

# THE CHALLENGES OF DECENTRALISING WATER MANAGEMENT IN SOUTH AFRICA

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# Introduction

- SOUTH AFRICA

- Area 1,220 million sq Km
- Population is 48 million
- Population growth rate is 1.1%
- 80% of water resources used by 5% of population
- 18.8% is the HIV prevalence (age 15 to 45)
- GDP in US\$ Billion is 48, 461.85
- GDP annual Growth 3.8%
- Average rainfall is less than half the world average at 495 mm/yr



# THE SOUTH AFRICAN CONSTITUTION

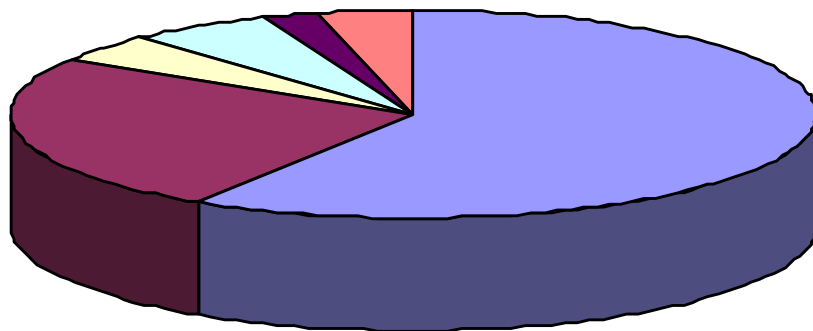
## The Bill of Rights

S27 Everyone has the right to have access to sufficient food and water

S24 Everyone has the right to an environment that is not harmful to their health or well-being, and to have the environment protected, for the benefit of present and future generations

CHAPTER 3 Cooperative  
government

# SECTORAL BREAKDOWN OF WATER REQUIREMENTS (2000)



- Irrigation
- Urban
- Rural
- Mining and Bulk Industrial
- Power Generation
- Afforestation

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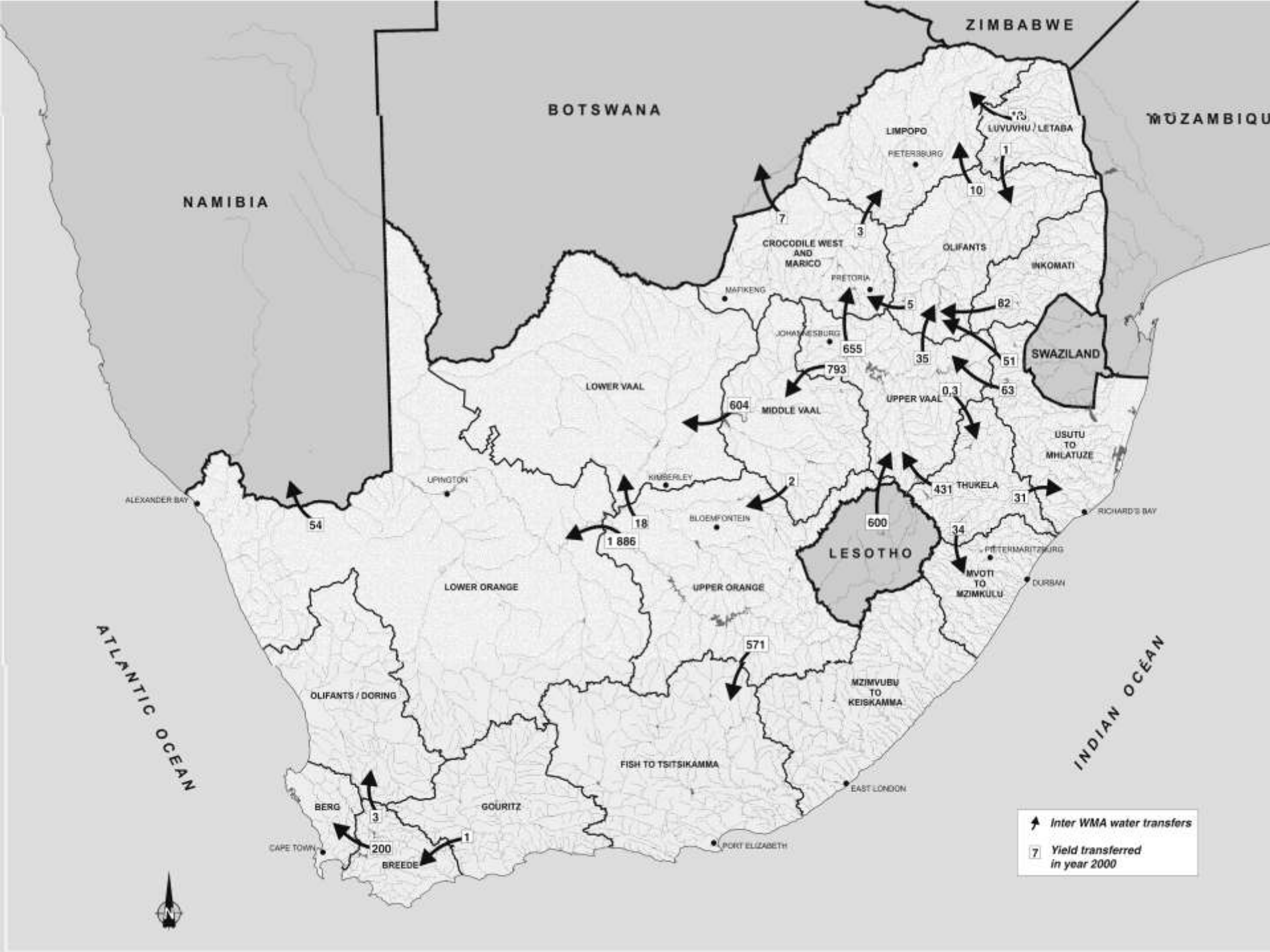
## Supply

