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WEST AFRICA MUNICIPAL WATER, SANITATION AND HYGIENE PROJECT / TETRA TECH

MUNIWASH MUNICIPAL WATER, SANITATION, AND HYGIENE ACTIVITY

ROLE OF MUNICIPALITIES IN THE PROVISION OF WATER AND SANITATION SERVICES IN BENIN

Background

Decentralization in Benin. In February 1990, the *Conférence de Forces Vives de la Nation* defined the Government of Benin's plan to grant communes more legal and financial autonomy. The Beninese government outlined a vision that "Benin is organized into autonomous spaces, called communes, intended as public spaces of freedom, as initiatives, as an exercise of citizens' rights and participation offered to the different actors and development partners."

By 2003, the application of these laws resulted in the first communal elections and established municipal councils.

A 2015 assessment revealed progress in Benin's decentralization process, including the existence of laws covering the organization of local elections, effective service delivery to citizens through town halls, training activities for elected officials and commune staff by the *Centre de Formation pour l'Administration Locale* (CeFAL), and the civil service. In addition, the Government of Benin and international donor partners increased the *Fonds d'Appui au Développement des Communes* (FADeC), which reflects the importance of this instrument for financing development at the commune level.

The assessment also identified constraints, including poor governance, weak managerial capacity of municipal officials, low civilian participation, illiteracy, lack of understanding of the challenges and issues of decentralization, insufficient financial resources and financial transfers from the central government, absence of grassroots advocacy and lobbying, and the lack of economic prospects in municipal actions.

To address these constraints, the Beninese government is working to promote local civic awareness, financial governance, and the continuation and refinement of the implementation of the National Decentralization Policy, FADeC, and the Municipal Development Plan.

THE WATER AND SANITATION SECTOR IN BENIN

The Drinking Water Supply Subsector

An examination of the availability and use of drinking water at the national shows overall improvement, but potable water access is still far from 100 percent coverage in Benin. The proportion of the population using an improved water source increased from 50 percent in 1990 to 67.8 percent in 2018 according to the *Enquête Démographique et de Santé* (EDSB5, 2018). This progress, although significant, falls short of the target of 100 percent full coverage and hides many disparities between rural and urban areas.

Several difficulties prevented the achievement of full drinking water coverage:

- Low capacity to absorb resources for the implementation of programs and projects;
- Insufficient human resources;
- Low availability of technologies adapted to difficult hydrogeological zones during the operationalization of policies and strategies and the design and implementation of sectoral programs; and
- Insufficient drinking water production capacity in special status cities i.e. the three major urban areas of Cotonou, Parakou and Porto Novo.¹

To continue increasing household access to improved drinking water sources, the Government of Benin must work to achieve the following:

- Reduce disparities in access for low-income populations, especially in rural areas;

¹ In Benin, according to Act No. 98-005 of 15 January 1999 on the organization of communes with special status, article 1 states that large urban agglomerations have special status. Article 2, the special status may be granted to communes that meet the following three cumulative criteria:

1. have a population of at least one hundred thousand (100,000) inhabitants
2. extend continuously for a distance of at least ten (10) km;
3. have sufficient budgetary resources to meet operating and capital expenditure.

- Satisfy demand for drinking water in small population centers or in areas with high population density;
 - Promote participation of women in the management of water and sanitation infrastructures (in the context of delegating the management of water and sanitation infrastructures to private operators); and
 - Improve financing of the subsector in the context of dwindling resources.
- Low capacity to absorb resources for implementing programs/projects and conducting monitoring and evaluation;
 - Lack of skilled human resources;
 - Disparities in access between rural and urban areas; and Lack of funding for basic hygiene and sanitation.

DECENTRALIZATION AND THE WATER SECTOR IN BENIN

The Hygiene and Sanitation Subsector

From 2001 to 2017-2018, following the EDSB5 report, the proportion of households using improved, unshared sanitation facilities increased significantly (3 per cent in 2001, 6 per cent in 2006 and 13 per cent in 2017-2018). There is a great disparity between rural and urban areas, both at departmental and municipal level. According to EDSB5 data, 34.8 per cent of households in urban areas do not have latrines or toilets, compared with 70.2 per cent in rural areas. The Littoral department (Cotonou) has the lowest proportion of households without latrines (9.5%), while the highest rates are observed in Atacora (78.4%), Alibori (78.2%) and Collines (78%) according to data from the latest Population and Housing Census (RGPH4, 2013).

There are several challenges to reaching full sanitation and hygiene coverage:

As part of its decentralization policy, the Beninese government has started the process of transferring power to municipalities. According to articles 90 and 93 of law 97-029 of January 19, 1999, which relates to the organization of municipalities in the

Republic of Benin, the municipality is responsible for the construction of hydraulic infrastructure and the supply and distribution of drinking water. According to the terms of the law, local authorities must acquire all the skills to fully exercise the contracting authority in the supply and distribution of drinking water within their territory. The decentralization process in Benin provides a way to improve management and access to drinking water supply services by fostering a sense of ownership with direct participation of the users at commune level. Focusing on the local level is considered vital to the success of development policies and the fight against poverty.

