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Water Governance and Traditional Leadership in South Africa: Policy Options

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A place of quality,
a place to grow, from hope
to action through knowledge

INTRODUCTION

- Traditional leadership contribution to socio-economic development and service delivery in 'traditional' rural communities...
 - Defined as 'communities that are subject to a system of traditional leadership and observe customary law'

INTRODUCTION

- Rural water insecurity and ‘social’ water scarcity
- Historical political economy and contemporary drivers
- Zuma-era: Ascendancy of traditional leadership
- Post-2009 rise of rural social protests
- Need for effective institutional arrangements and linkages

OBJECTIVES

1. Identify parameters within which institution of traditional leadership can be beneficial in water governance.
 - i. Whether or not the equity principle can best be served from a traditional leadership point of view.
 - ii. The benefits and disbenefits of creating an institutional environment for a legally pluralistic system of water governance in South Africa.
2. Explore possible roles of traditional leadership in decentralized and democratized water governance.

Legitimacy question

- Visions of a significant role for traditional leadership in South Africa need to be tempered with realization that there are real perceptions that:
 - The hereditary basis of traditional rule as well as the historical co-option of much of traditional leadership leaders into the oppressive apartheid system renders such leadership irreconcilable with democratic values of the South African Constitution (Ntsebeza 2002a, b).

Other Questions

- Erosion of IKS social capital
- ANC consolidation of political power and influence.
- Varying views, narratives and camps within ranks of the ANC, civil society and academicians.
- South Africa exceptional...but not unique

Operationalizing the Objectives

Premise: Institutional linkage to **water security** for multiple livelihood uses of water

- Water governance IKS and TL institutions
- Water governance domains
- Current practices and TL roles
- SWOT Analysis
- Possible domains of TL participation in water governance

Water governance IKS and traditional leadership institutions

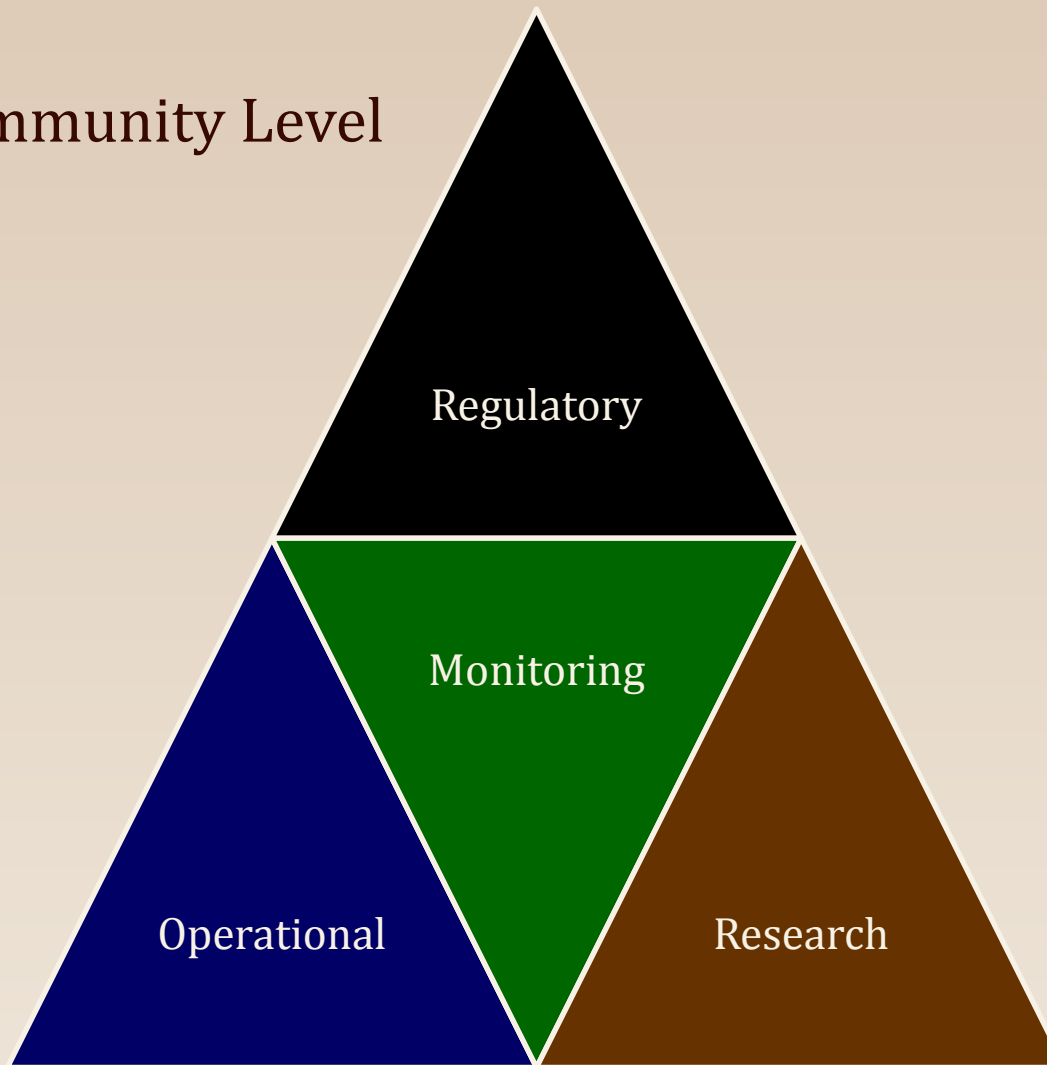
- TLs mainly active in land governance than in water.
- Social capital on water-related IKS varies
- Many traditional communities have strong spiritual, mythical and cultural beliefs and practices around water resources.
- Traditional leaders play key roles in ceremonies and events. E.g.
 - Zulu (Tembe-Thonga): *Umkhosi kaNomkhubulwana* or *Ukulima insimu yenkosazana* , *ukweshwama* and *imfonya*
 - Venda (Lake Fundudzi, Mutshindudi River etc)
 - Tsonga (Makuleke): *Xirongo* collective pan-fishing
- Erosion of water governance IKS prevalent.

