

Water is life: The Anti-Privatisation Forum and the Struggle against Water Privatisation

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The people's mandate

In 1955, the African National Congress (ANC), alongside a wide range of liberation organisations and movements, adopted the Freedom Charter as a popular expression of the political and socio-economic desires of the majority of South Africans. One of the most important clauses in the Charter, which the present-day ANC government still claims as their guiding manifesto, states that, "the national wealth of our country, the heritage of all South Africans, shall be restored to the people." An integral part of that 'national wealth' is water, a natural resource that is essential to all life.

When the vast majority of South Africans gave political victory to the ANC in 1994, they were also giving the new ANC government the democratic power and political mandate to ensure that natural resources like water would be controlled by, and accessible to, all citizens irrespective of race or class. Besides the broad-based people's ownership of natural resources set out in the Freedom Charter, the RDP, on which the ANC rode to power in 1994, explicitly recognised water as a public good whose commodification would inherently discriminate against the majority poor.

This historic and popular mandate was then further enshrined in one of the most celebrated achievements of the liberation struggle - the Bill of Rights in South Africa's Constitution. The Bill of Rights provides that, "everyone has the right to have access to sufficient water". Likewise, as the International Covenant on Economic, Social and Cultural Rights (to which the South African government is signatory) acknowledges, "water is a public good fundamental for life and health ... the human right to water is indispensable for leading a life of human dignity, it is prerequisite for the realisation of other human rights". The majority of South Africans, made up of the poor (workers and unemployed), fought and died not just for political freedom from apartheid, but for socio-economic freedom and justice and for the redistribution and popular control and ownership of all 'national wealth'.

The privatisation u-turn of the ANC government

Despite this popular historical and contemporary mandate, the ANC government unilaterally decided to pursue a water policy that has produced the exact opposite. As early as 1994, the government introduced water policy in direct violation of the RDP commitment to lifeline supply. The policy guidelines gave water bureaucrats the authority to provide water only if there was a full cost recovery of operating, maintenance and replacement costs. The GEAR policy adopted in 1996 went even further and located the policies of water and other basic needs within a neo-liberal macro-economic policy framework that ensured water (and all basic needs/services) would be turned into market

commodities, to be bought and sold on the basis of private ownership and the profit motive.

As part of the GEAR framework, and following the neo-liberal economic advice of the World Bank, the International Monetary Fund and various Western governments, the South African government drastically decreased grants and subsidies to local municipalities and city councils and supported the development of financial instruments for privatised delivery. This effectively forced local government, with Johannesburg at the forefront, to turn towards commercialisation and privatisation of basic services as a means of generating the revenue no longer provided by the national state.

Many local government structures began to privatise public water utilities by entering into service and management 'partnerships' with multinational water corporations. In Johannesburg, the ANC-controlled City Council introduced IGOLI2002 in the late 1990s; a thoroughly neo-liberal 'developmental' plan in which public utilities were to answer to "commercial imperatives" - in other words, a privatisation plan. The introduction of IGOLI2002, not surprisingly, spurred resistance from activists and workers within all three components of the tripartite alliance - the ANC, SACP and COSATU.

Despite rhetoric to the contrary, and true to previous lack of mobilisation against GEAR, the leaderships of the alliance partners effectively endorsed IGOLI2002 and sought to politically and organisationally contain growing resistance. It was out of these struggles that the Anti-Privatisation Forum (APF) was formed, bringing together as it did, political activists and nascent community movements committed to the realisation of the historic mandate of the people for the decommodification of all basic needs.

One immediate result of IGOLI2002 was the establishment of a new corporate water utility, Johannesburg Water Company (JOWCO). While still maintaining formal public ownership of JOWCO, the ANC City Council outsourced the day-to-day management and running of JOWCO to notorious French water multinational, Suez Lyonnaise des Eaux through its Johannesburg Water Management (JOWAM) company. Water management and provision had been effectively privatised under the cover of institutional 'restructuring'. Almost as if on cue, JOWCO increased water tariffs, necessarily hitting poor communities in and around Johannesburg the hardest.

The first price hike instituted was an astronomical 55%. The price increases were only further catalysed by the need to 'recover' additional huge costs associated with the corruption-riddled, World Bank-funded Lesotho Highlands Water Project, designed mainly to provide new sources of water for the Johannesburg Metropolitan area. Similar privatisation programmes in both urban and peri-urban areas across South Africa soon followed IGOLI2002. As a result, water has ceased to be a public good that is accessible and affordable to all South Africans. Instead, water has become a market commodity to be bought and sold on a for-profit basis.

