Basin Dialogue on Water Management: The Institutional Context in South Africa

By:
Karar Eiman
BASIN DIALOGUE ON WATER MANAGEMENT: THE INSTITUTIONAL CONTEXT IN SOUTH AFRICA

Karar Eiman

Introduction

In global terms, South Africa’s water resources are scarce and very limited with an average rainfall of about 450 mm per year. Streams flow at relatively low levels most of the time and have high seasonal, inter-seasonal and spatial variability. Although groundwater plays a pivotal role especially in small-scale rural water supplies, the country is generally underlain by hard rock formations with no major groundwater aquifers that could be utilised at larger scales.

South Africa has a total area of 1,219 million square kilometres inhabited by 40.5 million people, of which 89.1% are from the designated groups (African/blacks, Coloureds and Indians). Living standards are closely correlated with race. While poverty is not confined to any one racial group, it is concentrated among the designated groups, particularly Africans. According to the 1999 Household survey, 52% people are poor. Africans/blacks make up 78% of the population and they account for 95% of the poor. 17% of the Coloureds are poor, in comparison with rates of less than 5% among Indians and Whites. 74% of the poor live in rural areas and 62% of the rural population are poor. Eight million South Africans still do not have access to safe drinking water, about 40% of households are poor, and some 25% of ‘African’ South African adults are illiterate. The poor live in the old Homelands- Bophutatswana (North West), Ciskei and Transkei (Eastern Cape), KwaZulu Natal, Lebowa and Venda (Limpopo) Provinces.

South African Vision for Water Resources Management

The South African Vision for managing its water resources is presented below from Chapter 1 of the National Water: Act (NWA) of 1998: the purpose of the Act which is to ensure that the nation’s water resources are protected, used, developed, conserved, managed and controlled in ways which take into account amongst other factors;

(a) Meeting the basic human needs of present and future generations;
(b) Promoting equitable access to water;
(c) Redressing the results of past racial and gender discrimination;
(d) Promoting the efficient, sustainable and beneficial use of water in the public interest;
(e) Facilitating social and economic development;

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2 Poor means a household income is less than R800 per month (Woolard, I., 2002. An overview of poverty and inequality in South Africa. Report prepared for DFID (SA). iwoolard@africa.com
Providing for growing demand for water use;
Protecting aquatic and associated ecosystems and their biological diversity;
Reducing and preventing pollution and degradation of water resources;
Meeting international obligations;
Promoting dam safety;
Managing floods and droughts’

And for achieving this purpose, to establish suitable institutions and to ensure that they have appropriate community, racial and gender representation.

**Legislation governing the management of water resources**

Government policies since 1994 have focused strongly on realizing the aforementioned vision for water resources management. Several new legislations have been enacted replacing the prevailing inappropriate ones. Many new sets of rules, regulations, and guidelines have been formalized to support those policies, and eventually the vision, and the process is continued.

The NWA is the founding stone and was introduced in response to the new direction of government policy, as part of a general review, revision and replacement of inappropriate existing legislations. Implementation of its provisions will fundamentally change the ways in which South Africa’s water resources are managed.

Firmly grounded in the provisions of the Bill of Rights of the Constitution of South Africa, 1996 (No.108 of 1996), two of the principal objectives of the NWA are to:
- Achieve equitable access to water; equity of access to: water services, to the use of water resources and to benefits arising from the use of water.
- Achieve sustainable use of water; by making progressive adjustments to water use in order to strike a balance between legitimate water requirements and water availability and by implementing measures to protect water resources.

Other important objectives of the Act are to:
- Ensure that water use is as efficient as possible, by implementing equitable pricing strategies and by applying water conservation and demand management measures.
- Create suitable regional and local institutions with appropriate community, racial and gender resource management to them.
- Establish systems for the collection and dissemination of water-related data and information.
- Ensure public safety in water matters.

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5 The Constitution of South Africa, as adopted on 8 May 1996, is lauded as being among the finest in the world. Chapter 2 of the Constitution is the Bill of Rights, which is regarded as the “cornerstone of democracy” in South Africa, which enshrines the rights of all the people of the country and affirms the democratic values of human dignity, equality and freedom.
Chapter 3 of the South African Constitution also defines the role and principles of cooperative government where cooperation and the fostering of supportive and informative decision are highlighted.

Along the same line, a National Water Resources Strategy (NWRS) recently has been put forward for public discussion prior to its nationwide adoption.

**Institutions for the management of water resources**

The NWAs is the main legal instrument that ensures dialogues between the different stakeholders. As reviewed above, the Act also encompasses the principle of subsidiarity in the water resources management. Under the principle of subsidiarity, water resources management is to be devolved to the lowest appropriate level.