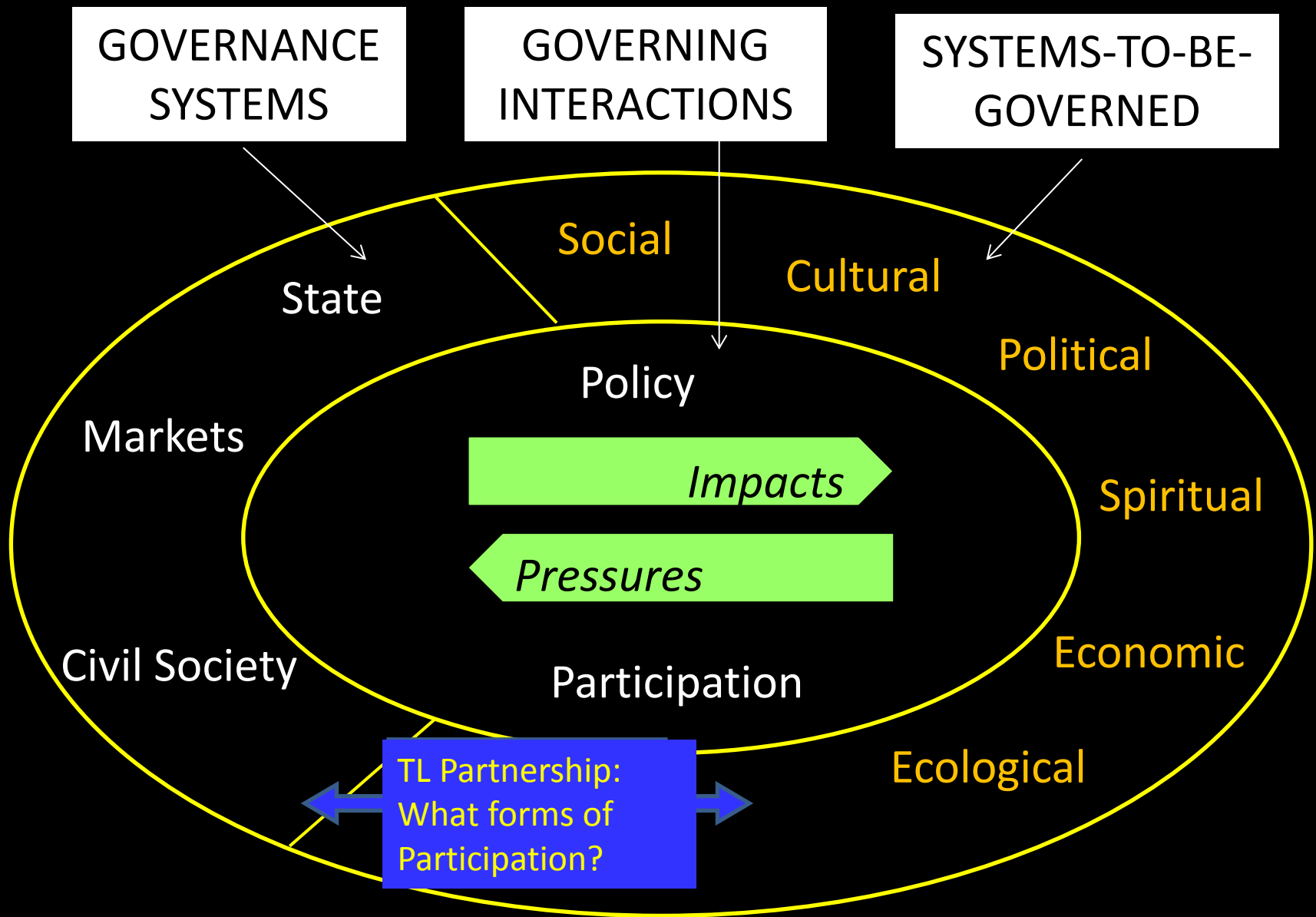
Current Water Governance Domains at Community Level

