85	
6	No. of Sanitation facilities	565	1035	1600	

It is noteworthy that about 75% of the above-mentioned infrastructural facilities are actually non-functional due to technical and management problems, arising because most of the projects were supply-driven. Repairs of dysfunctional water facilities are being handled by the Repairs Rehabilitation and Maintenance (RRM) programme of the Agency, through collabo-

ration between RUWATSSA and an International NGO – Tulsi Chanrai Foundation of India - and UNICEF.

The RRM programme involves training and equipping of local artisans and mechanics from the localities where the boreholes are domiciled. With sensitization, mobilization, formation and empowerment of local Water and Environmental Sanitation Committees (WES), the ownership and management of the repaired hand pumps are transferred to the local WES Committees who will thereafter utilize the services of the trained local artisans for repairs in case of future breakdowns. Through this arrangement, 150 hand pump boreholes have been repaired/rehabilitated, and handed over to the respective communities.

As part of RUWATSSA’s dual mandate, VIP and sanplat latrines have been provided across the State covering about 35% of the rural areas. These are located in Public places such as Schools, Community Centres, Town Halls, Village Squares and Market places. It is the State Govt’s policy to encourage private individual ownership of toilet facilities through the construction of cheap alternative called sanplat latrines. Apart from this, RUWATSSA has carried out environmental sanitation education and hygiene promotion in schools and rural communities in order to stem down the outbreak of water-borne diseases such as cholera, diarrhoea, dysentery, typhoid, and other related diseases like guineaworm.

5.3.4 Budgeting

Much of the Budget provision is spent on running cost than on investment projects that can impact on the people directly. The funds generally allocated are on paper.

Table 3 Budget Releases to RUWATSSA

Item	Budget year			
	2003	2004	2005	2006
1. Recurrent expenditure	20,974,459	25,380,580	22,222,850	17,594,840.00
2. Capital expenditure	5,000,000.00	69,488,472	121,000,000.00	

5.3.5 Commentary on RUWATSSA’s mandate

RUWATSSA – Implementer or facilitator?

It is clear from RUWATSSA’s functions that the agency was set up to implement programmes rather than play a facilitating role whilst other actors deliver goods and services. Through the WES strategies of UNICEF, the agency is increasingly being wooed to use the private sector in delivering goods and services, whilst it concentrates on planning and facilitation. This is a good development; it however requires to be stated in the State policy and guidelines for the delivery of RWSS facilities.

RUWATSSA's other mandate also requires it 'to provide water to meet the requirements of Agriculture, Trade & Industry in rural areas'. One is not sure the level to which these have to be carried, and it is unclear whether such needs of agriculture (irrigation) and industry should be factored into the design of rural water schemes. This function needs to be clarified; the demand-responsive approach (and the requirement for capital contributions by communities) would typically involve low-cost drinking water supply technologies that communities can reasonably manage themselves.

5.3.6 Focusing RUWATSSA on functions consistent with National Water Policy

As noted above RUWATSSA should increasingly shift its focus to facilitation, development of standards and guidelines, and monitoring the RWSS to inform policy and to track progress towards achievement of the sub-sector targets. We have made recommendations on the role of RUWATSSA based on this thinking.

5.4 Cross River State Water Board Limited

5.4.1 Historical background and structure

The Cross River State Water Board Ltd. (CRSWBL) came into being through Edict No. 13 of 1975, which has seen many amendments. The company is wholly-owned by the Government of Cross River State, which supervises the activities of the Board through the Commissioner, Ministry of Public Utilities. The incorporation of the company as a limited liability called for a total reorganization and restructuring to enable it to be run and managed as a commercial enterprise in order to recover investment cost, debt charges, operational and maintenance cost from the sale of water.

For administrative convenience and effectiveness, CRSWBL has divided its operational areas into Divisions namely, Calabar, Akamkpa, Ugep/Ediba, Itigidi, Obubra, Ikom, Ogoja, and Obudu. Presently only the water schemes at Calabar, Akampka, Ugep/Ediba, which were recently expanded/rehabilitated under the ADB funded project, are functional.

5.4.2 Functions and structure of the Board

The major policy objectives focus on: (i) improved water quality and quantity, (ii) water supply reliability, (iii) aggressive revenue drive, and (iv) continuous expansion of water supply to meet increasing demands.

The functions of the board include the following:

- To control and manage all water works which have been or shall be vested in it in both **urban and rural areas** of the State for that purpose. To adopt with or without modifications or amendments master plans prepared for the maintenance and development of water works and supply of water in the Cross River State

- To establish, control, manage and extend existing water works and to establish and develop new water works for the purpose of providing water to meet the consumption requirements of the general public and the needs of agriculture, trade and industrial sectors in the State
- To ensure regular and adequate supply of clean and qualitative potable water to consumers
- To engage in the conduct of comprehensive research programmes relating to its functions that would enhance its performance
- To produce, provide and where necessary, market water in any form deemed fit.
- **To dig wells and boreholes, create and improve springs and develop other sources of water supply**
- To abstract water from any lake, river, stream or other natural sources
- To conduct, reconstruct, maintain and operate water works and all other stations, building and works, necessary for the carrying into effect the provision and supply of water.
- To obtain all relevant licenses and permits incidental to the executive
- To carry out surface or underground examination of water for purposes of determining the existence and extent of pollution and the immediate or remote cause of such pollution
- To construct public fountains in any street or other public places
- To enter into or upon any premises of tenement through which a pipe has been laid or which is supplied at reasonable times in the day between six o'clock in the morning and six o'clock in the evening:
 - (a) to inspect such services or meter; or
 - (b) to ascertain the extent of water wastage, leakage, or obstruction or damage to any service or meter; or
 - (c) to ascertain the quality of water supplied or consumed; or
 - (d) to disconnect water supply to any tenement**
 - (e) To diminish, withhold or divert water supply to any tenement through or by means of any service line or meter wholly or in part
 - (f) To establish or acquire and carry on office outlets, reservoirs and depots in the Cross River State or elsewhere for wholesale or retail distribution of water and its by-products, amongst others.

At the apex of the structure is the Board of Directors headed by the Board Chairman. The Board ensures that the aims and objectives of the organization as stated in the established memorandum and Articles of Association are achieved. The general management of the Board is carried out by a management team, comprising the Managing Director/Chief Executive Officer and Heads of the five departments of the Board, namely, i) Personnel & Administration, ii) Production, iii) Planning, Research and Statistics, iv) Accounts, and v) Operations.

