

Report to Parliament on

International Conference on
Fresh Water Governance
for Sustainable
Development

5-7 Nov 2012





water affairs
Department
Water Affairs
REPUBLIC OF SOUTH AFRICA



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Introduction

During a three day period, in November last year South Africa was the proud host of more than 500 scientists and practitioners representing 29 countries and 5 continents, and who converged around the topic of freshwater governance for sustainable development.

The conference was conceptualised and hosted by the Department of Water Affairs (DWA) and the Water Research Commission (WRC), and included 64 paper presentations, 16 workshops and 3 water-law debates. The debates were conducted by the Young Water Professionals group, with prizes being awarded to the best teams.

The aim of the conference was to debate and discuss water-related governance issues by bringing together policy makers, water managers, scientists and civil society, in a forum where new ideas beyond academic exchange for the future could be shared, nurtured and hopefully developed from the water sector and beyond. In addition to DWA and the WRC, the conference was co-hosted by a number of local, regional and international partners, as shown on the inside cover of this report.



The opening speech delivered by Honourable Advocate Johnny De Lange, Chair of the Parliamentary Portfolio Committee on Water and Environmental Affairs, on behalf of the Minister of Water and Environmental Affairs, Mrs Edna Molewa, adequately explained the ultimate goal of governing water: 'building a society in which all people can live with dignity, can develop and exercise their own potential as human beings, as individuals, as members of a society which respects them and includes them within its perimeter'.



In her opening remarks, the Chairperson of the Board of the WRC, Mrs Barbara Schreiner, clearly emphasized the need for such platforms for dialogue around the important issue of governance in water.

This submission aims to briefly share the main messages that emanated from the conference and to highlight some of the opportunities that were identified for engaging in robust debate. This debate must succeed in framing the right questions,

reflecting on where we have come from and where we are heading, and taking the dialogue forward to ensure that, before another 14 years have passed under the 1998 National Water Act, we will be certain that we are on the right path regarding water management in South Africa.

What is water governance?

The United Nations Development Programme (UNDP) defines governance as 'the exercise of economic, political, and administrative authority to manage a country's affairs at all levels' (UNDP, 1997). The World Bank adds the notion of 'acquiring' authority to that of 'exercising' it, defining governance as 'the manner in which public officials and institutions acquire and exercise the authority to shape public policy and provide public goods and services' (World Bank, 2006, 1). Kaufmann and Kraay (2008) also suggest that most definitions of governance emphasize the importance of a capable state that is accountable to citizens and operates under the rule of law.

Simply put, governance is defined by the political, social, economic and administrative systems that are in place, and which directly or indirectly affect the use, development and management of water resources and the delivery of water services at different levels of society. Importantly, water is part of broader social, political and economic developments and is thus also affected by decisions outside of the water sector.

Why is the governance of water important to South Africa?

Mrs Schreiner emphasized the importance of effective water governance in her address:

Having all come, as you all know, out of a governance system that had robbed the majority of South Africans of access to land and water, and that had provided this same majority with poor, or even no, water supply and sanitation. In 1994 it was estimated that 12 million South Africans had no access to water, and closer to 20 million had no access to decent sanitation facilities. Our recent census reveals the degree to which we have managed to change that picture, and the challenges that still face us in that regard.'

It is now 14 years since the promulgation of the National Water Act, and 15 years since the promulgation of the Water Services Act, and we must ask ourselves what that new governance paradigm that we developed so passionately over a decade ago has delivered. Are we where we want to be, or not? Are we on the right path? I am reminded of the mountains that surround us – they are exquisitely beautiful in the morning sunshine, clear and tempting, but the wrong path can lead you into dangerous places, the weather can change remarkably fast, and those same mountains can become frightening and indeed life threatening. Are we on the right path, or are we walking into dangerous territory?

Messages from the conference

1. Consensus: Water governance is about people

- Water management is a traditionally technical field but water management involves people and should be incorporated into development debate and plans.
- Water is indispensable for survival, but it is sometimes destructive in tropical storms and tsunamis.
- Irrigation is not about pipes, canals and dams, it is about people. It is only about pipes, canals and dams in as far as the pipes, canals and dams address the needs of the people.
- Remembering Mrs Mkhwanazi; water resources are a critical enabler, or constraint, for most economic activities and social needs so water governance is about development and people – hence it is about equity.
- While serving the needs of big business, the mines, the farmers, our systems must ensure that Mrs Mkhwanazi just down the road here is able to access water for productive and domestic purposes, that she has access to sustainable sanitation services, that she has access to a road and transport services to get her produce to market, and that she can make a living that enables her to feed and educate her family, and to live with dignity.

