

WRC Water Currents Policy Series

Water Governance in Traditional Rural Communities of South Africa: Decentralization Options

Report on Proceedings of the Policy Dialogue Workshop on Policy Options for Effective Water Governance in Traditional Rural Communities



17 and 18 March 2015

**Venue: Sports Science Institute of South Africa,
Newlands, CAPE TOWN**

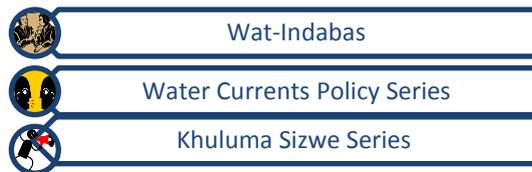




About the WRC Dialogues

The WRC Dialogues are discussion-based events on topical water issues affecting the South African public, the aim of which is to serve as a platform to exchange ideas and opinions related to water. In this regard, the WRC Dialogues are guided by the principles of transparency, openness and honesty; plurality of perspectives and inclusivity, mutual respect; a commitment to problem-solving and mutual accountability; and in the broader interest of knowledge sharing. The value of the WRC's role as convener of these events lies in its ability to be a neutral knowledge broker as South Africa's premier water knowledge resource.

There are three types of dialogues that are organised in this series:



WAT-INDABAS

Wat-Indabas are typically closed facilitated sessions held under the Chatham House Rule. This rule refers primarily to the confidentiality of the source of information received at a meeting. The aim is to facilitate free knowledge sharing in an unthreatening environment. It intends to deepen mutual understandings of the different perspectives of stakeholders when there may be significant conceptual gaps, reference points, and perhaps even a degree of mistrust. Wat-Indabas will often span several sessions and involve the progressive unpacking of key issues related to the subject matter, with the outcome decided at the onset. Under Chatham House rule, participants commit to protecting the identity of other participants and only using the information received strategically to inform actions, research or policy decisions. Attendance is by invitation only.

WATER CURRENTS POLICY SERIES

The Water Currents Policy Series is a range of convened seminars, often held in partnership with a host of collaborating institutions, and comprising of a panel of experts invited to present different authoritative views on a discussion topic. The aim of the Water Currents Policy Series is to create a forum where panellists express multiple and sometimes divergent perspectives on key issues affecting the water sector in South Africa. A key component of this series is that it is outcome-driven with opinion pieces, policy briefs, and other publications generated after each dialogue.

KHULUMA SIZWE SERIES (The nation speaks)

The Khuluma Sizwe Series is an open lecture platform where high-profile speakers are invited to give talks on very impactful water issues affecting the South African public. These events will be widely broadcast and are open to the public.

For more information about the WRC Dialogues and the calendar of events visit the WRC website: www.wrc.org.za

Background

Although the South African government has since 1994 made commendable achievements in broadening access to water for historically disadvantaged people (HDIs), many women and men in traditional rural communities continue to live without adequate access to water resources and services. They endure lower levels of access to water services than urban residents, often without foreseeable prospects of moving up the water ladder and progressively realizing similar levels of human and socio-economic rights of access to water. Insecure access to water resources also limits the potential of rural women and men to engage in economically productive activities and thereby ensure food security and livelihood resilience. These gender groups are particularly vulnerable to a range of risks associated with insecure access to water and land. There is a need to develop clear understandings of the legal and gender dimensions of linkages between water and land access systems, particularly with respect to traditional rural South Africa.

Water insecurity in traditional communities runs counter to Millennium Development Goals (MDGs), whose deadlines are in the current year 2015. Rural water insecurity also works against government's reiterated commitment to addressing macro-economic policy challenges of poverty, inequality and unemployment, and objectives for rural development and agrarian reform in particular.

Perceptions are increasingly that rural water insecurity is *both* a legacy of the country's historical political economy and a product of post-apartheid institutional failure to meet rural people's needs and expectations for water. There is also a growing acknowledgement of shortcomings in the efficacy of existing institutional arrangements for water governance in traditional rural communities, particularly in contexts characterized by a virtually 'absence' of government. The search for effective institutional linkages between micro-levels of water use and macro-/meso-levels of water regulation, planning and implementation, however, raises a number of questions. Some of the questions revolve around the extent to which current articulations of constitutional provisions for legal pluralism have sufficiently incorporated the roles of traditional leadership, among other key stakeholder institutions, within a decentralized water governance framework.

The problem can be captured in the following questions:

- 1) Given the urgent need to resolve rural poverty, unemployment, inequality and under-development, what are the challenges to effective water governance in traditional rural communities in South Africa?
- 2) What are the benefits and dis-benefits of creating an institutional environment for a legally pluralistic system of water governance in South Africa?
- 3) What is the nature of the institution of traditional leadership and what are the parameters within which it can be beneficial in overall water governance?
- 4) Can the equity principle be best served from a traditional leadership point of view?
- 5) What roles can traditional leadership play in decentralized and democratized water governance, resource management and services institutions?

Purpose

The purpose of the workshop was to highlight the water and governance issues prevailing in South African traditional rural communities and to discuss policy options for effective water resources governance in these contexts. At the centre of dialogue objectives is the need to collectively reflect on policy options for effective delivery on water sector mandates, particularly for the benefit of vulnerable rural women, men, children and households. Among a range of (existing and/or possible) institutions whose roles could be considered is 'traditional leadership', which plays key roles in the governance of land associated with water resources in traditional community contexts. Given the ongoing reviews of the South African water, land and traditional governance institutions, this is an opportune moment for such reflection.

Workshop aim and objectives

The aim of the policy dialogue workshop was to generate policy recommendations to assist water institutions and National Government to better deliver on their primary mandate mainly around access to water resources and infrastructure for productive purposes and improved livelihoods.

The objectives of the proposed workshop were to:

- Share and discuss research findings;
- Obtain and reflect on stakeholder perspectives about water and governance issues in traditional rural community contexts; and
- Collectively explore, through dialogue, policy options for ensuring effective institutional linkages between the national, regional and local levels of planning and micro-levels of water use in traditional rural communities and households.

(See annexures for official programme; Twitter feed on workshop: #tradleaderswater)

Participants

The target audience for the workshop was rural women and men, traditional leadership, civil society, catchment-based organizations, gender-focused institutions, researchers, academicians, students, practitioners, policy makers, decision-makers and people working in the public service, who influence water governance, land and agrarian reform, livelihoods, rural development, economy, knowledge development and ecosystem resilience and well-being and want to contribute to new solutions for difficult water governance-related challenges in traditional rural community contexts. (See annexures for full list of participants.)

