

Chair of the Conference, Eiman Karar

Prof Mazrui

Advocate de Lange, Chair of the Portfolio Committee on Environment and Water

Honourable Guests from far and wide

Ladies and Gentlemen,

Friends,

Colleagues

All protocol observed

Welcome to this International Conference on Fresh Water Governance for Sustainable Development. And welcome to this exquisitely beautiful venue – with its glorious backdrop of the Drakensberg Mountains.

I think that we have three interesting and challenging days ahead of us, and from the discussions that were happening already last night over a couple of glasses of wine, there are plenty of ideas and good minds coming together here. I think, and I hope, that we are in for an interesting couple of days.

Looking around last night, I saw a number of people here that have been part of the South African water project since it began after 1994, as well as a lot of people that are newer to the sector, and to these debates, and I would like to welcome, in particular, the students to be here with us. It is going to be your task to take this project forward well after a number of us have retired onto our verandas to write our memoirs.

I'd like to start this conference with a bit of history. The early 90s were an interesting period in South Africa, culminating, on the 27<sup>th</sup> of April 1994, with the first free and fair elections ever held in South Africa. Minister Kader Asmal was appointed Minister of Water Affairs and Forestry, and led the beginning of the water reform programme that we are still implementing.

The water reform programme saw the revision of the policy and the drafting of new legislation, and the implementation of a major programme to deliver community water supply and sanitation. It also saw the amalgamation of the ex-homeland water functions and infrastructure in the Department, which more than quadrupled in size, overnight.

At the time, water was rising up on the international agenda, and integrated water resources management, IWRM, was being strongly promoted. South Africa, in writing the new policy and legislation embraced this concept, and drafted a piece of legislation, the National Water Act, that was received as world class. Indeed, it was used by several countries as a template from which they drafted their own legislation. It was even translated into Chinese by the Chinese government so that they could use it as a reference document in revising their legislation. It was a remarkable acknowledgement of the advanced state of policy and legislative thinking and capacity in South Africa.

We had 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.

The drafting of the policy and legislation was remarkably inclusive, and started from a set of policy principles, which still stand, through to the actual drafting of the legislation. A legal drafting team spent long hours drafting, discussing, arguing, redrafting, arguing again – I'm sure there is a book to be written about that process – one of those memoirs to be written in due course. There were some passionate, heated, and uncomfortable arguments! But there was also a great deal of agreement on what needed to be in the legislation.

The National Water Act was drafted so that the government could, inter alia, address the inequality in access to water for productive purposes, as well as addressing issues of environmental sustainability, and the efficient use of water. The removal of the majority of South Africans from their land had also deprived them of access to water, and this was one of the critical issues that needed to be addressed. It remains, as the current draft of the National Water Resources Strategy highlights, one of the critical issues to be addressed.

The Water Services Act, on the other hand, looked, for the first time, at developing a national function for water services, which until then, had been a purely local government function, or a function performed by the then homeland governments. At the same time, the Department put in place a national community water supply and sanitation programme that, in a matter of years, delivered water to around 9 million South Africans; a programme that, like our legislation, was held up internationally as an example of best practice.

It is now 14 years since the promulgation of the National Water Act, and fifteen 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 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?

If take a critical look at the water sector, we must admit to ourselves that we have made many mistakes, that we haven't got ourselves to the place we hoped we would be. That we haven't yet achieved the dream that drove us when we developed the policy and the legislation. There are many reasons for this, and I think it is worth examining some of them briefly.

Firstly, it must be recognised that when we drafted the National Water Act, we were at the leading edge of the curve. We were implementing something that had not really been tried by anyone else. We were turning international rhetoric into practice – in a developing country. We didn't have other countries of similar development status or similar hydrology that we could easily learn from. Certainly there were practices in Europe that we could learn from, but the governance and hydrological context was profoundly different. And so we ventured into unknown territory, with all the confidence and enthusiasm of liberation behind us.

Since then, a number of countries have developed similar legislative approaches and have put in place approaches to water management that we can learn from, but at the time, we were at the leading edge and we had to make up a lot of it ourselves.

And we did some remarkable work. South Africa had a remarkable cadre of researchers, scientists, water experts that pulled together to do this work. The Water Research Commission must take some credit in having contributed over the years to the development of that cadre and to the work done to support the department. This cadre of people, from inside the Department and out, developed methodologies for determining the ecological reserve that have been used across the world. They developed participatory processes for establishing catchment management agencies, ensuring that people who had been excluded from water governance for their entire lives would be part of the process not just of making decisions about water management, but in the process of setting up the institutions. Indeed, CMAs could not be established without proof of a participatory process having been conducted.