5.4.3 Service delivery

CRSDB's Mission and Vision Statements are captured below:

Cross River Water Board: Mission and Vision Statements

The **Vision** is “the continuous maintenance of leadership in providing potable water to consumers at economic charges that will ensure survival and growth of the company while creating an enabling environment for job satisfaction for its employees”

The **Mission** is the “exploitation, development and management of viable and efficient water supply schemes in Cross River State to meet the demands of all category of customers”.

The following significant issues came up during discussions between the consultant and the Board:

Public-private-partnership and performance

The objectives of commercialization gave rise for the public-private partnership (PPP) arrangement. Under the arrangement, Messrs Ortech Nigeria Ltd and Ortech UK have been contracted to manage the functional schemes in Calabar, Akamkpa and Ugep/Ediba constructed under the AfDB-funded Water Supply Project. About 9,000 household connections have been made and metres installed through which payment is made by consumers through the Bank. The PPP service delivery is very reliable, according to the management of the Board. Water supply in the three locations in the State is very regular, signifying a significant departure from previous situations. Production is powered by diesel-driven generators; power from PHCN is used as standby, and this is highly expensive. However, there is general consumer satisfaction in these areas due to high quality service delivery.⁴

Commercialisation and subsidies

Even though CRSWBL is required to operate commercially, it still relies on State subsidies, as it does not have sufficient customer connections to increase its revenues. Subsidies cover both operations and maintenance and capital costs.

Tariffs

Tariffs are currently (October 2007) fixed at N100.00/m³ (\$0.80), having been increased from N50.00/m³ less than a year earlier. Water is supplied to kiosk operators at N65.00/m³, and they in turn sell to low income consumers at N5.00 per container of 20 litres. This is increased to N20.00 when kiosk operators use diesel power. The Board believes that expansion in service should precede any increases in tariffs as current tariffs are already high. It is hoped that under a World-Bank funded expansion project, connections will be increased to 30,000 to improve the revenue base.

Tariffs are recommended by the utility with assistance from its partners, sent to the Governing Board for approval and then to the Exco for final authority to implement.

Small-scale independent water producers (SSIPs)

SSIPs are now virtually non-existent, following the commissioning of the Board’s ADB projects. The Board’s water kiosks have been franchised to those who previously operated boreholes.

⁴ Such satisfaction is, however, yet to be translated into more reasonable tariffs that will improve the finances of the Board.

Collaboration with Federal River Basin Development Authority

All the Board's water schemes, except one, depend on surface intakes. The one scheme depending on a dam owned by the RBDA, is Obudu.

Sewerage

CRSWBL is not involved in sewerage and has no plans in this direction.

5.4.4 Budgeting

The tables below provide information on budget allocations to CRSWBL to meet capital expenditures.

Table 4 Budget Allocations to CRSWBL

Item	Budget year			
	2004	2005	2006	2007
Recurrent expenditure (budgeted)	235,897,500	350,660,240	59,539,510	69,265,260
Budget releases	58,952,227	59,709,224		
Capital expenditure	Funded by ADB & World Bank Loans			

5.4.5 Organisational performance appraisal

Although the Ministry should carry out the organizational performance appraisal, it hardly does so for various reasons including logistics and the political will. The Board carries out its internal appraisals. The indicators include the *quantity of water produced*, the *number of connections made* and *collection ratio*.

Presently the Board produces 165,000m³/day, serving the functional areas of Calabar, Akamkpa and Ugeg/Ediba schemes. It has a total pipe network of 538 kilometres, 25 reservoirs (ground level concrete, elevated steel and elevated concrete) and 3 No. Treatment Plants and intake works. Accordingly, to the management, AfDB has publicly acknowledged CRSWBL in an ADB documentary as the most successful AfDB-assisted Water Supply Project in Nigeria.⁵

5.5 Cross River Basin Development Authority (federal institution)

Cross River Basin Development Authority's mission and vision statements are captured below.

5 . Briefing from the MD, CRSWBL. Ltd to the New Governor of CRS

Cross River Basin Development Authority: Mission and Vision Statements

The **Mission Statement** of CRBDA is ‘to develop the Water Resources of Cross River Basin for multipurpose use through the construction of Dams, Irrigation schemes, Boreholes, control of flood and erosion problems’.

The **Vision Statement** is ‘to undertake comprehensive and sustainable development of the land and water resources of the Cross River Basin for multi-purpose use to meet the socio-economic needs of the catchment area’

The Cross River Basin Development Authority was established by Decree No.35 of 1987, with the following key functions:

- a) To undertake comprehensive development of both surface and underground water resources for multipurpose use with particular emphasis on the provision of irrigation infrastructure and the control of floods and erosion and for water shed management
- b) To construct, operate and maintain dams, dykes, wells, boreholes, irrigation and drainage system, and to hand over all lands to be cultivated under the irrigation scheme to the farmers
- c) To supply water from the Authority’s sanplated storage schemes to all users for a fee to be determined by the Authority
- d) To develop and keep up-to -date comprehensive water resources master plan, identifying all water resources requirements through adequate collection and collation of water resources, water use, socio-economic and environmental data of the River Basin

With a total staff strength of 297, senior staff 152 and junior staff 145, the CR Basin Authority has qualified staff in the water supply sector. The Authority is headed by a General Manager, assisted by three Assistant General Managers (AGM) each heading a Department of Operations, Planning, Investigation and Design while the third is General Administration. Monitoring and Evaluation is carried out by the Planning, Investigation and Design Department.

Between 1995 and 1997, the Authority executed 20 water supply schemes. Furthermore, between 2001 and 2006, the Authority provided 136 boreholes across various Communities in the State.

6 CAPACITY ISSUES: HUMAN RESOURCES AND LOGISTICS

6.1 Introduction

The survival and growth of any modern organization be it in the public or private sector depends on the effective utilization of its human resources. How well the human resource is acquired, trained, developed and utilized or deployed for the services or operations of the enterprise makes a lot of difference in facilitating organizational goal achievement. All human resource management activities are business-driven and focused on improving performance by acquiring and developing a competent, well – motivated and committed workforce.

Human resource management, simply put, is a set of organization-wide functions and activities, which are designed to influence the effectiveness of employees in the organization, and having regard for the well-being of the individuals and the working groups. The individuals and their relationships with the organization, and how these can be developed to achieve desired efficiency and effectiveness, thereby accommodating the needs of the employees and the organization simultaneously, should be the concern of human resource management.