DAY 1: 'VOICES FROM THE GROUND'

Participants from rural communities met the day before the official workshop to hear 'voices from the ground', sharing case studies and identifying priority issues in breakaway groups constituted geographically with civil society representatives and traditional leaders to discuss the following key questions:

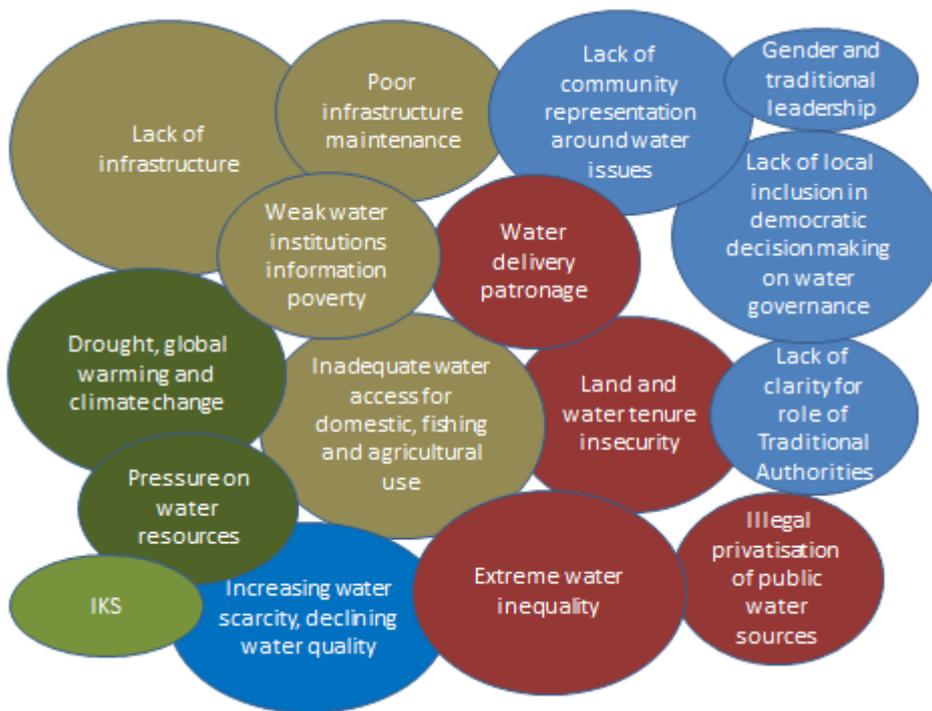
- Where do you get water?
- What do you use water for?
- How long does it take to get water daily?
- What water infrastructure exists in your area – dams, reservoirs, taps, dams?
- Who installed the infrastructure?
- When it doesn't work, who do you turn to for help?
- What are the three PRIORITY WATER ISSUES in your area?

A rich, lively discussion followed in groups, mapped on flipcharts and reported back during a 'gallery' walk in a plenary session.

- Bizana (EC):** No proper water access and infrastructure
Drought
Conflict over water use (domestic/livestock) & illegal privatisation of springs
- Jozini (KZN):** No proper access and infrastructure for domestic water
Need to build capacity, deepen understanding and ensure representivity in water issues in communities
Lack of access to water for fishing and agriculture
- Namakwa (NC):** Marginalisation and lack of recognition of Khoisan traditional leaders
Poor cooperation between municipalities and local community for a
Dependence and pressure on groundwater
- Rooigrond (NW):** Lack of tenure/security impacts on access to land/water
Infrastructure maintenance affected by party politics/factionalism
Need for in situ upgrading impacted also by party politics/factionalism
- Limpopo (several communities):**
Need for water infrastructure – water plant, reservoir extension
Need to protect water resources – fence fountains
Access to water – underground pipes are empty
- Eshowe (KZN):** Access to water (weekly delivery)
Inclusion in water governance and allocation decisions (from dams)
Piped water for domestic use
- Mbuzini (MP):** Erratic and inadequate water supply

Lack of community representation on water allocation and governance
Water inequality in access and allocation

The facilitators produced a colour-coded diagram mapping the priority issues identified across communities and overarching, cross-cutting water issues – drought, global warming and climate change; pressure on water reserves; indigenous knowledge systems – to inform discussion on Day 2.



The key priorities facing communities were access, insecurity and inequality in relation to water, along with extreme 'information poverty'. Many participants, including traditional leaders, were unaware of the very existence of water governance systems. This highlighted issues around a lack of inclusion, lack of information, lack of representation and lack of clarity on the role of traditional leaders in water governance. The snapshot picture provided was of extreme water inequality in South Africa, particularly evident in the case studies, showing a contrast between the availability and access to water.

"Decentralisation means that our voices can be heard as rural communities"

In a break-away discussion session that followed, participants met as two groups – 'traditional leaders' and 'civil society' – to discuss how to involve communities and build capacity. Discussion was structured around the following questions:

- 1) What are the objectives of decentralisation?

- 2) How should community structures be constituted and who should be involved? (Who and what and how – criteria?)
- 3) What responsibilities should such a structure have? (What kinds of decision making powers should it have?)

There was animated discussion in both groups about the efficiency and revitalisation of existing local structures or establishment of new structures, the current and potential future role of traditional leaders in water governance, and proposals for improving participation in community-level structures for local water governance, which re-emerged as dominant themes in discussion on Day 2. Both groups stressed the need for budget and resources to build capacity for effective participation in water governance.

A strong voice emerged from the civil society group raising concerns at the structure of a workshop dealing with local water issues in rural areas and the uncritical focus on the role of traditional leaders, while responsibility for water services is located at the level of local government:

"We never said we wanted traditional leaders to take over water service delivery in our communities, because we live in these communities and we are the ones suffering because of traditional leaders who work with private companies and some corrupt officials to gain access to our land. We are not saying that all traditional leaders are corrupt but we feel that this workshop is enforcing traditional leaders upon us. We were told that the workshop is about water and rural communities but seemingly all presentations and discussions are pushing the agenda of traditional leadership involvement in water services, nothing is said about local government which is the sphere that is supposed to be responsible for water service delivery. All we hear about is traditional leaders and these are not even catered for in the Constitution. It is a lie that water and land are disconnected, because these two go hand in hand. All this makes us very angry as communities."

People stressed that issues around water and land cannot be separated or disconnected – and are intrinsically linked to broader rights. A common theme raised in this group was the need for democratically constituted local structures and the need for stronger accountability and gender representation. In the traditional leaders group, issues around representation and accountability were also raised:

"We are talking about decentralisation ... it sounds as if we still have some leaders who do not want to work with community members. As traditional leaders we should distance ourselves from that. I am a traditional leader because of the people and I must involve community members every time we discuss things. We didn't just come here to cry, complaining that the government isn't listening to us. We can't claim involvement if we don't involve our own people. If there are those that are doing that, they are far from transformation and they need to change. We spoke about the practical issues of what is happening. Yesterday we spent a lot of time prioritising issues from our communities to prioritise for policy. We are not here to make

policies but rather to understand the current situation and where and how we can fit in, and how to increase accountability so that policies are effectively implemented. "

DAY 2: TOWARDS AN INCLUSIVE WATER GOVERNANCE MODEL IN RURAL COMMUNITIES

Participants were welcomed to by Eiman Karar, of the Water Reform Commission, and the facilitators provided a snapshot of the discussion on Day 1 to elicit 'voices from the ground'. The first session comprised presentations by Dhesigen Naidoo, Chief Executive Officer of the Water Reform Commission; Ms Marie Brisley, Chief Director: Water Policy, Department of Water Affairs and Sanitation; and Dr Barbara Tapela, Senior Researcher, PLAAS, followed by discussant Professor Pearl Sithole, UKZN and plenary discussion about the issues raised in these presentations. Parallel panel discussions followed – for traditional leaders and civil society in breakaway groups – to share local experiences, engage in further dialogue and develop practical suggestions and policy options.