Water 'wars' and emerging resistance

Taking on board the World Bank's advice to introduce a "credible threat of cutting service", the Johannesburg City Council (alongside other municipal

structures) began cutting off those who could not pay the increased prices. In Johannesburg alone, nearly 100 000 people suffered from water and electricity cut-offs during the first half of 2002. Poor families all over South Africa have been cut-off from their water supplies - more than 10 million by the latest count. Additionally, over 2 million have been evicted from their homes, often as a part of the associated legal process to recover debt from poor 'customers'. Those poor communities without previous access to clean water have either suffered the same fate once infrastructure has been provided or have simply had to make do with sourcing water from polluted streams and far-away boreholes.

According to the most recently published national data (May 2002), more than 20,000 households per month have had their power and water cut, making nonsense of the claim by Water Affairs Minister Ronnie Kasrils that Johannesburg offers 100% of its residents their first 6,000 litres per household free each month. Contrary to government claims research by the Municipal Services Project shows that the 30% of Johannesburg's 3.2 million residents who live in informal shack settlements still suffer indignity and inadequate hygiene: 65% use communal standpipes and 20% receive small amounts from water tankers (the other 15% have outdoor yard taps). For sanitation, 52% have dug pit latrines themselves, 45% rely on chemical toilets, 2% have communal flush toilets and 1% use ablution blocks.

The collective impact of water privatisation on the majority of South Africans has been devastating. Inadequate hygiene and 'self-serve' sanitation systems have led to continuous exposure (especially for children) to various preventable diseases. There has been an increase in environmental pollution and degradation arising from uncontrolled effluent discharges and scarcity of water for food production. The human dignity of entire communities has been ripped apart, as the right to the most basic of human needs, water, has been turned into a restricted privilege.

The desperate search for any available source of water has resulted in cholera outbreaks that have claimed the lives of hundreds. That is exactly what happened in Kwa-Zulu Natal in 2001 when over 200 people died of cholera after having been forced to drink water from polluted streams due to Umgeni Water Board charging the poor residents of Ngwelezane for water provision. Similarly, not long after Suez Lyonnaise took the reigns of JOWCO, an outbreak of cholera in the township of Alexandra affected thousands of poor families and it was only after the national government was forced to step in as a result of community mobilisation and struggle that the epidemic was brought under control.

In much of the country, it is Suez Lyonnaise that has been at the forefront of the water 'wars'. In September 2002, Suez's subsidiary in South Africa, Water and Sanitation Services South Africa (WSSSA), arrested 30 striking workers at one of their plants as well as an Italian filmmaker filming a legal strike over working conditions and wages. In the Eastern Cape municipality of Nkonkobe (covering the towns of Alice, Fort Beaufort, Middledrift and Seymour), the High Court nullified a ten-year water privatisation contract between WSSSA and the municipality after mobilisation by the SA Municipal Workers' Union and local communities.

In Johannesburg, despite formal access requests (through the Promotion of Access to Information Act) by Wits graduate student Ebrahim Harvey - with the support of the Freedom of Expression Institute - JOWCO and Suez's JOWAM have continued to deny access to basic information and data on their pre-paid meter pilot project in the community of Orange Farm as well as the firm's original bid for the Johannesburg water contract, on grounds of client and commercial confidentiality. The case is presently headed for the court system. Similarly, public requests by the residents of Phiri in Soweto (supported by the APF affiliate - the Soweto Electricity Crisis Committee) for the release of information on the Water Services Development Plan for Soweto have been completely ignored.

Meanwhile, the latest tariff rates for 2003-2004 released by JOWCO, show that low-end users (i.e., poor communities) face a 30% tariff increase versus a 10% increase for high-end users (i.e., rich communities and corporations). While JOWCO/JOWAM intend spending R14 million constructing 6,500 latrines over the next three years, they are doing so through the implementation of a shallow sewage system because maintenance costs are transferred onto poor communities - where a very small water flush and slight gravity mean that the pipes must be manually unclogged (mostly by resident woman) at least every three months.

Throughout the water privatisation process, the APF (alongside other social movements in South Africa) has mobilised and organised poor communities in resistance. Educational and legal initiatives have been combined with regular mass struggle and have been aimed at empowering ordinary South Africans to reclaim their human and constitutional right to water as a public good. Several poor communities across Johannesburg, with the active assistance of the APF, have launched Operation Vulamanzi ('water for all'), in which the 'control' measures of JOWCO/JOWAM (such as trickler systems, re-routed water piping and more recently, pre-paid meters) have been by-passed by community residents in order to gain access to water supplies.