Generally, high performance human resource management practices include:

- a. harmonized terms and conditions for all staff
- b. use of psychological tests in selecting all staff,
- c. formal system of communicating values to staff
- d. deliberate development of a learning organization
- e. design of jobs to make full use of skills and abilities
- f. staff being responsible for their own quality
- g. regular use of attitude surveys
- h. formal appraisal of all staff at least annually
- i. staff being informed about the organization or company performance and prospects
- j. internal promotion if at all possible as a form of motivation
- k. a policy of job security
- l. a merit element in the pay of staff

The Human Resource Management (HRM) route to high performance should be built on the requirements for commitment, quality and flexibility. Looking at the agencies responsible for the WSS Sector in Cross River State, not much has been done in putting people appropriately in their areas of competence based on their qualifications, skills and training. In this section we discuss the following agencies: i) RUWATSSA, ii) CRSWBL , iii) Department of Water Resources, Ministry of Works, and iv) State Planning Commission

Tables A1-A5 in Annex 4 provide manpower data given by the agencies. They give an indication of existing staff and their qualification, staff turnover (to show the extent to which

staff are being lost to other sectors) and the training activities that have been undertaken by the organisations to improve the capacity of the staff to play their expected roles.

In some cases, the average age of professionals in some key departments, as well as the recruitment carried out in the last 5 years, are given. This provides an indication of the extent of forward-looking manpower planning that will ensure that the organisations can respond to their roles in the future. It will be observed that in the case of CRSWBL in some critical departments, the average age of the professional staff is 55. This is rather skewed is an indication of poor succession planning.

Brief summaries on the manpower situation of agencies are given in the following sections.

6.2 Rural Water and Sanitation Agency

The data provided by RUWATSSA show the staff numbers and qualification, as well as equipment needs. The agency has not been able to organize training for its staff in recent years for lack of funds. It is supposed to benefit from the training vote controlled from the Office of the Head of Service. Only a few artisans have benefited from the local training mounted by Donor agencies like UNICEF & Tulsi Chanrai foundation.

There are only 2 officers in the Planning and Design Department, one with a past-graduate degree and the other with a first degree. This will need to be beefed up significantly if the agency is to redirect its attention to providing technical assistance to the LGAs. Assisting LGAs to develop their WSS plans, prepare business plans, monitor and evaluate progress in the sector etc., which should be a focus for the planning department, will require more qualified hands.

The principal logistics requirements submitted by RUWATSSA cover drilling rigs (4), pumps and trucks (4). Obviously, these are in line with meeting their mandate of providing safe water supply to rural areas. All their 4 rigs have broken down for lack of funds to repair them. The agency complains about the lack of rigs and other logistical support to carry out its borehole drilling programmes. It is difficult to justify the renewal of drilling rig capacity when the private sector is willing and able to provide this service. A shift of emphasis from implementation to facilitation will enable the agency concentrate on providing LGAs and the local private sector with the capacity to provide support for the operation and maintenance of RWSS facilities. This will help achieve sustainability of hand-pumps.

In the absence of private sector driven back-up support to undertake repair and maintenance, RUWATSSA should continue to provide repair and maintenance support to communities. It should also be in a position to provide water supply to areas in emergency cases, like guinea-worm eradication.

However, notwithstanding the foregoing, the agency justifiably needs support to rehabilitate one or two of the drilling rigs to provide back-up support and to undertake emergency and critical water supply interventions e.g. supply to a guinea-worm infected community

6.3 Cross River Water Board

The Cross River State Water Board is well-staffed with the appropriate mix of disciplines. Through its partnership with Messrs Ortech Nigeria Ltd and Ortech UK, CRSWBL has organized many short term training programmes lasting between two weeks to one month in the WSS sector for their staff both within and outside the Country. The Federal Ministry of Water Resources Training School, Kaduna and the Cross River State Ministry of Works Training School are institutions that have been useful in the training of the middle manpower needed in this sector and organization.

The Water Board has some qualified technocrats in the field of Water Engineering, Geologists etc. The Civil Service Commission still assists the Board in recruiting staff. The criteria followed by the Civil Service Commission ensure that qualified candidates are employed. The jobs are always advertised in National Dailies and interviews conducted for selection.

CRSDB as an Agency does not have a training needs analysis or assessment. One was however conducted as part of the contract deal with the partners, Ortech UK. Apart from staff who either are self-sponsored for long-term degree programmes or those that were recruited with their degrees, most of the courses undertaken by the partners are short term. Although there were some budgetary provisions, nothing was released to the Board for training.

Staff appraisal is carried out annually, although emphasis is placed on performance appraisal when staff are due for promotion.

Tables 1 in Annex 4 provide details on manpower staffing of the various departments, as well training courses and needs.

6.4 Ministry of Works

The Ministry of Works is not adequately staffed to carry out coordination, monitoring and evaluation. A Ministry that should provide the leadership and direction on policy matters as it affects WSS Sector, capacity manpower is absolutely necessary. Annex 5 gives an indication of the structure and the manpower requirement for a fully fledged sector Ministry..

6.5 State planning Commission

The State Planning Commission apart from the responsibility of monitoring and evaluating the performance of Donor Agencies in the State has the responsibility for providing planning guidance to all State Ministries/Agencies. The capacity requirement in Human Resources is shown in Annex 4.

6.6 Observations in Areas of Capacity Building

6.6.1 Manpower training

Capacity building entails training the human resources available for effective performance. A capacity-building strategy will typically cover the following issues:

- The ability of the organisation to transform its mandate into relevant and coherent strategies and effective interventions;
- The appropriateness of the managerial, technical and administrative resources of the organisation;
- Operational procedures and forms of intervention backed up by working methods, tools etc.;
- Financial resources

It is observed that, with the exception of the CRSWBL, the other WSS sector agencies have not put any emphasis on staff training. This may be attributable to a number of factors, including, the lack of funds from State sources to support training programmes, and the absence of dedicated training officers in the organisations.

The manpower situation differs from organisation to organisation. CRSDB has adequate complement of staff who have had both formal and on-the job training. The latter has been made possible through the AfDB-funded project. Any recommendations for training should therefore focus on the other sector institutions. It is noteworthy that the current WSSSRP has a component to support training in the WSS institutions. The consultant was informed that more detailed training needs assessments will be undertaken in the various organisations to identify staff that should qualify for which type of training. In this study therefore, the consultant will broadly give areas in which the training should be focussed.

