Water governance in South Africa

Barbara Schreiner
Deputy Director General
Department of Water Affairs and Forestry
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Background

• Apartheid South Africa
  – country ruled by white minority
  – black majority largely poor
  – country racially segregated
  – access to water was racially determined
  – water legislation based on that of water rich European countries
  – water scarce country
Legal reform...

- 1994: the miracle of the end of apartheid
- 1996 – new Constitution adopted
  - right of access to water
  - right to environment not harmful to health or wellbeing
  - justifiable and sustainable economic development
- 1996 – White Paper on Water Services
- 1996 - Water Services Act
- 1998 - National Water Act
- 2003 – Strategic Framework on Water Services
- 2004 – National Water Resources Strategy

• Developed through consultation
• Key elements:
  – Water for basic human needs and ecosystem functioning as a right
  – Next priority to water for international purposes
  – Redress of past imbalances in access to water
  – Riparian rights replaced by time bound water use authorisations
  – Consultation with stakeholders
  – Water use authorisations not tied to land
  – Balance between use and protection
  – Establishment of Catchment management agencies

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Institutional reform...

- Separation of regulatory functions from implementation functions
- Establishment of Catchment Management Agencies (19)
  - Stakeholder involvement:
    - Consultation in establishment process
    - Representatives on Governing Board
    - Governing Board to have race and gender balance
    - Consultation on Catchment Management Strategy etc
  - Wide divergence of stakeholders
    - Rural/urban; female/male; rich/poor; well resourced/disadvantaged
    - Proactive mechanisms to reach disadvantaged groups

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Institutional reform...

- First CMA established (Nkomati)
  - Governing board appointed
  - CEO appointed
- Several more in the pipeline
- Next steps:
  - transfer of staff and filling of posts
  - development of a catchment management strategy
    - Links to national water resources strategy and local government integrated development plans
- CMAs are funded from water resource management charge on raw water users
Institutional reform...

• Setting up National Water Resources Infrastructure Agency
  – Will develop, operate, manage and maintain national water resources infrastructure
  – New projects to be funded on-budget for social schemes and off-budget for economic schemes
  – New projects to be decided on by Department
  – Users benefiting from infrastructure pay an infrastructure charge related to the volume of water they use and the cost of the infrastructure
Institutional reform...

• Local government:
  – Constitutional responsibility for water supply and sanitation provision
  – Transfer of water services schemes to local government
  – Serious capacity constraints
  – Significant implications for management of water resources
  – Project Consolidate – to build capacity of local government
  – Need to link water services development plans with catchment management strategies and the national water resource strategy
Challenges in institutional reform...

• Capacity
  – shortage of skilled and experienced personnel especially engineers, hydrologists, technicians
  – particular challenges w.r.t race and gender
  – additional costs associated with new institutions
  – relationships between existing and new institutions particularly during transition
  – Implementating planning matrix effectively
Water allocation reform...

- Majority of productive water is in hands of white minority
- 40% of population are poor – mainly black
- Rural women are particularly disadvantaged
- Over-allocation in some catchments
- Significant water quality problems in some catchments
- National Water Act allows for the redistribution of water to address inequity, overallocation and water quality problems
- Currently implementing Water Allocation Reform programme (WAR)
WAR!

• Ensuring lawfulness of water use
  – Compliance is a huge implementation challenge – water theft is not uncommon
  – Working with farmer organisations to establish lawfulness of water use

• Will use a variety of methods to free up water for redistribution:
  – Compulsory licencing
  – Water use efficiency
  – Trading – eg subsidy provided for resource poor farmers, including to buy water allocations
  – Ensuring compliance with lawful use
WAR!

- Will reallocate water to:
  - achieve equity (redress w.r.t race and gender),
  - support ecosystem functioning,
  - reduce over allocation,
  - enhance water use efficiency,
  - contribute to poverty eradication

- Alignment with agrarian and land reform programmes

- Consultation with stakeholders crucial and required by law
Conclusions

• Policy and legal reform is relatively easy
• Implementation is where the real challenges are:
  – Human resource capacity in developing countries
  – Involvement of wide range of stakeholders
  – Costs of reform, and financing IWRM initiatives including infrastructure
  – Allocation of water requires innovative processes to meet local and national needs
  – Particular challenge to ensure that reform is pro-poor
“The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have little.”

Franklin Roosevelt