

Global Issues in Water Policy 2

Barbara Schreiner
Rashid Hassan *Editors*

Transforming Water Management in South Africa

Designing and Implementing
a New Policy Framework

 Springer

Transforming Water Management in South Africa

GLOBAL ISSUES IN WATER POLICY

VOLUME 2

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Framework

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ISBN 978-90-481-9366-0 e-ISBN 978-90-481-9367-7
DOI 10.1007/978-90-481-9367-7
Springer Dordrecht Heidelberg London New York

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Printed on acid-free paper

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Foreword

The South African contributions to international policy, legislation and the practice of water resources and water services as well as the judicious learning of South Africans from international experience are masterly knitted together in this book by some of the key role players, with a frank and critical analysis of achievements and difficulties before and after liberation in 1994 – against the harsh backdrop of the legacy of centuries of colonialism and decades of apartheid which have shaped the political economy of water in the ‘rainbow nation.’ This introductory chapter discusses some of the key South African contributions that, from the perspective of the writer, are especially relevant to other developing countries, as well as some international experiences that have been useful to South Africans. The conclusion of the chapter is that South Africa is now well positioned in the international arena to offer a new and important contribution regarding how to deal with the implementation challenges that are affecting most developing countries.

The storyline of the 14 chapters is the contrast of excellent legislation and policies vis à vis implementation impediments. The stage was set by the then Minister of Water Affairs and Forestry, Kader Asmal, when he opened the 1997 FAO Conference to discuss the second draft of the National Water Bill with specialists from Australia, Chile, Mexico, Spain and the USA. He greeted the visitors and stated that he did not want a perfect law... ‘only one that works.’

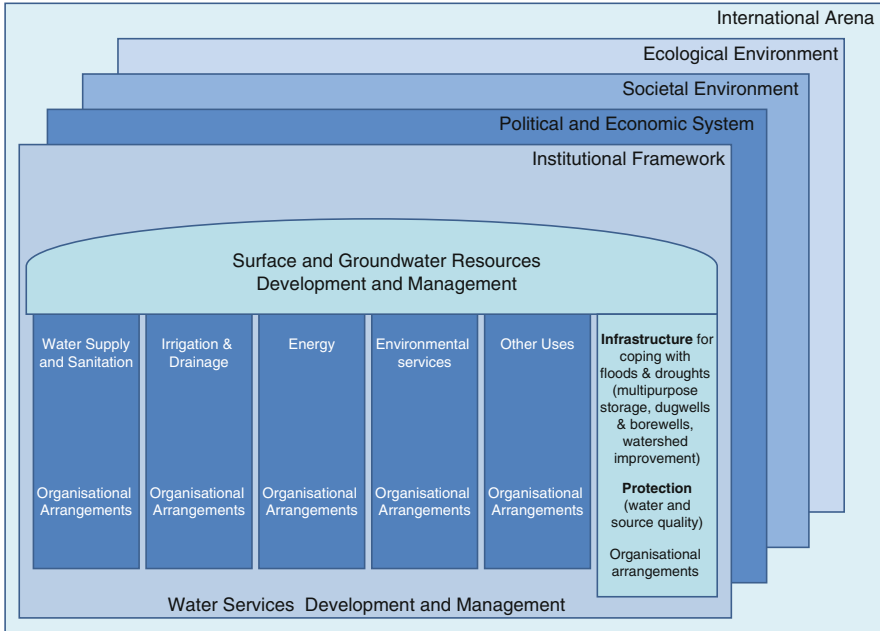
Thirteen years later, the last paragraph of this book reads: ‘Such focus on priority areas, and on implementation rather than policy and strategy, will enable the South African water sector to deliver the promise of its remarkable water policy and legislation to the people on the ground. Such delivery will be the true measure of the success of the policy reforms.’ The difficulties that South African on-the-ground water management encounters are faced everyday in developing countries where specialists often wait for more information to be gathered and better models to be developed before risking proposing concrete water resource management and protection measures, and non-traditional, but perhaps better, water and sanitation approaches. Paralysis also cripples managers who frequently prefer improving organizational arrangements and even institutional setups and legislation instead of giving implementation a chance.

Perhaps the most useful lesson to be drawn from South African experience is how to deal with the political economy of water. Other countries in the developing world have not experienced an institutionalised racist system as cruel as apartheid, but they certainly have been exposed to colonialism and segregation and still suffer the legacies of that common past. In this respect, the South African experience in dealing with integrated water resources management (IWRM) within such a complex socioeconomic environment is relevant to many developing countries.