Eiman Karar of the Water Reform Commission (WRC) described the aim of the WRC dialogues that bring stakeholders together and ensure that research is focused on key issues affecting water governance. The idea is to create a holistic narrative around the policies and laws that govern water management, around its governance, and the regulatory and economic setup that allows water management to happen at multiple scales. Ultimately the aim is to lead to good decision making. The rationale for exploring the role of traditional leadership is that it is at a local level that participation – especially of marginalised groups and communities – can be enhanced around water and land issues. It is thus important that we consider the role of traditional leadership in an inclusive water governance model.

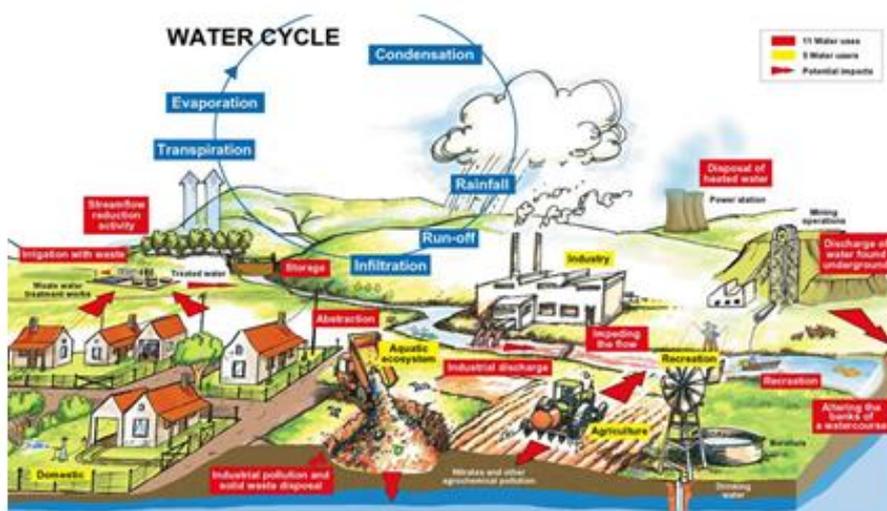
Dhesigen Naidoo, CEO of the WRC, gave a broad overview of water and human history. He stressed that rural areas, in particular those with less formal governance, are the victims of extreme water inequality in South Africa, and in many parts of the world. This highlights the importance of exploring whether traditional governance systems in South Africa offer solutions to address this key inequality. Naidoo drew on recent experiences at a Canadian conference on water resources to emphasise the importance of acknowledging and respecting and sharing indigenous knowledge. He sketched the core principles of water governance in post-apartheid South Africa – with a strong focus on representivity, inclusivity and participatory governance. The philosophical backbone of the National Water Act of 1998 was 'subsidiarity' – seeking to achieve higher levels of power to the lower levels of the system and optimum local ownership and responsibility within a coordinated national framework. However, this relies heavily on trust – power must vest in institutions and leaders who enjoy high levels of trust and confidence in their communities and constituencies. In South Africa, traditional leaders have been excluded from water management and yet in some rural communities these leaders enjoy more trust than government structures. However, there are also questions about the role and legitimacy of traditional leaders, particularly in the context of the homelands and apartheid history.

Water is highly connected, and thus successful water management influences and depends on the state of surrounding resources, the development model and system integrity. We need to expand our knowledge model, taking into account indigenous technologies,

innovation, solutions, and decision making systems. Water is the basis of conflict everywhere – and so we need to make sure we have the right mechanisms for harmonious governance, and traditional leadership has a role to play in this regard.

Ms Marie Brisley, Chief Director: Water Policy, Department of Water Affairs and Sanitation, gave an overview of current policies, thinking and development on the topic of water governance in traditional rural communities. There are five main documents that underpin policy and law on water and sanitation: The White Paper on Water Supply and Sanitation; The White Paper on National Water Policy (1997); The White Paper on Basic Household Sanitation (2001); the Strategic framework for Water Services (2003); and the National Water Policy Review (NWPR) (2013). The last document highlights overarching issues and looks at the full value chain – from rain to effluent – and ensuring equity in allocation. There are two key pieces of legislation: The Water Services Act (108 of 97) and

Contextualising water resources management



The National Water Act (36 of 98). Thus, there is policy and legislation but government is looking to develop an integrated framework by the end of 2015. The Department is keen to empower communities to reclaim traditional ways of managing water and sharing indigenous knowledge, and to participate actively in local water and sanitation planning and monitoring and evaluation activities. Ms Brisley concluded by welcoming the dialogue, and input from all stakeholders in learning from the achievements and challenges of the past to improve water governance in the future.

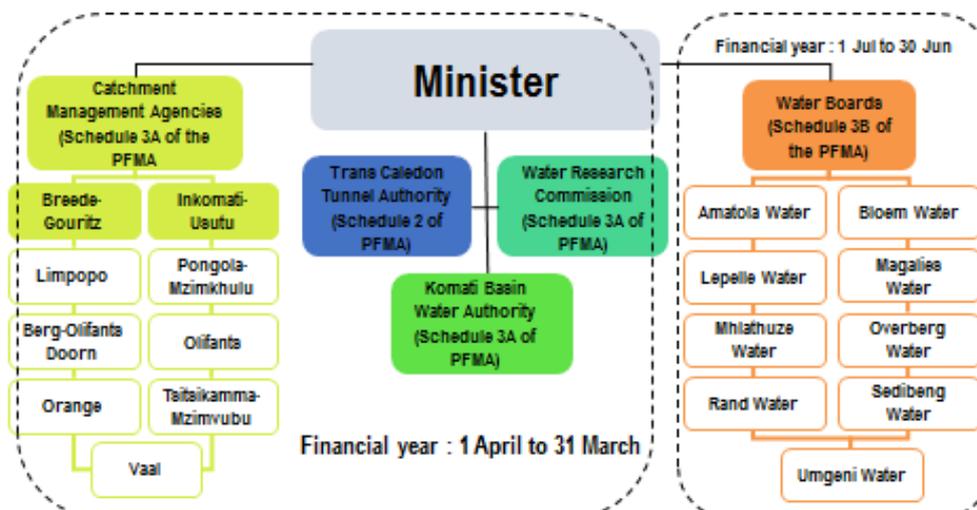
Dr Barbara Tapela, senior researcher, PLAAS, gave a broad overview of the joint WRC/PLAAS research project into traditional leadership and water governance in South Africa. Acknowledging the considerable progress to broaden access to water by government, she pointed out that traditional rural communities continue to face issues of access and inequality.

