

# **THE NATIONAL WATER ACT OF 1998**

**THE WATER RESEARCH COMMISSION  
PERSPECTIVE**

**E KARAR**

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South African Water Research Commission

## **PURPOSE OF THIS PRESENTATION**

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- ◆ This input is a result of a call from the Parliamentary Portfolio Committee on Water for a public hearing on the "implementation review of the 1998 National Water Act; weaknesses, challenges and strengths. How effective for present circumstances.



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- ◆ Introduction
- ◆ The status quo
- ◆ Strengths of the NWA
- ◆ Challenges from the NWA
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- ◆ Weaknesses in the implementation

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## Introduction

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◆ Since 1994, the South African government has instituted water sector reforms that resonate with the IWRM approach propounded by international frameworks such as:

- ◆ The Dublin Principles (1997);
- ◆ The UN Convention on the Law of the Non- Navigational Uses of International Watercourses;
- ◆ The SADC Protocol on Water (2001); and
- ◆ The Regional Water Policy (2006).



## Introduction

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- ◆ External imperatives for water reforms resonate with internal constitutional requirements for the state to take legislative and other measures to achieve land, water and related reforms in order to “redress the results of past racial discrimination” (South Africa, 1996).



## THE STATUS QUO

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- ◆ *less half of world average.* Water is scarce; South Africa has an average annual rainfall of about 500 mm. Except for the eastern and southern coastal areas, most of the interior and western parts of the country are arid or semi-arid. Sixty-five percent of the land area receives less than 500 mm of rain per year, and about 20 percent receives less than 200 mm per year.
- ◆ *different temperatures* Water is unreliable; Varied loss of water through evaporation, highly variable stream discharge rates, cyclical rainfall pattern that can result in very low rainfall for several years in a row (climatic variability), and we seem to already be using two thirds of the surface water available annually (2005 estimates).



Climate change - exacerbating current situation.

## THE STATUS QUO

population growth.

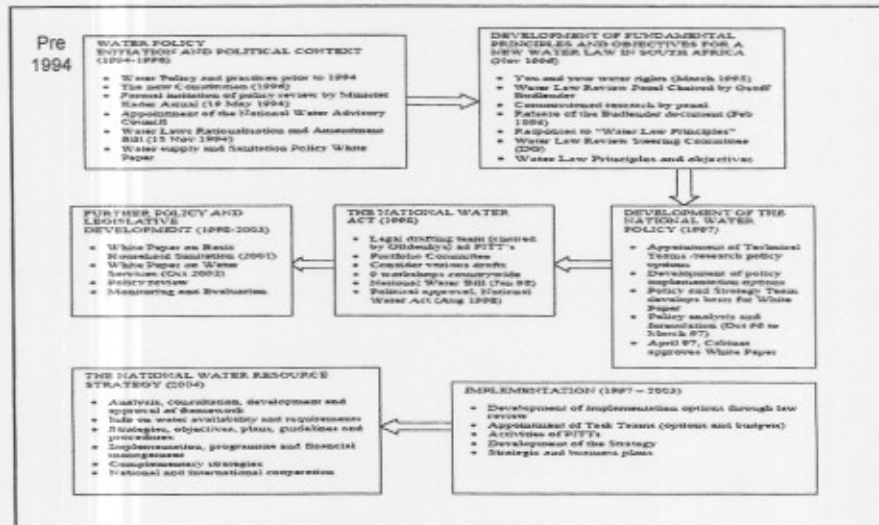
- Water quality is unsatisfactory; Hartbeespoort Dam catchment area, the volumes of water and the loads of plant nutrients (phosphates and nitrogen) reaching the dam have increased and is expected to increase steadily. Pollutants are commonly found in fertilisers, industrial wastewater, sewage effluent and products such as soap and washing powders.
- Water allocation remains to be inequitable.
- Serious shortages of trained water professionals
- Data availability and systems compatibility are a concern
- Operation, distribution and intensity of water monitoring stations is inadequate.
- Prolonged restructuring resulting in institutional instability.

cholera outbreak + inadequate sanitation.