One of the main assets of the National Water Act (NWA) of 1998 is that not all provisions of the Act would come into force from the day of enactment, but that it would be implemented in a phased and progressive manner, in separate components over time according to geographical need and as soon as was deemed reasonable and practical. This decision was partly inspired by international experience, shared in the 1997 FAO Conference, such as the experience of the Mexican water law which came into effect the day immediately after its publication on 1st December 1992 and provided only for 1 year, and through regulations for an additional 2 years, to formalise all existing water uses. The formalisation process took, in fact, 10 years. This cross feedback shows how south-to south learning – and not only of success stories but of challenges and unsolved problems – can be far more productive than blindly following ‘international best practice’ from the so-called developed world. However, not setting deadlines in an environment that is constantly looking for technical and institutional perfection may also be dangerous. Therefore, it would be desirable now to set up implementable work programs with rigorous deadlines for actions as important as establishing Catchment Management Agencies where they are needed.

It is noteworthy how developing countries can influence international IWRM paradigms. For instance, thanks to South Africa’s vision and persistence, they now include the social and ecological values of water on an equal footing with its economic value, and embrace concepts such as the primary role of national government, public ownership of water and the need for gradual implementation. In practice, South Africa has demonstrated the benefits of closely linking water resources and water services management, as well as the need to link the water sector with its multi-layered environment, through coordinated government and modern approaches to equitably shared international water. This can be illustrated with a modified ‘Global Water Partnership Comb’ showing that water development and management do not exist in isolation.

The perception of the authors of most chapters of the book is that the key factor for underperformance both in sustainable water resources management and effective and sustainable water services is the country-wide lack of scientifically and technically well trained and socially sensitive personnel combined with severe financial challenges at the municipal level in particular. The actions required to remove these barriers lie often out of the realm of South African water resources and water services managers. Nevertheless they seem to be in a position to voice their concerns in national debates and help to empower society by



1. Being frank about the consequences of ‘business as usual.’
2. Acknowledging capacity limitations for policy implementation.
3. Providing transparent information to ensure integrity and accountability, and counteract vested interests.
4. Challenging unfit macro-policies.

This would trigger a dialogue with the upper level tiers of government responsible for providing the requested additional resources and removing obsolete bureaucratic restrictions to hiring adequate personnel with competitive salaries and opportunities for career development. Of special interest is the educational system that should provide better graduates with sound scientific and technical basic knowledge but also with water resource and water services management skills.

The progress reported in various chapters of this book regarding water resources and water services development and management clearly shows there is the will in different spheres of government to contribute to this process. The dialogue could be structured around various water resources and water services scenarios, showing the need for water reallocation, and/or demand management measures such as wastewater reuse. Each scenario would also make explicit the required financial resources and cooperative government measures. The next step would be to compare these requirements with government’s budgets and cooperative programs for similar items during the past 10 years or so. Most probably the trend would be less than required and a request to Parliament for increasing budgets would have to be made. In case this was not feasible under the current level of national income, DWA

could make a point for increasing taxes in order to be able to abide by the constitutional and NWA mandates of redressing past inequities, by making the consequences of not having the required moneys clear.

However, increasing taxes is always politically difficult and the goodwill of those who have benefitted from apartheid and colonialism to share with those historically disadvantaged would be indispensable. South Africa, led by Nelson Mandela, in spite of, or thanks in part to, years of blood-shedding, was capable of achieving a peaceful political revolution. Achieving the still-required economic revolution for more inclusive economic development will not be easy, but the rainbow country is closer than other developing countries, such as Mexico, where the inheritance of colonialism and current status is such that we still are in need of both a political and an economic revolution.

Going back to the modified ‘GWP comb,’ it is useful to bring in a broader aspect of the international backdrop. In his inaugural speech, President Barack Obama said:

...The question we ask today is not whether our government is too big or too small, but whether it works –

...Our economy is badly weakened, a consequence of greed and irresponsibility on the part of some, but also our collective failure to make hard choices and prepare the nation for a new age.

...Nor is the question before us whether the market is a force for good or ill. Its power to generate wealth and expand freedom is unmatched, but this crisis has reminded us that without a watchful eye, the market can spin out of control – and that a nation cannot prosper long when it favors only the prosperous.

These quotes, coming from the first black President of a country which for decades favored the Washington Consensus that nurtured the widespread fantasy that an unregulated private sector and ‘slim’ government would solve all problems, *inter alia* water problems, are quite relevant since this book clearly highlights lack of government capacity at national, municipal and local levels as one of the most important impediments to sustainable water resources and water services development and management.

Barack Obama after being recently awarded the Peace Nobel Prize must rise to the high expectation he has created with his excellent reconciliatory speeches by taking action to really help bringing peace to the world. Similarly, South Africa must now rise to the high expectation she has generated by successfully dealing with her political economy of water by finding ways to simplify procedures and increase financial resources for ensuring implementation of sustainable water resources and water services development and management.

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Acknowledgements

Our thanks go to Ariel Dinar who originally came up with the idea for this book, who set us on the path of getting the book together, and who provided guidance and support along the way. Our thanks also go to Jenny Fidler and Phillipa Kanyoka for providing invaluable support in checking the manuscript, dotting the i's and crossing the t's. Thanks to Centre for Environmental Economics and Policy in Africa (CEEPA) for their financial support. Finally, our thanks to our families for their patience with the late nights and the long days that went into pulling this manuscript together.