The South African water scenario is often depicted as water scarcity – but water scarcity is also a social construct and the result of historical inequitable allocation of water. Traditional rural communities were amongst the worst affected and the situation of water insecurity persists today. This is compounded by emerging problems like acid mine drainage and pollution.

Water is an international issue – four of our rivers are shared among seven countries, and thus the needs of those downstream and elsewhere must be considered. Large system reconciliation strategy studies have been conducted in large cities, towns and in some river basin levels. The Water Management Areas (WMAs) have been reduced from 19 to 9 – and catchment management forums have also been reduced. These have become important bodies representing stakeholders in the establishment of Catchment Management Areas (CMAs), and are a water institution that could be looked at to build capacity from local/community level up to catchment level/municipal level.

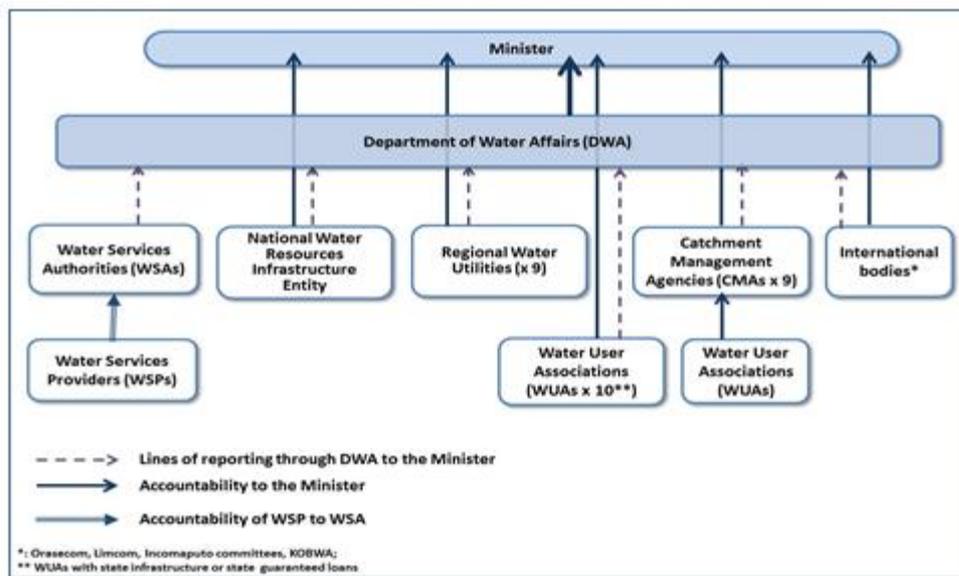
For the water sector, central questions revolve around finding effective linkages between macro- and meso-levels of water planning and delivery, on the one hand, and micro-community and household levels of water use, on the other hand. In South Africa, 40% of the population live in 'traditional rural communities' in 7 of 9 provinces, with about 800 traditional leaders and 10 000 traditional councillors. Local Government Turn Around Strategies have identified traditional leaders as key role players, but there is a lack of clarity about the role they could or should play in water governance, and how their institutions interface with existing water governance institutions. Among key questions that need to be discussed are: issues around gender, accountability and legitimacy in relation to traditional leadership; the benefits and disbenefits of creating an institutional environment for a legally pluralistic system of water governance; and the role of traditional leadership in decentralized and democratized water governance, resource management and services institution

Overview of water sector institutions



The WRC/PLAAS research highlighted that in a wide diversity of contexts, the resonant narrative spoke of water scarcity, problems with access, infrastructure and maintenance, and stark water inequality. This was illustrated in various case studies presented where water infrastructure like dams, constructed in community contexts, served users elsewhere and the benefits often leapfrogged over traditional rural communities. This has resulted in people making 'de facto' claims to formal water (cannibalising pipes and canals), and can compound a culture of non-payment inherited from the apartheid past. Tapela highlighted the key issues as: water insecurity, disjuncture between popular expectations and government responses, and questions around bridging the governance 'gap'.

Future Institutional Framework



Speaking as a discussant, Professor Pearl Sithole of the University of KwaZulu Natal raised critical issues about water equity and cognitive justice. She spoke about how at 'gathering after gathering' the 'problems' of poverty, rural people, traditional leadership were raised and discussed – without defining what these terms mean. Sithole suggested that rural areas under traditional leadership, rather than being blamed for survivalist practices and culture, can help cushion people from the effects of poverty. The discussant pointed out that in addition to the power dynamics and 'information poverty' raised in the presentation, there are other issues that need to be considered such as participation 'fatigue' (from so many workshops on policy) and 'attention poverty'.

PARALLEL PANEL DISCUSSION: CIVIL SOCIETY

Rural Women's Movement

In KwaZulu-Natal there is no space for women when it comes to governance issues. There are only two traditional leaders out of all the traditional leaders in KwaZulu-Natal who allocate land to women. In any other traditional leader's leadership besides these I would be expected to be represented by a man and the land would be registered under the name of the man representative. It should be clearly emphasised that we cannot talk about water

without talking about land. Women cannot even inherit land in KwaZulu-Natal that land is taken and given to men. The Rural Women's Movement wants a community based structure and it should be the community who decide if they want the involvement of traditional leaders or not.

Jozini Dam

The community of Jozini has been struggling for years to access water and do fishing in order to sustain their livelihoods while they reside next to the third biggest dam in the country. This dam is built on graves which serve as a challenge for us. We as black people normally would have rituals for ancestors but now our families' bodies were never removed when the dam was built so we cannot perform ceremonies to lay their spirits in peace. Furthermore, the dam supplies water only to the lodges close to the dam while the villagers are suffering. People are constantly being arrested whenever they are doing their fishing in the dam. One of the farmers decided to do sugar cane farming which requires a lot of water and this was done through corrupt political allies. Therefore, Jozini people want to be given the same rights as everyone else to use the dam.

Strydkraal

Strydkraal was known as an area of wheat and maize farming. The worst thing about our traditional leader is that he wants to be in every community structure and this is problematic. We are not giving credit to the apartheid government but the irrigation system that it built for the community of Strydkraal was working incredibly until the traditional leader and corrupt government officials came together and destroyed the entire infrastructure and introduced a new irrigation system which uses electricity. In a rural area like Strydkraal with high levels of poverty where people used their own gardens and farms to feed their families and were happy with the old irrigation scheme, now they had to pay high costs for electricity in order for the new system to operate. When the traditional leader saw that the new project he implemented was failing he moved from where they resided to another area to start a new project and this new project failed dismally. People now want to move to their old way of doing this with the old irrigation system implemented by the apartheid government but all the infrastructure has been destroyed.