- Quantity (Natural Scarcity, Groundwater Depletion)
- Quality Degradation
- Cost of Options

## Demand

- Increasing in all sectors
- Inefficient use

IWRM





# National Water Policy & Legal framework

- Legislation Specifically dealing with Water
  - National Water Act 36 of 1998 (NWA)
  - Water Services Act 108 of 1997 (WSA)
  - Water Research Act 34 of 1971 (WRA)
- Water Law Principles summed up:
  - “Some for all for Ever”
    - Access to limited resources (some)
    - On an equitable basis (for all)
    - In a sustainable manner, now and in the future (for ever)



# The National Water Act of 1998

- The Act recognises that to achieve the objectives of sustainability, equity and efficiency, water resources need to be managed in an integrated manner.
- Integrated water resources management is an evolving, iterative process for the coordinated planning and management of water, land and environmental resources.

# ROLE OF THE STATE

## ss 2 and 3 NWA

- “(1) As the public trustee of the nation’s water resources, the National Government, acting through the Minister, must ensure that water is protected, used, developed, conserved, managed and controlled in a sustainable and equitable manner, for the benefit of all persons and in accordance with its constitutional mandate.*
- (2) The Minister is ultimately responsible to ensure that water is allocated equitably and used beneficially in the public interest, while promoting environmental values.*
- (3) The National Government, acting through the Minister, has the power to regulate the use, flow and control of all water in the Republic.” Chapter 1, sub-section 3.*