It is interesting to observe from the information gathered that in some cases the average age of the key staff in some organisations appears high. This may be good for current operations (because of the vast collective experience) but certainly provides challenges for the future as the old hands disappear. Therefore, there is need for prudent manpower planning to ensure a reasonable mix of young and old. The constraint that has been faced by the organisations contacted is the civil service freeze on recruitment. For some organisations, there has been no recruitment of any professional in the last 5 years. WSS agencies should seek exemption from this rule where there is a good case for addressing current imbalance.

6.6.2 Specific requirements for RUWATSSA

As RUWATSSA, in particular, shifts its emphasis from actual implementation to facilitation, supervision and monitoring the organisation should be supported to recruit and build its capacity in the areas identified below. It is the hope that new agency for rural infrastructure will similarly accept the driving principle of **'public sector facilitation and private sector delivery of goods and services'**.

The following lists the areas in which RUWATSSA should put its emphasis.

- Technical and operations:
 - Development of guidelines
 - Capacity building for LGAs, WESCOMS and the private sector
 - Regulation and standards for RWSS construction and management
 - Quality assurance for planning, construction and management of RWSS facilities
 - Support to sustained operation and maintenance of RWSS facilities
 - Support to hygiene education and sanitation;
- Planning and coordination:
 - Monitoring
 - Strategic and investment planning
 - Coordination
 - Resource mobilisation

Existing and any future plant and machinery that the agency owns should, over the short to medium term, be dedicated to providing back-up support and undertaking emergency works, whilst the private sector is increasingly given the opportunity to take centre stage in facilities delivery.

6.6.3 Specific requirements for State Planning Commission

State Planning Commission, which is also involved in project monitoring, should be exposed to WSS project management. Exposing the WSS focal staff of the Commission will enhance productivity and a sense of direction. The Commission should also be supported to undertake the following:

- Develop a guide for the preparation of Water and Sanitation Development Plans (WSDPs) by all LGAs work (in collaboration with RUWATSSA).
- Undertake a unit costs study for WSS delivery. The unit cost study will be important for planning, measuring value-for-money, ensure greater transparency in the sector. It will also assist the regulator in its tariff determination etc.

6.7 Observations in Area of Logistical Capacity

6.7.1 Accommodation and furniture

With the exception of CRSWBL , which is adequately accommodated, there is need for adequate accommodation and furniture for all the agencies involved in the WSS sector.

The current building used by RUWATSSA, inherited from CRS Water Board, does not meet their total requirements. The Agency is also providing accommodation for UNICEF and EU – WSSSRP. There is therefore need for additional office space and furniture. RUWATSSA needs additional furniture as well. The furniture in use by RUWATSSA staff are old and

need to be changed. As a result of the configuration of CRS, RUWATSSA has to have zonal offices to be able to carry out its functions adequately. These need to be similarly equipped.

At the LGA levels, there is need for office accommodation. This is lacking as the Councils have not provided adequate accommodation. It is however difficult to isolate the LGA WES Departments from the others and give them their own offices. That notwithstanding, the WES Departments should be adequately equipped with furniture and computers to be able to carry out their duties.

6.7.2 Plant and Equipment:

From all indications, plant and equipment are needed at all levels of the Water Sector. At the State level, State Planning Commission which is supposed to monitor projects as supervising Agency needs Vehicles and Computer Systems. The same is the Water Resources Dept. CRS Water Board which operates mainly through the use of generating plants in all its areas of operations need more generating plants. Some of the water treatment plants are absolute and need replacement.

RUWATSSA is not fairing better, they have no generating plant, they do not have functional Computer Systems. Their Rigs are all broken down. As at the time of this assignment no single rig is functional. The plant and equipment position is deplorable. At the Headquarters and Zonal office they need generating plants.

Mobility has generally posed problems in the water sector. The Water Board as part of its funding from ADB has functional vehicles, and can move to its areas of operations. However, RUWATSSA has great need for functional vehicles.

7 SUMMARY OF KEY ISSUES IN INSTITUTIONAL ROLES

7.1 Good Practice

7.1.1 Strong political will

Discussions with State and non-State officials clearly pointed to a strong political will to accelerate the provision of water and sanitation facilities for the population of CRS. Indeed the consultants were given easy access to high government officials who expressed strong commitment to institutional reforms. Such commitment should however be translated into resource allocation and to sector policies and guidelines.⁶

7.1.2 Existence of relevant institutional structures

CRS has in place the appropriate institutional arrangements for the delivery of WSS services. This includes an oversight ministry (in theory), an urban utility provider (CRSWBL) and a responsible agency for the delivery of rural water, sanitation and hygiene, LGA WES Departments and community level WESCOMS. Therefore there is no need to establish these institutions from scratch. There are however some shortcomings in their operations which should be addressed.

7.1.3 Demand-driven approach to rural water delivery

The demand-driven approach, which emphasises the concept of community ownership and management, is to foster greater sustainability of the facilities built in communities. Whilst this is yet to be captured in a State Water policy to ensure compliance by all rural water actors, it is increasingly being promoted by UNICEF and some NGOs.

7.2 Gaps and Challenges

7.2.1 Sector oversight and co-ordination

Inherent in the National Water Policy is the requirement for a sector ministry within the States to handle issues relating to water resources. These ministries will assume policy-making and supervisory functions and leave implementation to state agencies and the private sector. All water sector institutions must have a home where appropriate oversight, harmonisation of planning and a holistic approach to monitoring can be undertaken. Whilst the relevant institutions do exist, current practices regarding supervision and co-ordination in CRS are not totally in conformity with good practice. The separation of rural water and urban supply in terms of oversight is not good practice.

⁶ It is commonplace to hear promises of free water supply from politicians. This approach to water provision is unsustainable and has serious drawbacks

7.2.2 Wide mandates of sector institutions

An examination of the functions of the various institutions shows that some roles will be best reserved for others whilst these agencies concentrate on re-defined mandates. Thus agencies seem to be playing roles as policy makers, facilitators, regulators and implementers. This is particularly so in the case of rural water delivery, where RUWATSSA is playing the role of policy maker (they have drafted a sector policy for Exco approval), facilitator (assisting LGCs to deliver WSS services), regulator (setting standards and guidelines for the delivery of rural WSS services) implementer (constructing water and sanitation facilities, proving management and maintenance services etc), and undertaking monitoring and evaluation of WSS projects.

