



Why government should lead stakeholder involvement in water resources management: Theory meets practice in South Africa

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**Outcome of study: Prospects and processes for the establishment of stakeholder-initiated
Catchment Management Agencies (WRC Project K5-1972)**

CAN WE MANAGE OUR WATER BETTER?

PROSPECTS AND PROCESSES FOR THE ESTABLISHMENT OF STAKEHOLDER-INITIATED CATCHMENT MANAGEMENT AGENCIES

Report to the
Water Research Commission

by

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Background

- Water management is a difficult and complex business that needs appropriate institutional arrangements.
- While government can give broad guidance and support, as water resource constraints become more acute it is often unable to act effectively to address day-to-day details. And there is evidence that national government's ability to control pollution and keep discipline over water use is slipping.
- Theoretical approaches and empirical work suggest that water as a “common pool resource” is best managed by users self-organised at local level.
- It is often appropriate to manage water resources within the boundaries of river catchments, the geographical unit within which one user's actions affect others.
- It is helpful to involve water users and other stakeholders since they have detailed and up-to-date local knowledge as well as an interest in ensuring effective management to share water equitably between different users and to control pollution.
- This approach is supported by South Africa's National Water Act (NWA), which provides for the establishment of “Catchment Management Agencies” (CMAs) to perform a range of water resource management activities within the framework of a national water resource strategy. However, since the NWA was passed in 1998, only two of the proposed nineteen CMAs have been established.

Objectives

- According to the NWA, " a catchment management agency may be established for a specific Water Management Area (WMA), after public consultation, on the initiative of the community and stakeholders concerned. In the absence of such a proposal the Minister may establish a catchment management agency on the Ministers own initiative."
- To date, this provision has not been successfully used. So the immediate objective of this study is to determine why water users and other stakeholders have not taken advantage of the opportunity to lead the establishment of CMAs in the absence of action by government.
- To do this, it sought to identify the concerns of a diverse group of water resource stakeholders about the benefits and disadvantages of establishing a CMA.
- The wider purpose was to understand stakeholders' attitudes to institutions such as CMAs as ways to improve water resource management in South Africa.
- A final objective was to make policy recommendations

Approach

- At the start of the study, it was considered that the reasons for stakeholders not taking the initiative might include:-
 - ignorance of the enabling provisions of the NWA (*knowledge*)
 - lack of compelling incentives to establish a CMA (*satisfaction with status quo*)
 - concern over ability to defend their interests in a CMA (*capacity and uncertainty*)
 - fear that a CMA might be detrimental to their interests (*negative evaluation of the management concept*); and
 - fear that a CMA would be ineffective in achieving its goals (*lack of confidence in the management model*).

Approach

- Two Water Management Areas were selected in areas under water stress, with different mixes of user types and no CMA or current water resource management interventions underway
- (Olifants and Upper Vaal)
- Although contiguous, Olifants has large conservation and significant trans-boundary elements as well as extensive mining and agriculture; the Upper Vaal is dominated by urban, heavy industry and energy users with local environmental issues and recreational uses
- Different types of users were identified to obtain a diversity of interests and experience
- Open-ended interviews were conducted to identify water resource issues of concern, previous involvement in WRM, knowledge, perceptions and opinions about the management of water resources in general and the establishment of CMAs in particular.

ANALYSIS FRAMEWORK

The structure of the interviews addressed:

- Water resource issues of concern
- Knowledge and experience of WRM functions
- Knowledge of and engagement in WRM processes.
 - Experience and perceptions of existing processes
 - Engagement of marginalised groups
- Considerations about the establishment of a CMA
 - Human resource capacities
 - Financial issues
 - Local organisational issues
- Ideas about the way forward for local WRM

Findings

- From the interviews and other evidence, it is clear that, immediately after the National Water Act was passed, some key water users had sought to promote the establishment of CMAs.
- In the Upper Vaal, Rand Water was reported to have led a process that gained a degree of momentum but then stalled when the DWA did not respond and participants lost interest.
- In the Olifants, the initiative of the Olifants River Forum was highlighted but it was noted that, because the ORF represented mainly the large industrial interests in the upper catchment, it did not gain general support.
- *The following slides give some of the “colour” of the responses....*