They developed methodologies for reallocating water to those who had been historically deprived of such access. They put in place a licensing system and developed the systems for considering licence applications. I could go on.

Why then, did we arrive at this point: in fourteen years, two out of nineteen catchment management agencies have been established and only had functions delegated to them at the end of last year; while the ecological reserve has been determined for most of our water resources, implementation is still a challenge, and one that we cannot say has been achieved to any great degree; water allocation reform staggers on, but little, if any, water has actually been reallocated in this programme; there are high levels of water theft and the validation and verification of water use has not been completed and is resource intensive and complex.

At the local government level, we see service delivery protests, we have challenges with water quality as seen recently in Carolina, we have aging infrastructure that is poorly maintained, we have a huge backlog in sanitation that needs to be addressed.

In a water scarce country, the average water loss across the country according to recent work done by the WRC is 37%.

So where did we go wrong? And let me be clear, I ask that question as one of the people who was there in the early days, trying to translate excellent policy and legislation into practice. I ask that question as one of the people who contributed to us being where we are today.

I ask that question as one of the people who, at the crest of that wave of the mid to late 90s, thought we could do everything. We were ambitious, we were bold, we were fired up. And that led us to two mistakes – well, two key mistakes – I'm sure there were others.

The first is that we developed overly complex systems for implementing the legislation. Our methodologies for determining the reserve, for example, are scientifically rigorous, but they are expensive and resource intensive – or at least, comprehensive reserve determinations are. Validation and verification is equally resource intensive and complex, which is why it has not yet been completed. Our methodologies were designed to be 'the best', but in being the best, they were complex and difficult to implement, and with so many of them needing to be implemented

simultaneously, the total demand on skilled resources was too much for the resources of the department.

The second was the focus on implementing so many new approaches simultaneously. Despite the legislation being carefully drafted so that we could choose to phase in actions according to need in different geographic regions and times, we ended up doing most things all at once. Which meant that limited human resources were pulled this way and that, without many critical processes being seen through to completion.

These challenges were exacerbated by the high turnover of staff in the department and in local government, and by the difficulties of recruiting experienced and qualified staff.

There were other challenges that I won't go into at the moment. What we must accept, however, is that there have been failures of governance that have brought us to this point. Failures that we are all too aware of. We need to step back and reflect on these failures, and on the successes, to look at what has, and what hasn't worked. And to learn from both. To learn from other countries, particularly those of similar hydrology and development status. To think cleverly about our capacity and how best to deploy it to achieve effective water management that supports the development objectives of government.

This conference gives us that opportunity. To think, to share, to argue, to be innovative, to rethink, to find new paths forward. To avoid getting lost in the mountains.

This conference is looking at a wide range of governance issues. Many of the issues that I have raised will be addressed on the programme, as well as a host of other issues. Over the next few days there will be sessions on multi-level water governance, on implementation, on water regulation and accountability, on water allocation reform, on adaptive management, on gender and governance, on groundwater governance, on the role of water in development, and more. There are a fascinating range of papers to be presented.

It is my hope that these papers will spur further debate on how we can improve our governance systems, how we can make our governance systems truly excellent, where excellent means that they enable effective management of water resources and water services within the human, financial, technical and natural systems capacity of the country. Where excellent means that we can identify and focus on the key priorities and address those effectively. Where excellent means that we see the difference we are making in the field, or in the river, rather than on paper. And above all, where excellent means that our water governance supports, rather than hinders, equitable development in South Africa. Where excellent means appropriate to and practically implementable in the South African context, with all its challenges and opportunities. Where excellent might mean using a donkey to explore difficult terrain, rather than a Ferrari.

As an aside, it would be interesting to know what the economic impact of the delays in issuing of licenses has actually been since 1998. For every water use licence delayed by a month, that means the people who might have been employed as a result of that water use have had to wait a month for an income. And that is ignoring the multiplier effects of a new business or water-based enterprise. Considering that some licences have been delayed for years, one can see how the social and economic impacts pile up.

Stepping aside from that issue, let me take this opportunity to put in a commercial break for the WRC. The WRC was established in 1971 and has had forty years of producing excellent research for the water sector. It is a unique model – a research commissioning organisation funded by water users, and one which many countries envy us.

The establishment of the WRC shows the recognition, forty years ago, of the importance of research and the importance of effective water management in South Africa – even if that research was largely intended to benefit the white water-use community. Forty years later, the importance of good research has only got bigger. It is important that our policy, strategy and implementation are based on sound research, whether it be social or biophysical. And the Water Research Commission is the central player in the water research field.

Currently, the Water Research Commission is moving forward from the solid base of the past forty one years, into a phase guided by four key streams:

The first of these is Investment in the Multiplier Effect, aiming to increase the impact of the research done through the WRC.