In this respect the following statement in the National Water policy should guide the review of the mandates of CRS water and related sanitation agencies:

Water management

“Water management is a complex function which includes regulatory, support and operational activities. Any review of water management institutions must look at whether there are any services that could more cost effectively and more efficiently be undertaken outside of the Public Service through *both beneficiary management and private sector participation*”.

Source: Draft National Water Policy, July 2004, p32-33

A summary of roles indicating areas which could be transferred to other state and non-state actors. The recommendations in Section 8.4 reflect this understanding and approach.

7.2.3 Weak institutional governance

The practice of appointing Special Advisers may be well-intentioned, particularly in relation to getting quick results, as they have direct access to the Governor. However discussions with sector practitioners indicated that this has undermined the authority of the supervising ministries over these agencies. Special Advisers are members of the Exco and they only report to the Governor on their stewardship.

There appears no body that directly appraises the performance of the WSS bodies based on agreed criteria and targets. The recommendations in the composite report for this assignment (covering the 3 States), to be prepared by the International Consultant, will cover this area.

7.2.4 Views on proposed Rural Infrastructure Development Agency

The Cross River State Government has submitted a Bill to the State Assembly for the establishment of the Cross River State Rural Development Agency. The Bill is in furtherance of the Government’s commitment to rural empowerment and poverty reduction through the accelerated delivery of rural infrastructure. Under the Bill, the Agency is to “undertake the development and maintenance of rural infrastructure including feeder roads, rural water supply, rural health and educational infrastructure”.

The Board is only advisory and most of the powers typically exercised by a Governing Board are vested in the Governor. It is not explicit in the Bill whether RUWATSSA will be fully absorbed as a department under the new Agency. The passage of the Bill comes in the wake of ongoing institutional reforms and restructuring of the water and sanitation sector (WSS). The Draft Bill is presented as Annex 8.

The Co-ordinator of the Cross River STU, the international consultant and the national consultant were invited by the Secretary to the State Government (SSG) to provide input into the Bill. The memo submitted to the SSG is presented in Annex 9. The key issues raised were:

- a. the need to ensure that there is only one oversight ministry that has responsibility for water resources issues and provides institutional leadership for agencies delivering rural and urban water supply;
- b. the need for a Governing Board for the Agency that will oversee the implementation of policies regarding RWSS delivery. The Governing Board will also formulate policies for the proper management of the Agency's manpower and financial resources. It should have institutional representation to ensure effective collaboration and co-ordination with other bodies, and to bring the knowledge and institutional memory of these bodies to benefit the work of the Agency; and
- c. the need to for the Agency to play a facilitating and regulatory role in WSS delivery, whilst other actors – LGAs, private sector, LGAs and NGOs are allowed to ensure the actual delivery of facilities.

7.2.5 Need for regulation of services

There is at present no institution in CRS charged with the regulation of services by water providers. For example, under its Edict the CRSWBL can fix tariffs without recourse to any supra body. In practice however, the Exco approves the tariffs charged by the utility after these have been submitted by the Board of the utility. There is a need for a regulatory body to be in line with the National Water Policy, and for the State to enjoy opportunities for accessing investment funds under the WIMAG protocol.⁷

It is relevant to point out the envisaged functions of the regulator, as spelt out in the Model Water Supply Services Law. These are:

- (a) to promote the rights of access to basic water supply;
- (b) set standards and norms for Consumer service standards
- (c) regulate tariffs charged to Consumers;

⁷ The National Water Policy 2004 notes the following: "The new strategy, in conformity with the ongoing reforms in the public sector, is for Government to change its role from that of an implementer to that of a regulator, facilitator and co-ordinator. In order to avoid the use of monopolies and therefore protect users a regulatory body will be created, which allows for the monitoring and setting of standards for water service tariffs". p42

- (d) issue Water Services Provider Licences;
- (e) promote private sector partnerships;
- (f) promote State Water Laws and Policies;
- (g) ensure the preparation of and compliance with Water Services Development Plans;
- (h) promote the gathering of information in a State Information System

The above shall apply to urban water supply by providers – public or private, small and independent.

In respect of community-managed water supply, LGAs assume the role of regulator, particularly in the following areas:

- (a) Providing legitimacy for the WUAs and ensuring that they operate within defined guidelines
- (b) Water quality enforcement
- (c) Approval of tariffs submitted by Water User Associations (WUA)

7.2.6 Water-related sanitation

In CRS, water-related sanitation has not been given much emphasis, particularly in the urban areas. Individual households have provided their own on-site facilities for excreta disposal as there is no sewerage network. The CRSWBL has no plans to go into this, as it is not part of their mandate. The Environmental Protection Agency is, on paper, supposed to have responsibility for this.

On the other hand, solid waste management seems to have received substantial attention, and quite well addressed. The question to address, in relation to policy formulation, is which ministry leads in coming out with a water-related sanitation policy. In a number of countries, the ministries responsible for local government or environment have taken this up, and provided policy guidelines for environmental sanitation, whether it is solid or liquid waste. This issue of an institutional home for water-related sanitation needs to be taken up by the State Water and Sanitation Sector Reform Task Force.

7.2.7 Water resources management

There is a Federal body – CRBDA – that is responsible for issues relating to water resources management within the Cross River Basin. It was however not very clear how it interacts with the other drinking water-related bodies in relation to water resources management. Discussions with CRSWBL indicate that only one scheme – Obudu – currently depends on bulk water taken from a dam constructed by the Authority. What is also clear however is the duplication of effort in the construction of water facilities in an area e.g. boreholes, which should be the preserve of the State institutions.

8 OTHER ISSUES AND GAPS

8.1 State Water Policy

By far the biggest drawback within the sector performance framework is the lack of a State Water Policy (SWP) document, which is informed by the CR SEEDS and the National Water Policy. The lack of institutional leadership and co-ordination, constant changes to the institutional framework, absence of a harmonised and uniform approach to delivery of rural water and sanitation, regulation of urban water services, financing (cost recovery and subsidies) etc. are all the result of absence of clear sector policy statements. This is the first most important step for Cross River State to take, and this is captured in the recommended actions.