The success of the Act heavily depends upon the dialogue both amongst the stakeholders horizontally and at different vertical levels i.e. at different scales of hydrological boundaries. Generally abiding by the hydrological boundaries, the country has been delineated in 19 Water Management Areas (WMAs). Numerous new institutions are being established, ranging from creation of several organisations at different levels to necessary and complementing rules and regulations. A schematic representation of the institutional linkages is depicted below.

![Diagram](image)

**Figure 1. Primary institutional relationships between various water sector institutions**

The challenging institutional reform implementation as per NWA necessitated, on the one hand, the development of various policy clarifications, guidelines and regulations that are at progressive stages of development. On the other, the actual implementation with regards to institutional development is progressing at different rates; The CMA

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6 RO=DWAF Regional Office; CMA=Catchment Management Agency; CMC=Catchment Management Committee; WUA=Water User Association; WSA=Water Services Authority; WSP=Water Services Provider. Source: Mazibuko, G and Pegram, G (2002).
establishment have been slow to date. The Inkomati CMA is currently gazetted for wider comment and is envisaged to be formally established by the beginning of 2003. One other formal submission has been received for the Breede CMA in the Western Cape whose establishment should be finalised by the end of 2003. Other runner-ups are the Mvoti to Mzimkhulu in the KwaZulu Natal Province and the Crocodile (west) and Marico CMA in Gauteng Province which are expected for establishment by 2003 and 2004, respectively.

The transformation of irrigation boards into water user associations (WUA) has progressed very slowly. This is because initial policy guidelines had to be developed to guide the process. As it stands, 43 irrigation boards have been transformed into 20 WUAs while one irrigation board has been disestablished. This is because some of them have decided to merge. Three water boards have been transformed into water user associations too.

Several challenges surround the transformation of irrigation boards into water user associations mainly information sharing and awareness creation of defined beneficiaries from marginalised individuals, limited access to productive water by the same target group, etc. Better coordination has been achieved between several government departments; Agriculture, Water Affairs, Land Affairs and Public Works for the revitilisation of the Old Homeland Schemes. The target for the Limpopo Province is the revitilisation and transfer of ownership of 150 schemes in the coming four years.

Tools for Dialogue:
The Strategic Environmental Assessment (SEA) is a tool currently being finalised by the Department to act as a decision support system for CMAs mainly when dealing with all water uses and related land uses within discrete catchments. Its role is to ensure that:

- complex hydrological data and models are simplified and interpreted in a form which is readily understood by ordinary people,
- background information is gathered and interpreted through easily understood maps and plans
- opportunities and constraints in making better use of land and water are clearly identified,

7 The Act (NWA section 28) stipulates the essential requirements of water use licences. A licence must specify the person to which it is issued and the property or area in respect of which it is issued. No mention is made of the land owner. The intention is that the licence will be issued to the water user, and that this same person will become the member of the Water User Association. The condition of title deed for membership of Irrigation Boards under the previous Water Act has been removed, because it excluded historically disadvantaged individuals from membership. In communal areas this holds important potential for gender inclusivity in WUA membership, since the productive water users are predominantly women, while a focus on PTO certificates are likely to result in a predominantly male membership. In commercial areas it opens up membership to all sectors affected by WUA activities.
• public awareness of choices is increased, and local people are encouraged to take an interest in the possibilities for long term water use in their own area (i.e. catchment),

There has been a moratorium on further afforestation in the Mhlathuze catchment for a number of years. The SEA database allows stakeholders and decision-makers together to evaluate the validity of this moratorium, and whether it should not perhaps (for example) be differentially applied above and below the catchment of the Goedertrouw Dam. A decision based purely on water availability might start by saying that no further water users are desirable, forestry is a water user, and therefore forestry is not desirable. This has been the logic to date. Despite this fact, other water users have been allowed to draw on the resource (new irrigation developments and added industrial consumption). SEA encourages the decision-maker to consider which of all potential water users (including forestry) offers the most beneficial use of that water. This may prove to be forestry. It may equally well show that forestry expansion is not desirable. The SEA in the Mhlathuze has indicated the extent of the development need in the tribal (communal) lands, and the limited water currently put to use there. In the Mhlathuze the SEA does not necessarily encourage more large-scale forestry developments, but re-opens the options and suggests that community out-grower schemes, in areas where other development opportunities are less apparent, may be one important development option. The SEA also gives some indication of the economic benefits or dis-benefits, and comparative job opportunities. Decision-makers will also be able to weigh up transport infrastructure and processing facilities, and opportunities, from the spatial database– and ultimately decide whether this is a desirable path to follow, or not. Most of all what the SEA provides is the framework for debate.