WATER RESOURCE ISSUES OF CONCERN

- The current state of water administration and enforcement of the National Water Act (NWA)
- Commercial farmers referred to unsuccessful efforts that they had made to ensure that their water use was compliant with legislation since this was affecting their ability to finance their activities
- Small farmers reported similar concerns but interpreted them as unwillingness to act against existing interest groups
- *“There is uncertainty amongst the irrigation farmers about what will happen during the times of drought. Will legal and illegal farmers be treated in the same way?”*

WATER RESOURCE ISSUES OF CONCERN (cont)

- *“Lots of water is affected by mining, agriculture and industries. There is also lack of action in enforcing Water Act. Sewage leaks into rivers.”*
- *“Our position on the redress objectives in the NWA is that any process should be transparent and fair. The question of expropriation, particularly surreptitious expropriation, remains sensitive. Consensus could be reached but there must be a reasonable and fair approach to issues. Commercial farmers have been ignored before so they do not have much trust in such processes”*

KNOWLEDGE AND EXPERIENCE OF WATER RESOURCE MANAGEMENT FUNCTIONS

- Most respondents had only partial knowledge and focused on what was relevant to themselves. Many mentioned the enforcement of the provisions of the NWA about unlawful abstraction and polluting discharges as key functions.
- In general, municipalities did not pay much attention to water resource management : *“The main engagement has been about water services (Blue Drop). However, the municipality does have a licence to operate the Waste Water Treatment Works and were involved in Green Drop.”*

KNOWLEDGE OF AND ENGAGEMENT IN WATER RESOURCE MANAGEMENT PROCESSES (cont)

- *“The forums are ineffective because they are voluntary and lack statutory recognition and the roleplayers are wary of getting nowhere – it is not enough. The Minister should establish the CMA so that the governing body can be appointed from interested parties. If it was formalised it would get more support and effort from stakeholders.”*
- *“The ORF executive committee could lead the process as a champion but there will need to be a transformation of their approaches.”*
- *“Although the ORF was ready to take the lead, their bias towards only part of all water users in the Olifants was the reason why DWA decided to take the lead itself in formulating a proposal.”*

CONSIDERATIONS ABOUT THE ESTABLISHMENT OF A CMA

- When asked directly, few respondents were even aware that stakeholders may propose the establishment of a CMA to the Minister. However, once the issue was raised, many were quick to give their views about such an approach:
 - *“It is lovely idea to propose to the Minister but there is a need to understand the purpose of the CMA and what it is going to do and how is it going to be funded.”*
- *“There are no incentives for the WUA to initiate or lobby for CMA formation. The members do not even think about CMAs. There are no “champions” for the formation of CMAs and the disparate interests work against any coming to the fore.”*

CONSIDERATIONS ABOUT THE ESTABLISHMENT OF A CMA (cont)

- *“Any sector initiative that pushed for a CMA would be accused of seeking an advantage. In short, the social, political and economic environment is not conducive to intra sub-sectoral cooperation. The water sector is politicised. A neutral and unbiased facilitator would be needed but this could not be DWA.”*
- It was also not obvious that local and provincial governments would be in a position to support a stakeholder-led establishment of a CMA, in part because their jurisdictions did not coincide with that of the WMAs.
- Although problems had been experienced in the past, there was still considerable enthusiasm for the establishment of CMAs in both pilot WMAs.

CONSIDERATIONS ABOUT THE ESTABLISHMENT OF A CMA (cont)

MARGINALISED GROUPS

- A central problem is the effective engagement of small farmers specifically and poor communities and other marginalised groups more generally:
 - "There is no community activism around CMAs. Communities should come into the process but they lack knowledge, capacity and funds. They are not part of the existing process. They will need to be capacitated with finance and knowledge."
 - "Farmers downstream of Flag Boshielo Dam are not mobilised into organisations. It appears individuals mostly look to the provincial agricultural department for support."

