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# Water Governance, Traditional Leadership and Gender in South Africa

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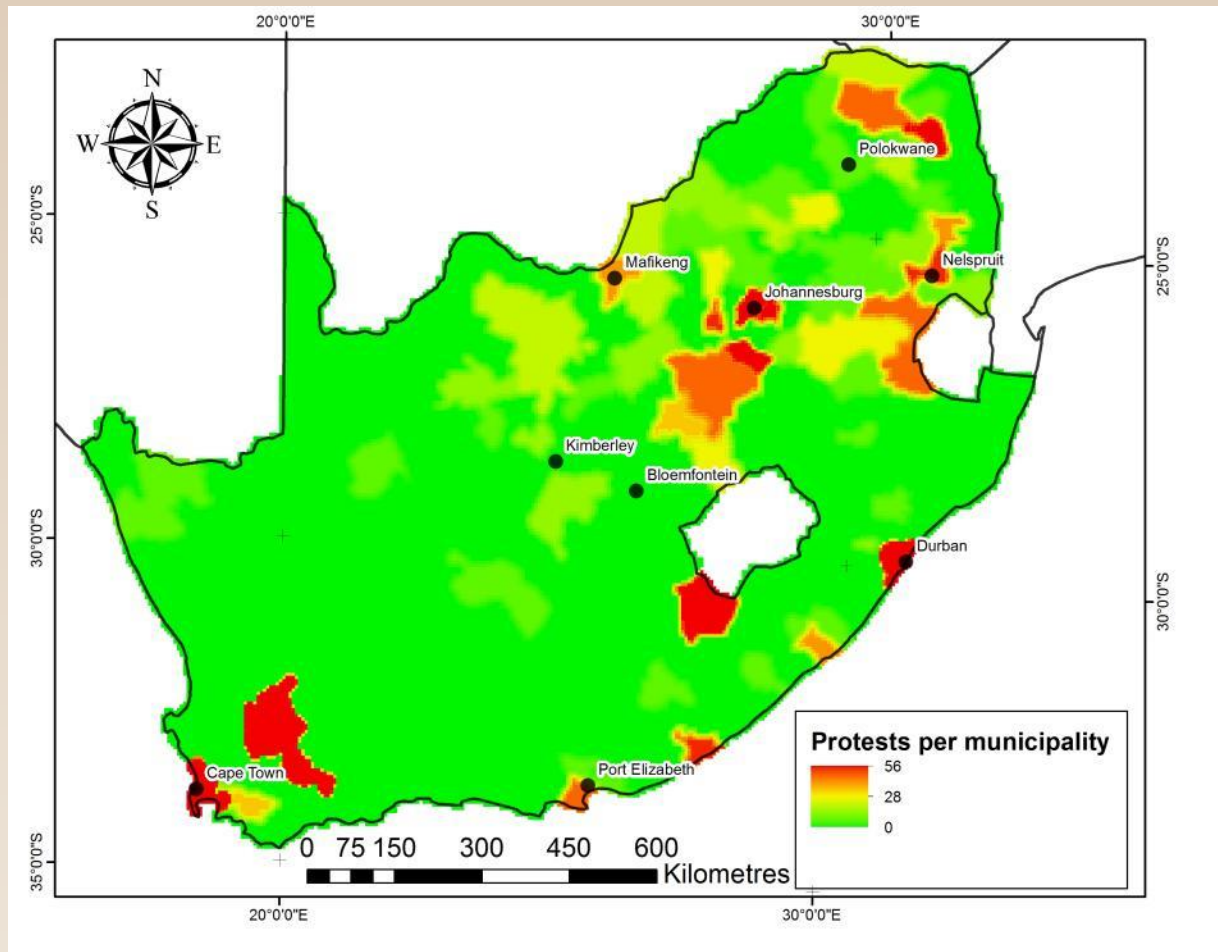


A place of quality,  
a place to grow, from hope  
to action through knowledge

# Introduction

- Zuma Era, 2009: Water governance roles for traditional leadership come to the fore.
- Socio-political context: Widespread discontent over unmet expectations for service delivery and redress of past injustices.
- Burgeoning of urban social protests, which threatened to spread to rural areas.