• the costs and benefits of taking particular courses of action are clearly articulated, and the information is presented using a simple negotiation and decision support framework,

• decision-makers are presented with both the basic information, and the expression of public opinion on key issues before they take decisions affecting future water use,

• all decisions are transparent and the underlying reasons are published

• the effectiveness of decisions on water use can be monitored over time, and corrective measures can be introduced where necessary to avoid social, economic or environmental damage.

The SEA as a negotiating tool can be used by CMAs that will comprise a varied membership, some of whom will have little water management experience. Decisions will ideally be made on the basis of consensus of members of the CMA, and more ideally with the understanding and agreement of the majority of catchment stakeholders. The SEA should serve to inform these stakeholders, and ensure that they are in a position both to negotiate in an informed way with the decision-maker, and ultimately to see that the best decision is made. Stakeholders become useful negotiators. and also serve as one of the primary ‘checks and balances’ on the decision-making function of the CMA. Experience in running a Pilot SEA for the Mhlathuze catchment suggests that SEAs for water use in individual catchments typically require between 6 months and a year to complete the initial phase. The basic cost of an SEA covering an individual catchment is in the vicinity of one million Rands.\[^8\]

\[^8\] $1 roughly equals R10.
WATER DIALOGUE

The aim of dialogue on water is steered by mutual benefit or the quest for achieving mutual benefit. This can be between users or beneficiaries or between food production, water use and environmental sustainability.

In the South African context and within the water arena, dialogue is aimed to achieve the following:

- Equitable access to water resources,
- Reconciliation between supply and demand where all involved come out as winners,
- Balance between social and economic development, resource sustainability and international obligations,
- Reflect the true economic value of water.

Parties involved in a specific dialogue are dependent on the scale at which discussions are held. At the national level, the general requirement is transparent and accountable public administration in all spheres of government. The NWA requires the Minister to ensure that all aspects of water resource management, which will affect users and the public, are drawn up with their involvement. This is done through the gazetting of a National Water Resources Strategy (NWRS) as a legally binding document where all interested and affected parties are provided an opportunity to have input. As custodians of the national water resources, the Minister has the responsibility to define how the resources will be managed for the national benefit in consultation with the stakeholders.

At a Water Management Area (WMA) level, of which there are 19, Catchment Management Agencies (CMAs) are responsible for managing, using, conserving, protecting, controlling and developing water resources in each of the WMAs. Their role is to ensure the equitable access to water resources to all stakeholders especially the historically disadvantaged individuals while maintaining efficiency and sustainability of the resources.

A governing board representative of all the sectoral interests will lead each CMA. The Minister appoints the board after receiving nominations from an Advisory Committee specifically set up for that purpose.

Typical issues that could be handled by this level could include, amongst others according to Chapter 7 of the NWA;

1. development of a Catchment Management Strategy (CMS) which defines the how, where, when, by who, for whom and the how much of resources can be managed, used, developed, protected, conserved and controlled.
2. water allocation principles to existing and prospective users.
3. coordination of related activities of water users and other relevant institutions.
4. promotion of community participation in protecting, using, developing conserving, managing and controlling water resources.
5. promotion of coordination of its activities with the relevant water services authorities responsible for water services and sanitation delivery targets.
7. the principles for determining the reserve (basic human needs, environmental and international requirements).

A number of factors determine the success of the dialogue engaged in at this level where most of the water resource management decisions are made, such as:

1. identifying the appropriate mechanisms and structures for sharing information and reaching people on the ground within resources limitations. The spin offs could be:
   - Adequate participation
   - Equally empowered stakeholders co-managing resources
   - Powerful watch-dog/whistle blower role played by stakeholders/civil society organisations
   - Ensured adequate services delivered by Water Management Institutions.
2. Identifying the current lowest appropriate level of management while promoting the slogan “devolve as it evolves”
3. Fostering cooperative governance where good working relationship is developed for the benefit of the people.
4. Well defined performance criteria for achieving pro-poor service delivery
5. Effecting the right composition and balance of the governing board to represent all sectoral interests, including the environment and especially the historically disadvantaged groups, racial and gender demographics in their respective areas.
6. Adequate monitoring and evaluation of their performance by an impartial body, the state, to ensure fair dialogues and the creation of adequate performance criteria. The role of the referee is essential in the South African context because of the vast disparities between the different user sectors in terms of power. The mechanism used to play this role is through the submission of an annual and a 3-year strategic plans as well as an annual report of achievements. Although the accountability of these board members should lie first and foremost to their constituencies, the current social and economic environment does not allow for a fair play.