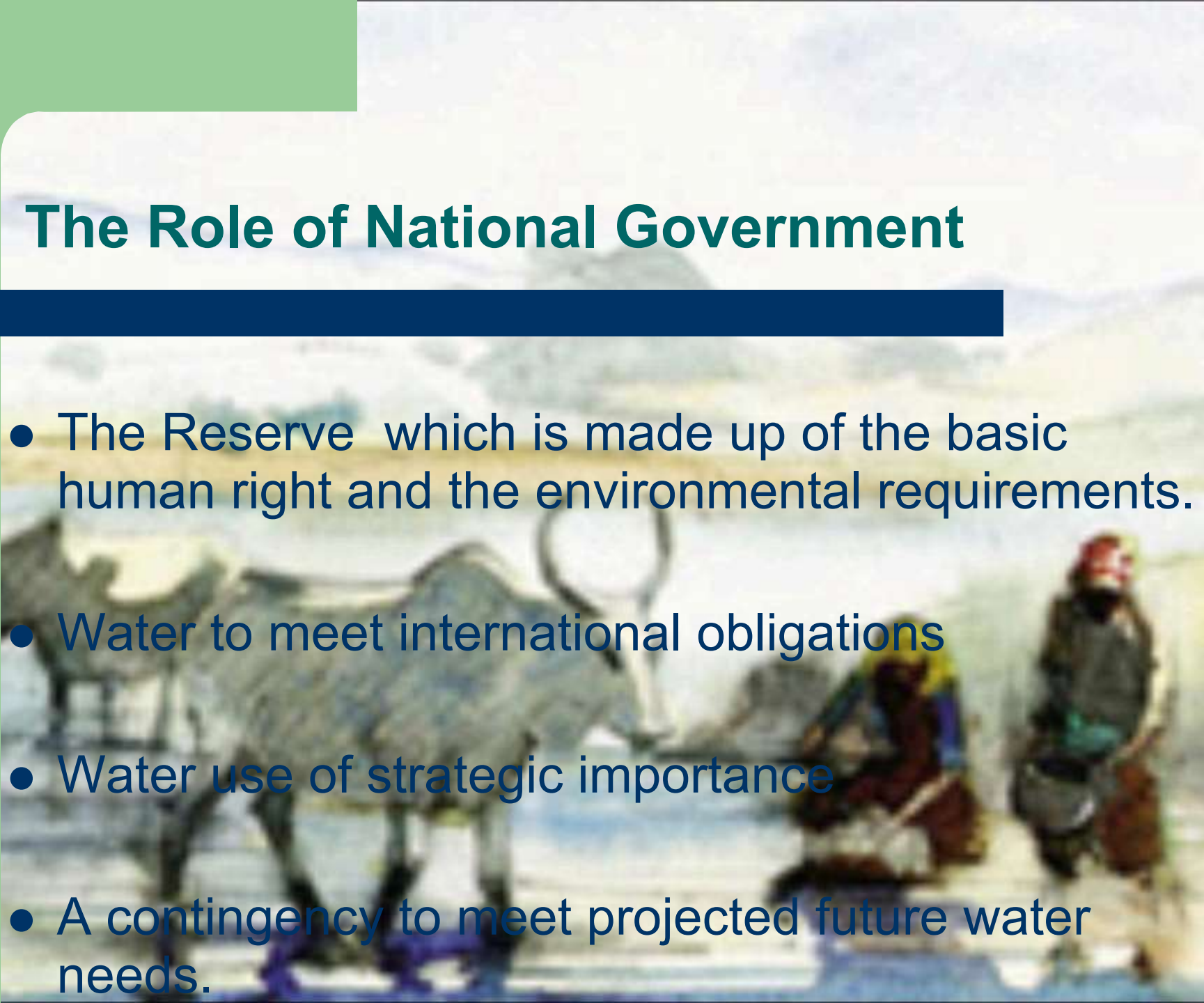
# NATIONAL WATER ACT, 1998

## Key Provisions;

- Water is an indivisible national asset.
- National Government is the custodian of water resources. Will exercise its powers as public trustee.
- Water to meet basic human needs and to maintain environmental sustainability guaranteed as a right – the “Reserve”.
- Water resource management decentralised to regional and local institutions.



# The Role of National Government

- The Reserve which is made up of the basic human right and the environmental requirements.
  - Water to meet international obligations
  - Water use of strategic importance
  - A contingency to meet projected future water needs.
- 