2. Legislation, Regulation, Rights and Accountability

2.1 Implementation of the laws (good laws are meaningless if they are not implemented)

- Redefine a new path for implementing the laws where they exist.
- Move on from analysis paralysis and set clear priorities for action at all levels.
- Accelerate implementation by focusing on improving access to information and justice processes, and establishing effective dispute resolution mechanisms.
- Dedicated and long-term leadership is critical for implementation of legislation to avoid loss of institutional memory and skills.

- Strong and self-sufficient institutions (e.g. CMAs) for vertical and horizontal governance and accountability:
 - With clear legal mandate
 - With ability to connect levels of governance i.e. national and provincial levels, etc.
 - Existing both within the State and civil society
- Capacity development on water integrity and accountability (busting corruption) targeting both public officials and civil society because the responsibility for addressing unethical practices is quite widely distributed (all actors must play their part).
- While Government has a key role to lead the way (because political resolve is needed to make accountability and enforcement systems work in practice), citizens should be encouraged to, firstly, obey the law, and, secondly, to demand accountability and exercise their rights, not become complicit to improper practices through inaction.
- Addressing unlawful use of water through extensive awareness creation and a less complex administrative process (supported by legislation) for determining the lawfulness (or otherwise) of a water use activity.
- Development of effective tools, guidance and mechanisms for regulation and accountability, to strengthen the ability of regulators to set targets for correcting illegal activity and rehabilitating the resultant impacts of the transgression.

3. Markers of good governance

- There is a need to move from a state-centric view of water governance to broader, participatory or polycentric governance where the human element plays a bigger role. There is a need to establish who the actors are, what drives their actions and what the consequences of such actions are; and then to establish what brings change in society.
- Stakeholder/multi-stakeholder platforms and involvement in water resources management: State institutions should take a leading role in stakeholder involvement in water resource management. This could be achieved by establishing (with speed) effective catchment management agencies with clear roles and functions; establishing other effective stakeholder forums; ensuring financial sufficiency and institutional viability; and ensuring that neutral and unbiased facilitators are available where there is a need to build consensus amongst stakeholder groups.
- Effective and mutually beneficial partnerships should be established between rural and disadvantaged communities and other actors (state, private sector, civil society), taking due cognisance of the power and accountabilities of the partners involved. The partnerships should provide benefits for poor and disadvantaged partners; give decision making powers to the poor and disadvantaged partners; offer employment opportunities; and be built on transparency.
- Relationship building is a key ingredient to good governance and in developing governance indicators; there is need to add specific indicators that measure the strength of relationship built at all levels. This should look at relationships between different actors including relationships between men and women.
- Provision of non-tangible emotional benefits (hope and promise) – water practitioners should have a paradigm shift and start using emotion-driven parameters, i.e. the existence of hope and promise, as a more appropriate indicator for good water governance, especially in situations where the benefits are long-term. Pro-poor justice is not only achieved by distributing tangible benefits.

- Focus on provision and uptake of data and information, through more investment in R&D and ensuring a strong link between research and policy making.
- Effective mechanisms for greater scrutiny of activities –rewarding good behaviour and punishing bad behaviour.

4. Tools for implementation

- Establish a system of benchmarking water governance and performance across countries to track progress. Benchmark responsiveness, rule of law, accountability, participation (including gender) and transparency.
- Develop and implement tools for spatial planning to understand the complexities and improve integration in water resource management.
- Need for data and information management tools such as simple decision support systems to support effective governance.
- Strengthen capacity building in water governance to enable sound management and use of water resources. Lessons learnt suggest that the building of water governance capacity requires longer-term timeframes.
- Use the ecosystems approach to be able to understand the hidden ecological demand for water.

Conclusions and the way forward



In his closing speech, the CEO of the Water Research Commission Mr Dhesigen Naidoo concluded:

The global dialogue on water is generally unanimous that we are moving into a very difficult water future on the back of a variety of factors, including unprecedented population growth combined with rapid levels of economic movement in the developing world in particular. The latter has resulted in growing middle classes with the resultant change in consumption patterns. This in many ways is starting to define the new Malthusian challenge of the 21st Century. At the same time, years, decades, indeed

centuries of environmentally insensitive and water-wasteful mining and industrial practices have come back to haunt us. This combined to the newer challenges of global change has defined the water challenge for the 21st century.