CONSIDERATIONS ABOUT THE ESTABLISHMENT OF A CMA (cont)

ON EQUITY AND SOCIAL TRANSFORMATION

- “It could be positive- with the right representatives but also negative:- there is a risk that in a CMA certain role players would dominate and others would be neglected.”
- *“A CMA with adequate resources could improve equity. This is based on the resource. Emerging farmers need additional funding and support. There is a lot to do on the strategy for making a difference. The mandate is within the law but getting water to allocate is tricky.”*
- ***“The “redress” objective in NWA is a barrier to CMA initiation as it creates concern for existing entitlement holders that their entitlement may be reduced during any re-allocation.”***
- *“It is a powerful force for social transformation. It can be a focus for cooperation. The problem that the municipality has is communication and water resource management can help.”*

CONSIDERATIONS ABOUT THE ESTABLISHMENT OF A CMA (cont) ON HUMAN AND FINANCIAL CAPACITY

- *“The farmers do not have the capacity to initiate a water user association so it would be difficult to launch a CMA which is much more complicated. We would need extensive technical support even to be able to participate.”*
- ***“State departments are in silos and this hampers multi-sectoral approaches.”***
- *“The question that is raised is “if government institutions are not working how is the CMA going to work? The stakeholder complains that if government cannot solve problems for them, how can a CMA be able to do that? Thus where are the skills going to be found that will make a CMA to be different?”*
- ***“Can the country afford CMAs?”***

ADVANTAGES AND DISADVANTAGES OF CMAS

- *“The CMA structure is too complicated. But if farmers understood they would be happier with the catchment structure. They need communication and a summary.”*
- *“A CMA would be closer to stakeholders but “the devil is in the detail”*
- *“There has to be a balance of interests and the Olifants WMA is geographically large. It would be impossible for a board to represent all of these interests. Moreover in one CMA it would be impossible to marry the divergent interest of the upper, middle and lower Olifants because they are so different.”*

ADVANTAGES AND DISADVANTAGES OF CMAS

- *“There is a danger of disjoint between CMAs and DWA through communication, delegation and lack of powers, also of domination of other stakeholders in the CMA. In addition, there are dangers of lack of community participation, financial security and lack of transparency.”*
- *“Theoretically the idea of having a CMA is good but there would be conflicting interests and if one entity sees that there is no gain, they would lose interest.”*
- *“There is no reason to think that a CMA with so many diverse interests would be able to enforce discipline in adherence to legislation. A CMA could not assume the role of enforcing compliance. This would have to remain with DWA.”*
- *“A separate institution is not needed to manage at catchment scale. It would merely be a duplication of the centre. The structure envisaged in the legislation is too complicated, too expensive and not commensurate with cost.”*

ON THE WAY FORWARD

- **Some participants felt that the Forums were the natural point from which to start the process of improving water management and that this route should be further developed**
- *“Forums are a mixture of information session, influencing body and discussion group. The forum has made good progress over the last 10 years or so. This notwithstanding, it is not a statutory body.”*
- **Water user associations are important building blocks**
- ***“I am not convinced the CMA is the way to go. There are too many systemic issues and it may not be able to add value.”***
- **“The DWA needs to frame any CMA proposals in a way that it will respond to problems. The initial powers in the NWA are at a level not helpful to emerging farmers.”**
- **“Government appears undecided on whether it wants to proceed with CMAs. If it does it will need to get its act together and excite the stakeholders out of the stakeholder fatigue that has set in due to the lack of progress. Without government commitment and drive the initiative will not succeed.”**

Conclusions

- Although the establishment of CMAs was quite widely supported, most respondents thought that any initiative would have to be led by government, specifically the DWA, as the only organisation that could bring together and ensure balance between the very different groups of stakeholders.
- **This position reflects, in summary, the findings of the research about the principal question of whether stakeholders could initiate the establishment of CMAs in the two pilot water management areas.**

Conclusions

- Insights were gained into the broader water management problems that interviewees faced as well as their views about efforts to improve water management in their areas.
 - About CMAs, many believed that the **task was simply too onerous**; while they were willing to participate in an organisation to discuss matters that concerned them directly, they were not able or were not willing to devote the time needed to establish and run a full time organisation that dealt with all water matters. Some explicitly stated that **this was a role for government**.
 - Concerns were raised about political and power dynamics and **who would control a user initiated CMA**. In both catchments, commercial organisations with substantial resources coexist with weakly resourced municipalities and individual users such as farmers as well as large, poor communities. The concern was that **any organisation would inevitably be dominated by the more powerful interests**.
 - **Environmental organisations** are one group that is generally supportive of the establishment of CMAs and **might, in principle, be willing to initiate** such an activity, preferably by using existing forums as building blocks. However, this reflects their desire to establish channels through which they can participate in and influence decisions about water related matters. Thus they too can be seen as a group that seeks to use the CMA process as a vehicle to promote their interests and any initiative led by them would be likely to be challenged by other users.
 - A feature of the Upper Vaal was the **extent and role of the local catchment forums**. These do not cover the whole WMA but do include the main hot spots. In these, there has been some cooperation between different interest groups, limited by the voluntary nature of the arrangements. These Forums were initiated either by external agencies (DWA or Rand Water) or by the need to respond to a particular set of problems (Olifants).