# Water Management Institutions

## FIRST TIER

Minister of Water Affairs and Forestry

Overall responsibility for effective water management

Department of Water Affairs and Forestry

National Water Resource Strategy

## SECOND TIER

Catchment Management Agency

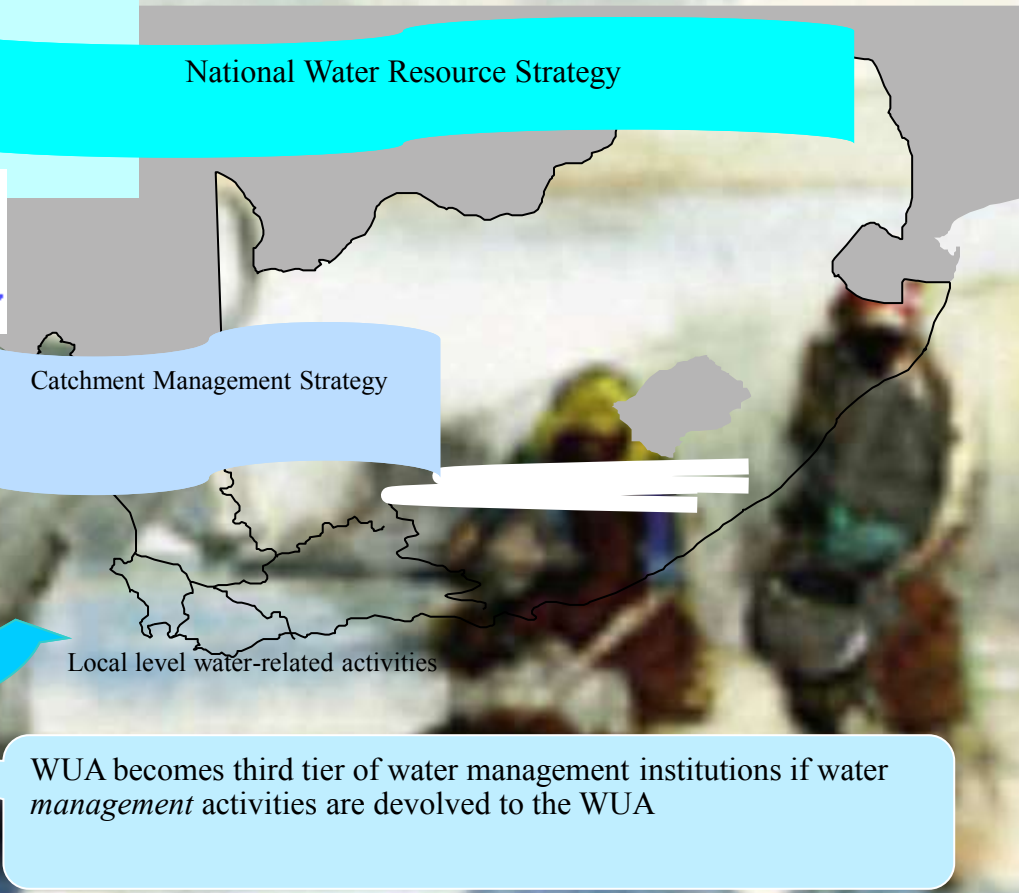
Catchment Management Strategy

## THIRD TIER

Water User Association

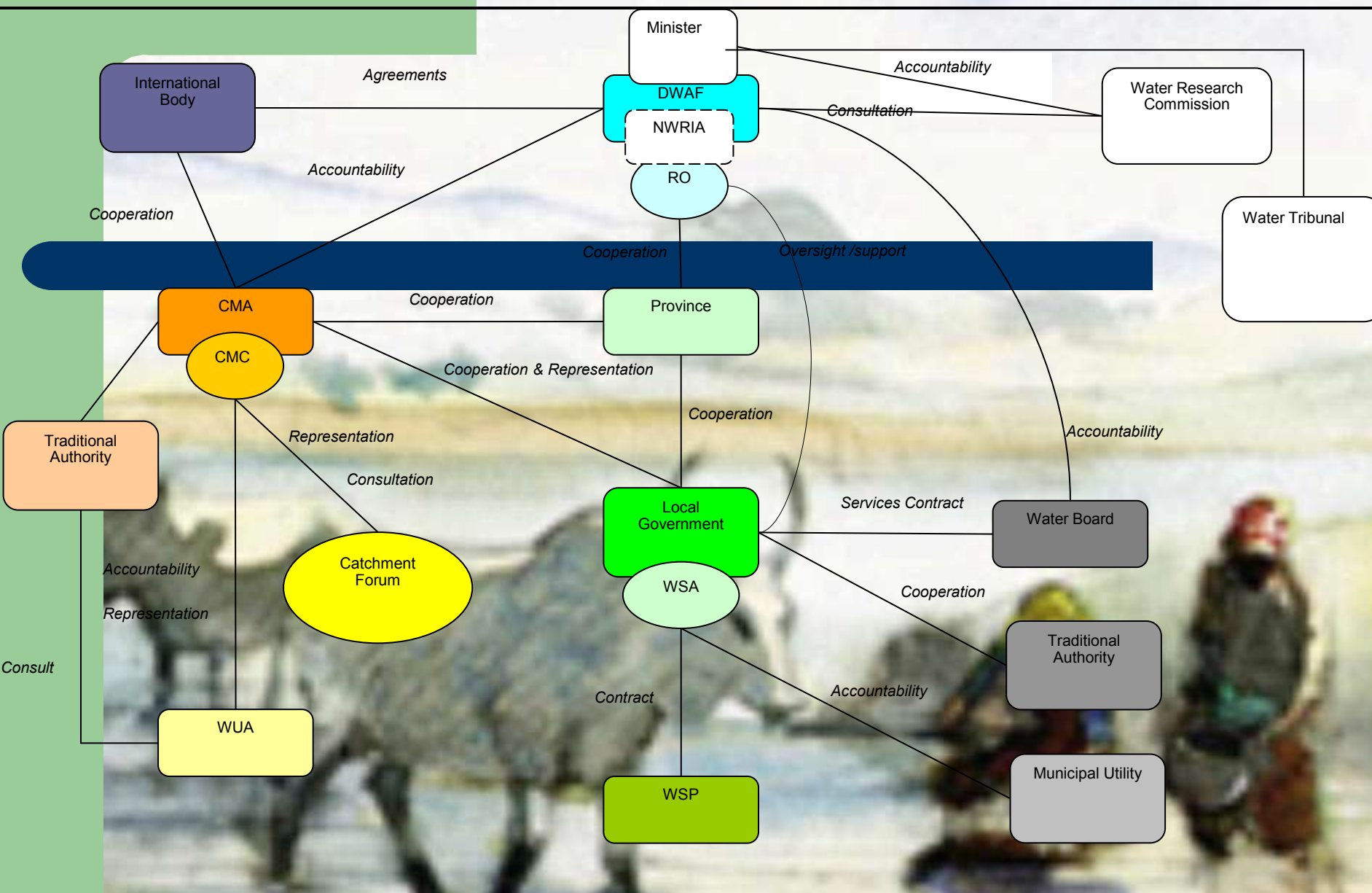
Local level water-related activities

WUA becomes third tier of water management institutions if water management activities are devolved to the WUA





There are currently 283 Local Authorities in South Africa, falling within approximately 1 950 quaternary catchments in 19 WMAs



**Water Resources Management**

**Water Services**

# Cooperative government (1)

states that "government is constituted as national, provincial and local spheres of government which are distinctive, interdependent and interrelated".

The "distinctive" element reflects that each sphere exists in its own right; it is the final decision-maker on a defined range of functions and is accountable to its constituency for its decisions.

The Constitution allocates government functions on either an exclusive or shared (concurrent) basis.

The national government is exclusively responsible for national defense, foreign affairs, the criminal justice system (safety and security, courts), higher education, water and energy resources and administrative functions such as home affairs and tax collection.



## Cooperative Government (2)

- Since 1996 a “quasi-federal” state with national, provincial and local spheres of government recognized constitutionally.
- • There are substantial area of concurrent jurisdiction
- • Provinces depend highly on transfers from national government
- • National government raises 95% of revenue and distributes half

## Cooperative Government (3)

- Government is to work out differences through negotiation and consultation
- Most of the efforts until 2005 were unregulated efforts based on “good will” from involved parties.
- Constitution provides for a Finance and Fiscal Commission that makes recommendations to national government on transfers to provincial and local government on “equitable share” basis
- • The constitution calls for a cooperative government, it does not define how.

# The Purpose of the Inter Governmental Relations Framework

- to establish or provide for structures and institutions to promote and facilitate intergovernmental relations; and
- to provide for appropriate mechanisms and procedures to facilitate the settlement of intergovernmental disputes;
- it is necessary to establish a general legislative framework applicable to all spheres and in all sectors of government to ensure the conduct of intergovernmental relations in the spirit of the Constitution:



# Issues

- Clear implementation of responsibilities between local government and RBOs
- Role of the citizens, public participation versus democratic local government
- Lack of expertise to decentralise.
- Clear role for national in RBOs especially from the regulatory aspects.
- Water and land allocation reforms , clear coordination between national departments.
- The operationalisation of the Inter Governmental Relations Framework law.





Thank you