# Protest distribution by municipality: Hot and cold spots (2005 – 2013)



# Main Grievances

- Disjuncture between people's expectations and institutional responses, particularly at municipal level.
- Poor governance (esp. accountability and corruption)
- 'Social' water scarcity and relative deprivation of water, mostly for HDIs and largely due to historical political economy and prevailing institutional arrangements.

# Water Challenges in Traditional Rural Communities

- Long after the late 1990s promulgation of water sector reforms, many women and men in traditional rural communities continue to grapple with water insecurity...







# RESIS: Floppy Irrigation – 5 year wait...



“Floppy is a Flop”



# Upper, Mid & Lower Arabie: 2000+ wait outside margins of schemes





# Makuleke – 273 excluded!



Argument: Include idle food plots in Strategic Partnership!

# Increasing de facto claims to formal water supplies (irrigation)



Veeplaas: 385 farmers lease 463ha to Strategic Partnership;  
"Very low incomes"



# ‘Turn Around’

- 2009: Government re-commits to effectively address rural poverty, inequality, unemployment.
- 2010: Delivery Agreements (outcomes-based)
- Local Government Turn-Around Strategies (LGTAS): Review of institutional arrangements (decentralisation/pluralism)
- KFAs 1 & 2 of LGTAS: Traditional leadership a partner in rural development and service delivery in ‘traditional’ rural communities.

# Traditional Leadership...

South African Constitution, Chapter 12:

- Recognises the institution, status and role of traditional leadership, according to customary law, subject to the Constitution (Section 211).
- States that national legislation may provide for a role for traditional leadership as an institution at local level on matters affecting local communities (Section 212).



# Envisaged changes

- From a weak undefined role to *strong mandate* for governance by traditional leadership ;
- From supply-side service delivery to community-driven development approaches;
- From abstract policy and interventions to programmes based on real experience and knowledge, including community or *indigenous knowledge*;
- From technocratic models of accountability to *community oversight* of government;

# WATER SECTOR CHALLENGE

- Although traditional leadership is poised to play effective roles in development and service delivery in '**traditional**' rural communities across South Africa, there is insufficient clarity regarding:
  - Exact roles for Traditional Leadership.
  - Interfaces with existing water institutions.
  - Requisite capacities for effective role-play by Traditional Leadership.



# Key Questions

1. 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?
2. Can the Gender Equity principle be best served from a traditional leadership point of view?

# Key Questions

3. What are the benefits and dis-benefits of creating an institutional environment for a legally pluralistic system of water governance in South Africa; and
4. What roles can traditional leadership play in decentralized and democratized water governance, resource management and services institutions?

# Nature of traditional leadership

- Predominantly male
- Also female



Operates within patriarchy; differing levels of seniority and responsibilities



# Key Issue 1: Land versus Water governance

- Traditional Leadership (TL) plays significant roles in land governance, and minimal roles in water governance.
- Vulnerable women and men commonly assume *de facto* roles in informal water services provision and water resources management in contexts characterized by virtual 'absence' of govt.
- Policy Implic: To involve TL in day-to-day water governance would be to unnecessarily take them out of their conventional domains and thereby add an institutional albatross that can only serve to increase transaction costs and hinder effective delivery.

# Key Issue 2: Gender Accountability

- Linked to legitimacy issue.
- Traditional rural communities often characterized by social constructs that militate against women and vulnerable men's access to bases of social power and productive wealth.
- Policy implications: Effective legal provisions for gender accountability and commitment by TLs are needed to curb possible negative impacts of undemocratic practices on vulnerable gender groups, particularly women.