We are also clear that developments in water sciences and engineering alone have not delivered adequately to engage this challenge, and there is a strong need to consider the social dynamics, culture and heritage issues toward more holistic and complete solutions. In fact, we have for a

while in our individual corners been lamenting the lack of a reasonable dialogue on this very important matter of water governance.



In his closing statement, Dr Mathole Motshekga, Founder of the Kara Heritage Institute and Chief Whip of the Majority Party, Parliament of the Republic of South Africa on THE AFRICAN WATER CALENDAR; reminded the international delegates that African culture is rich with spiritual roots surrounding the African Water Calendar which challenges mainstream governance discussions in incorporating traditional systems when crafting solutions. The same focus in the opening address, Prof Ali Mazrui concluded that indeed water is the oldest of our ancestors and has made life possible on Planet Earth.



So while serving the needs of big business, the mines, the farmers, our systems must ensure that Mrs Mkhwanazi just down the road here is able to access water for productive and domestic purposes, that she has access to sustainable sanitation services, that she has access to a road and transport services to get her produce to market, and that she can make a living that enables her to feed and educate her family, and to live with dignity.

Finally, in its journey of 14 years of water governance reform, South Africa has been very aware of the huge burden placed on Government as the foremost authority responsible for implementing effective water governance. Effective governance requires that outcomes, in terms of how water is allocated, delivered, used and consumed, are consistent with the principles and priorities underlying the decision-making process; what is realised at the end of the governance process needs to be broadly consistent with the declared aims at the beginning of this process.

The importance of benchmarking, and the need for reflection and convergence to share results, challenges and solutions, was acknowledged by all present who share the burden for ensuring social justice. Hence, regardless of the challenges, if we aspire to become a knowledge-based nation, the future will be brighter. *South Africa's water research is ranked 19th in the world while the total country's general research output is ranked 33th; this findings based on the recently completed Pulse Study commissioned by the WRC in 2011 shows that although water research is better than overall research in the country; there are financial limitations to absorb all the available knowledge to enhance this ranking substantially. Building capacity in research is a current discussion taking place with DWA for establishing a waterknowledge and capacity building (WaterKCAP) programme.*

Messages to parliamentarians

1. Governance related to the National Water Resource Strategy 2 (attached)

Together with the governance research portfolio, the conference has assisted in the generation of topical emerging issues such as:

- Water and its linkages to the energy-water-food nexus is an approach that integrates management and governance across sectors and scales. A nexus approach can also support the transition to a Green Economy, which aims, among other things, at resource use efficiency and greater policy coherence. Given the increasing interconnectedness across sectors and in space and time, a reduction of negative economic, social and environmental externalities can increase overall resource use efficiency, provide additional benefits and secure the human rights to water and food. Conventional policy- and decision-making in "silos" therefore needs to give way to an approach that reduces trade-offs and builds synergies across sectors.
- **Relationships between stakeholders** within and outside the water sector as an indicator of good water governance. The prevalence of good governance can usefully be analysed through reviewing a context in terms of a network of good relationships. The language of relationships runs through the terminology of governance – equitable governance, participatory processes, and shared resources and so on. Certain activities intuitively serve as markers of these relational qualities – for example; the establishment of partnerships, and joint achievements of the partners; minority representation on governing boards; public consultations, and their impact on decisions; the formation of water user groups and their influence on investment. However, these markers require greater organisation and classification to be useful as formal indicators for good governance.
- **Business water risk** and water governance being a game changer or business as usual. Businesses face numerous water risks associated with the physical availability of water, reputational and regulatory risks. In response, the private sector has started to proactively pursue measures to mitigate their water risks, hence shaping the public discourse on water governance and policy. However, the private sector has traditionally been viewed merely as interested stakeholders or investors on issues of water management. In that perceived role, the private sector involvement was mostly restricted to water companies, and the financing of large water infrastructure through public-private partnership. Due to the water risks many companies face, they have been forced to develop better understanding of their dependence on water, and hence are playing a bigger role in IWRM than previously envisaged. Questions that need to be answered; what does the proactive involvement of the private sector in the management of their risks mean for water governance? What are the opportunities and risks in the increased involvement of the private sector in water management?
- **No/low regrets investments** in water infrastructure in the face of climate change have the key characteristic of delivering benefits under any future climate scenario and building confidence in the long term sustainability of development activities. Fast-tracking these investments allow action to be taken now, despite the large uncertainties in the future climate. The framework also promotes longer



term actions to mainstream water security in development planning systems, and to influence resource allocation toward climate resilient development.