At a catchment level, there are two legal organisations that would provide the platforms for stakeholders to discuss issues of mutual interest at a more localised level. This is the level where many lessons have been learnt from implementation unlike at the WMA level where no CMAs are established yet.

Catchment Management Committees (CMC) are advisory in nature and can be set up as and when needed by the CMA to advise on defined issues. The CMA might delegate some of its functions to CMC. They also play a vital role in acting as conduits of issues
of common concern from within the respective catchments. They could act as coordinating structures for a number of WUAs. Dialogue at this level would be between catchment based user groups through their elected representatives in the management committee.

Typical issues would be those entailed in the CMS such as setting up water quality objectives for water resources to define the balance between the development aspired for in the area and the subsequent environmental tradeoffs that need to be made. Identifying and prioritising water resources related issues that need to be addressed by the CMA would be another aspect.

The commitment of the stakeholders for sustained involvement at this scale is proportionate to the level of interest in water resources from the protection, use, control, management, development, and conservation perspectives.

At this catchment scale, the challenge would be to ensure that the playing fields are levelled to minimise the dominance of the stakeholders with strong vested interests. This responsibility would mainly reside with the CMA, which has to demonstrate that adequate efforts have been exerted to build the needed capacity in marginalized groups especially women to relate to water resources management issues eventually contributing to the betterment of their lives.

One of the lessons learnt in stakeholder involvement at a basin level is that financial compensation as incentive for continued participation works only as long as the incentive is given. However, this procedure is not perceived as being sustainable without internalisation of the issues discussed. A longer term and probably less resource intensive approach for sustained participation can be achieved through;

- Information sharing using suitable media and in the relevant language at an appropriate level,
- Identifying and mapping out overlapping needs and aspirations,
- Conducting catchment tours, and
- Developing a catchment vision using participatory methodologies.

At a Water user Association (WUA) level, which is mostly of an agricultural scheme scale, the commitment and sustained involvement is a function of the services/benefits derived from being part of the association. The WUA would cease to exist without its members. The intrinsic need to belong to a user association is because of the overlapping needs amongst the members.

The goals of Government in encouraging WUA formation are to improve the access of citizens to water in an egalitarian way, to reduce long-term government subsidy to irrigators, to foster a culture of proactive associations, to promote self-determination in local water management, to stimulate economic development, especially among the poor and to utilise existing water management capacity to the benefit of the population.
The institutional relationships based on statutory authority are explicit in the NWA, and relate to the Minister's overall authority over all water management institutions. They enable the Minister to empower institutions, and to exercise oversight and control of their activities:

- The Minister empowers institutions by delegating and assigning powers and duties to them.
- The Minister has oversight of the plans and performance of institutions through the submission of business plans, financial strategies and targets, and annual reports for approval.
- The Minister may exercise control over institutions by issuing directives to them on a wide range of matters concerning their performance.

In addition, CMA may, when empowered to do so, delegate powers and duties to its committees, and to water user associations.

Some issues would pertain to scheduling of water allocations and operation of the scheme. In some instances where more than one user group is involved such as Lebalelo WUA (small and large scale agriculture, municipality and the mines), the dialogue could address quality impacts and reaching consensus on compensation options. In the Lebalelo example, the consensus provided for the mines to extend their pipeline to supply water to neighbouring communities. A strong vested interest was demonstrated by the mines, which necessitated the intervention of the state to ensure that the interests of the emerging farmers and their communities were protected. A win/win deal was struck which took 3 years.

A catalyst that helped in identifying overlapping needs was the application for water use licensing put forward by the mines for expansion of their operations. The DWAF imposed a condition that the applicant should consult with the emerging farmers and agree on how the limited resources could be shared between the two. The mines brought in an independent facilitator. Local government was involved during the planning phase to ensure alignment with the IDPs and ISRDP9 for the area. Upon establishment the CMA is expected to assume the role currently being played by the DWAF.

The challenges facing the establishment of WUAs could include the following:

- Equitable representation in its membership and management structures of all current and potential water users affected by the activities of the WUA;
- Sustainable and efficient service provision in response to the collective need of its membership (usually this entails fair and reliable water supply to its members);
- Effective interaction with other water management institutions and representation of the needs of its members at higher level decision-making structures;
- Performance of ancillary functions without jeopardising its own sustainability and its basic relevance to its membership;
- Facilitation of support from other institutions to the benefit of its members, especially historically disadvantaged farmers; and
- Encouragement and brokering of mentorship arrangements for historically disadvantaged farmers with established commercial farmer members of the WUA.