Nandoni Dam

The problems in the area were created by government people had maize and orchards fields where a lot of the community members were employed on. The government came and built a dam on top of these fields. The fields were destroyed living a lot of people unemployed. People residing around the dam have no access to water. 81 people have died in the area due to fishing at night. There are a lot of illegal dealings regarding land access between government and the traditional leader in our area. Now we are invited to a workshop which seemingly is pushing us to give more power to traditional leaders who are busy oppressing our people.

Seloane-Mampana Community Land Claimants,

The community represented here are people who were living on specific land and the land was purchased and they were never compensated for it. The lodge in the area was

extended and a fence was built around the water source which communities also used to access water. People living on farms do not have any water access. The municipality brings in water once a week in a tank and this is not enough.

Centre for Law and Society

The law strictly states that traditional leaders cannot have more power than government, no one is above the law. So it should be set out clear as to what Constitutional limits are there in roles that traditional leaders should play. Furthermore, clarity should be given by communities if they want traditional leaders to have governance powers over water services and what these powers should look like. There are Bills in process which are aimed at giving traditional councils local government roles in decision making. How do communities feel about this.

Inina Craft Centre KwaZulu-Natal

Crafts are created from weeds and a lot of assistance is offered by the University of KwaZulu Natal. The problem the creators of these crafts are faced with include aluminum plants growing in the wetland and livestock walking on the weeds destroying the weeds. To many people the crafts are the only source of income, if there could be assistance in this regard it will be highly appreciated.

Tsogang

You cannot talk about water without talking about gender, when involving communities in these institutions all stakeholders should be included (government, NGO's, etc). In South Africa the mistake made is involving communities only in the implementation phase and not at the beginning of the projects. Power should be spread across within these structures.

PARALLEL PANEL DISCUSSION: TRADITIONAL LEADERS

Traditional leaders from various communities told their stories – and a common theme that emerged was the need to create a positive working relationship between traditional leaders and government at all levels, and the need for leaders to consult and work closely with their communities. Following on from the discussion on Day 1, the group reiterated that traditional leaders want to be involved in water service delivery at all levels, participating as equal partners. What was clear is that even amongst this group, many do not know or understand the institutional architecture of water governance and how it works.

Hosi Queen Nwamitwa (Nwamita Cbiefainship, Limpopo)

Traditional leaders have to work hand in hand with government structures on water issues. Each village needs authority to look after their water infrastructure, and water must be supplied for household domestic use. If water supply is far away, people make illegal connections and water will run out. Government should invest in – or subsidise – water tanks for each household. Despite talk of a dam for decades, there is not a drop of water in this community, lengthy queues for weekly water delivery, and there are often interruptions to service because the water purification plant is far away. Boreholes don't work despite investment by government, and we need to improve financial management and prevention

of corruption in tenders. Government does not listen to the community's problems – 'if you don't experience the problem, it is not easy to "feel" it. Traditional leaders want to be involved in all aspects of water management, but decentralisation must be done in a way that curbs or prevents corruption.

Induna Peter Nyawo (Nywao Traditional Leadership, northern KZN near Jozini Dam)

Traditional leadership is not the same institution in different parts of the country. In KZN there is the Ingonyama Trust, which does not exist elsewhere. Everything is controlled by the trust and people are heavily oppressed and deprived of their rights and information. People in communities at a local level are disempowered, and there is a need to build capacity for financial management and involvement in other areas of water governance.

Prince Humphrey Hlupekile Mugagula (Makuleke Community, LP)

Our story is not that different from other communities. Government must involve themselves with communities and traditional leaders – they are far from us, when we need them it is hard to find them. There are some situations where, as traditional leader, invested our own money in electrifying villages as government was not going to do it. Once you bring in government, national government will be here telling us a lot of stories – or they delegate powers to other spheres. Those in local government are the ones not doing the work. So you will see traditional leaders not cooperating with them at local level, but ending up doing things on our own. We are ready to work with government but only if we are not undermined as traditional leaders. In our area, we need a water purification plant – there is a dam but people nearby don't have drinking water.

Khosi Netshiavha (Lake Fundudzi, LP)

People have the right to water. There is not a single tap in our area – yet the lake is right there. We need 2 boreholes and we have made this position clear. The problem is that most of our municipalities are corrupt and they do not know their responsibilities. If it comes to a push, we shall be forced to contribute money to make this a reality. It is dangerous to draw water from the river. We are crying because we are drinking water with wild animals. This is a concern for us because we have been the custodians of the lake for so many years -

Mr Cornelius Links (Namaqualand Traditional Leadership)

The CEO of the WRC referred to First Nation people – and their role in water models. Yet as Nama, part of the Khoisan and the First Nations of this country, we do not even have spatial recognition as other traditional leaders here do. We need constitutional recognition to take up our rightful place, especially in rural communities. In our situation we realise that Communal Property Associations (CPAs) are not functioning properly, but we believe there is lots of room to improve this. Local people serve on this board – in terms of devolution of powers down to the people. We have started to set up community structures like heritage foundations, after seeking funding from mining companies, so we are not just sitting waiting for municipalities to do things. We are negotiating and signing cooperation agreements with

local municipalities to address miscommunication, lack of trust and other problems we experience daily.

Royal Bafokeng Nation (Mr Eric Nkele, Secretary of RBN Supreme Council)

Our case is no different. We are where we are today because of our history as the Bafokeng. Fifteen years ago we didn't have the water infrastructure we have today – we were drinking water from wells and elsewhere. Using revenues from mining and contributions raised locally, we rolled out water infrastructure. We are not an authorised water service authority – but we have provided water to over 150 000 people, although this is the responsibility of government or the municipality. Today we are in negotiations with the municipality about the status of a water service agency – because legally we cannot be a provider – and about the financing of maintenance and infrastructure. As a collective, we are interested in what other communities want to achieve. We would like to see included in policy that all Traditional Authorities be given that kind of status and funded by the municipality so that they can reticulate water to their communities. Communities should participate in planning and budgeting for water. Many communities do not have mining or other such revenue to use for services, but once government gives them that status and funds them directly you will see water issues being addressed.

Molokwane Moshakge, Secretary Balobedu Royal Council

Specific recommendations to government to improve water governance in rural areas are:

- Capacity building for our institutions in terms of legislative and policy provisions (providing information about pending policy and legislation to traditional leaders to disseminate to communities)
- Participation of traditional leaders in all processes around water supply in our villages as equal partners with government (not merely consulted)

CLOSING PLENARY

After lively discussion in the two breakaway groups, report backs in a plenary session fuelled further debate and discussion. Key issues that were raised and discussed included:

Information – the urgent need to address information ‘poverty’ in rural communities

Capacity building – need for human and financial resources to build capacity at local level for adequate and effective participation in water governance and decision making among community and traditional leadership structures

Representivity – ensure broader representation in water governance and at future dialogues on these issues and other public participation processes

Devolution – need to explore appropriate structures to bridge the gap between current water governance system and water users at local level

Accountability – need to involve local government, tasked with water management

Water is a national and international resource and there will be some limits on what powers can be devolved. How do we tackle inequality in access to and allocation of water that was so graphically illustrated by the case studies?