The SWP should address the control and management of water resources in an integrated manner for equitable distribution and involvement of stakeholder. There is need to protect and sustain the water resources of the State to guarantee access to it for everyone. Emphasis has to be placed on sustainable management of water as a limited natural resource, which has competing uses. The implication is that although everybody needs water for one domestic use or another, not everyone can have unlimited access to water resources. By implication, water is an economic good and its management must ensure efficiency in terms of quantity and quality.

8.2 Sector Leadership and Co-ordination

Sector leadership in the water and sanitation sector is a necessity because there several actors, all believing in a common goal of poverty reduction, but differing in their approaches to achieving this. Since issues of sustainability are key to the delivery of services, an institutional leader should serve as the overlord, provide policy direction, monitor implementation and track progress towards achieving the set goals. This is currently missing and the decision to place rural and urban water supply under separate bodies will jeopardise the already weak oversight structure. There should be a ministry that has overall responsibility for all aspects of water resources management, in line with the recommendations of the National Water Resources Management Framework.

A first step to demonstrate (and actually assume) institutional leadership is to lead the process towards the preparation of the State Water Policy. This will bring all stakeholders in the sector in line.

8.3 Monitoring and Evaluation

This is a weak link in the sector and needs to be strengthened. It is the ministry that should provide leadership in this. Unfortunately due to staffing and others it has not been able to paly this role. It is understood that CRS will benefit from a Federal programme to put in place M&E systems in a number of states. CRS needs to establish a Sector Information System based on a simple and reliable sector-wide 'umbrella' Monitoring and Evaluation (M&E) system. This should also develop effective strategies for decentralised data management.

UNICEF is supporting RWSS mapping in the State and it is important that any sector-wide M&E system builds into this, rather than duplicate it. Any action in this direction should involve the LGAs.

8.4 Private Sector Participation and Capacity Building

The State Government is committed to private sector involvement in its development agenda. There should be a clear statement to let the public sector play “the role of facilitator and regulator, while the private sector delivers goods and services”.

In the area of rural water supply, there should be a definite statement of a timeline by which RUWATSSA would move out of drilling and construction activities, and assume the role of technical advisors, contract administration (to support LGAs), supervision and monitoring. This should be preceded by a well-defined roadmap that captures the ceding of implementation functions, staff redeployment to LGAs/retraining, identification and capacity-building of the local private sector to assume the role of service provider, among others. The sight of broken-down rigs owned by RUWATSSA is not a good testimony to the sector. Instead of acquiring new rigs or and/or repairing old ones, the private sector should be invited to competitively bid for projects. Elsewhere in other sub-Saharan Africa the competition has seen a drastic reduction in bore-hole drilling costs, as a result of better siting techniques, optimal use of plant and equipment and better planning.

In Cross River State, private sector participation in water development is low. Some of the people interviewed during this study have indicated interest in participating and call on government to relinquish its earlier role from being an implementer to a regulator, facilitator and co-coordinator. They call for government creating the enabling environment for private sector participation in the WSS Sector. There is need for government to create regulations and the conducive atmosphere, including incentives, for local private participation in water services.

Apart from encouraging private sector participation in the WSS Sector, there is need for capacity building. The private sector should be encouraged to attend different trainings mounted by government so that their productivity will be enhanced for better and efficient service delivery.

The ceding of some aspects of the operations of CRSWBL to a private operator is a good decision. However, the advent of the private sector requires effective regulation and a clear definition of the ‘rules of the game’ and enforcement of standards.

8.5 Financing, cost recovery and subsidies

Public funds (including those from the State, Federal, donor and LGA) will continue to be the main source of financing for water sector investments. However, the notion of commercialisation exists only in theory. CRSWBL continues to depend on state funds to subsidise even operations and maintenance. This is not sustainable in the long term if universal cover-

age is envisaged. Once again there should be a clear roadmap for moving towards cost recovery tariffs, to enable the provider(s) to deliver adequate services.

The demand-driven approach for RWSS, being led by UNICEF assumes a 95% capital subsidy through public funds,⁸ whilst beneficiaries pay 5%. This is yet to be fully adopted by other State actors and some NGOs. This is a policy issue and one of the means to ensure sustainability. Within urban areas, no such contributions are made by consumers; this provides one of the strong reasons for moving towards cost recovery in urban towns.

8.6 Interface between urban, peri-urban, small towns and rural areas

Small Towns are settlements with about 5000 – 20,000 inhabitants, as defined nationally. The term “small town” also refers to towns or semi-urban areas with limited infrastructure. Small towns are likely to be forgotten in development programmes because they do not fall under urban or rural. In some small towns in CRS, Water Board and RUWATSSA could be seen duplicating services. A clear policy statement on which agency is responsible is required.

In places like Nko,Mkpani, Ekori which fall within the definition of small towns, the operations of the two agencies overlap. Some private individuals who can afford to pay for their private boreholes sometimes sell water to others. In most of these communities, the hand pump boreholes carried out by RUWATSSA are not functional. It is clear that there is a need for guidelines for locking together the two approaches to water delivery by the 2 agencies – utility management (CRSWDB), and community ownership and management (promoted by RUWATSSA). This again calls for strong institutional leadership to bring the two agencies together to align their investment plans and to work with LGAs and communities in deciding the management options to adopt.

Typically the problems of small town water supply are: i) unsafe water supply; ii) irregular water supply, iii) distant water supply point, iv) relatively high cost of water for those who buy. Sanitation delivery in small towns also poses a big problem. Although many people go to the bush to pass excreta, the pit latrine is common. A very small percentage uses WC to septic tank system. This raises the question of linking water supply projects with sanitation and hygiene delivery. This is the approach (strategy) in RWSS as it provides greater health benefits. The decision to put small towns under RUWATSSA or CRSWBL should take into account the need to integrate water supply and sanitation and hygiene delivery.

8.7 Legislation

The current reforms will need some new legislation - to create new bodies (e.g. economic regulator) or to amend the functions of some existing institutions. It is a necessary step however, to have the State Water Policy in place before any legislation could be effected, as it will be a useful basis for the laws.

⁸ Public funds include those from Federal Government, State Government, LGAs and Donors.

In relation to mandates, the legislation should aim at supporting the current policy direction of government playing the role of facilitator and regulator. As earlier stated, the Edicts that established the Cross River State Water Board and RUWATSSA have outlived their usefulness. Their mandates were too encompassing and need amendment. There is also the need to amend the legislation in keeping with the new National Water Policy to keep the State in tune with the Federal Ministry of Agriculture and Water Resources and to meet the expectations of good governance.