9 IDP refers to the Integrated Development Plans which are District municipality plans. ISRDP are Integrated Sustainable Rural Development Plans which follow Presidential Development Nodes.
At a **micro-catchment level**, although not statutory organisations, Catchment Management Fora (CMF) have made significant contributions to water resources management at a local level by, among other things, providing essential local knowledge, expertise and information. In this respect they may eventually be expected to play an important role in the operation of CMA when they are established. The Department will continue to support existing forums, and encourage the creation of new ones where the necessity arises.  

CMF have already been established in many areas to involve stakeholders in decisions about water resources management. These fora have now become important bodies representing stakeholders in the establishment of CMAs and are envisaged to play an active role in assisting these CMAs after their establishment. CMF are particularly important in the development of the Catchment Management Strategy to address local priority water resource management issues, but also provide a vehicle to facilitate the coordination and/or integration of water resources management with spatial planning and land use management.

The focus for initiating a forum is most often driven by a water resources management agenda. However, where adequate water supply and sanitation do not exist, they, understandably, dominate the discussions and unless they have been satisfactorily addressed, the involvement of the poor in water resources management would be marginal. In bridging this gap, attempts to create liaison between the different grass roots institutions such Community Development Committees, Water Committees, NGOs and other CBOs proved to provide a reasonable mechanism for sharing information demanded by the stakeholders.

The role that can be played by NGOs in this instance for continued facilitation and communication cannot be emphasised enough. However, building a partnership with NGOs is not always easy. The capacities of these organisations particularly when dominated by Blacks, are often weak. Their accountability and their complex internal politics, as well as the fact that they sometimes view government as adversary rather than an ally, pose considerable challenge in sustaining long-term capacity building and community development programmes in rural areas.  

Experience to date has shown that some stakeholders become frustrated with fora that are simply consultative. In many cases, there is considerable pressure for the forum to secure more ‘power’ and to become more influential in the water resource management domain. Commonly, the route to ‘power’ is seen to be that of legislation, where the forum aspires to become a statutory structure (normally a Committee or a WUA) to have more ‘teeth’.

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10 *Extract from: NWRS Summary, August 2002*

11 UNDP and civil society organisations, building alliance for development. ([http://www.undp.org/csopp/csobroch.htm](http://www.undp.org/csopp/csobroch.htm)).

At the international level, where rivers straddle international boundaries, a number of agreements have been drawn up between the respective countries. For example: The interim Inco-Maputo Agreement between Mozambique, Swaziland and South Africa was signed at Ministerial level at the WSSD on 29th of August, 2002. An associated Resolution is already signed at the Director General level on 13th of August, 2002 in Maputo. Both agreements now are in effect. The Inco-Maputo Task Teams affiliated to the Tripartite Permanent Technical Committee (TPTC)\(^{13}\), representative of three countries provided the platform for dialogue.

The agreements represent the planning level of management of the Incomati and Maputo River systems. The agreements impact on areas and activities like operating rules, monitoring, protection, information exchange, as well as capacity building and institutional development.

A number of studies have been commissioned to support the agreement;
1. Incomati River Basin Study is completed with the Danish support.
2. The Lower Usutu (Swaziland) smallholder irrigation project.
3. The Maputo Basin Study in the 3 countries.

Existing commissions between SA and Mozambique are;
- The Joint Permanent Commission for Cooperation (JPCC) and
- The Joint Water Commission (JWC).

Issues covered under such agreements include;
(a) Industrial installation for energy production or mining activities which can impact significantly on water quality and quantity;
(b) pipelines carrying oil or chemical products;
(c) installations (facilities) for storage of dangerous products;
(d) reservoirs for river water regulation and storage with a capacity above 250 000 m\(^3\);
(e) river training and canalisation of river beds;
(f) surface water abstraction facilities,
(g) groundwater abstraction facilities,
(h) artificial recharging of aquifers;
(i) waste water treatment;
(j) waste water discharges, of urban, industrial, cattle raising or other origin;
(k) use of water causing the cross border water temperature to change;
(l) deforestation and reforestation works, that have the potential to increase the sediment production or to increase flood peaks or to decrease the river flow.

Other Transboundary Initiatives include;
- Limpopo Basin Permanent Technical Committee between Mozambique, Zimbabwe, Botswana and South Africa.