The right to water for domestic use is guaranteed in the Constitution and other legislation. Yet in traditional rural communities, access to water is a burning issue and governance institutions are too far away from the people. How do we get something effective at ground level that starts to hear the voices, respond to local needs and hold institutions to account? What is also clear is that decentralisation cannot only address water – we have to consider the links between water and land and constitutional rights.

While we need an integrated framework for water governance, a ‘one size fits all’ approach will not address water inequality at a local level. We need to consider the issues of each community, the distances and practical challenges, the number of water users, competing water needs. This may well require constituting lower level structures below the current institutional framework proposed.

The report on this event will be sent to the Water Reform Commission and to the Department of Water and Sanitation. Given the nature of the discussion, and the many questions raised, it would be premature to formulate specific policy recommendations. As lead researcher on the PLAAS/WRC project, Dr Tapela suggested the need for further discussion and broader consultation on key policy questions for effective water governance. A follow-up session was proposed for May 2015, and the organisers were asked to circulate the workshop report and other information to all participants, and to consider how to ensure broader geographic representation. On their part, the organisers requested that workshop participants identify other stakeholders and structures to be involved in future dialogues.

The facilitators summed up the key issues arising from the workshop that required further dialogue and discussion as:

- How do we better understand the implications of global climate change and disseminate this information ?
- How do we overcome “information poverty” to better understand existing water management laws, systems , plans and allocation procedures
- How do we best highlight water inequalities?
- How can we make water institutions more accountable?
- How can we improve community level representation in water governance?
 - Who should be involved?
 - What role should Traditional Authorities play?
- What roles are there for community level structures for infrastructure provision and maintenance?
- How do we address insecure water rights illustrated by illegal privatisation and conflict over water uses?
- How do we capacitate communities to deal with water quality issues?

In closing remarks, a representative of the WRC Board gave a brief overview of the impact of the apartheid legacy on centralised water institutions, bulk infrastructure and services in terms of investment and delivery. She reminded participants that there is no more ‘decentralised’ resource than water, and urged people to consider rain harvesting and indigenous systems for storing and preserving water.

Annexure 1: Workshop programme

Programme facilitator: Dhesigen Naidoo (WRC)

09:00 – 09:30 REGISTRATION TEA & COFFEE		
TIME	TOPIC	RESPONSIBILITY
09:30 – 09:40	Welcome	Eiman Karar - WRC
09:40 – 10:00	Overview of context	Dhesigen Naidoo CEO, WRC
10:00 – 11:00 SESSION 1 (PLENARY): PRESENTATION AND PANEL DISCUSSION		
10:00 – 10:20	Water Governance and Traditional Leadership in South Africa	Dr Barbara Tapela PLAAS, UWC
10:20 – 10:30	Discussant 1	Prof Lungisile Ntsebeza UCT
10:30 – 10:40	Discussant 2	Prof Pearl Sithole Univ. of KwaZulu-Natal
10:40 – 10:50	Discussant 3	Mr MK Phasha, Tsogang Water and Sanitation (Tzaneen)
10:50 – 11:00	Clarification Questions - Open	(Facilitator: Phuhlisani)
11:00 – 11:15 TEA/COFFEE/HEALTH BREAK		
11:15 – 13:00 PARALLEL SESSION 2A: PANEL DISCUSSION <i>(Facilitator: Rick De Satge, Phuhlisani)</i>		
11:15 – 11:25	Nwamitwa Chieftainship, Limpopo	Hosi (Queen) Nwamitwa
11:25 – 11:35	Nyawo Traditional Leadership, Northern KwaZulu-Natal	Induna Peter Nyawo
11:35 – 11:45	Makuleke Community, Limpopo	Prince Humphrey Hlupekile Mugagula
11:45 – 11:55	Indigenous Knowledge Systems (IKS) for water governance and use in Old Makuleke	Community Elder, Mr Mabasa
11:55 – 12:05	IKS for the custodianship of Lake Fundudzi, Limpopo	Khosi Netshivha
12:05 – 12:15	IKS for water governance and use in the Modjadji Community	Mr Molokwane Moshakge (Secretary, Balobedu Royal Council)
12:15 – 12:25	Gender, IKS and Market Value Chains: Case of Baleni Springs	Hosi/Adv. Aaron Mahumani
12:25 – 12:35	Namaqualand Traditional Leadership, Northern Cape	Mr Cornelius Links, representing Nama Rural Communities
12:35 – 12:45	Royal Bafokeng Nation, North West	Mr Eric Nkele, Secretary of RBN Supreme Council
12:45 – 13:00	Discussion	Facilitator: Rick de Satge,
11:15 – 13:00 PARALLEL SESSION 2B: PANEL DISCUSSION <i>(Facilitator: Siyabulela Manona, Phuhlisani)</i>		
11:15 – 11:25	Rural Women's Movement, KwaZulu-Natal	Mrs Sizani Ngobeni
11:25 – 11:35	Pongola Dam WUA, KwaZulu-Natal, KwaZulu-Natal	Mr Ronald Radebe
11:35 – 11:45	Sizabantu Artisanal Fishers & Fish Sellers, Jozini, KwaZulu-Natal	Mr Vusi Myeni
11:45 – 11:55	Strydkraal Smallholder Irrigation Farmers, Limpopo Province	Mr Abey Malate

11:55 – 12:05	Water governance and use in Nandoni Dam communities	Mr Solomon Baloyi
12:05 – 12:15	Seloane-Mampana Community Land Claimants, Limpopo Province	Ms Aldred Booisen (Secretary)
12:15 – 12:25	Centre for Law and Society (CLS)	Ms Monica de Souza CLS
12:25 – 12:35	Inina Craft Centre	Ms Fundi Biyela (Director)
12:35 – 13:00	Discussion	(Facilitator: Siyabu Manona, Phuhlisani)
13:00 – 13:45	LUNCH	
13:45 – 16:00	SESSION 3 (PLENARY): POLICY OPTIONS <i>(Lead Facilitators: Phuhlisani)</i>	
13:45 – 14:45	Break Away Sessions (2 focus groups)	Group Facilitators: Communities - Ilse Wilson Traditional Leadership - Gcina Mhlophe / Siyabu Manona
14:45 – 15:45	Plenary Discussion	Phuhlisani: R. de Satge & S. Manona
15:45 – 16:00	SUMMARY AND CLOSURE	Eiman Karar - WRC

Annexure 2a:

List of Day One Participants

COMMUNITY	NAME OF PARTICIPANT	DESIGNATION
Makuleke	Mr Humphrey Mugakula	Traditional Leadership (Prince)
	Mr Mzamani Jutas Maluleke	Traditional Council Elder
	Mr Mabasa	Elderly custodian of water IKS
	Ms Mjaji Maria Maluleke	Subsistence food producer
	Mr Attorney G. Hlongwane	Research Assistant/Tsonga Translator
Tshiavha (Lake Fundudzi)	Hosi Netshiavha (Mr)	Senior Traditional Leader
	Mr Gideon Netshiavha	Hosi's Assistant
Nwamitwa	Hosi Nwamitwa/Queen Makhubele	Senior Traditional Leader
	Mr Nelson Shilubana	Hosi's Assistant
Phetwane	Ms Elma Molobela	Landless farmer
	Mr Thebedi Sehlola	Plotholder
Nandoni	Mr Solomon Baloyi	Nandoni Dam Committee member
Mahumani	Hosi/Adv. Aaron Mahumani (Mr)	Senior Traditional Leader
	Ms Emelina Evani Mathebula	Woman indigenous salt maker
Strydkraal Community	Mr Abey Malate	Smallholder Irrigation Farmer
Seloane-Mampana Land Claim Committee	Ms Aldred Booyesen	Secretary, Seloane-Mampana Land Claimants
Ha-Modjadji, Tzaneen	Mr Molokwane Moshakge	Secretary, Modjadji Royal Council
Mbuzini	Ms Cynthia Mahlalela	Thandanani Mbuzini Homebased Care (NPO)
	Ms Fikile Khosa	Mbuzini Women's Jojo-tank Savings Club
Phongola/Jozini Dam Area	Mr Ronald Radebe	Pongola Dam WUA
	Induna Peter Nyawo (Mr)	Senior Traditional Leader
	Mr Vusi Myeni	Artisanal Fisher: Sizabantu
	Ms Zandile Masinga	Fish Seller: Abathengi BoFish
	Ms Zalelephi P. Mafu	Ntlalavini Village Resident
Sea Cow Lake, Durban	Sizani Ngobeni	Rural Women's Movement
Mbongolwane	Ms Fundi Biyela	Inina Craft Centre (Director)
	Ms Sholiphi Mhlongo	Madumbe food grower/reed harvester
Mbizana (Local Municipality, Alfred Nzo District)	Ms Nokwanda Langazana	Gender CCSA-Women for Climatic Justice
	Ms Nontobeko Dlamini	Amadiba Crisis Committee
Namaqualand: Kakamas	Mr Cornelius Links	Nama Traditional Leader/ Community Represen
Namaqualand: Spoegrivier	Mr Paul Klaase	Nama Livestock Farmer (male)
Namaqualand: Spoegrivier	Ms Evelyn Fortuin	Nama Livestock Farmer (female)
Royal Bafokeng Nation	Mr Eric Nkele	RBN: Secretary of the Supreme Council
	Mr Mpho Modisakeng	RB Admin: Manager - Municipal Services
	Mr Tumagole Tumagole	RB Admin
	Mrs Esther Pitsoe	RBN: Secretary of the Supreme Council
	Mr Kenneth Mokate	RB Admin
Rooigrond	Ms Koketso Moeti	Rooigrond Community Worker
Kgautswane, Lydenburg, Limpopo	Ms Constance Mnisi	Hippo Roller Programme

Annexure 2b: List of Day Two Participants

OLUTOYOSI	AYENI	Ms	CAPE PENINSULA UNIVERSITY OF TECHNOLOGY, CAPETOWN CAMPUS	+27732657895	+27732657895	+27214603664	ola2012nov@gmail.com	Pastor Wale Adedoyin	+27787689163
Tony	Barbour	Mr	Private Consultant	021-6837085	0826008266	021-6837085	tbarbour@telkomsa.net	Bridget	0711090900
Hene	Boniswa Debbie	Ms.	Department Water & Sanitation	021 941 6055	082 874 9381	021 941 6266	Heneb@dwa.gov.za	Ms N.J Sokhaya	083 379 2694
Marie	Brisley	Ms	Department of Water and Sanitation	012 3368769	0828731579	0123368769	dolamow@dwa.gov.za	Hlengiwe Cele	0123309006
Aninka	Claassens	Dr	RWAR at CLS, UCT	+27216505640	+27845102333	0216505640	aninka@icon.co.za	Geoff Budlender	0824422022
Ben	Cousins	Prof	PLAAS, UWC	0216866168	0836354279	0219593733	bcousins@plaas.org.za	Anne Saunderson-Meyer	0837916168
Hlalanathi	Fundzo	Mr.	Department of Water and Sanitation- Head Office	012 336 6515	082 236 8585	sedibeng 703	fundzoh@dwa.gov.za	Blessed	0605802582
Russell	Grinker	Mr	Eastern Cape Socio-Economic Consultative Council (ECSECC)	043 701 3444	083 415 0448	043 701 3444	russell@ecsecc.org	Fiona Adams	083 419 5105
Xolani	Hanana	Mr	Department of Water & Sanitation	041 501 0176	071 8766 504	041 501 0176	HananaX@dwa.gov.za	Ayanda	0739386068
Boniswa Debbie	Hene	Ms	Department of Water and Sanitation	0219416055	0828749381	0219416055	heneb@dwa.gov.za	Hlengiwe	0123309006
Nik	Hugow	Mr	RULiv	+27437048812	+27836804188	+27437048800	nik@ruliv.org.za	Tanya Jacobs	0828907022
Nik	Hugow	Mr	RULiv	0437048800	0836804188	0437048812	nik@ruliv.org.za	Tanya Jacobs	0828907022
Inga	Jacobs-Mata	Dr	Water Research Commission	012-3309014	0834017625	0123309014	ingaj@wrc.org.za	Luis Mata	0827767900
Angela	Kariuki	Ms	South African Human Rights Commission	0118773683		0118773683	akariuki@sahrc.org.za	Francis Kariuki	0829385215
Gillian	Kerchhoff	Ms	PLAAS	0219593719	0824724780	0219593719	gkerchhoff@plaas.org.za	Jonathan Kaplan	0823210172
Peter	Keuck	Mr	Department of Agriculture Western Cape	0218085341	0823153834	0218085341	PeterK@elsenburg.com	Andre	0829071127
nicholas	king	Dr	independent	0796129599		0796129599	nking2020@gmail.com	m de kock	0825539966
MBULELO	LIPILE	MR	KHULUMANI WATER FOR DIGNITY	084 836 3705	074 378 3707	0822680223	waterfordignity@gmail.com	0822680223	074 378 3707
Mukondi	Masithi	Ms	Presidency- DPME	0123120116	0738784240	0123120116	mukondi@presidency-dpme.gov.za	Tavhe Masithi	0828055931
Malebo	Matlala	Ms	Department of Environmental Sciences	0114712293		0114712293	siboudlm@unisa.ac.za	Hlengiwe Cele	0123309006
Bekubuhle	Mbentse	Mr	DWS	0123367451	0829416994	0123367451	mbentseb@dwa.gov.za	N Mbentse	0825703942
Mpumelelo	Mhlalisi	Mr	WesternCape Water Caucus	+27722324511	+27722324511	N/A	mpumi.mhlalisi@gmail.com	Bertha October	+27717010210
Paseka	Mona	Mr	Phokwane Municipality	0824584221	0824584221	0824584221	paseka.mona@gmail.com	Hlengiwe Cele	0123309006
Wilhelm	Muller	Mr	wilhelmbr@gmail.com	.	.
Siboniso	Ndlovu	Mr	Department of Water and Sanitation	0123367391	0718524869	0123367391	ndlovus2@dwa.gov.za	0824690583	0824690583
Mnqobi	Ngubane	Mr	PLAAS	0219593732	0738373248	0219593732	mngubane@plaas.org.za	Zandile Sosibo	0835048588
Bukiwe	Ntwana	Miss	PLAAS	0837548779	0837548779	0219593938	bntwana@plaas.org.za	Mrs P Ntwana	0799411098
Rebecca	Pointer	Ms	PLAAS	+27219593731	+27837677577	+27219593731	rpointer@plaas.org.za	Peter van Heusden	+27832560457
TAKALANI CONSTANCE	RABAKALI	MISS	UNIVERSITY OF THE WESTERN CAPE	0728186575	0728186575	0728186575	trabakali@gmail.com	FULUFHELO BEAUTY RABAKALI	0790716515
john	Ratombo	Mr	department of water and sanitation	0183879500	0731709673	0183879500	Ratombaj@dwa.gov.za	Lobakeng chadwick	0836298991
Siyabonga	Saki	Mr	Khulumani water for dignity	0782368472	0782368472	0822680223	waterfordignity!@gmail.com	0604912733	0784741166
Desiree	Sehlapelo	Ms	Department of Environmental Sciences	0114712293		0114712293	siboudlm@unisa.ac.za	Hlengiwe Cele	0123309006
Andrew 'Mugsy'	Spiegel	Prof	UCT	0216718918	0823948741	0216503678	mugsy.spiegel@uct.ac.za	Diana Spiegel	0216718918
Melvin	Swarts	Mr	University of the Western Cape	084 926 0076	060 682 5588	021 959 3381	mswarts@uwc.ac.za	Megan Simons	0735505660
Evert	WAETERLOOS	Mr.	BELGIAN DEVELOPMENT AGENCY (BTC)	0123620342	0714479766	0123620342	evert.waeterloos@btctb.org	R.REDDY	0825898060
sandra	williams	mrs	CPUT	(021)4603656	0763806198	(021) 460 3656	williamsse@cput.ac.za	Neil Williams	(021) 9062581
CHRIS	YSSEL	Mr	Weir Minerals Africa	082 748 4684	082 748 4684	na	c.ysstel@weirminerals.com	Elise	0825322871

