

Chair of the Conference, Eiman Karar
Prof Mazrui
Advocate de Lange, Chair of the Portfolio Committee on Environment and Water
Honourable Guests,
Ladies and Gentlemen,
Friends,
Colleagues
All protocol observed

Welcome to this International Conference on Fresh Water Governance for Sustainable Development. 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. But there are also a lot of people here that are new to the sector, and to these debates, and I would like to welcome, in particular, the students who are 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 27th 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.

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 that was received as world class. It was used by several countries as a template from which they drafted their own legislation. 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.

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.

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.

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?

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. 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 been tried by anyone else. We were turning international rhetoric into practice. We didn't have other countries of similar development status or similar hydrology that we could easily learn from. 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 to contributing to that cadre and to the work done to support the department. This group of people, from inside the Department and out, developed methodologies for determining the ecological reserve that have been adopted 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. And so 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 another 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. I could go on.

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.

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 I will rather say is that we need to step back and reflect. To look at what has, and what hasn't worked. To learn from other countries 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 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 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 'good enough', where 'good enough' means that they enable effective management of water resources and water services within the human, financial, technical and natural systems capacity in the country. Where 'good enough' means that we see the difference in the field, or in the river, rather than on paper. And above all, where 'good enough' means that our water governance supports, rather than hinders, equitable development in South Africa.

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. Considering that some licences have been delayed for years, one can see how the 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.

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. Forty years later, the importance of good research has only got bigger.