\(^{13}\) Established by the Agreement between the Government of the Republic of South Africa, the Government of the Kingdom of Swaziland and the Government of the People’s Republic of Mozambique for the establishment of the Tripartite Permanent Technical Committee, signed in Pretoria on 17 February 1983.
SADC water sector Committees,
  
  o SADC Hydrological Cycle Observation System (SADC-HYCOS). A total of 40 of the 50 Data Collection Platforms (DCPs) have been installed already.
  
  o Further development of the flood warning systems and emergency/disaster management measures in the SADC region are under discussion.

This level poses numerous challenges and is governed by external factors that need not be in synergy with national imperatives. Keeping politics out of the equation remains a challenge that needs more focus on resource integrity which sometimes is hampered by the level of trust being built between the partners. One approach to overcome these obstacles is to solve local trans-border issues through direct negotiations of local delegations. The expectations is that locally institutions more focused on operational efficiency and have a better understanding of the mutual interests and concerns. A re-cap of the issues and some challenges in the establishment of meaningful and effective water resource management platforms can be viewed in the following table.

Table 1: Challenges faced in the creation of effective dialogue platforms in South Africa.

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<thead>
<tr>
<th>Scale</th>
<th>Status</th>
<th>Challenges</th>
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<tbody>
<tr>
<td>National</td>
<td>• NWRS gazetted for comments. • Restructuring and transformation of government departments and local government structures. • Numerous policies, strategies and guidelines are being developed for implementation of the NWA.</td>
<td>• Harnessing small scale users to participate in IWRM. • Fast tracking institutional reform. • Improving recipient institutional preparedness for take over. • Achieving the vision without compromising the desired outcome.</td>
</tr>
<tr>
<td>WMA</td>
<td>• Only one CMA has been gazetted for comments out of the 19. Three new CMA expected by 2004. • The Dept invariably acts as the initiator and facilitator. • Urgency to establish institutions to minimise the restructuring transition.</td>
<td>• Improving institutional establishment rate with the active participation of stakeholders. • Implementation thus far is top down. • Distinguishing the balance between “political Representivity” and “User Representivity”.</td>
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<tr>
<td>Catchment</td>
<td>• Existing regional based information systems need to be refined and be catchment based. • Stakeholders’ participation is inconsistent and short-lived. • Catchments continue to be managed by staff with unclear career paths. • Insufficient appropriate information material at the rural</td>
<td>• Developing trust amongst competing users. • Preventing stakeholders from “walking away” from the process. • Empowering civil society in particular poor marginalised groups to influence water management policy and planning processes at all levels by expanding public access to</td>
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<tr>
<td>Scale</td>
<td>Status</td>
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<td></td>
<td>level and hence low competence to be meaningfully involved.</td>
<td>information, decision making and justice.</td>
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<td></td>
<td>• Conflict amongst the large users is likely to escalate when compulsory licensing is implemented.</td>
<td>• Reducing water related conflict by improving conflict resolution mechanisms and by addressing the underlying political and economic issues that affect resource access and use.</td>
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<td>Sub-catchment CMF</td>
<td>• Numerous Fora exist some have evolved organically others through external facilitation.</td>
<td>• The integration of water supply services and water resources management.</td>
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<td></td>
<td>• Perceived to be powerful in influencing decisions though are non-statutory.</td>
<td>• Sustaining stakeholders participation.</td>
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<td>• Some are used/established for the purpose of developing CMA establishment proposals.</td>
<td>• Water resources management remains to be abstract to rural communities.</td>
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<tr>
<td>Sub-catchment CMF</td>
<td>• Strong, mature and balanced Fora exist where their establishments were triggered by local needs.</td>
<td>• The nature of interaction with CMA is not clear.</td>
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<td></td>
<td>• Operates within a simplified, jointly drawn up TOR or constitution.</td>
<td>• Limited success to acquire meaningful involvement of small scale users in transformed Irrigation Boards.</td>
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<tr>
<td>WUA</td>
<td>• Limited success to acquire meaningful involvement of small scale users in transformed Irrigation Boards.</td>
<td>Are predominantly agriculturally based.</td>
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<td>3 Water Boards have transformed to 3 WUA,</td>
<td>1 IB disestablished,</td>
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<td>1 IB disestablished,</td>
<td>5 are in the process and</td>
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<td></td>
<td>5 are in the process and</td>
<td>229 still have to be transformed.</td>
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<td>• Good coordination of efforts exist between water and agricultural Departments especially for the support of emerging farmers.</td>
<td>• Creating conducive environment for building partnerships between large scale and emerging farmers.</td>
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<td></td>
<td>• Agricultural state-owned infrastructure are all in the</td>
<td>• Availing resources for capacity building</td>
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<td>• Implementing water and land entitlements reform.</td>
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<td>• Establishment rate needs to match the urgency for transferring state assets.</td>
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<tr>
<td>Scale</td>
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| Trans-boundary | • International obligations form an integral part of the reserve.  
• Preliminary reserve has been calculated nationwide with estimates of all international components.  
• Permanent Technical Committees exist between SA, Mozambique, Swaziland; Mozambique, Zimbabwe, Botswana and SA.  
• SADC water sector committees are active.  
• Country joint studies exist on the Orange, Limpopo, Maputo and Incomati.  
• There is increased interest in establishing river commissions. | • Keeping politics out of the equation.  
• Building trust between the partners.  
• Streamlining local cross border issues through local delegations. |