True to their previous contempt for public water provision and for the constitutional rights of the poor in South Africa, ANC politicians have publicly labelled community residents resisting water (and electricity) privatisation, 'criminals' and 'anarchists' who are trying to institutionalise a 'culture of non-payment'. This has been accompanied by a larger-scale crackdown on community dissent and resistance to privatisation of basic services, culminating in the arrests and imprisonment of hundreds of activists and community members before, during and after the World Summit on Sustainable Development that was held in Johannesburg in August 2002.

None of this has prevented continued resistance by poor communities but similarly; the resistance has not prevented the ANC government, alongside the privatised water entities, from continuing their onslaught. Community initiatives to by-pass the pre-paid meter system (see next section on Phiri), and thus regain degrees of community control, have been especially effective. While these struggles have not yet succeeded in reversing the privatisation process, popular pressure has forced the ANC government to implement a partial free water policy. However, the scheme's free allocation of 6000 litres of water per household per month comes nowhere close to meeting even the basic sanitation requirements of the average poor household (8-10 members) in South Africa. Indeed, households are charged more for every

additional drop they use, in order to recoup the income foregone due to the first 6000 litres provided. Moreover, millions of the poorest South Africans do not have access to water services and thus receive no allocation of free water.

The struggle against pre-paid water meters in Johannesburg

As if all this were not enough, the last two years has seen the widespread introduction of pre-paid metres as another means to effect 'cost recovery' and limit the already minimal availability and access to water for the poor. Indeed, intensified community resistance to both electricity and water privatisation have effectively forced both ANC politicians and the corporate water barons to turn to pre-paid technology in a desperate attempt to keep the basic needs privatisation bandwagon rolling. Alongside the roll out of pre-paid electricity meters in Soweto and various other communities across South Africa, which has seen community organisations embarking on self reconnection tactics, several pre-paid water meter pilot projects are also being implemented.

During 2002, JOWCO/JOWAM began an experimental installation of pre-paid water meters in a section of the sprawling settlement of Orange Farm (south of Johannesburg), in an attempt to 'test' the responses of poor communities to the introduction of this 'self-disconnection' water technology (under the guise of self-ownership and management of water consumption). Water Affairs Minister Kasrils, who cancelled his planned visit to Orange Farm to launch the project due to community opposition, has called pre-paid water meters, "an example of how South Africa is harnessing home grown technology for development", even though they were declared illegal in Britain after public health problems and an outcry from poor communities during the late 1990s. The Orange Farm community - led by the APF affiliate, the Orange Farm Water Crisis Committee (OFWCC) - has responded with active resistance (as part of Operation Vulamanzi) by destroying the meters. The OFWCC has also targeted local ANC councillors for their lack of consultation and transparency and have paid a high price - in February this year outspoken OFWCC activist, Emily Nengolo, was murdered in her shack by unidentified assailants (no one has yet been arrested).

Obviously not satisfied with the community response in Orange Farm, JOWCO/JOWAM have now turned their energies towards implementing a R350 million, 5-year programme - Operation Gcin'amanzi' ('conserve water') - that seeks to install pre-paid water meters as well as 'shallow' sanitation infrastructure in the communities of Soweto and Alexandra. The first pilot project of Operation Gcin'amanzi began in the community of Phiri (in Soweto) several weeks ago, accompanied by a huge public relations campaign designed to propagate the 'benefits' of pre-paid water metres, especially for the poor, despite the fact that JOWCO's own executive summary of Operation Gcin'amanzi explicitly states that, "prepayment can be considered to be a water demand management tool ... success should largely be measured against reduction in water demand".

The Phiri community (supported by the APF and its affiliate, the Soweto Electricity Crisis Committee - SECC) has responded with active resistance and a clear rejection of the process and content of the pre-paid system. They were quick to point out that the installation of pre-paid water meters was

never discussed with community residents but rather simply acceded to by ANC councillors and some SANCO leaders without any mandate from the very community designed to supposedly benefit from the project. Likewise, Phiri residents were made aware by the APF that, according to the Water Services Act, communities must be consulted if there are to be any changes in how their water is to be managed and delivered.

Initial attempts by JOWCO to set up shop in Phiri failed because community residents destroyed the mobile office container and filled-in pre-paid pipe trenches that had been dug. Instead of listening to the very community it claims to be helping, JOWCO (supported fully by the ANC City Council) brought in the South African Police Services and the hated 'Red Ants' of Wozani Security to crack down on community opposition. Already, 13 community residents have been arrested on charges of 'malicious damage to property' and are now being subjected to apartheid-era bail conditions that include a ban on attending/ participating in, any meeting or gathering dealing with Operation Gcin'amanzi. In a large march to the Johannesburg City Council offices in Soweto, residents (alongside APF/SECC activists) made several key demands: the immediate halt to Operation Gcin'amanzi and the installation of pre-paid water meters in Phiri; an end to the criminalization of dissent against Operation Gcin'amanzi; the public availability of the Water Services Development Plan for Soweto; the resignation of the local ANC councillor; and, a reversal of ANC government privatisation policy.