ORGANIZING THE PROVISION OF WATER AND SANITATION SERVICES

SECTOR	THE INSTITUTIONAL ENVIRONMENT	LEGISLATIVE AND REGULATORY FRAMEWORK
Water	The water sector is overseen by the Ministry of Energy and Water. The main players in the public water service are the General Directorate of Water and its various departments, the decentralized water supply services at the departmental level in rural areas, the <i>Société Nationale des Eaux du Bénin</i> (SONEB) for the supply of water in the large urban centers, and municipalities (for water sector-related project management). SONEB is also responsible for the treatment and disposal of wastewater in urban areas.	The legislative and regulatory framework for the water sector is characterized at the national level by laws and decrees on decentralization, the water code, the framework law on the environment and forest management, fishing rights, and town planning laws. At the international level, it is characterized by ratified conventions and agreements.
Sanitation	The hygiene and sanitation sector is overseen by the Ministry of Health, while municipalities have contracting authority over sanitation projects and the private sector provides services to consumers. Civil society organizations defend the interests of public beneficiaries.	Attached to the Ministry of Health, the sanitation subsector is regulated by: <ul style="list-style-type: none"> • The national strategy for the promotion of basic hygiene and sanitation in urban and semi-urban areas (2018-2030); • The national strategy for urban wastewater treatment (2008-2015); • The national strategy for monitoring the quality of drinking water; • The national hygiene and sanitation policy; The public health code.

ANALYSIS OF THE POSITIONING OF URBAN COMMUNES

FAVORING FACTORS	LIMITING FACTORS	POSSIBLE LEVERS
<ul style="list-style-type: none"> • Municipalities' knowledge of the various policy and strategy documents in the field of water and sanitation; • Availability of technical and financial partners (international donors) to support municipalities; • Existence of a public procurement unit. 	<ul style="list-style-type: none"> • Low human resources capacity; • Delays in the provision of funds to the municipalities by the central state; • Insufficient advisory assistance from decentralized state services; • Weaknesses in the implementation of procurement procedures; • Low recovery of fees; • Weak capacity of the private sector, civil society, and NGOs to participate in the implementation of the Communal Hygiene and Sanitation Plan. 	<ul style="list-style-type: none"> • Train human resources in the communes; • Support the municipalities in updating programming documents; • Inform the municipalities in a timely fashion about transfers of funds from the central government; • Strengthen ties of collaboration between the decentralized state services and municipalities; • Support municipalities in the sharing of results with the population; Inform municipalities of possible financing mechanisms and support them in obtaining them.

CONCLUSION

Benin has pursued decentralization from the national level to the municipal level since 2003. In this context, municipalities have contracting authority for their own water, hygiene, and sanitation services, within corresponding regulatory and institutional frameworks. However, further analysis reveals weaknesses related to capacity, human resources, and financing that prevented the municipalities from fulfilling these functions.

LESSONS LEARNED

With regard to the institutional environment, it should be noted that an integrated action plan to strengthen the institutional and organizational capacities of organizations operating in the water and sanitation sector is an important lever for achieving the objectives of the water and sanitation strategy. Private-public partnerships are necessary for increased investment in the water, hygiene, and sanitation subsector. Additionally, regulation, monitoring of the public water service and advisory assistance require proximity on the ground between decentralized services and municipalities. Consequently, the strengthening of access to financial resources among these decentralized water services will enable them to fully assume the functions of advisory assistance to municipalities.

Regarding the legislative and regulatory framework, it should be noted that the legal underpinnings and water and sanitation policy documents need to be updated to consider the changing context. It is necessary that these policies are popularized and that municipalities reinforce their content to facilitate implementation.

Through municipal leadership, promoting cooperation between communes makes it possible to pool technical, material, and human resources to resolve problems that go beyond the administrative limits of a single municipality. There is also a need to improve intersectoral coordination to increase service effectiveness and increase good governance of the water sector. Furthermore, pooling municipal and national monitoring resources is an absolute necessity to promote transparency in the subsector. Lastly, the organization of accountability sessions for beneficiary populations can help reinforce public support and contribution to achieving the objectives of the water and sanitation strategy.

URBAN UNIVERSAL ACCESS

For universal access in urban areas, it will be necessary to focus on:

- Reinforcing drinking water systems in urban and peri-urban areas;
- Strengthening information and monitoring and evaluation systems;
- Building project management capacity among municipalities and their key partners.

POSSIBLE NEXT STEPS

Possible avenues for future exploration include:

- The procedures for ensuring the effective exercise of municipal project management in the water and sanitation sector;
- Sustainable financing of the sector for achieving the Sustainable Development Goals;
- Involving the private sector in financing water sector projects. In this regard, it is vital to revisit the law on public-private partnership and their implementation methods by municipalities;
- Scaling up of hygiene and sanitation promotion strategies by 2025 and the cessation of open defecation and universal access to improved works by 2030.

References

- National Statistical Commission, Demographic and Health Survey V, Benin, 2017-2018
- National Statistical Commission, Population and Housing Census in Benin (RGPH4, 2013).
- Law 97-029 of 19 January 1999, relating to the organization of communes in the Republic of Benin,
- Law 98-005 of January 15, 1999 on the organization of municipalities with special status
- Website <https://sgg.gouv.bj/doc/loi-98-005/>

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