**Enabling environment**

There are a number of powerful and helpful forces, which may assist in achieving the South African vision for water resources management. At the international level a number of programs (Digital Divide, NEPAD, Dialogue Forum, Global Water Partnership (GWP), International Geosphere Biosphere Programme (IGBP), SADC etc) support and could be platforms for inducing creative dialogue.

Within the country, some contributing forces are:
- National trends for co-ordination and networking such as the Cities Network, forestry, sugar, conservation, mining, industries e.g. irrigation associations.
- Presidential Initiative and the Forum of SA Directors General (FOSAD) where coordination of initiatives are discussed.
- Statistics SA & DACST regarding integration and sharing of information between government departments providing pertinent information for decision making eliminating duplication and wastage of resources.

**In the Mean Time**

The political “will” in South Africa to redress past imbalances through new policies and legislation, transforming bureaucratic structures and funding socio-economic development programmes, is clearly demonstrated in all founding principles of South African legislation. Unfortunately the social environment across much of the country does not enjoy quite the same state of readiness for change to match that of political
There are still huge disparities and inequities amongst previously disadvantaged communities, which stifles their participation in processes such as CMA establishment. It is not surprising then, that in the enthusiasm to implement new policies and programmes aimed at redressing the very same imbalances, there is a great temptation to allow the political momentum to influence and sometimes even drive public participation processes. Participants in certain CMA establishment processes have been quick to criticize this “top-down” approach, on the basis that it marginalizes the very communities it intends to empower. Unfortunately the state is perceived under these circumstances as not shedding its “old” image, which further compounds the problem.

How is this dilemma best resolved? On the one hand, CMAs could be imposed upon water users “at the stroke of a pen” through the swift establishment of all 19 CMAs by the Minister, and then leave the new CMA members to solicit public involvement in managing their water resources. Apparent advantages that are promoted by the proponents of this approach include the immediate injection of integrated water resource management (IWRM) across the entire country, and that no Water Management Area receives preference over others due to prioritized allocation of the limited resources of the Department. With its strong autocratic “top-down” flavour, this approach is far too prescriptive and reminiscent of the previous dispensation, and with the current dearth of capacity and resources amongst previously disadvantaged communities, the composition of CMAs is likely to fall far short of the requirements of the NWA.

The opposite extreme is equally undesirable, namely that CMAs be allowed to evolve purely from a bottom-up process. Some have referred to this approach as the “democratization” of IWRM. In other words state support focuses primarily on building capacity where required in order to level the playing fields to facilitate meaningful participation by all stakeholders. Whilst this approach may have noble developmental attributes, it would require not less than a decade or two to realistically redress social and educational imbalances to any significant scale, by which time current major water resource problems may retrogress to a state that is beyond repair.

The most pragmatic approach would be a compromise between the two extremes, namely a bottom-up approach but in a phased manner. The Department should initiate (not drive) the CMA establishment process, and simultaneously identify the building blocks required for bottom-up establishment and the ingredients necessary for each building block. In this way, while the public participation process is nurtured through development of appropriate communication strategies, guidelines, training and capacity building, while sufficient safety measures are put in place to ensure that adequate attention is given to the resource so that at the very least its integrity is not compromised. Responsibility is devolved to newly formed institutions in a phased manner and monitored through interim review mechanisms (e.g. business plans), coupled with the provision of appropriate tools and guidelines to facilitate the learning process and foster a sense of ownership.

The degree of success in dialogue varies depending on the geographic scale at which it is taking place. At a CMF scale, it has proven to be highly successful especially
where the forum is established to address a common concern which brought diverse stakeholders together to address. Therefore the success is closely inter-related to the trigger for dialogue. The nature of the trigger can in-turn determine if the dialogue will mushroom to address related issues and become sustainable or if it will be finite. The later has been one of the issues determining the sustainability of CMF. Sometimes they change their form and composition as they engage in addressing other issues identified by the members.