# Gender accountability...Context

- South African Commitment to Gender equality:
  - Bill of Rights enshrines equal and inalienable rights of all women and men.
  - National Gender Machinery (multi-level mechanisms aimed at transforming gender relations in South Africa)
  - Gender Budget for Women, Children and People with Disabilities (Vote 8)
    - 2013/14: R198.3million
    - 2014/15: R218.2million
    - 2015/16: R230.2million



# Gender Inequalities in Access to Resources and Decision-making: Pongola WUA

Women's Struggles for Water:  
Marginalized



Men's Struggles for Fishing Rights:  
Mainstreamed (alongside women  
fish-sellers' interests)



# Key Issue 3: Capacity

- Need to distinguish between financially-endowed TL and resource-poor TL.
- TL challenges in reconciling Constitutional rights and Customary rules. (e.g. Tete Pan snake adjudication)
- TL limited capacity to:
  - Intervene effectively on behalf of traditional communities, particularly women, deprived of water access
  - Engage with outsider interests and navigate politics of resource allocation. (e.g. Mutshindudi sand)
  - Secure recognition of IKS relative to other knowledges (eg 'scientific') in benefit-sharing with private investors.

# South Africa exceptional?

- SA rural water security and Gender challenges are indeed reminiscent of challenges elsewhere in much of Southern Africa. African scholars elsewhere:
  - Decry precedence of Roman-Dutch and English law over African Customary law.
  - Argue that water rights in African contexts derive from many sources besides government.
  - View TL as custodians of IKS, culture & customary rules
- BUT significant role for TL in SA water governance need to be tempered by recognition of prevailing sensitivities regarding SA's historical political economy and its legacy.



# Issue of Legitimacy

- Views that hereditary basis of traditional rule and historical co-option of TL into colonial and apartheid systems renders it irreconcilable with democratic values of SA Constitution.
- In some local contexts, Traditional Leadership enjoys a higher degree of legitimacy than elected leadership.
- Policy Implications:
  - Flexible and Negotiated Institutional Approaches NOT Blueprint
  - Need to address outstanding concerns about TL legitimacy

# Issue of IKS Social Capital

- Systematic dismantling of indigenous social organization and alienation of natural resources in colonial & apartheid eras effectively eroded IKS in rural communities.
- As traditional communities transition from subsistence to commercialized economies, IKS can be a useful starting point for rural development initiatives associated with water resources.
- QUESTION: To what extent do remnants of IKS provide a sufficient basis for mainstreaming the role of TL in water governance in SA?

# CONCLUSION

- Transformed Traditional Leadership (TL) potentially adds value to water governance and Gender equity, but its capacity should be enhanced and strengthened.
- Traditional Leadership roles should primarily serve to enhance democracy rather than carve out new power niches within governance arenas hitherto outside the customary domain of traditional leadership institutions.
- The water interests of rural women and vulnerable men cannot be undermined for political expediency.



# Traditional Leadership Roles in Water Governance

- Participation by TLs dependent on objective and scale

Task				
	Inform	Consult	Involve	Collaborate
Preliminary Phase Decision-making; Planning	√ Inclusivity	√ Consensus building	√ Community awareness and engagement	√ Land use and allocation issues
Policy or Project Implementation	√	√	√	√
Operation and maintenance	√ Rules setting and compliance monitoring	√ Cost recovery	√ Stop illegal connections; Conflict resolution	√ Security and protection against vandalism

# Gender Accountability: Multi-Stakeholder

## National Gender Machinery

- National Office on the Status of Women (OSW)
- Women's Empowerment Unit (WEU)
- Parliamentary Women's Group (PWG)
- Parliamentary Committee on Improvement of Quality of Life and Status of Women
- Institution
- South African Human Rights Commission (SAHRC)
- The Public Protector
- Commission on Gender Equality (CGE)

# CONCLUSION

- Political constituency-based framework for municipal governance of water services delivery **can** run counter to government imperatives for universal access to water and citizen's water security.
- TL's contributions to strengthening effectiveness of citizen-based monitoring yet to be tested.
- Questions to be answered:
  - How willing is traditional leadership to commit to Gender Accountability ?
  - What should be the POLITICAL ROLE of Traditional Leadership in South Africa?