- Water services
- Safeguarding of water resources
- Water infrastructure development
- Water allocation
- Water use: productive and basic needs
- Water research
- Water 'problems': **Contestations & Insecurity**

Possible Traditional Leadership Roles

Local Community Level





(Adapted from Kooiman (2008))

Current practices and TL roles

- Water services
 - Largely municipal roles & gendered self-provision; TLs active in resolution of disputes & community-wide crises. TLs have contributed to CPR emergence in some NGO-led rural water supply projects, through supporting community-based water services governance (incl. rules).
- Safeguarding of water resources
 - Varies from place to place.
 - Women play key roles, but often lack access to bases of social power & productive wealth (land, finance, decision-making platforms).
 - Strength often linked to IKS social capital.

Lake Fundudzi: Contradictions between custodianship and abuse of power



Challenges for Traditional Leadership



Current practices and TL roles

- Water infrastructure development
 - For both exogenous and endogenous, TL roles linked to land allocation, use and royalties.
 - Mostly associated with boreholes, dams and irrigation schemes. Not small technologies e.g. water pumps, furrows and bucket abstractions.
- Water allocation
 - Mainly done by water institutions.
 - Not many active TL roles observed. The few related to land allocation and adjudication of competing land uses (e.g. Phetwane, Makuleke)

Challenges for Traditional Leadership

- Capacity constraints
- Lack of clear access rights and appropriation rules at the hand-over of water infrastructure developed by the state and other agencies:
 - Open access scenario
 - Emergence of CPR
- Dilemmas of reconciling customary law and Constitutional Bill of Rights... (E.g. Tete case)