The key areas of legislation – including review, amendments and new ones – are:

- Edicts establishing the water sector agencies, notably CRSWBL and RUWATSSA
- Local Government level legislation to support establishment of WESCOMs, water user associations and give legitimacy to their functions
- Establishment of a Regulatory Commission

9 RECOMMENDED ACTIONS

9.1 Introduction

The assignment has identified a number of tasks and outputs in the TOR. These are:

- a) Recommendations on required policy changes and amendments to enable implementation of the restructuring plan
- b) Proposals and recommendations for restructuring the institutional framework
- c) Proposals for improved HR and equipment capacity to enable the new set up to function

In the recommendations which follow, a number of institutional measures are addressed. At the same time, areas of capacity building and support to assist the agencies play their new roles, and shed off others, are also addressed.

9.2 Recommendations on required policy changes and amendments to enable implementation of the restructuring plan

9.2.1 Preparation of State Water Policy

It is recommended that a consultative process for the preparation of a State Water Policy (SWP) should be defined and implemented. The Action List in Annex 10 identifies some of the key activities for the preparation of the SWP.

Some of the broad policy areas with a bearing on the implementation of the restructuring plan, have been identified in previous sections. These include:

- a) Principles of water resources management (water as an economic good, sustainability, equity and accessibility, decentralisation etc)
- b) Federal Policy framework and other relevant reform measures
- c) Institutional framework (sector oversight, co-ordination and collaboration)
- d) Integration of water supply, sanitation and hygiene delivery
- e) Sector financing (cost sharing, cost recovery, subsidies)
- f) Sector regulation (regulation of service provision, standards, pro-poor considerations)
- g) Sector management (utility management, community management, private sector participation)
- h) Sector monitoring and evaluation (roles of various actors)

9.3 Recommendations on Institutional Framework

9.3.1 Oversight Ministry

It is recommended that CRS Government identify a ministerial home for all water agencies and critical functions, including water resources management. This does not have to be a stand-alone ministry but can be combined with other sectors. The relevant department needs to be lean and professional to carry out its main mandate of policy formulation, co-ordination and monitoring. To have greater visibility for water, the ministry should have ‘water resources’ in its name.

The following options may be considered:

OPTION 1

Establish a **Ministry of Water Resources, Rural Infrastructure and Community Development**. This will take care of other rural infrastructure such as envisaged in the Bill to establish a Rural Infrastructure Development Agency (RIDA) – rural water supply, rural health, education and feeder roads. The Department of Water Resources, currently under the Ministry of Works, will be moved to this ministry. Similarly, the proposed RIDA will have this as its oversight ministry.

OPTION 2

Align the Department of Water Resources with another ministry, such as Environment. In CRS, the Ministry of Environment (MoE) is responsible for sanitation, both water-related sanitation (urban areas) and solid waste management. The advantage of bringing water resources and environment together will be the twinning of water supply and sanitation together in one ministry. The MoE is also responsible for flood control and water quality issues and again this will bring substantial synergy in water resources management.

The set-up of the Ministry of Water Resources, as envisaged under the reforms, is produced in Annex 5.

9.3.2 Role and Mandate of RUWATSSA

It is recommended that the role of RUWATSSA be limited to the following broad areas:

- a. facilitation (including capacity-building for LGAs and other actors in the RWSS sector),
- b. regulation (including setting guidelines, standards and supporting research in technologies for the delivery of RWSS); and
- c. monitoring and evaluating the impact of rural WSS programmes

This implies that RUWATSSA will increasingly pull out of actual delivery and maintenance of WSS facilities, and undertake technical support, regulation and monitoring of the sub-sector. The mandate and functions of a reformed RUWATSSA are set out in Annex 7.

The required departments to carry out the agency's mandate and the areas of required manpower and logistical support are captured in Annex 7.

9.3.3 Role and Mandate of CRS Water Board

The recommendations in this area mainly relate to the following:

- a. Defining clear areas of responsibility for the Board and limiting it to the provision of water supply to urban areas and small towns;
- b. Review of the edict establishing the Board to ensure that duties of a regulatory nature are removed and passed on to the proposed CRS Regulatory Commission. (These regulatory matters are more elaborately defined in the Water Supply Services Regulation Law)

It is further recommended, that small town water supply (population between 5,000 – 20,000) should continue to be the responsibility of CRSWBL . However the modus operandum of delivery should change to recognise the role of LGAs and small towns water consumer associations. This implies the following:

- Integration of water supply and sanitation, including possible development of cost-effective community sewerage schemes
- Utility management of water production and primary distribution, and community management of bulk water and secondary distribution
- Collaboration with RUWATSSA in harmonising sub-sector plans

A review of the functions of CRSWBL is provided in Annex 6.

9.3.4 Establishment and Mandate of Regulatory Commission

CRS Government should enact appropriate legislation to establish a **Cross River State Regulatory Commission** in line with the National Water Policy and the WIMAG. A template for this law, the WSSRL produced by the FMAWR, is available for adoption.

It is further proposed that the establishment of the Commission be phased for the following reasons:

- a) The need to develop the capacity of core staff to form the initial team of the Commission;
- b) The need to give time to the major stakeholders – the utility and consumers – to get a good understanding and appreciation of the role of a regulator; and

- c) The need to nurture the new organisation in its formative years

Based on the foregoing, it is recommended as follows:

- a) that a core team of the Regulatory Commission – water engineer, economist, lawyer and consumer affairs/communications specialist - be hired through the Ministry responsible for Water Resources;
- b) the team shall be housed in the ministry and provided logistic and administrative support. This period of nurturing could be between 18-24 months.
- c) a consultant should be hired to support the establishment of the Commission during the transitional period.⁹

Some of the key activities to be undertaken during the period are indicated in the Action Plan in Annex 10¹⁰. These will be more elaborately discussed in the report by the international consultant.

9.4 Proposals for improved HR and equipment capacity to enable the new set up to function

The recommendations which follow are based on a broad assessment of the capacity of the key institutions to play their respective roles. They are captured under human resources and logistical and equipment capacity.¹¹ The consultant was informed that a more detailed assessment will soon be undertaken to identify specific training needs and equipment requirements. What is provided below is a broad indication of the areas of emphasis for existing, as well as proposed roles of the agencies.