- Water resources cannot be governed in a sustainable manner through hierarchical, top-down approaches and technological solutions due to their inherent uncertainty and complexity. Some of the new approaches and heuristics for effective polycentric water resources governance are able to demonstrate key network linkages and key feed forward and feedback processes which seem to be required for **effective devolution** of environmental / resources governance. An appropriate framework for enabling deeper concepts relating to stakeholder involvement in a complex changing system such as in integrated water resources management are being formulated.
- **Bridging the Gender Gap in Water Governance** mainstreaming gender in water governance is deemed a good governance practice. It is viewed as a mechanism for women's empowerment, ensuring equality between women and men in terms of claiming rights, negotiating water allocation, participating in decision making and managing water supplies for improved livelihoods. However, current thinking suggests that the relationship between good water governance and gender equity is a troubled one. This is partly because there is little understanding of how governance arrangements can be constructed to deliver equal benefits to both men and women through public, private and participatory channels in the complex socio-cultural, political and legal contexts in which they live.

2. Enhanced mobilisation of water governance within political processes

Multilevel governance for fresh water happens at many levels starting from the village level to the international level. The importance of having enabling policies, codified laws and effective organisations was underscored. However, the implementation of some governance provisions in many countries as shared in case studies is faced with numerous challenges. The most common of those challenges is the availability of the needed resources for implementation be it; human or financial resources. The mobilisations of these resources sometimes face difficulty due to the perceived national importance of water resources from the national purse. There is a need to recognise the centrality of water for growth and as a catalyst for sustainable development. The recognised need for an adapted legislative framework and budget dedicated to water policies places parliamentarians at the heart of the governance debate. The following points illustrate the possible role to be played by parliamentarians:

- There is a need for sharing and compiling the best parliamentary solutions for water and gathering the key political commitments of Parliament guaranteeing their implementation.
- Supporting the key role exercised by parliamentarians in the drafting, voting and monitoring of legislations and national budgets relating to water.
- Increasing parliamentary mobilisation for water governance within political processes and strengthening capacities and contributing to the development of an Africa and a world-wide parliamentary network.

Next steps

Water Governance is a flagship programme for the WRC which has developed a comprehensive plan for taking forward some of the issues highlighted above:

1. The Gender and Water Summit, November 2013 is a global summit hosted in Africa to show case good practices and lessons learnt. Together with DWA, the WRC are facilitating this important event together with many regional and international partners such as the Global Water Partnership (GWP), the Women for Water Partnership (WfW P), the International Water Management Institute (IWMI), etc. The Summit's overall aim is to synthesize existing knowledge and practice on gender and water resources management and identify constraints and best practice solutions across the globe, in support of grassroots movements and policy makers and program managers and implementers with special emphasis on Africa. This entails the following:
 - Bringing important gender initiatives together in order to take stock of past achievements and setbacks in gender and water resources management, in research on gender and water, and identifying generic causes and (potential) ways moving forward.
 - Informing and strengthening the operationalization of policies for gender equality in water management, by deriving specific, measurable, achievable, relevant, and time-bound (SMART) policy messages from research in various policy streams, in particular building on ongoing work to develop gender indicators in support of the implementation of the AMCOW gender strategy.
 - Identifying a high-quality action-research on gender and water management agenda, that supports effective strategies towards gender equality in water across grassroots movements, policy making, public agencies, private sector and academia.
 - Building the capacity of younger researchers and change agents in various spheres of life to achieve gender equality in agricultural water management.
2. The Freshwater Governance 2014 will be hosted by the University of South Australia and will be aimed at continuing with the exchange and learning. A new addition, there will be an enhanced involvement of parliamentarians in engaging in dialogue with the Australian Parliamentarians. This special event is planned to lead to a wider inter-parliamentarian panel/network for exchange in water governance.
3. Continue with creating national think tanks and dialogue series on water governance as per the attached Dialogue Series Calendar for 2013.