JOWCO has been granted a constitutionally dubious interdict by the High Court to prevent community residents and members of the SECC and APF from resisting the privatisation of water. The interdict bans any 'interference' with Operation Gcin'amanzi' and bans the community, the SECC and the APF from coming within 50 metres of any physical work of the project. The interdict also authorises the "sheriff of the court to engage the services of a private security company to "assist" in arrests - a blatantly illegal act of privatising law enforcement.

In a cynical attempt to rationalise such obviously unconstitutional and anti-democratic actions, JOWCO's Executive Director, Anthony Still, has claimed in an affidavit before the High Court that the community of Phiri, alongside the SECC and APF, are "preventing Johannesburg Water from fulfilling its constitutionally-sanctioned mandate to provide safe and clean water". Still rationalises such outrageous privatisation of public authority by claiming that it "will give JOWCO far more flexibility in responding to any threats to its project". Even though Still and JOWCO admit that they have no legal way of identifying those "interfering", and even though the interdict papers have not been properly served on either the SECC or the APF, all those community and SECC/APF members who oppose Operation Gcin'amanzi have now been effectively prevented from exercising their right to freedom of expression and dissent.

Regardless, the community in Phiri continues to resist. After a series of mass meetings in early September, Phiri residents organised a march to the Soweto offices of the Johannesburg City Council. The march (on 20th September) was officially banned by the police, but to no avail. It attracted over 1000 people and succeeded in creating intensified awareness and support for the continuing struggle against Operation Gcin'amanzi and the overall fight against privatisation of basic needs/services. Those arrested for

active resistance have appeared in court (some after having spent two weeks in jail) and, despite the outrageous attempts of the public prosecutor to deny bail on the grounds that the 'water warriors' were a direct threat to "public security and order", the APF's legal defence team succeeded in getting bail. In an indication of the state's zealotry in trying to contain the struggle, the bail amounts were all over R1000 each and the bail conditions include a ban on coming within 500m of the Council offices and the operations of Johannesburg Water as well as a ban on attending/addressing any meeting having to do with Operation Gcin'amanzi. The next court appearance is scheduled for early October and the public prosecutor has indicated that he will be seeking maximum sentences.

Spurred by the ongoing struggles in Phiri, a coalition against water privatisation (consisting of social movements and progressive NGOs from around the country) has emerged. It is providing mobilising support for the Phiri community and laying the groundwork for a legal challenge to the JOWCO interdict as well as a longer-term legal challenge to the constitutionality of all pre-paid meters. In addition, the foundations of a legal defence fund for South African social movements is being prepared as well as a series of formal requests (through the Promotion of Access to Information Act) for information from JOWCO/JOWAM in relation to their pre-paid operations/programme and sanitation programmes.

A Luta Continua

Just as in Cochabamba, just as in Buenos Aires, just as in Auckland, just as in Chicago, just as in so many other cities and communities throughout the globe, the privatisation of water is at the forefront of the capitalist neo-liberal attack on basic human dignity and the public provision of essential services. It is poor communities who are most affected and who are thus at the parallel forefront of resistance. If JOWCO, JOWAM and the ANC politicians succeed in their pre-paid water programme in the symbolic 'heartland' of Soweto, then they will no doubt, soon extend the programme throughout South Africa and push for the same in the Southern Africa region in short time.

The ongoing struggles in Phiri are but part of a much larger struggle that is taking place in many poor urban and rural communities across South Africa against the neo-liberal policies of the ANC government - over water, land, education, healthcare, electricity and housing. The repression and arrogance being meted out by the ANC government and the privatised 'service providers' have not, and will not, halt that struggle. As one APF activist in Orange Farm recently stated in relation to ongoing struggles against the pre-paid system: "The government promised us that water is a basic right, but now they are telling us our rights are for sale ... destroy the meters and enjoy the water."

Water is a natural resource that, by its very nature, must be collectively owned and enjoyed. Privatisation, by its very nature, turns water into a commodity, owned by corporate monopolies and enjoyed only on an individualised basis. The collective resistance of the poor is not ephemeral - it is both necessary and never-ending for as long as the barbarism of capitalism exists. The poor majority in South Africa will move, once again,

to the forefront in reclaiming their human rights and dignity. Water is life and life can never be a privilege.

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