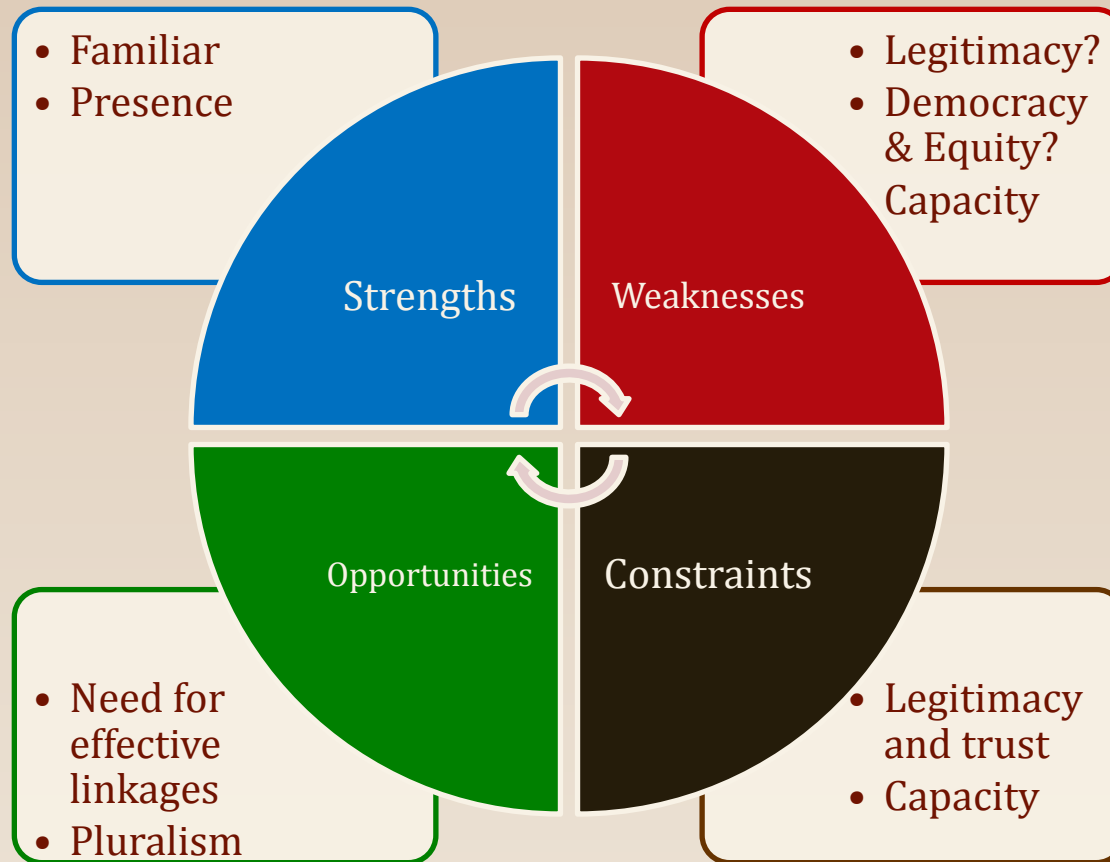
Tete Pan: Case of Mythical Snake



Challenges for Traditional Leadership

- Up-scaling Traditional Leadership focus on local 'traditional community' to broader catchment-wide focus, include transboundary.
- Resilience of traditional leadership and governance against the onslaught of aggressive penetration of capital into rural communities (E.g. RESIS)
- Need to genuinely overcome established attitudes, embrace democratic principles and rebuild trust.

TL Strengths, Weaknesses, Opportunities and Constraints (SWOT)



TL Participation in water governance

- TLs **are** stakeholders in water governance. So are rural women & men, municipalities, WUAs..
- Multiple jurisdictions, interests and bundles of water access rights: Hence no singular institution can play community-level water governance role.
- TL roles will depend on specific governance objective and efficacy.
- Also on outstanding issues: e.g. legitimacy and trust.
- TL participation in water governance domains will therefore vary according to context.

Stakeholder Commitment & Accountability

ACTIVE PARTICIPATION

- Significant decentralization of governance
- High degree of commitment by stakeholders

INTERACTIVE PARTICIPATION

- Shared control by TLs and stakeholders
- Co-management formalized

FUNCTIONAL PARTICIPATION

- Stakeholders participate by forming organizations to meet pre-determined objectives

PARTICIPATION BY CONSULTATION

- Consultation does not oblige managers to yield any share of decision making

PARTICIPATION THROUGH INFORMATION

- Stakeholders respond to questions by managers but do not influence processes and outcomes

PASSIVE PARTICIPATION

- Stakeholders are told unilaterally what is going to happen or has happened.