This will be achieved using two mechanisms. The first is the WRC Knowledge Tree which, in addition to the knowledge products and publications from the WRC research portfolio, aims to

- *inform policy* and decision-making,
- *contribute to sustainable development solutions*,
- *develop products and services* for the real economy,
- *actively contribute to human capital development*,
- *directly empower communities*, and,
- *enable the national transformation project*.

The second mechanism is to adopt a programmatic approach to choose a significant proportion of new projects in each funding cycle that builds on the knowledge base on existing and previous funding cycles;

The second stream is “Research concentration for accelerated knowledge and solutions development.”

This will be done through the development of *WRC Lighthouses*, which are trans-disciplinary, multi-KSA, and inter-institutional mega-projects that will examine priority water issues across the innovation value chain;

**The third stream is A further diversification of the research philosophy** to expand the number of projects in the portfolio that moves from the classical independent, observer scientific approach to an action research paradigm. This entails the broadening of our scope to one that *actively involves communities in the research design* and project participation as key partners to upscale and maintain the interventions post-project; and;

And the final stream is that of Partnership.

To stretch the impact of the Water Research Fund, the fund that is built on a levy on water use, the WRC is looking to increase the WRC’s partnerships in various domains. These include research

partnerships, implementation partnerships and innovation value chain partnerships. This partnership approach, both locally and internationally, is an important way of increasing the body of knowledge on water matters and getting synergy between the needs and capabilities of various partner bodies.

In addition, the WRC has launched a dialogue programme, with three types of dialogue intended to enhance the water debates across the country – the first dialogue type is public sessions, the second is seminars on particular topics, and the third is closed sessions, operating on chatham house rules, where an issue can be thoroughly worked through without participants fearing reprisals for their views.

A critical aim of the WRC is to improve the dissemination of the knowledge generated through its programmes, so that research uptake improves, and that the new knowledge generated is implemented in the field according to need. One of the big challenges of research is how to get it to the decision makers in a form that they can easily access and use. I am, in this regard, delighted to see that we not only have the research community here at this conference, but a number of key decision-makers and implementers, who will, I hope, take the knowledge from this conference back into improving governance practice within their organisations.

I started this conference with some history, and now I would like to end it with some future gazing. We meet here at an interesting time. The challenges facing us are immense, and are not going to decrease.

At COP 18 countries will gather to discuss, once again, how to manage the challenges of climate change. We cannot predict with certainty what the future is going to bring us in terms of climate change, but we can be pretty sure that it is going to change. This means that we have to be able to manage in a context of increasing uncertainty. Our governance systems have to be resilient in the face of that change and uncertainty. And our governance systems have to protect the poor and the marginalised in particular, who will bear the hardest brunt of climate change.

In addition, according to the latest census, our population is still growing, and will continue to grow. This poses us the challenge of human population growth against a background of limited resource availability and increasing biodiversity loss.

Equally, the inequality in this country remains one of the highest in the world, and the levels of poverty are unacceptably high. These are challenges that we have to address and address with passion and commitment.

This happens within the context of a continued global economic challenge, where even the relatively rapid growth rates of Africa and the Asian giants still struggle to catalyse a significant global economic recovery.

It also happens as the important marker of 2015 looms closer, with the failure to achieve the Millennium Development Goals (MDGs) becoming more evident.

I raise these issues not to depress you, but to sketch the picture of the challenges we have to rise to meet. I raise these challenges knowing that we have, both here at this conference, and in the water sector in South Africa nationally and internationally, some remarkable and creative minds, people of

great commitment and passion, and that, if we pool our resources, share our ideas, bash our heads together, we can find a way forward that will enable us to rise to these challenges and deal with them.

Let me make one last statement before I end – we cannot save the world as water managers, researchers and specialists alone – we have to work out of the box, engage with the other sectors, drive water into the centre of the development debate and development plans. Water is a critical component of the development scenario in this country, and we need to ensure that it is integrated into the governance systems of the country as a whole, the mind-set of all decision makers: we need to place water at the centre of the development agenda of the country. Our governance systems need to support that approach.

In conclusion, ladies and gentlemen, we have our work cut out for us. There is so much to do, and so little time to do it in. It is my sincere hope that these three days will bring a fresh view on water governance, will assist us in sharing knowledge and ideas, as part of the process of developing better and more effective water governance systems in South Africa and in other developing countries in particular. I really look forward to being able to be part of these debates and to learn from the experiences of people locally and internationally in this critical area of work. It is a great privilege for all of us to be here and to have this time to share ideas – I hope it is fruitful, fascinating, and fun, and I look forward to being part of it.