At a WUA level, there have been two different levels of success encountered. Dialogue in transformed Irrigation Boards enjoys less effectiveness because of the differing needs, capacity and levels of engagement in the dialogue. \(^{14}\) Elected members have more pressing operational issues to discuss while \(^{15}\) nominated members consider more futuristic issues for improving their access to resources. Better dialogue is achieved where new WUA are established in response to the collective desire of the members usually to manage a common resource or scheme for their mutual benefit.

At a CMA level, it is expected that because of the diverse interests and varying levels of capacity, dialogue might not be based on fair grounds. This relates to a large extent, to the phasing of the implementation of the vision for water resources management.

**Conclusions**

In essence, the paper paints the picture of the South African social landscape and the requirements of the National Water Act. It highlights the inadequate stakeholders representation in water resources management dialogue. This is depicted in the establishment dynamics of water resource management institutions.

Despite the political will to devolve the management of water resources to the local level, numerous challenges are forcing the state to play the role of initiator, facilitator, referee and regulator.

Although this is not conducive for effective dialogue, it is a realistic outcome within the given constraints. The trade-off is when the state talks on behalf of the disadvantaged masses with the assumption that it knows what they aspire for and that it knows ‘better’. Comparing this to the disadvantage that the deprived would find themselves in if engaging in dialogue with some of the powerful role players, its a fair trade-off.

14 Elected members: individuals elected from the former e.g. Irrigation Boards along the resource area. These boards elect individuals to represent them in the management committee. Certain conditions may apply to members within this group. Members may be forced to have water entitlements before they can be elected, they should be paying membership fees to the association and they should be up to date with their water service payments.

15 Nominated members: individuals nominated from the new institutions that now form part of the new associations. The group includes local government, emerging farmers, domestic water users, industries, etc.
This should not imply that South Africa is compromising its vision but discovering that it would be realised in a phased and progressive manner. All efforts are made to overcome the reviewed challenges on essential imperatives such as capacity, empowerment, social justice, cooperative governance, information sharing, etc. Checks and balances are being developed to ensure that the future desired state becomes achievable over time.

The development of appropriate mechanisms for creating effective dialogue environment is work in progress and includes the following;

- creating partnerships with civil society,
- developing customised information packages and training programmes on water resources management targeting local government,
- developing participatory decision making methodologies such as SEA,
- prescribing minimum requirements for public participation needed for the implementation of different components in the NWA,
- coaching and mentoring local champions to lead local initiatives,
- creating institutional memory of progressive implementation,
- researching international best practices by inducing more synergy with local research institutions such as the Water Research Commission, tertiary institutions, etc. special emphasis is made on gender mainstreaming and economic values of different water uses,
- regular dialogue with stakeholders to inform policy from implementation,
- building good and complementary working relationships with collaborating role players.

This approach/conclusion is not static and should be viewed as work in progress which will be monitored and reviewed on a regular basis. There is an element of pre-emption regarding the establishment of CMA that are not established yet. Questions that still need to be explored, researched and answered, include;

1. the creation of incentives for the rural poor to engage in dialogue by providing a reasonable answer to the question “what’s in it for you?” The developmental nature of water resource management institutions will contribute to social and economic development mainly canalised through local government initiatives. The recent transformation of local government and their new composition can delay the operationalisation and realisation of the CMA developmental contributions. Both institutions striving to fulfil their respective legal mandates under different Acts where there is no accountability from one to the other.
2. The long term vision for water resources management where equitable access to water is implemented, representative institutions are established, etc might not be “good enough” for those who are still waiting to feel the positive impact of the government they elected seven years ago on their lives.
3. In this hierarchy of governance structures in South Africa, “what is the most appropriate level for decision making, now and in the future?” This varies with the geographic scale of operation, as discussed earlier but appropriate methods for its identification are still to be developed.
4. The monitoring and evaluation tools for capacity building programmes aimed at ensuring the right impact is made through achieving the time-bound targets of the vision, need to be designed.

5. Attracting businesses and international developers to invest in old homeland areas to ensure the financial viability of dialogue platforms such as CMAs where they have been ear-marked as development nodes.

6. Instituting the right checks and balances to ensure adequate compliance, at all levels, over time can be cumbersome both on the side of the complier and the regulator. Performance indicators and auditing regulations need to be simplified enough for consistent implementation for timeous and accurate interventions.