Conclusions

- Some conclusions could be drawn on the question of what interventions could address some of the obstacles that were identified to the establishment of stakeholder based catchment management agencies.
 - There was general agreement that **a priority must be to ensure that disadvantaged communities are engaged** in the process and that their interests are adequately addressed.
 - It was recognised that any effort at collective management of water in these pilot areas would **have to help poor and marginalised groups to participate**.
 - Also notable that, amongst apparently “empowered” groups, **some users recognised their own weaknesses**. One example was the commercial farmers from the Upper Vaal, who indicated that they would need to organised themselves into a Water Users Association before they could effectively participate in a larger arrangement. Municipalities interviewed had similar concerns.
 - The analysis of many users, based on their practical experience, was that **the performance of national government was weak and that there was an absence of leadership**. This is a concern given the consensus that collective, cooperative management of the resource would only happen if national government took the lead.

Key conclusions were that:-

- Ignorance about the provisions of the National Water Act was not the main reason for stakeholders not taking the initiative;
- stakeholders were not satisfied with the status quo and many were frustrated by government's weak administration of water matters and its failure to deal with serious water management issues;
- many were seeking ways in which they could become more involved in the management of water resources;
- there were however concerns about whether a CMA would protect their interests and support their objectives or undermine them;
- some stakeholders felt that the CMA model was too complex and would not solve the underlying lack of capacity and leadership that were at the root of their problems; and
- most respondents looked to national government to lead in establishing effective water resource management arrangements but were pessimistic about its capacity to do this.

Recommendations

Recognise the need for action

1. Action must be taken to address a range of water resource management issues in the pilot catchments which, if not attended to, will otherwise develop into more serious and systemic problems affecting the economic and social life of the area and damaging the natural environment
2. Although some doubts remain, there is significant interest in and support for the establishment of a more local level of water management which should be recognised and built on.
3. The exact form of that local level of water management and the strategy for achieving it still need to be determined but no serious impediments were identified to the implementation of the basic structure proposed for CMAs.

Recommendations

The approach taken must reflect local capacities

4. A structured progressive approach will be required to create the conditions for the establishment of more formal organisation.
5. For any intervention to be successful, it will be necessary to strengthen the capacity of different interest groups to participate. While emerging farmers and other poor and marginalised communities must be a focus for this activity, the needs of other groups, such as municipalities and commercial farmers should also be recognised and addressed.
6. Some water users need to be organised at a local and/or sector level if they are to participate effectively (for instance in local forums, water user associations or industry groups).

Recommendations

Design a system that makes efficient use of available resources

7. While the aim should be for the day to day running of water resource management activities to be supported from water resource management charges and related sources, public funds will be needed to support the initial establishment process and specifically the capacitation of weaker groups.
8. The general shortage of competent professionals and practitioners must be recognised and new structures should be designed to avoid the duplication of structures and roles and make the most effective use possible of limited human resources while training new incumbents.
9. An analysis of the different functions to be undertaken needs to be undertaken and clear and robust systems designed to manage them both to make the most effective use of human resources but also to reduce the complexity of water management which was observed to cause some confusion even amongst empowered users.

Recommendations

How could action be initiated, and why?

10. It was noted during the interviews that that, although there are many pressures in the water management areas concerned, the absence of an immediate crisis is a factor that inhibits organisation and action. It may therefore be helpful to present any intervention as a precautionary approach that aims to ensure that a crisis does not occur.
11. The development of municipal water services development plans which identify both water supply needs as well as wastewater treatment requirements could provide a helpful focal point for initial discussions and actions.

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- *Thank you*