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¹Garduño, H and Hinsch, M. 2005. IWRM Implementation in South Africa: Redressing past inequities and sustaining development with a view to the future. World Bank Institute. Washington D.C.

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Abbreviations

AMCOW	African Ministers' Council on Water
ANBO	African Network of River Basic Organisations
ANC	African National Congress
ARC	Agricultural Research Council
AU	African Union
BBM	Building Block Methodology
BEE	Black Economic Empowerment
BNR	Biological Nutrient Removal
CBA	Cost Benefit Analysis
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CMA	Catchment Management Agency
CMF	Catchment Management Forum
CMS	Catchment Management Strategy
CSIR	Council for Scientific and Industrial Research
CSM	Combined Services Model
CUC	Capital Unit Charge
DBSA	Development Bank of Southern Africa
DEAT	Department of Environmental Affairs and Tourism (in 2009 this Department became the Department of Environmental Affairs)
DWAF	Department of Water Affairs and Forestry (in 2009 this became the Department of Water Affairs, DWA, as it had been prior to 1994)
EFR	Estuarine Flow Requirements
EMF	Environmental Management Framework
EMP	Environmental Management Plan
EWR	Environmental Water Requirements
FAO	Food and Agricultural Organisation
FETWater	Framework for Education, Training and Research in Water
GEF	Global Environmental Facility
GTZ	German Technical Assistance
GWP	Global Water Partnership
HDI	Historically Disadvantaged Individual
ICOLD	International Commission on Large Dams

ICT	Information and Communications Technology
IDP	Integrated Development Plan
IFR	Instream Flow Requirements
IMP	Industries, mining and power generation
IRP	Integrated Resource Planning
ISPs	Internal Strategic Perspectives
IWRM	Integrated Water Resource Management
LIMCOM	Limpopo Basin Commission
LWHP	Lesotho Highlands Water Project
MC	Management Class
MUS	Multiple Use Systems
NEPAD	New Africa Partnership for Development
NWA	National Water Act
NWRIA	National Water Resource Infrastructure Agency
NWRI	National Water Resource Infrastructure
NWRS	National Water Resource Strategy
O&M	Operation and Maintenance
OKACOM	Okavango River Basin Commission
ORASECOM	Orange Senqu River Basin Commission
PWC	Permanent Water Commission
R&D	Research and Development
RDM	Resource Directed Measures
RDP	Reconstruction and Development Programme
ResDSS	Reserve Decision Support System
RHP	River Health Programme
RQO	Resource Quality Objectives
RWP	Regional Water Policy
RWQOs	Resource Water Quality Objectives
RWS	Regional Water Strategy
SADC	Southern African Development Community
SALGA	South African Local Government Association
SAREP	South African Rainfall Enhancement Programme
SDC	Source Directed Controls
SDF	Spatial Development Framework
SFR	Streamflow reduction
TCTA	Trans Caledon Tunnel Authority
TDA	Transboundary Diagnostic Analysis
TPTC	Tripartite Permanent Technical Committee
WC/WDM	Water Conservation/Water Demand Management
WDCS	Waste Discharge Charge System
WMA	Water Management Area
WMO	World Meteorological Organisation
WRC	Water Research Commission
WRCS	Water Resource Classification System
WRMC	Water Resource Management Charge

WSA	Water Services Authority
WSDP	Water Services Development Plan
WU&WM	Water Use and Waste Management
WUA	Water User Association
Currency	All figures are presented in US\$, calculated at a conversion rate of ZAR7.4: 1US\$

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Chapter 1

The Political, Social and Economic Context of Changing Water Policy in South Africa Post-1994

Barbara van Koppen, Barbara Schreiner, and Saliem Fakir

Abstract This chapter describes the political, social and economic context in which South Africa's water reform was designed and implemented. The water reform was part of the nation's wider transformation after 1994 from white minority rule and territorial and institutional segregation, to a democratic, non-racial state. This implied a major challenge to redress the legacy of gross inequities in access to water for domestic and productive uses and the persistently high poverty levels, especially in the rural areas. For a better understanding of the continuities and changes from the past for all aspects of water reform discussed in this volume, the history of water development and management in apartheid South Africa is traced. This encompasses the removal of land and water rights from black South Africans by the early 1900s; the hydraulic mission for white agriculture throughout the twentieth century; and the emergence of the centrally planned, urban-industrialized water economy from the 1970s onwards. Many concepts that would globally be seen as 'best practice' Integrated Water Resource Management according to the Dublin principles of 1992 originate in that era. The chapter concludes by introducing the subsequent chapters in this light.

Keywords History • Integrated water resource management • Water infrastructure • Water law and policy • Water reform • Equity • Bill of rights • Catchment management agency • Water user association

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