

# Workshop Proceedings

## *Water Equity Dialogue -21st April 2015.*

As part of the Water Research Commission's series of dialogues; the WAT-Indaba Water Equity Dialogues was held at the University of Pretoria where the university, Human Science Research Council (HSRC) and Prime Africa, hosted the Round Table Workshop on Water Equity, on the 21<sup>st</sup> April 2015.

The occasion was graced by former Minister of Justice and Constitutional Development, whom also played a pivotal role in the formulation of the new South African Water Act (Act 36 of 1998). She chaired this event and Mr Dhesigen Naidoo, CEO of the WRC facilitated this thought-provoking round table discussion. Amongst these, a number of delegates from government, private, research and academic organizations participated during the platform.

### Background and Aims of the Workshop

In light of the international initiatives such as the World Summit on Sustainable Development, Johannesburg, South Africa, 2002, that challenged global governments to find a means of reconciling social equity with economic efficiency and stability, while ensuring resource sustainability, as well as the promulgation of the National Water Act (Act 36 of 1998) –water equity remains a unresolved in the country. Thus, the main aim of the workshop was to;

- Share the findings from this research;
- Identify future research needs in this domain
- Strengthen the Water Equity Platform and
- Establish the Water Equity Steering Committee

The round table discussion culminated in gaining insights from various experts that participated and these proceedings are a compilation of the outputs to be circulated to a wider audience and will be used for research purposes by the WRC and its researchers, and will ultimately inform policy.

### *Key Note Address –Mr. Dhesigen Naidoo (WRC)*

Mr Dhesigen Naidoo kick-started the dialogue with posing the question whether we need to achieve “equity” or “equality”; he concluded that equity is a means to reaching equality as an end and not an end in itself –equity is a mechanism for attaining equality. As the way forward, he reiterated on the following:

1. Working definition of equity
2. Produces a business case
3. A knowledgeable group of people to keep this equity principle sustainable
4. A continual tool box public and private use

### *Chairperson's address –Ms Bridgette Mabandla (Independent)*

Water is a basic human right... in the South African Constitution, water and the environment are explicitly stated in the Bill of Rights. Therefore, water should be allocated in an equitable manner to all South Africans.

### *Presentation – Prof. Narnia Bohler-Muller (SAHSRC)*

Presented a court case regarding the constitutionality of the City of Johannesburg's free basic water policy and the lawfulness of the pre-paid water meters (*Lindiwe Mazibuko and Others v City of Johannesburg and Others Case*). From the legal clauses in water legislation she raised issues such as;

1. ***“How sufficient is sufficient water?,***
2. ***How reasonable is beyond reasonable measure?***

The decision was clearly not a favourable decision for the poor involved. It, however, attempts to balance the lawfulness and reasonableness of the City’s FBW policy and the introduction of pre-paid meters. She concluded that the South African concept of “*reasonableness*” in the law allows flexibility and idealism for adjustments depending on case unlike the concept of a “minimum threshold” with its standard and defined. The issue is, the court practices constraint in some cases and in other cases it is liberal.

### ***Presentation – Prof. Anton Kok- University of Pretoria***

In his presentation, the emphasis was on –redress equity through affirmative action is part of gaining equity means a “minimum dignified amount and access not a ceiling of “equality”...

***Please refer to Appendix 1 for full presentation.***

### ***Presentation – Prof. Muxe Nkondo***

The Professor started the presentation quoting, ***“Efficiency, effectiveness and development (EED) is a means to an end to justice and not an end in itself” –Amatia Sen***

- Efficiency and effectiveness are pushed at the expense of development
- The National Water Resources Strategy (NWRS) needs to be rephrased in certain parts such as:
  - Water Resources Planning
  - Infrastructure Development
  - Equitable Water Allocation
  - Water Conservation & Demand Management
  - Institutional Environment and Arrangements
- Water Equity should be linked with radical injustice and also tie it with the land question as well.
- Marginalised groups are displaced for development vs displaced by development
- The parliament of South Africa has very different ideologies and hence effective change is not easy
- There are still power differences and redistribution embedded in administrative justice
- The NDP is the new mechanism for radicalness and revolutionary
- It’s not practical to assess policy with CBA but rather on how it actually impacts on people
- Why are socio-economic needs conditional when political needs are unconditional

### ***Presentation–Ms. Querida Saal –South African Human Rights Commission***

- Strategic Focus Area 2012-2013: The Right to Access Sufficient Water and Decent Sanitation
- Section 9, 16, 27 (1) (b) of the South African Constitution mentions water as a basic human right. Water access is also mentioned in the Section 24 Bill of Rights under Environmental Rights
- StatSA noted that 85% of people have access to water and that it is at RDP level
- Findings from the research is that women in the rural areas lack access to proper water and sanitation
- The study recommended that there should be the following:
  - Transparency within Department of Water & Sanitation (DWS) redistribution mechanisms
  - Accountability
  - Corporative Governance

- Mainstream gender into water and sanitation programmes
- Community partnership and monitoring
- Ultimately, adequacy, acceptability and quality of water should be considered beyond access to water

*Please refer to Appendix 2 for full presentation*

#### *Presentation—Dr. Jackie Crafford*

- When water equity arrives, how will we know?
- Water equity has to do with water quality as well as 25L/person/day
- Water and energy are the key resources in the world because they cannot be substituted
- We need very specific policy instruments ( regulatory and economic )

*Please refer to Appendix 3 for full presentation*

#### *Roundtable Discussion (Key issues & Recommendations)*

1. Who decides the 25L/person/day?
2. How best can we fast track the equity of water and sanitation?
3. Poverty alleviation vs poverty eradication, thus can we say we can never get rid of the Poor?
4. Land and water will always have a nexus, property rights
5. There needs to be a social movement
6. Economic change comes from social change and mobilizations
7. There's need for dynamic networks to feed information relevant to policy

#### *Presentation –Eiman Karar- WRC*

- Multi - disciplinary approach has been developed to projects and raise level of engagements current project on developing indicators on good governance.
- Is equity fairness? Why is there no improvement? Were these mechanisms being tested?
- Why is there a backlog in water supply and sanitation in SA?
- WRC needs to host a conference to explore Water Equity

## **Conclusions and Recommendations**

The various experts at the workshop came to a consensus that South Africa's Water Equity issue needs to be clearly understood and defined in order to address the disparities associated with the water access to the vulnerable and marginalised groups. Thus, a code of public services is required to delivering services impartially, fairly, equitably and without bias. Hence responding to people's needs and encouraging public participation in policy matters; as well as private sector involvement through Public-Private-Partnerships are required. In that regard, there needs to be a conceptualised set of tools or mechanism to attain the water equity. The main recommendation was therefore for the Water Research Commission to develop research themes around Water Equity through a scientific symposium or conference.