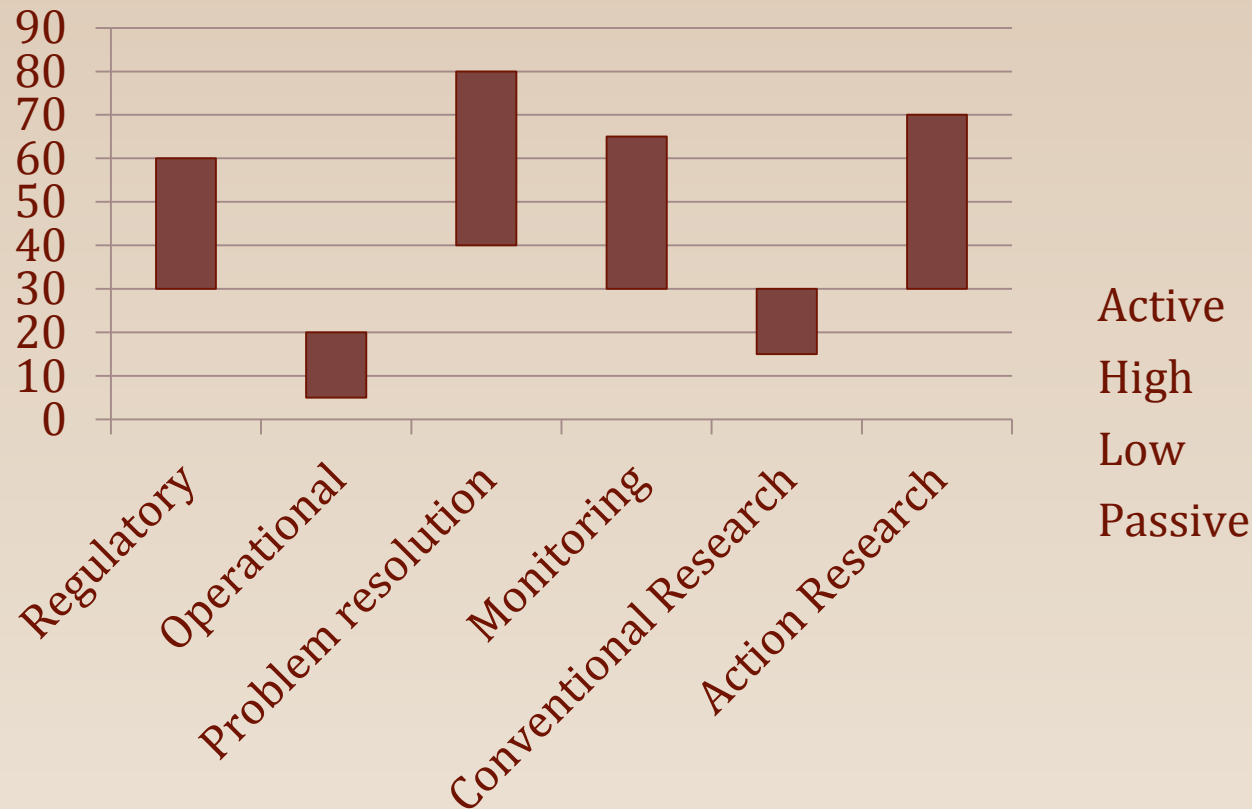
Degree of Dependence on External Institutions

Possible Options of TL Participation in water governance

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FUNCTION	ACTIVITY	PARTICIPATION
Regulatory	Community-level strategy development; Rules-setting	From consultation to active participation
Operational	Water services Water resources Disputes Non-compliance Community crises	Passive Land-related From functional to active participation
Monitoring	Rural water sector performance monitoring	From functional to active participation
Research	Conventional / Action research	From passive to active

Possible Options of TL participation in water governance



CONCLUSION

- Institutional **design, bricolage or both?**
- Ultimately, the justification of Traditional Leadership roles in decentralized and democratized water institutions will be reckoned according to their '**legitimacy**', '**accountability**', '**effectiveness**', '**preparedness**' and '**robustness**'.

LEGITIMACY

- Legitimacy, in resource management, derives more strongly from the extent to which water services institutions pursue the interests of local constituencies than from mere accession into governance structures by democratically-elected representatives and traditional leaders.

ROBUSTNESS

- Robustness refers to institutional capacity to **adapt** to changing contexts by timeously adopting innovative mechanisms to strengthen **gendered water security**.