## THE WATER POLICY PROCESS

FIGURE 4: WATER POLICY PROCESS: MAJOR PHASES AND ACTIVITIES



## Strengths of the NWA

- ◆ It was seriously participative during its development. *consultative -*
- ◆ It resonates with both the international and constitutional provisions. *relevant*
- ◆ Based on international best practice. - *IWM - principles still relevant.*
- ◆ Offers the state the comparative advantage of regulation. *not a ref + player.*
- ◆ It is a progressive, developmental guiding vision. *do not take away - state will ensure*
- ◆ It allows for progressive implementation. - *piece by piece - don't lose focus of vision.*
- ◆ Consultation with and participation of local communities, with reference to the Bill of Rights laid down by the Constitution (Act 108 of 1996). How far this translates into real access to the entitlements still varies massively.

*decentralize - to where reality will tell us.*

*Act is extremely challenging.*

## Challenges from the NWA implementation

- ◆ Intensive resource requirements; time, money and people. *people centred.*
- ◆ Empowerment of the poor to take part in decision making. - *develop of people.*
- ◆ Mismatch between decentralisation and human capacity availability. Slide 15
- ◆ Water is a socio-economic and a political issue eg Allocation reform - *excellent attempt, partnership with people allowed to make mistakes*
- ◆ Cooperation between spheres and levels of government. - *serious challenge. many countries similar issues - federations.*

*take money to implement act - people we don't have, decentralisation then not feasible. - we are not a federation -*



## Achievements in the implementation

*out 2004 - due*

- ◆ The NWRS and ISPs.
- ◆ The pricing strategy. *Interim Strategic Plans. - in place - defines stream flow reduction activity.*
- ◆ SFRA; forestry.
- ◆ Establishments of 4 CMA and WUA mainly to those in support of emerging farmers. *associations.*
- ◆ The CCAWS are operational in some provinces. *Comm coord of Agricultural Water. some provinces still curried!*
- ◆ The National classification system is out for comments.
- ◆ The signing of the Inco-maputo Interim agreement.
- ◆ Developmental strategies such as water for growth and development. *translates how can resources to help nation to growth.*



*DWAF + DAgric.*

## Weaknesses in the implementation

*in DWAF*

- ◆ Prolonged restructuring; too much focus on organisational matters, compromising the resource management requirements.
- ◆ The state seems to be the referee and player.
- ◆ There seems to be no prioritised and measured targeted outcomes.
- ◆ Too close technical and political interfaces.
- ◆ Monitoring, compliance and enforcement.
- ◆ We need more partnerships with local organised groups, private sector, research, universities.

*instituti instability  
deviating attention  
from function.  
- critical adv of  
being regulator.  
need stability in  
implementation.*



*lets involve people.  
private sector must get involved.  
proper research*

- 
- ◆ It has been estimated that nearly half a million posts are vacant in the government or public sector alone (Economist, 2008).
  - ◆ The Joint Initiative on Priority Skills Acquisition (JIPSA) shows there are about 300 vacancies for engineering academics, and it has been estimated that more than 1 000 engineers, 300 technicians and 15 000 artisans must be trained to reduce the national skills shortage (Mail and Guardian, 2008).



## LESSONS

- Water is a socio-economic and a political issue -
- Its only the state that can guarantee and facilitate the;
  - involvement and beneficiation of the poor and
  - the protection of the aquatic environment
- New operational policies need to stand the test of implementation and they need to be reviewed regularly. *applaud pasha for this review.*
- As a process, WRM supporting policies and organisations will change along the evolutionary path and could differ from one WMA to another based on the predominant mangement issues.
- Expectations should be realistic and defined by what can be achieved.
- Research, knowledge and capacity for balanced policy processes.



Thank you for your  
attention