PROVINCE	COMMUNITY	NAME OF PARTICIPANT	DESIGNATION	TEL/CELL NUMBER
LIMPOPO	Makuleke	Mr Hector Mugakula	Traditional Leadership (Prince)	0823913096
		Mr Mzamani Jutas Maluleke	Traditional Council Elder	071 161 4269
		Mr Mabasa	Elderly custodian of water IKS	
		Ms Mjaji Maria Maluleke	Subsistence food producer	076 029 9101
		Mr Attorney G. Hlongwane	Research Assistant/Tsonga Translat	071 526 6891
	Tshlavha (Lake Fundudzi)	Hosi Netshlavha (Mr)	Senior Traditional Leader	083 640 5579
		Mr Gideon Netshlavha	Hosi's Assistant	
	Nwamitwa	Hosi Nwamitwa/Queen Makhubele	Senior Traditional Leader	073 258 7363
		Mr Nelson Shilubana	Hosi's Assistant	073 258 7363
	Phetwane	Ms Elma Molobela	Landless farmer	076 408 4564
		Mr Thibedi Sehlola	Irrigation Plotholder	082 723 3290
	Nandoni	Mr Solomon Baloyi	Nandoni Dam Committee member	071 079 8798
	Mahumani	Hosi/Adv. Aaron Mahumani (Mr)	Senior Traditional Leader	079 721 1313 (Fx 015 811 0528)
		Ms (tbc)	Woman indigenous salt maker	
	Strydkraal Community	Mr Abey Malate	Smallholder Irrigation Farmer	0721849857
	Seloane Land Claim Committee	Mildred Booysen	Secretary, Seloane-Mampana Land Claimants	
MPUMALANGA	Mbuzini	Ms Cynthia Mahlalela	Thandanani Mbuzini Homebased Ca	072 102 1729
		Ms Fikile Khosa	Mbuzini Women's Jojo-tank Savings	071 318 3084
KWAZULU-NATAL	Phongola/Jozini Dam Area	Mr Ronald Radebe	Pongola Dam WUA	072 605 8291
		Induna Peter Nyawo (Mr)	Senior Traditional Leader	072 027 4967
		Mr Vusi Myeni	Artisanal Fisher: Sizabantu	072 684 5575
		Ms Zandile Masinga	Fish Seller: Abathengi BoFish	079 723 4414
		Ms Zalelephi P. Mafu	Ntlalavini Village Resident	072 278 8329
	Sea Cow Lake, Durban	Sizani Ngobeni	Rural Women's Movement	073 840 5151 / 031 579 4559
	Mbongolwane	Ms Fundi Biyela	Inina Craft Centre (Director)	072 420 7995
		Ms Sholiphi Mhlongo	Madumbe food grower/reed harves	072 968 6097
EASTERN CAPE (see self-funded participants in the table below)				
NORTHERN CAPE	Namaqualand: Kakamas	Mr Cornelius Links	Nama Traditional Leader/ Commun	Cell: 078 498 5564; Home:0276822
	Namaqualand: Spoegrivier	Mr Paul Klaase	Nama Livestock Farmer (male)	
	Namaqualand: Spoegrivier	Ms Evelyn Fortuin	Nama Livestock Farmer (female)	
NORTH WEST	Royal Bafokeng Nation	Mr Eric Nkele	RBN: Secretary of the Supreme Council	
		Ms Mpho Modisakeng	RB Admin: Manager - Municipal Ser	079 775 1441; 014 566 1200
	Rooigrond	Ms Koketso Moeti	Rooigrond Community Worker	082 583 5869
GAUTENG and FREE STATE		Ms Judith Taylor	Earth Life: Water Caucus FS & GP B	011 802 2685 / 082 389 3481
NATIONAL (and FREE STATE)	Kgautswane, Lydenburg, Limpopo	Ms Constance Mnisi	Hippo Roller Programme	071-633-0697 082 847 1130
SELF-FUNDED PARTICIPANTS: MEMBERS OF RURAL CIVIL SOCIETY				
EASTERN CAPE	Mbizana (Local Municipality, Alfred	Ms Nokwanda Langazana	Gender CCSA-Women for Climatic J	0820673861
		Ms Nontobeko Dlamini	Amadiba Crisis Committee	0732879525