9.4.1 Areas for training support

Tables 5 in Annex 4 have identified the areas of training support to improve the capacity of management (including members of governing boards) and staff to play their roles. They include medium (academic) and short-term courses, seminars/workshops, study tours and attachments. These training programmes shall be additional to whatever training courses are given by the Office of Head of Service.

⁹ The consultant agrees with the WSSRL view that such a consultant could be available to other States to ensure cost effectiveness

¹⁰ The defined actions and the timelines are largely informed by the output of the State Workshop on the Assessment of Institutional Framework for WSS Delivery in Cross River State held on 25th October, 2007 in Calabar

¹¹ It should be appreciated that the agencies had submitted their needs to make them more effective, not every one of these requirements was shared by the consultant.

Table 5 Areas for Training Support

Organisation	Specific/Relevant Areas of Mandate	Training Focus	Training Mode	Target Group
Ministry/Department of Water Resources	<ul style="list-style-type: none"> a. Policy formulation & analysis b. Planning c. Monitoring & Evaluation 	<ul style="list-style-type: none"> • Policy analysis • Management, leadership • Strategic planning • Monitoring and evaluation • Regulatory economics • Management information systems • Report writing • Computer literacy 	<ul style="list-style-type: none"> • Short courses • Workshops • Study tours abroad and within Nigeria 	<ul style="list-style-type: none"> • All technical and professional staff •
RUWATSSA (as envisaged after reforms)	<ul style="list-style-type: none"> a. Technical assistance to LGAs b. Mobilisation of resources for RWSS c. Promotion of private sector participation d. Prescription of standards and guidelines e. Sanitation delivery f. Back-up support/maintenance 	<ul style="list-style-type: none"> • Water supply and sanitation technologies • Planning • Project preparation • Procurement, Contract management • Community development • Communication • PPP arrangements • Computer literacy 	<ul style="list-style-type: none"> • Short courses • Workshops (local and foreign) • Study tours (local and foreign) 	<ul style="list-style-type: none"> • All technical and professional staff
CRSWBL	<ul style="list-style-type: none"> • Urban and small towns water supply • Provision of water supply to small towns (integrating water and sanitation) 	<ul style="list-style-type: none"> • Monitoring PPP arrangements • Utility regulation • Community development (in respect of small towns water supply) • Water resources management 	<ul style="list-style-type: none"> • Short courses • Workshops • In-house coaching and seminars 	<ul style="list-style-type: none"> • All technical and professional staff
LGA WES Department	<ul style="list-style-type: none"> • Provision of water and sanitation services at community level • Hygiene promotion and education 	<ul style="list-style-type: none"> • Water supply and sanitation technologies • Preparation of WSS Development Plans • Procurement and contract management • WSS mapping • Tariff design • Monitoring and evaluation • PPP arrangements 	<ul style="list-style-type: none"> • Short courses • Workshops • In-house coaching and seminars 	<ul style="list-style-type: none"> • All technical and professional staff • Political appointees and policy makers
CRS Regulatory Commission (proposed)	<ul style="list-style-type: none"> a. Standards and norms for Consumer service b. Tariff regulation c. Licensing d. Promotion of private sector partnerships 	<ul style="list-style-type: none"> • Regulatory economics • Tariff design • PPP arrangements • Pro-poor regulation • Social survey instruments • Water quality monitoring 	<ul style="list-style-type: none"> a. Courses in regulatory economics) b. Short courses on regulation, tariff design c. Study tours d. In-house training 	<ul style="list-style-type: none"> • Economist, Lawyer to be given post-graduate training • Commission members to take short courses

		<ul style="list-style-type: none"> • Report writing 		<ul style="list-style-type: none"> • Study tours for all
State Planning Commission	<ul style="list-style-type: none"> • Overall economic planning and project monitoring and evaluation 	<ul style="list-style-type: none"> • Preparation of WSS Development Plans • Monitoring and evaluation, impact assessment 	<ul style="list-style-type: none"> • Short courses • Workshops 	<ul style="list-style-type: none"> • Water and sanitation focal officers

9.4.2 Recommendations for Logistical Support

There is need for logistical support for accommodation, and furniture for RUWATSSA in particular. Assistance in terms of provision of plant and equipment will be needed by all the agencies involved in the WSS Sector, as follows:

- a. Providing funds to support the repair of rigs for RUWATSSA to enable it provide back-up support, undertake repair and maintenance and attend to emergency water supply interventions
- b. Providing at least two pick-up vehicles each to State Planning Commission, Dept of Water Resources and RUWATSSA will help make movement to areas of operations easier. State Planning Commission would then be able to carry out its duties of monitoring and evaluation of WSS Projects, and also supporting the LGAs to prepare Water and Sanitation Development Plans.
- c. Providing Computer Systems with all the components – printing machines, photocopiers, scanners etc will enhance performance by all the agencies.

A full list of needs submitted by some of the agencies is provided in Annex 4.

10 STATE CONSULTATIONS AND ACTION PLAN

10.1 State workshop on Assessment of Institutional Framework

A State Workshop was organised on 25th October 2007, in Calabar to present the work of the consultant and engage State stakeholders in developing institutional arrangements for the effective and sustainable delivery of water and sanitation in Cross River State. The workshop had the following objectives:

- a) Present the Water Supply and Sanitation Sector Reform Project (WSSSRP) goals, purpose and its logical framework;
- b) Present relevant provisions of the National Water Policy dealing with institutional arrangements; and
- c) Examine the current structure for the delivery of WSS in the State and identify strengths, gaps and consistency with national guidelines.

The expected outcomes of the workshop were:

- a) Identification of key issues to be addressed by institutional reform
- b) State ownership of resulting WSS institutional framework
- c) Identification of policy and strategy issues for State WSS policy
- d) Broad agreement on Draft Action Plan

The workshop was well-attended and achieved its objectives. A number of actions were identified by participants to be relevant to the reform process. These are captured in the Action list below. A report on the workshop appears as Annexe 10.

10.2 Action Plan

Annexe 10 presents the Action Plan following deliberations at the State workshop held on 25th October 2007. It sets out a number of activities and timelines for undertaking the recommended reforms and changes to the institutional framework. It is intended to guide the CRS Government and was largely developed by participants through Group and plenary work.

It is important to stress that reforms require an institutional leader; therefore, the identification and strengthening of the oversight role of a Ministry responsible for water resources is the first major step that should be undertaken.